

INFLUENCING BC

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ABOUT THE ORL

The Office of the Registrar of Lobbyists (ORL) is an independent office of the legislature. Our mandate is to oversee, monitor, and enforce the *Lobbyists Transparency Act* (LTA). The LTA requires individuals and organizations who lobby public office holders and meet specific criteria to register their lobbying activities in an online public registry. You can search the Lobbyists Registry [here](#). The goal of the LTA is to promote transparency in lobbying and government decision-making by allowing citizens to know who is attempting to influence public office holders' decisions.

Michael McEvoy is the Registrar of Lobbyists for BC.

We publish *Influencing BC* to make lobbyists and members of the public aware of news related to lobbying in BC and the LTA.

REGISTRAR'S MESSAGE

It certainly has been a very busy and challenging few months since I wrote my last message in April 2020. The *Lobbyists Registration Amendment Act* (2018) brought in a number of important amendments when the *Lobbyists Transparency Act* was enacted on May, 4, 2020. These changes usher in a new era of transparency in lobbying - a legitimate activity that helps inform government decisions. As many of you are aware, I extended the transition period for lobbyists registrations from June 15 to September 15 to help accommodate those who were adapting to our "new normal" under COVID-19. As that day has now come and gone, it is my expectation that all lobbyists who are engaged in lobbying activities should now be registered. I emphasize, however, that only active lobbyists need to register.

As the lobbyist registration process is new to many of you, we continue to bring you guidance and other tools to help aid your understanding and compliance. As you adjust to the LTA, we also know that the approaching provincial election has created some additional questions. For this reason, my

team recently prepared an [Elections guidance document](#) to help answer some of these common queries and some of them are featured in this issue. I encourage you to review this document and other guidance, published on our website, including detailed instructions about how to register.

Over the past five months, we have continued to offer virtual presentations about the LTA to organizations. Most recently, Deputy Registrar oline Twiss, Registry Manager Morag Ross, and I presented a live webinar to non-profit organizations. We outlined what non-profits need to know when it comes to their obligations under the LTA – whether they need to register lobbying activities, and what to include in their registration. If you missed this information session, click [here](#) to view a recording of *Lobbying in British Columbia for non-profits: What you need to know* on our YouTube channel. Previous webinars, such as the general education session, *Lobbying in BC: What You Need to Know*, can be found [here](#).

Please don't hesitate to contact my team at info@bcorl.ca with any questions or comments.

Michael McEvoy, Registrar of Lobbyists for British Columbia

FEATURE

Dates to remember

The Registry is a digital date-keeper—a calendar, if you will, of lobbying activities in BC. The dates lobbyists enter into the system help to measure their compliance with the LTA, so it's important to be accurate. For clarity, we will walk through the difference between **Start Date** and **Updates** below.

The **Start Date** of lobbying is the date your organization first started lobbying, or the date the consultant lobbyist first lobbied on behalf of their client. You cannot register in the Lobbyists Registry until you have had your first lobbying activity. Organizations and consultant lobbyists both have 10 days to file a Registration Return after starting to lobby.

For example, if you first lobby a BC public office holder on November 16, 2020, you have until November 26, 2020 to register in the Lobbyists Registry. When you submit the Registration Return, you would enter November 16, 2020 as your start date. If you are not sure if your activity is a lobbying activity, please contact the ORL Office at info@bcorl.ca prior to registering.

The date you enter for **Updates** to your Registration Return should be the date the changes occurred – *not* the start date of your lobbying activities.

The requirement to update your Registration Return is part of your Monthly Return requirement, and any updates to your Registration Return for the previous month **must** be submitted to the Lobbyists Registry by the 15th of the next month. Keep in mind that if you have multiple updates, you should enter the date of the earliest update.

For example, let's say you register your organization for the first time on September 20, 2020 with a start date of September 16, 2020. Then on October 20, 2020 a new in-house lobbyist starts lobbying for your organization. On October 30, another new in-house lobbyist starts lobbying for your organization. You would have until November 15, 2020 to update your Registration Return and add

those two new in-house lobbyists, and you would enter October 20, 2020 as the date your updates to your Registration Return took effect.

FREQUENTLY ASKED QUESTIONS

Have a question but cannot find the answer in our online [FAQs](#)? Try entering a keyword phrase in the new search box.

Do I have to register my lobbying activities during an election?

Yes. The LTA requires lobbying activities to be submitted to the Lobbyists Registry when public office holders and senior public office holders are being lobbied. There are many public office holders and senior public office holders in addition to MLAs. You must indicate your lobbying of those public office holders in your Registration Return and lobbying of other senior public office holders in your Monthly Returns. Click [here](#) to learn more about public office holders

Do I need to report lobbying of a candidate in the Lobbyists Registry?

No. An unelected candidate is not a public office holder or a senior public office holder and lobbying them is not required to be registered. However, if that candidate is elected then you must submit information to the Lobbyists Registry about lobbying communications with the MLA that happened from the date they were elected.

Do lobbyists have to declare in the Registry whether they have made either a political contribution (to an incumbent candidate, their political party, or constituency association) or sponsorship contribution (to a third party that sponsors election advertising)?

Yes, if the candidate is elected and you proceed to lobby them once elected. Section 4.2(2)(f) requires lobbyists to report political contributions if the candidate is a member of the Legislative Assembly, or if sponsorship contributions are made to a third party that sponsors election advertising. As candidates are not MLAs, the LTA requirements do not apply to contributions made during the election period. However, if the candidate gets elected and the lobbyist that made the contributions goes on to lobby that MLA, then at that point the lobbyist is required to declare in the Lobbyists Registry that they made a political contribution to the MLA, their political party, or constituency association or a sponsorship contribution to a third party that sponsored election advertising for that MLA or their political party, since the date the last writ was issued.

Are Constituency Assistants considered “senior public office holders”?

Constituency Assistants are generally considered “senior public office holders,” unless they perform purely administrative work. This is because the definition of a “senior public office holder” under the LTA includes individuals who are employed in the office of an MLA (other than administrative support staff).

What about caucus staff? Are they considered “senior public office holders”?

Caucus staff are generally considered “senior public office holders,” unless they perform purely administrative work.

RECENT NEWS

New or revised guidance documents posted

The ORL has 24 guidance documents to assist lobbyists – especially those who are first-time registrants – with understanding their obligations under the LTA. The ORL’s [election guidance](#) explains the requirements for lobbyists during a provincial election; the [guidance for non-profit organizations](#) helps non-profits determine whether they need to register and, if so, what they need to report; and a revised guidance document details the LTA requirements for lobbyists in relation to [political contributions, sponsorship contributions, and recall contributions](#). All of the Registrar’s guidance documents can be viewed on our website [here](#).

Writ issued: Time to update contribution information

The writ for the BC election was issued on September 21, 2020. Therefore, filers will be required to update the information in their Registration Returns about political and other contributions since September 21 by in-house lobbyists, or by consultant lobbyists and clients, **before** they can complete the next Lobbying Activity Report. Please see [User Guide - Monthly Returns and Lobbying Activity Reports](#) pages 12–22 for general instructions to Update your Registration Return and Create a Lobbying Activity Report. The ORL is currently updating the registry to permit lobbyists to specify the writ period in which political, sponsorship, or recall contribution was made. The updates are on track to be available by the end of October.

Who’s Lobbying Who: September 2020

Who’s Lobbying Who is a monthly summary of lobbying activities that in-house lobbyists for organizations and consultant lobbyists have carried out or expect to carry out in BC. Each edition contains all new registrations submitted and activated during the previous month. Click [Who’s Lobbying Who](#) on the ORL website.

Investigation and Reconsideration Reports

The ORL has the authority to investigate alleged lobbyist contraventions such as failing to register, or reporting information inaccurately or late. ORL investigators review the circumstances of each case, examine the evidence, and if the contravention is substantiated, levy an administrative penalty. Previous investigation and reconsiderations reports can be viewed on our website [here](#).