

INFLUENCING BC

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ABOUT THE ORL

The Office of the Registrar of Lobbyists (ORL) carries out the mandate of the Registrar of Lobbyists under the *Lobbyists Transparency Act* (LTA). The ORL maintains a lobbyists registry, educates lobbyists, public office holders and the public about lobbying rules, and enforces the 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.

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

Michael McEvoy is the Registrar of Lobbyists for BC.

REGISTRAR'S MESSAGE

I had several occasions this fall to reflect on the impact of recent amendments to the *Lobbyists Transparency Act* (LTA) on lobbying in British Columbia.

One such occasion was the virtual Lobbyists Registrars and Commissioners Network (LRCN) conference hosted by my office in September. This group of lobbyist regulators from across Canada meets twice a year to discuss common issues and share jurisdiction updates. The gatherings are extremely beneficial to our office and in our feature below, Transparency in Action, we share some of the details from our presentation to the meeting. Those focus on how the first year of the LTA has affected our operations. You can read more about the LRCN meeting in the [Communiqué](#).

We also tabled our Office's [Annual Report](#) with the British Columbia Legislature on September 22, 2021. In it we reported on the first full year of our transition to the LTA.

The Report discloses a growing awareness of the LTA, demonstrated by a significant increase in the volume of requests for information about the new legislation and the new Lobbyists Registry. In the 2020-21 fiscal year, the Office received 5,206 requests for assistance, an increase of 354% over the previous year. In addition, we published a total of 25 guidance documents and user guides in 2020-21.

In this issue of *Influencing BC*, we also highlight our new guidance documents, what to do if your organization has a change in the most senior paid officer, and your frequently asked questions.

We hope you enjoy this content. Please contact us at info@bcorl.ca if you have any questions or comments.

Michael McEvoy, Registrar of Lobbyists for British Columbia

THE LTA: TRANSPARENCY IN ACTION

The main goal of the *Lobbyists Transparency Act* (LTA) is to promote transparency in the lobbying process by requiring lobbyists to declare details of their lobbying efforts in an online Lobbyists Registry.

“Looking at the new Lobbying Activity Reports in the Lobbyists Registry provides a very good window into the lobbying activities in the province,” says Registrar Michael McEvoy.

Under the LTA, consultant lobbyists and designated filers of organizations must now complete a Lobbying Activity Report by the 15th of each month if they lobbied one or more senior public office holders in the previous month.

Senior public office holders include the following positions:

- Premier and ministers (members of the Executive Council)
- Staff of premier/staff of ministers (other than administrative support staff)
- MLAs
- Staff of MLAs (other than administrative support staff)
- Parliamentary secretary
- Deputy minister, chief executive officer or a position of comparable rank in a ministry
- Associate deputy minister, assistant deputy minister or a position of comparable rank in a ministry
- Senior or next most senior ranking executive position of a Provincial entity
- Chair or vice chair of, or the equivalent position in, the governing body of a Provincial entity

These reports, which can be easily found and viewed on the new Lobbyists Registry, indicate which senior public officer was lobbied, the specific topics of the lobbying communications, the intended outcomes, and any associated subject matters.

Users of the Lobbyists Registry can also [search](#) for detailed statistics about how often a particular subject matter or Ministry/Provincial entity has arisen in Lobbying Activity Reports and view a list of Lobbying Activity Reports by month and year.

A total of 6,855 Lobbying Activity Reports were completed in the 2020-21 fiscal year, and Environment, COVID-19, and Health were the top three subjects for lobbying in these reports.

This additional traffic to the Lobbyists Registry resulting from the amendments to BC's lobbying law is testament to the improved transparency in lobbying in BC, says McEvoy.

REGISTRY CHANGES & NEW GUIDANCE DOCUMENTS

Two new features to Lobbying Activity Reports in the Lobbyists Registry were added in September:

1. Adding MLAs: provides the ability to add one or more MLAs, including an option to add all MLAs; and
2. Coalition activity checkbox: provides the ability to declare a coalition activity.

The [Coalition guidance document](#) was updated on September 9, 2021 to reflect the changes in the Lobbyists Registry (see question in this guidance document on the bottom of page 6).

The [Monthly Returns and Lobbying Activity Reports user guide](#) was also updated on September 9, 2021, with new screen shots of the Lobbying Activity Report process, showing how to add one or more MLAs and how to declare a coalition activity.

All of the Registrar's guidance documents can be viewed on our website [here](#).

MOST SENIOR PAID OFFICER: WHAT TO DO WHEN THERE'S BEEN A CHANGE

If the most senior paid officer in your organization has changed, the Registration Return and Lobbying Activity Reports must be transferred to the new senior officer in the Lobbyists Registry. The new senior officer will become the Designated Filer and they will need to create their own account if they do not already have one. The Registration Return and Lobbying Activity Reports that were "attached" to the previous senior officer's account will be transferred to the new senior officer's account.

How do I set up a new senior officer who has an existing account as a Designated Filer or Representative?

To do so, you will need to contact the ORL at info@bcorl.ca to have the existing account linked to the organization's Registration Return and Lobbying Activity Reports.

NOTE: If the new senior officer has created a second account, the second account cannot be used and will be deleted by ORL staff.

How do I set up a new senior officer that does NOT have an existing account as a Designated Filer or Representative?

To set up a new senior officer, create a new Designated Filer account.
For more information, see [Create a New Organization Account](#)

How can the Designated Filer add a Representative?

The Designated Filer may delegate the task of preparing and maintaining documents for the registration to a trusted person with a Representative account. After the Designated Filer and Representative accounts have been created and activated, the Designated Filer must authorize access to their account. For more information, see [Add a Representative](#).

What is the process for reviewing/updating the Registration Return?

ORL staff will send the Registration Return back to the Representative and/or Designated Filer to carefully review, edit and update information as needed. The Designated Filer or Representative must certify and submit the Registration Return to the Registry for final activation.
For more information see [Updating an Organization Registration](#)

To view this information as an Infographic, click [here](#).

FREQUENTLY ASKED QUESTIONS

Have a question, but can't find the answer here or in our online [FAQs](#)? Try entering a keyword phrase in the new search box on the [FAQ homepage](#). We have also added a number of new FAQs on government funding to the FAQ page.

Below are a few of the most common questions we've received since the last issue of Influencing BC.

How do I report lobbying of public office holders vs senior public office holders?

When you are lobbying a **public office holder**, you report it in your Registration Return by identifying the Ministry or Provincial entity they work for. You do not identify the individual public office holder in your Registration Return.

When you are lobbying a **senior public office holder**, you report it in a Lobbying Activity Report by identifying the senior public office holder, their title & their Ministry or Provincial entity, the date of lobbying activity directed at the senior public office holder, and the subject matter about which you lobbied them on that date.

When do I answer "yes" to the question about "arranging a meeting"?

If you arrange a meeting for other people to meet with a public office holder in order for those other people to lobby the public office holder, you need to answer yes to the question about arranging a meeting as this is a "stand-alone" lobbying activity.

How to report if you have arranged a meeting

In your Registration Return: In Step 6 you must state whether a lobbyist has arranged or will arrange a meeting between a public office holder and any other individual for the purpose of lobbying.

In your Lobbying Activity Report: If a lobbyist arranged a meeting between a senior public office holder and any other individual for the purpose of lobbying, report that in a Lobbying Activity Report submitted by the 15th of the following month. File a Lobbying Activity Report for having arranged a meeting if:

- You (the lobbyist) arranged a meeting with a senior public office holder for the purpose of lobbying, on behalf of an individual other than – or in addition to – yourself; AND
- The request for a meeting has been accepted/some details are confirmed.

6 tips for arranging a meeting

1. Stand-alone lobbying activities only need to be reported if a lobbyist arranged a meeting with a public office holder, on behalf of an individual other than, or in addition to, the lobbyist.
2. The meeting must be for the purpose of lobbying. If the meeting was not arranged for the purpose of lobbying, arranging it is not a lobbying activity that needs to be reported.
3. A mere request for a meeting does not need to be reported.
4. A meeting is not “arranged” until the request for a meeting has been accepted/some details are confirmed by the public office holder or their staff.
5. The date for a Lobbying Activity Report to report having arranged the meeting is the date the senior public office holder accepted the request for a meeting and some of the details are confirmed.
6. For administrative support staff who are not lobbyists: if you are not a lobbyist, scheduling a meeting between a lobbyist and a public office holder does not make you a lobbyist and you do not need to report having arranged (scheduled) the meeting.

NOTE: If you (the lobbyist) arranged a meeting that only involves yourself and a senior public office holder, do not file a Lobbying Activity Report for having arranged the meeting. Just file a Lobbying Activity Report to report any lobbying that took place at the meeting itself.

RECENT NEWS

InBC Investment Corp. added to Appendix of Lobbyists Transparency Regulation

On July 12, 2021, the Provincial entity, InBC Investment Corp., was added to the [Appendix](#) of the Lobbyists Transparency Regulation.

As a result, employees, officers or directors of InBC Investment Corp are not considered in-house lobbyists when they are acting in their official capacity. In addition, anyone who held a [Prescribed position](#) in this Provincial entity is considered a former public office holder and is subject to the two-year cooling off period.

Section 2 of the Regulations:

Prescribed positions — former public office holders

2 (1) For the purposes of paragraph (c) (iii) of the definition of "former public office holder" in section 1 (1) [interpretation] of the Act, the following positions in a Provincial entity are prescribed:

(a) the most senior or next most senior ranking executive position of a Provincial entity listed in the Appendix of this regulation;

(b) the chair or vice chair of, or the equivalent position in, the governing body of a Provincial entity listed in the Appendix of this regulation.

(2) If more than one individual formerly occupied a position that is equivalent to a position referred to in subsection (1) (a) or (b), each of those individuals is deemed to have occupied the position referred to in that subsection.

Who's Lobbying Who

Who's Lobbying Who is a brief monthly summary of new and reactivated registrations. Click [Who's Lobbying Who](#) to view the reports on the ORL website.

To view full details of all Registration Returns, you can search the [Lobbyists Registry](#). For screenshots of various ways to search the Lobbyists Registry, see [Getting Started - Reference Guide](#) pages 26-27.

Investigation Reports and Reconsiderations

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](#).

