

INFLUENCING BC

March 2024, Volume 14, Issue 1

IN THIS ISSUE

[About the ORL](#)
[Registrar's message](#)
[2024 Provincial Election](#)
[Registry changes](#)
[Updated guidance documents](#)
[Reporting dates for 2024](#)
[Recent news](#)

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.

The ORL publishes *Influencing BC* to provide news on lobbying in BC and the LTA to lobbyists and members of the public.

Michael McEvoy is the Registrar of Lobbyists for BC.

REGISTRAR'S MESSAGE

I am writing what is likely my last message to you as Registrar of Lobbyists and I can't help but reflect on all that has transpired since the beginning of my term in 2018.

Together we witnessed the enactment of long overdue amendments to BC's lobbying legislation, the *Lobbyists Transparency Act* (LTA). My office introduced a new Lobbyists Registry, and we worked hard to help you understand the changes with educational resources and outreach. Over my term, we asked for and received your feedback. I am grateful for the time you took to share your advice. You helped improve our practices, made our guidance more meaningful and our Registry easier to use. Thank you.

Since the last issue of *Influencing BC*, the ORL has issued five Determination Decisions and one Reconsideration Report. Each decision offers valuable insight into the work of the ORL and how the LTA is enforced. All of the ORL's decisions can be read on the ORL website.

[Determination Decision 23-06](#) may be of particular interest for lobbyists as it addresses a question that comes before our office with some regularity, namely whether a member of an organization's board of directors may be considered an in-house lobbyist despite not receiving direct payment from the organization. In the decision, the designated filer for an industry association argued that they were a volunteer and thus not required to submit a Registration Return for their lobbying activities. It was determined that the designated filer was not a volunteer because they received payment from one of the industry association's member organizations that stood to benefit from the lobbying of the organization; therefore, they were required to submit a Registration Return for their lobbying activities.

Determination Decisions [23-03](#), [23-04](#) and [Reconsideration Report 23-03](#) involve contraventions of section 2.4 of the LTA – the prohibition on lobbyist gift-giving. [Determination Decision 24-01](#) also involved the gift-giving prohibition, but the investigator determined that, in this instance, no contravention of the LTA occurred. These decisions serve as examples of some of the aspects that must be considered when assessing whether a gift promised or given to a public office holder falls within the narrow exception to the LTA's gift prohibition. You can find more of our recent decisions within this edition of *Influencing BC*, as well as an article about lobbying and the coming provincial election.

As always, we hope you find this content useful. Please don't hesitate to contact us at info@bcorl.ca if you have any questions or comments.

Michael McEvoy, Registrar of Lobbyists for British Columbia

2024 PROVINCIAL ELECTION IN BC

As most of us know, there will be a provincial election in British Columbia in 2024. Now is the time for lobbyists to refresh their understanding of their requirements to report lobbying activity in the lead up to and during an election period.

[Guidance for Lobbyists During an Election](#) answers many common questions lobbyists have about the nuances of the LTA during an election period. For example, "Do I need to register my lobbying activity during an election?," "Do I need to report lobbying of a candidate in the Lobbyists Registry?," and "Can a lobbyist volunteer for an election candidate during an election?". Many other questions are also answered in the document. The guidance also discusses the rules around reporting political and sponsorship donations made by a lobbyist.

Additionally, the ORL's [searchable Frequently Asked Questions](#) page offers a quick-reference tool for lobbyists looking for answers to specific questions they may have around the lobbying rules during an election period.

REGISTRY CHANGES

Open Registry Data

To further enhance the transparency afforded by the searchable Lobbyists Registry, the ORL has made the complete Registry datasets available for download via the ORL website and the [BC Data Catalogue](#). These datasets contain the lobbying information filed with the ORL and published in the registry since the online Lobbyists Registry was established in 2010. Accompanying each dataset is a “data dictionary” that provides definitions for each element contained in the datasets. Researchers, journalists, and the public can download the complete set of data contained within the Lobbyists Registry in .xlsx format, allowing them to sort, filter and analyze the data in ways the public Registry does not facilitate.

Updated User Interfaces

Changes to the user interfaces for the Designated Filer Dashboard, the Representative Account Dashboard, and the Main Navigation (mentioned in the November 2023 [Influencing BC](#) issue) are now live in the Registry. See below updated user guides to view changes.

UPDATED GUIDANCE

The ORL team regularly reviews guidance documents to reflect legislative changes, promote clarity in understanding the rules lobbyists must follow under the LTA, and respond to feedback we receive from lobbyists.

Five user guides were updated and released on February 6, 2024, to reflect changes made to the Registry's user interfaces. The guidance document on lobbyists during an election has also been updated.

- [Account Management](#)
- [Organization Registration Returns](#)
- [Consultant Lobbyist Registration Returns](#)
- [Monthly Returns – Registration Return Updates and Lobbying Activity Reports](#)
- [Quick Reference Guide for Representatives](#)
- [Guidance for Lobbyists During an Election](#)

All guidance documents can be viewed on our website [here](#). As well, the [Frequently Asked Questions](#) page on the website provides information on many topics, some of which include the Registry, lobbying, compliance, arranging meetings, gifts, registration returns, among others.

2024 REPORTING DATES

Add to your calendar

Monthly Returns are due by the 15th of each month. When the 15th falls on a Sunday or a statutory holiday, the deadline becomes the next day that is not a Sunday or statutory holiday. You can submit your Monthly Return earlier than the 15th of the month, and we do encourage lobbyists to submit their Monthly Return in the first week of the new month in case any issues are encountered, or any questions arise.

Upcoming 2024 due dates for Monthly Returns:

- Friday, March 15
- Monday, April 15
- Wednesday, May 15
- Saturday, June 15
- Monday, July 15
- Thursday, August 15
- Monday, September 16
- Tuesday, October 15
- Friday, November 15
- Monday, December 16

RECENT NEWS

Who's Lobbying Who

Who's Lobbying Who is a monthly summary of lobbying activities that in-house lobbyists for organizations and consultant lobbyists for clients have carried out or expect to carry out in BC. Each edition contains all new Registration Returns submitted and activated during the previous month.

Click [Who's Lobbying Who](#) to view each monthly report on the ORL website.

Reports of Non-Compliance, Reconsideration Reports, and other Decisions

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 reports of non-compliance, reconsideration, and exemption decision reports can be viewed on our website under [Decisions](#).

[Determination Decision 23-03](#)

The designated filer for the Tourism Industry Association of British Columbia (TIABC) promised a gift to three public office holders and subsequently gave the promised gift to one of those public office holders in contravention of section 2.4 of the *Lobbyists Transparency Act* (LTA). The organization was assessed an administrative penalty of \$2,200 for these contraventions.

[Reconsideration Report 23-03](#)

In Determination 23-03, the Deputy Registrar and Delegate of the Registrar of Lobbyists (Delegate) found that the designated filer for the Tourism Industry Association of British Columbia (TIABC) had both lobbied and promised a gift to three public officer holders contrary to section 2.4 of the *Lobbyists Transparency Act* (“LTA” or the “Act”). The Delegate imposed a monetary penalty for three violations of s. 2.4.

The Delegate also found that the TIABC’s offer of a gift to a fourth public officer was not in violation of the LTA because the TIABC had not lobbied that public office holder. The Delegate thereupon recommended that TIABC refrain from lobbying the Minister of Jobs for a period of one year from the offer of the gift in recognition of the fact that if TIABC did so, the offer of a gift might be contrary to s. 2.4 of the Act.

TIABC requested reconsideration of the recommendation that TIABC refrain from lobbying the Minister of Jobs for a period of one year. The Registrar determined that s. 7.3 of the *Lobbyists Transparency Act* (LTA) does not permit reconsideration of a recommendation because it is not an administrative penalty imposed pursuant to ss. 7.2(2)(a)(b) or (b.1) of the LTA. The Registrar found that the recommendation at issue was aimed at assisting the TIABC to avoid its offer of a gift combined with lobbying activity becoming a potential violation of s. 2.4 of the Act.

[Determination Decision 23-04](#)

The designated filer for the British Columbia Cattlemen’s Association (BCCA) was found to have contravened sections 3(3), 4.1 and 2.4 of the *Lobbyists Transparency Act* (LTA). The designated filer received an administrative penalty totalling \$5,000 for the contraventions.

[Determination Decision 23-05](#)

A consultant lobbyist, who has an undertaking to lobby on behalf of the Canadian Vaping Association, contravened s. 3(1) of the *Lobbyists Transparency Act* (LTA) when he failed to submit a Registration Return within 10 days after beginning to lobby on behalf of his client. The lobbyist attended two separate meetings with public office holders (POH). He argued the meetings were exempt from the LTA under s. 2(2)(b) of the LTA. It was found that s. 2(2)(b) of the LTA applied to the first meeting on August 12, 2020, but did not apply to the second meeting on September 23, 2021. The lobbyist was not required to report the August 12, 2020 meeting. However, the lobbyist was required to submit a Registration Return for his lobbying of POHs on September 23, 2021. The Registration Return was submitted three months late. The lobbyist received an administrative penalty of \$650.

[Determination Decision 23-06](#)

The designated filer of the Canadian Vaping Association (CVA) submitted a Registration Return 3 months late, contrary to section 3(3) of the *Lobbyists Transparency Act* (LTA). The designated filer argued he was a volunteer, so he was not required to submit a Registration Return. It was determined the designated filer is not a volunteer; therefore, he was required to submit a Registration Return for his lobbying activity. He received an administrative penalty of \$650 for contravening s. 3(3) of the LTA.

[Determination Decision 24-01](#)

Canadian Union of Public Employees – British Columbia Division (CUPE BC) gave a gift to public office holders (POHs) attending the 2022 BC Annual Convention Welcome Reception. Gifts are prohibited under section 2.4(1) of the *Lobbyists Transparency Act* (LTA), unless the exception under s. 2.4(2) of the LTA applies. A compliance investigation was opened to determine if CUPE BC was in contravention of s. 2.4(1) of the LTA. The outcome of the investigation concluded the gift was not prohibited, since CUPE BC's gift was excepted under s. 2.4(2) of LTA.

