

O.R.L.
office of the
registrar
of lobbyists
BRITISH COLUMBIA

ANNUAL REPORT 2019-20





WHO WE ARE

The Registrar of Lobbyists is an independent Officer of the Legislature who oversees, monitors, and enforces the *Lobbyists Transparency Act* (LTA). The *Lobbyists Registration Amendment Act* (2018) changed the name of the LRA to the LTA on May 4, 2020. Therefore, the LRA was the applicable legislation during the period covered by this report.

The LTA requires individuals and organizations who meet specific criteria to register their lobbying activities in an online public Registry.

The goal of the LTA is to promote transparency in lobbying and government decision-making.

Michael McEvoy, Information and Privacy Commissioner for BC, is designated as Registrar of Lobbyists for BC.

OUR MANDATE

The mandate of the Registrar of Lobbyists is to:

- promote awareness among lobbyists of registration requirements;
- promote awareness among the public of the existence of the Lobbyists Registry;
- manage registrations submitted to the Lobbyists Registry; and
- monitor and enforce compliance with the Act.

HOW WE DO OUR WORK

The Office of the Registrar of Lobbyists for British Columbia (ORL) provides a public record of who is attempting to influence government decisions. The ORL manages compliance through a number of strategies, including education and outreach to lobbyists and public office holders, verification of registration information, public reporting, and administrative penalties for non-compliance.



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August 2020

The Honourable Darryl Plecas
Speaker of the Legislative Assembly
of British Columbia
Room 207, Parliament Buildings
Victoria, BC V8V 1X4

Dear Honourable Speaker,

In accordance with s. 9.1(1) of the *Lobbyists Transparency Act*, I have the honour to present the Annual Report for the Office of the Registrar of Lobbyists to the Legislative Assembly.

This report covers the period from April 1, 2019 to March 31, 2020.

Yours sincerely,



Michael McEvoy
Registrar of Lobbyists for British Columbia



REGISTRAR'S MESSAGE

I am pleased to present the 2019-20 annual report of the Office of the Registrar of Lobbyists (ORL).

This report highlights the work of my office over the past year and in particular our efforts to prepare lobbyists and the public for the most significant changes to British Columbia's lobbying oversight regime since legislation was first introduced in 2002. While these changes came into effect after the reporting period covered here, the majority of the work to prepare for the transition took place throughout 2019-20.

The changes reflect recommendations made by this office dating back to 2013. Throughout this time, my office's goal has been — and remains — to ensure that lobbying activities are more transparent for British Columbians. We've made remarkable progress toward that end.

In November 2018, the BC Legislature passed the *Lobbyists Registration Amendment Act*, which included several sweeping changes, including closing a loophole my office identified in the definition of “former public

office holders.” The *Lobbyists Transparency Regulation*, detailing the changes and providing a timeline for the transition to the *Lobbyists Transparency Act* (LTA), was published in November 2019.

A key reform under the LTA is that lobbyists are now required to file Monthly Returns detailing who they've lobbied and declare any promised or actual gifts to public office holders. A further important change concerns organizations that conduct less than 100 hours of lobbying activities. Previously, they were exempted from reporting requirements; under the LTA, that threshold is no longer in place. (You can read more about Monthly Returns on p. 6.) This has resulted in many more organizations being brought within the ambit of the legislation.

I realize the significance of these changes to the operations of all those looking to make representations to government and advocate on behalf of their organizations. To that end, my office has worked hard to make the transition as straightforward as possible for lobbyists and the public alike.

“MY OFFICE’S GOAL HAS BEEN — AND REMAINS — TO ENSURE THAT LOBBYING ACTIVITIES ARE MORE TRANSPARENT FOR BRITISH COLUMBIANS. WE’VE MADE REMARKABLE PROGRESS TOWARD THAT END.”

An essential part of this effort was the creation of a new lobbyist Registry.

We had considerable feedback from stakeholders, including those familiar with the federal lobbyists Registry and believed it to be an excellent system. After careful analysis, and in response, we negotiated an arrangement to licence the federal system at no cost, and a team of developers adapted it to suit BC’s legislative requirements. We are grateful to our federal counterparts for agreeing to this arrangement.

With the new Registry, British Columbians now have a wealth of information at their fingertips on who is trying to influence the people they elect. It is easily searchable and comprehensive.

We also launched an extensive outreach and education campaign to keep people informed and ensure a smooth transition. Meeting with lobbyists throughout the year, both in person and remotely, provided valuable insights for my team on their concerns and how our office can help. We listened and responded with a library of detailed guidance documents on the new requirements.

With the LTA in effect and the Registry live, British Columbia now has one of the most comprehensive lobbying oversight regimes in North America.

The work of ORL staff to realize these long sought-after changes to make lobbying more transparent and accountable in British Columbia has been significant. I deeply appreciate the efforts of my talented staff in completing this task.

We are committed to working with lobbyists, the government, and the public to ensure that the promise of transparency that came with these changes is fully realized in the months and years to come.



Michael McEvoy
Registrar of Lobbyists for British Columbia

TOWARDS THE LOBBYISTS TRANSPARENCY ACT: A NEW REGISTRY, EDUCATION, AND OUTREACH

Lobbying oversight in BC is based on the principle that British Columbians have the right to know about attempts to influence the people they've elected to represent them. Recent changes to lobbying rules in BC strengthen and reaffirm that right, making the system more transparent and accessible for citizens and lobbyists alike.

The *Lobbyists Registration Act* (LRA) is now the *Lobbyists Transparency Act* (LTA). The transition saw gaps in the previous legislation addressed and marked the launch of a new, streamlined Lobbyists Registry. While these major changes came into effect after the period covered in this report, ORL staff worked throughout 2019-20 to ensure a smooth transition, developing the new Registry and rolling out a comprehensive education and public outreach campaign for lobbyists to help ensure compliance.

New rules, new Registry — greater transparency

In November 2019, the BC government published the regulations for the LTA, which detailed the changes the new legislation would bring, several of which reflected recommendations the ORL made to the province in 2013.

One of the most significant changes under the LTA was the requirement for lobbyists to file Monthly Returns — reports which must be submitted through the Lobbyists Registry by the 15th of each month, detailing all lobbying activities conducted the previous month. The number of organizations required to submit these reports expanded significantly with the passage of the LTA because of the removal of the “100-hour threshold” (read more about the Monthly Returns on p. 6).

Under the LRA, organizations that conducted less than 100 hours of lobbying activities per year were not required to register as lobbyists. With the removal of the threshold, organizations that previously did not have to register — such as non-governmental organizations (NGOs), societies, unions, and non-profits — were required to do so.

These two changes alone marked significant new lobbying reporting obligations for BC organizations; more would need to file than ever before, and some would have to do so every month. The launch of a new Lobbyists Registry to coincide with the transition to the LTA eased this process.

Acting on feedback from stakeholders familiar with features of the federal lobbyists Registry, the ORL negotiated an arrangement to licence the federal system at no cost. A team of developers adapted the system to suit BC's legislative requirements.

Michael McEvoy, Registrar of Lobbyists for BC, said that the new Registry and legislation marked an important step forward for lobbying transparency in the province.

“The LTA aims to make sure that lobbying is conducted in the open and subject to the scrutiny of the people our elected officials serve, and the Registry advances that purpose,” he said. “It's free, easy to use and accessible 24 hours a day to anyone seeking information on lobbying activities in British Columbia, past or present.

“The ease of use of the new system will simplify matters for lobbyists as well, enabling them to focus on their advocacy efforts and not be bogged down by the process.”



Education and outreach

Recognizing the breadth of the changes to BC's lobbying rules, the ORL launched an outreach and education campaign in February 2020, three months before the LTA took effect. The campaign comprised of speaking engagements and the distribution of educational materials. It targeted stakeholders from grass-roots community organizations through to corporate lobbyists.

The Registrar, Deputy Registrar, and ORL staff discussed the changes to the lobbying rules in BC at events throughout the year, including in a talk to the BC Chapter of the Public Affairs Association of Canada in June, as well as at the Victoria Foundation's Annual General Meeting in November. In February, Registrar McEvoy and ORL staff provided information about the LTA at a BC Federation of Labour session.

The onset of the COVID-19 pandemic meant that some planned speaking engagements were postponed, while others were conducted remotely, including a March teleconference with Board Voice, which focused on how the changes to BC's lobbying legislation would impact societies, unions, and NGOs.

The ORL also published and distributed a significant number of guidance documents — 13 during the period covered by this report — which provided in-depth guidance on requirements under the LTA and the new Registry.

“Our outreach and education efforts were aimed at ensuring that BC's new lobbying requirements and the new Registry are well understood by members of the public and those whose work these changes directly impact,” Registrar McEvoy said. “The ORL is committed to continuing to work with organizations to promote compliance with the LTA and its crucial aim of transparent, accountable government.”



MOVING TO MONTHLY RETURNS

An important new requirement of the *Lobbyists Transparency Act* bolsters transparency by requiring monthly reporting of lobbying activities

When the *Lobbyists Transparency Act* (LTA) came into force on May 4, 2020, one of the biggest changes was the introduction of Monthly Returns. Lobbyists must submit these reports detailing lobbying activities for the previous month through the new Lobbyists Registry. Two questions will trigger the need for lobbyists to file a Monthly Return:

1. Has the lobbyist carried out any lobbying activity?

Emails, phone calls, letters, texts, in-person meetings — they all count. Lobbyists will need to submit a Lobbying Activity Report by the 15th of each month for each lobbying activity of senior public office holders that took place in the previous month. The Lobbying Activity Report forms part of the Monthly Return.

2. Has any information on the registration changed?

Under the LTA, lobbyists are required to update their Registration Return by the 15th of each month if any details have changed, including government/ government agency funding, if they are lobbying on a new subject matter, or if they have a new intended outcome. Updates to a lobbyist's Registration Return are part of the Monthly Return.



Understanding dates and deadlines

Both consultant lobbyists and organizations are required to file a Monthly Return by the 15th of the following month, beginning the month after the Registration Return is first filed. For example, if a lobbyist files a Registration Return on May 10, they have until June 15 to file their first Monthly Return. If they first lobby on May 29, and fill out their Registration Return on June 5, then they would have until July 15 to file their first Monthly Return.

Reporting contributions and gifts

When lobbyists log into the new Registry to file their Lobbying Activity Report and/or to update their Registration Returns, they will need to confirm that their declarations regarding gifts and contributions are up to date. For clarity, if a lobbyist gave or promised a gift or other benefit to a public office holder, they will have to declare it in the Registry.

The ORL suggests that lobbyists keep track of contributions and gifts to ensure accurate reporting. If a lobbyist or their client made a political, sponsorship, or recall contribution, they will have to declare this in the Registry.

Guidance for lobbyists

To assist lobbyists with the new Monthly Return requirements, the ORL has produced a series of helpful guidance documents, which are available here: lobbyistsregistrar.bc.ca/resources

YEAR IN NUMBERS

COMPLIANCE STATISTICS

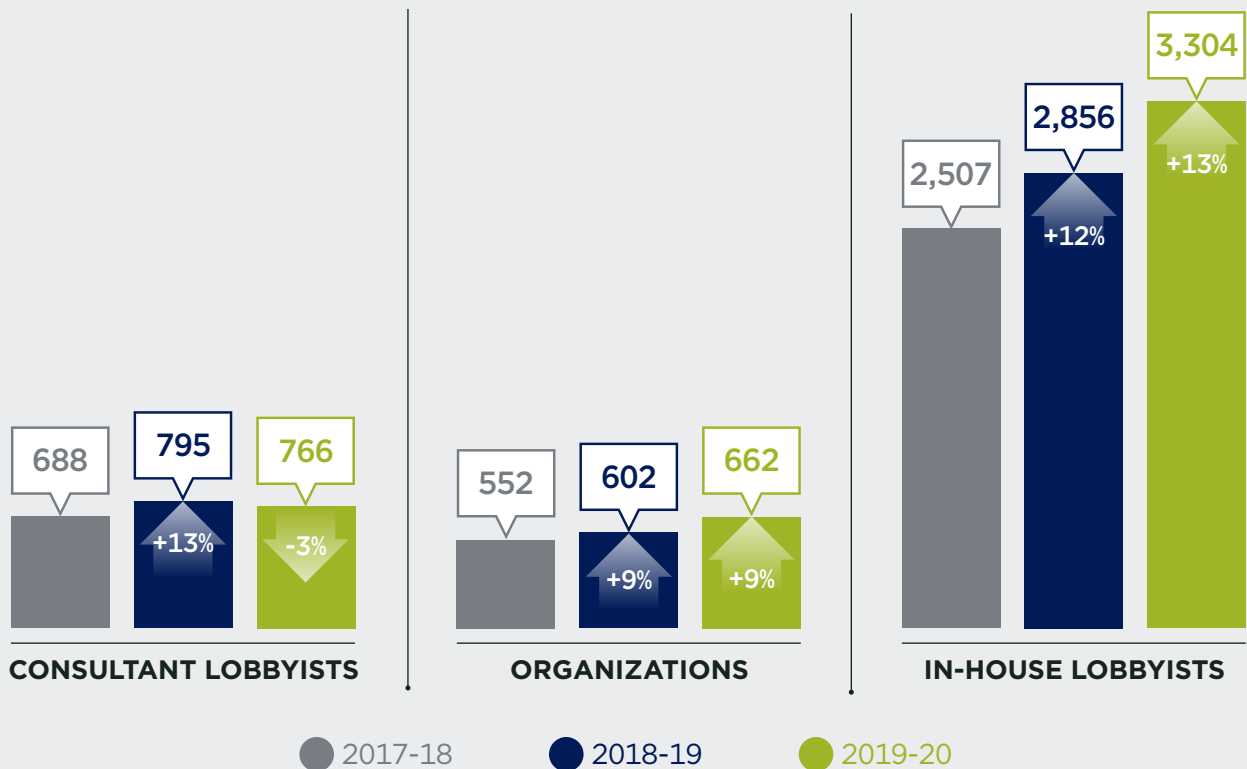
COMPLIANCE REVIEWS	
Outstanding from 2018-19 fiscal year	1
New for 2019-20 fiscal year	316
Total reviews:	317
Resolved informally	311
Led to formal investigations	3
Ongoing at end of 2019-20 fiscal year	3
INVESTIGATIONS	
Outstanding from 2018-19 fiscal year	2
New for 2019-20 fiscal year	3
Total investigations:	5
Resolved informally	0
Found to be non-compliant (no penalty issued)	0
Found to be compliant	0
Administrative monetary penalties applied	2
Ongoing at end of 2019-20 fiscal year	3
REQUESTS FOR INFORMATION	
2019-20	1,192

ORL staff initiated 316 compliance reviews in 2019-20, in addition to one carried over from the previous fiscal year. Compliance reviews consisted of inquiries sent to consultant lobbyists or organizations to determine if registration is required, queries to verify information submitted in returns, verification requests sent to consultant lobbyists' clients, and reviews of all instances of possible non-compliance with the *Lobbyists Registration Act* (LRA). Of these 316 reviews, 311 were completed through informal means, such as public education, to inform those unfamiliar with the LRA of their obligations and warnings for first-time minor non-compliance whenever appropriate.

Compliance reviews led to three formal investigations in addition to two that were outstanding from the previous fiscal year. Two of these five were completed and resulted in a finding of non-compliance and the application of an administrative monetary penalty. There were three investigations ongoing at the end of fiscal year 2019-20.

In addition to conducting compliance reviews, ORL staff also review and verify registrations when they are submitted to the Lobbyists Registry. Between April 1, 2019 and March 31, 2020, ORL staff requested that 301 registrants correct their returns.

ACTIVE REGISTRATIONS



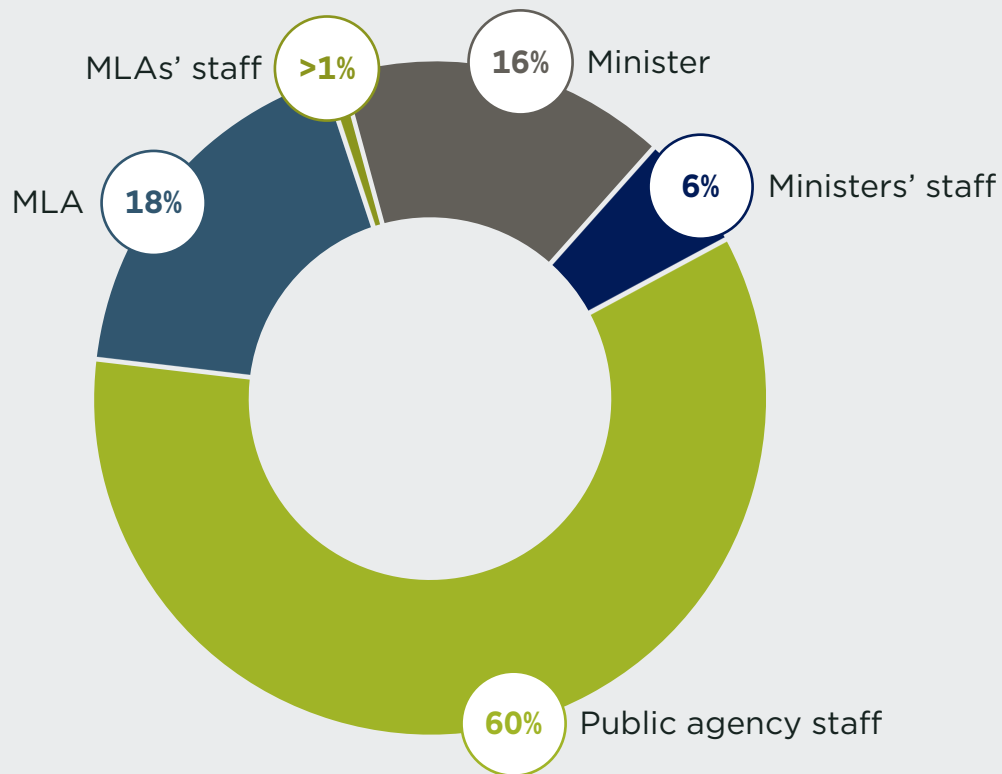
“Active registrations” means all lobbying registrations that were active at some point during the fiscal year. This includes registrations that began before the year started and continued into or throughout the year, as well as those that began during the year.

The LRA recognizes two types of lobbyists: **consultant lobbyists** (individuals who, for payment, undertake to lobby on behalf of a client) and **in-house lobbyists** (employees, officers, or directors who lobby on behalf of their organization). An organization may have more than one in-house lobbyist.

The number of consultant lobbyists between 2017-18 and 2018-19 increased by 13% and decreased by 3% between 2018-19 and 2019-20. There has been a steady increase in the number of organizations that register. The number of registered in-house lobbyists has also increased.

YEAR IN NUMBERS

LOBBYING TARGETS, 2019-20



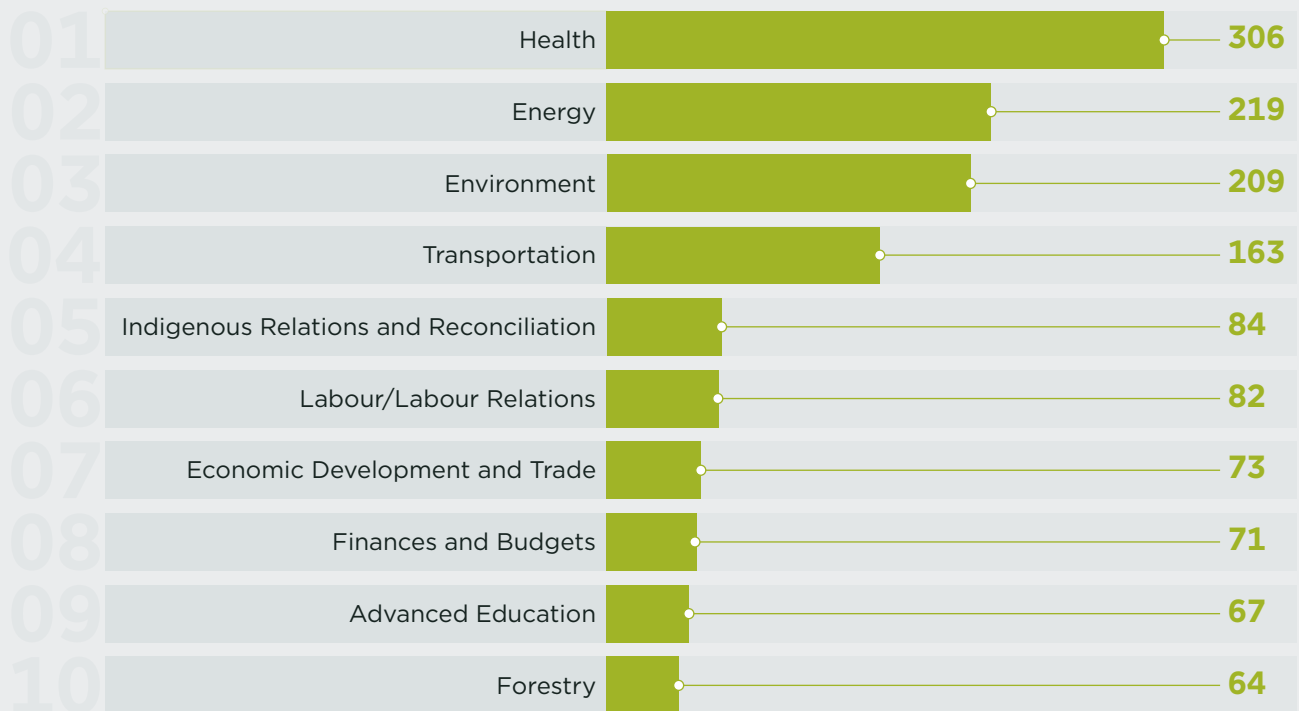
When registrants file a return, they must identify the target(s) for their lobbying from a list of options, which includes the following:

- Members of the Legislative Assembly (MLAs);
- Ministers;
- Public agency staff (individuals who work in ministries or provincial entities);
- Ministers' staff (individuals who work in the office of a Cabinet Minister); and
- MLAs' staff (individuals who work in an MLA's constituency office).

MLAs and Ministers together represent roughly a third of all lobbying targets. In 2019-20, public agency staff were the most frequent targets, up from 43% in 2018-19 to 60%. Another change this year was the decrease in Ministers as lobbying targets, from 21% of all targets in 2018-19 to 16% in 2019-20. MLAs alone represented 18% of the total, down from 27% in 2018-19.

Since registrants were required under the LRA to provide details about who the lobbyist "has lobbied or expects to lobby," the figures may represent both actual lobbying that has occurred, as well as targets they expected to lobby.

TOP 10 SUBJECT MATTERS, 2019-20



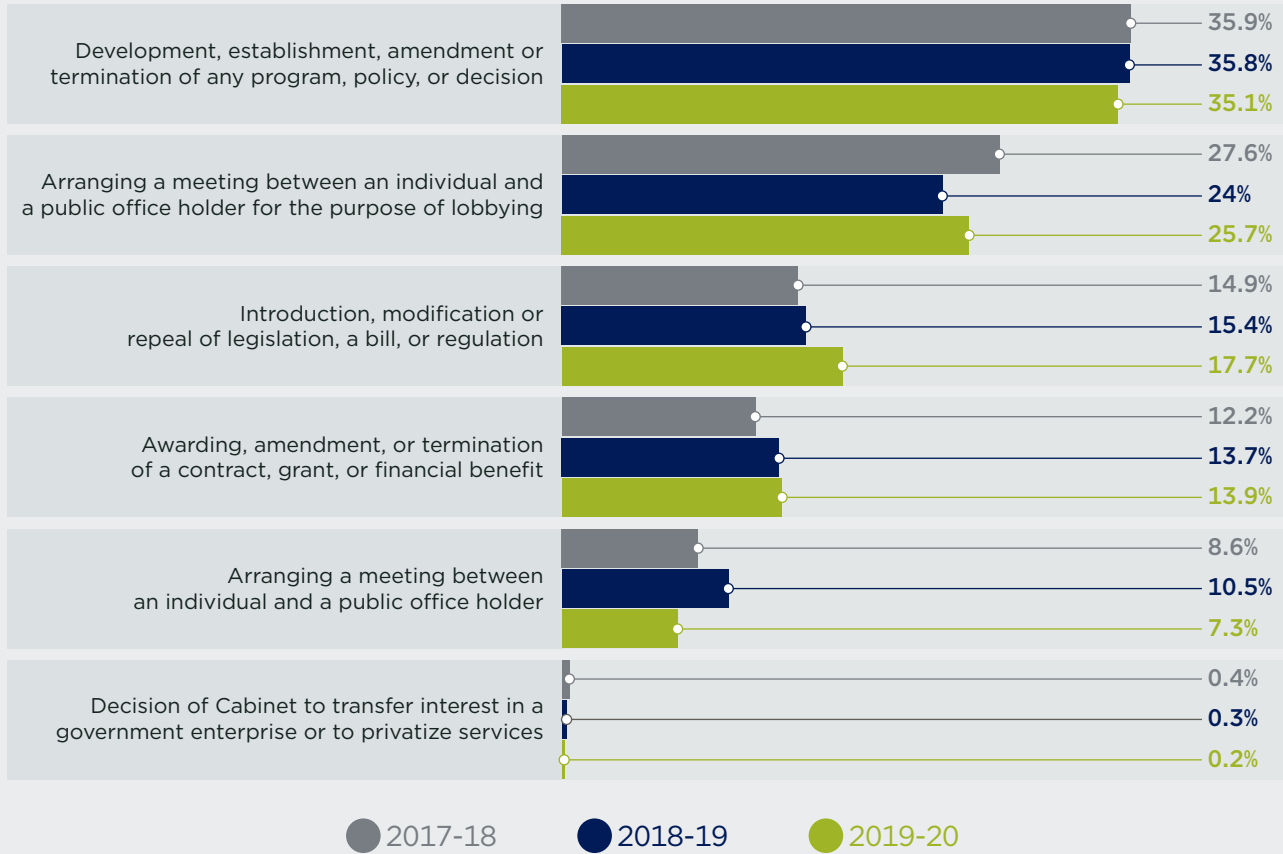
Registrants must also choose lobbying subject matters from a list of common issues, such as Education, Economic Development, Transportation and others.

A subject matter may appear multiple times in one registration. For example, a filer for an organization may select the same subject matter for each in-house lobbyist listed in the registration.

The top four subject matters for lobbying remain the same for the seventh year in a row. Finances and Budgets and Aboriginal Affairs (now called Indigenous Relations and Reconciliation) have also appeared in the top 10 in the past seven years.

YEAR IN NUMBERS

INTENDED OUTCOMES OF LOBBYING



“Intended outcomes” are the results that lobbyists hope to achieve through their lobbying efforts. Lobbyists selected these from a list that reflected the definition of lobbying in the LRA.

Intended outcomes listed by registrants are similar across the last three fiscal years. In all three years, the top three intended outcomes comprise over 75% of outcomes chosen by registrants.

ORL FINANCIAL REPORTING

The ORL's budget is incorporated into the budget of the Office of the Information and Privacy Commissioner. As part of the approval of the annual Estimates, the Legislative Assembly votes a budget for the two offices as recommended by the Select Standing Committee on Finance and Government Services.

RESOURCES

The Office of the Registrar of Lobbyists (ORL) publishes guidance documents to provide information and promote compliance. Here are the documents produced or updated in 2019-20. Check lobbyistsregistrar.bc.ca for updates after March 31, 2020.

- 🔗 10, 15, and 30-day requirements
- 🔗 How to register and report your lobbying activities
- 🔗 Glossary of terms
- 🔗 Exemption process for former office holders
- 🔗 Codes of conduct
- 🔗 Organizations
- 🔗 Provincial entities
- 🔗 Lobbyist gifts
- 🔗 Timing is everything: transition rules for the LTA
- 🔗 Are you lobbying?
- 🔗 Government funding
- 🔗 Coalitions
- 🔗 Procurement



For more information, please see the *2019-20 OIPC Annual Report* (page 30) or the *Budget and Service Plan* at oipc.bc.ca under "Reports."

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