



**ANNUAL REPORT 2016-17**

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

## Who we are

The Registrar of Lobbyists is an independent Officer of the Legislature who oversees, monitors and enforces the *Lobbyists Registration Act* (LRA). The LRA requires individuals and organizations who meet specific criteria to register their lobbying activities in an online public registry.

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

**Drew McArthur** is BC's Acting Registrar of Lobbyists.

## Mandate

Under the LRA, 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 LRA.

## 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, compliance reviews, investigations, public reporting and administrative penalties for non-compliance.





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August 2017

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

Honourable Speaker:

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

This report covers the period from April 1, 2016 to March 31, 2017.

Yours sincerely,



**Drew McArthur**  
*Acting Registrar of Lobbyists for British Columbia*



## REGISTRAR'S MESSAGE

I was honoured to assume the position of Acting Registrar of Lobbyists in July 2016. This is my first and, I expect, last opportunity to table an annual report for the Office of the Registrar of Lobbyists for British Columbia. A permanent Registrar and Information and Privacy Commissioner will likely be selected in the near future.

I am exceedingly proud of how my staff has managed the lobbying regulation in British Columbia over the past year. They have worked intensely — through education, compliance reviews, and investigations — to enforce the *Lobbyists Registration Act* (LRA).

Lobbying in BC has received a great deal of public and media attention in recent months, along with calls for greater transparency. I hope that government will take this opportunity to look closely at the legislative reforms we suggested in 2013. Our proposed changes would provide greater clarity to lobbyists' activities. Most importantly, we asked that the LRA be amended so that lobbyists report actual lobbying rather than prospective lobbying. You can read the report, entitled *Lobbying in British Columbia: Recommendations for Changes to the Lobbyists Registration Act*, on our website at [lobbyistsregistrar.bc.ca](http://lobbyistsregistrar.bc.ca).

“I AM EXCEEDINGLY PROUD OF HOW MY STAFF HAS MANAGED THE LOBBYING REGULATION IN BRITISH COLUMBIA OVER THE PAST YEAR. THEY HAVE WORKED INTENSELY — THROUGH EDUCATION, COMPLIANCE REVIEWS, AND INVESTIGATIONS — TO ENFORCE THE LOBBYISTS REGISTRATION ACT.”

I am pleased to report that compliance with the LRA has improved over the past year. This is an encouraging result of the office’s educational efforts over the past seven years as well as our increased enforcement of the LRA. Lobbyists for the most part understand their obligations under the Act; most compliance errors and oversights are unintentional. We designed our new website, which we launched last fall, to clarify the registration process and provide helpful information about the Office of the Registrar to lobbyists, organizations, media, and the general public. The online Lobbyists Registry will be enhanced later this year to provide lobbyists with a more seamless registration experience.

I would like to thank Deputy Registrar Jay Fedorak and my staff for their dedicated public service over my term as Acting Registrar.



**Drew McArthur**  
*Acting Registrar of Lobbyists for British Columbia*

# HIGHLIGHTS 2016-17



## New ORL website launched

In 2015, we surveyed more than 350 lobbyists and members of the public and identified a need to improve our website. The new website, launched in September 2016, provides better functionality to lobbyists, organizations, and the public looking for detailed information about lobbying in British Columbia.

 **VISIT:** [lobbyistsregistrar.bc.ca](http://lobbyistsregistrar.bc.ca) to view the new website.

## Lobbyists Registry upgrades improve notifications

The ORL implemented two upgrades to the Lobbyists Registry in fall 2016.

The first was to add a “termination pending” status when a registration reaches its end date, and for 30 days after that date, to clarify the status of a registration for lobbyists and for the public.

The registry now also provides a notification message when an organization loads their registration within one month of the end date, notifying organizations when they can re-register.

The ORL reminds lobbyists that these notifications are offered as a courtesy and it is their responsibility to ensure that their registrations are complete, accurate, and submitted on time.

## Increased enforcement activity enhances compliance

The ORL’s continued efforts to increase enforcement activity over the 2016-17 fiscal has resulted in a 35% decrease in compliance reviews and a 44% decrease in investigations over the previous fiscal period. In 2016-17, 115 compliance reviews and nine investigations were commenced, compared to 178 compliance reviews and 16 investigations in 2015-16.

# LOBBYING IN BC: FIVE THINGS YOU SHOULD KNOW

The Office of the Registrar of Lobbyists for British Columbia is independent of government and oversees, monitors, and enforces the *Lobbyists Registration Act* (LRA).

## 1. Lobbying is a legitimate, democratic right.

Individuals, groups, and companies have a right to communicate with elected or appointed government officials. The purpose of the *Lobbyists Registration Act* (LRA) is to support greater transparency and accountability in the lobbying of provincial public office holders.

## 2. Lobbyists in BC who meet the criteria must register online.

The LRA requires lobbyists in BC who meet the criteria to register in an online public registry maintained by the Office of the Registrar of Lobbyists. Members of the public can view this registry at [lobbyistsregistrar.bc.ca](http://lobbyistsregistrar.bc.ca) to learn who is attempting to influence government decisions, and on which issues.

## 3. There are two types of lobbyists.

“Consultant lobbyist” means an individual who, for payment, undertakes to lobby on behalf of a client. “In-house lobbyist” means an employee, an officer or a director of an organization who receives payment for the performance of his or her functions, and whose lobbying or duty to lobby on behalf of the organization or an affiliate, either alone or together with other individuals in the organization, amounts to at least 100 hours annually.

## 4. The key elements of lobbying are:

- a. To communicate
- b. For payment
- c. With a public office holder
- d. In an attempt to:
  - introduce, repeal or modify legislation, a bill or regulation;
  - develop, establish, change or end any program, policy or decision;
  - influence a decision to transfer interest in a government enterprise or to privatize services;
  - influence the awarding, amendment or termination of a contract, grant or financial benefit (outside established procedures);
  - for in-house lobbyists only, to arrange a meeting with a public office holder for the purpose of lobbying; and
  - for consultant lobbyists only, to arrange a meeting between a public office holder and any other individual.

## 5. The LRA is enforced by the Registrar of Lobbyists.

The LRA was amended on April 1, 2010, granting the Registrar increased powers to enforce the requirement that all lobbyists who meet the criteria register. Under the LRA, the Registrar or his delegate also have the responsibility to report non-compliance and can issue administrative penalties of up to \$25,000 if, after an investigation, an individual is found to have contravened the LRA.



**TO LEARN MORE ABOUT LOBBYING IN BC, VISIT: [lobbyistsregistrar.bc.ca](http://lobbyistsregistrar.bc.ca).**

For a quick snapshot of new lobbyist registrations, check out “Who’s Lobbying Who.” The ORL publishes this monthly summary of new registrations on its website, including the names of consultant lobbyists or organizations submitting registrations, the aims of their lobbying efforts and their intended targets.

# OUR WORK

## Registrar

The Registrar of Lobbyists is an independent Officer of the Legislature who oversees, monitors, and enforces the *Lobbyists Registration Act* (LRA). He has the legal authority to investigate compliance with the LRA, issue administrative penalties, and submit reports of non-compliance to the Legislative Assembly to ensure compliance with BC's lobbyist legislation.

The Registrar also oversees the registration of lobbyists, ensures public access to information in the Lobbyists Registry, and promotes compliance through public education.

## Registry Manager and staff

ORL Registry staff assist the public, public office holders, and lobbyists seeking information via phone and email. Upon request, staff review registrations and may ask the lobbyist to correct issues such as registration errors, duplicate entries, or incomplete lobbying information.

The Registry Manager also scans media stories, websites, and press releases daily to identify organizations/consultant lobbyists who may be lobbying but may not be registered, or those who have inaccurate information in their registrations.

Employees run reports each month to identify registrations that may be non-compliant. They then contact lobbyists to clarify the information that was submitted, or to ask why a registration was submitted past the timelines allowed by the LRA. Warning letters may be sent or an investigation may be initiated to determine if a lobbyist has been non-compliant.





## Investigations

Compliance investigations are assigned to ORL investigators, who review the facts and give the lobbyist an opportunity to explain their situation. The investigator will then make a finding about whether there have been contraventions of the LRA. If non-compliance is found, the Registrar may issue an administrative penalty. The investigation report will then be published on the ORL website and tabled with the Legislative Assembly.

## Communications staff

The Communications team informs the lobbyist community about their obligations under the LRA and coordinates public education opportunities to inform BC citizens about who's lobbying who. The ORL's website, media relations, public relations, and event planning all fall under the Communication department's oversight.

# YEAR IN NUMBERS

**FIGURE 1: Compliance Statistics**

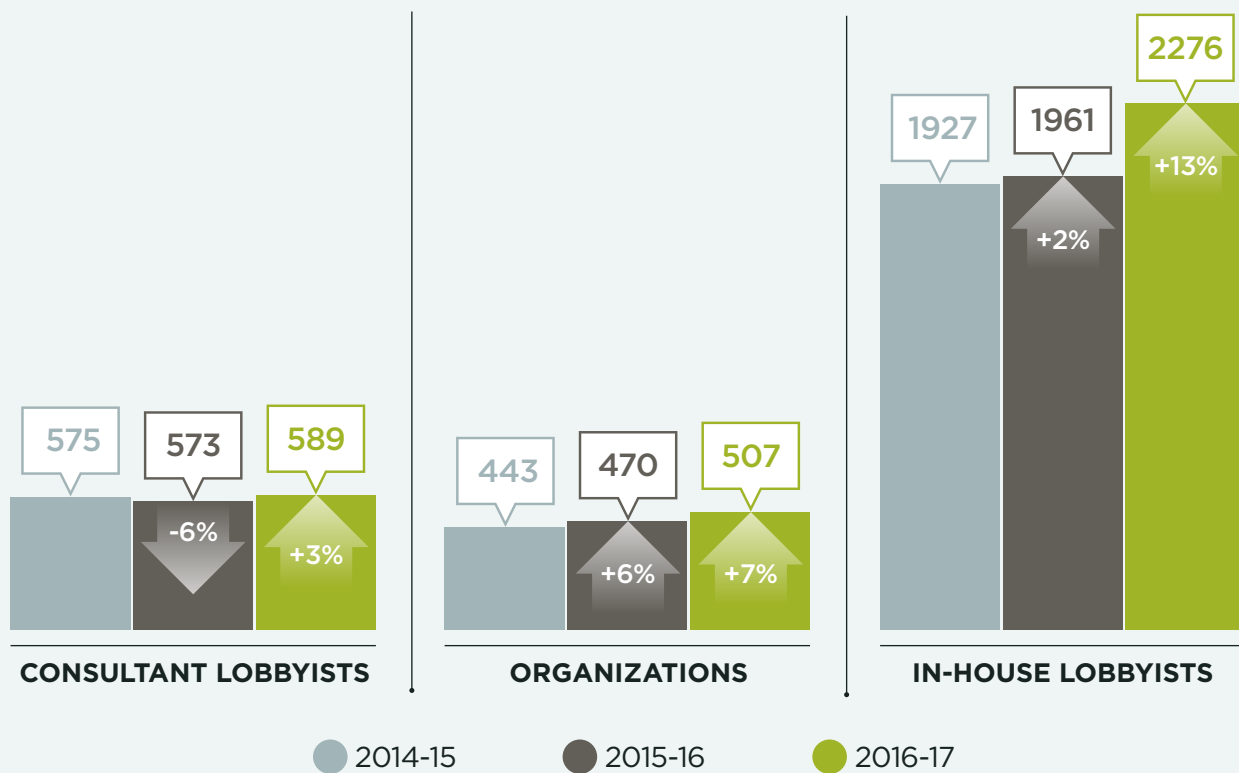
<b>COMPLIANCE REVIEWS</b>	
Outstanding from 2015-16 fiscal year	3
New for 2016-17 fiscal year	115
<b>Total reviews:</b>	<b>118</b>
Resolved informally	105
Led to formal investigations	9
Ongoing at end of 2016-17 fiscal year	4
<b>INVESTIGATIONS</b>	
Outstanding from 2015-16 fiscal year	7
New for 2016-17 fiscal year	9
<b>Total investigations:</b>	<b>16</b>
Resolved informally	0
Found to be non-compliant (no penalty issued)	1
Found to be compliant	0
Administrative monetary penalties applied	11
Ongoing at end of 2016-17 fiscal year	4

ORL staff initiated 115 compliance reviews in 2016-17, in addition to three carried over from the previous fiscal year. Compliance reviews consist 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 review of all instances of possible non-compliance with the *Lobbyists Registration Act* (LRA). Of these 118 reviews, 105 were completed through informal means, such as public education, to inform those unfamiliar with the LRA of their obligations and warnings for minor first-time non-compliance. Informal means of achieving compliance are significantly more cost-effective, so the ORL resolves possible non-compliance in this manner whenever appropriate.

Compliance reviews led to nine formal investigations in addition to seven that were outstanding from the previous fiscal year. Of these investigations, 12 were completed. One was found to be non-compliant, no penalty issued and 11 resulted in a finding of non-compliance and the application of an administrative monetary penalty. There were four compliance reviews and four investigations outstanding at the end of fiscal year 2016-17.

In addition to conducting compliance reviews, ORL staff also review and verify registrations when they are submitted to the online Lobbyists Registry. Between April 1, 2016 and March 31, 2017, ORL staff requested that 195 registrants correct their returns.

**FIGURE 2: Active Registrations**



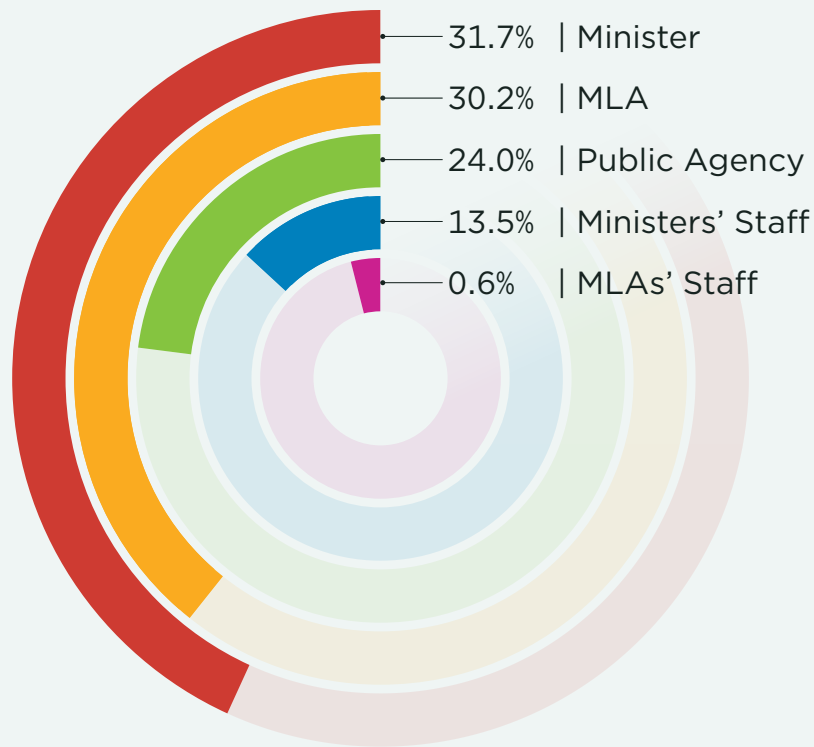
The LRA recognizes two types of lobbyists: **consultant lobbyists** (individuals who, for payment, undertake to lobby on behalf of a client) and **in-house lobbyists** (employees of organizations who lobby on behalf of their organization).

“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.

There has been a steady increase in the number of organizations that registered (by 6% from 2014-15 to 2015-16, and by 7% from 2015-16 to 2016-17). The number of in-house lobbyists has also increased (by 2% from 2014-15 to 2015-16, and by 13% from 2015-16 to 2016-17). The number of consultant lobbyists remained virtually the same between 2014-15 and 2015-16 and increased by 3% between 2015-16 and 2016-17.

# YEAR IN NUMBERS

**FIGURE 3: Lobbying Targets, 2016-17**

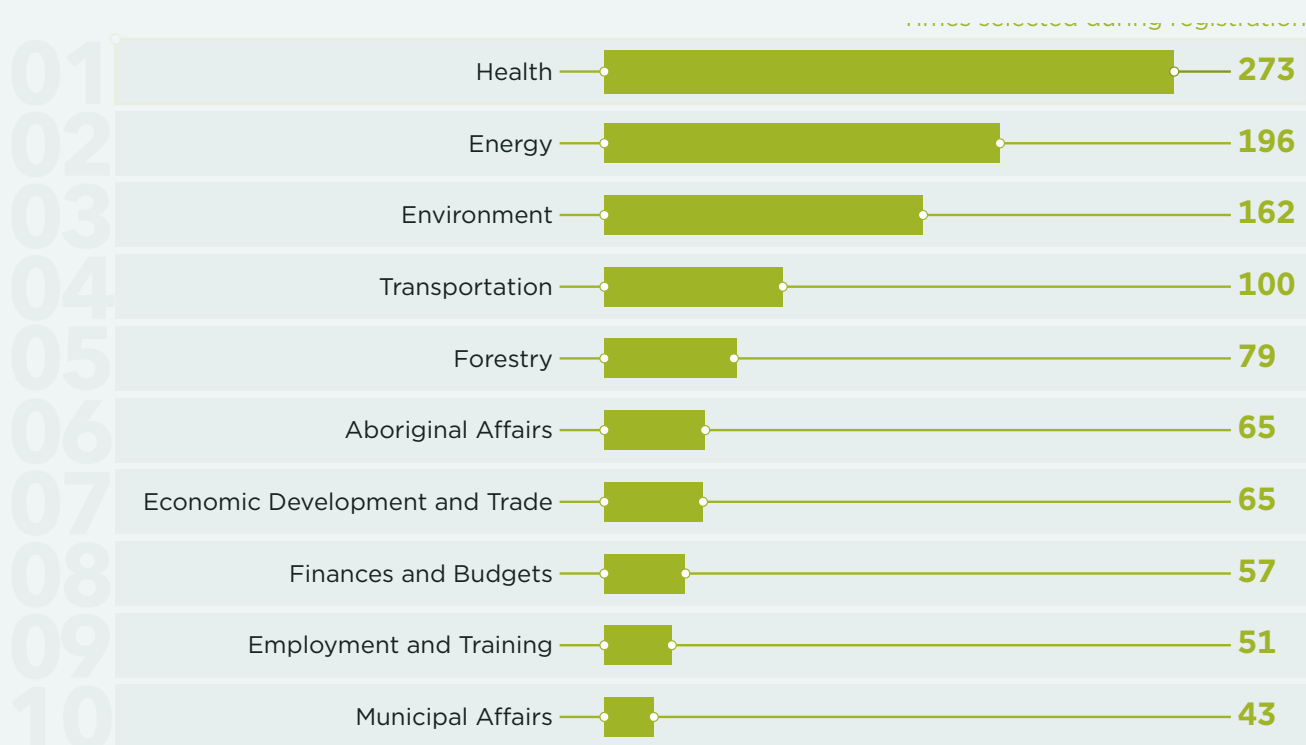


When registrants file a return, they must identify target(s) for their lobbying from a list of options, which include the following:

- Members of the Legislative Assembly;
- Ministers;
- Public Agencies (ministries, crown corporations, commissions, health authorities, post-secondary institutions, administrative tribunals and various other public bodies);
- Ministers' Staff (individuals who work in the office of a Cabinet Minister); and
- MLAs' Staff (individuals who work in a MLA's constituency office).

Members of the Legislative Assembly and Ministers together represent over 60% of all lobbying targets. In 2016-17, Ministers were the most frequent targets, up 1.1% from 2015-16. Another change this year was the decrease in Ministers' staff as lobbying targets, from 16.8% of all targets in 2015-16 to 13.5% in 2016-17. Public Agencies comprise roughly 25% of the total. Since registrants are 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 expect to lobby.

**FIGURE 4: Top 10 Subject Matters, 2016-17**



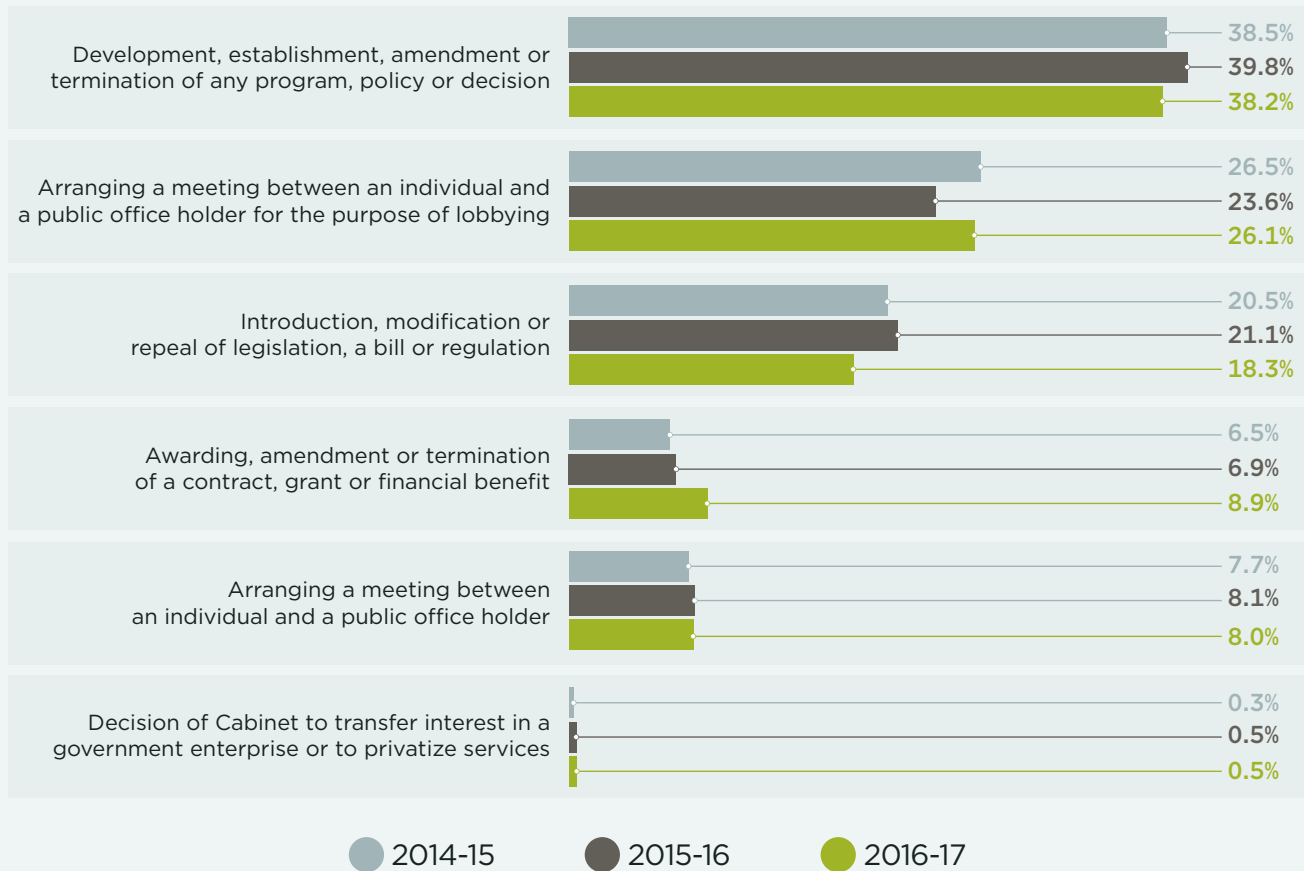
Registrants must also choose lobbying subject matters from a list of common issues, such as education, economic development, transportation and others.

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 five subject matters for lobbying remain the same for the fifth year in a row. “Finances and Budgets,” “Economic Development and Trade” and “Aboriginal Affairs” have also appeared in the top 10 in the past four years.

# YEAR IN NUMBERS

**FIGURE 5: Intended Outcomes of Lobbying**



“Intended Outcomes” are the results that lobbyists hope to achieve through the lobbying effort. Lobbyists select these from a list that reflects 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 close to 83% 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.



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For more information, please see the *OIPC Annual Report* (page 33) or the *Budget and Service Plan* at [oipc.bc.ca](http://oipc.bc.ca) under "Reports."

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