



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

ANNUAL REPORT 2017-18

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.

Michael McEvoy is BC's 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, public reporting, and administrative penalties for non-compliance.

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October 2018

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 Registration 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, 2017 to March 31, 2018.

Yours sincerely,

A stylized, handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

Michael McEvoy
Registrar of Lobbyists for British Columbia

REGISTRAR'S MESSAGE



I am pleased to present our 2017-18 annual report, my first as British Columbia's Registrar of Lobbyists.

My term commenced in April 2018, just before the *Lobbyists Registration Amendment Act* came into effect on May 1, 2018. I am pleased that government has chosen to address needed reforms to the *Lobbyists Registration Act* (LRA) by providing greater clarity to lobbyists' activities.

The amendments include a two-year lobbying ban for former public office holders. Lobbyists affected by this ban can apply to the Registrar for an exemption. More information on this process can be found on page 8 of this report.

In reviewing the first exemption requests, a drafting error in the LRA's definition of "former public office holder" came to light. On its face, the definition creates a significant loophole. Any individual formerly employed by a current member of Cabinet would not fall under the two-year lobbying ban and would not be required to publicly declare past government connections.

I believe that British Columbians expect lobbyists to disclose in the Lobbyists Registry the fact that they formerly held an important role in the office of a *current* minister — at present, the language only captures those who worked for a *former* minister. I also believe that British Columbians expect these same individuals to be subject to the two-year lobbying ban.

Government has announced its intentions to introduce broader legislation to reform and modernize the rules on lobbying in BC during the upcoming fall legislative session. These reforms will include an amendment to correct this error in the definition of "former public office holder" and a comprehensive review of the LRA. I am encouraged by government's stated intention to enhance transparency in lobbying for the public with these actions.

Over the past fiscal year, the majority of compliance errors and oversights appeared to be accidental in nature. Still, compliance reviews increased 4% in 2017-18 over 2016-17.

**“OVER THE NEXT FISCAL YEAR, WE WILL
ENHANCE OUR EDUCATIONAL EFFORTS
WITH LOBBYISTS, ORGANIZATIONS, MEDIA,
AND THE GENERAL PUBLIC.”**

As most were resolved informally, the year in review shows that lobbyists in BC have a greater understanding of their obligations under the LRA. My staff requested that 136 registrants correct their returns in 2017-18, a decrease of 30% over last fiscal. In addition, they conducted 13 investigations in total in 2017-18, a decrease from 15 investigations in 2016-17.

Over the next fiscal year, we will enhance our educational efforts with lobbyists, organizations, media, and the general public. These activities include a new series of webinars, some of which are now available on our website. The online Lobbyists Registry was upgraded last fall to provide lobbyists with a smoother registration experience. It was also updated again on May 1, 2018 to accommodate the recent amendments to the LRA. The Lobbyists Registry review process will be ongoing throughout the 2018-19 fiscal year as more amendments are introduced.

It was a great honour to have been unanimously recommended by the legislature to serve in the role of Registrar of Lobbyists. I would like to thank staff for their dedicated public service over the past fiscal year, especially Morag Ross, Registry Manager. I also wish to acknowledge former Deputy Registrar Jay Fedorak for his many years of dedication to this office.



Michael McEvoy
Registrar of Lobbyists for British Columbia



OUR WORK

Registrar

The Registrar of Lobbyists is an independent Officer of the Legislature who oversees, monitors, and enforces the *Lobbyists Registration Act* (LRA). The Registrar 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.

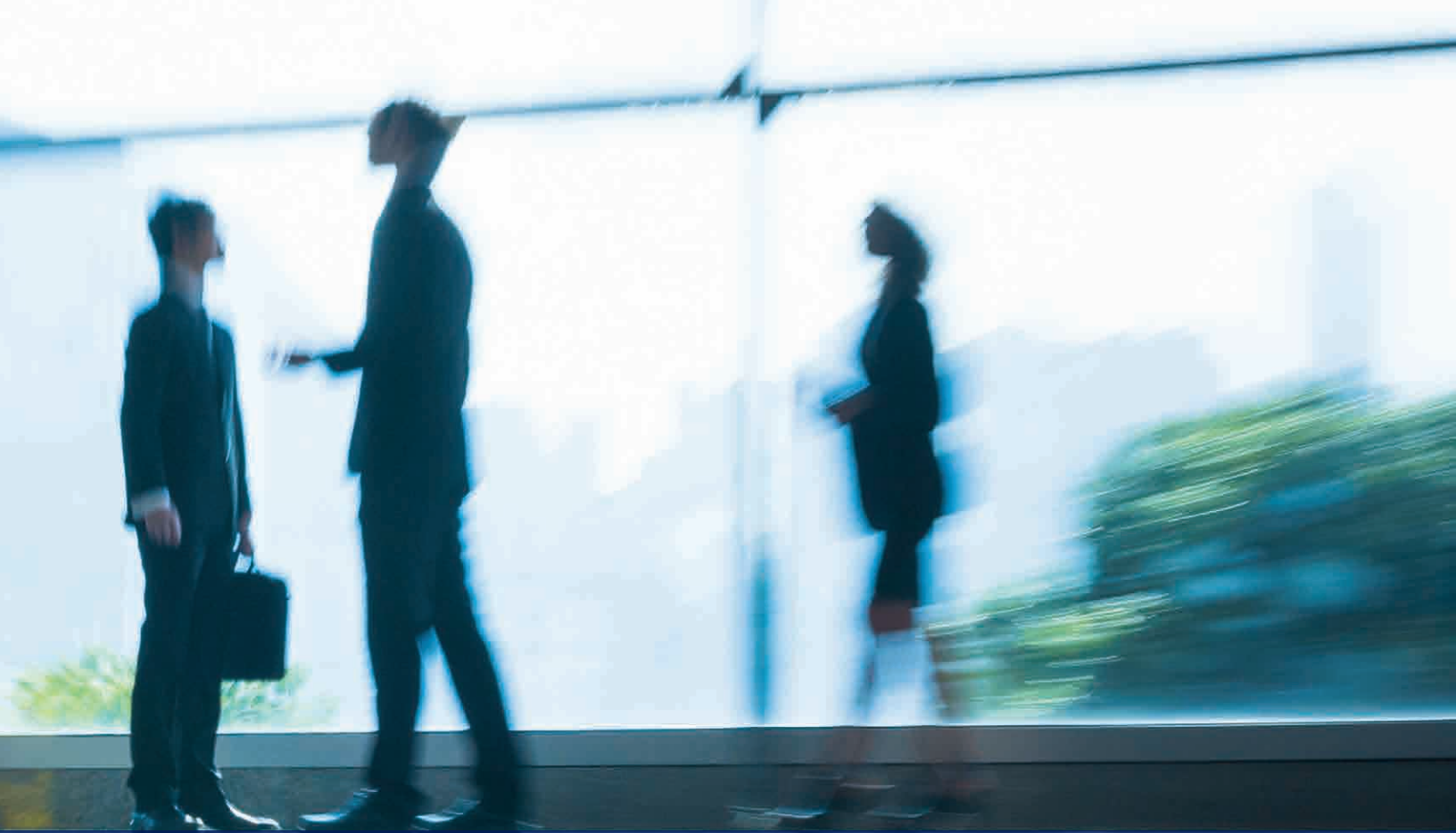
The Registrar also oversees the registration of lobbyists, ensures public access to information in the Lobbyists Registry, and promotes compliance through public education.

Registry manager and staff

ORL staff assist the public, public office holders, and lobbyists seeking information via phone and email. Staff review all 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 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 compliant with the Act.



Investigators

Compliance investigations are assigned to an ORL investigator, who reviews the facts and gives 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, an administrative penalty may be applied. 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 the citizens of BC about lobbying. The ORL's website, media relations, public relations, and event planning all fall under the communication department's oversight.

NEWS

IN THE PUBLIC INTEREST

Amendments to the *Lobbyists Registration Act* add new requirements for lobbyists

The BC Government introduced the *Lobbyists Registration Amendment Act* on October 2, 2017. It received Royal Assent on November 30, 2017 and came into effect on May 1, 2018. The new legislation bans former public office holders and their senior staff from lobbying government for two years after leaving their government positions. It also gives the Registrar of Lobbyists the discretion to grant an exemption from the two-year prohibition, if the lobbying activity is considered to be “in the public interest.”

In addition, lobbyists are now required to disclose the names of any staff of ministers and MLAs that they lobby to increase transparency to the public in the Lobbyists Registry.

Individuals who held **any** of the following positions are considered former public office holders under the LRA:

- Ministers
- Ministers’ staff, including chiefs of staff, ministerial assistants, executive assistants, and administrative coordinators
- Parliamentary Secretaries
- Deputy Ministers
- Chief Executive Officers
- Associate/Assistant Deputy Ministers
- Most senior or next most senior ranking executive positions in a “Provincial Entity,” such as a Crown corporation, agency, or association
- Chair or vice chair of the governing body of a Provincial Entity

Individuals who have **only** held the following positions are not considered former public office holders:

- MLAs
- MLAs’ staff
- Public servants who work in a ministry

The two-year ban on lobbying activities is intended to prevent a former public office holder from exercising influence gained in their previous employment. For instance, if someone was employed as a public office holder until June 30, 2017, they are prohibited from lobbying until July 1, 2019, unless an exemption is granted.

YEAR IN NUMBERS

FIGURE 1: Compliance Statistics

COMPLIANCE REVIEWS	
Outstanding from 2016-17 fiscal year	4
New for 2017-18 fiscal year	132
Total reviews:	136
Resolved informally	126
Led to formal investigations	9
Ongoing at end of 2017-18 fiscal year	1
INVESTIGATIONS	
Outstanding from 2016-17 fiscal year	4
New for 2017-18 fiscal year	9
Total investigations:	13
Resolved informally	0
Found to be compliant	0
Found to be non-compliant (no monetary penalty issued)	0
Found to be non-compliant (monetary penalty issued)	6
Ongoing at end of 2017-18 fiscal year	7

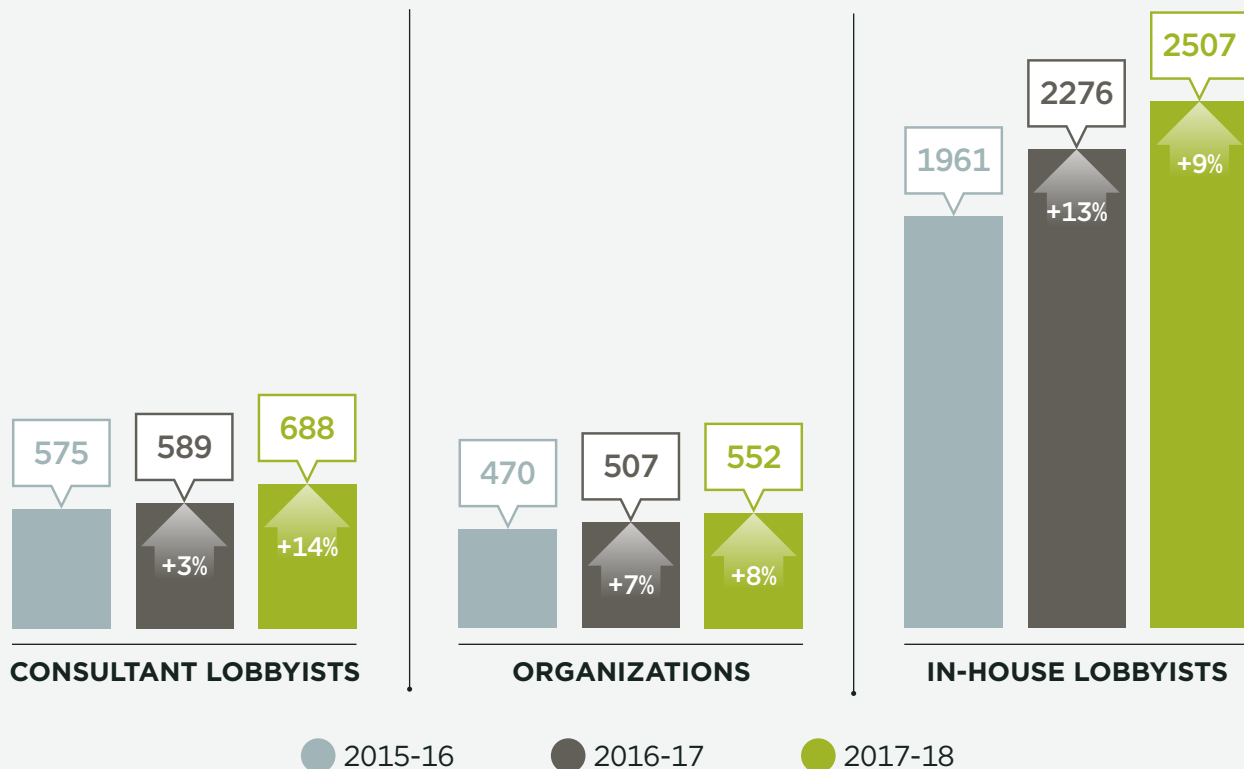
ORL staff initiated 132 compliance reviews in 2017-18, in addition to four carried over from the previous fiscal year. Compliance reviews consist of inquiries sent to consultant lobbyists or organizations to determine if registration is required, queries to verify information submitted in returns, verification requests sent to consultant lobbyists' clients, and reviews of all instances of possible non-compliance with the *Lobbyists Registration Act* (LRA). Of these 136 reviews, 126 were completed informally through public education, to inform those unfamiliar with the LRA of their obligations and warnings for first-time minor non-compliance.

Compliance reviews led to nine formal investigations in addition to four that were outstanding from the previous fiscal year. Six of these 13 investigations were completed; all six resulted in a finding of non-compliance and the application of an administrative monetary penalty. Seven investigations were outstanding at the end of the fiscal year. One compliance review was also ongoing at the end of 2017-18.

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, 2017 and March 31, 2018, ORL staff requested that 124 registrants correct their returns.

YEAR IN NUMBERS

FIGURE 2: Active Registrations

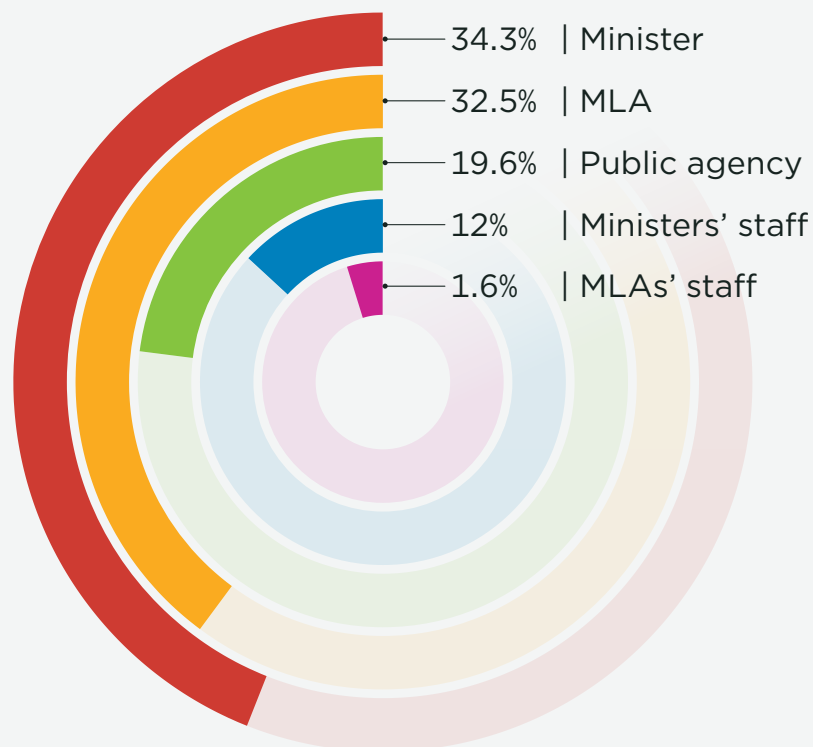


The LRA recognizes two types of lobbyists: **consultant lobbyists** (individuals who, for payment, undertake to lobby on behalf of a client) and **in-house lobbyists** (employees of organizations who lobby on behalf of their organization).

“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 through the year, as well as those that began during the year.

The number of consultant lobbyists between 2015-16 and 2016-17 increased by 3% and by 14% between 2016-17 and 2017-18. There has been a steady increase in the number of organizations that registered (by 7% from 2015-16 to 2016-17, and by 8% from 2016-17 to 2017-18). The number of in-house lobbyists has also increased (by 13% from 2015-16 to 2016-17 and by 9% from 2016-17 to 2017-18).

FIGURE 3: Lobbying targets, 2017-18



When registrants file a return, they must identify their lobbying target(s) 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)
- MLAs' staff (individuals who work in a MLA's constituency office).

Members of the Legislative Assembly and Ministers together represent over 65% of all lobbying targets. In 2017-18, Ministers were the most frequent targets, up 2.6% from 2016-17. Another change this year was the decrease in Ministers' staff as lobbying targets, from 13.5% of all targets in 2016-17 to 12% in 2017-18. Public agencies comprise roughly 20% 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.

YEAR IN NUMBERS

FIGURE 4: Top 10 subject matters, 2017-18

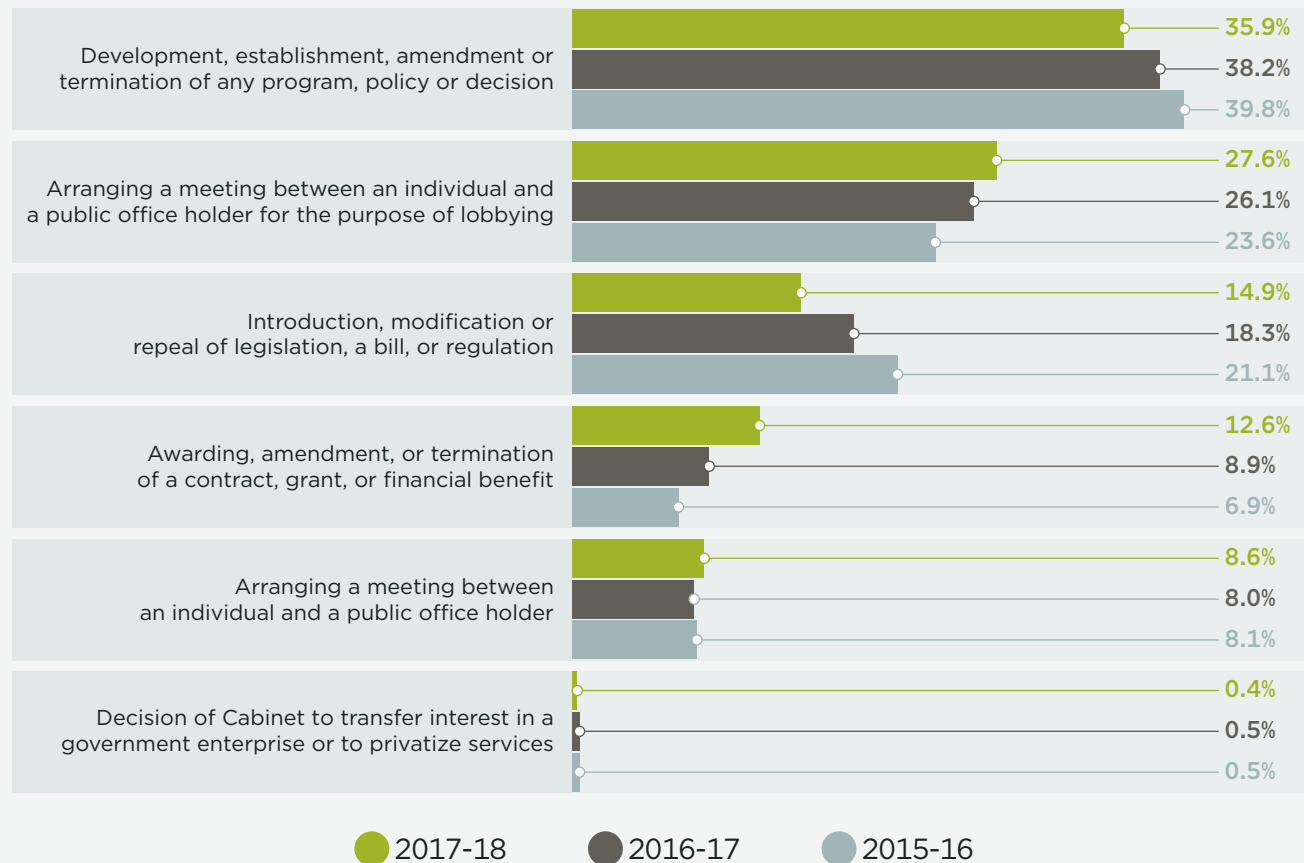


Registrants must also choose lobbying subject matters from a list of common issues, such as education, economic development, transportation and others.

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 sixth year in a row. “Finances and budgets,” “Economic development and trade” and “Aboriginal affairs” have also appeared in the top 10 in the past five years.

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 over 75% of outcomes chosen by registrants.

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*.

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 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 their 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 their 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.

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.

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.

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

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