



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

**ANNUAL REPORT  
2018-2019**



## 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.

## OUR 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 2019

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, 2018 to March 31, 2019.

Yours sincerely,



**Michael McEvoy**  
*Registrar of Lobbyists for British Columbia*



# REGISTRAR'S MESSAGE



I am pleased to present the 2018-19 annual report of the Office of the Registrar of Lobbyists (ORL).

Legislative reform and implementation of those changes were a significant part of the work of the ORL this year. The year commenced with a focus on educating lobbyists about the *Lobbyists Registration Amendment Act, 2017*. The first round of changes related to that Act came into effect on May 1, 2018, and addressed one of five recommendations for reforms to the *Lobbyists Registration Act* my office made in 2013: to establish a “cooling off” period for former public office holders.

In November 2018, the legislature passed a more comprehensive suite of reforms to the *Lobbyists Registration Act* with the *Lobbyists Registration Amendment Act, 2018*. I’m pleased that these amendments address the remainder of the ORL’s 2013 recommendations, including closing the loophole my office identified in the *Lobbyists Registration Act* definition of “former public office holder.” When all of these reforms come into force, the title of BC’s lobbying legislation will change to the *Lobbyists Transparency Act*.

Once in place, there will be greater transparency of lobbying activities in BC through the Lobbyists Registry. Lobbyists will be required to provide monthly reports on whom they have lobbied and declare any promised or actual gifts to public office holders. They will also be required to disclose whether they have made any political, sponsorship, or recall contributions in monthly reports and information related to who controls, directs, or funds lobbying.

**“THE SOUND IMPLEMENTATION OF THE LOBBYISTS TRANSPARENCY ACT WAS AND WILL CONTINUE TO BE A KEY FOCUS FOR MY STAFF OVER THE COMING FISCAL YEAR.”**

The sound implementation of the *Lobbyists Transparency Act* was, and will continue to be, a key focus for my staff over the coming fiscal year. This work includes the development of the new Lobbyists Registry and educating lobbyists, relevant organizations, and the general public ahead of its coming into force.

As the following pages show, compliance statistics have improved over the last fiscal year. Cases of possible non-compliance come to the ORL in various ways, and when they do we review all available and relevant information and make a determination as to whether an individual or organization should be registered or whether an existing registration needs to be verified. ORL staff completed 117 compliance reviews during 2018-19, a decrease of 19 from last year, with 111 resolved informally. Twelve investigations were completed, which is similar to the 2017-18 fiscal year. In addition, my staff requested 129 registrants correct their returns, a slight decrease over last year.

The ORL's ambitious goals could not have been achieved without the hard work and dedication of ORL staff. This has been particularly the case over the past year as we enhanced our educational efforts and prepared for legislative changes. This work continues and I would like to thank all ORL staff for their dedicated public service over the past fiscal year.



**Michael McEvoy**

*Registrar of Lobbyists for British Columbia*

## AMENDING THE LOBBYISTS REGISTRATION ACT

Registrar highlights drafting error in definition of “former public office holder.”

The *Lobbyists Registration Amendment Act, 2017*, came into force on May 1, 2018, and included a two-year cooling-off period for lobbyists who are former public office holders. Lobbyists affected by this restriction can request an exemption from the Registrar if they believe it is in the public interest.

When processing the initial exemption requests, Registrar Michael McEvoy realized that the definition of “former public office holder” contained a drafting error. The definition of “former public office holder” in section 1 of the *Lobbyists Registration Act* (LRA) only applied to lobbyists who were employed in the former office of a former member. A loophole existed for any individual seeking to lobby who was formerly employed by a Cabinet minister who was currently in office.

Section 1 of the LRA defines a “former public office holder” (boldface for emphasis) as a:

- (a) former member of the Executive Council and any individual formerly employed in the **former member’s former office**, other than administrative support staff,...

As a result, the Registrar found that an individual who was formerly employed in a current member’s former office was not subject to the cooling-off period. In fact, there was nothing to prevent the lobbyist from lobbying the very Minister who had employed them.

A Reconsideration Decision had a similar outcome based on the definition of “former public office holder.” The ORL investigated a lobbyist who failed to declare in the Lobbyists Registry that he worked as an Executive Assistant for three Cabinet ministers. All three ministers were still members of the Executive Council during the period he was registered to lobby. Again, based on the longstanding definition of “former public office holder,” the Registrar found that the lobbyist was not obligated to declare his past government connections. The definition raised the potential for undue influence and the use of insider information—the very outcomes the legislation was designed to eliminate. For this reason, the Registrar brought the error to government’s attention.

On October 29, 2018, the BC government introduced Bill 54, the *Lobbyists Registration Amendment Act, 2018*. Among its many important reforms to increase transparency in lobbying, the bill included a change to the definition of “former public office holder.” The new definition, which came into force on December 27, 2018, aimed to close the loophole to ensure that former staff of a current Minister’s office are also subject to the two-year prohibition on lobbying.

The amendments read as follows (boldface for emphasis):

Section 1 (1) is amended,...

- (b) by repealing paragraph (a) of the definition of “former public office holder” and substituting the following:
  - (a) a former member of the Executive Council and any individual, other than administrative support staff, formerly employed in the former member’s former office,
  - (a.1) **any individual**, other than administrative support staff, **formerly employed in a current or former office** of a current member of the Executive Council.

### More changes to come

The *Lobbyists Registration Amendment Act, 2018*, contains other amendments that will increase transparency in lobbying and they will come into force at a later date. The ORL will provide education about the amendments and their implications for lobbyists several months in advance of the new Act coming into force.

## EXEMPTION REVIEW PROCESS

What lobbyists need to know when applying for an exemption from the lobbying prohibition.

Former public office holders subject to the two-year lobbying prohibition can apply for an exemption by filling out a “Request for Exemption” form, available on the ORL website ([lobbyistsregistrar.bc.ca](http://lobbyistsregistrar.bc.ca)).

The request must state the reason(s) the applicant should be exempt from the prohibition. Each individual also has to supply information that will assist the Registrar in determining whether granting an exemption would be “in the public interest.”

During the exemption review process, ORL staff will gather and analyze information to determine if there are sufficient grounds to grant an exemption from the two-year lobbying prohibition.

### Here are the relevant steps:

- 1 Once the form has been submitted, an acknowledgment of receipt will be sent.
- 2 An ORL investigator will analyze the information and prepare an Exemption Review Report for the Registrar for his decision.
- 3 The Registrar will inform each applicant in writing of the decision and the reason(s) supporting the decision.
- 4 If the Registrar grants an exemption, he will enter the terms or conditions of the exemption and the reasons for the exemption into the Lobbyists Registry.
- 5 All exemption decisions will be posted on the ORL website

The *Exemption Process for Former Public Office Holders* guidance document provides more information and is available on the ORL website.

# YEAR IN NUMBERS

## Compliance statistics

COMPLIANCE REVIEWS	
Outstanding from 2017-18 fiscal year	1
New for 2018-19 fiscal year	116
<b>Total reviews:</b>	<b>117</b>
Resolved informally	111
Led to formal investigations	5
Ongoing at end of 2018-19 fiscal year	1
INVESTIGATIONS	
Outstanding from 2017-18 fiscal year	7
New for 2018-19 fiscal year	5
<b>Total investigations:</b>	<b>12</b>
Resolved informally	3
Found to be non-compliant (no penalty issued)	0
Found to be compliant	1
Administrative monetary penalties applied	6
Ongoing at end of 2018-19 fiscal year	2
REQUESTS FOR INFORMATION	
2018-19	541

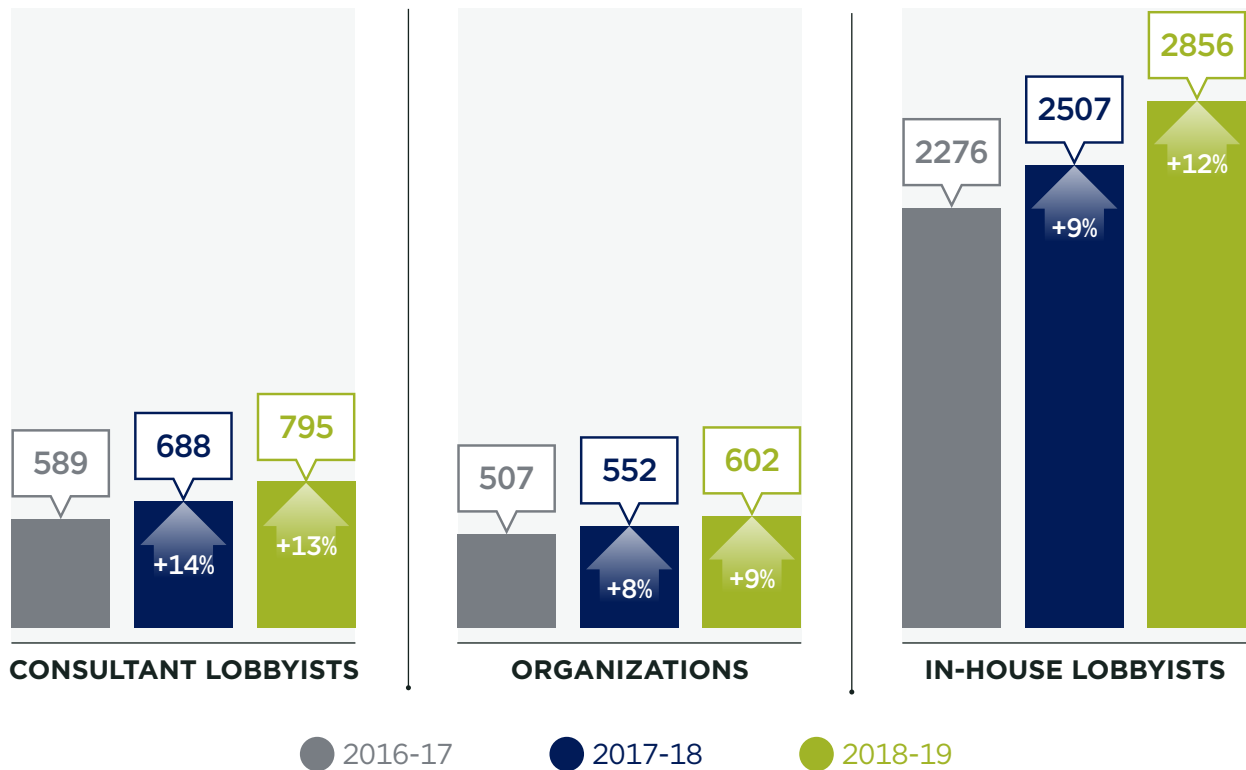
ORL staff initiated 116 compliance reviews in 2018-19, in addition to one carried over from the previous fiscal year. Compliance reviews consist of inquiries sent to consultant lobbyists or organizations to determine if registration is required, queries to verify information submitted in returns, verification requests sent to consultant lobbyists' clients, and reviews of all instances of possible non-compliance with the *Lobbyists Registration Act* (LRA). Of these 117 reviews, 111 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 five formal investigations in addition to seven that were outstanding from the previous fiscal year. Ten of these 12 were completed: six resulted in a finding of non-compliance and the application of an administrative monetary penalty; three were resolved informally; one was found to be compliant after an investigation. There was one compliance review ongoing at the end of fiscal year 2018-19.

In addition to conducting compliance reviews, ORL staff also review and verify registrations when they are submitted to the Lobbyists Registry. Between April 1, 2018 and March 31, 2019, ORL staff requested that 129 registrants correct their returns.



## Active Registrations



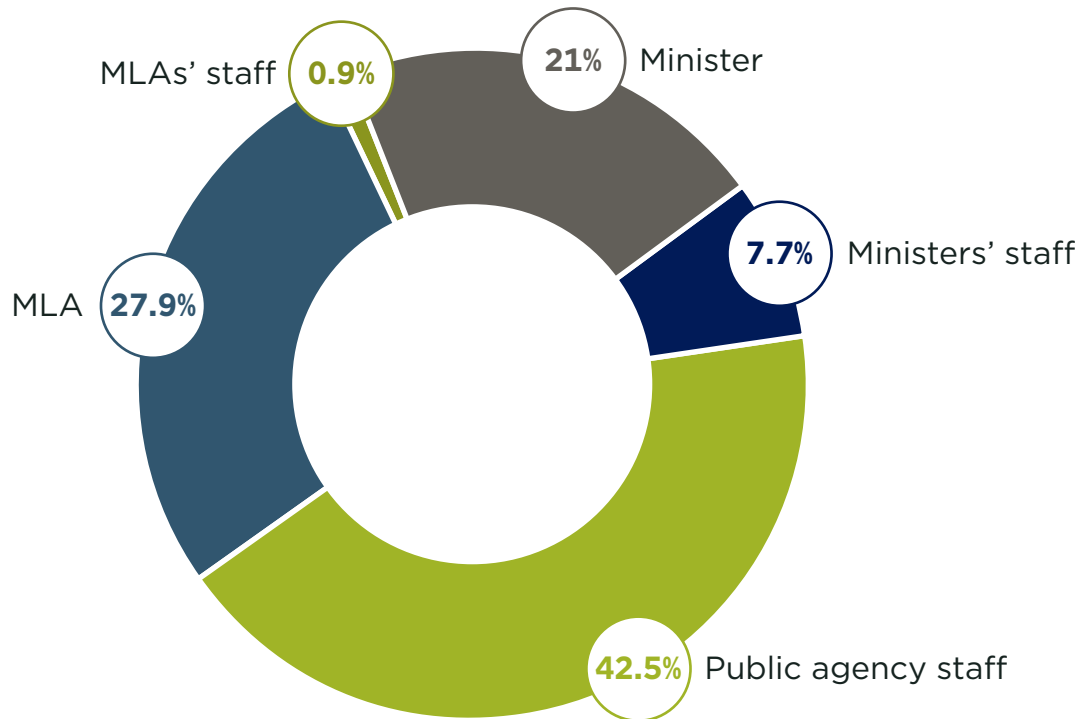
The LRA recognizes two types of lobbyists: **consultant lobbyists** (individuals who, for payment, undertake to lobby on behalf of a client) and **in-house lobbyists** (employees of organizations who lobby on behalf of their organization). An organization may have more than one in-house lobbyist.

“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 2016-17 and 2017-18 increased by 14% and by 13% between 2017-18 and 2018-19. There has been a steady increase in the number of organizations that register (by 8% from 2016-17 to 2016-17, and by 9% from 2017-18 to 2018-19). The number of registered in-house lobbyists has also increased (by 9% from 2016-17 to 2017-18 and by 12% from 2017-18 to 2018-19).

# YEAR IN NUMBERS

## Lobbying targets, 2018-19



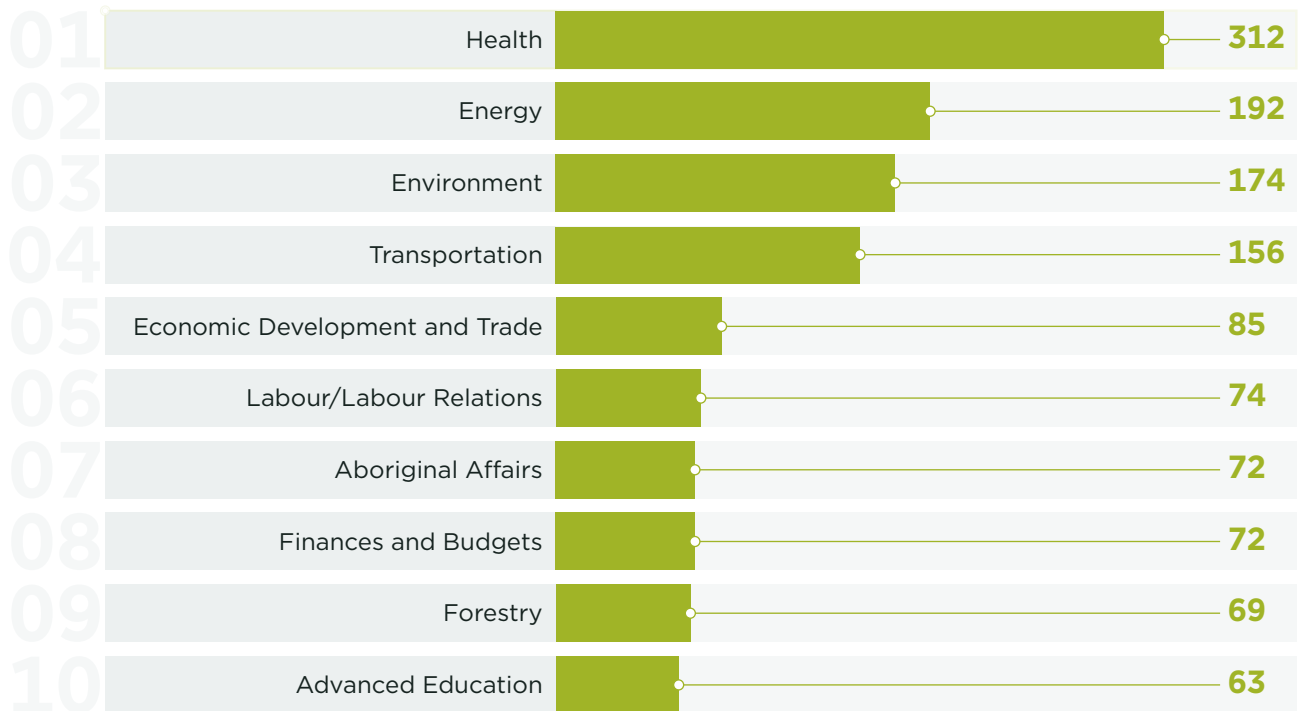
When registrants file a return, they must identify target(s) for their lobbying from a list of options, which include the following:

- Members of the legislative assembly (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 a MLA's office).

Members of the legislative assembly and Ministers together represent roughly half of all lobbying targets. In 2018-19, Public Agency staff were the most frequent targets, up 23% from 2017-18. Another change this year was the decrease in Ministers as lobbying targets, from 34.3% of all targets in 2017-18 to 21% in 2018-19. Members of the legislative assembly alone represent 27.9% of the total, down 4.6% from 2017-18.

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.

## Top 10 subject matters, 2018-19



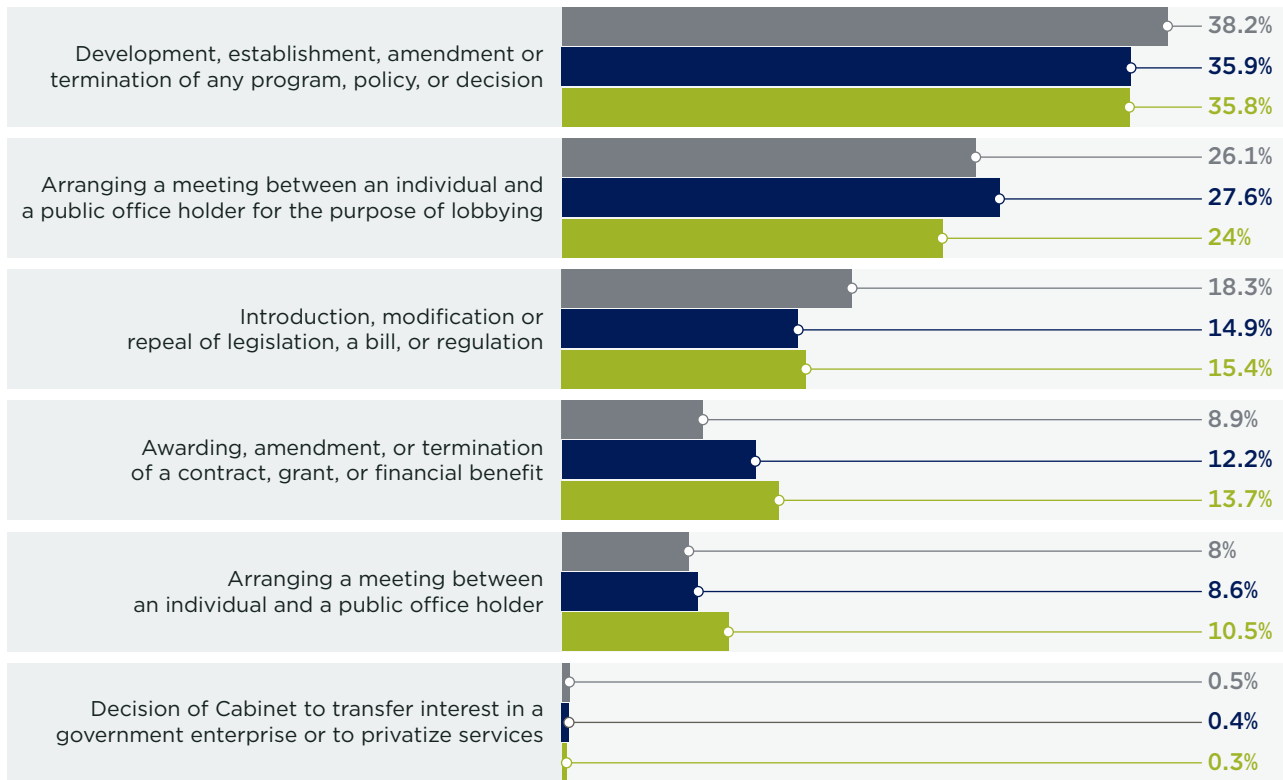
Registrants must also choose lobbying subject matters from a list of common issues, such as education, economic development, transportation and others.

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 seventh year in a row. “Finances and Budgets” and “Aboriginal Affairs” have also appeared in the top 10 in the past six years.

# YEAR IN NUMBERS

## Intended outcomes of lobbying



● 2016-17    ● 2017-18    ● 2018-19

“Intended Outcomes” are the results that lobbyists hope to achieve through their 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 part of the democratic process.

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.

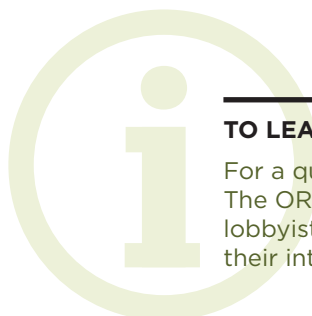
The two types of lobbyists are consultant lobbyists and in-house lobbyists. “Consultant lobbyist” means an individual who, for payment, undertakes to lobby on behalf of a client. “In-house lobbyist” means an employee, an officer or a director of an organization who receives payment for the performance 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:

Lobbying is an effort to communicate for payment with a public office holder. Lobbyists may, for example, attempt to introduce, repeal, or modify legislation, a bill or regulation. They might also try to develop, establish, change or end any program, policy or decision. Lobbyists may influence a decision to transfer interest in a government enterprise or to privatize services or influence the awarding, amendment or termination of a contract, grant or financial benefit (outside established procedures). For in-house lobbyists only, lobbying activity is defined as arranging a meeting with a public office holder for the purpose of lobbying. Lobbying also occurs when a consultant lobbyist arranges 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](http://lobbyistsregistrar.bc.ca).**

For a quick snapshot of new lobbyist registrations, check out “Who’s Lobbying Who.” The ORL publishes this monthly summary 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.



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For more information, please see the *2018-2019 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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