

INFLUENCING BC

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REGISTRAR'S MESSAGE

On Monday, November 25, 2019, the BC government published the *Lobbyists Transparency Regulation*. The regulation accompanies the 2018 amendments to the *Lobbyists Registration Act* that address, in part, my office's recommendations to increase transparency in lobbying.

The sections of the *Lobbyists Registration Amendment Act*, 2018, that have not yet come into force and the *Lobbyists Transparency Regulation* will come into force on May 4, 2020. At that time, the title of the current statute will change from the *Lobbyists Registration Act* to the *Lobbyists Transparency Act*, or LTA.

The LTA contains a number of significant changes, including the requirement for lobbyists to complete a Monthly Return of their lobbying activities in the previous month by the 15th of the next month. See our feature article below for details on the new regulation.

As we anticipate the coming into force of the LTA, we continue our efforts to ensure the new online Lobbyists Registry system will be ready to launch on May 4, 2020. At the same time, my staff are working on an educational campaign to make sure lobbyists, organizations, and the general public understand the changes to the Act, the regulations and the Lobbyists Registry. Watch the [Amendments](#) section of our website over the next several months for upcoming guidance documents and FAQs.

We are committed to making it as easy as possible for lobbyists to understand and comply with the new Act and regulations. Please don't hesitate to contact my team at info@bcorl.ca with questions or comments.

Michael McEvoy, Registrar of Lobbyists for British Columbia

FEATURE

Coming May 4, 2020

New lobbying regulations - what they mean for lobbyists

The new lobbying regulations are based on the amendments made to the *Lobbyists Registration Act* in the *Lobbyists Registration Amendment Act, 2018*. On May 4, 2020 the sections of the *Lobbyists Registration Amendment Act, 2018*, that have not yet come into force and the *Lobbyists Transparency Regulation* will come into force, and at that point the legislation will be titled the *Lobbyists Transparency Act (LTA)*. Some of the key rules the regulations round out include:

Gifts

While the LTA generally prohibits the giving of gifts, it provides certain limited exceptions. Where the gift or benefit is incident to protocol or social obligations, and if the gift or benefit is less than the prescribed amount, it is permitted. The regulations set that amount: a lobbyist may give or promise a gift or gifts to a public office holder so long as the value of the gift or gifts is valued at less than \$100 over the 12 months preceding the date the gift(s) is promised or given (and the gift or benefit is incident to protocol or social obligations). The date on which a gift or benefit was given and accepted, or promised to be given, will need to be entered in the lobbyist's Registration Return. Lobbyists will be required to make any relevant updates to their Registration Return when completing their Monthly Return.

Contributions toward lobbying activity

Lobbyists must report in their Registration Return any person or organization that has contributed more than \$1,000 to their lobbying activities in the preceding 12 months if that contributor has a direct interest in the outcome of the lobbying activity. Lobbyists will be required to make any relevant updates to their Registration Return, including for contributions to lobbying activities, when completing their Monthly Return.

The information included in Registration Returns and Monthly Returns

Lobbyists must include the intended outcome of their lobbying activities when they file their Registration Return *and* their Monthly Return.

The definition of "senior public office holder" in reference to a Provincial entity

Lobbyists that have lobbied a senior public office holder in the previous month must file a Monthly Return. A "senior public office holder" is defined in the LTA to include a number of positions. The regulations add the following positions in a Provincial entity to that definition:

- The most senior or next most senior ranking executive position of a Provincial entity;
- The chair or vice chair, or the equivalent position in, the governing body of a Provincial entity.

The determination of time spent lobbying

Organizations with fewer than six employees and whose lobbying is less than 50 hours in a 12 month period do not have to register in the Lobbyists Registry if the organization does not have has its primary purpose to represent the interests of its members or to promote or oppose issues. The calculation of time spent lobbying must take into account all activities related to carrying out a lobbying activity including preparation time.

The definition of a "relevant code of conduct"

If a lobbyist is bound by a relevant code of conduct that has an organization that is responsible for the administration of that code, then the lobbyist must include in their Registration Return that they are under an undertaking to comply with that code of conduct.

RECENT NEWS

Investigation and reconsideration reports

The ORL has the authority to investigate alleged lobbyist contraventions such as neglecting to register, failing to register, or reporting Registration Returns inaccurately or late. ORL investigators review the circumstances of the case, examine the evidence, and if the contravention is substantiated, levy an administrative penalty. Our Investigation and Reconsiderations Reports can be viewed on our website [here](#).

Who's Lobbying Who

[Who's Lobbying Who](#) is a monthly summary of lobbying activities in-house lobbyists for organizations and consultant lobbyists have or expect to carry out in BC. Each edition contains all new registrations submitted and activated during that particular month. View [Who's Lobbying Who](#) on the ORL website under Publications.

