

INFLUENCING BC

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ABOUT THE ORL

The Office of the Registrar of Lobbyists (ORL) carries out the mandate of the Registrar of Lobbyists under the *Lobbyists Transparency Act* (LTA). The ORL oversees, monitors, and enforces the LTA.

The LTA requires individuals and organizations who lobby public office holders and meet specific criteria to register their lobbying activities in an online public registry. You can search the Lobbyists Registry [here](#). The goal of the LTA is to promote transparency in lobbying and government decision-making by allowing citizens to know who is attempting to influence public office holders' decisions.

We publish *Influencing BC* to make lobbyists and members of the public aware of news related to lobbying in BC and the LTA.

Michael McEvoy is the Registrar of Lobbyists for BC.

REGISTRAR'S MESSAGE

Just over a year ago, amendments to the *Lobbyists Transparency Act* (LTA) came into force and the new Lobbyists Registry went live.

This important transition took place alongside the major changes we've all had to make in response to the COVID-19 public health crisis. It is to the credit of lobbyists, organizations and to the work of our Registry staff that the transition has been successful amid these challenging circumstances. I would like to take this opportunity to commend the lobbyist community for ensuring transparent, accountable lobbying in British Columbia. Thanks also for the feedback our office has received. It has been invaluable in helping us update the Registry to make it as user-friendly and efficient as possible.

In this issue, we are highlighting the LTA's prohibition on lobbyists giving gifts to public office holders they are lobbying. The prohibition serves the LTA's wider goal of ensuring transparency and accountability.

While the purpose of the prohibition may be obvious, its application regularly gives rise to questions. For example, do all gifts need to be declared in the registry? The answer is straightforward: gifts that lobbyists give or promise to public office holders they are lobbying are only permitted in very limited circumstances, and they *all* need to be declared in the Registry. One question we receive frequently is whether buying a meal for a public office holder is considered a permitted gift under the LTA. The answer is that it's not. This issue's Feature story goes into further detail regarding the gift prohibition.

Thank you again for your efforts and patience throughout this eventful first year of our updated lobbying regime in BC. Please contact us at info@bcorl.ca if you have any questions or comments.

Michael McEvoy, Registrar of Lobbyists for British Columbia

FEATURE: LTA'S GIFT PROHIBITION

The *Lobbyists Transparency Act* prohibits lobbyists from giving gifts to public office holders unless they fall within the narrow exceptions. See the ORL guidance on [Lobbyist Gifts](#).

What does the LTA say about gifts?

1. **Prohibition:** The LTA prohibits a lobbyist from giving or promising to give, directly or indirectly, any gift or other benefit to any public office holder the lobbyist is lobbying.
2. **Exception test:** Gifts from lobbyists to public office holders they are lobbying are only permitted under the LTA if they satisfy both criteria in this two-part test:
 - The gift is given or promised under the protocol or social obligations that normally accompany the public office holder's duties or responsibilities of office ; and
 - The total value of gifts given or promised to the public office holder by the lobbyist in accordance with protocol or social obligations over any given 12-month period is less than \$100.
3. **Reporting requirement:** The LTA requires that **ALL** gifts given or promised to be given by a lobbyist to **ALL** public office holders the lobbyist is lobbying must be declared – regardless of whether they satisfy the exception test.

Gifts and the LTA: Helpful reminders

1. Anything of value – given for free or at a reduced rate – may be considered a gift. This would include any product or service of value.
2. The value of a gift from a lobbyist to a public office holder they are lobbying does not determine whether it is permitted under the LTA.

3. If the gift does not meet the first part of the exception test, then it is prohibited, even if the value is less than \$100.
4. Even gifts or benefits that meet the exception test must be declared in the Lobbyists Registry.
5. Buying a meal for a public office holder is considered a gift under the *Lobbyists Transparency Act*. Buying lunch or dinner at a restaurant is not a permitted gift under the LTA. It does not meet the exception test for gifts under the LTA.
6. If you are providing a public office holder with anything that could be considered a gift, we recommend contacting our office **ahead of time** to request guidance.

REGISTRY CHANGES & NEW GUIDANCE DOCUMENTS

Completed changes in the Lobbyists Registry

1. **You can now save as you go when updating information in the ‘Government Funding’ and ‘In-house Lobbyist’ sections.**
If you need to update government funding entries or in-house lobbyist information, you’ll now be able to save what you’ve done and return to complete the rest later. (Previously, you had to update all information in these sections before any updates could be saved).
2. **We’ve clarified the Dashboard messages about Pending registrations.**
In response to your feedback, we’ve updated the messages you receive about “Pending registrations.” Here are the descriptions you’ll see now:
 - **Incomplete:** You started an update (or a new Registration Return) but have not entered information into all required fields.

<input type="radio"/> Pending registration: Incomplete Delete	Lobbying Activity Reports: View Add new
Active registration: View End activity	

- **Requires Certification:** You entered information into all required fields but still need to Certify & Submit your Registration Return to the Registry for review.

<input type="radio"/> Pending registration: Requires certification Delete	Lobbying Activity Reports: View Add new
Active registration: View End activity	

- **Correction required:** Registry staff require you to make corrections to the Registration Return you submitted. Make the corrections and resubmit.

<p>⚠ Pending registration: Correction required by 2021-04-29</p>	<p>Lobbying Activity Reports:</p>
<p>Active registration: View End activity</p>	<p>View Add new</p>

Note: Active registration refers to the most recent version of your Registration Return that has been accepted by Registry Staff.

If you haven't begun an update, you'll see "No pending registration exists" above the Active registration links.

<p>No pending registration exists.</p>	<p>Lobbying Activity Reports:</p>
<p>Active registration: View Update registration if required End activity</p>	<p>View Add new</p>

Notice of upcoming change in declaring certain coalition activities in Lobbying Activity Reports

An upcoming Registry change will help streamline the process for declaring certain coalition activities and increase transparency around them.

Who does this apply to?

Organizations that have declared they are members of coalitions in their Registration Returns. It may also be relevant to consultant lobbyists who have declared their client is a member of a coalition.

If your organization (or client) has not declared membership in a coalition, this change does not affect you.

What is changing?

When submitting your Lobbying Activity Reports, you'll be asked whether the lobbying activity was a letter sent on behalf of one or more of the organizations you've listed as members of the coalition in your Registration Return. If you answer yes to this question, you will need to select the names of the coalition members who participated in this lobbying activity. The names of the member organizations that were part of this lobbying effort will then be searchable in the Lobbyists Registry.

Only the organization taking the lead on a letter would answer yes to this question (please see the question on the bottom of page 5 of the [Coalition Guidance Document](#).)

This change makes coalition lobbying more transparent, as the public will now be able to search for member organizations and see both the Registration Returns and the Lobbying Activity Reports associated with them. It also reduces administrative work for organizations acting in coalition by permitting the coalition activity to be entered once by the lead organization instead of by each of the coalition members.

The ORL will contact those organizations (and consultant lobbyists) affected by this change to provide more details about what they can expect.

New overview guidance document released

[Getting Started – Reference Guide](#) answers common questions about lobbying in BC and provides the framework to help you understand how the various parts of the Lobbyists Registry work together.

Provincial Entities guidance updated

Our [Provincial Entities guidance](#) was updated on May 12th to specify that the following health authorities listed in the [BC Government list of taxpayer supported crown corporations & agencies](#) are government corporations: Northern Health Authority; Interior Health Authority; Fraser Health Authority; Vancouver Coastal Health Authority; Vancouver Island Health Authority; Provincial Health Services Authority.

This means that all officers, directors and employees of these health authorities are public office holders and that lobbying directed at them is required to be reported in the registry.

The reporting requirements for lobbying of public office holders in these health authorities are:

Registration Return

- If you lobby any officers, directors or employees of these health authorities, you must identify the health authority in Step 7 of the Registration Return, “Public Agencies and Members of the BC Legislative Assembly Information” (see screen below).
- You do not need to identify the individuals being lobbied in your Registration Return.

Step 7 of 7: Public Agencies and Members of the BC Legislative Assembly Information

Select the Ministries/Provincial Entities the in-house lobbyists intend to lobby or have already lobbied. Ensure that your choice of public agencies corresponds to the Subject Matter and Details you have provided. If the lobbyists intend to or have lobbied MLA(s), you must choose the category **Member(s) of the BC Legislative Assembly** from the drop-down list.

[Guidance on Provincial Entities](#)

Mandatory fields are indicated by an asterisk (*).

Ministries/Provincial Entities

Note: The list of Provincial entities is not definitive. Is it up to each lobbyist to determine if the agency being lobbied is a Provincial entity. Responsibility for compliance with the LTA remains with the lobbyist.

Please [contact the ORL Office](#) if you believe the agency you are lobbying needs to be added to the drop-down list.

* Ministries/Provincial Entities:

Northern Health Authority x Interior Health Authority x Fraser Health Authority x
Vancouver Coastal Health Authority x Vancouver Island Health Authority x Provincial Health Services Authority x

Click the **Save** button to view the Registration Summary.
Click the **Cancel** button to return to the Registration Summary without saving any changes to this page.

Save Cancel

Lobbying Activity Report

- You are required to file a Lobbying Activity Report if you lobby the **most senior/next most senior ranking executives** of the health authority or the **chair or vice-chair (or equivalent)** of the health authority's governing body.
- You do not need to file a Lobbying Activity Report when you lobby any other officers, directors or employees of the authority.

All of the Registrar's guidance documents can be viewed on our website [here](#).

REMINDER: REPORTING DEADLINES ON WEEKENDS/HOLIDAYS

Monthly Returns are due by the 15th of each month. When the 15th falls on a Sunday or a statutory holiday, the deadline becomes the next business day. For the remainder of this year, that will only happen once: August 15 is a Sunday, so that month's reporting deadline is August 16.

Under the [Interpretation Act](#), Saturdays are **not** holidays. When the 15th falls on a Saturday, as it did this May 2021, the deadline does not change. The Registry is available 24 hours a day, seven days a week for your reports.

FREQUENTLY ASKED QUESTIONS

Have a question, but can't find the answer here or in our online [FAQs](#)? Try entering a keyword phrase in the new search box on the [FAQ homepage](#). We have also added a number of new FAQs on government funding to the FAQ page.

Below are a few of the most common questions we've received since the last issue of Influencing BC.

Senior public office holders

Are “senior public office holders” different from “public office holders”?

Yes. “Senior public office holders” are a subset of “public office holders”. While your registration return identifies lobbying directed at “public office holders”, lobbyists must complete a **Lobbying Activity Report** for any lobbying directed at “senior public office holders”.

“Senior public office holders” include the following:

- premier and ministers (members of the Executive Council)
- staff of premier/staff of ministers (other than administrative support staff)
- MLAs
- staff of MLAs (other than administrative support staff)
- parliamentary secretary
- deputy minister, chief executive officer or a position of comparable rank in a ministry
- associate deputy minister, assistant deputy minister or a position of comparable rank in a ministry
- senior or next most senior ranking executive position of a Provincial entity
- chair or vice chair of, or the equivalent position in, the governing body of a Provincial entity.

We are lobbying public office holders at the executive director/manager level but no one who meets the definition of senior public office holder. How do we record that in the Lobbyists Registry?

When you are lobbying any public office holder, make sure you have included their Ministry or Provincial entity in the Public Agencies section of your **Registration Return**. You do not identify individual public office holders in your **Registration Return**.

You only need to file a **Lobbying Activity Report** if you have lobbied a senior public office holder.

RECENT NEWS

Who's Lobbying Who

Who's Lobbying Who is a brief monthly summary of new and reactivated registrations. Click [Who's Lobbying Who](#) to view the reports on the ORL website.

To view full details of all Registration Returns, you can search the [Lobbyists Registry](#). For screenshots of various ways to search the Lobbyists Registry, see [Getting Started - Reference Guide](#) pages 26 - 27.

Investigation Reports and Reconsiderations

The ORL has the authority to investigate alleged lobbyist contraventions such as failing to register, or reporting information inaccurately or late. ORL investigators review the circumstances of each case, examine the evidence, and if the contravention is substantiated, levy an administrative penalty. Previous investigation and reconsiderations reports can be viewed on our website [here](#).

Investigation Report 20-02

A consultant lobbyist failed to declare his status as a former public office holder in 13 client registrations contrary to s. 4(1)(o) of the Lobbyist Registrations Act. The lobbyist received an administrative penalty of \$3,500.

Investigation Report 20-03

A consultant lobbyist was found to be in contravention of section 3(1) of the Lobbyists Registration Act (LRA) for failing to file a return within 10 days of entering into an undertaking to lobby on behalf of their client. An administrative penalty of \$500 was imposed.

