

INFLUENCING BC

March 2022, Volume 12, Issue 1

IN THIS ISSUE

[About the ORL](#)

[Registrar's message](#)

[Feature: LTA amendments](#)

[Registry changes](#)

[Tips for using the Registry](#)

[Updated guidance documents](#)

[Frequently asked questions](#)

[Reporting dates for 2022](#)

[Recent news](#)

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 maintains a lobbyists registry, educates lobbyists, public office holders and the public about lobbying rules, 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

Two years ago, our team was counting down the days until May 4, 2020, when sections of the *Lobbyists Registration Amendment Act, 2018*, would amend the *Lobbyists Registration Act*, including a title change to the *Lobbyists Transparency Act*, or LTA. The preparation for that day was considerable as we put the final touches on the new Lobbyists Registry, guidance documents and updated the ORL website. And then, to further complicate matters in the weeks leading up to the enactment of the amendments, a public health emergency was declared because of the COVID pandemic. It was, to put it mildly, a challenging time handled with extraordinary professionalism by the ORL team.

In the two years since the passage of the LTA, we have continued to make refinements to the Registry so that it is more intuitive for lobbyists and the public to use. In this issue of *Influencing BC*, we update you on one of those changes and offer some helpful Registry tips. In addition, we share news about the amendments to the legislation that were announced recently by the BC Government.

We also highlight our updated guidance documents, offer some FAQs about gifts, provide an update on recent news and, with the upcoming Easter statutory holidays, share a timely reminder about 2022 reporting dates.

We hope you enjoy this content. Please contact us at info@bcorl.ca if you have any questions or comments.

Michael McEvoy, Registrar of Lobbyists for British Columbia

NEW LTA AMENDMENTS

The BC Government recently made some amendments to the *Lobbyists Transparency Act* (LTA) and the *Lobbyists Transparency Regulation* (LTR) regarding exempt organizations and requirements.

Exempt organizations

Three BC regulatory authorities are now exempt (as of February 22, 2022) from the application of the LTA and are no longer subject to its requirements when engaged in activities conducted under an administrative agreement with the BC Government. They include:

- *Consumer Protection BC*
- *Technical Safety BC*
- *Vehicle Sales Authority*

Order in Council (OIC) [0086-2022](#) amends the [Lobbyists Transparency Regulation](#) (LTR) by prescribing persons “who have entered into an administrative agreement,” as defined by seven different acts, as being exempt from the application of the LTA.

The seven acts listed in the OIC name different “authorities” with whom the responsible minister can enter into administrative agreements. These agreements permit the authorities to carry out certain functions and powers under the respective act.

For the purposes of the LTA, the relevant authorities named in these acts are: *Consumer Protection BC*, *Technical Safety BC* and the *Vehicle Sales Authority*.

These three authorities act as regulatory bodies in the province, overseeing the professional standards of their respective sectors.

As part of the administrative agreements with their respective Ministries, these authorities are required to consult regularly with government, provide recommendations, and advise on courses of action.

These authorities meet the LTA definition of non-profit “organizations”. As such, prior to this amendment they were required to register their communications with government as lobbying, despite acting as an extension of the government’s regulatory system.

Going forward, the amendment means that when acting in the context of their administrative agreements, these authorities will not be required to register their communications with their respective Ministries in the Lobbyists Registry.

Partnerships BC now Infrastructure BC

The order also makes an additional minor amendment to update the Regulation, striking out “Partnerships British Columbia Inc.” from the appendix and substituting “Infrastructure BC Inc.”

In December 2020, the crown corporation *Partnerships BC Inc.* changed operations to *Infrastructure BC Inc.* The amendment updates the table of provincial entities in the Appendix to the LTR to reflect the name change. It does not impact the application of the LTA.

REGISTRY CHANGES

Auto-complete function

The ORL recently added a new auto-complete function to the Registry in the Lobbying Activity Report process. This feature allows you to easily access senior public office holders from the Lobbying Activity Reports previously entered, a feature that will save time for lobbyists.

If you have entered a particular senior public office holder three or more times, the Registry will provide the name and position title as you had previously entered. If a senior public office holder has been entered into a Lobbying Activity Report (by any filer) five or more times, you will be presented with the name only.

You may either:

- select the senior public officer holder name and review the associated position title information (if provided) to ensure the information is accurate. If you select a suggested entry, you can always edit the content if required;
- or, ignore the suggestions and complete the form manually.

Keep in mind this list is not exhaustive and compliance with the LTA remains with each lobbyist.

TIPS FOR USING THE REGISTRY

Tip 1: Adding information to a Lobbying Activity Report

You are able to add new lobbying topics, public agencies being lobbied, and in-house lobbyists during the process of completing a Lobbying Activity Report. This new information will not be attached to your active Registration Return, but will automatically be added to the **next** update to your Registration Return.

To complete the process, you must *certify and submit the updated Registration Return to the Registry, on or before the next deadline for Monthly Returns.*

Filers will not have met their reporting requirements until they have certified and submitted the updated Registration Return, which must be done before the Monthly Return deadline (the 15th of the month following the month in which the change occurred). Non-compliance could result from late submission of a Registration Return update that included new information added through a Lobbying Activity Report. See [User Guide – Consultant Lobbyist Registrations](#) or [User Guide – Organization Registrations](#) for the steps to review and submit the updated Registration Return.

Tip 2: Termination or completion of lobbying

The *Lobbyists Transparency Act* requires lobbyists to terminate their Registration Return, or remove the names of their in-house lobbyists, once the lobbying is completed.

When do I need to terminate a Registration Return?

If you are a consultant lobbyist, you must advise the Lobbyist Registrar that you have completed or terminated an undertaking to lobby on behalf of a client within 30 calendar days. This means that if the client has stopped paying you to lobby, you must terminate your Registration Return in the Registry. (Note: If or when the client retains your services again, you must reactivate your Registration Return within 10 calendar days of when you begin to lobby on behalf of the client.)

If you are the most senior officer of an organization, you must remove the names of in-house lobbyists from your Registration Return within 30 days of their ceasing to lobby. You must also terminate your Registration Return when you no longer employ any in-house lobbyists. (Note: If, or when, your organization starts lobbying again, you must re-activate your Registration Return within 10 calendar days.)

How do I submit a termination?

Sign in to the Registry, click on the “End registration” link beside the Registration Return you wish to end and follow the prompts.

If you are a consultant lobbyist, you will be asked to enter the date on which the lobbying activity for this client ceased.

If you are the most senior officer for an organization, you will be asked to list the date that your organization no longer employed any in-house lobbyists (the date on which your organization ceased lobbying).

UPDATED GUIDANCE DOCUMENTS

Two updated guidance documents

The [Provincial Entities](#) document has been updated and provides guidance on the term “Provincial entity” as it is used in the *Lobbyists Transparency Act*.

The [Lobbyists Gifts](#) guidance document has been updated with information about sponsored travel.

A full list of all of the Registrar's guidance documents can be viewed on our [website](#). Our goal is to develop documents that are accessible and understandable to everyone. We welcome your feedback. Please be in touch: info@bcorl.ca

FREQUENTLY ASKED QUESTIONS

Here are some common questions about gifts that we have received since the last issue of Influencing BC.

1. What are the three key elements of the LTA regarding gifts?

Prohibition: The LTA prohibits a lobbyist from giving or promising to give, directly or indirectly, any gift to any public office holder the lobbyist is lobbying.

Exception test: A gift to a public office holder whom the lobbyist is lobbying is only acceptable if it meets both parts of the two-part test in the LTA:

- The gift is given or promised under the protocol or social obligations that normally accompany the duties or responsibilities of office of the public office holder; 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.

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—including those that qualify for the exception.

2. What is considered a gift?

A gift is anything of value given or promised for free or at a reduced rate.

Gifts may include:

- Meals, beverages or other hospitality
- Invitations to receptions
- Money in any form (cash, cheque, bank draft, gift certificate)
- Tangible gifts such as gift baskets, alcoholic beverages, flowers, chocolate, art, or jewelry
- Tickets to sporting, cultural, or speaking events
- Box seats
- VIP passes not available to the public
- A service (spa, ski pass)
- Use of property or facilities (use of a vehicle, golf facilities, hotel room, residence, or other accommodation)
- Sponsored travel (including flights, ferry, taxi, parking, accommodation or any other travel-related expenses)

For more information, see [Lobbyist Gifts](#).

2022 REPORTING DATES

Add to your calendar

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 day that is not a Sunday or statutory holiday.

Upcoming 2022 dates that Monthly Returns are due

- Saturday, April 16 (15th is a statutory holiday)
- Monday, May 16 (15th is a Sunday)
- Wednesday, June 15
- Friday, July 15
- Monday, August 15
- Thursday, September 15
- Saturday, October 15
- Tuesday, November 15
- Thursday, December 15

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](#).

