

INFLUENCING BC

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IN THIS ISSUE

[About the ORL](#)

[Registrar's message](#)

[Election Q & As](#)

[Time to update contribution information](#)

[Potential name changes ahead](#)

[Updated guidance](#)

[Reporting dates for 2024](#)

[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](#)¹. 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.

The ORL publishes [Influencing BC](#)² to provide news on lobbying in BC and the LTA to lobbyists and members of the public.

Michael Harvey is the Registrar of Lobbyists for BC.

REGISTRAR'S MESSAGE

Lobbyists throughout BC will undoubtedly be watching the BC provincial election with great interest. The results of the election – the individuals elected, and the policy priorities they advocate – will help determine the direction of lobbying efforts.

There are requirements and considerations under the *Lobbyists Transparency Act* for lobbyists to be aware of during the course of the election period. In this special edition, we outline these obligations and highlight some common questions.

You will also find links to our recently updated guidance, two Decisions, and other news.

I trust you will find this content helpful in navigating lobbying requirements during this time. Please contact us at info@bcorl.ca if you have any questions about the election or other comments.

Michael Harvey, Registrar of Lobbyists for BC

ELECTION Q & As

During an election, MLAs cease to be members of the Legislative Assembly from the moment the House is dissolved by the Lieutenant Governor, which typically coincides with the issuance of the election writ. This raises questions for lobbyists and designated filers about reporting requirements. Here are some of the most frequently asked questions from lobbyists.

Do I need to register lobbying activities during an election?

Yes. The LTA requires lobbying information to be registered in the Lobbyists Registry when public office holders and senior public office holders are being lobbied. While MLAs cease to be public office holders once the House is dissolved, there are many other public office holders and senior public office holders, such as the Premier and Ministers, who remain in those roles. In addition, there are public office holders and senior public office holders that are not elected officials, such as staff or Deputy Ministers. You must indicate lobbying of those public office holders in your Registration Return and lobbying of other senior public office holders in your Monthly Return.

Do I need to report lobbying of a candidate in the Lobbyists Registry?

No. An unelected candidate is not a public office holder nor a senior public office holder and you're not required to register lobbying them. However, if elected, a candidate becomes a senior public office holder. Designated filers must submit information to the Lobbyists Registry about lobbying communications with an MLA that happens from the date the candidate is elected.

Candidates are not public office holders; do gifts promised or given to candidates need to be registered?

Lobbyists should exercise caution when promising or giving gifts to candidates during an election period. Although the LTA's gift prohibition and reporting requirements do not apply to gifts provided to candidates who are not public office holders, candidates become public office holders if elected. If a lobbyist promises or gives a gift to a candidate who then becomes a public office holder and is lobbied by the organization employing the lobbyist (or by the consultant lobbyist), the gift would be subject to the gift prohibition and reporting requirements. For more information on the LTA's gift prohibition and reporting requirements see [Lobbyists Gifts and Other Benefits](#)³.

Do I need to report lobbying of Ministers and the Premier during an election period?

Yes. Ministers and the Premier, while not MLAs, remain members of the Executive Council (ie: Cabinet) during an election and any lobbying communications with them should be reported as they are senior public office holders under the LTA.

What responsibilities do lobbyists have if they volunteer during an election?

During an election, designated filers are required to continue to register lobbying communications in the Lobbyists Registry. While MLAs cease to be MLAs, designated filers continue to be required to register lobbying of other public office holders and senior public office holders.

Communications with a candidate who is a public office holder or a senior public office holder only need to be submitted to the Lobbyists Registry if the communication is lobbying. If a lobbyist is communicating with a candidate or another campaign volunteer who is also a public office holder or senior public office holder about campaign matters that are not lobbying matters, those communications do not need to be submitted to the Lobbyists Registry.

For more information, please see the newly updated [Guidance for Lobbyists During an Election](#)⁴.

TIME TO UPDATE CONTRIBUTION INFORMATION

The writ for the 2024 election is scheduled for September 21. Filers are required to update the information in their Registration Returns about political, sponsorship, or recall contributions made since this date by a lobbyist or client named in the Registration Return. Filers will be unable to complete their next Lobbying Activity Report until this information has been updated.

For further information and assistance, please see the guidance document: [How to report political, sponsorship, and recall contributions in the Lobbyists Registry](#)⁵.

POTENTIAL NAME CHANGES AHEAD

MLA names will be updated by the ORL in the Lobbyists Registry after the election so that lobbyists can select them with ease when filing Lobbying Activity Reports.

In addition, Ministry names may change in the week following the provincial election, as a government with a new electoral mandate often decides to change the structure of government when appointing a new Cabinet. In that event, please ensure that you update your Registration Returns accordingly, selecting the new Ministry names in Step 7 of 7 of your Registration Return (Public Agencies and Members of the BC Legislative Assembly) and then removing the incorrect names (click on the “x” behind the former Ministry names in your list).

UPDATED GUIDANCE

The ORL has updated the following three guidance documents:

[Lobbyist Gifts and Other Benefits](#)⁶

This guidance was revised on June 7, 2024 to provide information around donations in lieu of tangible gifts.

[Political, sponsorship, and recall contributions](#)⁷

This guidance document explains the *Lobbyists Transparency Act* (LTA) requirements for lobbyists in relation to political contributions, sponsorship contributions, and recall contributions.

[How to report political, sponsorship, and recall contributions in the Lobbyists Registry](#)⁸

This guidance details how to report political, sponsorship and recall contributions in the Lobbyists Registry.

All guidance documents can be viewed [here](#)⁹.

The [Frequently Asked Questions](#)¹⁰ page on the ORL website also provides information on many topics, including the Registry, lobbying, compliance, arranging meetings, gifts, registration returns, among others.

IMPORTANT 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. You can submit your Monthly Return earlier than the 15th of the month; we encourage lobbyists to submit their Monthly Return in the first week of the new month in case any issues are encountered, or any questions arise.

Upcoming 2024 due dates for Monthly Returns:

- Tuesday, October 15
- Friday, November 15
- Monday, December 16

RECENT NEWS

Registry news

A recent update to the Registry allows designated filers to copy an existing Code of Conduct to a new in-house lobbyist as they are added to the Registration Return, saving designated filers time when adding new in-house lobbyists.

Who's Lobbying Who

Who's Lobbying Who is a monthly summary of lobbying activities that in-house lobbyists for organizations and consultant lobbyists for clients have carried out or expect to carry out in BC. Each edition contains all new Registration Returns submitted and activated during the previous month.

All monthly reports are available on the [Who's Lobbying Who](#)¹¹ (page on the ORL website).

Reports of Non-Compliance, Reconsideration Reports, and other Decisions

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. The LTA contains a provision for reconsideration of Decisions by the Registrar.

Previous reports of non-compliance, reconsideration, and exemption decision reports can be viewed on our website under [Decisions](#)¹².

[Exemption Decision 24-01](#)¹³

From late 2022 to late 2023, the applicant served as Assistant Deputy Minister, Government Digital Experience, in the Ministry of Citizens' Services. Prior to this, the applicant was an executive lead in the Ministry of Agriculture and Food. In November 2023, the applicant started working for British Columbia Ferry Services Inc. (BC Ferries) on a secondment from the provincial government as Executive Director of Communications. He became a full-time employee of BC Ferries on April 8, 2024. The applicant's request to be exempted from the two-year prohibition on lobbying under s. 2.3 of the *Lobbyists Transparency Act* is granted. The ultimate ownership of BC Ferries rests with the province, which means the applicant is moving from a government body to a government-owned body. To the extent BC Ferries might be said to gain advantage from the proposed lobbying activity, the public should be the ultimate beneficiary. In these circumstances, the Registrar found it in the public interest to grant the applicant an exemption from the two-year prohibition on lobbying.

[Determination Decision 24-02](#)¹⁴

The designated filer failed to submit AbCellera Biologics Inc.'s (ABI) Registration Return within 10 days of the date the organization first has an in-house lobbyist, contrary to section 3(3) of the *Lobbyists Transparency Act* (LTA). The designated filer was issued an administrative penalty of \$3,500 for the contravention.



Resources referenced in this edition:

¹ <https://www.lobbyistsregistrar.bc.ca/app/secure/orl/lrs/do/guest>

² <https://www.lobbyistsregistrar.bc.ca/resources/influencing-bc/>

³ <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=345>

⁴ <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=400>

⁵ <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=403>

⁶ <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=345>

⁷ <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=367>

⁸ <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=403>

⁹ <https://www.lobbyistsregistrar.bc.ca/resources/guidance-documents/>

¹⁰ <https://www.lobbyistsregistrar.bc.ca/resources/frequently-asked-questions/>

¹¹ <https://www.lobbyistsregistrar.bc.ca/the-registry/whos-lobbying-who/>

¹² <https://www.lobbyistsregistrar.bc.ca/decisions/>

¹³ <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=503>

¹⁴ <https://www.lobbyistsregistrar.bc.ca/handlers/DocumentHandler.ashx?DocumentID=510>