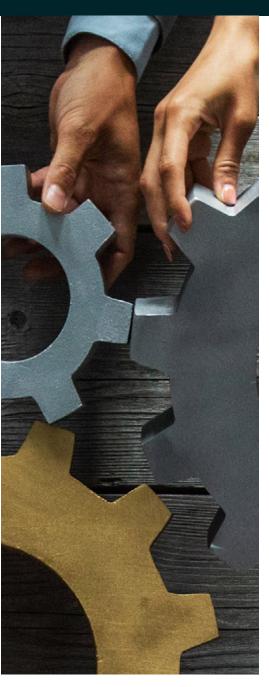
Office of the Registrar of Lobbyists for British Columbia







July 2025
Statutory Review

SUBMISSION TO THE SPECIAL COMMITTEE TO REVIEW THE LOBBYISTS TRANSPARENCY ACT

office of the registrar of lobbyists
BRITISH COLUMBIA

WHO WE ARE

Established in 2004, the Office of the Registrar of Lobbyists provides independent oversight and enforcement of BC's provincial lobbying law:

•The *Lobbyists Transparency Act* (LTA) requires individuals and organizations who lobby public office holders and meet specific criteria to register lobbying activities in an online registry.

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's mandate is to establish and maintain the Lobbyists Registry; to educate and inform lobbyists and the public about the LTA; and to oversee, promote, monitor, and enforce the LTA.

Michael Harvey is BC's Registrar of Lobbyists.

The Office of the Registrar of Lobbyists for BC respectfully acknowledges that its office is located on the traditional territories of the Lekwungen people of the Songhees and Esquimalt Nations.

As an Officer of the Legislature, the work of the Registrar spans across British Columbia, and the ORL acknowledges the territories of First Nations around BC and is grateful to carry out our work on these lands.



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The Special Committee to Review the Lobbyists Transparency Act (the Special Committee) was appointed on April 30, 2025, to conduct a review of the *Lobbyists Transparency Act* (LTA) and report back to the Legislative Assembly by May 4, 2026.

The Legislative Assembly is required to review the LTA every five years, a requirement that has been in place since portions of the *Lobbyists Registration Amendment Act, 2018* came into force on May 4, 2020. This review will be the first of its kind.

This document provides background from my office to the Special Committee, to assist its deliberations and recommendations for British Columbia's lobbying law. My office will later submit a package of recommendations for consideration by the Special Committee.

The statutory review process is necessary to ensure that the legislation continues to achieve its purposes in a changing lobbying landscape.

The LTA promotes transparency in lobbying and government decision-making by allowing the public to know who is attempting to influence decisions made by public office holders in British Columbia.

Since 2020, the LTA has been regarded as one of the leading pieces of lobbying legislation in Canada. The disclosure requirements brought into effect in 2020 have served to support the integral role lobbying plays in informing sound public policy while helping protect public trust in government institutions.



Still, five years working with the amendments has shown that improvements can still be made – particularly when it comes to ensuring lobbyists can understand and meet their obligations under the Act.

My office looks forward to supporting the Special Committee's work and to assist in realizing the recommendations that result from its work.

Michael Harvey

Registrar



INTRODUCTION

Framework of the *Lobbyists Transparency Act*

Government transparency is fundamental to a well-functioning democracy. When the public knows the basis on which government makes decisions they can engage in informed debate and make knowledgeable choices.

The transparency purpose of the *Lobbyists Transparency Act* (LTA) allows the public to scrutinize who is seeking to influence government decisions. By doing so, it safeguards trust in government institutions and recognizes the important functions that lobbying plays in a democracy.

The LTA sets out the regulatory framework for lobbying activities in British Columbia. Its purpose is to promote transparency in who is trying to influence BC public office holders.

Under the LTA, lobbyists are required to declare details of their lobbying activities in an online Lobbyists Registry, including who and what they aim to influence. Details of the lobbying activities submitted to the Registry from 2010 onwards are publicly accessible and searchable 24 hours a day, seven days a week.

The LTA also establishes the role of the Registrar of Lobbyists. The Information and Privacy Commissioner, an officer of the Legislature, is designated the Registrar of Lobbyists under the LTA.¹

The Registrar is responsible for general oversight of lobbying in accordance with the LTA, including mandates to establish and maintain the Lobbyists Registry, to educate and promote awareness and

understanding of the LTA, and to monitor and enforce the lobbying rules.

History of lobbying legislation in British Columbia

Legislation governing lobbying in British Columbia was introduced in 2001 with the *Lobbyists Registration Act* (LRA), which designated the Information and Privacy Commissioner of BC as Registrar of Lobbyists.² The LRA required lobbyists to submit information to the Registrar about their business activities, what subject matters they lobbied on, and which public office holders or government institutions they lobbied. The role of the Registrar included maintaining a public Registry and verifying, accepting or refusing registrations submitted by lobbyists.

In 2010, amendments came into force which expanded the mandate of the Registrar to include the authority to promote awareness and understanding of the Act through public education and to investigate and administer monetary penalties for contraventions of the LRA.³ At the same time, the online Lobbyists Registry was created, enhancing public access to information about who is lobbying who, and about what.

In 2018, a key amendment to safeguard public trust in government institutions came into effect.⁴

This amendment brought in a two-year 'cooling off period' whereby certain "former public office holders" are prohibited from lobbying for a period of two years after leaving office. Former public office holders to whom the cooling off period applies can apply for an exemption, which

¹ Section 7, Lobbyists Transparency Act, SBC 2001, c 42.

² Lobbyists Registration Act, SBC 2001, c 42. In force 28 Oct 2002.

³ Lobbyists Registration Amendment Act, 2009, SBC 2009, c 31. In force 1 Apr 2010.

^{4 &}lt;u>Lobbyists Registration Amendment Act.</u> 2017, SBC 2017, c 19. In force 1 May 2018 [amended by SBC 2018 c 52. In force 27 Dec 2018].

the Registrar may grant if they are satisfied it is in the public interest.

On May 4, 2020, further amendments came into effect which renamed the LRA the *Lobbyists Transparency Act.*⁵ With these amendments, the legislators took steps to enhance transparency and safeguard public trust in government decision-makers and the practice of lobbying.

A key update was establishing rules that regulate gift-giving by lobbyists to public office holders. These rules mitigate against the prospect of undue influence by prohibiting lobbyists from promising or giving gifts to public office holders they are lobbying, except in very narrow circumstances.

The May 2020 amendments also enhanced transparency by introducing a requirement for lobbyists to update their registration information with additional details about lobbying activities via a "Monthly Return".

These returns require lobbyists to submit details about lobbying communications with "senior public office holders" that occurred the month prior, providing the public with timely, detailed information of lobbying activities directed at senior officials working in government and government-controlled entities.

The amendments also established a level playing field for lobbyists by harmonizing the registration requirements for both consultant and in-house lobbyists. Under the LRA, organizations were not required to register in the Lobbyists Registry until the collective effort of their in-house lobbyists reached 100 hours over a 12-month period – but consultant lobbyists were.

This two-tiered system, whereby consultant lobbyists were subject to more stringent

regulatory requirements than organizations, obscured transparency by allowing for considerable amounts of lobbying by organizations to go unreported. It also undermined equitable treatment of those subject to the law and suggested that consultant lobbyists required more scrutiny than organizations that lobby.

With the 2020 amendments, the 100-hour threshold for organizations was eliminated, which harmonized the registration requirements of both consultant and in-house lobbyists. One of the transparency features the LTA since these amendments is its level playing field where all lobbyists – be they consultant lobbyists or in-house lobbyists working for organizations – are treated the same. In doing so, the LTA provides the public with better transparency of the lobbying being conducted in this province than the LRA provided.

More recent amendments to the LTA, which came into effect on May 27, 2025, aimed to simplify the reporting requirements for lobbyists by eliminating the requirement to report government funding their organization or client has requested and extending the deadline to report government funding that is *received*.⁷

The amendments also clarified the reporting requirements for lobbyists and organizations that work together with other entities for the purpose of lobbying, and the information that must be filed when a consultant lobbyist or organization ceases lobbying.

It is too soon to assess the impact of these amendments, but the ORL believes amendments that are designed to make the LTA's disclosure requirements clear and easy to understand can result in increased compliance and more complete transparency for the public.

^{5 &}lt;u>Lobbyists Registration Amendment Act, 2018</u>, SBC 2018, c 52. In force 4 May 2020.

^{6 &}quot;Senior public office holder" is defined in section 4.2 of the LTA and includes members of the Executive Council and their staff, members of the Legislative Assembly and their staff, parliamentary secretaries, senior ministerial executives, and senior officers and senior board members of Provincial entities.



Scope of the Lobbyists Transparency Act

The fundamental purpose of the LTA is to provide the public with transparency of lobbying activities directed at the Provincial government level in British Columbia. It does this by requiring those who are paid to influence public decision makers to disclose key information about their activities.

Who is a lobbyist?

Under the LTA, "lobbyists" are persons who, on behalf of an employer or client, communicate with public office holders in an attempt to influence any of the enumerated items in the definition of "lobby".

There are two types of lobbyists identified in the LTA:

- Consultant lobbyists: individuals who, for payment, undertake to lobby on behalf of a client, and
- In-house lobbyists: employees, officers or directors of an organization who are paid for their functions and lobby on behalf of the organization.⁸

What is lobbying?

Under the LTA, to "lobby" means to communicate with a public office holder in an attempt to influence any of the following:

- The development of legislative proposal, resolution, or regulation;
- The development of any program, policy, directive or guideline;
- The awarding, amendment, or termination of a contract, grant, or financial benefit;
- A decision to transfer of an asset, business, enterprise, or institution from the Crown, or
- A decision to have the private sector instead of the Crown provide goods or services to the government of British Columbia or a Provincial entity.⁹

^{8 &}quot;organization" includes any of the following, whether incorporated, unincorporated, a sole proprietorship or a partnership:

⁽a) a person other than a person on whose behalf a consultant lobbyist undertakes to lobby;

⁽b) a business, trade, industry, professional or voluntary organization;

⁽c) a trade union or labour organization;

⁽d) a chamber of commerce or board of trade;

⁽e) a charitable or non-profit organization, association, society, coalition or interest group;

⁽f) a government, other than the government of British Columbia;

⁹ Section 1(1), Lobbyists Transparency Act, SBC 2001, c 42.

To "lobby" also includes arranging a meeting between a public office holder and any other individual for the purpose of lobbying.

Who is a public office holder?

The term "public office holder", as defined in the LTA, extends beyond Members of the Legislative Assembly and also includes employees of the government of British Columbia, Crown corporations, universities, health authorities, and other government entities.

What is excluded from the LTA's reporting requirements?

The LTA does not encompass interactions between private persons and public officials, nor does it cover communications made by individuals who are not paid to lobby.

The LTA also excludes communications between the Government of British Columbia and officials of other governments, including governments of other provinces, the Government of Canada, municipal governments, Indigenous governing bodies, or representatives from international governments.¹⁰

Additionally, the LTA exempts small organizations from the requirement to register if they lobby very infrequently and also do not have a mandate to represent their members or promote or oppose issues.¹¹

The LTA also includes exemptions for specific types of communications.¹² For example, communications made to a committee of



the Legislative Assembly that are a matter of the public record are exempt from the LTA's reporting requirements. Communications concerning the enforcement or interpretation of an Act or regulation or the implementation or administration of a government program or policy are also exempt.

For example, if an organization believes a piece of legislation, program, or policy is being incorrectly or improperly applied to them, expressing that concern to the public office holder would be exempt from the LTA's reporting requirements. Communications made in direct response to a written request from a public office holder for advice or comment are also exempt from the application of the LTA.

10 Section 2(1), Lobbyists Transparency Act, SBC 2001, c 42.

11 Section 1(3), <u>Lobbyists Transparency Act</u>, SBC 2001, c 42. For an organization to make use of this exemption it must have fewer than six employees, lobby less than 50 hours over a 12-month period, and cannot have a primary purpose of representing the interests of its members or promoting or opposing issues.

12 Section 2(2), Lobbyists Transparency Act, SBC 2001, c 42

Disclosure requirements of the LTA

The LTA identifies the Designated Filer as the person who is responsible for ensuring required information is submitted to the Lobbyists Registry in a timely and accurate manner. For an organization that employes in-house lobbyists, the Designated Filer is the most senior paid officer of the organization, or if there is no senior officer, the most senior in-house lobbyist. When a consultant lobbyist lobbies on behalf of a client, the consultant lobbyist is the Designated Filer. Designated Filers are responsible for certifying and submitting information to the Lobbyists Registry, which principally takes the form of submitting an initial Registration Return and subsequent Monthly Returns.

Registration Returns

Within ten days of beginning to lobby, the Designated Filer must submit a Registration Return, which contains general information for the public about the who is behind the lobbying, such as:

- the business information for the organization, consultant lobbyist, or client;
- information about affiliated organizations;
- · the name of the government ministries or Provincial entities being lobbied;
- the subject matter of the lobbying activities;
- information about any third-party persons or organization who control or direct or contribute over \$1000 to the lobbying activity and have a direct interest in its outcome;
- whether the client or organization works together with other lobbyists, clients, or organizations for the purpose of lobbying;
- any government funding the client or organization has received in the prior 12 months;
 and
- any gifts or other benefits promised or given to a public office holder being lobbied;

Monthly Returns

After the initial Registration Return is submitted, the Designated Filer is required to keep this information up-to-date and file new information as necessary. The vehicle for this is the Monthly Return, which must be filed on a monthly basis after the initial Registration Return is submitted.¹³ The Monthly Return consists of two components:

- · updates to information submitted in the Registration Return; and
- specific details of lobbying communications with "senior public office holders".

"Senior public office holders" are a small subset of public office holders and consist of MLAs and high-ranking officials in government ministries and Provincial entities. ¹⁴ For each lobbying communication with a "senior public office holder" the Designated Filer is required to file details that identify the date of lobbying, the names of the participating lobbyists and senior public office holders, and specifics as to the subject of the lobbying.

Registration Returns and Monthly Returns together provide the public with meaningful and timely transparency of the lobbying activities occurring in British Columbia.

Prohibitions

To safeguard public trust in the integrity of government institutions and the practice of lobbying, legislators have prohibited certain activities under the LTA.

Two-year prohibition on lobbying by Former Public Office Holders

As discussed above, in 2018 the LTA was amended to add a two-year 'cooling off period' whereby certain "former public office holders" are prohibited from lobbying for a period of two years after leaving office. This provision acknowledges that certain former public office holders can, at least for a time, have greater "insider knowledge" and influence over former colleagues than lobbyists who did not hold public office.

The cooling off period promotes fair practices for all lobbyists seeking to influence public decision making, which is important in maintaining the integrity of decision-making processes and supporting public trust in government institutions. The LTA contains a mechanism whereby the Registrar may, upon request, exempt an individual from the former public office holder prohibition if they are satisfied there is public interest to do so.

¹³ If there are no changes to the information in the Registration Return and no new lobbying of senior public office holders to report, the Designated Filer does not need to submit a Monthly Return for that month.

14 See footnote 6.

Prohibition on gifts

Lobbyists are prohibited from giving or promising gifts or other benefits to public office holders they are lobbying, unless the gift or benefit meets narrow exception criteria. A gift or benefit is anything of value that is given for free or at a reduced and can include tangible tokens of appreciation, food and beverage served at a reception, tickets to an event, a meal or cup of coffee, a donation made in a public office holder's name or to a cause connected with a public office holder, or anything else that has value and conveys a benefit to a public office holder.

For a gift to meet the exception to the prohibition, it must be promised or given under the protocol or social obligation that normally accompany the duties and responsibilities of office of the public office holder.¹⁵ Additionally, the total value of gifts given by a lobbyist to a public office holder must be less than \$100 over a 12-month period. All gifts given by a lobbyist must be reported in the Lobbyists Registry.

The gift-giving rules mitigate against the prospect of undue influence by prohibiting lobbyists from promising or giving gifts to public office holders they are lobbying, except in very narrow circumstances, and provide public transparency on gifts that lobbyist have promised or given.

Contracting Prohibition

The LTA also prohibits lobbyists from lobbying in relation to which the lobbyist, or a person associated with the lobbyist, holds a contract for providing paid advice to the government of British Columbia. This prohibition protects against real or perceived conflicts of interest that may arise if a lobbyist were to lobby on a matter on which they were also being paid to advise government.

¹⁵ Section 2.4, Lobbyists Transparency Act, SBC 2001, c 42.



The ORL carries out three mandates under the LTA: maintaining the Lobbyists Registry, educating lobbyists and the public to promote awareness and understanding of the LTA, and enforcement of the LTA's rules.

Lobbyists Registry

The ORL maintains the Lobbyists Registry – the portal through which transparency in lobbying is achieved. The online Registry offers access to information about registered lobbyists, both past and present, and is freely accessible to anyone at anytime. Members of the public can search the Registry, produce reports based on specifications, and pull statistics to identify trends in lobbying over time. Informed by feedback from lobbyists, our office routinely updates the Lobbyists Registry to enhance functionality and make it easier for lobbyists to submit the required information. An easy-to-use Lobbyists Registry reduces compliance barriers for lobbyists, which ultimately benefits transparency for the public.

ORL Registry Officers are often the first point of contact for lobbyists, members of the public, public office holders, and other stakeholders who have questions regarding the LTA. They provide information and guidance to support compliance, review registrations submitted to the Lobbyists Registry and identify potential instances of non-compliance. Registry staff have the delegated authority to make decisions regarding the verification of information provided in a registration, accept a registration or refuse one that does not comply with the LTA, and remove a registrant who fails to comply with the LTA.

Registry staff also scan the Registry for those who may have inaccurate information in their registrations, and media, websites, and press releases to identify those who may be lobbying without registering. Staff contact lobbyists to verify information in the Lobbyists Registry or to inquire about whether registration is required. A matter may be referred from Registry Officers to enforcement if there is a question of whether a lobbyist has complied with the LTA for the ORL to investigate.

Education

The ORL leads with education to support lobbyists and the public in understanding how the lobbying rules work. Compliance with the LTA is best achieved through a robust education strategy. Our office maintains a collection of guidance documents, FAQs, infographics, and webinars designed to provide lobbyists with targeted assistance to the nuances of the LTA's requirements and the process of submitting information to the Registry.

Staff regularly conduct educational speaking engagements with lobbyists, members of the public, government officials, and members of the Legislative Assembly to raise awareness of the lobbying rules in this province and the transparency that is afforded by the Lobbyists Registry. We welcome opportunities to speak with broad groups, whether professional lobbying networks, business or trade associations, coalitions of charitable organizations,

and any of the political party caucuses. Our office also publishes the electronic newsletter, Influencing BC, which updates lobbyists on key information and recent changes to the Lobbyists Registry. We welcome and encourage lobbyists to contact our office with any question or concern they may have.

Enforcement

The LTA provides the Registrar with the authority to investigate and make findings on instances of non-compliance with the LTA. The Registrar can also administer monetary penalties up to \$25,000 for non-compliance or prohibit an individual from lobbying for a period of up to two years.

The ORL investigations team decides whether to investigate matters of possible non-compliance. Investigations are assigned to an investigator who reviews the facts and gives the lobbyist an opportunity to be heard as required under the LTA, before determining whether there has been a contravention, or contraventions, of the LTA. If non-compliance is found a determination decision is issued and administrative monetary penalties or a prohibitory penalty may be applied.

A lobbyist may request that the Registrar reconsider a determination decision. Determination decisions of non-compliance, and reconsideration decisions, are published to the ORL website and tabled with the Legislative Assembly.

Our office leads compliance work with education. Since 2020, our Registry Officers have conducted over 7,000 compliance reviews, which involves checking the information that comes into the Registry to verify if it is in compliance with the LTA. About half of these cases resulted in the lobbyists being contacted to notify them corrections were required. For most of the other half, the contravention was deemed minor or trivial and resulted in a warning letter providing the lobbyist with information on what was required of them under the Act.

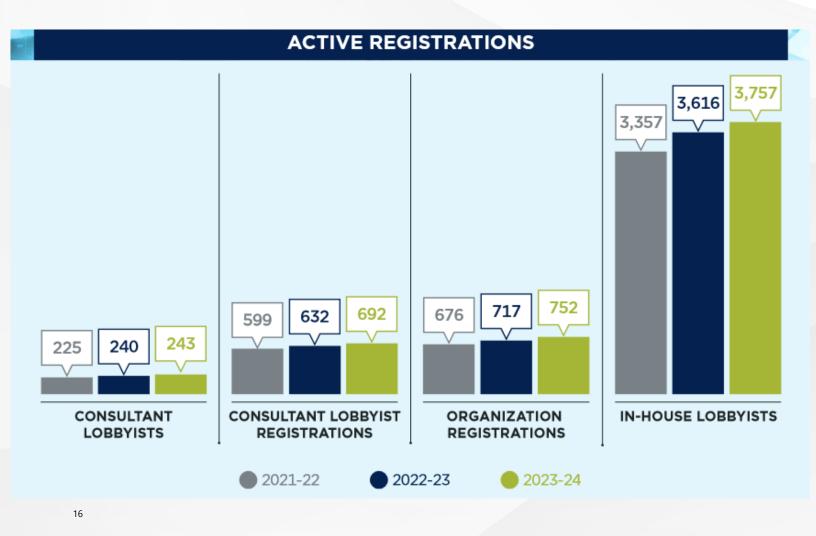
Out of the over 7,000 compliance reviews under the LTA, our office has published 15 determinations of non-compliance – less than 0.01% of what our office looks at. These statistics speak to our office's commitment to leading with education and reserving our enforcement powers for the most significant or repeat contraventions.



Legislators built a mandatory five-year review into the 2020 amendments to the LTA. Regular reviews are essential to keeping the legislation effective for its purpose.

The LTA is regarded as one of the leading pieces of lobbying legislation in Canada. The enhanced transparency and safeguards brought in by the May 2020 amendments serve to support the integral role lobbying plays in informing sound public policy while protecting public trust in government institutions.

In the five years since these amendments came into effect, the ORL has seen a steady year-over-year increase in the number of active consultant and organizational registrations.



¹⁶ British Columbia, Office of the Registrar of Lobbyists, Annual Report and Service Plan 2023-2024 (Victoria, 2024) at page 19.

This reflects healthy, well-functioning democratic engagement through lobbying. Public office holders are talking to experts across all different fields about the concerns that affect British Columbians.

What's more, the transparency afforded by the LTA and Lobbyists Registry ensures that the public can scrutinize these communications and hold our public institutions accountable for their actions.

The best way to ensure British Columbians continue to have access to timely and meaningful transparency of lobbying is to make sure the requirements of the LTA are easy to understand for lobbyists.

In short, an Act that is easy to understand is an Act that is easy to follow. A question for any proposed amendments to the LTA is whether they are easy for lobbyists and the public to understand.

CONCLUSION

The LTA is recognized as one of the leading pieces of legislation across Canada that regulates and provides transparency on lobbying activities. Its disclosure requirements and lobbying rules give the public meaningful transparency and protect trust in government institutions. Our office works hard to maximize compliance with the LTA by raising awareness of the Act's requirements and reducing administrative barriers by making the Lobbyists Registry user-friendly.

As part of this committee's consultation process, my office intends to submit recommendations for reform that build on the LTA's strong foundation by closing the few remaining transparency gaps and making it easier for lobbyists to understand and meet their obligations under the Act, ultimately strengthening transparency for the public.

The goal of this general briefing has been to provide an overview of functioning of the LTA and how the transparency achieved by its rules and requirements strengthens public trust in government institutions. I welcome the work of this committee in reviewing the LTA and are hopeful that the result of this work will lead to further strengthening of the lobbying transparency system in British Columbia.



General

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- Codes of conduct
- Exemption process for former public office holders
- Getting started Reference guide
- Glossary of terms
- Government funding
- Guidance for lobbyists during an election
- How to report political sponsorship and recall contributions in the Lobbyists Registry
- Lobbyist Gifts and other benefits
- Non-profit organizations
- Organizations
- Payment and reimbursement
- Political, sponsorship, and recall contributions
- Procurement
- Provincial entities
- Public office holders and the *Lobbyists Transparency Act*
- Registrar of Lobbyists: Guide to investigations
- Working together for the purpose of lobbying

User Guides

- Accessing information in the Lobbyists Registry
- Account management
- Funding returns
- How to register and report your lobbying activities
- Monthly Returns: Registration return updates and lobbying activity reports
- Quick reference guide for representatives
- Registration returns: new and reactivations
- Sample questionnaire for consultant lobbyists' clients
- Sample questionnaire for organizations that are lobbying
- Tracking lobbying activities: Consultant lobbyists
- Tracking lobbying activities: In-house lobbyists

Infographics

- Are you lobbying?
- Has the most senior paid officer in your organization changed?
- Monthly returns: What are they and when
- Registration timelines
- What do the Miscellaneous Statutes
 Amendment Act, 2024, amendments mean for my lobbying registration?
- What is a funding return?

