

CHECK AGAINST DELIVERY

**SPEECH TO THE
SPECIAL COMMITTEE TO REVIEW THE LOBBYISTS
TRANSPARENCY ACT**

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**Michael Harvey
Registrar of Lobbyists for British Columbia**

Good morning, Chair and members of the Committee. I would like to begin by respectfully acknowledging the land on which we are meeting today, on the traditional territories of the Ləkʷəŋiŋəŋ people, of the Songhees and Esquimalt First Nations. I am grateful to live and work with people from across many traditional and unceded territories, covering all regions of British Columbia.

With me today are policy analyst Nick Rowlands, and Director of the Registry Morag Ross.

I want to begin by thanking you for inviting me and my team here today, as part of the first statutory review of the *Lobbyists Transparency Act* – or the LTA as I will call it.

As requested, I will focus my remarks this morning on my office's role in the administration of the Lobbyists Registry, in conducting public education to promote awareness for the LTA, and overseeing and enforcing the legislation.

For context, I will start by sharing why this Act, and the role of lobbyists, is so important, and why the work before you is vital for a thriving democracy.

The overarching goal of the rules set out in the LTA is to ensure that there is transparency in who is paid to communicate with you, and other public office holders, in an attempt to influence your decisions.

At the heart of it, transparency in lobbying serves to preserve public trust in government decision-making. And that mechanism is in itself in the name of the Act – the *Lobbyists Transparency Act*.

As a society, *we want* individuals, business, non-profits, researchers, member-based organizations and others to be engaged with those who make decisions that impact us as a society, because it provides government decision-makers with access to current information from those working across the province.

Information that comes to decision-makers for the province through lobbying can provide important insights. For example, it can connect government with the expertise for developing and implementing sound public policy.

I have spoken about this very issue in detail many times over the last month, as I travelled to different areas of BC as part of my office's listening tour, to hear from people in BC about what my office's priorities should be over the next three years as we work to develop our strategic plan.

If you had been a fly on the wall in those sessions, you would have heard me talk about the importance of accountability, transparency, and trust at length.

The role of transparency is vitally important to a healthy democratic society, especially given the increasing polarization we see in our own environment and internationally.

Mistrust in elites and those in positions of power leads to a mistrust of public institutions. The latter, I believe, poses an existential threat to democracy.

The remedy for mistrust is transparency and the reason why is that, in a democracy, trust is not something that can be given by default.

There is a quote from a *Globe and Mail* article that came out after the BC Provincial Election last fall, when discussing the role of the Elections BC and the Chief Electoral Officer. "Transparency is the light that allows trust to grow." This resonates with me deeply, and is particularly relevant in the discussion of lobbying.

Trust of public institutions must be earned. And for that to be possible, people must be able to see what they do and the reasons for their actions.

Lobbying oversight is a critical piece of this puzzle. The transparency afforded by the rules of the LTA allow the public to see which actors – be they businesses, trade or industry associations, non-profit organizations or others – are paid to communicate with our public office holders in order to impact the direction of public policy.

And the vehicle for transparency in lobbying is the Lobbyists Registry.

On a positive note, our legislation here in BC has transparency requirements that other jurisdictions look to when considering how to enhance transparency, whether in Canada or elsewhere in the world. I am also aware that discussions at the OECD in this area are looking ahead to better transparency by entities that lobby as to how they are uphold their responsibilities across multiple integrity regimes, including in lobbying.

Ok, now that I have given my existential take on the importance of trust and transparency and how it relates to lobbying, I'll take a step back and focus on what you asked me to brief you on today, which comes down to the role of my office and BC's lobbying legislation.

My office has three mandates:

- We maintain a **Registry** to hold registration return records and other information lobbyists submit to the Registrar.
- We **educate** and **inform** the public to promote awareness and understanding of the lobbying rules in BC.
- And, where necessary, we **investigate** whether lobbying rules have been complied with, and can levy administrative penalties in cases where non-compliance is found.

The Registry

When we talk about the transparency requirements in the LTA, we are really talking about the Lobbyists Registry, which is where lobbyists are required to declare details of their lobbying activities -including who and what they aim to influence.

The Lobbyists Registry is online and public-facing, it is free to access, fully searchable, and available 24 hours a day, seven days a week. If you have lobbied or have been lobbied, you are likely named in it – or you should be.

The LTA sets out the rules and specifics for what information lobbyists are required to submit to the Lobbyists Registry.

The Registry also has the ability to produce reports and pull statistics that can help any user from the public to identify lobbying trends over time.

Our office routinely updates to the Registry, based on user feedback, to improve its functionality and make it easier for lobbyists to submit the required information.

Registry staff are also on hand to help, with Registry Officers often the first point of contact for anyone who has questions regarding the Lobbyists Registry or the LTA.

They provide information and guidance to support compliance, review registrations submitted to the Registry to identify potential instances of non-compliance, and they have delegated authority to make decisions regarding the verification of information provided in registration information. This means they can accept or refuse a registration that does not comply with the LTA.

Registry staff also take on a proactive role by scanning the Registry for inaccurate information; and monitoring the media, websites, and press releases to identify potential instances of un-registered lobbying.

And, when necessary, Registry staff contact lobbyists to verify information in the Registry and inquire about whether registration is required.

Education

I mentioned education as part of our mandate, and I would like to emphasize that first and foremost, our office leads with education to support lobbyists and the public in understanding how the lobbying rules work, as we strongly believe compliance is best achieved through a robust education strategy.

We have a wealth of up-to-date resources available, including guidance documents, an extensive FAQ section on our website, infographics, and webinars to give targeted assistance about the LTA's requirements and the process of submitting information to the Registry.

Some guidance documents focus on the process of registering, with images that new registrants can follow – a step-by-step walk through, if you will, to help anyone that need extra assistance when submitting information to the Registry.

Others guidance documents address substantive issues that people may have questions about, such as what kinds of gifts qualify as an exception to the prohibition on gift giving, or what lobbyists need to know when a provincial election is called.

Infographics also assist in delivering a substantial amount of information clearly and concisely, such as how to comply with registration timelines, how to file the different types of returns in the Registry, and whether the activities you do qualify as lobbying as defined in the LTA.

Our efforts to have detailed guidance available on our website is to provide lobbyists with access to the information they need to register 24 hours a day, 365 days a year. This helps to make it as easy as possible to register, which you will recognize is a theme that drives how my office maintains and improves the registry generally.

We also conduct a number of speaking engagements each year, not too different from this session today, to raise awareness of the lobbying rules in BC and the transparency that is afforded by the Lobbyists Registry.

For example, we have had a number of consultations with non-profits on the updated requirements that may have had an impact on them when the LTA came into force in 2020 and harmonized the reporting requirements for all types of lobbyists. We have also developed many guidance documents on things like limits on gifts to help clarify requirements under the LTA.

We also speak regularly to groups of lobbyists large and small that are looking for more information about the LTA and how the requirements to register apply to them. Many of these are organizations who are looking for a better understanding of whether the work they do qualifies as lobbying and what that means for them as part of their work. And some groups are looking for a guided approach to submitting their registrations into the Registry, to make sure their returns are accurate and complete.

What we have heard many times through these opportunities is that people **want** to be compliant with the legislation, they just might not know how.

In turn, we want to make sure that lobbyists know that we are available to answer any questions they have, and that we do lead with education first – we aren't out there trying to catch people off guard – first and foremost we are trying to educate lobbyists about the intricacies of the legislation to help them achieve compliance. And just to give you some context – last year our team received and responded to 1,760 requests for information.

We also speak at conferences and events, such as the Council on Governmental Ethics Laws, where we not only share our experiences here in BC with the legislation and compliance, but we learn from other jurisdictions about what has (and hasn't) worked for them in terms of education and enforcement, and what is contained within the legislation itself.

In addition to speaking engagements, we also distribute a digital newsletter, *Influencing BC*, to lobbyists with updates on any changes made to the Registry and other key information they need to know. And we report monthly on registrations within the Registry.

For example, the recent edition of *Influencing BC* focused on informing lobbyists about the May 27 coming-into-force date for the changes to the LTA's filing requirements that were passed in 2024, as well as what changes they could expect.

Briefly, just for your own benefit, the changes removed the requirement to file information related to requested government funding and extended the deadline to report received government funding. The changes also clarified the filing requirements around working together with other lobbyists, organizations, or clients of the purpose of lobbying and what must be filed when lobbying ends.

We also highlighted in that edition all of the associated guidance documents that were either updated or created to assist lobbyists with this change in requirements, so that lobbyists could have all of the resources needed in one place and at their fingertips.

Finally, we use *Influencing BC* to advise lobbyists of upcoming improvements and enhancements to the Registry, and to remind lobbyists that we are available to answer questions.

Enforcement

On occasion, our education efforts only go so far, and there are instances where we use our authority to investigate and make findings on instances of non-compliance.

Under the LTA I have the authority to issue administrative penalties on lobbyists found to have contravened the LTA. These penalties can be either monetary - up to \$25,000 - or a prohibition from lobbying for a period of up to two years.

Our ORL investigation team decides whether to investigate matters of possible non-compliance. As I mentioned earlier, Registry Staff scan the Registry, media, and other sources to identify possible non-compliance. But we also receive public information and tips about possible unregistered lobbying that can ultimately end up in an investigation. For example, two investigations stemmed from details of meetings with lobbyists that government proactively disclosed on their website – and ultimately ended with findings of non-compliance.

During the investigation process, the investigator will gather and review the facts, and if the investigator is of the belief that there has been a contravention, then they must give the lobbyist an opportunity to be heard after providing information about the alleged contravention and reasons for the belief that one has occurred.

After being heard, a determination will be made as to whether there has been a contravention of the LTA, and if there has been a contravention found then an appropriate penalty may be issued.

Under the LTA, the lobbyist can request that the Registrar Reconsider a decision if they disagree with the findings, if they disagree with the penalty.... or both. Determination Decisions and Reconsiderations are published to the ORL website and tabled with the Legislative Assembly in accordance with the LTA.

Since the LTA came into force in 2020 and brought in harmonization of the lobbying rules across sectors, the ORL has conducted over 7,000 compliance reviews and published 15 decisions regarding non-compliance under the LTA.

I mentioned earlier that we lead our compliance work with education. You can see this by how we do our work: last year, our Registry staff conducted almost 1500 compliance reviews to verify information in the Registry. In about half of those cases, we first contacted people to notify them that corrections were required, and provided them with the information they needed to do so.

For most of the other half we determined the matter was minor or trivial and declined to investigate, instead issuing a warning letter with the information required to achieve compliance.

Out of the 1500 compliance reviews, we only initiated 9 investigations... that is less than .01 percent of what we looked at in the Registry. Investigations are reserved for those cases that require additional measures to support that the requirements of the LTA are followed so that the public has access to who is trying to influence decision-makers in BC.

And of course, we are here to help and assist the public and lobbyists alike.

In the five years since the amendments to the LTA came into force, we have generally seen a steady year-over-year increase in the number of active consultant and organizational registrations in the Registry. This reflects healthy, well-functioning democratic engagement through lobbying and growing awareness of the transparency requirements for lobbyists.

This is what allows the public to scrutinize communications between lobbyists and public office holders, to hold public institutions accountable for their actions.

In closing, you will certainly hear throughout your consultation process from a diverse array of perspectives from the lobbying community. I would encourage you to consider and remember one principle as you undertake this important work: Simplicity, simplicity, simplicity. At an operational

level, we have adopted principle of simplicity to making updates and improvements to the Registry, because it promotes compliance....

It is an important guiding principle for the statute as well. Amendments that are clear and simple are easy to comply with.

Now I'm not saying simplicity means less requirements, please don't take that as a signal from me to de-regulate... rather my point is that an effective regulatory environment can still be simple, with clear requirements in place.

I look forward to the discussions to come during the consultation period, and to sharing more thoughts with you throughout that process, and, with that, Chair and Members, I welcome your questions.