

RECONSIDERATION DECISION 26-01

(DETERMINATION DECISION 26-01)

DESIGNATED FILER: Beth Clarke

April 27, 2026

SUMMARY: In Determination Decision 26-01 (Decision), the designated filer for the Western Canada Wilderness Committee (WCWC) was found to have contravened section 4.1 of the *Lobbyists Transparency Act* (LTA). The designated filer received an administrative penalty totalling \$4,200 for the contravention. The designated filer requested reconsideration of the decision and the penalty amount. The Registrar of Lobbyists (Registrar) confirmed the finding and penalty amount of the Decision.

Statutes Considered: *Lobbyists Transparency Act*, SBC, 2001, c. 42

Authorities Considered: Determination Decision 26-01

BACKGROUND

- [1] On August 21, 2023, the designated filer for the WCWC contacted the Office of the Registrar of Lobbyists for BC (ORL) via email for assistance in updating the WCWC's lobbying activities and to seek an exemption or some other means to reduce WCWC's obligations to report lobbying activities.
- [2] Over the next several months, ORL Registry staff followed up with the designated filer on multiple occasions, setting two separate deadlines for submission of outstanding Lobbying Activity Reports.
- [3] On March 4, 2024, after receiving confirmation from the designated filer that all lobbying activity had been submitted up to February 29, 2024, Registry staff noted that the WCWC had submitted a total of 352 late Lobbying Activity Reports since May 4, 2020 (the date the LTA came into force).
- [4] On October 29, 2025, a delegate of the Registrar (Delegate) launched an investigation under section 7.1 of the LTA to determine if the designated filer had complied with section 4.1 of the LTA.

- [5] On November 27, 2025, the designated filer submitted their response, which included a statement that not all lobbying activity had been reported as of the date of the submission.
- [6] On February 3, 2026, the Delegate issued a new notice to include 31 new Lobbying Activity Reports from November and December 2025 in the investigation and provided the designated filer an opportunity to respond. That same day the designated filer responded and indicated they had no further response.
- [7] Ultimately, the Delegate found that the WCWC was registered but failed to report 217 instances of lobbying over a 22-month period and imposed a penalty of \$4,200. In weighing the appropriate amount of a penalty, the Delegate reviewed previous penalty amounts with similar circumstances and specifically considered the WCWC's non-profit status.

DISCUSSION AND FINDINGS

- [8] On March 23, 2026, the designated filer submitted a letter requesting a reconsideration of the Decision on four grounds:
- a. The activities subject to the Decision should not be considered lobbying;
 - b. That the Delegate failed to consider the hardship the registration process was having on the designated filer and their organization;
 - c. The investigation and the penalty imposed did not consider the public interest; and
 - d. The administrative penalty is disproportionate.¹
- [9] The designated filer does not dispute the factual findings of the Delegate. Each of the grounds raised by the designated filer is discussed below.

Should the activity be considered lobbying?

- [10] The designated filer argues that most of the activities that were the subject matter of the investigation were public posts on social media as opposed to meetings held in private and should not be considered lobbying for that reason.
- [11] The designated filer may disagree with the regulatory regime they are subject to, but the current wording of the LTA requires registration if the communication meets the LTA definition of "lobby." Furthermore, the designated filer's point that publicly available communications should be exempt is not a complete answer, as it does not allow for an organized review by the public of all lobbying activity, which is a feature of

¹ Submission received March 23, 2026, pg. 1 (the "Reconsideration Request").

the Lobbyists Registry. In my view, the Legislature recognized, through the LTA, that lobbying has evolved from its namesake, referring to meetings outside the legislative chamber, to encompass not only private meetings, but the sophisticated digital communications tools that permit influence on a larger scale.

Is there hardship on the organization?

- [12] The designated filer states that the requirements of the LTA are onerous and pose a hardship on such a small organization.
- [13] This ground appears to really be an argument that the legislative scheme of the LTA should not apply or apply differently to the designated filer's organization. With respect, that is a question for the Legislature.
- [14] I do not find this ground persuasive and note the many attempts and follow-ups by Registry staff over a period of months to work with the designated filer to assist them in meeting their obligations under the Act.

Do the activities at issue serve the public interest?

- [15] The designated filer argues that the WCWC is a registered charity and that because of the scrutiny that applies to its tax filing requirements, it is not in the public interest to investigate and penalize the organization. The designated filer goes on to cite Exemption Decision 22-01 at length to support their position that the Registrar should consider the initiatives of every non-profit and exempt those activities that are clearly in the public interest.
- [16] The designated filer's reliance on Exemption Decision 22-01 does not assist their case because that decision deals with a different provision of the LTA that specifically enables the Registrar to consider the public interest in granting exemptions to the general prohibition on lobbying by former public office holders. No exemption exists for section 4.1, for public interest reasons or otherwise.
- [17] While I can appreciate the designated filer's opinion that their organization's work serves an important public function, the Legislature has chosen to regulate all influence on public office holders, regardless of purpose.
- [18] Additionally, as my predecessor recognized in Exemption Decision 22-01, not everything a non-profit does is necessarily in the public interest. The non-profit or charitable sector represents a wide range of interests on many topics. These interests are not always in alignment with each other, and not necessarily in line with other interests of people in our society. The regulatory scheme of the LTA is neutral by design to the reasons why lobbying is taking place, but provides the public with transparency into how those interests are influencing decision-makers.

[19] Accordingly, I am not persuaded by this ground either.

Is the penalty disproportionate?

[20] The designated filer’s final position, as I understand it, is if I do not vary the finding of non-compliance, that I vary the amount of administrative penalty from \$4,200 to \$1,500. In support of this position, the designated filer effectively makes two main arguments:

- a. That the WCWC should be treated differently from other, for-profit organizations given the resource disparity and that leveling similar penalties, regardless of organization size or type, is disproportionate.
- b. The impact of the failure to report was minimal, and the designated filer made every effort to comply with the onerous burden imposed by the LTA.

[21] The Decision demonstrates the Delegate carefully reviewed the factors used to assess appropriate penalties under the Act, and considered the designated filer’s submissions, including similar arguments to those raised before me here.

[22] Overall, I find the Delegate’s reasoning to be sound, and the penalty imposed to be appropriate. I do not find the designated filer’s arguments to be persuasive and find they were largely addressed by the Delegate.

[23] First, the designated filer clearly does not agree that they or their organization should be subject to the LTA, a position they have maintained since first reaching out to Registry staff seeking an exemption from the application, and when told that no exceptions were possible, stating that requiring the WCWC to fulfill its obligations was a deterrent to lobbying itself. The policy question of whether an exemption mechanism should exist for non-profits is one for the Legislature. Under the current regulatory scheme, the designated filer and their organization remain obligated to follow the law.

[24] Even with that in mind, the Delegate specifically considered the WCWC’s non-profit status in reducing the penalty levied from what would have been imposed given the severity of the contravention.²

[25] Second, the designated filer says the impact of the contraventions were minimal, that they “did not set out deliberately to be late” and that the WCWC made “every effort to comply with the LTA”. These statements are difficult to reconcile with the findings of the Delegate that this infraction was among the most severe to come before the ORL, and that it took more than six months and at least two follow-ups by Registry staff with the

² Decision, para 54.

designated filer before outstanding Lobbying Activity Reports were filed, which even then were not entirely complete.

- [26] I find the designated filer did not take their obligations seriously and instead chose to disagree with the application of the LTA to their activities. While they eventually did comply, the designated filer cannot be said to have undertaken “every effort” to do so. The effort that was undertaken was to do what is legally required of them, with months of delay. The Delegate considered the designated filer’s efforts to correct the contravention as a factor assessing the penalty and found that while prompt efforts to comply have been found to be mitigating factors, the delay in this instance weighed towards a higher penalty amount. I agree.
- [27] Finally, I am concerned that the designated filer appears, through their actions and submissions in the present matter, to take the position that their disagreement with the application of the law to them is grounds or legitimate rationale for not complying with the law. This flaunting of the law is not acceptable and undermines the integrity of the regulatory regime of the LTA. When setting the penalty, the Delegate did not reference specific or general deterrence, but I view it as a relevant consideration for maintaining the penalty as it stands in light of the above.
- [28] Taking this all into account, I am of the view the penalty should remain the same.

CONCLUSION

[29] For the above reasons:

1. I confirm the findings of Determination Decision 26-01 of contravention of the LTA section 4.1.
2. I confirm the administrative penalty of \$4,200 for contravening section 4.1 of the LTA.

[30] Pursuant to section 7.3(3)(c) of the Act, I extend the date by which the administrative penalty must be paid to no later than June 26, 2026.

Date: April 27, 2026

ORIGINAL SIGNED BY

Michael Harvey

Registrar of Lobbyists for British Columbia