

Lobbyists Registration Act
Compliance Strategy
March 2011

The Office of the Registrar of Lobbyists for British Columbia (“ORL”) is responsible for monitoring and enforcing compliance with BC’s *Lobbyists Registration Act* (“LRA”) and associated regulations. The ORL addresses concerns about the integrity of government decision making, in that it provides a public record of who is or has attempted to influence government decisions.

The purpose of this document is to outline the ORL compliance strategy, so that lobbyists, public office holders and members of the public know how the ORL intends to be guided in carrying out its oversight duties under the LRA. The first six months of the ORL compliance strategy (April 1—September 30, 2010) focused almost exclusively on education and outreach. This compliance strategy demonstrates how the ORL will ensure compliance from October 1, 2010, onward.

While sanctions for non-compliance are important, they are a small part of the overall compliance strategy. The ORL intends to seek compliance through an interrelated spectrum of compliance strategies, including, in descending order, incentives, education and outreach to lobbyists and public office holders, verification of registration information, environmental scanning, reporting, investigation and administrative penalties, evaluation and adjustment. Each element of this strategy reinforces the others to achieve the objective of the Act, specifically enhancing transparency, accountability and integrity in lobbying. This strategy is consistent with the model framework set out by the OECD in its Report “Lobbyists, Governments and Public Trust: Building a Legislative Framework for Enhancing Transparency and Accountability in Lobbying”, published in the summer of 2008.

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GENERAL COMPLIANCE AND ENFORCEMENT PRINCIPLES

- The purpose of the LRA is to enhance transparency in lobbying;
- Lobbying in British Columbia must comply with legislation and regulations;
- Cost-effective and non-punitive forms of resolving minor matters of non-compliance should be used whenever possible, including education, mediation and warnings;
- Enforcement activities will be carried out in a fair, objective, respectful and consistent manner;
- Educating the public about the existence of and uses of the public lobbyist registry is critical to achieving the policy objective of transparency;
- Ongoing dialogue with the stakeholder community—lobbyists, organizations, public office holders, fellow oversight agencies and the public—is essential to ensuring compliance strategies remain timely, cost-efficient and effective;
- Effective compliance and enforcement is a mix of inter-related and coordinated strategies.

1. Education and Outreach

The ORL recognizes that achieving province-wide compliance with the LRA depends first and foremost on ensuring designated filers clearly understand what types of communications trigger the legal requirement to register, the registration process and know where to receive further information about the Act.

Although the LRA does not require public office holders to report when they have been lobbied, request verification of registration from a lobbyist before engaging in a communication or refuse to meet with unregistered lobbyists,¹ educating public office holders about the rules under the LRA is key to compliance enforcement. Effective enforcement of lobbying laws depends on cooperation from public office holders² Public office holders must understand what lobbying entails to assist the ORL in its verification and investigation processes, and to generally be aware of when they are the target of lobbying.

Finally, public outreach is essential for achieving the goal of public transparency. Concerted efforts must be made to make the public aware of the registry and drive traffic to the website. Under this compliance strategy the ORL will:

- 1.1 Develop and publish educational material for posting on the ORL website, including general guides, self-assessment, FAQ's, advisory bulletins and newsletters;
- 1.2 Develop and deliver province-wide compliance workshops targeted at government relations experts, consultant lobbyists, public relations and communications experts, and "organizations", which include non-profit, and industry associations, chambers of commerce, boards of trade, coalitions, special interest groups and labour organizations.
- 1.3 Publish a quarterly ORL newsletter, "Influencing BC" and circulate widely;
- 1.4 Research and request speaking opportunities at AGM's and conferences hosted by organizations;
- 1.5 Request and research opportunities to submit written articles to organization's newsletters, magazines and other publications as well as similar opportunities with local, provincial and national media;

¹ Under the Toronto *Municipal Code*, municipal employees are prohibited from meeting with unregistered lobbyists.

²"Lobbyists, Government and Public Trust: Building A Legislative Framework For Enhancing Transparency And Accountability in Lobbying", OECD, August 2008, page

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- 1.6 Research and request radio and television speaking opportunities;
- 1.7 Research the possibility of setting up monthly webinar LRA training;
- 1.8 Establish and maintain a Lobbyists Advisory Board to provide feedback concerning compliance and registration issues requiring attention;
- 1.9 Develop and deliver workshops, upon request, for public office holders, targeting the executive, policy, legislative and communication teams of Ministries, Crown Corporations, and Provincial Entities;
- 1.10 Develop and publish Advisory Bulletins for public office holders;
- 1.11 Insert strategic advertisements reminding the public of their ability to search and view the registry.

2. Incentives

Designated filers must be encouraged to register, and making the registration process, free, easy to understand and supportive are three incentive strategies the ORL intends to employ to encourage compliance. Under this compliance strategy, the ORL will:

- 2.1 Charge no fee for registration;
- 2.2 Provide internet based electronic filing available to allow filing from any location;
- 2.3 Keep the registry open 24 hours a day, seven days a week;
- 2.4 Ensure the availability of online and telephone help;
- 2.5 Ensure the online registration process aligns with the business processes of designated filers and is understandable and efficient;
- 2.6 Receive and process feedback and suggestions from the Lobbyists Advisory Committee and designated filers about ways to make the registration process more efficient and understandable;
- 2.7 Create automatic alerts for designated filers notifying them when their registrations are due to expire and when they are required to re-register
- 2.8 Provide sample registrations and other forms designated filers can refer to prior to registration to allow them to gather the necessary information ahead of time;
- 2.9 Allow for the extension of time to file a registration in permitted circumstances and make the extension request process understandable, accessible and efficient.

3. Verification of Information Filed in New or Amended Registrations

Designated filers must make all reasonable efforts to ensure that the information they submit to the ORL is complete, unambiguous and accurate. In addition, designated filers must provide meaningful, pertinent information pertaining to key aspects of the lobbying activities. All registrations are reviewed for the ORL for completeness and accuracy before they are accepted. In addition, the ORL will engage in random verification audits of the information contained in a registration. Under this compliance strategy, the ORL will:

- 3.1 Contact the designated filer via email if the ORL believes information in a new or amended return is inaccurate, incomplete or ambiguous via email and so advise;
- 3.2 Conduct random verification audits by contacting public office holders, consultant lobbyists in-house lobbyists, organizations or clients named in returns to verify information supplied by the designated filer.
- 3.3 Confirm the identity of designated filers that file without a Business BCeID.

4. Environmental Scanning

“Environmental scanning” refers to proactive monitoring of government and organization priorities and news reports to decide whether further investigation is required into a matter of possible non-compliance. Information collected in the environmental scan process will be reviewed against information contained in the registry to identify issues requiring follow-up. Under this compliance strategy, the ORL will:

- 4.1 Analyze the throne speech and annual budgets to identify new and continuing priorities of government;
- 4.2 Monitor the legislative assembly to identify government activities, communications with government on those activities and meetings declared;
- 4.3 Monitor the websites, press releases and annual reports of ministries, crown corporations and provincial entities to determine public office holder priorities and activities;
- 4.4 Scan daily provincial, national and international media stories;
- 4.5 Randomly review websites of provincial, national and international organizations and review press releases, minutes from meetings and/or annual general meetings and other on-line documentation;
- 4.6 Attend public events sponsored by industry organizations, non-profits, labour organizations, chambers of commerce, boards of trade to identify priorities, strategies and targets;
- 4.7 Request and review records from ministries, crown corporations and provincial entities including but not limited to agendas, minutes of meetings and lists of contracts.

5. Reporting

Compliance will be supported by internal and public reporting. Compliance results must be reported to the public and the registry must be readily available for public inspection. Under this compliance strategy, the ORL will:

- 5.1 Produce internal reports from the Registry indicating registrations that may have been filed late and determine appropriate courses of action;
- 5.2 Publish monthly reports of outlining who has registered, what public office holder, on what subject matter and toward what outcome to increase transparency and drive traffic to the public website.
- 5.3 Submit an Annual Report outlining registration activities and general compliance;
- 5.4 Manage and promote a public, searchable database of lobbying activities.

6. Administrative Reviews

Information gathered through environmental scanning or from other sources will be examined as part of an administrative review process. Under this compliance strategy, the ORL will:

- 6.1 Conduct administrative reviews of information gathered in the environmental scan process and compare that information with the information in the registry;
- 6.2 Review instances of possible non-compliance and recommend that no action be taken or the matter be resolved informally because the matter fits under section 7(1)(2)(a)-(d), specifically because the matter:
 - 6.2.1 Could more appropriately be dealt with under another enactment;
 - 6.2.2 Is minor or trivial;
 - 6.2.3 Is dated and the time that has elapsed since the matter arose is greater than two years;
 - 6.2.4 Is better dealt with for any other valid reason.
- 6.3 Make recommendations for further investigation by the Deputy Registrar.

7. Investigation and Sanctions

Although it is the avenue of last resort in the overall spectrum of compliance strategies, formal investigation and the levying of visible and proportionate administrative penalties in instances of non-compliance is critical for securing province-wide compliance. Under this compliance strategy, the ORL will:

- 7.1 Develop and publish the scale of administrative penalties available to the ORL in instances of non-compliance and how the scale may be applied;
- 7.2 Where a breach was confirmed, publish the name of the designated filer and the nature of the breach, whether or not the matter was settled without a formal investigation or penalty;
- 7.3 Develop and publish a policy concerning the receipt of complaints by the public, which addresses issues of notice, process, timelines and confidentiality of the complainant.

8. Evaluation and Adjustment

The ORL must establish benchmarks by which to assess the success of its compliance strategy, and to remain sufficiently flexible in its approach to adjust the strategy if it is not working. This requires ongoing dialogue with the lobbyist community and the public about barriers to compliance as well as suggestions for improvement, including system improvements, educational improvements and legislative improvements. Under this compliance strategy, the ORL will:

- 8.1 Establish benchmarks to assess overall compliance;
- 8.2 Adjust the compliance strategy as required;
- 8.3 Engage in ongoing dialogue with the lobbyist community and the public about issues hindering compliance and recommendations for reform;
- 8.4 Continue the ongoing dialogue with registrars nationally and internationally to share best practices and ensure the strategy remains current and effective;
- 8.5 Make recommendations for legislative and/or regulatory reform to better achieve the objectives of the Act and publish these recommendations in the Annual Report.

This document is for information purposes only and does not constitute a decision or finding by the Registrar of Lobbyists for British Columbia or his or her delegates. This guidance does not affect the powers, duties or functions of the Registrar of Lobbyists, or his or her delegates, regarding any investigation or other matter under the Lobbyists Registration Act, respecting which the Registrar and his or her delegates will keep an open mind. Responsibility for compliance with the Lobbyists Registration Act remains with each client, lobbyist and public office holder.