

A Guide to the Lobbyists Registration Act

For Lobbyists

Office of the Registrar
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INTRODUCTION

Purpose of this guide

This guide is to help lobbyists register by explaining the terms and requirements under the Lobbyists Registration Act, 2001 (LRA).

The LRA defines three categories of lobbyists:

- consultant lobbyists paid to lobby on behalf of a client, for example, government relations consultants, lawyers, accountants or other professionals who provide lobbying services for their clients for a fee
- in-house lobbyists employed by persons or businesses that carry on commercial activities for financial gain
- in-house lobbyists employed by non-commercial organizations such as advocacy groups and industry, professional and charitable organizations

The registration requirements differ for each category of lobbyists. General information and definitions common to all lobbyists are located at the beginning of this document. These are followed by specific information that applies to each category of lobbyists.

How to register

All persons who meet any of the definitions of lobbyist in the LRA must register their activities on the Lobbyist Registry. This must be done online through the Internet web site at <http://www.ag.gov.bc.ca/lra>

In order to register, lobbyists must identify via email to the Registrar, the category of lobbyist they fall under. The Registrar will then assign a password, and online registration may begin.

What is lobbying?

Lobbying occurs when a paid lobbyist communicates with a public office holder in an attempt to influence:

- the development of any legislative proposal
- the introduction, passage, defeat or amendment of any bill or resolution that is before the Legislative Assembly
- the making or amendment of any regulation
- the development or amendment of any government policy or program
- the awarding of any contract, grant, contribution or other financial benefit by or on behalf of the government of British Columbia
- for consultant lobbyists only, the arranging of a meeting between a public office holder and any other person

Activities that do not require registration

Not all communications between individuals, firms or organizations and public office holders are defined as lobbying. For example, communications that are purely consultative or essential to public policy making are not lobbying. Lobbying does not include:

- oral or written submissions to a committee of the Legislative Assembly which are a matter of public record
- oral or written submissions made to a public office holder about enforcing, interpreting or applying any act or regulation
- oral or written submissions made to a public office holder about implementing or administering any policy, program, directive or guideline
- oral or written submissions in direct response to written requests for advice or comment
- routine constituency communications (oral or written submissions made to an MLA on behalf of a constituent of the MLA with respect to any personal matter)

Who is a public office holder?

A public office holder is broadly defined and includes:

- Cabinet Ministers, Members of the Legislative Assembly and their staffs
- virtually all public servants
- persons appointed to office by Order-in-Council or by a Minister
- an officer, director or employee of any government corporation as defined in the Financial Administration Act

The following public officials are not considered to be a public office holder:

- judges
- justices of the peace
- officers of the Legislative Assembly (for example, the Ombudsman, the Information and Privacy Commissioner)

Public officials acting in their official capacities

The Act does not require the following public officials to register as lobbyists when they are acting in their official capacities.

- Members of the Senate or House of Commons of Canada, the legislative assembly of another province, the council or legislative assembly of a territory, or their staff

- Employees of the Government of Canada or of the government of another province or a territory
- Members, members' staff or employees of a municipal council, regional district board, improvement district board, school district board or other local government authority or employees of bodies representing these local government authorities
- Members, members' staff or employees of an aboriginal governing body, however organized and established by aboriginal people within their traditional territory in British Columbia
- Diplomatic agents, consular officers or official representatives in Canada of a foreign government
- Officials of a specialized agency of the United Nations in Canada or officials of any other international organization to whom there are granted, by or under any Act of the Parliament of Canada, privileges and immunities

What is the role of the Registrar?

- Establishing and maintaining the Registry and administering the lobbyist registration process
- Clarifying information on a registration form or other submitted document
- Identifying omissions and inconsistencies and communicating with the lobbyist to ensure they are corrected, or to request additional information
- Providing advice and information about the registration system to lobbyists, public office holders, the public and other groups, for example, the media
- Ensuring public accessibility to the information contained in the Lobbyists Registry
- Refusing a registration or removing a registration from the Registry if the lobbyist fails to provide full and accurate information or fails to clarify any information at the registrar's request.

REGISTRATION REQUIREMENTS: CONSULTANT LOBBYIST

Who is a consultant lobbyist?

A consultant lobbyist is paid to lobby on behalf of a client. Within specified time limits, they must register when they begin lobbying for a client, when information previously submitted changes, and when the lobbying activity is terminated or completed. Consultant lobbyists typically include government relations consultants, lawyers, accountants and other professionals who provide lobbying services to their clients.

A client is a person, partnership or organization on whose behalf a consultant lobbyist undertakes to lobby for a fee.

What is an undertaking?

- An undertaking occurs when a consultant lobbyist acts on behalf of a client. It is defined by the contract or agreement between the client and the lobbyist, not by the government activities that the lobbyist seeks to influence. An undertaking may be very broad and require lobbying on several activities, or it may be narrowly focused requiring only one activity.
- In one undertaking, a consultant lobbyist may communicate with more than one officer holder or may arrange more than one meeting.
- New or amended agreements or contracts with significantly different subject matters are new undertakings and require separate registrations.
- A change to an existing undertaking may not require a new registration. An example of such a change could be a new address for the client.
- A consultant lobbyist paid a retainer to provide future, but unspecified lobbying services, does NOT have to register. However, each time the consultant lobbyist begins active lobbying under the retainer, that is an undertaking and it must be registered.

For example, you may have a 2 year retainer to lobbying on behalf of a client. You do no lobbying for the first month of the retainer. You do not have to register. Then you are asked to lobby for a month. You register and pay the \$150 fee. You have another period of 4 months with no lobbying. You do not have to be registered for this time. Then you begin to actively lobby again for a week. You must register and pay the \$150 fee. Then you are inactive for a year so you do not have to register. Then you actively lobby again for 4 months. You must register again and pay the fee.

When must I register?

- A consultant lobbyist must register with the Registrar within 10 days of beginning an undertaking to lobby on behalf of a client.

When must I report changes, new information or end of the undertaking?

- Changes to a return or new information, including reporting the termination or completion of an undertaking, must be provided to the Registrar no later than 30 days after the change occurs or when the lobbyist becomes aware of the change.

What information must I disclose?

The following information must be disclosed for each undertaking:

- the lobbyist's name and business address and, if applicable, the name and business address of the firm where the consultant lobbyist engages in business
- the name and business address of the client and the name and business address of any person or organization that controls or directs the activities of the client or has a direct interest in the outcome of the lobbyist's undertaking
- the date the undertaking was entered into
- the source and amount of any government funding received by the client
- the subject matter of the lobbying including specific information such as the relevant legislative proposal, bill, resolution, regulation, program, policy, contract or financial benefit
- the name of any MLA or Cabinet minister whom they have lobbied or expect to lobby or whose staff they have lobbied or expect to lobby (Staff includes an MLA's constituency office staff or a Cabinet minister's office staff. It does not include staff of a government ministry or agency.)

Do I have to pay a fee?

A fee of \$150 must be paid to register each undertaking.

How do I Pay?

Payment may be made through the internet using MasterCard or Visa through the Provincial Treasury's Internet Payment Program. Instructions are included in the on-line registration package.

Payment may also be made by cheque. Please make sure you print out the statement produced by the online system and include it with your cheque payable to the Minister of Finance and sent to:

The Lobbyists Registry
PO Box 9038, Stn Prov Govt
Victoria, BC V8W 9A4

REGISTRATION REQUIREMENTS: IN-HOUSE LOBBYIST EMPLOYED BY A COMMERCIAL INTEREST

Who is an in-house lobbyist employed by a person other than an organization?

An employee who, as a significant part of his/her duties, lobbies for an employer who carries out commercial activities. These in-house lobbyists must register when they begin to lobby for their employers and re-register annually where lobbying continues to be a significant part of their duties.

When must I register? When must I renew?

- In-house lobbyists must register within two months of becoming a lobbyist (that is, when their lobbying constitutes a “significant part” of their duties).
- In-house lobbyists must re-register annually, within two months after the end of the employer’s financial year or, if the employer does not have a financial year, within two months of the end of each calendar year.

When must I report changes, new information or end of lobbying activity?

- Changes to a return or new information, including ceasing to be employed as an in-house lobbyist, must be provided to the Registrar within 30 days of the change occurs or when the in-house lobbyist becomes aware of the change.

What is meant by “significant part of duties”?

- The term significant part of duties is defined as 20 per cent of the employee’s time. For example, if you assume a five-day work week, a lobbyist would have to lobby on average a minimum of four days per month to reach the 20 per cent threshold.
- This applies to time actually spent lobbying, not creating research papers, etc.
- An employee who did not renew at the end of the financial year because he or she did not expect lobbying to be a significant part their duties, must register as soon as he/she knows they will meet the threshold.

What information must I disclose?

In-house lobbyists must disclose the following information:

- the in-house lobbyist's name and business address and the employer's name and business address
- a summary description of the employer's business or activities
- if the employer is a corporation, the name and business address of each subsidiary of the corporation that has a direct interest in the outcome of the in-house lobbyist's activities on behalf of the employer
- if the employer is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation;
- the source and amount of any government funding received by the employer
- the financial year of the employer, if applicable
- the subject matter of the lobbying at the time of the return and where the lobbyist expects to lobby, either during the employer's financial year or the calendar year where the employer does not have a financial year
- information about the subject matter of the lobbying activity including the relevant legislative proposal, bill, resolution, regulation, program, policy, contract or financial benefit
- the name of any MLA or Cabinet minister whom they have lobbied or expect to lobby or whose staff they have lobbied or expect to lobby (Staff includes an MLA's constituency office staff or a Cabinet minister's office staff. It does not include staff of a government ministry or agency.)

Do I have to pay a fee?

A fee of \$150 must be paid initial registration and on annual renewal.

How do I Pay?

Payment may be made through the internet using MasterCard or Visa through the Provincial Treasury's Internet Payment Program. Instructions are included in the on-line registration package.

Payment may also be made by cheque. Please make sure you print out the statement produced by the system and include it with your cheque payable to the Minister of Finance and sent to:

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REGISTRATION REQUIREMENTS: SENIOR OFFICER OF AN ORGANIZATION EMPLOYING IN-HOUSE LOBBYISTS

What is an organization?

- A business, trade, industry, professional or voluntary organization
- A trade union or labour organization
- A chamber of commerce or board of trade
- A charitable or non-profit organization, association, society, coalition or interest group
- A government other than the government of British Columbia

Who is an in-house lobbyist employed by an organization?

- An individual who is employed by an organization, a significant part of whose duties is to lobby on behalf of the organization.

Who is the senior officer and who is an employee?

- The senior officer is the most senior officer of an organization who is compensated for the performance of his or her duties. An employee is an individual who is compensated for performing his or her duties.

Who must register?

- The senior officer must register on behalf of an organization that employs in-house lobbyists.

When must I register? When must I renew?

- The senior officer of an organization that employs one or more in-house lobbyists must register within two months of the date the organization employs an in-house lobbyist or the date an employee becomes an inhouse lobbyist.
- The senior officer must re-register within two months after the end of each six month period after the filing of the previous return.

When must I report changes, new information or end of lobbying activity?

- Changes to a return or new information, including when an employee ceases to be employed or ceases lobbying, must be provided to the Registrar within 30 days of the change occurs or when the senior officer becomes aware of the change.

What is meant by “significant part of duties”?

- The term significant part of duties is defined as 20 per cent of the employee's time. For example, if you assume a five-day work week, a lobbyist would have to lobby on average a minimum of four days per month to reach the 20 per cent threshold. The senior officer must register if at least one in-house lobbyist lobbies as a significant part of his or her duties. The names of all in-house lobbyists employed by the organization who lobby as a significant part of their duties must be listed in the registration.
- This applies to time actually spent lobbying, not creating research papers, etc.
- A senior officer who did not renew at the end of the six month period because he or she did not expect lobbying to be a significant part their employees' duties, must register as soon as he/she knows they will meet the threshold.

What must I disclose?

The senior officer must disclose the following information:

- the senior officer's name and business address and the organization's name and business address
- a summary description of the organization's businesses or activities
- the name of each in-house lobbyist employed by the organization who lobbies as a significant part of their duties
- the source and amount of any government funding received by the organization
- the subject matter of the lobbying during the period of the return and for the following six-month period
- information about the subject matter of the lobbying activity including the relevant legislative proposal, bill, resolution, regulation, program, policy, contract or financial benefit
- the name of any MLA or Cabinet minister whom they have lobbied or expect to lobby or whose staff they have lobbied or expect to lobby (Staff includes an MLA's constituency office staff or a Cabinet minister's office staff. It does not include staff of a government ministry or agency.)
- the name of any in-house lobbyist who has been identified in the last return filed and has ceased to be an in-house lobbyist or to be employed by the organization

Do I have to pay a fee?

A fee of \$75 must be paid on initial registration and on renewal every six months.

How do I Pay?

Payment may be made through the internet using MasterCard or Visa through the Provincial Treasury's Internet Payment Program. Instructions are included in the on-line registration package.

Payment may also be made by cheque. Please make sure you print out the statement produced by the system and include it with your cheque payable to the Minister of Finance and sent to:

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OFFENCE PROVISIONS

As a lobbyist or a senior officer of an organization, you may be committing an offence and may be subject to a fine of up to \$25,000, if you

- engage in lobbying activities as defined in the Act and do not file a return within the time frames set out in the Act
- do not provide the required information in a return as stated in the legislation
- fail to provide the Registrar, as set out in the Act, with changes to a return, new information or clarification of information requested by the Registrar
- knowingly make false or misleading statements