

A Guide to the Lobbyists Registration Act

For the Public

Office of the Registrar

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INTRODUCTION

Purpose of this guide

This guide is to help members of the public who wish to access the Lobbyists Registry. It explains the terms and requirements under the Lobbyists Registration Act, 2001 (LRA).

How do I access the Registry?

Anyone wishing to search the Lobbyists Registry to find out about the activities of paid lobbyists, may do so by visiting the Registry's Web site. This can be done online through the Internet web site at <http://www.ag.gov.bc.ca>.

Access to the internet is available at public libraries.

Do I have to pay to access the Registry?

No, members of the public wishing to find out about lobbyists' activities do not have to pay any fee. Cost of operating the Registry will be recovered from the fees paid by lobbyists to register.

Who is a lobbyist?

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
- 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

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

What communications activities 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 staff
- 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*

A public office holder does not include the following public officials:

- 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 persons on the staff of these members
- 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?

The Registry is managed by the Lobbyists Registrar. The LRA appoints the Information and Privacy Commissioner as the Lobbyists Registrar. The Registrar has the authority to delegate his or her duties to individuals within his or her office.

- 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, e.g. 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.

CONSULTANT LOBBYISTS

Who is a consultant lobbyist?

- A **consultant lobbyist** is paid to lobby on behalf of a client. They must register within 10 days of beginning an undertaking to lobby for a client. 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.

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.
- 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, a consultant lobbyist may have a 2 year retainer to lobbying on behalf of a client. She does no lobbying for the first month of the retainer. She does NOT have to register. Then she is asked to lobby for a month. She must register and pay the \$150 fee. She has another period of 4 months with no lobbying. She does not have to be registered for this time. Then she begins to actively lobby again for a week. She must register and pay the \$150 fee. Then she is inactive for a year so she does not have to register. Then she actively lobbies again for 4 months. She must register again and pay the fee.

What information must a consultant lobbyist 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.)

Consultant lobbyist registration fee

The consultant lobbyist must pay a fee of \$150 to register each undertaking.

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 within two months of beginning to lobby for their employers and re-register annually where lobbying continues to be 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.

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.

What information must an in-house lobbyist 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.)

In-house lobbyist registration fee

An in-house lobbyist must pay an annual fee of \$150.

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, or a part of whose duties is to lobby on behalf of the organization, if these duties together with the lobbying duties of other employees would constitute a significant part of the duties of one full-time employee.

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 file on behalf of an organization that employs in-house lobbyists within two months of the date the organization employs an in-house lobbyist or the date an employee becomes an in-house 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.

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, an in-house 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.

What must the senior officer 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
- 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

Senior officer registration fee

The senior officer must pay a semi-annual fee of \$75.

OFFENCE PROVISIONS

What is an offence?

A lobbyist or a senior officer of an organization may be committing an offence, if he or she:

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

What is the penalty?

A person committing an offence may be subject to a fine of up to \$25,000.

How do I report offenders?

You may call the Office of the Registrar at 250-387-2686 or by going to the Feedback section of the Lobbyists Registry website <http://www.ag.gov.bc.ca>

Or you may write to:

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