

# BC Businesses and Organizations Need to Prepare for New Lobbying Law



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British Columbia's lobbying law will have a new name, new registration requirements, and new ethical restrictions effective May 4, 2020. The law, which will be called the *Lobbyists Transparency Act*, will be one of the strictest lobbying laws in North America.

## Definition of Lobbying will be Broad

Under the new law, lobbying will still be defined *broadly* as communicating with a "public office holder" in an attempt to influence a legislative proposal, bill, resolution, regulation, program, policy, directive, guideline, grant, financial benefit, outsourcing decision, or privatizing decision.

Lobbying will still include attempting to influence "the awarding, amendment or termination of any contract". Accordingly, businesses and organizations that sell goods, services or technology to the provincial government or a provincial entity (outside of "an established contract procurement or sales process") are lobbying.

## 100-Hour Threshold will be Eliminated

The new law will eliminate the 100-hour threshold. In the past, this threshold permitted many businesses and organizations to lobby without registering. Moving forward, almost all businesses and organizations will be required to register.

There will be a limited exception for small businesses and organizations (fewer than six employees) that spend less than 50 hours lobbying in any 12-month period. This exception will not apply to organizations that have a primary purpose "to promote or oppose issues" or "to represent the interests of [their] members".

## Registrations will be more Detailed

The *Lobbyists Transparency Act* will require the most senior officer of a business or organization to disclose more detailed information about the lobbying activities of their employees, officers and directors ("lobbyists"). Moving forward, for example, the senior officer will need to disclose if any lobbyists have made a political contribution. The senior officer will also need to disclose if any lobbyists have communicated with a "senior public office holder".

## Hospitality, Entertainment and Meals will be Prohibited

Under the new law, lobbyists will be prohibited from promising or providing gifts or benefits to public office holders. Hospitality, entertainment and meals will all be prohibited. There will be a limited exception for gifts and benefits of less than \$100.00 that are given "under the protocol or social obligations that normally accompany the duties or responsibilities" of the public office holder's office.

## Legal and Reputational Risk is Substantial

Failure to comply with the lobbying law will carry significant legal and reputational risk. Currently, the Office of the Registrar of Lobbyists has the ability to publish investigatory reports – and to impose monetary penalties of up to \$25,000. Soon, it will also have the ability to prohibit persons from lobbying for a period of up to two years.

Businesses and organizations that communicate with the provincial government should ensure they have a robust compliance regime.

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