



O.R.L.

office of the
registrar
of lobbyists

BRITISH COLUMBIA

GUIDANCE DOCUMENT

**EXEMPTION PROCESS FOR
FORMER OFFICE HOLDERS**

April 12, 2018

PURPOSE OF THIS GUIDANCE DOCUMENT

This guidance document outlines what the Registrar will consider when adjudicating applications for exemptions from the lobbying prohibition for former public office holders under section 2.3 of the *Lobbyists Registration Act* (LRA).

BACKGROUND

On May 1, 2018, a statutory prohibition will come into force to prevent former public office holders from lobbying for a period of two years after they ceased:

- (a) to be a member of the Executive Council or an individual employed in the member's office;
- (b) to be a parliamentary secretary; or
- (c) to occupy a position referred to in paragraph (c) of the definition of "former public office holder."

A government news release describes the prohibition as follows:

“Our legislation will increase transparency and eliminate the potential for undue influence or use of insider information by lobbyists. Previously, individuals could go straight from a senior decision-making role in government to lobbying. This sweeping prohibition will ensure that knowledge is not used or sold for private gain after employment with the Province ends. This significant legislation will also require lobbyists to register the names of staff of ministers or MLAs they lobbied.”

This prohibition is subject to a “public interest” exception:

2.3 (1) If the registrar is satisfied that it is in the public interest, the registrar may, on request and on any terms or conditions the registrar considers advisable, exempt a person from a prohibition set out in section 2.1 (2) or 2.2.

(2) If the registrar grants an exemption under subsection (1), the registrar must enter the following into the registry:

- (a) the terms or conditions of the exemption;
 - (b) the registrar's reasons for granting the exemption.
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GUIDELINES FOR APPLICANTS

1. There is no “right” to an exemption. The onus is on the applicant seeking the exemption to satisfy the Registrar that an exemption from the statutory prohibition, with or without conditions, would be in the public interest.
2. The public interest is not synonymous with the private interest of the lobbyist or the lobbyist’s client.
3. In support of an exemption, an applicant must provide the Registrar with a submission, along with supporting evidence, demonstrating how the requested exemption, if granted, would serve the public interest.
4. Without limiting an applicant’s submissions, an applicant may wish to address the following:
 - a) The applicant’s previous position (both in nature and in duration) under a particular category of s. 2.2 of the LRA.
 - b) The length of time since that position concluded.
 - c) The nature of the proposed undertaking to lobby, including the client and the target(s) of lobbying.
 - d) How the public can be assured that no information or relationships acquired in the previous position will be used in the proposed lobbying.
 - e) Why the particular lobbyist, as distinct from some other lobbyist, is proposing to carry out the lobbying.
 - f) How the public will benefit from lobbying activity by the applicant.
 - g) Any terms and conditions that might be proposed that would satisfy the Registrar that an exemption would be in the public interest.
5. Before deciding whether to grant an exemption under section 2.3, the Registrar may require additional evidence, including testimony from the applicant or others that the Registrar considers appropriate.

Note: These guidelines are for information purposes only and do not constitute a decision by the Office of the Registrar of Lobbyists for BC.

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.