



GUIDANCE DOCUMENT

Guidance for not-for-profit organizations on the *Lobbyists Transparency Act*

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PURPOSE OF THIS GUIDANCE DOCUMENT

Notice

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

This guidance document is designed to help non-profit organizations better understand their obligations under the [Lobbyists Transparency Act](#) (LTA) and accompanying [Regulation](#).

If you work for a non-profit organization, this document explains whether you need to register your lobbying activity and, if so, what you need to report. This document includes a [glossary of key terms](#) as an appendix. When a word appears in **bold**, please check the glossary for further explanation. After reading this document, we recommend you check the online [FAQs](#) for answers to common questions.

The LTA defines lobbying as communication with elected and unelected officials at the provincial government level in an attempt to influence government decisions. The purpose of the LTA is to promote transparency in lobbying activities in British Columbia. Non-profit organizations that lobby must declare the details of their lobbying efforts in the online, publicly accessible [Lobbyists Registry](#) to meet the LTA's transparency requirements.

If you work for a non-profit organization, it is important that you understand:

- what activities constitute “lobbying” under the *LTA*, and
- what your obligations are to report lobbying activities that paid staff engage in.

It is the responsibility of each organization to understand and comply with the law.

BACKGROUND TO THE LOBBYISTS TRANSPARENCY ACT

Amendments to the *Lobbyists Registration Act* came into force on May 4, 2020. These amendments changed the name of the Act to the *Lobbyists Transparency Act* (LTA). Although the name of the Act changed, its purpose remains the same: to ensure the lobbying of public office holders in British Columbia is transparent.

Public trust in government is fundamental to a well-governed, democratic society. Transparency in lobbying supports trust in government decision-making by providing a public record of information about who is trying to influence public office holders.

Lobbying legislation in BC has applied to non-profits since 2001. Until May 2020, *any* organization, whether non-profit or for-profit, that lobbied less than 100 hours each year was exempt from the requirement to report their lobbying activity in BC.¹ This exemption created a transparency gap where any organization – from multinational corporations to private interest groups to non-profits – could lobby 100 hours without having to declare to the public who they were lobbying or what subject matter they were trying to influence. The BC Government closed this transparency gap in May 2020 by requiring that all lobbying activities engaged in by paid staff at any organization be reported in the [Lobbyists Registry](#), unless the organization meets one of the exemptions discussed later in this document.

The non-profit sector plays an important role in informing the direction of government decision-making, which is what the public expects. The LTA creates a level playing field where the work of all parties who inform public policy – businesses, non-profits, charities, and others – are given equal treatment. Through the Lobbyists Registry, the public can see which organizations engage public office holders in an attempt to influence broader public policy.

The [Office of the Registrar of Lobbyists](#) (ORL) is independent from government. The Registrar is responsible for maintaining the Lobbyists Registry, providing guidance and education about the Act's requirements, and enforcing the provisions of the LTA.

Lobbying and charitable status

For organizations with concerns about the effect of lobbying on their charitable status, the current guidance from the Canada Revenue Agency regarding public policy dialogue and development activities (PPDDAs) by charitable organizations is set out here: [Public policy dialogue and development activities by charities](#).

IS YOUR ORGANIZATION LOBBYING?

Is your organization communicating with public office holders, as defined under the Act, at the provincial government level?

The LTA applies only to lobbying efforts focused on **public office holders** at the BC provincial government level. It does not apply to communications with officials at the municipal or federal level, or Indigenous governing bodies.

¹ In calculating whether they surpassed the 100-hour threshold, organizations had to include time spent preparing to lobby and time spent lobbying public office holders over the previous 12-month period.

“Public office holders” include:

- Members of the Legislative Assembly (MLAs) and any person on an MLA’s staff;
- officers or employees of the government of BC;
- people appointed by or with the approval of the Lieutenant Governor in Council, other than a person appointed by the Legislative Assembly;
- people appointed by or with the approval of a minister; or
- officers, directors or employees of some Provincial entities.

If a paid employee, officer, or director from your **organization** is communicating with a public office holder in an attempt to influence government decisions, that may be lobbying.

Provincial entities

Under the LTA, the term “Provincial entity” refers to provincial government bodies outside core government.

Provincial entities may include:

- crown corporations (such as *Community Living BC* or the *BC Lottery Corporation*);
- school districts;
- public sector post-secondary institutions, such as colleges and universities;
- health authorities.

For more information on Provincial entities, please see our [Provincial Entities](#) guidance document, or contact the ORL at info@bcorl.ca or (250) 387-2686.

Statutory officers (also called independent officers) are not considered “public office holders” for the purposes of the LTA. Your organization is not required to report any communication with these bodies as lobbying. These bodies include, but are not limited to, the Office of the Representative for Children and Youth, Office of the Ombudsperson, and the Office of the Registrar of Lobbyists. A full list of statutory officers can be found on the [Legislative Assembly’s website](#).

Is your organization attempting to influence government decisions?

If your organization is communicating with a BC public office holder in an attempt to influence any of the following, that is likely lobbying:

- the development of any legislative proposal, resolution, or regulation;
- the development of any program, policy, directive, or guideline; or
- the awarding, amendment, or termination of a contract, grant, or financial benefit, or another matter set out in the LTA definition of “**lobby**.”

Communications that do not meet the definition of “lobby” include simple exchanges of information with a public office holder, without any attempt to influence a government decision, for example:

- If you are providing data or a status update to the government to fulfill a requirement of your contract for services or funding arrangement, that is not lobbying and does not need to be registered.
- If you are merely seeking information about a program or the status of an application, or clarification about a policy, that is not lobbying and it does not need to be registered.

Lobbying can be informal

Communications with public office holders are not limited to formal or professional contexts. For example, a paid employee of your organization finds themselves in conversation with a BC public office holder at a neighbourhood barbeque. If the employee seizes this chance encounter to try to influence the public office holder on an issue that fits within any of the categories of lobbying established under the Act, that part of the conversation would be considered lobbying. This lobbying is permitted, but must be reported in the Lobbyists Registry.

Does your organization have any in-house lobbyists?

If your organization has an employee, officer, or director who receives payment for their functions and lobbies on behalf of your organization, they are likely an “**in-house lobbyist.**”

The individual’s job title/job description does not need to include “lobbyist” for them to be considered an in-house lobbyist. For small non-profit organizations, their executive director or CEO is often an in-house lobbyist, but any paid member of the organization can be an in-house lobbyist if they are paid to influence a public office holder on any of the matters identified in the LTA definition of “lobby.”

IN WHAT CIRCUMSTANCES DOES THE LTA NOT APPLY?

This section describes some of the circumstances where the LTA does not apply to communications with public office holders.

Small organizations that don’t represent members or promote or oppose issues as their primary purpose

The *Lobbyist Transparency Act* contains an exemption for small organizations who lobby public office holders infrequently. If your organization meets the following criteria, it is exempt from the LTA and does not need to register its lobbying activity:

1. Your organization has *fewer than six employees*.

AND

2. The lobbying by any individual on behalf of the organization, or an affiliate of the organization, totals *fewer than 50 hours in the preceding 12-month period*. This includes lobbying done either alone or together with other individuals in the organization.

UNLESS

3. The primary purpose of the organization is to represent the interests of its members, or to promote or oppose issues, and the lobbying is for that purpose.

Volunteers

The LTA does not apply to volunteers. Lobbying activities carried out by individuals who do not receive payment do not need to register.

If some communications with public office holders are carried out by employees, officers, or directors who are paid, and other communications are carried out by volunteer representatives, your organization only needs to report the communications with public office holders that are carried out by the individuals receiving payment.

If all representatives of your organization who lobby are *true* volunteers and receive no payment beyond the reimbursement of reasonable expenses, then you do not need to register.

If a non-profit organizations' board of directors do not receive payment, they may not be considered lobbyists under the Act. If they are *true* volunteers, they are free to engage with public office holders without the organization having to report the activity.

What is "payment"?

"Payment" means money or anything of value, including a contract, promise, or agreement to pay. "Payment" does not include reimbursement of reasonable expenses. Reimbursement of reasonable expenses does not change the status of a volunteer.

Payment does not need to be explicitly for lobbying. An officer, director, or employee of an organization is considered an in-house lobbyist if they receive payment for any of their functions and also lobby on behalf of the organization.

However, if the involvement of a director or officer is part of their duties for another organization and they receive payment for their duties from the other organization, they are not considered volunteers. See the example below:

Volunteer example

The CEO of Organization A sits on the board of directors of an umbrella association. The umbrella association does not pay them, but they are paid by Organization A. They are a member of the umbrella association's board of directors because of their position at Organization A.

Because they are being paid by Organization A and are a member of the umbrella association's board of directors because of their position at Organization A, they are not considered a *true* volunteer with the umbrella association. Therefore, the volunteer exclusion does not apply to them. If this individual lobbies on behalf of the umbrella association, that association would need to report the activity.

Exempt communications and section 2(2)

The LTA does not apply to all types of communications with public officials. There are four situations where oral and written communication with public office holders is not considered lobbying. These situations are described below.

1. Oral and written submissions made in proceedings that are a matter of public record, to the Legislative Assembly or another government body having legislative authority – s. 2(2)(a)

This section applies to submissions that are a matter of public record. For example, submissions made to a committee of the Legislative Assembly (such as the Select Standing Committee on Finance and Government Services) or other matters presented to government bodies that are on the public record, may not be considered lobbying. Activities that qualify under this exemption are not considered lobbying and do not need to be reported.

MORE INFO: If you have questions about whether this section applies in your circumstances, please [email](#) our office with the details.

2. Routine interactions for government business – s. 2(2)(b)

This section applies to routine interactions with the provincial government or a Provincial entity, such as:

- following an established process to obtain a permit or negotiate a contract;
 - For example, if a community service organization contracts with a BC ministry to provide support to individuals with support needs, negotiating those contracts

following an established government contract or procurement process is not lobbying. However, if the organization uses these negotiations to influence other government decisions or procure something outside the scope of the contract, that may be considered lobbying.

- interactions related to the enforcement, interpretation or application of legislation or regulation;
- interactions related to the implementation or administration of a program, policy, directive or guideline, with respect to your organization; or
- if your organization's communications with government fall under this exemption, these communications do not need to be reported.

3. Direct response to a written request – s. 2(2)(c)

If your organization is providing advice or comment in direct response to a *written* request from a public office holder, those communications may fall under this exemption.

For example, your organization receives a *written* request from a public office holder for advice or comment about specific matters. Your organization responds and all communications clearly fit within the scope of the written request. Those communications would *not* be considered lobbying and would *not* need to be reported.

However, if representatives of your organization go beyond the scope of the written request and engage in additional communications with public office holders, that may be considered lobbying. The organization would need to register the portion of activities that are not covered by s. 2(2)(c).

Advisory councils

Government ministries may create advisory councils made up of non-profit representatives and other community members (for example, the [Minister's Advisory Council for Children and Youth with Support Needs](#)).

These councils may be asked to advise on the development and implementation of government programs and policies.

If the input provided by these councils stays within the boundaries of the office holder's written request, it is not considered lobbying and does not need to be reported.

Your organization needs to be clear about the subject matters covered by the written request for advice or comment. A direct response to a written request from a public office holder may be considered “consultation,” but as soon as your organization goes beyond topics identified in the written request, that communication may be considered lobbying (see example below).

Section 2(2)(c) example

A government committee reaches out to your organization with a written request for input on COVID-19 recovery programs for non-profits. Your organization writes back not only with your thoughts on COVID-19 recovery, but with suggestions for changing government processes to smooth out an unrelated issue that has arisen for your organization.

The communications not covered by the initial request for advice or comment are lobbying and must be reported. Your organization would need to report the non-COVID-19 related communication in the Lobbyists Registry.

4. Communication to an MLA about a personal matter of a constituent – s. 2(2)(d)

If your organization is communicating with an MLA about a personal matter of a constituent, that communication may be exempt from the LTA and may not need to be registered. See the example below:

Section 2(2)(d) example

Your organization is helping a client with a personal matter and, as part of that effort, arranges and supports them in a meeting with their local MLA. Communicating with the MLA in this context would meet the s. 2(2)(d) exemption and not be considered lobbying.

However, if your organization took this opportunity to discuss other matters with the MLA that were beyond the personal matter of the client, that may be considered lobbying.

YOUR ORGANIZATION IS LOBBYING. NOW WHAT?

If the activities of your organization have all the elements of lobbying, and the exemptions from the application of the Act (described above) do not apply to *all* of the activities, your organization must register with the BC [Lobbyists Registry](#).

The most senior paid officer (or, if there is no senior paid officer, the most senior in-house lobbyist) of your organization is the **Designated Filer** and is responsible for accurately registering your organization's lobbying.

MORE INFO: See our infographic [Are you a lobbyist in BC?](#)

Register your lobbying activity

Once any employee, officer, or director of your organization has engaged in the first lobbying activity, your organization's designated filer – likely your Executive Director or CEO – has 10 days to submit a **Registration Return** to the Lobbyists Registry.

A designated filer may create an account and prepare a Registration Return ahead of time, but cannot certify and submit the Registration Return until *after* the lobbying has begun.

For organizations that have never registered with the Lobbyists Registry, the steps are as follows. Please refer to the linked user guides for more detailed step-by-step assistance.

1. [Create accounts for the most senior officer](#) (Designated Filer) and Representative

The most senior paid officer (or, if there is no senior paid officer, the most senior in-house lobbyist) must create an account and will be the **Designated Filer**. The Designated Filer is legally responsible and must certify and submit the filings to the Registry.

Creating a Representative account is optional. This account allows a Representative to manage the Lobbyists Registry filings if the Designated Filer wants to delegate that duty. The legal responsibility remains with the Designated Filer, even if a Representative account is created.

2. [Create a Registration Return](#)

An organization's **Registration Return** forms the foundation of future **Monthly Returns** so take care to ensure it is accurate and up to date. Filing Monthly Returns when your organization is actively engaged in lobbying is easier and quicker when the Registration Return is properly completed.

You will need to certify the accuracy of the initial Registration Return every time you file a Monthly Return and update any information that may have changed since the last update, such as whether your organization has requested or received new government funding (see below for detailed information).

3. [Submit Monthly Returns](#)

In your **Monthly Returns**, you will certify the accuracy of the initial Registration Return and update any information that may have changed, such as whether your organization has requested or received new government funding.

As part of your monthly returns, you will submit details of any lobbying activity that your organization has conducted over the previous month (see below for detailed information).

Understand what you need to report: Registration Return and Monthly Returns

Registration Return

The Registration Return contains information about your organization and describes the lobbying it intends to do in the next one to three months. You will be asked for the following information:

- exact legal name of the organization;
- contact information for the most senior paid officer and contact information of the people who will help with the Registry filings;
- information about gifts to public office holders you are lobbying;
- whether your organization is a member of a coalition and, if so, the names and business addresses of the other members of the coalition (please review the ORL Guidance Document on [Coalitions](#) before answering this, as the term coalition may have a different meaning under the LTA than is often understood within the non-profit sector);
- whether there are third parties who control or direct the activities of the organization and have a **direct interest** in the outcome of the lobbying activities (for example, if your organization is controlled by a larger parent organization that has a direct interest in the outcome of your lobbying, that may need to be reported);
- whether there are third parties who have a **direct interest** in the outcome of the lobbying activities and contributed at least \$1,000 toward the lobbying activity in the past 12 months (for example, if an external organization or individual has donated \$1,000 to your organization's lobbying activity and has a direct interest in the outcome of the lobbying activity, that may need to be reported);
- information about employees, officers, or directors who are the organization's in-house lobbyists;
- government funding requested and/or received in the past 12 months (please review our Guidance Document on [Government Funding](#), as the term government funding may have a different meaning under the LTA than is often understood within the non-profit sector);
- specific topics of lobbying communications; and
- the ministries and Provincial entities you are lobbying.

Monthly Returns

The Monthly Return requires you to:

- update your Registration Return to ensure it is up to date; and
- create a **Lobbying Activity Report** for each lobbying activity involving **senior public office holders** that took place in the preceding month. This is a quick and simple process if the organization has set up its Registration Return properly;

Senior Public Office Holders

“Senior public office holders” are a subset of “public office holders” and include high-ranking officials in government and provincial entities. If your organization lobbies a “senior public office holder,” you must report the details of that activity in a Lobbying Activity Report.

Please see the glossary of terms at the end of this document for a detailed description of senior public office holders.

When you start a new Lobbying Activity Report, the form will automatically take you through the entire Monthly Return process. You can choose to:

- update your Registration Return only; or
- update your Registration Return and create a Lobbying Activity Report.

The **Lobbying Activity Report** is where you report your organization’s lobbying activities with **senior public office holders** over the previous month. You will be asked for the following information for each lobbying activity in the preceding month:

- date of communication (email, letter, phone call, tweet, etc.) with a senior public office holder;
- names and position titles of senior public office holders who were the object of the lobbying activity, including the name of the ministry or Provincial entity;
- names of lobbyists who participated; and
- details of the lobbying activity, including matters discussed, the name of the policy, program, legislation etc. you were trying to influence, and the decision or outcome you were seeking.

When you submit your Monthly Return, you will be required to report any changes to the information in the Registration Return including, but not limited to:

- government funding requested or received in the preceding 12 months. This includes any government grant or non-repayable government funding arrangement your

organization has requested or received. (Please see the [Government Funding](#) guidance document for further information);

- in-house lobbyists to be added or removed;
- political, sponsorship, and recall contributions made by in-house lobbyists. (Political contributions must be declared when a lobbyist named in your organization's Monthly Return contributes to an MLA that is the subject of a Lobbying Activity Report, or to that MLA's political party or constituency association);
- gifts to public office holders being lobbied (Gifts are prohibited under the LTA except in very narrow circumstances. Gifts are considered anything of value given or promised at a reduced cost. Please review the Guidance Document on [Lobbyist Gifts](#)).

Reporting social media activity

If an in-house lobbyist with your organization uses social media to post directly to a senior public office holder, they are communicating with the office holder. For example, if an in-house lobbyist Tweets directly at a senior public office holder (using the office holder's Twitter handle), that is considered a communication with the senior public office holder.

If the content of the tweet is an attempt to influence any of the matters set out in the definition of "lobby," the communication must be reported as a lobbying activity. Each such tweet requires a separate Lobbying Activity Report, as they are separate communications.

That same reporting requirement applies to re-tweets if they are also directed specifically at a senior public office holder and are attempting to influence the matters set out in the definition of "lobby."

Tweets from your organization's general Twitter account that meet the conditions outlined above should be reported as a lobbying by your organization's designated filer.

IMPORTANT NOTES:

1. If your organization had no lobbying activity to report for the preceding month, and the information in your Registration Return is completely up-to-date, you do not need to file a Monthly Return in a given month.
2. If your organization files no Monthly Returns for five consecutive months, the system will prompt the Designated Filer to submit a statement that the organization has not carried on lobbying activities in that time period.

ADDITIONAL RESOURCES

The [Sample Questionnaire for Organizations that are Lobbying](#) will help you organize the information you need to prepare the Registration Return.

The [Tracking Lobbying Activities: In-house Lobbyists](#) document will help you keep track of information you can use to prepare Monthly Returns.

The [Getting Started: Reference Guide](#) answers common questions about lobbying, including when and how lobbyists need to register their activities.

[Glossary of Terms](#)

[ORL FAQs](#)

[ORL Guidance documents & User Guides](#)

[Lobbyists Transparency Act](#)

[Lobbyists Transparency Regulation](#)

The ORL is committed to helping all organizations understand the LTA.

Our office can be contacted at info@bcorl.ca, by phone at (250) 387-2686, or in-person by pre-arranged appointment. Callers from outside Victoria can contact the office toll-free by calling Enquiry BC (800) 663-7867 and requesting a transfer to (250) 387-2686.

The ORL is actively working to make our services more accessible, in line with the [Accessible British Columbia Act](#). Our office welcomes all questions, feedback, and suggestions around the accessibility of our services.

APPENDIX A – GLOSSARY OF TERMS

Designated Filer: The *designated filer* for an organization is the most senior paid officer of the organization or, if the organization does not have a senior officer who receives payment, the most senior in-house lobbyist. The designated filer is responsible for accurately registering the organization's lobbying activity with the Lobbyists Registry.

Direct interest: Direct interest in the outcome of a lobbying activity requires that a person or entity would be impacted by the outcome of the lobbying activity, likely by benefitting directly, or being directly and adversely affected. This could include an impact on their legal rights, interests, legal obligations, finances or other tangible means.

If a person cares deeply about a lobbying activity, but would receive no direct, tangible impact from the outcome, this likely does not qualify as a "direct interest."

In-house lobbyist: An in-house lobbyist is a person who meets all three of the following:

- Is an employee, officer or director of an organization;
- Receives a payment for the performance of their functions; *and*
- Lobbies on behalf of the organization or an affiliate of the organization.

Lobby: The LTA definition of lobby is:

(a) to communicate with a public office holder in an attempt to influence

(i) the development of any legislative proposal by the government of British Columbia, a Provincial entity or a member of the Legislative Assembly,

(ii) the introduction, amendment, passage or defeat of any Bill or resolution in or before the Legislative Assembly,

(iii) the development or enactment of any regulation, including the enactment of a regulation for the purposes of amending or repealing a regulation,

(iv) the development, establishment, amendment or termination of any program, policy, directive or guideline of the government of British Columbia or a Provincial entity,

(v) the awarding, amendment or termination of any contract, grant or financial benefit by or on behalf of the government of British Columbia or a Provincial entity,

(vi) a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown, a Provincial entity or the public, or

(vii) a decision by the Executive Council or a member of the Executive Council to have the private sector instead of the Crown provide goods or services to the government of British Columbia or a Provincial entity,

(b) to arrange a meeting between a public office holder and any other individual for the purpose of attempting to influence any of the matters referred to in paragraph (a) of this definition;

Lobbying Activity Report: The part of your Monthly Return that you enter information about any communications with senior public office holders in the previous month.

Lobbyists Registry: The [online registry](#) where lobbyists enter details of their lobbying activities, and where the public can search to learn about the lobbying activities of specific lobbyists, as well as statistical information on lobbying in BC.

Monthly Return: Monthly returns contain information regarding the lobbying done in the previous month. Monthly returns are required to be filed no later than 15 days after the end of every month, beginning with the month in which the Registration Return is filed.

Organization: The definition of organization in the LTA is comprehensive. It explicitly includes charitable or non-profit organizations, associations, societies, coalitions and interest groups. The LTA definition of “organization” is:

Any of the following, whether incorporated, unincorporated, a sole proprietorship, or a partnership:

- (a) a person other than a person on whose behalf a consultant lobbyist undertakes to lobby*
- (b) a business, trade, industry, professional or voluntary organization*
- (c) a trade union or labour organization*
- (d) a chamber of commerce or board of trade*
- (e) a charitable or non-profit organization, association, society, coalition or interest group*
- (f) a government, other than the government of British Columbia.*

Public office holder: “Public office holders” include:

- members of the Legislative Assembly (MLAs) and any person on an MLA’s staff;
- officers or employees of the government of BC;
- people appointed by or with the approval of the Lieutenant Governor in Council, other than a person appointed by the Legislative Assembly;
- people appointed by or with the approval of a minister;

- officers, directors or employees of some Provincial entities.

Registration Return: The Registration Return contains information about the organization and its in-house lobbyists, along with high-level information about the lobbying carried out by the in-house lobbyists.

Senior public office holder: “Senior public office holders” include:

- Premier and ministers (members of the Executive Council)
- Staff of premier and staff of ministers (other than administrative support staff)
- Members of the Legislative Assembly (MLAs)
- Staff of MLAs (other than administrative support staff)
- Parliamentary secretary
- Deputy minister, chief executive officer or a position of comparable rank in a ministry
- Associate deputy minister, assistant deputy minister or a position of comparable rank in a ministry
- Senior or next most senior ranking executive position of a Provincial entity
- Chair or vice chair of, or the equivalent position in, the governing body of a Provincial entity