



O.R.L.

office of the  
registrar  
of lobbyists

BRITISH COLUMBIA

**GUIDANCE DOCUMENT**

**PROVINCIAL ENTITIES**

**Revised December 10, 2021**

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## PURPOSE OF THIS GUIDANCE DOCUMENT

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### 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 lobbyist.

This document provides guidance on the term “Provincial entity” as it is used in the *Lobbyists Transparency Act* (LTA).

Lobbying under the LTA is an attempt to influence the government of British Columbia (BC) or a Provincial entity. The government of BC is generally understood to be the office of the Premier, ministries, and government agencies, sometimes referred to as core government. “Provincial entity” is specifically defined by regulation and generally refers to provincial government bodies or corporations that are outside core government. Provincial entities include crown corporations, school districts, public sector post-secondary institutions, such as colleges and universities, and health authorities.

Persons employed by, or an officer or director of, a Provincial entity listed in the [Appendix](#) of the Lobbyists Transparency Regulation, are not considered in-house lobbyists when acting in an official capacity.

Under the LTA, lobbyists are required to report several matters related to Provincial entities including:

1. whether the lobbyist is communicating with a public office holder employed by or serving in a Provincial entity in an attempt to influence any of the matters set out in the definition of “lobby;”
2. whether the lobbyist’s client or organization has requested or received funding from a Provincial entity within the preceding 12 months;
3. whether the lobbyist is a former public office holder who occupied one of the two most senior ranking executive positions, or the chair, vice chair, or equivalent in the governing body of a Provincial entity listed in the Appendix to the Lobbyists Transparency Regulation and therefore subject to the two-year lobbying prohibition; and

4. whether the lobbyist has violated the contracting prohibition in section 2.1 of the LTA with respect to a Provincial entity.

**The information in items 1–4 must be declared in the Registration Return.**

5. Lobbyists are required to report all lobbying efforts directed at senior public office holders. The term “senior public office holders” includes:
  - the two most senior ranking executive positions in a Provincial entity; and
  - the chair, vice chair, or equivalent position in the governing body of a Provincial entity.

**Lobbying of a senior public office holder in a Provincial entity must be declared in a Lobbying Activity Report (part of the Monthly Return).**

If you have questions after reading this guidance document, contact the Office of the Registrar of Lobbyists for BC for assistance at [info@bcorl.ca](mailto:info@bcorl.ca).

## LTA DEFINITION OF “PROVINCIAL ENTITY”

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### What is a “Provincial entity” under the LTA and for what purposes is it prescribed?

The term “Provincial entity” is defined in the LTA as “a prescribed Provincial entity.”<sup>1</sup> The Lobbyists Transparency Regulation prescribes Provincial entities as follows for the purposes listed:

1. The Provincial entities listed in the [Appendix](#) to the Regulation are prescribed<sup>2</sup> for the purposes of:
  - paragraph (c)(iii) of the definition of “former public office holder” in the LTA; and
  - determining whether an individual is a person employed by, or is an officer or director of, a Provincial entity and is therefore not considered to be an in-house lobbyist when acting in their official capacity.
2. For all other purposes, Provincial entities are prescribed<sup>3</sup> to include the Workers’ Compensation Board and the entities that make up the government reporting entity

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<sup>1</sup> *Lobbyists Transparency Act*, SBC 2001, c42, s 1.

<sup>2</sup> Lobbyists Transparency Regulation, BC Reg 235/2019, s 3(b).

<sup>3</sup> Lobbyists Transparency Regulation, BC Reg 235/2019, s 3(a).

within the meaning of the [Budget Transparency and Accountability Act](#), except the government as reported through the consolidated revenue fund.

You can check which Provincial entities fall into this second group at the [BC Government list of taxpayer supported crown corporations & agencies](#). Please note this list is updated approximately once a year and it remains the responsibility of the lobbyist to register lobbying if required under the LTA. If you have questions, contact the Office of the Registrar of Lobbyists for BC for assistance at [info@bcorl.ca](mailto:info@bcorl.ca).

#### Note

Provincial entities are listed in drop-down menus in the Registration Return and the Monthly Return.

## REGISTRATION RETURN – REPORTING LOBBYING COMMUNICATIONS WITH PROVINCIAL ENTITIES

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### How do I determine whether to report lobbying communications directed toward Provincial entities?

The LTA requires lobbying of a Provincial entity to be reported if the lobbying communication is directed toward a person included in the definition of a “**public office holder**.” If you are not lobbying a person who is included in that definition, there is no requirement to report those communications as lobbying activities. To determine whether you need to report lobbying communications directed at a Provincial entity, follow these steps (or see flow chart below):

1. First, determine whether you are lobbying a Provincial entity. The [Lobbyists Transparency Regulation](#) defines Provincial entities as the Workers’ Compensation Board or one of the entities that make up the government reporting entity within the meaning of the [Budget Transparency and Accountability Act](#) (other than the government, as reported through the consolidated revenue fund).
2. Next, determine whether the Provincial entity is a government corporation as defined by the [Financial Administration Act](#).
  - If the Provincial entity is a government corporation → then all officers, directors, and employees are “public office holders,” including anyone appointed to the

corporation by the Lieutenant Governor in Council or by a Minister.<sup>4</sup> Examples of government corporations include the Insurance Corporation of British Columbia, British Columbia Transit, the Oil and Gas Commissioner, and the BC Lottery Corporation. If your lobbying communications are with a Provincial entity that is a government corporation, then all officers, directors, and employees of that entity and all appointees are “public office holders.”

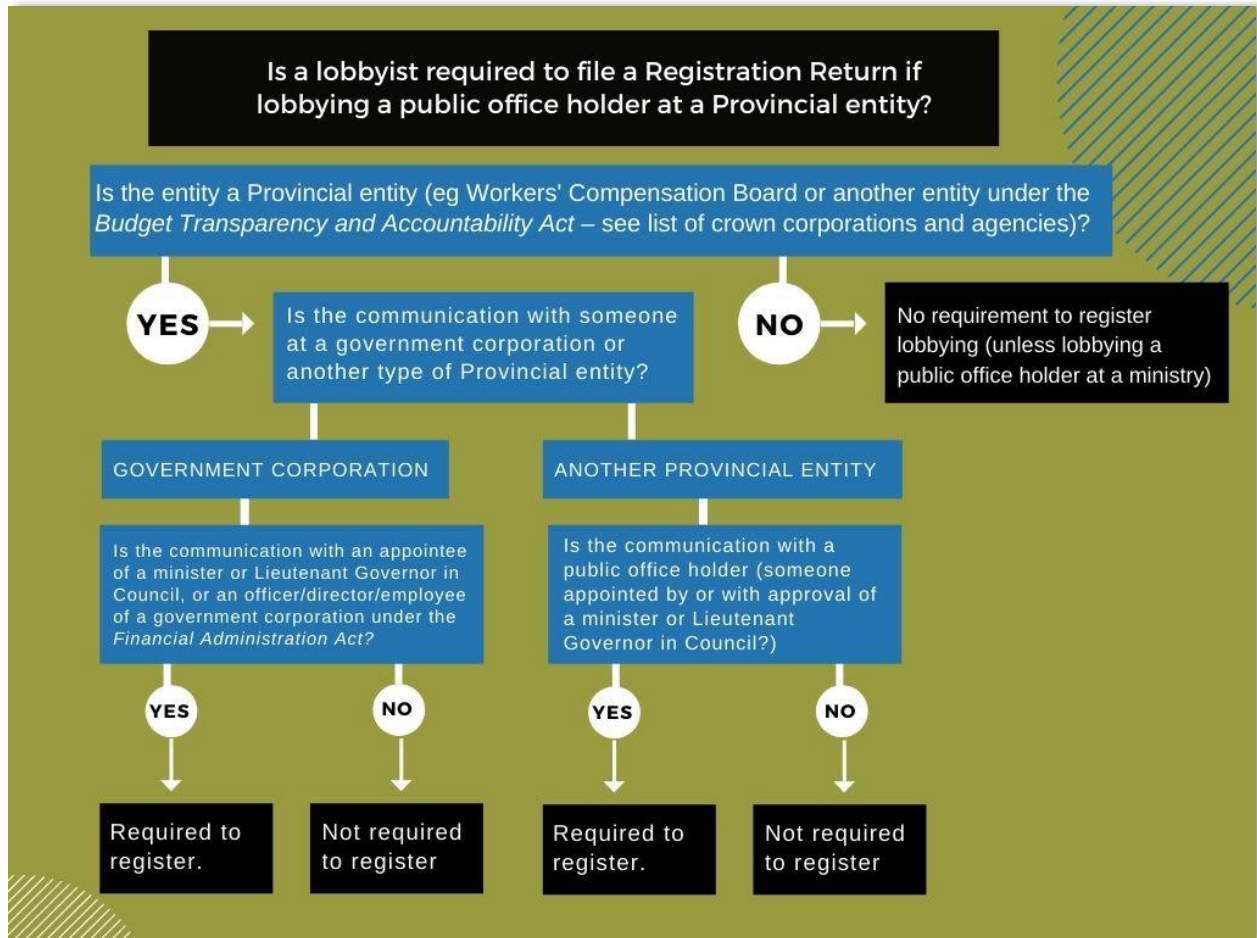
- If the Provincial entity is not a government corporation (e.g. a School Board) → then “public office holders” are those persons appointed to the Provincial entity by the Lieutenant Governor in Council or a Minister. If your lobbying communications are with a Provincial entity that is not a government corporation, then only the individuals appointed to their positions by the Lieutenant Governor in Council or a Minister are “public office holders.” In other words, individuals who are not appointed to their positions are not “public office holders.”

In the unusual circumstance that you are lobbying a Provincial entity by communicating with an MLA, a member of their staff, or an officer or employee of the BC government, you must declare the lobbying activity, because each of these individuals are considered “public office holders” under the LTA.

Lobbyists can search the [BC Directory of Agencies](#) to determine whether their lobbying communication was with a person who is appointed to their position in relation to the definition of “public office holder.” Click on the name of an agency to view current appointments that have been made by or with the approval of a minister or the Lieutenant Governor in Council.

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<sup>4</sup> The definition of public office holder in section 1(1) of the LTA states that public office holders include those appointed by a Minister or by the Lieutenant Governor in Council (other than a person appointed on the recommendation of the Legislative Assembly) and an officer, director, or employee of any government corporations as defined in the *Financial Administration Act*.



**The Provincial entity I am lobbying is not a government corporation. How can I identify whether the person I am lobbying was appointed?**

The [Crown Agencies and Board Resourcing Office](#) publishes a list of government agencies in its [Directory of Agencies](#). You can click on the name of an agency to view current appointments that have been made by a minister or with the approval of the Lieutenant Governor in Council by an Order in Council.

Lobbyists can also search BC Laws for [Orders in Council](#) and [Ministerial Orders](#) for current or historical appointments.

**Examples to illustrate**

**I am lobbying the Land Title and Survey Authority of British Columbia; does the LTA require that I report this activity?**

No, because the Land Title and Survey Authority of British Columbia is not a Provincial entity.

**I am lobbying an employee of the University of British Columbia; does the LTA require that I report this activity?**

Yes. The University of British Columbia is a Provincial entity that is also a government corporation as defined by the *Financial Administration Act*. You are required to report this activity because all officers, directors, and employees of government corporations are public office holders.

**I am lobbying an elected school trustee at a school district; does the LTA require that I report this activity?**

No, unless the school trustee was appointed by or with the approval of a minister or the Lieutenant Governor in Council, which does not happen often. Most school trustees are elected, not appointed. Elected school trustees do not meet the definition of “public office holder.”

**I am lobbying the CEO of a regional health authority; does the LTA require that I report this activity?**

Yes. A regional health authority (Northern Health Authority; Interior Health Authority; Fraser Health Authority; Vancouver Coastal Health Authority; Vancouver Island Health Authority; Provincial Health Services Authority) is a government corporation as defined by the *Financial Administration Act*. You are required to report this activity because all officers, directors, and employees of government corporations are public office holders.

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## REGISTRATION RETURN – FUNDING FROM PROVINCIAL ENTITIES

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### What if a client or organization requests or receives funding from a Provincial entity?

If a lobbyist's organization or client requested or received funding from a Provincial entity within the preceding 12 months, the lobbyist must declare the name of the Provincial entity and the amount of funding requested or received in their Registration Return.

## REGISTRATION RETURN – DECLARING FORMER PUBLIC OFFICE HOLDER INFORMATION

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### How do I determine whether I need to declare that I am a “former public office holder” with respect to a Provincial entity?

You only need to declare having been a former public office holder at a Provincial entity if you were employed at a Provincial entity named in the [Appendix](#) to the Lobbyists Transparency Regulation AND the position you held was one of the following:

- The most senior or next most senior ranking executive position in the Provincial entity; or
- The chair or vice chair of, or the equivalent position in, the governing body of the Provincial entity.

If more than one individual formerly occupied any of these positions, each of those individuals is deemed to be a former public office holder.

#### Did you know?

Under the LTA, it is possible to be a “former public office holder” without ever having been a “public office holder.” For example, the elected school trustee who occupies the position of chair or vice chair of a school board is not generally a public office holder within the meaning of the LTA. However, if that chair or vice chair lobbies government after leaving their position with the school board, they would be required to declare in the Lobbyists Registry that they were a former public office holder because they were the chair or vice chair of the governing body of a Provincial entity.

## MONTHLY RETURN – REPORTING OF LOBBYING ACTIVITIES WITH PROVINCIAL ENTITIES

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**How do I determine if the person I am lobbying at a Provincial entity is a senior public office holder for the purposes of completing a Lobbying Activity Report as part of my Monthly Return?**

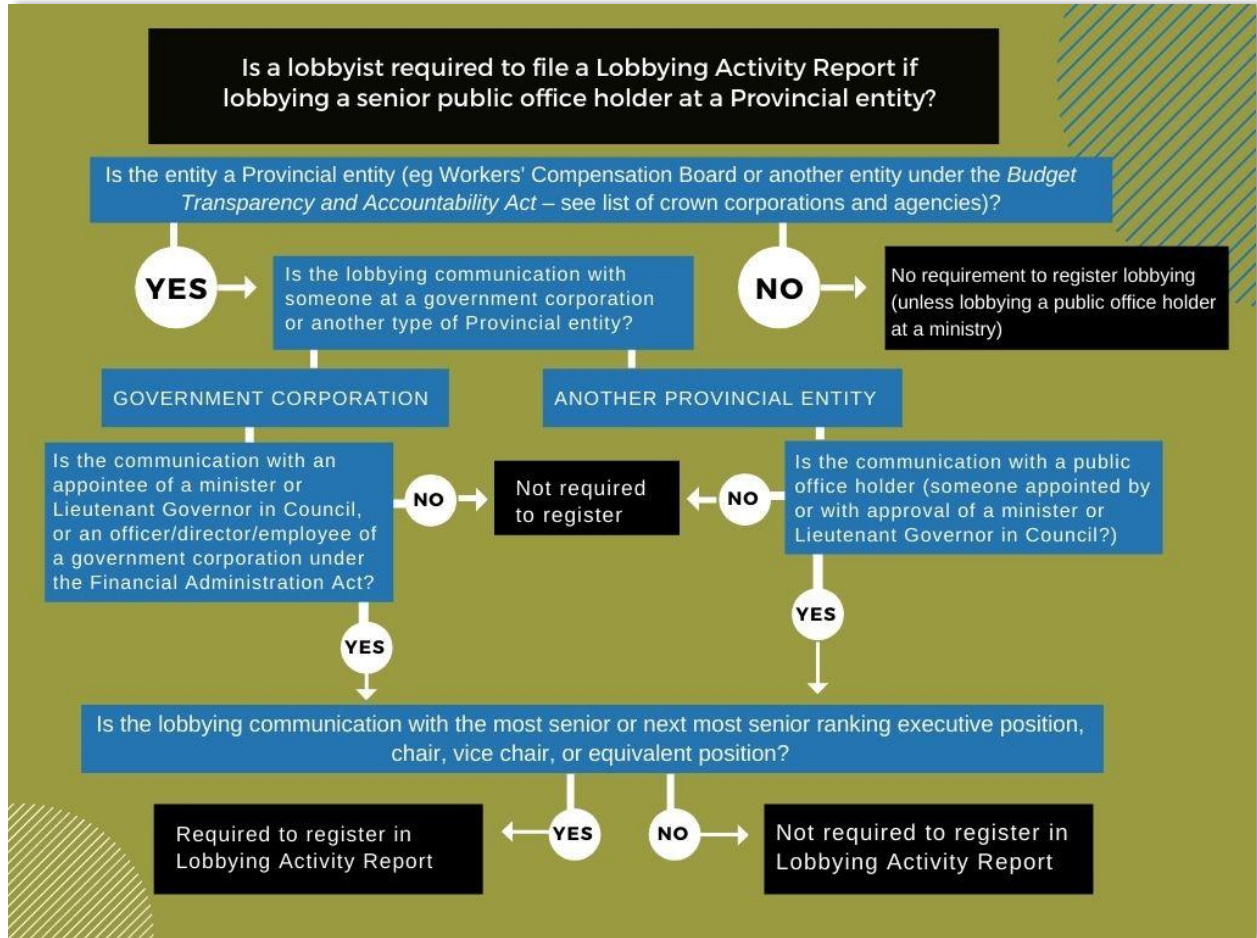
In their Lobbying Activity Reports, lobbyists are required to report lobbying activities directed at senior public office holders.<sup>5</sup> Senior public office holders in Provincial entities are the most senior or next most senior ranking executive position of a Provincial entity, or the chair or vice chair of, or the equivalent position in, the governing body of a Provincial entity. If more than one individual occupies a position that is equivalent to any of these positions, each of those individuals is deemed to be a senior public office holder.

However, based on the definition of “lobby,” lobbyists only need to report lobbying activities directed at senior public office holders in Provincial entities if those senior public officer holders also meet the definition of public office holders – in this context, persons who have been appointed by or with the approval of a minister or the Lieutenant Governor in Council (see flow chart below).

**Note:** if you declare lobbying of a senior public office holder in a Lobbying Activity Report, you must ensure that your Registration Return is updated to include the name of the Provincial entity in the list of Ministries/Provincial entities.

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<sup>5</sup> An individual must meet the definition of BOTH “public office holder” and “senior public office holder” before a lobbyist is required to report lobbying activity directed at that individual.



**Examples to illustrate**

**I am lobbying a Chair of a regional health authority board. Does the LTA require that I report this activity in my Monthly Return?**

Yes. A regional health authority is a Provincial entity that is a government corporation. A Chair of the board of directors is a senior public office holder as they are an employee, officer, or director of a government corporation and a chair or vice chair of a Provincial entity. Therefore, the LTA requires lobbyists to report lobbying activities directed toward the Chair of a health authority board.

**I am lobbying a Chair of ICBC. Does the LTA require that I report this activity in my Monthly Return?**

Yes. ICBC is a Provincial entity that is a government corporation. A Chair of ICBC is a senior public office holder as they are an employee, officer or director of a government corporation and a chair or vice chair of a Provincial entity. Therefore, the LTA requires lobbyists to report any lobbying activities directed toward a Chair of ICBC.

**I am lobbying an employee at BC Hydro. Does the LTA require that I report this activity in my Monthly Return?**

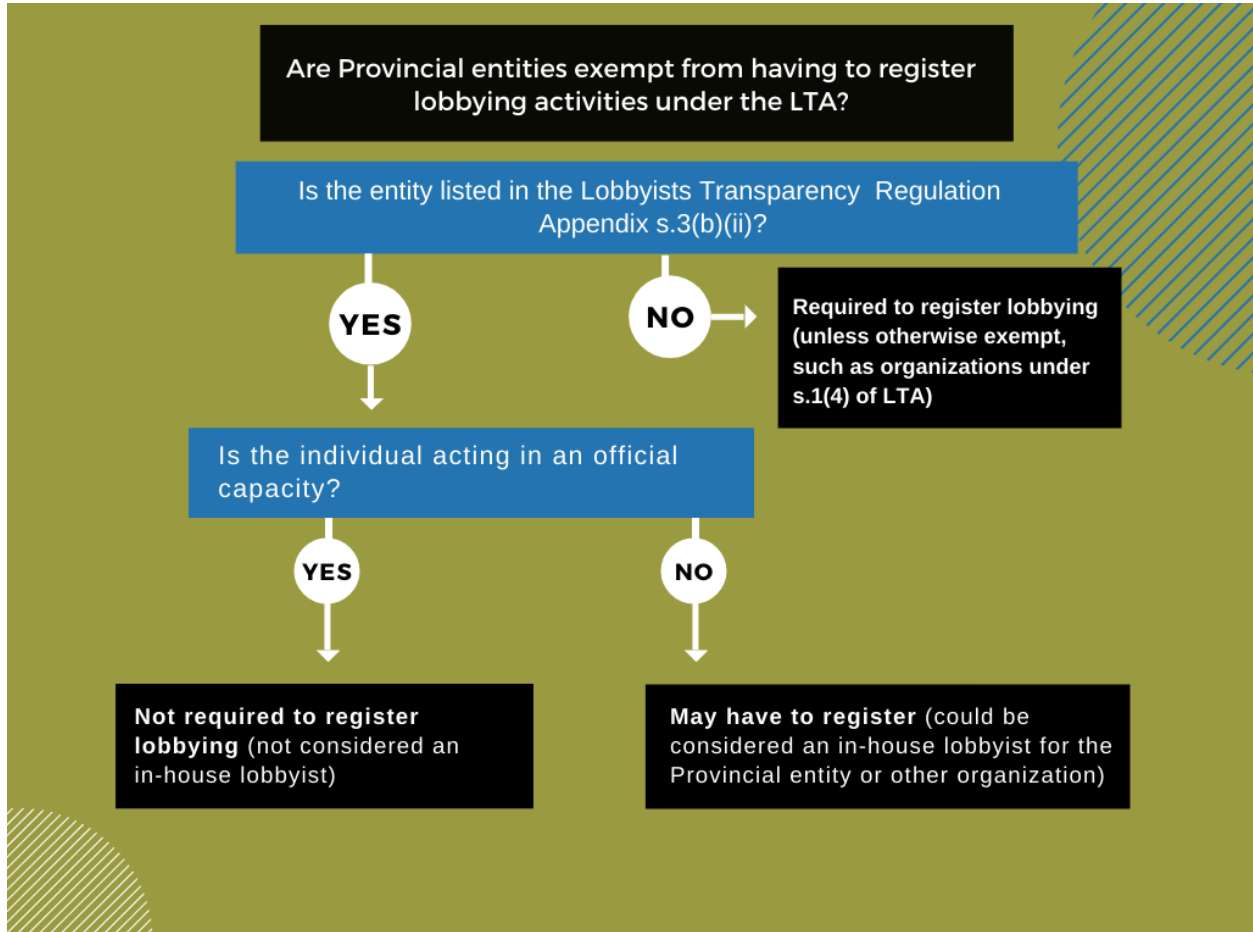
Not unless they are the most senior or next most senior ranking executive position or chair or vice chair. BC Hydro is a Provincial entity that is a government corporation, but you do not need to report lobbying activities directed at an employee of BC Hydro who is not a senior public office holder (the most senior or next most senior ranking executive position or chair or vice chair).

## EXCLUSION OF PROVINCIAL ENTITIES FROM REQUIREMENTS FOR ORGANIZATIONS

**We are employees, officers, or directors of a Provincial entity. How do we know if the Provincial entity is exempt from having to register lobbying activities under the LTA?**

If your Provincial entity is listed in the Lobbyists Transparency Regulation [Appendix](#), and the employees, officers, or directors are acting in their official capacity, then they are not considered in-house lobbyists, which means that the Provincial entity is not required to register related lobbying activities.

If a Provincial entity is not listed in the Lobbyists Transparency Regulation Appendix, it may be required to register lobbying activities unless it is otherwise exempt (see flow chart below).



## CONTRACTING PROHIBITION FOR LOBBYISTS WHO HAVE BEEN PAID FOR PROVIDING ADVICE TO A PROVINCIAL ENTITY

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### What is the contracting prohibition in the LTA?

The contracting prohibition prohibits lobbying of the government of British Columbia or Provincial entities by a person, or a person associated with that person, in relation to a matter for which that person has a contract for providing paid advice to the government or a Provincial entity. It applies to both lobbying and entering into a contract:

- A lobbyist cannot lobby a Provincial entity on a matter in relation to which the person, or a person associated with that person, holds a contract for providing paid advice;
- A lobbyist cannot enter into a contract for providing paid advice with a Provincial entity on a matter in relation to which the person, or a person associated with that person, is lobbying.

The rules, which are in the public interest, apply unless the lobbyist has applied for and received an exemption from the Registrar.

### How do I determine whether I am subject to the contracting prohibition in section 2.1 of the LTA with respect to a Provincial entity?

You are subject to the contracting prohibition if:

- you want to lobby a Provincial entity on a matter in relation to which you, or a person associated with you, holds a contract for providing paid advice; or
- you want to enter into a contract for providing paid advice with a Provincial entity on a matter in relation to which you, or a person associated with you, is lobbying.

For the purposes of the contracting prohibition, Provincial entities are prescribed<sup>6</sup> to include the Workers' Compensation Board and the entities that make up the government reporting entity within the meaning of the [Budget Transparency and Accountability Act](#), except the government as reported through the consolidated revenue fund.

As noted, you can reference this list to see which Provincial entities fall into the second group: [BC Government list of taxpayer supported crown corporations & agencies](#). Note that the list is

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<sup>6</sup> Lobbyists Transparency Regulation, BC Reg 235/2019, s 3(a).

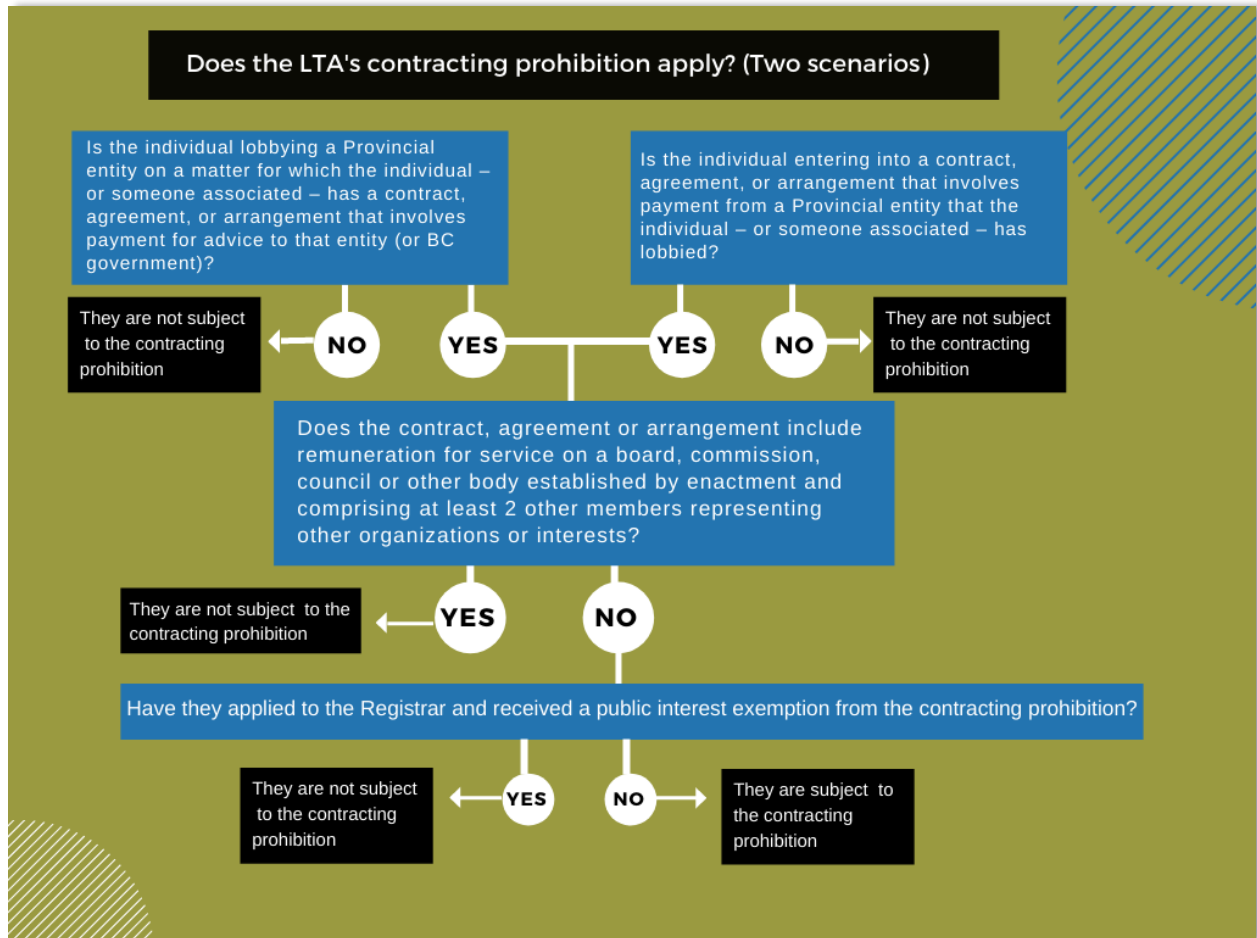
updated approximately once a year and it remains the responsibility of the lobbyist to register lobbying if required under the LTA. If you have questions, contact the Office of the Registrar of Lobbyists for BC for assistance at [info@bcorl.ca](mailto:info@bcorl.ca).

A “contract for providing paid advice” means an agreement or other arrangement under which a person directly or indirectly receives or is to receive payment for providing advice to the government of British Columbia *or a* Provincial entity. Note that it does not include reasonable remuneration for serving on a board, commission, council or other body that is established under an enactment and on which there are at least two other members who represent other organizations or interests (see flow chart below).

**What does it mean for a person to be “associated with” another person in relation to the contracting prohibition?**

Under the LTA, a lobbyist is associated with another person if the other person is:

- a corporation of which the lobbyist is a director or senior officer;
- a corporation carrying on business or activities for profit or gain if the lobbyist owns or is the beneficial owner of shares of the corporation;
- the lobbyist’s employer;
- a partnership:
  - of which the lobbyist is a partner, or;
  - of which one of the partners is a corporation associated with the lobbyist by reason of being a corporation of which the lobbyist is a director or senior officer or a corporation carrying on business or activities for profit or gain if the lobbyist owns or is the beneficial owner of shares of the corporation.
- a person or group of persons acting as the lobbyist’s agent and having actual authority in that capacity from the lobbyist.



## TWO-YEAR LOBBYING PROHIBITION

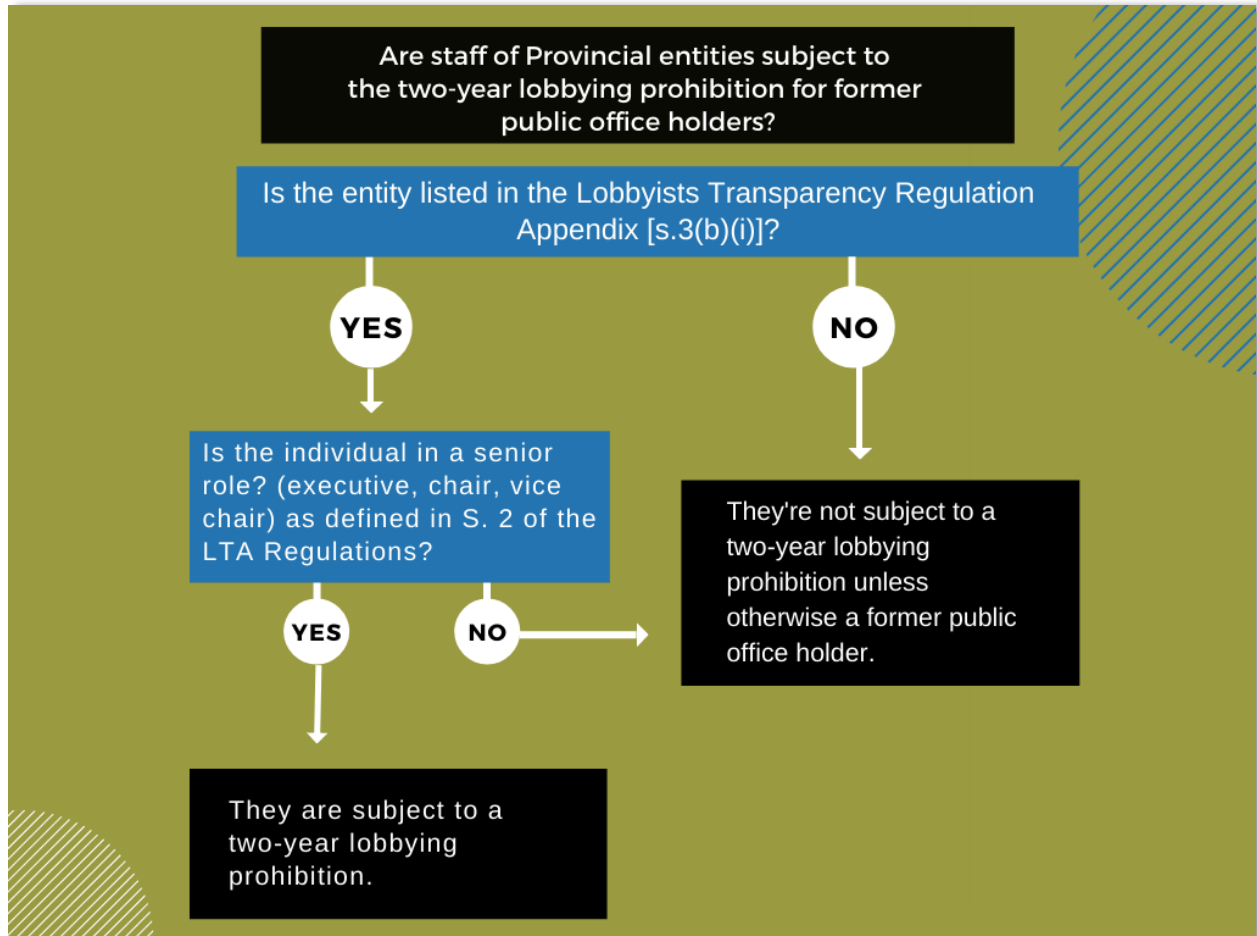
**How do I determine whether I am a “former public office holder” and therefore subject to the two-year lobbying prohibition?**

You are subject to the two-year lobbying prohibition if both of the following apply to you:

- The Provincial Entity at which you were employed is listed in [the Appendix](#) of the Lobbyists Transparency Regulation; and
- You were in a senior or next most senior ranking executive position or in the position of chair or vice chair or an equivalent position (including a co-senior, co-next most senior position, co-chair, co-vice chair positions, or co-equivalent positions). If you were not in one of those positions, you are not subject to the two-year lobbying prohibition.



You are not subject to the two-year lobbying prohibition if the Provincial entity at which you were employed is **not** listed in the Appendix of the Lobbyists Transparency Regulation (see flow chart below).



## UNSURE? WE CAN HELP

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**What if I believe an agency may be a Provincial entity, but I cannot find it in the Appendix or in the drop-down lists in the Lobbyists Registry?**

If a government agency is not currently included in the Appendix to the Lobbyists Transparency Regulation or the relevant drop-down sections of the Registration Return and/or Lobbying Activity Report, and you are not able to determine whether a particular agency is considered a “Provincial entity”, contact the Office of the Registrar of Lobbyists for BC for assistance and confirmation at [info@bcorl.ca](mailto:info@bcorl.ca)