



O.R.L.

office of the  
registrar  
of lobbyists

BRITISH COLUMBIA

**GUIDANCE DOCUMENT**

**Public office holders and the  
*Lobbyists Transparency Act***

**May 5, 2022**

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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 client, lobbyist, and public office holder.

In British Columbia, the [Lobbyists Transparency Act](#) (LTA) governs the activities of lobbyists who lobby provincial public office holders. This guidance document answers some common questions public office holders have about lobbying in BC, explains some of the prohibited lobbying activities, and provides best practices for public office holders engaging with lobbyists.

## COMMON QUESTIONS

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### ***Am I a public office holder?***

The LTA definition of “public office holder” includes many individuals, in addition to elected officials. Any of the following may be a public office holder:

- a member of the Legislative Assembly (MLA) including members of cabinet;
- political staff of an MLA or a member of cabinet;
- an officer or employee of the government of British Columbia;
- a person who is appointed to any office or body by or with the approval of the Lieutenant Governor in Council, other than a person appointed on the recommendation of the Legislative Assembly;
- a person who is appointed to any office or body by or with the approval of a minister of the government of British Columbia; and
- an officer, director, or employee of any government corporation as defined in the *Financial Administration Act*.

Judges, or independent officers such as the Ombudsperson or the Registrar of Lobbyists, are not included in the LTA definition of “public office holders”.

### **Does the LTA apply to public office holders?**

Although the LTA governs the activities of *lobbyists* in BC, there are rules related to lobbying and gifts that BC public office holders should be aware of. Additionally, a two-year lobbying prohibition for former public office holders may apply to you in the future.

### **Do I need to register lobbying I receive?**

The LTA requirement to register lobbying with public office holders in BC falls solely on the lobbyist.

Public office holders have no obligation under the LTA to register lobbying communications they receive.

The LTA requires lobbyists to register their lobbying activities in the publicly accessible [Lobbyists Registry](#).

### The Lobbyists Registry

If a public office holder has concerns about whether a lobbyist has registered their lobbying activities, they can find this information in the Lobbyists Registry.

The Lobbyists Registry is a publicly accessible registry that holds records of lobbying activities directed at the public office holders at the provincial government level in BC. Subject to the LTA, lobbyists are required to file and maintain accurate records of their lobbying activities with BC public office holders.

### **Can I accept a gift from a lobbyist?**

Under the LTA, public office holders are not prohibited from *receiving* gifts. However, lobbyists are prohibited from giving or promising gifts or benefits to public office holders they are lobbying. There is one narrow exception to the gift-giving prohibition:

- Gifts or benefits may be given or promised if they are a part of a protocol or social obligation that normally accompanies the duties or responsibilities of the office of the public office holder and the total value over a 12-month period is less than \$100.

Any gifts promised or given should fall within this exception and all gifts or benefits that a lobbyist gives or promises to a public office holder they are lobbying are required to be reported publicly in the Lobbyists Registry. This includes gifts or benefits that fall under the exception to the gift-giving prohibition.

### Gifts that are likely acceptable under the LTA

- A token of gratitude or courtesy (e.g. pens, mugs, books etc.) when a public office holder has an official function, such as speaker, moderator, or ribbon cutter at an event, or when attendance at an event is generally part of their duties of office.
- A gift offered to a public office holder attending an event, meeting, conference, or other function in an official capacity, whether or not the public office holder has an active role, if given by a lobbyist representing a cultural or social group that traditionally offers gifts to express gratitude or to commemorate an occasion.

### Gifts: Other legislation that may be relevant

The LTA's gift prohibition applies to lobbyists giving or promising gifts. Other BC legislation may regulate or prohibit public office holders from accepting gifts.

- The [Members' Conflict of Interest Act](#) prohibits MLAs from accepting a gift connected with the duties of their office, unless it is received as an instance of the protocols or social obligations that normally accompany the responsibilities of office and has a value of less than \$250. Acceptable gifts that exceed \$250 must be disclosed to the Conflict of Interest Commissioner. More information about MLAs and gifts can be found on the [Conflict of Interest Commissioner's website](#).
- The [Standards of Conflict for BC Public Service](#) employees includes guidance around conflicts of interest and the limited situations where accepting gifts may be allowed.
- The [Standards of Conflict for Political Staff Regulation](#) outlines the conflicts of interest considerations around receiving gifts as political staff.

#### ***As a former public office holder, can I lobby government?***

[Section 2.2](#) of the LTA imposes a two-year cooling-off period for former public office holders. This means that an individual may not lobby a BC public office holder for a period of two years after the individual has ceased to hold any of the following positions:

- a member of the executive council;
- employed by a current or former member of the Executive Council's current or former office (apart from administrative support staff);
- a parliamentary secretary;
- a senior executive position in a ministry, whether by title of deputy minister, CEO, or another title;
- an associate deputy minister, assistant deputy minister, or a position of comparable rank in a ministry;
- the senior or next most senior ranking executive position in a provincial entity listed in the [Appendix](#) to the [Lobbyist Transparency Regulation](#); or
- the position of chair or vice chair of the governing body of a provincial entity listed in the [Appendix](#) to the [Lobbyist Transparency Regulation](#).

The Registrar may, on request, exempt a former public office holder from the two-year lobbying prohibition if the Registrar deems the exception to be in the public interest. The Office of the

Registrar of Lobbyists website has information about [requesting an exemption](#), as well as [past decisions on exemption requests](#).

***How can I be certain a lobbyist represents who they say they represent?***

Under the LTA, lobbyists are obligated to register the organization or client they work for and whether the organization or client is funded by, affiliated with, or controlled by an individual or organization that has a direct interest in the outcome of the lobbying.

This information can be found in the [Lobbyists Registry](#) and shines a light on whether a lobbying effort is backed by larger organizations or interest groups.

Public office holders can ask lobbyists about their registration status and, if not registered, remind them of their obligation to do so. This practice strengthens transparency in government and promotes the integrity of public institutions.

If a public office holder has questions about a lobbyist’s compliance with the LTA they can contact the Office of the Registrar for Lobbyists at [info@bcorl.ca](mailto:info@bcorl.ca) for assistance.

**“Grassroots” Lobbying**

- A ground-up, public communications movement does not need to be registered so long as no individual communicating with a public office holder receives payment.
- These movements, often referred to as “grassroots” lobbying, may involve mass citizen participation in letter writing campaigns, social media posts, or telephone calls to a public office holder.

**HELP AND FURTHER INFORMATION**

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The Office of the Registrar of Lobbyists maintains a [Getting Started – Reference Guide](#), a number of [guidance documents](#), and an [FAQ](#) on its website.

If you have any questions about the LTA and its requirements for public office holders, please contact the Office of the Registrar of Lobbyists for BC at [info@bcorl.ca](mailto:info@bcorl.ca)