



**O.R.L.**  
office of the  
registrar  
of lobbyists  
**BRITISH COLUMBIA**

**GUIDANCE DOCUMENT**

**EXEMPTION PROCESS FOR  
FORMER OFFICE HOLDERS**

**Updated October 06, 2022**

## 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 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 Transparency Act](#) (LTA).

## LOBBYING PROHIBITION FOR FORMER PUBLIC OFFICE HOLDERS

Section 2.2 of the LTA contains a statutory prohibition stating that a former public office holder must not lobby, in relation to any matter, for a period of 2 years after the date the person ceased:

- (a) to be a member of the Executive Council,
- (a.1) to be an individual employed in a current or former office of a current member or former office of a former member of the Executive Council,
- (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".

The term "former public office holder" is defined in the LTA as follows:

- (a) a former member of the Executive Council and any individual, other than administrative support staff, formerly employed in the former member's former office,
- (a.1) any individual, other than administrative support staff, formerly employed in a current or former office of a current member of the Executive Council,
- (b) a former parliamentary secretary, or
- (c) any individual who formerly occupied

- (i) a senior executive position in a ministry, whether by the title of deputy minister, chief executive officer or another title,
- (ii) the position of associate deputy minister, assistant deputy minister or a position of comparable rank in a ministry, or
- (iii) a prescribed position in a Provincial entity;

Section 2 of the [Lobbyists Transparency Regulation](#) (LTR) states:

- 2 (1) For the purposes of paragraph (c) (iii) of the definition of "former public office holder" in section 1 (1) [interpretation] of the Act, the following positions in a Provincial entity are prescribed:
  - (a) the most senior or next most senior ranking executive position of a Provincial entity listed in the Appendix of this regulation;
  - (b) the chair or vice chair of, or the equivalent position in, the governing body of a Provincial entity listed in the Appendix of this regulation.
- (2) If more than one individual formerly occupied a position that is equivalent to a position referred to in subsection (1) (a) or (b), each of those individuals is deemed to have occupied the position referred to in that subsection.

The [Appendix](#) to the LTR includes the Provincial entities referred to in section 2(1) of the LTR above.

## EXCEPTION TO THE PROHIBITION

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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.

## GUIDANCE FOR APPLICANTS

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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 LTA.
  - 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.
6. The Registrar will issue a binding decision based on the application. The decision will be posted on the Office of the Registrar of Lobbyists website.