



O.R.L.

office of the
registrar
of lobbyists

BRITISH COLUMBIA

GUIDANCE DOCUMENT

PROVINCIAL ENTITIES

February 6, 2020

PURPOSE OF THIS GUIDANCE DOCUMENT

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

Provincial entities are provincial government organizations and agencies that are included in the government reporting entity but fall outside the core operations of the provincial government. (Core government is generally understood to be comprised of government ministries, the Office of the Premier, and legislative offices.) Therefore, under the LTA, the term “Provincial entity” refers generally to provincial government agencies or organizations outside core government.

Provincial entities include:

- Crown corporations
- School districts
- Public sector post-secondary institutions such as colleges and universities
- Health authorities

PROVINCIAL ENTITIES GUIDANCE

Why is the term “Provincial entity” significant in the LTA?

Lobbyists are required to report several matters related to Provincial entities, including:

1. 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 Lobbyist Transparency Regulation, and is therefore subject to the two-year cooling off period.
2. 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.
3. 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”.

4. Whether the lobbyist's client or organization has requested or received funding from a Provincial entity within the preceding 12 months.
5. Whether the lobbyist has violated the contracting prohibition in section 2.1 of the LTA with respect to a Provincial entity.

How is the term "Provincial entity" defined in the LTA?

The term "Provincial entity" is defined in the LTA as "a prescribed Provincial entity." The Lobbyist Transparency Regulation prescribes two groupings of Provincial entities as follows:

1. The Provincial entities listed in the [Appendix](#) to the Regulation are prescribed 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 defined as the Workers' Compensation Board together with 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.

You can check which Provincial entities fall into this second group at:

<https://www2.gov.bc.ca/gov/content/governments/finances/public-accounts/financial-statements>

This list is updated approximately once a year.

NOTE: Provincial entities that fall into this group are listed in drop-down menus in the Registration Return and the Monthly Return.

When would a lobbyist refer to the Provincial entities listed in the Appendix?

Lobbyists should refer to the Provincial entities listed in the Appendix to the Lobbyist Transparency Regulation to determine the following:

- Whether an individual formerly occupied a prescribed position in a Provincial entity, and is therefore subject to the two-year cooling-off period because they are a "former public office holder"; and

- 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.

When would a lobbyist refer to the list of Provincial entities found in the drop-down menus in the Registration Return and in the Monthly Return?

For all purposes other than those identified in the question directly above, lobbyists should refer to the drop-down menus in the Registration Return and in the Monthly Return.

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 Lobbyist Transparency Regulation or the relevant drop-down sections of the Registration Return and/or Monthly Return, 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 at info@bcorl.ca

What if I have other questions about Provincial entities?

After reading this guidance document, if you have questions, contact the Office of the Registrar of Lobbyists for BC for assistance at info@bcorl.ca

Note: 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 Transparency Act, respecting which the Registrar and his or her delegates will keep an open mind. Responsibility for compliance with the Lobbyists Transparency Act remains with each client, lobbyist, and public office holder.