



O.R.L.

office of the
registrar
of lobbyists

BRITISH COLUMBIA

GUIDANCE DOCUMENT

TIMING IS EVERYTHING:
TRANSITION RULES FOR THE *LOBBYISTS*
TRANSPARENCY ACT (LTA)

November 4, 2020

PURPOSE OF THIS GUIDANCE DOCUMENT

This document provides guidance regarding the transition rules – or time-related – aspects of the *Lobbyists Transparency Act* (LTA) in the period after the legislation comes into force on May 4, 2020.

In general, legislative provisions take effect from the date they come into force. In other words, legislation usually operates prospectively. A penalty should not generally be attached to an event that occurred before the legislation came into force, if no penalty was in place at the time of the event.

When the LTA comes into force on May 4, 2020, lobbyists will be required to declare three types of actions that preceded that date:

1. Certain contributions toward the lobbying activity in the past 12 months.
2. Government funding requested or received in the past 12 months.
3. Certain political, sponsorship, or recall contributions made on or after the date the writ was issued for the last provincial election, prior to the LTA coming into force.

For actions that took place prior to the legislation coming into force, there are no penalties attached to those actions. However, the Registrar may levy a penalty, or other consequence, regarding failure to declare matters as required by the LTA.

The rules for gifts are different. Lobbyists will not have to declare any gifts or other benefits promised or given prior to the LTA coming into force.

After the LTA comes into force, if a lobbyist gives or promises to give a gift to a public office holder they are lobbying, the lobbyist must declare the value and other details in the Lobbyists Registry. After May 4, 2020, lobbyists who give a gift to a public office holder they are lobbying may be subject to an administrative penalty.

TRANSITION GUIDANCE

What are the requirements for declaring contributions toward the lobbying activity?

For the Registration Return, lobbyists will be required to declare any person or organization that contributed, within the preceding 12 months, toward the lobbying activity with an amount equal to or greater than \$1,000, and has a direct interest in the outcome of the lobbying activity. This includes the 12 months prior to the LTA coming into force.

What are the requirements for declaring government funding?

For the Registration Return, lobbyists will be required to declare any government, government agency, or Provincial entity that has funded or received a request for funding from the client or organization within the preceding 12 months. This includes the 12 months prior to the LTA coming into force.

What are the requirements for declaring political, sponsorship, or recall contributions?

For the Registration Return, lobbyists will be required to declare any political, sponsorship, or recall contributions made on or after the date the writ was issued for the last provincial election that exceed the reporting thresholds in the Elections Act. This includes the date the writ was issued prior to the LTA coming into force.

What are the requirements for declaring gifts?

Under the LTA, there is a general prohibition on lobbyists giving gifts to public office holders they are lobbying. There are narrow exceptions to this prohibition, in which lobbyists are allowed to give gifts in limited situations.

In a separate provision, the LTA requires lobbyists to declare all gifts or other benefits given or promised to all public officer holders they are lobbying in the last 12 months. However, this will only apply to gifts, or other benefits, given on or after the date the LTA comes into force. To state this another way, lobbyists will **not** have to declare any gifts or other benefits given prior to the LTA coming into force.

After May 4, 2020, lobbyists may be subject to an administrative penalty if they:

- give a gift to a public office holder they are lobbying, and
- fail to declare a gift given to a public office holder they are lobbying.

What if I have questions about the rules during the transition period of the LTA?

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.*