



**GUIDANCE DOCUMENT**

**GOVERNMENT FUNDING**

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## PURPOSE OF THIS GUIDANCE DOCUMENT

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Notice
<p>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 <i>Lobbyists Transparency Act</i>, respecting which the Registrar and their delegates will keep an open mind. Responsibility for compliance with the <i>Lobbyists Transparency Act</i> remains with each client, lobbyist, and public office holder.</p>

This guidance document is intended to help lobbyists understand what is meant by the term “government funding” and the associated reporting obligations.

The *Lobbyists Transparency Act* (LTA) requires Designated Filers to provide information about government funding their organization (or, for consultant lobbyists, their client) has **requested or received**. This requirement applies to all filers: consultant lobbyists or Designated Filers for organizations with in-house lobbyists, including non-profit and for-profit organizations.

In their Registration Return, filers must report:

- the name of each government, government agency, or Provincial entity from which funding was *requested* within the preceding 12 months (even if this funding has not or will not be received);
- the name of each government, government agency, or Provincial entity from which funding was *received* within the preceding 12 months; **and**
- the amount of each funding that was *requested or received*.

Filers must report government funding from any level of government – municipal, provincial, federal, or international – in the Lobbyists Registry. This information must be included in the initial Registration Return and kept up-to-date in subsequent Monthly Returns.

## GOVERNMENT FUNDING

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### What is government funding?

Government funding includes:

- Government grants;
- Non-repayable contributions or funding arrangements;

Government funding does *not* include:

- Repayable contributions;
- Loans & loan guarantees;
- Tax credits;
- Remission orders;
- Payments pursuant to contracts for goods and/or services.

**Payments pursuant to contracts for goods or services**

Payments pursuant to contracts for goods and services with a government, government agency, or Provincial entity do not constitute government funding under the LTA and do not need to be reported in the Lobbyists Registry. If your organization or client receives payment in direct exchange for specific goods and services delivered as part of a contract with a government, government agency or provincial entity, those payments do not need to be reported in the Registry.

Some common examples of goods and services contracts may include:

- A government ministry contracting with a non-profit community service organization to provide specific services to community members;
- A government agency entering into a contract with a business to provide the government agency with office supplies and equipment.

However, every situation is unique and the entire context of the payment arrangement must be considered when assessing whether a payment must be reported in the Lobbyists Registry as government funding. If you have questions or concerns about whether money received from a government source must be reported, please contact the ORL at [info@bcorl.ca](mailto:info@bcorl.ca).

**What timeframe is covered by the requirement to report government funding?**

The reporting requirement applies to funding received or requested in the preceding 12 months.

**What is the deadline for reporting government funding?**

Government funding from the preceding 12 months must be reported in the initial Registration Return, which must be filed within 10 calendar days of the start of lobbying activities.

Government funding information must be kept up to date with any changes or additional funding information. These updates must be filed by the 15<sup>th</sup> day of the month after the funding change occurs, as part of the Monthly Return. For example, funding requested on May

12 must be reported in the Registry by June 15. Funding received on December 1 must be reported in the Registry by January 15.

**Which government funding sources must be reported?**

The reporting requirement applies to funding from **any** Canadian or foreign governments, including any municipal, provincial, territorial, regional, or state government. This is in addition to funding from **any** government agency or Provincial entity.

**My organization is *not* lobbying BC public office holders but we have requested and received a BC government grant. Do I need to report this in the Lobbyists Registry?**

No. If your organization is not lobbying *any* BC public office holder on *any* issue, there is no obligation to register in the Lobbyists Registry and, consequently, no obligation to report government funding requested or received.

Applying for a government grant or other non-repayable funding arrangements through a formal application process is likely not considered lobbying and would not require your organization to register in the Lobbyists Registry.

However, if you step outside the formal application process and communicate with a BC public office holder in an attempt to influence the process or outcome of the application, that would likely be considered lobbying and would require your organization to register in the Lobbyists Registry. As part of this registration, you would be required to report any government funding your organization requested or received over the preceding 12 months.

Similarly, if your organization begins lobbying *any* BC public office holder on *any* issue, you would be required to register that activity in the Registry and report any government funding your organization had requested or received over the preceding 12 months.

**Am I lobbying? Contracts for goods and services**

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Strictly following an established process to enter into a contract for goods or services, such as submitting a bid in response to a request for proposals (RFP), likely does not qualify as lobbying. However, contacting a public office holder in an attempt to influence the contents of the RFP in advance of the official procurement process, or attempting to influence the outcome of the process likely *is* lobbying and may require registration in the Lobbyists Registry.

Similarly, negotiating changes to an existing contract for goods or services based on the contract's existing terms would likely *not* constitute lobbying. However, if the scope of the changes is substantial enough to fundamentally alter the contract, the associated communications would likely qualify as lobbying and may require registration.

Please see the guidance document [Procurement](#) for further information around lobbying and procurement processes.

# Do I need to report government funding?

## Is your organization lobbying?

Is your organization communicating with a public office holder in an attempt to influence legislation, a government program or policy, the awarding of a grant or contract, or any other item listed in the definition of “lobby”? \*

No

If your organization is not lobbying on any issue, you do not need to register any information in the Lobbyists Registry.

Note: Applying for a government grant or financial benefit through an established process is likely not considered lobbying. But if an organization contacts a public office holder outside of this process in an attempt to influence the decision that is lobbying.

Yes

## Has your organization requested or received a government grant or non-repayable funding arrangement from any government source within the past 12-months? \*\*

This includes any and all government sources: municipal, provincial, federal or international.

No

You do not have any government funding to report in the Lobbyists Registry.

Only grants and non-repayable financial arrangements need to be reported in the Lobbyists Registry.

Yes

You must report the name of the government, government agency or Provincial entity you requested or received funding from and the amount of the requested or received funding in your Registration Return.

\* Please see the infographic [“Are you a lobbyist?”](#) for more information

\*\* Repayable contributions, loans & loan guarantees, tax credits, remission orders, and payments pursuant to contracts for goods and/or services do not constitute government funding for the purposes of the LTA.

**My organization is part of a larger entity. Do I need to report government funding requested or received by the larger entity?**

No. Only the legal entity that is carrying on lobbying activities in BC is required to declare government funding received or requested.

- If the client or organization carrying on lobbying activities is a corporation, lobbyists do not need to report government funding received or requested by subsidiaries or parent corporations.
- If the client or organization carrying on lobbying activities is the local chapter of a regional, national, or international entity, the local chapter does not need to declare funding received or requested by the larger entity as long as the local chapter is a separate legal entity with its own constitution and bylaws.

**Our organization is actively registered in the Lobbyists Registry and has received approval for government funding that will have to be reported, but we have not received the funds yet. When do we report this funding in the Lobbyists Registry?**

Under the LTA, you must report any reportable government funding that you have *requested* from each source in the past 12 months in the Lobbyists Registry, as well as government funding that you have actually *received* from each source in that same period.

You must report the funding *request* in your organization's Monthly Return, which is due by the 15<sup>th</sup> day of the month after the request was made. For example, if you made the funding request on May 12, it must be reported in the Registry by June 15<sup>th</sup>.

Once the funding is confirmed, you have two options. You can declare it:

- As of the date you receive *written confirmation* that you will be receiving funding; OR
- As of the date the funds are paid into your organization's bank account.

Whichever date you choose, you will have until the 15<sup>th</sup> day of the following month to report the *received* funding in the Lobbyists Registry as part of your Monthly Return.

**Our organization has been approved for government funding that will be paid in multiple installments. How do we report this?**

When you enter information about government funding received, you have the option of declaring it as one-time funding or as funding over a longer period of time.

If you are declaring a **one-time payment**, enter the same date in the start and end date fields. For example, if you receive a grant of \$20,000 on January 1, 2023, you would enter January 1, 2023 in the start date and end date fields.

If you declare **funding over a period of time**, you must enter the start date and end date of the funding into the Registry.

If you receive **multi-year funding**, you can choose to enter the full amount for the entire period into the Registry at the outset. If you choose this option, you must enter the actual start and end dates of the funding period (e.g. July 1, 2022 to June 30, 2024). This entry would not need to be updated unless something changes in the funding amount or time period. If an update is required, you must contact ORL staff for assistance ([info@bcorl.ca](mailto:info@bcorl.ca)).

Alternatively, you may enter the amount you will receive in the first instalment and the date range covered by that instalment, and then update the Registry each time something changes, such as the amount and date range of a new instalment.

Whether the funding you receive from a government source is a fixed amount or variable will also determine how it is reported.

### **What if a request for funding has been made, but no funding has been received?**

A request for funding must be reported even if it has not been received, no decision has been made regarding the request, and/or the request has been denied.

## **EXAMPLES TO ILLUSTRATE**

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*The following examples are provided to highlight key aspects of reporting government funding. These examples should **not** be viewed as predeterminations for assessing whether any actual government funding must be reported, as the entire context of each situation must be considered. To seek further guidance on reporting government funding, please contact the Office of the Registrar of Lobbyists for BC at [info@bcorl.ca](mailto:info@bcorl.ca) and provide all relevant details for consideration.*

### **Examples of government funding which require registration**

1. Your organization is lobbying public office holders in the Government of BC and has an active registration in the BC Lobbyists Registry. You request a \$10,000 grant from a Federal Canadian government agency. The request is partially approved and your organization receives written confirmation that it will be receiving \$5,000 as a lump sum.

#### **You must register:**

- The name of the Federal government agency and the full \$10,000 as *requested* government funding. This information must be reported as part of your Monthly Return, which is due by the 15<sup>th</sup> day of the month following the month in which the request was made.



- The name of the Federal government agency and the \$5,000 as *received* government funding. This information must be reported in one of two ways:
  - As of the date you receive *written confirmation* that you will be receiving funding; OR
  - As of the date the funds are paid into your organization's bank account.

Whichever date you choose, you will have until the 15<sup>th</sup> day of the following month to report the *received* funding in the Lobbyists Registry as part of your Monthly Return.

2. Your charitable organization is hosting a community fundraising event that is sponsored, in part, by a government agency. Your organization specifically requested funding from this agency to sponsor the event. The government agency is providing your organization with \$1,500 to help cover the costs of hosting the event. Your organization is also lobbying BC provincial public office holders on several matters and has an active registration in the BC Lobbyists Registry.

**You must register:**

- The name of the government agency and the \$1,500 as *requested* government funding. This information must be reported by the 15<sup>th</sup> day of the month after the month in which the request was made as part of your Monthly Return.
- The name of the government agency and the \$1,500 as *received* government funding. This information must be reported in one of two ways:
  - As of the date you receive *written confirmation* that you will be receiving funding; OR
  - As of the date the funds are paid into your organization's bank account.

Whichever date you choose, you will have until the 15<sup>th</sup> day of the following month to report the *received* funding in the Lobbyists Registry as part of your Monthly Return.

3. Your organization requested and received confirmation of a non-repayable \$5 million funding arrangement from a BC government ministry. The funding will be received in installments over a 5-year period. Your organization lobbies BC public office holders and maintains an active registration in the Lobbyists Registry.

**You must register:**

- The name of the government ministry and the \$5 million as *requested* government funding. This information must be reported by the 15<sup>th</sup> day of the month after the month in which the request was made as part of your Monthly Return.

- The name of the government ministry and the \$5 million as *received* government funding. You can either:
  - Submit a one-time entry for the full \$5 million amount now, including the start and end days of the 5-year period, OR
  - Enter the amount you will receive in the first installment, including the start and end dates covered by that installment. You will then need to update the amount in your Registration Return each time you receive a new installment.
- 4. Your organization successfully secures government funding from a BC ministry for a program you developed. This program will be funded at a variable amount depending on how many people register, or how often the program is offered each year. Your organization lobbies the BC government and maintains an active registration in the Lobbyists Registry.

**You must register:**

- The name of the government ministry, amount of funding requested, the amount of funding received, and the date range that funding will cover.
- Each time the funding amounts change, you will need to update your registration with the new amounts and date range. For example, if the funding details change three times in a year, you will need to update your Registration Return each of those three times by the 15<sup>th</sup> day of the month following the change.
- If you need to edit previously entered funding information, please contact ORL staff for assistance ([info@bcorl.ca](mailto:info@bcorl.ca)).

**Examples of funding sources that do not require registration**

- 5. You are the CEO of a non-profit organization that provides supports and services to individuals living in the community. Your organization regularly enters into contracts with a BC government ministry to provide specific services to these individuals in direct exchange for payment from the BC government. Your organization lobbies BC provincial public office holders and maintains an active registration in the BC Lobbyists Registry.

**You do not need to register payments pursuant to these contracts as government funding.**

- Payments pursuant to contracts for services are not considered “government funding” for the purposes of the LTA and consequently do not need to be reported.

- If your organization requests or receives government grants or other non-repayable government funding contributions outside of these services contracts, those funding arrangements would need to be reported.
6. Your organization applies for a BC Multicultural and Anti-racism grant using the online application process on the BC government website. You adhere strictly to the application process and do not communicate with any BC public office holder in an attempt to influence the outcome of the grant decision. You are approved for the grant and receive \$5,000 from the BC government. Your organization does not lobby *any* BC public office holder on *any* issue.

**You do not need to register this government funding.**

- Because your organization is not lobbying *any* BC public office holder on *any* issue, you do not need to be registered in the Lobbyists Registry. Consequently, you do not need to report any government funding you request or receive.
- Strictly adhering to a formal process to complete a government grant application is not considered lobbying.
- However, if your organization steps outside the formal application process and communicates with a BC public office holder in an attempt to influence the decision of the grant, that would likely be considered lobbying. This would require you to register in the Lobbyists Registry and report the requested and received grant as government funding.
- Similarly, if your organization begins lobbying *any* BC public office holder on *any* issue within 12 months of requesting or receiving this grant, you would be required to register in the Lobbyists Registry and report this grant as government funding.