



O.R.L.

office of the  
registrar  
of lobbyists

BRITISH COLUMBIA

**GUIDANCE DOCUMENT**

**Guidance for not-for-profit organizations  
on the *Lobbyists Transparency Act***

**August 24, 2020**

# Table of contents

---

<b>Purpose of this guidance document</b> .....	<b>2</b>
<b>Does your organization need to register?</b> .....	<b>2</b>
<b>Is your organization actually an “organization” for the purposes of lobbying?</b>	<b>3</b>
<b>Is your organization lobbying?</b> .....	<b>3</b>
Is your organization communicating with public office holders at the provincial government level? .....	3
Does your organization have any in-house lobbyists? .....	4
Do the lobbying activities of volunteers have to be submitted to the Lobbyists Registry? .....	4
Is your organization trying to influence government decisions about legislation, regulations, a program, policy, directive, or guideline, the award of a contract, grant, or financial benefit, or another matter set out in the definition of “lobby”? .....	5
What does it mean to “attempt to influence” a public office holder? .....	6
Does the LTA’s in-house lobbyist exclusion apply to my organization’s lobbying activities? .....	6
In what circumstances does the LTA not apply? Section 2(2) .....	7
<b>Your organization is lobbying. Now what?</b> .....	<b>9</b>
Register your lobbying activity .....	9
Understand what you need to report: Registration Return and Monthly Returns .....	9
<b>Additional resources, including Glossary of Terms</b> .....	<b>11</b>

## PURPOSE OF THIS GUIDANCE DOCUMENT

---

This guidance document is for not-for-profit organizations to better understand their obligations under the [Lobbyists Transparency Act \(LTA\)](#) and the Lobbyists Transparency Regulation (the Regulation).

This guidance does not cover every provision in the LTA but rather sets out the framework to help organizations determine whether they need to register and, if so, what they need to report. After reading this document, we recommend you check the [FAQs](#) for answers to common questions. It is the responsibility of each organization to understand and comply with the law.

Lobbying is a legitimate activity in a democratic society. The purpose of the LTA is to promote transparency in lobbying activities in British Columbia. Not-for-profit organizations that lobby meet the LTA's transparency requirements by declaring the details of their lobbying efforts in the online, publicly accessible Lobbyists Registry.

For organizations with concerns about the effect of lobbying on their charitable status, the current guidance from the Canada Revenue Agency regarding public policy dialogue and development activities (PPDDAs) by charitable organizations is set out here: [Public policy dialogue and development activities by charities](#).

## DOES YOUR ORGANIZATION NEED TO REGISTER?

---

Your organization may be lobbying if you have employees, officers, or directors who receive payment and are communicating with a public office holder at the provincial government level, in an attempt to influence any of the matters set out in the LTA definition of "lobby." Arranging a meeting for someone else so they can lobby is also a lobbying activity.

**MORE INFO:** See our infographic [Are you a lobbyist in BC?](#)

If the activities of your organization have all the elements of lobbying, and the exclusions to the application of the Act do not apply to all of the activities, the most senior officer of the organization is required to register with the BC Lobbyists Registry as the Designated Filer, and report the activities that qualify as lobbying.

This guide addresses many of the exclusions in the LTA. One exclusion in the LTA is that a person does not need to be registered as a lobbyist if they are not paid. For example, if a non-profit has volunteer directors or officers communicating with a public office holder about changing a piece of legislation, then those communications are not required to be submitted to the Lobbyists Registry.

The LTA does not apply to all types of communications with public officials. For example, none of these activities are considered lobbying:

- simply exchanging information with a government official;
- oral or written submissions in proceedings that are a matter of public record, to a committee of the Legislative Assembly or other body with statutory powers;
- negotiating a contract to deliver services on behalf of the government; or
- submitting a bid in response to a request for proposals (RFP).

## IS YOUR ORGANIZATION ACTUALLY AN “ORGANIZATION” FOR THE PURPOSES OF LOBBYING?

---

The definition of organization in the LTA is comprehensive. It explicitly includes charitable or non-profit organizations, associations, societies, coalitions and interest groups:

**"organization"** includes any of the following, whether incorporated, unincorporated, a sole proprietorship or a partnership:

- (a) a person other than a person on whose behalf a consultant lobbyist undertakes to lobby;
- (b) a business, trade, industry, professional or voluntary organization;
- (c) a trade union or labour organization;
- (d) a chamber of commerce or board of trade;
- (e) a charitable or non-profit organization, association, society, coalition or interest group;
- (f) a government, other than the government of British Columbia;

## IS YOUR ORGANIZATION LOBBYING?

---

### **Is your organization communicating with public office holders at the provincial government level?**

The LTA does not apply to communications with officials at the municipal or federal level.

The LTA applies to communications with public office holders at the provincial government level. This includes:

- 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/with approval of Cabinet, other than a person appointed on the recommendation of the Legislative Assembly;
- a person who is appointed to any office or body by/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*.

### **Does your organization have any in-house lobbyists?**

An in-house lobbyist is defined in the LTA:

"**in-house lobbyist**" means, subject to subsection (4), a person who

- (a) is an employee, officer or director of an organization,
- (b) receives a payment for the performance of the person's functions, and
- (c) lobbies on behalf of the organization or an affiliate;

**NOTE:** the individual's job title/job description does not need to include "lobbyist" for them to be considered an in-house lobbyist.

### **Do the lobbying activities of volunteers have to be submitted to the Lobbyists Registry?**

According to the definition of "in-house lobbyist", an employee, officer, or director must be receiving a form of payment to qualify as an in-house lobbyist. As a result, the LTA does not apply to lobbying by volunteers.

If some communications with public office holders are carried out by employees, officers or directors who are paid, and other communications are carried out by volunteer representatives, the organization would report only the communications with public office holders that are carried out by the individuals receiving payment.

If all representatives of the organization who lobby are true volunteers then the organization does not need to register.

If a board member or officer does not receive payment they do not meet the definition of "in-house lobbyist." However, if the involvement of a director or officer is part of their duties for another organization, and the director receives payment for their duties from the other organization, they are not considered volunteers.

For example, an officer from each organization that is a member of an umbrella association serves on the board of the umbrella association, off the side of their desks with their base employers. The umbrella association does not pay them, but they are paid by their base employers, and the time spent on activities for the umbrella

association is considered work time. They are not volunteers, because they are receiving payment. Therefore, any lobbying activities for the umbrella association would need to be reported by the umbrella association.

The LTA defines “payment” to mean money or anything of value, including a contract, promise, or agreement to pay money or anything of value, but not including a reimbursement of expenses. Reimbursing directors or officers for reasonable expenses does not change their status as volunteers.

Payment does not need to be explicitly for lobbying. An employee, officer, or director of an organization would meet the definition of “in-house lobbyist” if they receive payment for **any** of their functions and they lobby on behalf of the organization or an affiliate.

**Is your organization trying to influence government decisions about legislation, regulations, a program, policy, directive, or guideline, the award of a contract, grant, or financial benefit, or another matter set out in the definition of “lobby”?**

If the answer is yes then you are likely lobbying. The definition of lobby in section 1 of the LTA is:

**"lobby"**, subject to section 2(2), means

(a) to communicate with a public office holder in an attempt to influence

(i) the development of any legislative proposal by the government of British Columbia, a Provincial entity or a member of the Legislative Assembly,

(ii) the introduction, amendment, passage or defeat of any Bill or resolution in or before the Legislative Assembly,

(iii) the development or enactment of any regulation, including the enactment of a regulation for the purposes of amending or repealing a regulation,

(iv) the development, establishment, amendment or termination of any program, policy, directive or guideline of the government of British Columbia or a Provincial entity,

(v) the awarding, amendment or termination of any contract, grant or financial benefit by or on behalf of the government of British Columbia or a Provincial entity,

(vi) a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown, a Provincial entity or the public, or

(vii) a decision by the Executive Council or a member of the Executive Council to have the private sector instead of the Crown provide goods or services to the government of British Columbia or a Provincial entity,

(b) to arrange a meeting between a public office holder and any other individual for the purpose of attempting to influence any of the matters referred to in paragraph (a) of this definition;

### **What does it mean to “attempt to influence” a public office holder?**

The definition of lobby requires that the communication with a public office holder be "an attempt to influence" one of the enumerated items. Filers must indicate in the Lobbyists Registry which of the enumerated items the organization is seeking to influence in their communications with public office holders.

Communications that do not meet the definition of “lobby” in the LTA include the simple exchange of information with a public office holder, without any attempt to influence a government decision. For example, if you are providing data or a status update to the government to fulfill a requirement of your contract for services or funding arrangement, that is not a lobbying activity and it does not need to be registered. If you are merely seeking information about a program or the status of an application, or clarification from a public office holder about a policy, that is not a lobbying activity and it does not need to be registered.

### **Does the LTA’s in-house lobbyist exclusion apply to my organization’s lobbying activities?**

Section 1(4) of the LTA provides that an individual is not an in-house lobbyist if:

1. The individual is an employee, director, or officer of an organization that has fewer than six employees.

#### **AND**

2. The lobbying by the individual—either alone or together with other individuals in the organization—on behalf of the organization, or an affiliate of the organization, totals fewer than 50 hours in the preceding 12-month period.

#### **UNLESS**

3. The primary purpose of the organization is to represent the interests of its members, or to promote or oppose issues, and the lobbying by the individual is for that purpose.

**MORE INFO:** Please see our [general guidance document for Organizations](#)

## In what circumstances does the LTA not apply?

### *Section 2(2) – oral and written submissions*

If your communications with a public office holder fit strictly within the terms of one of the subsections of section 2(2) of the LTA, those communications are not considered a lobbying activity:

2(2) This Act does not apply in respect of an oral or written submission made as follows:

(a) made in proceedings that are a matter of public record to a committee of the Legislative Assembly or to any body or person having jurisdiction or powers conferred under an Act;

(b) made to a public office holder by an individual on behalf of a person or organization concerning

(i) the enforcement, interpretation or application of any Act or regulation by the public office holder with respect to the person or organization, or

(ii) the implementation or administration of any program, policy, directive or guideline by the public office holder with respect to the person or organization;

(c) made to a public office holder by an individual on behalf of a person or organization in direct response to a written request from a public office holder for advice or comment on any matter referred to in paragraph (a) of the definition of "lobby" in section 1 (1);

(d) made to a member of the Legislative Assembly by or on behalf of a constituent of the member with respect to any personal matter of the constituent.

### *Section 2(2)(a) – oral and written submissions made in proceedings that are a matter of public record, to the Legislative Assembly or another government body having legislative authority*

Section 2(2)(a) applies to submissions that are a matter of public record, to a committee of the Legislative Assembly (such as the Select Standing Committee on Finance and Government Services). Section 2(2)(a) may also apply to submissions made in proceedings that are a matter of public record to another government body having legislative authority. If section 2(2)(a) applies, those communications are not considered a lobbying activity and do not need to be reported.

**MORE INFO:** If you have questions about whether this section applies in your circumstances, please [email](#) our office with the details.



*Section 2(2)(b) – routine interactions for government business*

Section 2(2)(b) applies to routine interactions with the provincial government or a Provincial entity, such as following an established process to obtain a permit or negotiate a contract, if the process involves enforcement, interpretation or application of legislation or regulation, or implementation or administration of a program, policy, directive or guideline, with respect to your organization. If section 2(2)(b) applies, those communications are not considered a lobbying activity and do not need to be reported.

**Note:** if the organization attempts to influence the decision by communicating with a public office holder outside of the established process – especially if the communication is directed at a public office holder who has authority or influence over the decision-makers in the standard process – that would likely be considered lobbying.

*Section 2(2)(c) – direct response to a written request*

Section 2(2)(c) may apply to communications with a public office holder if your organization is providing advice or comment in direct response to a written request from a public office holder. If section 2(2)(c) applies, those communications are not considered a lobbying activity and do not need to be reported.

For example, if your organization receives a written request from a public office holder for advice or comment about specific matters, and all communications clearly fit within the terms of section 2(2)(c) of the LTA, those communications would **not** be considered lobbying activities. This may include your participation in a working group made up of BC public office holders together with representatives from your sector. The key is that the public office holders have issued your organization a written request for specified advice or comment.

**Note:** If representatives of your organization take the opportunity of a written request to engage in additional communications with public office holders that do not fit squarely within the terms of section 2(2)(c), the organization likely needs to register as an organization that lobbies so that it can report the activities that are not covered by section 2(2)(c).

For example, an organization that is part of a working group may take the opportunity to engage in additional communications about topics that were not included in the written request for advice or comment from government. The communications not covered by the request for advice or comment are lobbying activities and must be reported.

Representatives of your organization need to be clear about the subject matters covered by the written request for advice or comment, and the kind of communications that might cross the line from “consultation” into “lobbying.”

### *Section 2(2)(d) – to an MLA about a personal matter of a constituent*

Section 2(2)(d) may apply to communications by an organization with an MLA if the communication is about a personal matter related to a constituent of the MLA. If section 2(2)(d) applies, those communications are not considered a lobbying activity and do not need to be reported.

## **YOUR ORGANIZATION IS LOBBYING. NOW WHAT?**

---

### **Register your lobbying activity**

For organizations that have never registered with the Lobbyists Registry, the steps are as follows. Please refer to the linked user guides for step-by-step assistance.

**a) [Create accounts for the most senior officer \(Designated Filer\) and Representative](#)**

The most senior officer must create an account and will be the Designated Filer.

Creating a Representative account is optional. This account allows a Representative to manage the Lobbyists Registry filings if the Designated Filer wants to delegate that duty. However, the Designated Filer remains legally responsible and must certify and submit the filings to the Registry.

**b) [Create a Registration Return](#) for your organization (see below for detailed information).**

**c) [Submit Lobbying Activity Reports](#) (see below for detailed information).**

### **Understand what you need to report: Registration Return and Monthly Returns**

#### *Registration Return*

The Registration Return has information about the organization and describes the lobbying you intend to do in the next one to three months. You will be asked for the following information:

- exact legal name of the organization;
- contact information for the most senior paid officer and contact information of the people who will help with the Registry filings;
- information about gifts to public office holders you are lobbying;
- whether your organization is a coalition or a member of a coalition;

- whether there are third parties who control or direct the activities of the organization and have a direct interest in the outcome of the lobbying activities;
- whether there are third parties who have a direct interest in the outcome of the lobbying activities and contributed at least \$1,000 toward the lobbying activity in the past 12 months;
- information about employees, officers, or directors who are in-house lobbyists;
- government funding requested and/or received in the past 12 months;
- specific topics of lobbying communications; and
- the ministries and Provincial entities you are lobbying.

### *Monthly Returns*

The Monthly Return requires you to

- a) Update your Registration Return to ensure it is up to date; and
- b) Create a Lobbying Activity Report for each lobbying activity involving senior public office holders that took place in the preceding month.

When you start a new Lobbying Activity Report, the form will automatically take you through the entire Monthly Return process. You can choose to

- update your Registration Return only; or
- update your Registration Return and Create a Lobbying Activity Report.

The Lobbying Activity Report is where you report the lobbying activities by your organization in the previous month. You will be asked for the following information for each lobbying activity in the preceding month:

- date of communication (email, letter, phone call, tweet, etc.) with a senior public office holder;
- names and position titles of senior public office holders who were the object of the lobbying activity, including name of ministry or Provincial entity;
- names of lobbyists who participated; and
- details of the lobbying activity, including matters discussed, the name of the policy, program, legislation etc. you were trying to influence, and the decision or outcome you were seeking.

When you submit your Monthly Return, you will be required to report any changes to the information in the Registration Return, including:

- government funding requested or received in the preceding 12 months;
- in-house lobbyists to be added or removed;
- political, sponsorship, and recall contributions made by in-house lobbyists;
- gifts to public office holders being lobbied.

### **IMPORTANT NOTES:**

1. If your organization had no lobbying activity to report for the preceding month, and the information in your Registration Return is completely up-to-date, you do not need to file a Monthly Return in a given month.
2. If your organization files no Monthly Returns for five consecutive months, the system will prompt the Designated Filer to submit a statement that the organization has not carried on lobbying activities in that time period.

This document will help you organize the information you need to prepare the Registration Return: [Sample Questionnaire for Organizations that are Lobbying](#)

This document will help you keep track of information you can use to prepare Monthly Returns: [Tracking Lobbying Activities: In-house Lobbyists](#)

## **ADDITIONAL RESOURCES**

---

### **[GLOSSARY OF TERMS](#)**

### **[ORL FAQs](#)**

### **[ORL Guidance documents](#)**

### **[ORL User Guides on the Using the Registry landing page](#)**

### **[Lobbyists Transparency Act](#)**

### **[Lobbyists Transparency Regulation](#)**

*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.*