



September 19, 2013

File: 0120-0140/LRA

DELIVERED BY E-MAIL

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Dear Colleagues:

WORKING WITH THE *LOBBYISTS REGISTRATION ACT*

My August 26, 2013 letter advised that the BC Farm Industry Review Board (BCFIRB) would be assessing the impact the *Lobbyists Registry Act (LRA)* might have on our statutory mandates. A specific concern was our relationship with the marketing boards and commissions given the *LRA* Registry's August 23, 2013 determination that the commodity boards "do not meet the definition of a

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Provincial entity and are not otherwise exempt from the requirement to register”. The following represents our current understanding of the situation.

In our view, BCFIRB qualifies as a “provincial entity” under s. 1.3(a) of the LRA Lobbyists Registration Regulation in that we form part of a “government reporting entity” within the meaning of the *Budget Transparency and Accountability Act*. BCFIRB members and staff are “public office holders” in accordance with s. 1(1) of the *LRA* because of their status as Lieutenant Governor in Council (LGIC) appointees and as employees of the government, respectively.

BCFIRB notes that LGIC appointees on the commodity boards (all of the chairs and two members of the BC Chicken Marketing Board) also fall under the s. 1(1) definition of “public officials”. How and to what extent that affects the relationship between those appointees, their boards, their stakeholders and provincial entities is something that needs further collective discussion and assessment.

Read together, we understand that by virtue of ss. 2(2)(a), (b) and (c) of the *LRA*, persons making written or oral submissions to BCFIRB as set out below are not lobbying within the definition of the *LRA*:

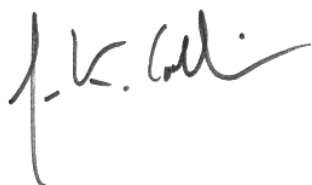
- the adjudication of appeals and complaints under the *Natural Products Marketing (BC) Act (NPMA)*, the *Agricultural Produce Grading Act (APGA)*, the *Prevention of Cruelty to Animals Act* and the *Farm Practices Protection (Right to Farm) Act (FPPA)* represent proceedings that are matters of public record to which jurisdiction and powers under those acts is conferred on BCFIRB [*LRA* s. 2(2)(a)];
- the conducting of supervisory reviews under the *NPMA* and farm practices studies under the *FPPA* are matters of public record to which jurisdiction and powers under those acts is conferred on BCFIRB and may include written requests from BCFIRB for advice or comment [*LRA* s. 2(2)(a) and (c)];
- the general supervision of commodity boards, including regarding federal-provincial signatory matters, by BCFIRB under the *NPMA* and its ongoing working relationship with stakeholders with respect to its mandates under the *APGA*, *PCAA* and *FPPA* are captured by s. 2(2)(b) in that the *LRA* does not apply to oral or written submissions:
 - (b) made to (BCFIRB) by an individual on behalf of a person or organization concerning
 - (i) the enforcement, interpretation or application of any Act or regulation by (BCFIRB) with respect to the person or organization, or
 - (ii) the implementation or administration of any program, policy, directive or guideline by (BCFIRB) with respect to the person or organization.

Given the above, and because our role in providing general supervision of the commodity boards is explicit in the *NPMA*, our view is that your boards do not have to register as lobbyists solely for the purposes of communicating with BCFIRB regarding matters relating to that statutory mandate. The same would hold true regarding interactions between regulated industry stakeholders and BCFIRB under the *NPMA*.

However, we would caution that the duty to register may arise in other contexts and commodity boards will need to examine the issue carefully. To illustrate, it is appropriate for BCFIRB and a commodity board to discuss animal welfare issues as they apply to regulated marketing under the *NPMA*. However, that commodity board would have no exemption under the *LRA* – unless for some reason we wrote and solicited advice or comment in accordance with s. 2(2)(c) – to interact with BCFIRB regarding our role under the *PCAA*.

I hope this is helpful in assisting your boards, associations and other industry stakeholders meet their obligations under the *LRA*. Again, please let me know if you have any questions, comments or suggestions.

Yours truly,

A handwritten signature in black ink, appearing to read "J. K. Collins". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jim Collins
Executive Director

cc: Melanie Stewart, Assistant Deputy Minister
Agriculture Science and Policy
Ministry of Agriculture

BCFIRB Website