



September 19, 2013

File: 0120-0140/LRA

**DELIVERED BY E-MAIL**

Stephanie Nelson  
General Manager  
BC Broiler Hatching Egg Commission  
180 – 32160 South Fraser Way  
Abbotsford BC V2T 1W5

Bill Vanderspek  
General Manager  
BC Chicken Marketing Board  
101 – 32450 Simon Av  
Abbotsford BC V2T 4J2

Dianne Driessen  
General Manager  
BC Cranberry Marketing Commission  
PO Box 162 Stn A  
Abbotsford BC V2T 6Z5

Geraldine Auston  
General Manager  
BC Hog Marketing Commission  
Po Box 8000 – 280  
Abbotsford BC V2S 6H1

Al Sakalauskas  
Executive Director  
BC Egg Marketing Board  
250 – 32160 South Fraser Way  
Abbotsford BC V2T 1W5

Bob Ingratta  
Chief Executive Officer  
BC Milk Marketing Board  
200 – 32160 South Fraser Way  
Abbotsford BC V2T 1W5

Michel Benoit  
General Manager  
BC Turkey Marketing Board  
106 – 19329 Enterprise Way  
Surrey BC V3S 6J8

Tom Demma  
General Manager  
BC Vegetable Marketing Commission  
207 – 15252 32<sup>nd</sup> Av  
Surrey BC V3S 0R7

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

---

British Columbia  
Farm Industry Review Board

Mailing Address:  
PO Box 9129 Stn Prov Govt  
Victoria BC V8W 9B5  
Telephone: 250 356-8945  
Facsimile: 250 356-5131

Location:  
1<sup>st</sup> Floor, 780 Blanshard Street  
Victoria BC V8W 2H1  
Email: [firb@gov.bc.ca](mailto:firb@gov.bc.ca)  
Website: [www.firb.gov.bc.ca](http://www.firb.gov.bc.ca)

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*:

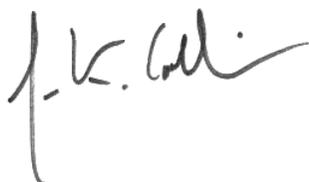
- the adjudication of appeals and complaints under the *Natural Products Marketing (BC) Act (NPMA)*, the *Agricultural Produce Grading Act (APGA)*, the *Prevention of Cruelty to Animals Act* and the *Farm Practices Protection (Right to Farm) Act (FPPA)* represent proceedings that are matters of public 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