

SECTION LIST FOR DRAFT BY-LAW

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CITY OF TORONTO

Bill No.

DRAFT BY-LAW No.

To adopt a new City of Toronto Municipal Code Chapter 140, Lobbying.

WHEREAS the following principles apply to the regulation of lobbying the City government's public office holders:

- A. The City government's duty to make decisions in the public interest should not be impeded;
- B. Open and unfettered access to City government is a vital aspect of local democracy;
- C. Lobbying public office holders is a legitimate activity;
- D. Public office holders and the public should be able to know who is attempting to influence City government;
- E. Public disclosure of lobbying activity and standards of conduct for lobbyists are important to the integrity of City government decision-making; and
- F. A system for the registration of lobbying activity and the regulation of the conduct of lobbyists should not impede access to the City government;

WHEREAS under sections 7 and 8 of the *City of Toronto Act, 2006* (the "Act") and the specific powers in sections 165 to 169 of Part V, Accountability and Transparency, of the Act, the City may pass by-laws to regulate lobbying activities, including the appointment of a Registrar;

WHEREAS section 156 of the Act sets out special definitions that apply to Part V of the Act including a definition of "public office holder", and under clause (e) of that definition "includes such other persons as may be determined by city council who are appointed to any office or body by city council or by a local board (restricted definition) of the City";

WHEREAS Council wishes to include the members of the Board of Health for the City of Toronto Health Unit in the definition of "public office holder" for lobbying purposes;

WHEREAS under section 366 of the Act, the City may pass by-laws providing that a person who contravenes a by-law of the City passed under this Act is guilty of an offence;

WHEREAS under section 370 of the Act, the City may establish as system of fines for offences under a by-law passed under this Act, including escalating fines for subsequent convictions for the same offence; and

WHEREAS the Act will come into force on a day to be named by proclamation of the Lieutenant Governor;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by adding the following chapter:

Chapter 140

LOBBYING

ARTICLE I

General

§ 140-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUSINESS DAY — A day when the offices of the City or a local board are open during its regular hours of business, other than a Saturday or a Sunday or other holiday.

CODE OF CONDUCT — The Lobbyists' Code of Conduct set out in Article VI.

COMMUNICATION — Any form of contact, and includes oral, written or electronic communication.

GRASS-ROOTS COMMUNICATION — Appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion.

LOBBY — In relation to a lobbyist as defined in this section, to communicate with a public office holder on the following:

- A. Development, introduction, passage, defeat, amendment or repeal of a by-law, bill or resolution by Council or a local board on any matter.
- B. Without limiting Subsection A, the following:
 - (1) Development, approval, amendment or termination of a policy or program.
 - (2) Procurement of goods, services or construction and awarding a contract.
 - (3) Approving, approving with conditions, or denying an application for a service, grant, planning approval, permit or other licence.

- (4) Awarding any financial contribution, grant or other financial benefit by or on behalf of the City or a local board.
 - (5) Transferring from the City or a local board any interest in or asset of any business, enterprise or institution.
 - (6) Determining the model and method of delivering a service.
- C. The matters noted in Subsection B with necessary modifications, if considered by a local board or another body or individual under delegated authority.
 - D. In relation to a consultant lobbyist referred to in Article II or an individual as referred to in § 140-26, to arrange a meeting between a public office holder and any other person.

LOBBYIST:

- A. A consultant lobbyist as defined in § 140-10.
- B. An in-house lobbyist as defined in § 140-18.
- C. An individual as referred to in § 140-26.

LOCAL BOARD:

- A. The same meaning as a “local board (restricted definition)” as defined in section 156 of the *City of Toronto Act, 2006*.
- B. Despite Subsection A, for the purposes of §§ 140-3, 140-5 and § 140-36C “local board” means a city board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities.

ORGANIZATION:

- A. A government, other than the City.
- B. An organization related to professions, labour groups, business, industry or for-profit entities as defined in § 140-25.
- C. A not-for-profit organization that is not included in Subsection B.

PAYMENT — Money or anything of value and a contract, promise or agreement to pay money or anything of value.

PUBLIC OFFICE HOLDER:

- A. The same meaning as a “public office holder” as defined in section 156 of the *City of Toronto Act, 2006*.
- B. A member of the Board of Health for the City of Toronto Health Unit.
- C. Individuals appointed by Council or a local board to an advisory body to provide advice to Council, the local board or to employees of the City or local board.

REGISTRAR — The person appointed as the Lobbyist Registrar under section 168 of the *City of Toronto Act, 2006*.

SENIOR PUBLIC OFFICE HOLDER:

- A. A member of City Council and any person on his or her staff.
- B. The following City officials and employees:
 - (1) The City Manager, the Deputy City Manger and Chief Financial Officer, a Deputy City Manager.
 - (2) The Auditor General, Integrity Commissioner, Investigator (as appointed under section 190.2 of the *City of Toronto Act, 2006*), Registrar and Ombudsman.
 - (3) The Chief Corporate Officer, the City Clerk, the City Solicitor, the Medical Officer of Health and the Treasurer (in the City’s administrative organization and Deputy City Treasurer under section 138 of the *City of Toronto Act, 2006*).
 - (4) A general manager, executive director or director.
 - (5) A person authorized to act in the place of an official listed in Subsections (1) to (4) by Council or by the City Manager or another official under delegated authority.
 - (6) Staff in other management positions who are in a position to influence programs and services and have direct contact with members of Council.
 - (7) Staff who are not in management positions but who are in direct contact with members of Council and whose work for the City includes the following:
 - (a) Advice to members of Council or to Council, including, but not limited to, staff who provide legal, financial, personnel and policy advice.

- (b) Approval or enforcement services, including, but not limited to, staff who provide planning, building, licensing, inspection, grants and purchasing services.
- (8) Staff who are in direct contact with members of Council in the operation of Council and standing committees.
- (9) Staff who work on municipal elections in a supervisory capacity or who are employed in the Elections Services section of the City Clerk's Office.
- C. A member of a local board and any person on his or her staff.
- D. An official or employee of a local board who is in a similar management position or whose services for the local board are similar to the positions or to the services provided by the City officials and employees as described in Subsection B.

§ 140-2. Subsidiary corporation.

For the purposes of this chapter, a corporation is a subsidiary of another corporation if:

- A. Securities of the corporation, to which are attached more than 50 percent of the votes that may be cast to elect directors of the corporation, are held, otherwise than by way of security only, directly or indirectly, whether through one or more subsidiaries or otherwise, by or for the benefit of the other corporation; and
- B. The votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

§ 140-3. Restriction on application (persons and organizations).

This chapter does not apply to any of the following persons when acting in their official capacity:

- A. Government or public sector, other than the City.
 - (1) Members of the Senate or House of Commons of Canada, the legislative assembly of a province, the council or legislative assembly of a territory, or persons on the staff of the members.
 - (2) Members of a First Nation council as defined in the *Indian Act* (Canada) or of the council of an Indian band established by an Act of the Parliament of Canada, or persons on the staff of the members.
 - (3) Employees of the Government of Canada, the government of a province or territory, or a First Nation council.
 - (4) Members of a council or other statutory body, including a local board, charged with the administration of the civil or municipal affairs of a municipality in

Canada other than the City, persons on the staff of the members, or officers or employees of the municipality or local board.

- (5) Members of a national or sub-national foreign government, persons on the staff of the members, or officers, employees, diplomatic agents, consular officers or official representatives in Canada of the government.
- (6) Subject to the exceptions in § 140-4B, C, D and E, members of a not-for-profit international organization that represents its government or public sector members, persons on the staff of the members, or officers or employees of the organization.
- (7) Subject to the exceptions in § 140-4B, C, D and E, members of a not-for-profit national or sub-national domestic organization in Canada that represents its government or public sector members, persons on the staff of the members, or officers or employees of the organization.
- (8) Subject to the exceptions in § 140-4B, C, D and E, members of a quasi-governmental or broader public sector organization that provides services to the public, persons on the staff of the members, or officers or employees of the organization.

B. Without limiting the generality of § 140-3A, the following school boards:

- (1) Conseil scolaire de district catholique Centre-Sud.
- (2) Conseil scolaire de district du Centre Sud-Ouest.
- (3) Toronto Catholic District School Board.
- (4) Toronto District School Board.

C. City; other bodies; employee representatives.

- (1) Public office holders.
- (2) Members, persons on the staff of the members, or officers or employees of the corporations or other bodies listed in Schedule A, at the end of this chapter.
- (3) Persons making representations on behalf of or on the staff of the employee or labour groups listed in Schedule B, at the end of this chapter, when representing employees of the City or a local board and communicating about labour relations matters, including, but not limited to, collective bargaining, compensation, human resources policies, employer-employee committees, work place issues, grievances, mediation and arbitration.

§ 140-4. Restriction on application (not-for profit organizations); exceptions.

- A. This chapter does not apply to members, persons on the staff of the members, or officers or employees of a not-for-profit corporation or other not-for-profit organization, subject to the exceptions in Subsections B, C, D and E.
- B. Subsection A does not apply to an organization referred to in Subsection B of the definition of “organization” in § 140-1.
- C. Subsection A does not apply if the not-for-profit corporation or other not-for-profit organization is funded by a for-profit entity as defined in § 140-25 to advance the financial or commercial interests of the for-profit entity.
- D. If the not-for-profit corporation or other not-for-profit organization engages a consultant lobbyist to act on its behalf, the consultant lobbyist is still required to comply with the requirement to file a return in Appendix II.
- E. Subsection A does not apply if the not-for-profit corporation or other not-for-profit organization is communicating with public office holders with respect to a grant application or award outside of the established grants approval or grants appeal processes, and Article III must be complied with.

§ 140-5. Restriction on application (communication).

This chapter does not apply in respect of:

- A. A communication that is a matter of public record or occurs during a meeting of Council or a local board or their committees.
- B. A communication that occurs during a public process such as a public meeting, hearing, consultation, open house or media event.
- C. A communication that is restricted to a request for information.
- D. A communication that is restricted to compliments or complaints about a service or program.
- E. Subject to Subsections F and G, a communication to a public office holder by an individual on behalf of an individual, business or organization, about:
 - (1) The enforcement, interpretation or application of any Act or by-law by the public office holder and with respect to the individual, business or organization.
 - (2) The implementation or administration of any policy, program, directive or guideline by the public office holder and with respect to the individual, business or organization.
 - (3) A personal matter of the individual, business or organization, unless the communication is made in respect of a matter concerning a proposal, by-law, bill or resolution for the special benefit of the individual, business or organization.

- F. An application for a service, grant, planning approval, permit or other licence, and, if part of the application review process, any communication by the applicant, an interested party or their representatives with staff of the City or local board.
- G. Submitting a bid or proposal as part of the procurement process, and any communication with designated staff of the City or a local board, as permitted in the procurement policies and procurement documents of the City or local board.
- H. A communication to a public office holder by an individual on behalf of an individual, business or organization in direct response to a written request from the public office holder.
- I. A member service or member communication by an organization or a not-for-profit corporation to a public office holder who is a member of the organization or not-for-profit corporation.
- J. Casual communication at a public gathering such as a charitable event, community or civic event, or festival, in keeping with protocol for the event and if the communication does not materially advance a matter as referred to in Subsection B of the definition of “lobby” in § 140-1.

§ 140-6. Protection of identity.

Nothing in this chapter shall be construed as requiring the disclosure of the name or identity of any individual if that disclosure could reasonably be expected to threaten the safety of that individual.

§ 140-7. Contingency fees prohibition.

- A. A person, on whose behalf another person undertakes lobbying activities, shall not make a payment for the lobbying activities that is in whole or in part contingent on the successful outcome of any lobbying activities.
- B. A person who lobbies a public office holder shall not receive payment that is in whole or in part contingent on the successful outcome of any lobbying activities.

§ 140-8. Restriction on former senior public office holders.

Former senior public office holders shall not lobby current public office holders during the 12 months after the date he or she ceased to hold office or left the employ of the City or a local board.

§ 140-9. Registration requirement.

No person shall lobby a public office holder without being registered as required under Articles II, III or IV, unless otherwise exempted under this chapter.

ARTICLE II
Registration of Consultant Lobbyists

§ 140-10. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CLIENT — An individual, corporation or other person, or a partnership or organization on whose behalf a consultant lobbyist undertakes to lobby.

CONSULTANT LOBBYIST — An individual who, for payment, undertakes to lobby on behalf of a client.

UNDERTAKING — An undertaking by a consultant lobbyist to lobby on behalf of a client.

§ 140-11. Restriction on application (in-house lobbyist activities).

This article does not apply in respect of anything that an employee undertakes to do on the sole behalf of his or her employer or, if his or her employer is a corporation, in respect of anything that the employee, at the direction of the employer, undertakes to do on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary.

§ 140-12. Duty to file return; transitional.

- A. A consultant lobbyist shall not commence performance of an undertaking until:
- (1) A return has been filed with the Registrar, including any required certification, declaration, acknowledgement and agreement;
 - (2) The contact information required under § 140-14A has been filed with the Registrar;
 - (3) The Registrar has assigned a registration number to the consultant; and
 - (4) The Registrar has assigned a registration number to the undertaking.
- B. A consultant lobbyist who undertakes to lobby is required to file only one return under Subsection A even though he or she may, in connection with that undertaking, communicate with one or more public office holders on one or more occasions or arrange one or more meetings between a public office holder and any other person.
- C. If, on the coming into force of this section, a consultant lobbyist is performing an undertaking, the consultant lobbyist shall file a return with the Registrar not later than five business days after this section comes into force.

§ 140-13. Contents of return.

A consultant lobbyist shall set out in the return the following information, declarations, acknowledgements and agreements with respect to the undertaking:

- A. The name, title and business address of the consultant lobbyist and, if applicable, the name and business address of the firm where the consultant lobbyist is engaged in business.
- B. The name and business address of the client and the name and business address of any person, partnership or organization that, to the knowledge of the consultant lobbyist, controls or directs the activities of the client and has a direct interest in the outcome of the consultant lobbyist's activities on behalf of the client.
- C. If the client is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the consultant lobbyist, has a direct interest in the outcome of the consultant lobbyist's activities on behalf of the client.
- D. If the client is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation.
- E. If the client is a coalition, the name and business address of each partnership, corporation or organization that is a member of the coalition.
- F. If the client is funded, in whole or in part, by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the client from that government or government agency for its current and previous fiscal year and any proposed funding for the next fiscal year.
- G. Contributors to lobbying costs.
 - (1) The name and business address of any entity or organization that, to the knowledge of the consultant lobbyist, contributed (during the entity's or organization's fiscal year that precedes the filing of the return) \$750 or more toward the consultant lobbyist's activities on behalf of the client.
 - (2) Subsection G(1) does not apply with respect to contributions made by a government.
- H. The name and business address of any individual who, to the knowledge of the consultant lobbyist, made a contribution described in Subsection G on behalf of an entity or organization described in that subsection.
- I. The subject-matter in respect of which the consultant lobbyist has undertaken to lobby.
- J. Particulars to identify any relevant proposal, by-law, bill, resolution, policy, program, decision, permit or any other licence, grant, contribution, financial benefit or contract, including any report on or identifiable issue with any of these matters.

- K. The name of any division or program of the City or a local board in which any public office holder is employed or serves whom the consultant lobbyist has lobbied or expects to lobby.
- L. If the consultant lobbyist has lobbied or expects to lobby a member of the Council or a local board in his or her capacity as a member or a person on the staff of a member of the Council or a local board, the name of the member or person.
- M. If the consultant lobbyist has undertaken to lobby, the techniques of communication, including grass-roots communication, that the consultant lobbyist has used or expects to use to lobby.
- N. Particulars to identify any senior public office positions previously held by the consultant lobbyist with the City or a local board and the latest date when they ceased to hold office or left the employ of the City or a local board.
- O. Declarations confirming the following information:
 - (1) That the consultant lobbyist has read the Code of Conduct and that the consultant lobbyist shall comply with the Code of Conduct;
 - (2) That no communication with respect to the undertaking has commenced before the requirements in § 140-12A have been satisfied, unless § 140-12C applies; and
 - (3) If § 140-12C applies, a declaration identifying whether the lobbying activities are continuing, have ceased or have been completed.
- P. Acknowledgement of the public disclosure of information filed in the return.
- Q. Any agreement required respecting electronic filing.

§ 140-14. Contact information.

- A. A consultant lobbyist shall provide the Registrar with the telephone number, e-mail address or other contact information for the consultant lobbyist, the firm where the consultant lobbyist is engaged in business and the client.
- B. A consultant lobbyist shall provide the Registrar with the telephone number, e-mail address or other contact information that the Registrar may request for the other individuals, entities or organizations referred to in § 140-13, but not included in Subsection A, not later than two days after the Registrar makes the request.

§ 140-15. Changes to information in return or contact information.

A consultant lobbyist shall provide the Registrar with any change to the information in his or her return and any information required to be provided under §§ 140-13 or 14-14, the knowledge of which the consultant lobbyist acquired only after the return was filed, not later than two business days after the change occurs or the knowledge is acquired.

§ 140-16. Additional information.

A consultant lobbyist shall provide the Registrar with any information that the Registrar may request to clarify or provide additional details on any information that the consultant lobbyist has provided to the Registrar under this article not later than two business days after the Registrar makes the request.

§ 140-17. Completion or termination of undertaking; update return.

A consultant lobbyist shall advise the Registrar that he or she has completed an undertaking in respect of which he or she has filed a return or that the undertaking has been terminated by filing the form required by the Register to record this change on the return, not later than two business days after the completion or termination of the undertaking.

ARTICLE III
Registration of In-house Lobbyists

§ 140-18. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EMPLOYEE — Includes an officer who is compensated for the performance of his or her duties.

IN-HOUSE LOBBYIST — An individual who is employed by an individual, corporation, organization or other person, or a partnership, a part of whose duties as an employee is to lobby on behalf of the employer or, if the employer is a corporation, on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary.

SENIOR OFFICER:

- A. Except in the case of an organization, the senior officer who is responsible for filing returns of an individual, corporation or other person, or a partnership, with the Registrar.
- B. In the case of an organization, the most senior officer or staff person of the organization who is compensated for the performance of his or her duties.

§ 140-19. Duty to file return; transitional.

- A. The senior officer shall file a return with the Registrar or, if applicable, amend a return already filed with the Registrar, before an employee becomes an in-house lobbyist.
- B. An in-house lobbyist shall not commence any lobbying employment duties until:

- (1) A return has been filed with the Registrar, or, if applicable, a return already filed with the Registrar has been amended respecting the in-house lobbyist, including any required certification, declaration, acknowledgement and agreement;
 - (2) The contact information required under § 140-21A has been filed with the Registrar;
 - (3) The Registrar has assigned a registration number to the senior officer and to the in-house lobbyist; and
 - (4) The Registrar has assigned a registration number to the undertaking or approved the amendment to the return.
- C. The senior officer is required to file only one return under Subsection A even though in-house lobbyists may communicate with one or more public office holders on one or more occasions, if the lobbying relates to the same subject matter.
- D. If, on the coming into force of this section, an in-house lobbyist is performing any employment duties that involve lobbying, the senior officer shall file a return with the Registrar not later than five business days after this section comes into force.

§ 140-20. Contents of return.

The senior officer shall set out in the return the following information, declarations, acknowledgements and agreements with respect to the undertaking:

- A. The name, title and business address of the senior officer.
- B. The name and business address of the employer.
- C. The name, title and business address of all in-house lobbyists.
- D. If the employer is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the senior officer, has a direct interest in the outcome of the in-house lobbyist's activities on behalf of the employer.
- E. If the employer is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation.
- F. If applicable, the fiscal year of the employer.
- G. A description in summary form of the employer's business or activities.
- H. If the employer is funded, in whole or in part, by a government, the name of the government or government agency, as the case may be, and the amount of funding received by the employer from that government or government agency for its current and previous fiscal year and any proposed funding for the next fiscal year.

- I. Contributors to lobbying costs.
- (1) The name and business address of any entity or organization that, to the knowledge of the senior officer, contributed (during the entity's or organization's fiscal year that precedes the filing of the return) \$750 or more toward the in-house lobbyist's activities on behalf of the employer.
 - (2) Subsection I(1) does not apply with respect to contributions made by a government.
- J. The name and business address of any individual who, to the knowledge of the senior officer, made a contribution described in Subsection I on behalf of an entity or organization described in that subsection.
- K. If § 140-19D applies and the in-house lobbyist is lobbying at the time the return is filed, the subject-matter in respect of which he or she is lobbying.
- L. The subject-matters in respect of which the in-house lobbyist has lobbied or expects to lobby during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed.
- M. Particulars to identify any relevant proposal, by-law, bill, resolution, policy, program, decision, permit or other licence, grant, contribution, financial benefit or contract, including any report or issue with these matters.
- N. The name of any division or program of the City or a local board in which any public office holder is employed or serves whom the in-house lobbyist has lobbied or expects to lobby during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed.
- O. If the in-house lobbyist has lobbied or expects to lobby a member of the Council or a local board in his or her capacity as a member or a person on the staff of a member of the Council or local board during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed, the name of the member or person.
- P. The techniques of communication, including grass-roots communication, that the in-house lobbyist has used or expects to use to lobby during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed.
- Q. Declarations confirming the following information:
- (1) That the senior officer and all in-house lobbyists have read the Code of Conduct and that the in-house lobbyists shall comply with the Code of Conduct;
 - (2) That no communication with respect to the undertaking has commenced before the requirements in § 140-19A have been satisfied, unless § 140-19D applies; and

(3) If § 140-19D applies, a declaration identifying whether the lobbying activities are continuing, have ceased or have been completed.

R. Acknowledgement of the public disclosure of information filed in the return.

S. Any agreement required respecting electronic filing.

§ 140-21. Contact information.

A. A senior officer shall provide the Registrar with the telephone number, e-mail address or other contact information for the senior officer, any in-house lobbyist and the employer.

B. A senior officer shall provide the Registrar with the telephone number, e-mail address or other contact information that the Registrar may request for the other individuals, entities or organizations referred to in § 140-13, but not included in Subsection A, not later than two days after the Registrar makes the request.

§ 140-22. Changes to information in return or contact information.

The senior officer shall provide the Registrar with any change to the information in his or her return and any information required to be provided under §§ 140-20 or 140-21, the knowledge of which the senior officer acquired only after the return was filed, not later than two business days after the change occurs or the knowledge is acquired.

§ 140-23. Additional information.

The senior officer shall provide the Registrar with any information that the Registrar may request to clarify or provide additional details on any information that the senior officer has provided to the Registrar under this article not later than two business days after the Registrar makes the request.

§ 140-24. Ceasing duties or employment; update return.

The senior officer shall advise the Register if an in-house lobbyist ceases to be an in-house lobbyist or to be employed by his or her employer by filing the form required by the Register to record this change on the return, not later than two business days after it occurs.

ARTICLE IV

Registration of Voluntary Unpaid Lobbyists Lobbying for For-Profit Entities

§ 140-25. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FOR-PROFIT ENTITY — An individual, corporation, organization or other person, or a partnership, who or that carries on business or trade for profit or with a view to profit.

VOLUNTARY UNPAID LOBBYIST — An individual, corporation, organization or other person, or a partnership, who or that, without payment, lobbies a public office holder.

§ 140-26. Duty to file return.

If a voluntary unpaid lobbyist intends to commence lobbying a public office holder on behalf of a for-profit entity or for the benefit of the interest of a for-profit entity, the following registration requirements apply:

- A. In the case of an individual undertaking the lobbying as part of his or her duties as an in-house lobbyist as defined in § 140-18, Article III applies with necessary modifications and the individual shall also comply with the other provisions of this chapter that apply to an in-house lobbyist with necessary modifications.
- B. If Subsection A does not apply, the individual undertaking the lobbying shall comply with the provisions of Article II and the other provisions of this chapter that apply to a consultant lobbyist with necessary modifications.

ARTICLE V

Administration of Registrations and Registry; Registrar

§ 140-27. Certification.

Every individual who submits a return or other document to the Registrar under this chapter shall certify that the information contained in it is true to the best of his or her knowledge and belief on the return or other document or, if it is submitted in electronic or other form, in the manner that is specified by the Registrar.

§ 140-28. Form of returns; manner of filing.

- A. Returns to be filed with the Registrar and information and other documents to be given to the Registrar under this chapter must be in a form approved by the Registrar.
- B. Returns, information and other documents must be submitted to the Registrar in a manner permitted by the Registrar.

§ 140-29. Date of filing or receipt of information.

- A. The date on which a return is considered to have been filed for the purposes of this chapter is the date on which the Registrar has assigned a registration number to the return and notified the person who filed the return.
- B. The date on which the Registrar receives information or a document, other than a return, is the date on which the information or document is considered to have been provided to the Registrar for the purposes of this chapter.

§ 140-30. Storage.

Any return or other document that is received by the Registrar may be entered or recorded by any information storage device, including any system of mechanical or electronic data processing, that is capable of reproducing the stored return or other document in intelligible form within a reasonable time.

§ 140-31. Registrar.

- A. The Registrar reports directly to Council and is accountable to Council.
- B. The Registrar is responsible for:
 - (1) Maintaining a lobbyist registration system and determining the form of returns and the manner of filing returns.
 - (2) Providing advice, opinions and interpretations pertaining to the administration, application and enforcement of this chapter.
 - (3) Reviewing submitted returns for acceptance.
 - (4) Verifying returns and conducting reviews to ensure compliance with this chapter.
 - (5) Conducting, in private, investigations to determine whether contraventions of this chapter have occurred as permitted under section 169 of the *City of Toronto Act, 2006*.
 - (6) Suspending or revoking a registration.
 - (7) The enforcement of this chapter.
 - (8) Managing the office of the Registrar.
 - (9) Advising Council on lobbying matters and recommending improvements and amendments to this chapter.
 - (10) Providing an annual report to Council and any periodic reports and information as the Registrar considers appropriate.
 - (11) Performing other duties as may be assigned by Council.

§ 140-32. Registry.

- A. The Registrar shall establish and maintain a registry in which shall be kept all returns filed under this chapter as revised by other documents submitted to the Registrar under this chapter.
- B. The registry shall be organized in the manner and kept in the form that the Registrar may determine.

- C. The registry shall be available for public inspection through electronic, web-based access at all reasonable times and in the manner that the Registrar may determine.

§ 140-33. Verification of information; investigation.

- A. The Registrar may verify the information contained in any return or other document submitted to the Registrar under this chapter.
- B. The Registrar may conduct an inquiry in respect of a request made by Council, a member of Council or a member of the public, including the Registrar, about compliance with the system of registration in this chapter or with the Code of Conduct.

§ 140-34. Refusal to accept return or other document.

- A. The Registrar may refuse to accept any return or other document submitted to the Registrar under this chapter that does not comply with the requirements of this chapter or that contains information or statements not requested in the return or other document.
- B. If the Registrar refuses to accept a return or other document under Subsection A, the Registrar shall inform the individual who submitted it of the refusal and the reason for the refusal in the manner that the Registrar determines.
- C. Despite the provisions of this chapter respecting times for filing a return or submitting another document, if a return or other document is refused by the Registrar under Subsection A and the individual cannot reasonably submit another by the time set out in this chapter for filing or submitting it, the Registrar shall provide the individual with a reasonable extension of time to file another return or submit another document.

§ 140-35. Removal from registry.

- A. The Registrar may remove a return from the registry if the individual who filed the return:
 - (1) Fails to advise the Registrar of changes to information contained in the return or the contact information provided to the Registrar within the period required by §§ 140-15 or 140-22;
 - (2) Fails to give the Registrar any additional information or contact information requested relating to the return within the period specified by §§ 140-14, 140-16, 140-21 or 140-23; or
 - (3) Fails to advise the Registrar of the matters required by §§ 140-17 or 140-24 within the period required by the section.
- B. When a return is removed from the registry, the individual who filed it shall be deemed, for the purposes of his or her existing and future obligations under this chapter, not to have filed the return.

ARTICLE VI
Lobbyists' Code of Conduct

§ 140-36. Standard of behaviour.

- A. Lobbyists shall comply with the standards of behaviour for lobbyists and the conduct of lobbying activities set out in this article when lobbying public office holders.
- B. Lobbyists shall observe and comply with the highest ethical and professional standards.
- C. The Code of Conduct in this article sets out minimum standards of behaviour for lobbyists in their dealings with the City government, including local boards, and public office holders.

§ 140-37. Honesty.

Lobbyists shall conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

§ 140-38. Disclosure of identity and purpose.

- A. Lobbyists communicating with a public office holder shall disclose the identity of the individual, corporation, organization or other person, or the partnership, on whose behalf they are acting, as well as the reasons for the communication.
- B. Lobbyists communicating with a public office holder on a duly registered and disclosed subject matter shall not use that opportunity to communicate on another subject matter, unless first having registered as required and disclosing the identity and purpose.

140-39. Compliance with policies restricting communication.

- A. Lobbyists shall not communicate in relation to a procurement process except as permitted by applicable procurement policies and procurement documents.
- B. Lobbyists shall not communicate in relation to an application for approval and the associated review process, except as permitted by applicable policies and procedures.

140-40. Prohibited activities.

- A. Lobbyists shall not undertake to lobby in a form or manner that includes offering, providing or bestowing entertainment, gifts, meals, trips or favours of any kind.
- B. Lobbyists shall not request public office holders to endorse or recommend their services.
- C. Lobbyists shall not conduct lobbying activities at a charitable event, community or civic event, or similar public gathering.

140-41. Information; confidentiality.

- A. Lobbyists shall inform their client, employer or organization of the obligations under this chapter.
- B. Lobbyists shall provide information that is accurate and factual to public office holders.
- C. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.
- D. Lobbyists shall be open and frank about their lobbying activities, while respecting confidentiality.
- E. Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.
- F. Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

§ 140-42. Competing interests.

- A. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- B. Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.

§ 140-43. Improper influence.

- A. Lobbyists shall avoid both the deed and the appearance of impropriety.
- B. Lobbyists shall not place public office holders in a conflict of interest or in breach of the public office holders' codes of conduct or standards of behaviour.
- C. Lobbyists shall not propose or undertake any action that would bestow an improper benefit or constitute an improper influence on a public office holder.

**ARTICLE VII
Offences and Penalties**

§ 140-44. Offences.

- A. Every person is guilty of an offence who contravenes a provision of this chapter that is listed in Subsection B.

B. Each of the following is a provision of this chapter that is listed for the purposes of Subsection A:

- (1) Sections 140-12A and C, 140-13, 140-14, 140-15, 140-16 and 140-17.
- (2) Sections 140-19A, B and D, 140-20, 140-21, 140-22, 140-23 and 140-24.
- (3) Section 140-26.
- (3) Sections 140-36 to 140-43.

§ 140-45. Penalty.

Every person convicted of an offence under this chapter is liable on a first conviction to a fine of not more than \$25,000 and on each subsequent conviction to a fine of not more than \$100,000.

SCHEDULE A TO CH. 140
EXEMPTED CORPORATIONS AND OTHER BODIES
§ 140-3C(3)

A. Municipal level:

- (1) Board of Trustees of the Metro Toronto Pension Plan.
- (2) Board of Trustees of the Metro Toronto Police Benefit Fund.
- (3) Boards of health
- (4) Canadian National Exhibition Association.
- (5) Enwave Energy Corporation.
- (6) Police services boards
- (7) Public library boards
- (8) Toronto Civic Employees' Pension and Benefit Fund Committee.
- (9) Toronto Community Housing Corporation.
- (10) Toronto Economic Development Corporation.
- (11) Toronto Fire Department Superannuation & Benefit Fund Committee.
- (12) Toronto Hydro Corporation.
- (13) Toronto Waterfront Revitalization Corporation.
- (14) York Employees' Pension and Benefit Fund Committee.

B. Provincial level:

- () Greater Toronto Transit Authority (GO Transit).
- () *[Note other provincial entities that do not have a commercial component similar to a for-profit entity will be added to this list]*

C. Federal level:

- ()listed in Schedule I.1 and Schedule II to the Financial Administration Act.
- () Canada Mortgage and Housing Corporation.
- () National Capital Commission.

SCHEDULE B TO CH. 140
EXEMPTED EMPLOYEE AND LABOUR GROUPS
§ 140-3C(4)

- A. Amalgamated Transit Union, Local 113.
- B. Canadian Union of Public Employees, Local 1600 (Toronto Zoo).
- C. Canadian Union of Public Employees, Local 2 (electricians).
- D. Canadian Union of Public Employees, Local 2298 (AOCCs).
- E. Canadian Union of Public Employees, Local 2840 (parking employees).
- F. Canadian Union of Public Employees, Local 79.
- G. Carpenters and Allied Workers, Local 27 (United Brotherhood of Carpenters and Joiners of America).
- H. City of Toronto Administrative, Professional, Supervisory Association, Incorporated (COTAPSAI).
- I. International Alliance of Theatrical Stage Employees (IATSE), Local 58.
- J. International Association of Bricklayers and Allied Craftsmen, Local 2.
- K. International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 721.
- L. International Association of Heat and Frost Insulators and Asbestos Workers, Local 95.
- M. International Association of Machinists and Aerospace Workers (IAMAW), Lodge 235 (machinists and millwrights).
- N. International Brotherhood of Electrical Workers, Local 353.
- O. International Brotherhood of Painters and Allied Trades, Local 1819 (glaziers).
- P. International Brotherhood of Painters and Allied Trades, Local 557.
- Q. Labourers International Union of North America (LIUNA), Local 506 (labourers and cleaners).
- R. Sheetmetal Workers' International Association, Local 30.
- S. Toronto Civic Employees Union, Local 416.
- T. Toronto Professional Fire Fighters Association, Local 3888.

- U. United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the USA and Canada, Local Union 46.

2. This by-law comes into force on [the later of _____ and the date on which sections of the *City of Toronto Act, 2006* come into force].

ENACTED AND PASSED this [day of, A.D. 2007](#).

Mayor

City Clerk