

# OFFICE OF THE LOBBYIST REGISTRAR

## Compliance Investigations Procedures

### 1. Definitions.

- A. The definitions set out in § 140-1 of the Toronto Municipal Code, Lobbying (the Lobbying By-law) apply to these procedures.
- B. “Requestor” is defined as City Council, a member of Council or a member of the public who makes a request for an investigation or inquiry about compliance with the registry system or Lobbyists’ Code of Conduct.
- C. “Respondent” is an individual or organization who is the subject of a request about compliance with the registry system or Lobbyists’ Code of Conduct.

### 2. Investigation or inquiry.

- A. A request for an investigation or inquiry about compliance with the registry system or Lobbyists’ Code of Conduct, as set out in this chapter, may be made by City Council, a member of Council or a member of the public, including the Registrar.
- B. The Registrar may initiate an investigation or inquiry based upon:
  - (1) The information in the registry system and the recommendation of the Registrar’s staff; or
  - (2) Information received from a member of the public, a member of Council or information contained in the lobbyist registry.
- C. The Registrar may accept an anonymous request, if there are sufficient grounds to give the Registrar reason to believe that a breach of the Lobbying By-law has taken place.

### 3. Information in request.

- A. A request about compliance with the system of registration for lobbyists or the Lobbyists’ Code of Conduct, as set out in this chapter, from a member of Council or the public shall be made in writing to the Registrar.
- B. The request shall include the information and documents relevant to the request and any forms, including an affidavit that the Registrar may require for this purpose.
- C. The requester shall provide additional information and documentation as required by the Registrar.

#### **4. Confidentiality.**

The Registrar conducts investigations of matters relating to compliance with the registry and the code of conduct for lobbyists in private, unless:

- A. The law, including this chapter, the *City of Toronto Act, 2006* and the *Public Inquiries Act*, requires or permits disclosure of information; or
- B. The Registrar deems it necessary to disclose information in order to further the investigation of the matter.

#### **5. Refusal to investigate.**

The Registrar may refuse to investigate or inquire into a request where, in his or her opinion, one or more of the following circumstances exist:

- A. The request does not pertain to compliance with the system of registration or with the Lobbyists' Code of Conduct or is otherwise outside the jurisdiction of the Registrar.
- B. The subject matter of the request is trivial, frivolous or vexatious.
- C. There are other adequate remedies available to the requester under the law or existing administrative practices that would more appropriately resolve the request, other than the laying of information for an offence under the Toronto Municipal Code, Chapter 140.
- D. In all the circumstances of the case, no further investigation is necessary.
- E. Dealing with the matter would serve no useful purpose because of the length of time that has elapsed since the matter arose.

#### **6. Criminal allegations.**

If, on its face, the request concerns an allegation of a criminal nature consistent with the *Criminal Code of Canada* or an offence under any other Act, the requester shall be advised that if the requester wishes to pursue the allegation, the requester must pursue it with the appropriate police force.

#### **7. Suspension and referral to appropriate authorities.**

As required by section 169(7) of the *City of Toronto Act, 2006*, if at any time during the investigation or inquiry the Registrar determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code of Canada*, the Registrar shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to City Council.

**8. Disclosure.**

- A. If the Registrar decides to proceed with investigation of a request, the Registrar shall inform the respondent of the substance of the allegations and provide an opportunity to the respondent to respond to the allegations.
- B. If the Registrar agrees to accept an anonymous request, the information disclosed shall be revised to the extent necessary to preserve anonymity.

**9. Investigation.**

- A. The Registrar may conduct such additional investigation or inquiry as in his or her opinion is necessary to determine whether there has been compliance with the registration system and the lobbyists code of conduct.
- B. The Registrar may speak to anyone who has information relevant to the request and request further information from the requester, the respondent(s) or from anyone who may have information relevant to the request.
- C. Under subsection 169(2) of the *City of Toronto Act, 2006*, in conducting an investigation or inquiry, the Registrar may exercise the powers of a commission under Parts I and II of the *Public Inquiries Act*, in which case those Parts apply to the inquiry as if it were an inquiry under that Act

**10. Interim and final reports.**

- A. Upon completion of an investigation or inquiry and prior to making a final report, the Registrar may provide an interim report with any proposed findings and sanctions to the respondent, together with an opportunity to comment either in person or in writing on the proposed findings and any recommended sanctions.
- B. The Registrar shall provide the final report in writing with reasons to the respondent.
- C. The Registrar may provide the final report to City Council and to the requester.
- D. If the Registrar makes a report to City Council, the Registrar may disclose in the report such matters as in the Registrar's opinion are necessary for the purposes of the report.
- E. The Registrar's final report shall contain all findings, decisions, orders and recommendations made by the Registrar in relation to the investigation or inquiry, together with reasons.
- F. In the final report, the Registrar may make any or all of the following orders:
  - (1) Refusing to register a return;

- (2) Suspending or revoking a registration; or
- (3) Removing a return from the registry.

G. The Registrar may publish any orders made on the Registrar's website.

**11. Prosecutions.**

- A. Despite any provision in this article, the Registrar may commence a prosecution where the Registrar has reasonable grounds to believe that there has been a contravention of the Lobbying By-law.
- B. If the Registrar commences a prosecution for an offence under the Lobbying By-law, the Registrar may suspend or otherwise terminate an investigation inquiry and is not required to provide any reports under § 140-59.
- C. The Registrar may include information on prosecutions in any periodic general reports to Council on his or her activities, subject to compliance with any confidentiality requirements.