



LOBBYIST REGISTRAR'S REPORT ACTION REQUIRED

Report to Council on an Inquiry: Lobbying in an Election Event

Date:	April 3, 2012
To:	City Council
From:	Lobbyist Registrar
Wards:	All
Reference Number:	

SUMMARY

This report is made to City Council under § 3-7B of the Toronto Municipal Code and the *City of Toronto Act, 2006*, s.169. Section 3-7B requires the Lobbyist Registrar to report directly to Council on the investigations and inquiries conducted by her. Subsection 169(4) and (5) provides that if the Registrar makes a report to Council in respect of an inquiry, the Registrar may disclose in the report such matters as in the Registrar's opinion are necessary for the purposes of the report; and Council shall ensure that reports received from the Registrar are made available to the public.

Following an inquiry in response to a complaint from a member of the public, the Lobbyist Registrar found that the Building Industry and Land Development Association ("BILD"), a registered lobbyist, failed to register meetings at which this organization lobbied then-Deputy Mayor Joe Pantalone and then-Councillor Rob Ford.

The meetings concerned a "Meet the Mayoral Candidates" event BILD held for its members on September 13, 2010. Mayoral candidates were invited and attended. Individual preparatory meetings were held with each candidate in advance of this event, at which BILD discussed with the candidates questions relating to BILD's concerns. A number of the questions related to matters on which BILD had made subject matter registrations – in other words, matters on which they were currently registered to lobby. Further, although the preparatory meetings and the September Meeting were held during an election cycle, Toronto City Council and committee meetings continued to be held.

The Registrar found that the discussions that occurred at the preparatory meetings and the event were about matters defined as “lobbying” under the Lobbying By-law (Chapter 140 of the Toronto Municipal Code). The preparatory meetings and the election event should have been reported under BILD’s existing registrations.

Lobbying at meetings that are related to a municipal election is a novel issue. The October 2010 municipal elections are the first elections that have been held since Council adopted the Lobbying By-law in 2007. BILD was not aware that they should report these meetings.

It is in the interests of transparency that these meetings be reported. Therefore, the Registrar permitted BILD to report the registrations after the three-day time period. BILD has complied with the Registrar’s request to report these meetings.

The Lobbying By-law does not exempt communications that occur during an election period. Given the novelty and importance of this issue, the Registrar recommends that Council request the Lobbyist Registrar and City Solicitor to report to Council on whether and to what extent communications between lobbyists and public office holders during an election period, in the context of election debates, should be made exempt from Chapter 140.

RECOMMENDATIONS

The Lobbyist Registrar recommends that:

1. City Council receive the findings in the attached report.
2. City Council request the Lobbyist Registrar in consultation with the City Solicitor, City Clerk and Integrity Commissioner to report to Council on whether and to what extent communications between lobbyists and public office holders during an election period, in the context of election debates, should be made exempt from Chapter 140.

Financial Impact

This report has no financial impact.

DECISION HISTORY

The Toronto Municipal Code, Lobbying, § 3-7B and *City of Toronto Act, 2006*, s. 169, provides that the Lobbyist Registrar reports directly to Council on investigations and inquiries conducted by her.

CONTACT

Linda L. Gehrke

Lobbyist Registrar

Tel.: 416-338-5858

Fax: 416-338-5859

Email: lgehrke@toronto.ca

SIGNATURE

Linda L. Gehrke
Lobbyist Registrar

ATTACHMENTS

Report to Council on an Inquiry by the Lobbyist Registrar: Lobbying in an Election Event