



March 18, 2013

Linda Gehrke
Lobbyist Registrar
City of Toronto
375 University Avenue
Unit 201
Toronto, ON M5G 2J5

Dear Ms. Gerke,

I am writing to you to express the Public Affairs Association of Canada's concerns with the proposed amendment to the Lobbying By-law. As the amendment reads,

Lobbyists shall not communicate with public office holders except on business days during regulator hours of business (8:00 a.m. to 6:00 p.m.) or during the hours of other scheduled meetings of Council and its committees, and for members of a local board, during meetings of local boards, at offices of the City or local board, including the constituency offices of a member of Council (EX.29.3 Amending the Lobbying By-law—Time and Place of Lobbying.).

As the President of the Public Affairs Association of Canada (PAAC), a professional association of lobbyists and other public affairs practitioners, I point out why we are opposed to this proposed restriction on lobbying activity.

Before doing so, I want to make it very clear that PAAC fully supports the city's lobbying disclosure rules and its lobbyist Code of Conduct. We have been at the forefront of advocating for sound rules related to the regulation of lobbying activity to ensure its transparency and to educate the public about what lobbying really is: the provision of information to government decision makers in the effort to develop sound public policy. Strong disclosure rules and ethical standards are in the interests of our members and the public in equal measure.

Restricting lobbying activity to office hours during the business week will not serve the public interest. Often, as in this case, lobbying is seen as solely in the interests of commercial enterprises – a company wanting to 'sell' something to the City. In fact, lobbying is simply a means of communicating to politicians on a variety of issues and concerns. Many charities, non-governmental organizations, community groups, and other non-commercial concerns need lobbyists to communicate with government – and that is very important in a democracy, and in the broad public interest. Many who seek to communicate their concerns to City Councillors can only do so in the evenings during their free time – volunteer groups, citizen groups, small businesses and many others working to improve the lives of Torontonians. The information these



groups provide to City Councillors is also critical for the formulation of sound policy—from the location and impact of new retail developments to zoning issues related to establishing housing for disabled individuals. Moreover, many city councillors find meeting these groups in the evenings helpful in understanding the needs of their constituents and local neighbourhood organizations. Without this information, Councillors' ability to represent the interests of their constituents is compromised, and thus the public interest is undermined.

Most individuals lobbying at Toronto City Hall also do not fit the usual stereotype. They are small organizations operating on a shoestring budget but deeply committed to the groups and causes they represent. For example, Toronto Community Living, an organization that provides programs and housing for intellectually disabled persons, advocates their concerns to City Councillors and staff on a regular basis. Since that organization relies on volunteers, restricting the hours of when and where they can lobby would prevent City decision makers from understanding the issues and needs of our intellectually disabled citizenry.

It is not clear how this new provision would promote the transparency of lobbying activity, a key policy objective of any lobbying disclosure law. As the law stands now, any lobbying activity that takes place after hours must be recorded and each lobbyist registration updated to reflect that activity. By restricting the time and location of lobbying activity, the new provision may drive underground lobbying activity which undermines the whole point of lobbying disclosure rules.

Public Affairs practitioners, just like any other business professional, should exercise good judgement when engaging in communications with City Councillors and staff—it is clearly in their best interests to do so. Various social and charitable events attended by city councillors and staff should not be the standard field for lobbying activity. In fact, 140-42 C of the Lobbyist Code of Conduct states that “lobbyists shall not conduct lobbying activity at a charitable event, community or civic event, or similar gathering”. And the vast majority of lobbyists respect this protocol.

Lobbying is a two way street: City Councillors and staff are not passive actors in this process. They actively solicit information on key policy issues from representatives of advocacy groups. Requesting information from ‘subject matter experts’ serves the public interest by enabling our elected representatives to gain a better understanding of various issues—from bike lanes and public transit and environmental initiatives—thus enhancing the resultant policy .

In conclusion, the PAAC firmly believes that restricting lobbying activity as proposed to standard office hours and locations will undermine the development of sound and compelling public policy at the city. We need full debate and factual information on the matters affecting all of us living in Toronto. Preventing public affairs practitioners, including some important



volunteer groups from providing this information and engaging in these debates will only serve to limit the development of policies and programs that impact all of us.

Public Affairs Association of Canada

John Capobianco
President

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