

# **Annual Report of the Lobbyist Registrar for the Year 2015**

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# ANNUAL REPORT OF THE LOBBYIST REGISTRAR FOR THE YEAR 2015

## INTRODUCTION

This is my 8th annual report to Toronto City Council (Council) on my activities and the discharge of my duties as Lobbyist Registrar for the year 2015, in compliance with Chapter 3 of the Toronto Municipal Code, s. 3-7A. Since I will be retiring from this role in May 2016, this is also my final report on my activities to date.

The mandate of the Office of the Lobbyist Registrar (OLR) is to promote the transparency and integrity of City government by maintaining an online registry that is available to the public, and by regulating the conduct of lobbyists at the City.

Toronto's Lobbying By-law established the first municipal lobbyist registration system in Canada.<sup>1</sup> Its roots lie in the recommendations of Madam Justice Denise Bellamy in her Report on the Toronto Computer Leasing Inquiry. The *City of Toronto Act, 2006* requires the City to establish and maintain a lobbyist registry that is available to the public, and authorizes Council to appoint a Lobbyist Registrar. In 2007, the City adopted Chapter 140 of the City of Toronto Municipal Code (the Lobbying By-law) and appointed its first Lobbyist Registrar. The lobbyist registry was launched in February 2008.

The duties of the Lobbyist Registrar are set out in the *City of Toronto Act, 2006*, Chapter 3 (Accountability Officers) and Chapter 140 (Lobbying) of the Toronto Municipal Code. The *City of Toronto Act, 2006* (COTA) requires the City to establish and maintain a public lobbyist registry and permits the City to appoint a registrar; requires the registrar to perform her duties in an independent manner; gives the registrar powers of inquiry under the *Public Inquiries Act, 2009*; requires that secrecy of an inquiry be preserved; and provides that the registrar may make a public report on an inquiry to Council.

Chapter 3 of the Toronto Municipal Code provides the framework for the relationship of the City's Accountability Officers, including the Lobbyist Registrar, to Council and the City administration. The Accountability Officers report directly to Council, are independent of City administration and, subject to the provisions of Chapter 3, are fully responsible for the conduct and accountability of their offices. The Lobbyist Registrar is required to report annually to Council on the activities of her office and discharge of her duties, report to Council on investigations and inquiries conducted by her and submit the Capital and Operating Budget for her office directly to Budget Committee for

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<sup>1</sup>In Quebec and Newfoundland and Labrador, municipal lobbyist registration is administered by the province. In Ontario, the municipalities of Ottawa, Hamilton and Brampton have adopted lobbying by-laws and registries. The City of Surrey and British Columbia adopted a Lobbyist Registration Policy in 2008.

consideration and recommendation to Council. The Office of the Lobbyist Registrar is included in the annual attest audit of the City and undergoes an annual compliance audit, both of which are conducted by an external auditor appointed by and reporting to Council.

Under the Toronto Municipal Code, Chapter 140 (the Lobbying By-law), the Lobbyist Registrar is responsible for maintaining the lobbyist registry; providing advice, opinions and interpretations pertaining to the administration, application and enforcement of the Lobbying By-law; reviewing and verifying returns for acceptance and for compliance with the Lobbying By-law; conducting, in private, investigations and inquiries to determine whether the Lobbying By-law has been breached, as permitted under COTA; suspending or revoking a registration; enforcement of the Lobbying By-law; advising Council on lobbying matters and recommending improvements and amendments to the Lobbying By-law; and performing other duties as assigned by Council.

## MESSAGE FROM THE LOBBYIST REGISTRAR

*The City should treat lobbying as a potentially helpful practice that should be carefully controlled.<sup>2</sup>*

Working together to update and improve the online lobbyist registry, Lobbying By-law and accountability framework has been a predominant theme in 2015 going forward into 2016.

### *Lobbyist Registry and Search Systems*

The lobbyist registry experienced significant increases in lobbyist and subject matter registrations and reported lobbying activity in 2015. 680 new lobbyists registered, an increase of 165 or 32% over 2014. Lobbyists registered 1,218 new subject matters, an increase of 398 or 48% over 2014; and filed 5,478 subject matter updates (including reports of lobbying activity), an increase of 932 or 20% over 2014. The total number of active lobbyists at year-end was 1,299, an increase of 271 or 26% over 2014. The total number of active subject matter registrations at year-end increased by 441 or 28% over 2014.

Continuously increasing registrations since the launch of the City's online lobbyist registry in 2008 have placed a significant load on our online registration system and search capacity that was not foreseen when these systems were created. OLR systems for registration and search of the registry are becoming obsolete and overloaded. For this reason, we embarked on a State of Good Repair (SOGR) project

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<sup>2</sup>The Honourable Madam Justice Denise E. Bellamy, Commissioner, *Toronto Computer Leasing Inquiry*, Toronto External Contracts Inquiry, Recommendation 97, vol. 4, p. 94.

for the OLR's online lobbyist registration system and search capacity. Council approved a Capital Budget to do so in 2015 and 2016. The project, to be completed in 2016, will improve and update the OLR online lobbyist registration and search systems. We aim to ensure that the lobbyist registry is available to the public in a format that is easy to use, accessible and accurate. Surveys have been conducted of lobbyists, public office holders and the public to inform our business analysis. Registry staff and City Clerk's IT staff have worked together on this project and will continue to do so in 2016.

In [CC5.5](#), Council requested that the City Manager, in consultation with the Lobbyist Registrar and City Solicitor, report to Council on "changes to policies and reporting protocols to ensure that the records of lobbying activities on the public website are accurate". Council also requested a report on a "Lobbyist Lens" as a regular part of staff reports to Council. In [EX8.2](#), Executive Committee requested that the City Manager's report include clarifying whether requests for meetings resulted in actual meetings or phone calls with the councillor or their office staff. I consulted with the City Manager and City Solicitor on these requests and included consideration of them in the business analysis for the SOGR of the lobbyist registry system.

### *Lobbying By-law*

In response to requests made by Council in [CC50.2](#), the City Manager reported on amendments to the Lobbying By-law to Executive Committee in two reports: EX8.2 and [EX13.2](#). I worked collaboratively with the City Manager and City Solicitor on jurisdictional research, public consultations and recommendations for these reports. Both reports recommend requiring consultant lobbyists to disclose their ultimate client, and authorizing the Lobbyist Registrar to impose conditions for registration and temporarily prohibit lobbying by lobbyists found in breach of the Lobbying By-law. The recommended amendments clarify the Lobbying By-law and provide the Lobbyist Registrar with a range of administrative measures that can be taken within a fair, proportionate, responsive regulatory system to ensure compliance with the Lobbying By-law.

In response to [CC50.2](#), Council also requested that the City Manager, in consultation with the City Solicitor and Lobbyist Registrar, report back to City Council on requesting legislative amendments to enable the Lobbyist Registrar to impose administrative sanctions and that administrative sanctions be included in the next review of COTA. I worked collaboratively with the City Manager and City Solicitor on the COTA Five-Year Review, which includes requests for amendments that will strengthen and improve the Lobbying By-law. These requests are included in [EX8.1](#) as part of the City's request for amendments to COTA in the Five-Year Review of the *City of Toronto Act, 2006*. I also made submissions on the Five-Year Review of COTA, based upon my experience as a municipal Lobbyist Registrar.

In EX13.2, Executive Committee recommended that Council enact the amendments to the Lobbying By-law in the City Manager's report, and request the City Manager, in consultation with the Lobbyist Registrar and the City Solicitor, to review the requirements for not-for-profit organizations and labour unions, and Fire Services,

Toronto Paramedic Services, Toronto Police Service and their associations to register, and report to Executive Committee with amendments to Toronto Municipal Code Chapter 140, Lobbying as required. Executive Committee's recommendations will be considered by Council at its meetings on March 30 and 31, 2016.

Section 140-9.1 of the Lobbying By-law took effect on December 31, 2015. This provision requires City employees involved in the City's procurement processes to report breaches of the Lobbying By-law to the Lobbyist Registrar for investigation and resolution. The City's Public Service By-law (Toronto Municipal Code Chapter 192) took effect on December 31, 2015. Section 192-21 addresses conduct respecting lobbyists and states: "City and Agency employees should be familiar with the requirements and expectations for dealing with lobbyists as outlined in Chapter 140, Lobbying."

### *The City's Accountability Framework*

The City's established accountability framework under the *City of Toronto Act, 2006* (COTA) promotes and ensures the transparency and integrity of City government and the public's trust in it. That accountability framework includes Chapter 3 of the Toronto Municipal Code (Accountability Officers). It can fairly be said that the City of Toronto has developed and delivered a co-ordinated approach for the City's accountability functions. It is important that the effectiveness of the City's accountability framework be maintained and strengthened.

In 2015, the City's four Accountability Officers (the Auditor General, Integrity Commissioner, Lobbyist Registrar and Ombudsman) worked together with the City Manager and City Solicitor to strengthen and improve the City's accountability framework in the following matters:

- The four Accountability Officers consulted with the City Solicitor and City Manager and with Dean Lorne Sossin of Osgoode Hall Law School on his review of the City's four Accountability Offices. Dean Sossin recommended closer co-ordination among the Accountability Offices and exploration of the cross-appointment of the Lobbyist Registrar and Integrity Commissioner in the future. Council requested that City staff commence the search for a new Lobbyist Registrar (to be appointed upon my retirement in May 2016) and report on the cross-appointment of the Lobbyist Registrar and Integrity Commissioner at the end of the terms of the new Lobbyist Registrar and current Integrity Commissioner ([Review of the Functions of Toronto's Accountability Offices, EX10.3](#)).
- The four Accountability Officers entered into [a joint Memorandum of Understanding](#) (MOU) to collaborate and co-ordinate our activities more effectively in such areas as investigations, training and outreach. The MOU builds on a similar [MOU between the Integrity Commissioner and Lobbyist Registrar](#).

- The Accountability Officers consulted with the City Manager, City Solicitor and provincial Ministry of Municipal Affairs and Housing on the provincial Five-Year Review of COTA.
- Ontario's Bill 8, Schedule 9 took effect in January 2016, extending the oversight of the Ontario Ombudsman to include municipalities. I consulted with the City Manager, City Solicitor and my fellow Accountability Officers to ensure that oversight by the Ontario Ombudsman of the Accountability Offices is consistent with the independence of these offices, their obligations of confidentiality and their reporting relationship to Council.

Many people have supported the City's Lobbying By-law and registration system since its adoption by Council in 2007. OLR staff have maintained the lobbyist registration system; provided information about the Lobbying By-law to the public, public office holders and lobbyists; and ensured compliance with the Lobbying By-law. The City Clerk has provided administrative, financial and information technology services, including support and assistance with OLR budget submissions and the SOGR project for the registry system. The City Solicitor has provided legal advice, conducted prosecutions on the OLR's behalf and worked with me and the City Manager to improve the Lobbying By-law. The City Manager, City Solicitor and Accountability Officers have worked together to strengthen the City's accountability framework. Council, public office holders, lobbyists and members of the public have played key roles in initiatives to update, improve and strengthen the Lobbying By-law and lobbyist registry.

It has been a great honour and pleasure to serve the City of Toronto as its Lobbyist Registrar. My thanks to all of you for your support, encouragement and advice. By working together, we have improved the transparency and integrity upon which the public's trust in the City of Toronto's government decision-making depends.

## STAFF

The staff of the Office of the Lobbyist Registrar (OLR) is a team of eight with two units corresponding to legislated mandates to maintain the registry and to conduct inquiries, investigations and enforcement activities.

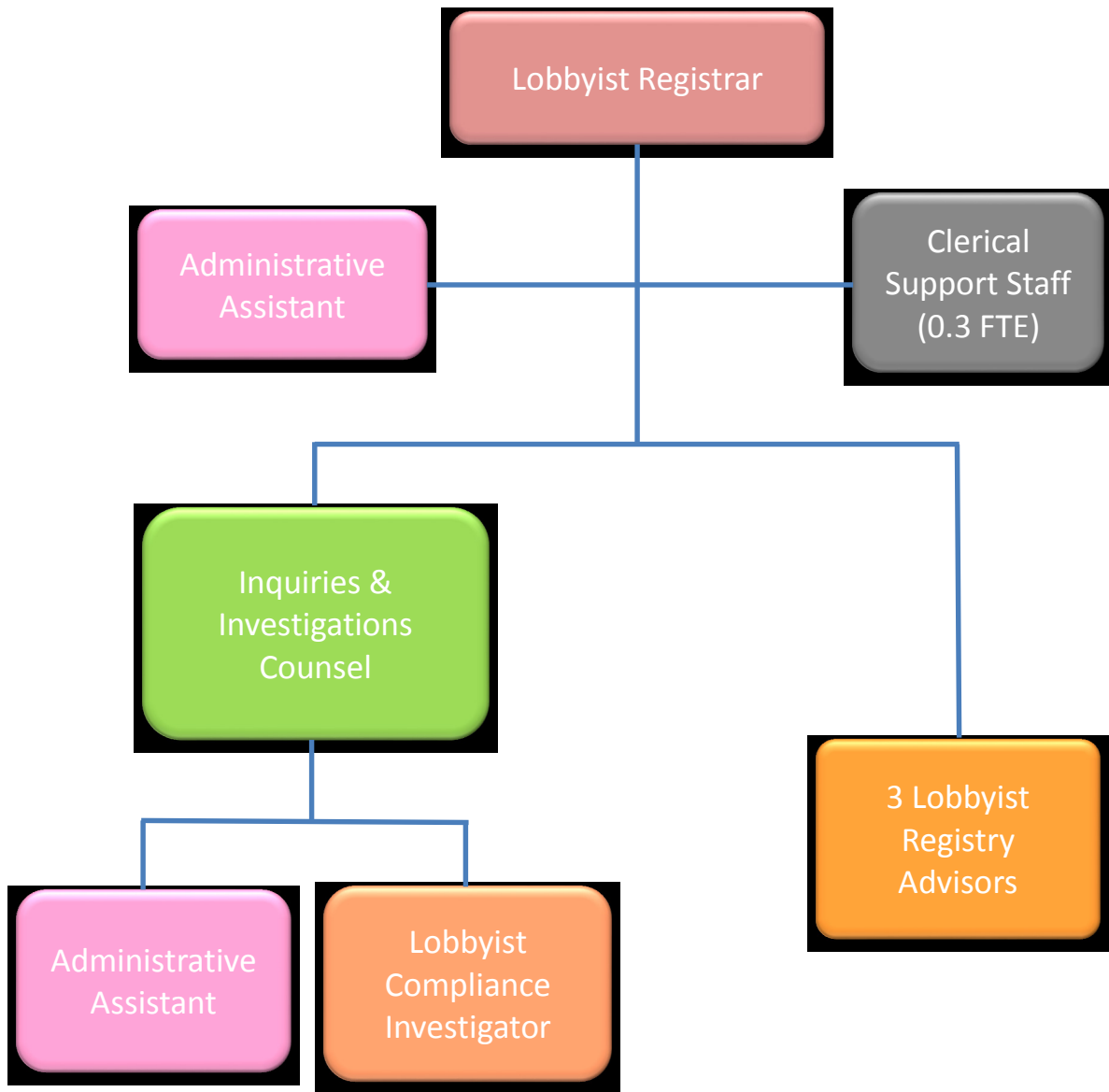
The OLR's total staff complement is 8.3 full-time employees. This number has not changed since 2010. In addition to the Lobbyist Registrar, the OLR is staffed by three Lobbyist Registry Advisors, Inquiries and Investigations Counsel, a Lobbyist Compliance Investigator, and two Administrative Assistants. A part-time clerical position is allocated for summer students or periods of increased administrative needs.

Lobbyist Registry Advisors provide advice and interpretation; maintain the lobbyist registry; review, verify and approve registrations and updates; monitor compliance with registration and reporting requirements; develop and deliver information, training, and outreach programs and materials; and participate in the OLR's website projects.

Inquiries and Investigations Counsel provides advice on compliance issues; conducts assessments, inquiries and investigations on behalf of the Lobbyist Registrar; and develops policies and procedures to support OLR assessment, inquiry and investigation processes. The Lobbyist Compliance Investigator assists Inquiries and Investigations Counsel in these functions.

Two Administrative Assistants provide administrative support and assistance to the Registrar, Lobbyist Registry Advisors, and Inquiries and Investigations staff.





# REGISTRY SERVICES

## Website

*In 2015, there were 17,105 visits to the OLR public website, compared with 14,686 visits in 2014, an increase of 2,419 or 16%. In 2015, the OLR answered 2,803 telephone inquiries, providing information, advice and interpretation of the Lobbying By-law. This compares with 2,623 telephone inquiries answered in 2014, an increase of 180 or 7%. See Table 1 below.*

**TABLE 1**  
**WEBSITE VISITS and TELEPHONE INQUIRIES, 2010-2015**

	2010	2011	2012	2013	2014	2015
Website Visits	13,466	16,988	18,999	18,039	14,686	17,105
Telephone Inquiries	1,257	1,630	2,038	2,410	2,623	2,803

The OLR works continuously to make the OLR website as accessible and informative as possible. In addition to the lobbyist registry, our website provides a wealth of information to the public, public office holders and lobbyists, including:

- the Lobbying By-law;
- an online registration tutorial;
- an online newsletter, The Registry Insider;
- FAQs;
- Interpretation Bulletins;
- reports on investigations and inquiries;
- annual reports;
- expense reports;
- links to the sites of other Accountability Officers; and
- information about how to contact our office for more information and advice.

The OLR maintains a Twitter account, [@TO\\_LobbyistReg](#), where we post newsletters, new interpretation bulletins and other news of note.

The OLR maintains and administers a searchable online registry on our website that is available to the public at all times. The registry meets the requirements of s. 165 of COTA, that the City maintain a registry of persons who lobby public office holders, and that this registry be available for public inspection. The registry is accessible through

our public website at [www.toronto.ca/lobbying](http://www.toronto.ca/lobbying). Data from the registry is also available in machine-readable format on the [City's Open Data](http://www.toronto.ca/open) website at [www.toronto.ca/open](http://www.toronto.ca/open).

Lobbyists register online through an internal operating system that is administered by OLR staff. Registry Advisors review and monitor registrations and updates to ensure that they are accurate and meet the requirements of the Lobbying By-law. The Lobbyist Registrar has the authority under the Lobbying By-law to suspend or revoke a registration that is found to be inaccurate or is not in compliance with the Lobbying By-law.

In 2015, the OLR, with the assistance of the City Clerk's information technology staff, commenced a comprehensive State of Good Repair (SOGR) project to maintain, update and improve its website lobbyist registration system and search capacity. The SOGR project is required to enable the registry to continue to function, comply with COTA and the *Accessibility for Ontarians with Disabilities Act*, meet the requirements of users and conform to City and industry technological standards. An updated and improved search capacity will ensure that the information in the registry is available to the public in a format that is easy to use and accessible. A mobile interface will reflect the current technology prevalence of mobile device usage replacing office computers, ensure that the transparency and accuracy of the registry is maintained and prevent delays in registration and reporting. Surveys of the public, lobbyists and public office holders were conducted to gather information about what would be most useful to them. These surveys informed our business analysis for the SOGR project. Registry staff have worked together with City Clerk's IT staff on this project, which will be completed in 2016.

When Council received the Annual Report of the Lobbyist Registrar for the Year 2014, [CC5.5](#), Council requested the City Manager, in consultation with the City Solicitor and the Lobbyist Registrar, to report to Council on "changes to policies and reporting protocols to ensure that the records of lobbying activities on the public website are accurate". In [EX8.2](#), Executive Committee requested that the City Manager's report include clarifying whether the requests for meetings resulted in actual meetings or phone calls with the councillor or their office staff. Both of these requests have been included in the business analysis for the SOGR project.

In 2023, the lobbyist registry will need to be refreshed to enable the registry to continue to function, comply with statutory obligations, meet requirements of users, and conform to the City and industry technology standards. In February 2016, [Council approved](#) a SOGR project in 2023 for this purpose, as part of the OLR's 2016-2025 Capital Budget and Plan.

## Advice and Interpretation

The OLR published six new interpretation bulletins in 2015, which are listed below and may be found on our website together with all OLR interpretation bulletins at [www.toronto.ca/lobbying](http://www.toronto.ca/lobbying):

- [Disclosure of Identity and Purpose](#)
- [Entertainment, Gifts, Meals, Trips or Favours](#)
- [Exempt Communications](#)
- [Improper Influence; Avoiding Impropriety, Conflict of Interest and Improper Benefits](#)
- [Types of Lobbyists](#)
- [What is Lobbying?](#)

In addition to telephone inquiries, the OLR provided advice, information and interpretation of the Lobbying By-law in person and by mail or email to public office holders, lobbyists and members of the public. OLR staff provided information about registrations, searching the registry, the requirements for registration and the Lobbyists' Code of Conduct. We provided advice and interpretation of the Lobbying By-law on such subjects as the status of unions, broader public sector and not-for-profit organizations under the Lobbying By-law; conduct of lobbyists at charitable and civic events; lobbying by former senior public office holders; grass-roots communications; avoiding the placing of public office holders in a conflict of interest; gifts and favours; lobbying by former municipal election campaign team members; and lobbying about procurements. Many of these topics are also the subject of interpretation bulletins.

## Education and Outreach

A key function of the OLR is to provide education and outreach to public office holders, the public and lobbyists about the Lobbying By-law and registration system. By doing so, we promote awareness of and compliance with the Lobbying By-law and lobbyist registration system.

In 2015, the OLR provided a variety of outreach and education sessions and materials. The OLR:

- Published 3 [newsletters](#) in 2015. Newsletters are posted on the OLR website at [www.toronto.ca/lobbying](http://www.toronto.ca/lobbying).
- Tweeted news about the registry and Lobbying By-law on Twitter account at [@TO\\_LobbyistReg](#).

- Conducted 5 in-house training sessions for lobbyists and members of the public in 2015. A total of 54 persons attended these sessions.
- Distributed OLR business cards to public office holders, including councillors and their staff, City staff and board and agency members. The cards remind lobbyists to register and report their communications with public office holders, and inform lobbyists how to contact the OLR.
- Conducted 43 outreach sessions for public office holders, providing information about the Lobbying By-law and registration system to members of Council and their staff, City employees, BIAs (Business Improvement Areas) and City agencies.
- Provided information about the Lobbying By-law and registration system to external organizations, including the Lobbyist Registrars and Commissioners Network, Municipal Integrity Commissioners of Ontario, Office of the Ontario Integrity Commissioner, Office of the Saskatchewan Lobbyist Registrar, Ministry of Municipal Affairs and Housing and Cambridge Forum.

## Registration Statistics

*In 2015, 680 new lobbyists registered, an increase of 165 or 32% compared with 515 new lobbyist registrations in 2014. There were 1,218 new subject matter registrations, an increase of 398 or 48% compared with 820 new subject matter registrations in 2014. Subject matter updates, which include reports of lobbying activity, increased by 932 to 5,478 in 2015, an increase of 20% over 4,546 subject matter updates in 2014. The total number of active lobbyists at year-end was 1,299, an increase of 271 or 26% over 2014. The total number of active subject matter registrations at year-end was 1,997, an increase of 441 or 28% over 2014. This continues a trend of increased registrations since 2010. See Table 2, below.*

**TABLE 2**  
**REGISTRATION ACTIVITIES, 2010-2015**

	2010	2011	2012	2013	2014	2015
<b>Lobbyist Registrations</b>						
New Lobbyists	229	331	444	450	515	680
Lobbyist Updates	306	514	677	1,018	1,511	1,132
Closed Lobbyist Registrations	32	168	199	347	591	241
<b>Subject Matter Registrations</b>						
New Subject Matters	458	886	879	936	820	1,218
Subject Matter Updates (reports of lobbying activity)	1,072	2,626	3,920	4,705	4,546	5,478
Closed Subject Matters	346	600	762	574	871	572
<b>Active Registrations at December 31</b>						
Active Lobbyists	1,047	1,137	1,278	1,279	1,028	1,299
Active Subject Matters	1,424	1,653	1,726	1,870	1,556	1,997

**TABLE 3**  
**TOP TEN REGISTERED SUBJECT MATTERS, 2015**

This table lists the ten most frequently registered subject matters as of December 31, 2015:

Subject Matter Category	Number of Active Registrations
Planning and Development Applications	971
Technology	162
Economic Development	131
Transit/TTC	109
Transportation – Roads/Bridges	104
Procurement	91
Signs	76
Environment	74
By-law/Regulation	73
Licences/Licensing	69

## INQUIRIES AND INVESTIGATIONS

*In 2015, 16 new assessments were conducted; 11 new inquiries were opened and 32 inquiries were completed. Of the 32 completed inquiries, 14 were substantiated and 21 resulted in reports to Council. One conviction for an offence under the Provincial Offences Act resulted from a charge laid in 2014. There were 5 referrals to police. Other actions taken included advice, training, apology, commitment to comply, permission to file a late registration or update, and suspension, revocation or removal of a registration.*

The Lobbyist Registrar is responsible for conducting, in private, inquiries or investigations<sup>3</sup> to determine whether contraventions of the Lobbying By-law have occurred. When the OLR receives a report of a potential contravention of the Lobbying

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<sup>3</sup>The term “inquiries” includes “investigations”.

By-law, Inquiries and Investigations staff conduct an assessment to determine whether it is necessary to conduct an inquiry. Often, the matter can be resolved quickly at the assessment stage. If there is sufficient evidence to indicate a potential contravention of the by-law, and it is not appropriate to resolve the matter less formally (for example, by permitting a late registration), the Registrar may authorize an inquiry to be conducted. Inquiries and Investigations staff conduct the inquiry in the strictest confidence, in accordance with the requirements of COTA. OLR [Compliance Inquiry Procedures](#) are found at [www.toronto.ca/lobbying](http://www.toronto.ca/lobbying). If in the course of an inquiry the Lobbyist Registrar forms the opinion that there may have been a breach of another law, for example breach of the Criminal Code, she must suspend the inquiry and refer the matter to the authorities.

An assessment or inquiry may be commenced as a result of a request of Council, a member of Council or their staff, an Accountability Officer, a member of the public, or a lobbyist. Assessments and inquiries may also be initiated by the OLR, based upon information in the registry or received through other sources such as the media.

**TABLE 4**  
**SOURCE of INFORMATION or REQUEST for INQUIRY, 2015**

This table shows the source of request for the 16 new assessments and 11 new inquiries in 2015:

Source of Request	New Assessments	New Inquiries
Council	0	0
Member of Council or their staff	5	4
City staff	5	5
OLR	3	1
Other Accountability Offices	1	0
Member of the Public	2	1
Lobbyist	0	0



**TABLE 5**  
**ASSESSMENTS, INQUIRIES, PROSECUTIONS, REPORTS to COUNCIL and**  
**REFERRALS to POLICE or OTHER AUTHORITIES**

The following table shows assessments, inquiries, prosecutions, reports to Council and referrals to police or other authorities from 2010 through 2015:

	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Assessments (new)	N/A	N/A	30	24	32	16
(completed)	N/A	N/A	30	24	32	16
Inquiries (new)	10	46	18	17	26	11
(completed)	10	21	18	26	15	32
Prosecutions (new)	0	0	1	0	2	0
(completed)	1	0	0	1	1	1
Reports to Council on Inquiries	0	1	5	6	7	4
Referrals to Police or Other Authorities	0	0	0	0	0	5

**TABLE 6**  
**OUTCOMES of COMPLETED ASSESSMENTS**

This table shows the outcomes of the 16 preliminary assessments completed in 2015:

<b>Outcomes of the Preliminary Assessments</b>	<b>Completed Assessments</b>
Inquiry Files Opened	11
Advice Given	1
Late Registration or Update Permitted	0
Referral to Police or Other Authority	1
No Further Action Taken	3

**TABLE 7**  
**OUTCOMES of COMPLETED INQUIRIES**

This table shows the outcomes of 32 inquiries completed in 2015:

<b>Outcomes of Inquiries Completed in 2015</b>	<b>Completed Inquiries in 2015</b>
Allegations Substantiated	14
Allegations not Substantiated	18
Advice Given	27
Lobbying By-law Training Recommended/Attended	15
Apology Provided	8
Commitment to Comply	7
Late Registration or Update Permitted	8
Report to Council	23
Suspension, Revocation or Removal of Registration	1
<i>Provincial Offences Act</i> Charge Laid	1
Referrals to Police or Other Authorities	4
No Further Action Taken	3

**TABLE 8**  
**CONTRAVENTIONS of LOBBYING BY-LAW**

This table below shows contraventions of sections of the Lobbying By-law among the 14 substantiated inquiries in 2015:

Sections of the Lobbying By-law	No. of Contraventions
<b>140-10 Registration requirement.</b> (Unregistered lobbying)	7
<b>140-10.1 Grass-roots communication exemption period.</b>	1
<b>140-21D Duty to file return; transitional.</b> (Duty to report lobbying within three business days)	1
<b>140-41A Compliance with policies restricting communication.</b> (Lobbying in relation to a procurement process)	1
<b>140-42A Prohibited activities.</b> (Lobbyists shall not lobby by providing gifts, meals, trips or favours of any kind)	5
<b>140-45 Improper influence.</b> Lobbyists shall: <ul style="list-style-type: none"> <li>• avoid the deed and appearance of impropriety,</li> <li>• not place a public office holder in a conflict of interest or in breach of the public office holders codes of conduct,</li> <li>• not propose or bestow an improper benefit or improperly influence a public office holder</li> </ul>	6

## Reports to Council on Inquiries

The Registrar may report to Council on an inquiry or investigation into whether the Lobbying By-law has been contravened: COTA s. 169 and Toronto Municipal Code s. 3-7. Reports to Council are public. In 2015, I submitted four reports to Council regarding inquiries and prosecutions that my office conducted. They are as follows:

- [Report on a Prosecution for Breach of the Lobbying By-law, CC8.4](#) (Council on July 7, 8 and 9, 2015)
- [Report on an Inquiry into Contributions by Lobbyists to a Fundraiser for a Member of Council, CC8.5](#) (Council on July 7, 8 and 9, 2015)
- [Report on an Inquiry into Placing Members of Council in an Apparent Conflict of Interest, CC5.6](#) (Council on March 31, April 1 and 2, 2015)
- [Report on an Inquiry into Placing a City Employee in an Apparent Conflict of Interest, CC5.7](#) (Council on March 31, April 1 and 2, 2015)

## WORKING TOGETHER WITH THE ACCOUNTABILITY OFFICERS AND CITY STAFF

I have worked collaboratively with my fellow Accountability Officers and City staff to implement the accountability framework established in Chapter 3 of the Toronto Municipal Code.

In 2015, I consulted with the City Manager, City Solicitor and the external reviewer, Dean Lorne Sossin, regarding the external review of the functions of the four Accountability Offices.<sup>4</sup>

I entered into a Memorandum of Understanding with my fellow Accountability Officers to collaborate and co-operate in such areas as investigations, training and outreach. This MOU builds on a similar Memorandum of Understanding entered into by the Integrity Commissioner and Lobbyist Registrar in 2014.

I consulted with the City Manager, City Solicitor and Accountability Officers on the provincial Five-Year Review of COTA and on the implementation of the new provisions in the *Ombudsman Act* for oversight of municipalities.

I worked collaboratively with the City Manager and City Solicitor on reports to Executive Committee regarding amendments to the Lobbying By-law in EX8.2 and EX13.2.

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<sup>4</sup> [Review of the Functions of Toronto's Accountability Offices, EX10.3](#)

I consulted with City staff on the review of City by-laws respecting procurements, and training for City and agency staff on the new Public Service By-law.

## **SHARING INFORMATION AND BEST PRACTICES**

The OLR is a longstanding member of the Lobbyist Registrars and Commissioners Network (LRCN), a network of federal, provincial and municipal lobbyist registrars and commissioners. At LRCN meetings and conferences, we share information and best practices and discuss emerging trends among lobbyist registries in all jurisdictions of Canada. These discussions encourage consistency in practice and legislation among registries in the various jurisdictions, promote innovation and improvement and enable us to learn from the initiatives and experience of our colleagues. The LRCN has been especially important and helpful to the OLR as we developed the first municipal lobbyist registry in Canada. We have benefitted from the experience and advice of our colleagues in other jurisdictions through the LRCN. Over the years, we have provided advice and information to new provincial registries and to new municipal registries in Ontario. As new registries develop, they in turn become a source of expertise, experience and information from which we can learn. In 2015, we presented and moderated roundtables at the LRCN mid-winter meetings in Ottawa and at its annual conference in Winnipeg, Manitoba.

The OLR also maintains membership in the Council on Governmental Ethics Laws (COGEL), an international ethics organization that is an important source of information about lobbyist registration systems, codes of conduct and enforcement in the United States, Canada and elsewhere. OLR Inquiries and Investigations Counsel attended the annual COGEL conference in December 2015 in Boston, Massachusetts.

OLR staff attended the annual conference of Transparency International, an international anti-corruption organization, to learn about best practices in other jurisdictions to achieve transparency and reduce corruption. This year's conference included a workshop on disclosure of beneficial ownership, a subject of particular interest as we researched issues around the disclosure of the clients of lobbyists.

In order to learn about and share best practices in administrative decision-making and regulation, my office participates from time to time in the professional development programs of the Society of Ontario Adjudicators and Regulators (SOAR), an organization of adjudicators, regulators and accountability officers in Ontario. OLR staff attended the SOAR annual conference on the theme of acting in the public interests, including workshops on regulation, adjudication and accountability.

Staff also attended professional development seminars provided by Osgoode Professional Development and the Ontario Bar Association on such subjects as professional ethics and confidentiality, privilege and disclosure in regulatory investigations.

## OLR BUDGET

In accordance with Chapter 3 of the Toronto Municipal Code, the Lobbyist Registrar submits the OLR Operating and Capital Budget requests directly to Budget Committee for consideration and recommendation to Council.

In 2015, Council approved a Capital Budget of \$0.660 million for a SOGR project to maintain and update the lobbyist registration and search systems. This project commenced in 2015 and is ongoing, with completion expected in 2016. The 2016-2025 Capital Budget and Plan was [approved by Council](#) for a total of \$1.201 million. The 2015-2016 SOGR project will have projected cash flows of \$0.501 million in 2016, comprising the previously approved commitment of \$0.488 million in 2016 and a 2015 carry forward of \$0.013 million.

The Council-Approved Capital Plan includes a SOGR project in 2023 at a cost of \$0.700 million to refresh the lobbyist registry in order to enable the registry to continue to function, comply with statutory obligations, meet requirements of users, and conform to the City and industry technology standards.

The Office of the Lobbyist Registrar's 2016 [Council-Approved Operating Budget](#) is \$1,143.1 thousand net.

## FINANCIAL INFORMATION

OLR business, travel and [PCard expenses](#) are posted on the OLR website at [www.toronto.ca/lobbying](http://www.toronto.ca/lobbying).

Each year, the Office of the Lobbyist Registrar undergoes an external compliance audit and is part of the City's annual attest audit. These audits are required under Chapter 3 of the Toronto Municipal Code to be conducted annually by independent auditors and are reported directly to Council. The [external compliance audit report for the year 2014](#) was adopted by Council on June 10, 11 and 12, 2015. [The independent auditor found the Office of the Lobbyist Registrar to be compliant with the City's financial policies, procedures and delegated authorities](#). The compliance audit for the year 2015 is not yet available.

## RECOMMENDATIONS AND ADVICE TO COUNCIL ON LOBBYING MATTERS AND AMENDMENTS TO THE LOBBYING BY-LAW; REVIEW OF COTA

My mandate under the Lobbying By-law includes reporting to and advising Council on the by-law and lobbying matters.

Council made the following requests when it received my [2013 Annual Report, CC50.2](#):

1. City Council request the City Manager, in consultation with the City Solicitor and the Lobbyist Registrar, to report back to City Council on clarifying and strengthening the Lobbying By-law to explicitly require that consultant lobbyists disclose their ultimate client.
2. City Council request the City Manager, in consultation with the City Solicitor and the Lobbyist Registrar, to report back to City Council on amendments to the Lobbying By-law to permit the Lobbyist Registrar to impose conditions for registration, continued registration or renewal of a registration as permitted by s. 166 of the *City of Toronto Act, 2006*.
3. City Council request the City Manager, in consultation with the City Solicitor and the Lobbyist Registrar, to report back to City Council on requesting legislative amendments to enable the Lobbyist Registrar to impose administrative sanctions, including administrative monetary penalties and prohibiting a lobbyist who has been found in breach of the by-law from lobbying.
4. City Council direct that administrative sanctions be included in the next opportunity for review of the *City of Toronto Act, 2006*.

The amendments to the Lobbying By-law recommended in the City Manager's report and by Executive Committee in its consideration of EX13.2 provide a graduated range of fair, proportionate and responsive sanctions to ensure compliance with the Lobbying By-law.

In the [Five-Year Review of the City of Toronto Act, 2006, EX8.1](#), the City requested two amendments to COTA:

- Extension of the time limit for charges under the *Provincial Offences Act* from six months to two years from the date of the offence; and
- Authority to impose administrative sanctions, including administrative monetary penalties, for a range of offences.

I made submissions which supported the City's recommendations in the COTA Five-Year Review and provided some additional recommendations from my perspective and experience as Lobbyist Registrar. My recommendations included:

- Clarifying and strengthening the confidentiality provisions that apply to the Lobbyist Registrar and other Accountability Officers;
- Protecting Accountability Officers from pecuniary loss or liability as a result of the performance of their duties, whether or not they are City employees;
- Clarifying that the Lobbyist Registrar may conduct inquiries on his or her own initiative, to safeguard the public interest; and
- Requiring (rather than permitting) the City to appoint a Lobbyist Registrar.

It is my view that the City's recommendations and my additional recommendations on the review of COTA will clarify, strengthen and improve the Lobbying By-law and the ability of the OLR to achieve its mandate to provide transparency and ensure compliance with the Lobbying By-law.

## **CHALLENGES AND GOALS FOR 2016**

### **1. Achieving our Mandate in a Fair, Accessible, Timely and Effective Manner**

The Office of the Lobbyist Registrar strives to review and approve registrations, conduct inquiries and investigations and enforce the Lobbying By-law in a fair, accessible, timely and effective manner.

### **2. Maintaining an Online Lobbyist Registry that is available to the Public, easy to use, accessible and accurate**

It is the mandate of the Office of the Lobbyist Registrar to ensure the transparency of lobbying activities at the City by maintaining an online public lobbyist registry. In order to maintain, update and improve the online registry and search systems, the OLR is engaged in a SOGR project that will be completed in 2016. The goal of the SOGR project is to provide website access to the registry that is easy to use, accessible and accurate. The SOGR project requires the ongoing commitment and engagement of OLR staff, in particular the Registry Advisors, throughout 2016.



### **3. Providing Information to the Public, Public Office Holders and Lobbyists**

It is the mandate of the OLR to provide advice, information and interpretation of the Lobbying By-law. The OLR is engaged in continuous improvement of the information available on the [OLR website \[http://www.toronto.ca/lobbying/\]](http://www.toronto.ca/lobbying/), in tandem with the SOGR project for the registry system. A particular focus is communicating information on the OLR website in plain language and accessible formats.

Providing information through outreach and training sessions continues to be important. If adopted, the recommended amendments in EX13.2 will require outreach, training and information for lobbyists, the public and public office holders regarding the new provisions and the procedures to implement them.

### **4. Ensuring Compliance with the Lobbying By-law**

The mandate of the OLR promotes the integrity of City decision-making by ensuring that lobbyists comply with the Lobbying By-law. It is essential that the OLR continue to develop and improve its compliance, inquiry and enforcement procedures in accordance with Canadian best practices. If adopted, the recommended amendments to the Lobbying By-law in EX13.2, including the authority to impose conditions on registrations and temporary bans on lobbying, will provide a graduated range of fair, proportionate and responsive enforcement measures to ensure compliance with the Lobbying By-law.

### **5. Updating, Improving and Strengthening the Lobbying By-law**

Continuous review of Chapter 140 is required to ensure that the Lobbying By-law is clear, effective and consistent with current best practices in Canada by lobbyist registries. A particular focus in 2015 and 2016 to date has been the recommended amendments to the Lobbying By-law in EX13.2. If Council adopts the recommendations of Executive Committee, the Lobbyist Registrar will consult with the City Manager regarding the review of the requirements for not-for-profit organizations and labour unions, and Fire Services, Toronto Paramedic Services, Toronto Police Service and their associations to register, and report to Executive Committee with amendments to the Lobbying By-law as required.

## **6. Updating, Improving and Strengthening the City's Accountability Framework**

The Accountability Officers, City Manager, City Solicitor and Council have worked together to update, improve and strengthen the City's accountability framework. Areas of focus in 2016 include the implementation of the Memorandum of Understanding among the four Accountability Officers, recommendations arising from the external expert review of the Accountability Offices, submissions on the Five-Year Review of COTA and the implementation of the Ontario Ombudsman's new oversight of municipalities.

Respectfully Submitted,

Linda L. Gehrke  
Lobbyist Registrar  
City of Toronto