

Toronto City Council
City of Toronto
100 Queen Street West
Toronto, Ontario

April 1, 2016

Dear Mayor Tory and Members of Toronto City Council:

Re: EX 13.2 - Follow-up Report on Amendments to the Toronto Municipal Code, Chapter 140, Lobbying (“The Lobbying By-law”)

I am writing on behalf of the Public Affairs Association of Canada (PAAC) to express our concerns over the proposed changes to the City’s Lobbying By-Law and the Follow-up Report.

First, the Report and proposed amendments do not capture PAACs concerns about the unbridled power that the Lobbyist Registrar will have if the amendments become law. Imposing temporary bans or conditions for registration upon lobbyists for breeches or perceived breeches of the By-law gives the Registrar the power to act as judge, jury, and executioner. We believe additional procedural fairness mechanisms need to be included in any amendments to the By-Law to ensure the right to a fair hearing is upheld. As they stand now, the recommended amendments only allow a lobbyist to ask for a “reconsideration” of the decision of the Registrar within 30 days of being informed of the Registrar’s decision to impose a temporary ban on communication. It does not address any of the concerns about the investigation or the process through which the Registrar came to the decision to impose such bans on communication.

Second, disclosing the ultimate client of a lobbyist for purposes of transparency is acceptable in principle, as PAAC stated in its original submission. However, the proposed requirement that any person who holds, directly or indirectly, 25 per cent or more of the shares of a corporation, coalition, or organization or someone that has the power to remove a board of directors or influence senior management, imposes conditions that are too demanding. This is particularly onerous with large, complex organizations with multiple shareholder structures or classes of shares, it may be too difficult to disclose all of those entities that meet the 25% threshold.

In closing, PAACs primary concern is with the expanded powers of the Registrar without any corresponding provision for the rights of individuals to a fair hearing. We believe this shortcoming must be addressed to ensure lobbyists continue to contribute to the sound development of public policy at the City of Toronto.

PAAC continues to be willing to work with City officials and Council on this important regulatory issue.

Sincerely,

A handwritten signature in cursive script that reads "John Capobianco".

John Capobianco,
President
Public Affairs Association of Canada