



**STAFF REPORT
ACTION REQUIRED**

Follow-up Report on Amendments to *Toronto Municipal Code, Chapter 140, Lobbying* (“Lobbying By-law”)

Date:	February 23, 2016
To:	Executive Committee
From:	City Manager
Wards:	All

SUMMARY

This report responds to Executive Committee’s request to undertake consultation on proposed amendments to the City’s Lobbying By-law and report further including results from jurisdictional research. Executive Committee also asked for clarification of whether requests for meetings with Councillors or their staff resulted in actual meetings or phone calls.

The proposed amendments to the Lobbying By-law include:

- Require lobbyists to disclose their ultimate client;
- Enable the Lobbyist Registrar to impose conditions for registration pursuant to the *City of Toronto Act, 2006* after a breach of the Lobbying By-law; and
- Enable the Lobbyist Registrar to impose a temporary ban on lobbying activities pursuant to the *City of Toronto Act, 2006* after a breach of the Lobbying By-law.

The City Manager's Office, in consultation with the Lobbyist Registrar, completed research on twelve Canadian jurisdictions and implemented a public consultation process on the proposed amendments including an online survey, direct email and a public meeting. The results of the jurisdictional research and public consultation were considered in the preparation of this report.

Disclosure of Ultimate Client

This report recommends that the City’s Lobbying By-law be amended to require lobbyists to disclose their ultimate client. Notwithstanding that the jurisdictions reviewed do not require this disclosure in their lobbying legislation; it is appropriate in Toronto’s complex lobbying context.

The Federal Lobbyist Registry and Toronto Lobbyist Registry have both identified a recent trend of lobbying firms sub-contracting consultant lobbyists to undertake lobbying for a specific client. This trend undermines the fundamental purpose of a lobbying regime, which is that lobbying is a legitimate activity but must be transparent in order that the public knows who is lobbying whom. A requirement for consultant lobbyists to disclose their ultimate client will address this issue; and enhance transparency and accountability.

Enhanced Tools to Enforce the City's Lobbying By-law

This report recommends amendments to the Lobbying By-law to enable the Lobbyist Registrar to impose conditions for registration and a temporary ban on a lobbyist who has breached the Lobbying By-law. These amendments provide a fair, escalating continuum of tools to the Lobbyist Registrar to enforce the City's Lobbying By-law. This continuum provides preventative measures such as training and compliance plans for minor, incidental infractions of the by-law to more punitive measures (escalating temporary ban) for serious, repetitive and egregious breaches.

Conditions for Registration

This amendment will formalize the tools (including training and compliance plans) the Lobbyist Registrar uses to encourage compliance after a minor or incidental breach of the by-law and enable their enforcement. The *City of Toronto Act, 2006* enables the Lobbyist Registrar to impose conditions on a registration. Toronto will be the first jurisdiction in Canada to include this authority in its lobbying legislation.

Temporary Ban

Many jurisdictions in Canada enable their Lobbyist Registrars/Commissioners to impose a temporary ban on lobbying for breaches to their lobbying legislation. The time lines for a temporary ban proposed for Toronto are generally consistent with other jurisdictions. The public consultation process identified concerns about procedural fairness with respect to temporary ban. A process for procedural fairness when the Lobbyist Registrar imposes a temporary ban on lobbying has been included in the recommended by-law amendment.

Legislative Changes

City Council recently requested amendments to the *City of Toronto Act, 2006* to extend the time line for the Lobbyist Registrar to pursue charges under the *Provincial Offences Act* for breaches of the Lobbying By-law from 6 months to two-years and provide authority to the Lobbyist Registrar to impose administrative monetary penalties (AMPs). These legislative changes will also provide the Lobbyist Registrar with a range of tools within an escalating regulatory regime based on the facts of the case and seriousness of the breach.

Clarification of Registration for Requests to Meet

The Lobbyist Registry is currently not able to distinguish whether a request for a meeting with a Councillor or their staff actually occurred. The Lobbyist Registrar has included this request for consideration in the business analysis of its 2016 Information Technology State of Good Repair (SOGR) project to update and improve the lobbyist registry system.

RECOMMENDATIONS

The City Manager, in consultation with the City Solicitor and the Lobbyist Registrar, recommends that:

1. City Council enact amendments to *Toronto Municipal Code, Chapter 140, Lobbying*, as outlined in Attachment 1 of this report, that will:
 - a. Require that consultant lobbyists disclose their ultimate client.
 - b. Enable the Lobbyist Registrar to impose conditions for registration, continued registration or renewal of registration against a lobbyist who has been found in breach of *Toronto Municipal Code, Chapter 140, Lobbying*, as permitted by section 166 of the *City of Toronto Act, 2006*.
 - c. Enable the Lobbyist Registrar to impose a temporary ban against a lobbyist who has been found in breach of *Toronto Municipal Code, Chapter 140, Lobbying* from communicating with public office holders for a specified period of time, as permitted by section 166 of the *City of Toronto Act, 2006*.

Financial Impact

There are no financial implications as a result of the adoption of this report.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

Executive Committee, at its September 21, 2015 meeting, considered the City Manager's report, *Amendments to Toronto Municipal Code, Chapter 140, Lobbying ("Lobbying By-law")*, and referred the report back to the City Manager with the request that stakeholder consultation be undertaken and for the report to include an analysis of comparable legislation from other jurisdictions; and clarification of whether requests for meetings with a Councillor or their staff resulted in actual meetings or phone calls.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX8.2>

City Council, at its September 30, October 1 and 2, 2015 meeting, considered the City Manager's report on the *Five-Year Review of the City of Toronto Act, 2006*. City Council confirmed the list of proposed amendments to COTA, including the ability for the Lobbyist Registrar to impose administrative sanctions, specifically administrative monetary penalties, for submission to the Province of Ontario as part of the COTA 5-year Review.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX8.1>

City Council, at its April 1, 2 and 3, 2014 meeting, in considering the Lobbyist Registrar's Annual Report, directed the City Manager, in consultation with the City Solicitor and the Lobbyist Registrar, to report back to City Council on: (1) clarifying and strengthening the Lobbying By-law to explicitly require that consultant lobbyists disclose their ultimate client, and (2) amendments to the Lobbying By-law to permit the Lobbyist Registrar the explicit authority to impose conditions for registration, continued registration or renewal of registration as permitted by section 166 of COTA.

Council also directed the City Manager to report back on requesting legislative amendments to COTA to enable the Lobbyist Registrar to impose administrative sanctions, and that those sanctions be included in the COTA 5-year review.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.CC50.2>

ISSUE BACKGROUND

The duties and powers of the Lobbyist Registrar are outlined in the *City of Toronto Act, 2006* (COTA) and the *Toronto Municipal Code, Chapter 3* (Accountability Officers) and *Chapter 140* (Lobbying). COTA requires the City to establish and maintain a lobbyist registry and permits the City to appoint a registrar. The accountability provisions in COTA are essential to the effectiveness of the City's accountability framework and to maintaining public trust in government.

In 2007, Council enacted the Lobbying By-law and appointed its first Lobbyist Registrar. The Toronto Lobbyist Registrar is one of four Accountability Officers. This office promotes the transparency and integrity of City government by maintaining a public online registry for lobbying activities, regulating the conduct of lobbyists at the City, conducting investigations or inquiries, and enforcing the Lobbying By-law.

The Toronto Lobbyist Registrar provides information, advice and interpretation to enable lobbyists, public office holders and the public to understand and comply with the Lobbying By-law. The Lobbyist Registrar and her staff conduct training sessions for lobbyists and members of the public, publish newsletters, issue new and revised interpretation bulletins and communicate to the public via a Twitter account (@TO_LobbyistReg).

In addition, the Lobbyist Registrar conducts information sessions on the Lobbying By-law for City employees, Members of Toronto City Council and their staff, and Business Improvement Areas.

The Lobbyist Registrar uses a range of strategies to ensure and enforce compliance with the Lobbying By-law, from advice and training to inquiries, reports to Council and prosecutions under the *Provincial Offences Act* ("POA").

COMMENTS

1. Review of Legislation in Other Jurisdictions

To inform this report, lobbying legislation in twelve jurisdictions across Canada were examined, including federally and in the provinces of: Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario and Quebec. At the municipal level, the municipalities of Brampton, Hamilton and Ottawa were examined. A summary of the findings is included in Attachment 2 to this report and discussed briefly below for each proposed amendment.

Disclosure of Ultimate Client

The requirement for lobbyists to disclose their ultimate client was not explicit in the legislation of the jurisdictions reviewed.

Imposing Conditions

Authority for Lobbyist Registrars/Commissioners to impose conditions for registration on lobbyists that breach lobbying legislation was not explicit in the legislation of the jurisdictions reviewed. However, the *City of Toronto Act, 2006* and the *Municipal Act* authorize Lobbyist Registrars to impose conditions on registrations. In all jurisdictions currently, the Lobbyist Registrars/Commissioners are authorized to refuse to register a person, and suspend or revoke a registration if the registration fails to meet the stated requirements.

Temporary Ban

Lobbyist Registrars may impose a temporary ban on communication if the Registrar finds that a lobbyist has contravened a provision of the lobbying legislation in the Federal government and the governments of Alberta, British Columbia, Quebec and Newfoundland and Labrador. The Province of Ontario has passed similar legislation. Recently, the municipalities of Brampton, Hamilton and Ottawa passed by-laws permitting their Lobbyist Registrar this authority.

The temporary ban in these jurisdictions is in addition to the available criminal and civil penalties that could be pursued for breach of the lobbying by-law. The duration of the ban proposed for Toronto's Lobbying By-law are consistent with other jurisdictions.

2. Consultation Process

In October 2015, the City launched a dedicated webpage with information on the consultation process regarding the proposed amendments to the Lobbying By-law (www.toronto.ca/lobbyingbylaw). The webpage included background documents, reports on the proposed amendments; and links to the Lobbying By-law and to the Office of the Lobbyist Registrar.

The public consultation included opportunities to provide feedback to City staff through three mechanisms: via email, completion of an online questionnaire and in-person at a public meeting. Information about the consultation was posted to the consultation webpage, the City's engagement portal, through direct email to all lobbyists registered with the Office of the Lobbyist Registrar; and via social media to the public.

Key Findings

Staff received 11 emails, 126 questionnaire responses and 24 people attended the public meeting. The consultation revealed that most respondents support the proposed amendments to the Lobbying By-law.

All reports, summaries and raw data will be posted to the consultation and Open Data website. Key findings from the consultation is summarized below under each proposed amendment.

Disclosure of Ultimate Client

Most participants expressed support for this amendment and indicated that it was important for transparency. A few participants expressed concern with the definition of a person with significant control as any person who holds, directly or indirectly, 25 percent or more of the shares or voting rights of a corporation, partnership, coalition or organization. A number of people thought the definition and percentage needed further consideration.

Imposing Conditions

Many participants supported this amendment but expressed concern that it was unclear whether the proposed amendment was intended pre or post breach of the Lobbying By-law. Participants suggested that the circumstances for imposing conditions for registration, continued registration and renewal of registration should be clearer and some expressed concern that the proposed language, "any other condition that the Lobbyist Registrar determines appropriate" was too broad.

Temporary Ban

Most participants supported the Lobbyist Registrar having the ability to impose a temporary ban on lobbying when a lobbyist breaches the by-law. A number of

participants suggested that an accountability framework should be in place when the Lobbyist Registrar imposes a temporary ban to ensure procedural fairness. Some participants suggested that a written warning should precede a decision by the Lobbyist Registrar to impose a temporary ban against a lobbyist.

Other Comments

Participants provided input related to issues other than the proposed amendments to the Lobbying By-law. These comments included:

- the registration process should be simplified;
- the registration system/Lobbying By-law is difficult to understand (especially for individuals who are not part of a larger lobbying association and/or for small business owners);
- certain professionals (architects, planners, etc.) should be exempt from the lobbying by-law registration requirements because they are providing professional opinions; and
- not-for-profit organizations should be required to register.

The Lobbyist Registrar, in consultation with the City Manager and City Solicitor, will consider these additional comments and report to Executive Committee as required.

3. Proposed Amendments to the Lobbying By-law

Research from the review of other jurisdictions as well as the input provided through the consultation was considered in the development of the proposed amendments to the Lobbying By-law.

A. Disclosure of Ultimate Client

This report recommends that City Council enact amendments to the Lobbying By-law to require that consultant lobbyists disclose their ultimate client. While there are no comparable municipal, provincial or federal jurisdictions in Canada that have included this provision in their legislation, this amendment will make lobbying and their activities more transparent and accountable. This amendment will ensure that all entities that stand to benefit from or have an interest in the lobbying activities on behalf of a client are disclosed.

The Lobbying Commissioner of Canada's report, *Administering the Lobbying Act: Observations and Recommendations Based on the Experience of the Last Five Years*, describes a trend also noted by the Toronto Lobbyist Registrar:

“A new trend is emerging with respect to the disclosure of information about clients in registrations. Some consultant lobbyists are being ‘sub-contracted’ by lobbying firms to undertake lobbying activities and represent a specific client.”¹

Consideration was given to the definition of a person with significant control as some participants in the consultation raised concerns with it.

The report does not recommend changes to the 25 percent threshold as it is consistent with legislation in the United Kingdom and Canada's Proceeds of Crime (Money Laundering) and Terrorism Financing Regulations² defining beneficial ownership and control.

The proposed amendment is included as Attachment 1, Amendment 1 to this report.

B. Current Tools of the Lobbyist Registrar to Enforce the Lobbying By-law

Under the current Lobbying By-law, the Lobbyist Registrar's mechanisms to enforce and achieve compliance include the refusal to accept, and the ability to suspend, revoke, or remove a registration, when a lobbyist fails to comply with the by-law or where the lobbyist fails to provide required or requested information. The Lobbyist Registrar can also prosecute breaches of the Lobbying By-law under the *Provincial Offences Act* (POA). The decisions of the Lobbyist Registrar are subject to judicial review.

Prosecutions under the POA for breaches to Toronto's Lobbying By-law must be commenced within a period of six months from the date the offence was committed. In all other Canadian jurisdictions examined, with the exception of municipalities, the limitation period for prosecutions is two years. The City has included a COTA

¹ Office of the Commissioner of Lobbying of Canada:

<https://lobbycanada.gc.ca/eic/site/012.nsf/eng/00442.html>.

² <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-184/page-3.html#h-11>. Pursuant to subsection 11.1(1) of the Proceeds of Crime (Money Laundering) and Terrorist Financing Regulations (PCMLTFR) every securities dealer that is required to confirm the existence of an entity in accordance with these Regulations, when it opens an account in respect of that entity, shall, at the time the existence of the entity is confirmed, obtain the following beneficial ownership information:

- in the case of a corporation, the names of all directors of the corporation and the names and addresses of all persons who own or control, directly or indirectly, 25 per cent or more of the shares of the corporation;
- in the case of a trust, the names and addresses of all trustees and all known beneficiaries and settlors of the trust;
- in the case of an entity other than a corporation or trust, the names and addresses of all persons who own or control, directly or indirectly, 25 per cent or more of the entity; and
- in all cases, information establishing the ownership, control and structure of the entity:

<http://www.fintrac.gc.ca/publications/FINS/2-eng.asp?s=7>.

amendment request in its submission to the Province of Ontario to extend the current time limit to two years.

Under COTA, the Lobbyist Registrar may impose conditions on a registration including a temporary ban; however, this authority has not been included in the Lobbying By-law.

C. Additional Tools for the Lobbyist Registrar to Enforce the Lobbying By-law

The proposed amendments #2 and #3 will provide the Lobbyist Registrar with tools to achieve compliance with the Lobbying By-law rather than resort to prosecutions in all instances of breaches. These amendments are intended to incorporate features of 'responsive regulation', which includes a fair, proportionate and escalating response in the absence of genuine efforts to meet required standards. This is an accepted method of regulation used in a range of regulatory regimes and enables the Lobbyist Registrar to determine the appropriate tool based on the facts of each case and the seriousness of the breach.

Impose Conditions on Registration

The report recommends that City Council enact amendments to the Lobbying By-law to permit the Lobbyist Registrar to impose conditions for registration, continued registration or renewal of registration. The *City of Toronto Act, 2006* provides authority to impose conditions so these tools are already contemplated in the legislation. The Lobbyist Registrar already imposes these types of compliance measures on a voluntary basis and this amendment will enable the conditions to be enforced.

The proposed conditions include:

- attend training and other educational courses;
- respond to communications from the Lobbyist Registrar in a specified time period;
- refrain from communication with a specific public office holder on specific topics; and
- any other condition that the Lobbyist Registrar determines appropriate (for example, requiring an apology for breaching the by-law or requiring a lobbyist to enter into a compliance plan.)

The proposed amendment is included as Attachment 1, Amendment 2 to this report. Participants in the consultation process raised concerns that it was not clear whether the conditions are intended to be imposed pre or post breach of the Lobbying By-law. The conditions are intended to be imposed post breach and the amendment clarifies this point.

Impose a Temporary Ban on Lobbying

This report recommends that City Council enact amendments to the Lobbying By-law to enable the Lobbyist Registrar to impose a temporary ban on lobbying for breaches to the

Lobbying By-law based on an escalating scale. A temporary ban on lobbying is a potentially effective mechanism to promote compliance with lobbying legislation and is consistent with the powers provided to the Lobbyist Registrar in COTA.

Under the proposed amendment, the Lobbyist Registrar may impose a temporary ban on communication, in accordance with the following scheme, if the Lobbyist Registrar finds that the requirements of the by-law have not been met:

- first breach: the lobbyist is banned from communicating with public office holders for one month;
- second breach: the lobbyist is banned from communicating with public office holders for three months; and
- third breach: the Lobbyist Registrar may ban the lobbyist from communicating with public office holders for a period of not more than two years.

Across Canada, many Lobbyist Registrars/Commissioners have the authority to impose a temporary ban on lobbying. The Province of Ontario has recently passed legislation permitting their Lobbyist Registrar the same authority. The escalating scheme for a temporary ban proposed for Toronto is generally consistent with other jurisdictions.

The proposed amendment is included as Attachment 1, Amendment 3 to this report. To address concerns raised during the consultation, a process for procedural fairness has been included. Under the procedural fairness process, the Lobbyist Registrar is required to have regard to whether a temporary ban will promote compliance with the Lobbying By-law. It also establishes the time lines for when an individual can respond to any allegations and/or request reconsideration of the Lobbyist Registrar's decision to impose a temporary ban.

Amendments to the *City of Toronto Act, 2006*

City Council adopted the report, *Five-Year Review of the City of Toronto Act, 2006*, at its October 2016 meeting, that authorized the City Manager to submit amendments to the COTA for submission to the Province of Ontario. The amendments include, among other matters, authority for the Lobbyist Registrar to impose administrative monetary penalties (AMPs) and extending the current time limit to two years for investigations of POA charges under the City's Lobbying By-law.

These legislative changes will further support the Lobbyist Registrar to enforce breaches to the Lobbying By-law using a range of tools within an escalating regulatory regime based on the facts of the case and seriousness of the breach.

4. Clarify Whether Requests for Meetings with Councillors or their Staff Occurred

Executive Committee also requested clarification about whether a meeting with a Councillor or their staff resulted in an actual meeting or phone call. The Lobbyist Registrar has included this request for consideration in the business analysis of its 2016 Information Technology State of Good Repair (SOGR) project to update and improve the lobbyist registry system.

The Lobbying By-law requires all lobbyists to report all communications with a public office holder including written communications, meetings and phone calls; and requires consultant lobbyists to report communication with a public office holder to arrange a meeting and another person. It is currently not technically possible for the registry to cross-reference a particular request for a meeting with a particular meeting or phone call. This issue will be examined in the business analysis for the SOGR project.

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SIGNATURE

Peter Wallace
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ATTACHMENTS

Attachment 1: Proposed Amendments to Toronto Municipal Code, Chapter 140, Lobbying ("Lobbying By-law")

Attachment 2: Analysis of Comparable Legislation in Other Jurisdictions

**Proposed Amendments to the *Toronto Municipal Code, Chapter 140, Lobbying*
("Lobbying By-law")**

Amendment 1

1. Clarifying and strengthening the Lobbying By-law to explicitly require that a consultant lobbyist disclose their ultimate client.

1. Add to § 140-1. Definitions

PERSON WITH SIGNIFICANT CONTROL:

A. Any person who holds, directly or indirectly, 25 percent or more of the shares of a corporation, partnership, coalition or organization;

B. Any person who holds, directly or indirectly, 25 percent or more of the voting rights of a corporation, partnership, coalition or organization;

C. Any person who holds the right, directly or indirectly, to appoint or remove a majority of the board of directors of a corporation, partnership, coalition or organization;

D. Any person who has the right to exercise or actually exercises significant influence or control of a corporation, partnership, coalition or organization; or

E. Any person who is a trustee of a trust that holds, directly or indirectly, 25 percent or more of the shares of a corporation, partnership, coalition or organization;

F. Any person who is a trustee of a trust that holds, directly or indirectly, 25 percent or more of the voting rights of a corporation, partnership, coalition or organization;

G. Any person who is a trustee of a trust that has the right to exercise or actually exercises significant influence or control of a corporation, partnership, coalition or organization; or

H. Any person who has the right to exercise, or actually exercises, significant influence or control over the activities of a trust that meets any of the requirements of subsections E to G.

2. Add as a new subsection § 140-15 H:

H. The name and business address of any person with significant control of a client.

Amendment 2

2. Clarifying and strengthening the Lobbying By-law to permit the Lobbyist Registrar to impose conditions for registration, continued registration or renewal of a registration against a lobbyist who has been found in breach of *Toronto Municipal Code, Chapter 140, Lobbying*, as permitted by section 166 of the *City of Toronto Act, 2006*.

Add § 140-36.2. Conditions for registration, continued registration or a renewal of registration.

A. The Lobbyist Registrar may impose conditions for registration, continued registration or a renewal of registration of a lobbyist if the Lobbyist Registrar finds that the requirements of this by-law have not been met.

B. Without limiting the generality of § 140-36.2A, conditions for registration, continued registration or a renewal of registration of a lobbyist may include:

- (1) a requirement to attend training and other educational courses;
- (2) a requirement to respond to communications from the Lobbyist Registrar in a specified time period;
- (3) a requirement to refrain from communication with specified public office holders on specified topics; or
- (4) any other condition that the Lobbyist Registrar determines appropriate.

Amendment 3

3. Clarifying and strengthening the Lobbying By-law to enable the Lobbyist Registrar to impose a temporary ban against a lobbyist who has been found in breach of the Lobbying By-law from communicating with public office holders, as permitted by section 166 of the *City of Toronto Act, 2006*.

Add § 140-36.1. Temporary ban on communications

A. The Lobbyist Registrar may impose a temporary ban on communication in accordance with the following scheme if the Lobbyist Registrar finds that the requirements of this by-law have not been met:

- (1) First breach: the lobbyist is banned from communicating with public office holders for one month;
- (2) Second breach: the lobbyist is banned from communicating with public office holders for three months; and
- (3) Third breach: the Lobbyist Registrar may ban the lobbyist from communicating with public office holders for a period of not more than two years.

B. In determining whether to impose a temporary ban on communication under subsection A and in determining the duration of a temporary ban on communication under subsection A(3) the Lobbyist Registrar shall have regard to whether the temporary ban on communication will promote compliance with this chapter.

C. If the Lobbyist Registrar believes that a person has not complied with a provision of this chapter, the Lobbyist Registrar shall inform the person:

- (1) of the alleged contravention;
- (2) of the reason why the Lobbyist Registrar believes there has been a contravention; and
- (3) that he or she may provide a written response within 15 days of receipt of this communication.

D. The Lobbyist Registrar shall have regard to any response provided in § 140-36.1C(3) prior to imposing a temporary ban on communication in § 140-36.1A.

E. If the Lobbyist Registrar decides to impose a temporary ban on communication, the Lobbyist Registrar shall inform the person:

- (1) of the suspension;

(2) of the reason for the suspension; and

(3) that he or she may request a reconsideration within 30 days of receipt of the communication.

F. The Lobbyist Registrar shall take no further action with respect of the suspension, including providing notification under §140-36.1H, and the suspension shall not take effect until the later of the following:

- (1) The expiration of the period of time noted in section E(3), where no request for reconsideration has been received;
- (2) Where a request for reconsideration has been received, the date the Lobbyist Registrar makes a decision on the reconsideration; and
- (3) If the Lobbyist Registrar is made aware of the initiation of proceedings to challenge the decision by the person, the date when the challenge has been withdrawn, dismissed, or otherwise resolved.

G. In addition to § 140-36.1B, C and D, the Lobbyist Registrar shall establish any processes that the Lobbyist Registrar considers necessary to facilitate adequate notice and consideration of any submissions.

H. If the Lobbyist Registrar imposes a temporary ban on communication, the Lobbyist Registrar shall post notice of the temporary ban on the Lobbyist Registrar's website and notify:

- (1) the City Manager;
- (2) the City Clerk;
- (3) the City Solicitor;
- (4) Members of Council; and
- (5) any public office holder who the Lobbyist Registrar determines appropriate to notify.

Analysis of Comparable Legislation in Other Jurisdictions

Table 1 – Lobbyist Registrars' Enforcement Mechanisms across Canada

Jurisdiction	Provincial offences*	Ability to refuse to register a person, and suspend or revoke a registration**	Ability to prohibit/ temporarily ban lobbying
Federal			
Canada	N/A	Yes	Yes
Provincial			
Alberta	Yes	Yes	Yes
British Columbia	Yes	Yes	Yes
Manitoba	Yes	Yes	No
New Brunswick	Yes	Yes	No
Newfoundland and Labrador	Yes	Yes	Yes
Nova Scotia	Yes	Yes	No
Ontario	Yes	Yes	Yes***
Quebec	Yes	Yes	Yes
Municipal			
Toronto	Yes	Yes	No
Brampton	Yes	Yes	Yes
Hamilton	Yes	Yes	Yes
Ottawa	Yes	Yes	Yes

*Under the provincial offences legislation, a charge must be laid within 2 years of when the offence was committed, except in Toronto and other Ontario municipalities, where the limitation period is 6 months.

**A Lobbyist Registrar/Commissioner may refuse to register a person, and suspend or revoke a registration if the registration fails to meet the stated requirements.

***Legislation has passed, but has yet to come into force.

Table 2 – Duration of Temporary Bans across Canada

Jurisdiction	Ability to temporarily ban lobbying	Duration of Temporary Ban	Statutory Right of Appeal
Federal			
Canada	Yes	Up to 2 years	No explicit statutory right of appeal
Provincial			
Alberta	Yes	Up to 2 years	Individual may appeal within 30 days to the Court of Queen's Bench
British Columbia	Yes	Up to 2 years	Individual may ask for reconsideration (within 30 days) and judicial review (within 60 days) of the Registrar's finding
Newfoundland and Labrador	Yes	Up to 1 year	Individual has 30 days after receiving notice of the Commissioner's decision or order to appeal the decision or order to the Trial Division
Ontario (Legislation has passed, but has yet to come into force.)	Yes	Up to 2 years	Individual may ask for reconsideration (within 15 days) and judicial review (within 60 days) of the Registrar's finding
Quebec	Yes	Up to 1 year	Individual may appeal the Commissioner's decision before a judge of the Court of Quebec
Municipal			
Brampton	Yes	<ul style="list-style-type: none"> • First contravention – a lobbyist may be prohibited from lobbying public office holders for 30 days • Second contravention – a lobbyist may be prohibited from lobbying public office holders for a period of 90 days; and • Third or subsequent breach – the Lobbyist Registrar will determine an appropriate penalty that is greater than a penalty for a second contravention. 	No explicit statutory right of appeal

Jurisdiction	Ability to temporarily ban lobbying	Duration of Temporary Ban	Statutory Right of Appeal
Hamilton	Yes	<ul style="list-style-type: none"> • First breach, ban is for 30 days • Second breach, ban is for 60 days • Third breach, ban is for a period of time longer than 60 days as determined by the Lobbyist Registrar 	No explicit statutory right of appeal
Ottawa	Yes	<ul style="list-style-type: none"> • First breach, ban is for one month • Second breach, ban is for three months • In the event of a third breach, the Integrity Commissioner has the discretion to determine an appropriate sanction. 	No explicit statutory right of appeal