

THE REGIONAL MUNICIPALITY OF PEEL

BY-LAW NUMBER 47-2016

A By-law to establish a Lobby Registry and Registration System and establish the position and duties of the Lobbyist Registrar of The Regional Municipality of Peel.

Definitions:

1. In this by-law,

“business day” means a day when the offices of the Region of Peel (“Region”) are open during its regular hours of business, other than a Saturday or Sunday or other holiday.

“communication” means any form of expressive contact, including but not limited to a meeting, email, electronic messaging, facsimile transmission, letter, phone call or meaningful dialogue or exchange that materially advances a matter that is defined as lobbying, whether in a formal or in an informal setting.

“lobby” means, subject to the exclusions provided for by this by-law, any communication with a public office holder by an individual who is paid or who represents a business or financial interest with the goal of trying to influence any legislative action including development, introduction, passage, defeat, amendment or repeal of a by-law, motion, resolution, or development approval, amendment, application or termination of a Regional policy, program, directive, guideline, or the outcome of a decision on any matter before Council, a Committee of Council, or a Regional Councillor or employee of the Region acting under delegated authority and includes arrangement for a meeting between a public office holder and a third party by other than an In-house lobbyist.

“Code of Conduct” means the Lobbyist Code of Conduct, attached as Schedule “A” to the Lobbyist Registry By-law.

“lobbyist” means, subject to the exemptions provided for in this by-law, an individual who engages in lobbying and includes:

- a. Consultant lobbyist – an individual who lobbies for payment on behalf of a client (another individual, company, partnership or organization).
- b. In-house lobbyist – an individual who is an employee, partner or sole proprietor and who lobbies on behalf of their own employer, business or organization.

- c. Voluntary unpaid lobbyist – an individual who lobbies without payment on behalf of a business or other organization for the benefit of the interests of the individual, business or other or organization.

“Lobbyist Registry” means a record of registration in which shall be kept returns of persons who lobby public office holders which shall include the information required pursuant to this by-law.

“public office holder” means:

- a. A member of Regional Council and any person on his or her staff;
- b. The Chief Administrative Officer or a Commissioner employed by the Regional Municipality of Peel;
- c. An officer or employee of the Regional Municipality of Peel;
- d. A Member of a local board or committee established by Council and any person on his or her staff; and
- e. Any accountability officer appointed under the *Municipal Act, 2001* including but not limited to Integrity Commissioner, Lobbyist Registrar and Closed Meeting Investigator.

Establishment of a Lobby Registry

1. The Lobby Registry is established pursuant to Section 223.9 of Part V.1 of the *Municipal Act, 2001*.
2. The Regional Clerk shall develop and maintain a Lobby Registry under the oversight of a Lobbyist Registrar, in which shall be kept all registrations and returns filed under this by-law.
3. The Lobby Registry shall be available for public inspection through electronic, web-based access at all reasonable times.

Exempted Persons and Organizations

4. This by-law does not apply to the following persons when acting in their public capacity:
 - a. Government or public sector persons, other than of the Region or the City of Brampton, City of Mississauga or Town of Caledon;
 - i. Members of the Senate or House of Commons of Canada, the legislative assembly of a province, the council or legislative assembly of a territory, or persons on the staff of the members,
 - ii. Members of a First Nation council as defined in the Indian Act or of the council of an Indian band established by an Act of the Parliament of Canada, or persons on the staff of the members,
 - iii. Employees or consultants retained by the Government of Canada, the government of a province or territory, a First

Nation council, a federal or provincial crown corporation or other federal or provincial public agency,

- iv. Members of a council of other statutory body, including a local board, charged with the administration of the civil or municipal affairs of a municipality in Canada other than the Region of Peel, City of Mississauga, City of Brampton or Town of Caledon, persons on staff of the members, or officers or employees of the municipality or local board,
 - v. Members of a national or sub-national foreign government, persons on the staff of the members, or officers, employees, diplomatic agents, consular officers or official representative in Canada of the government.
- b. Officials and employees of the Regional Municipality of Peel, City of Mississauga, City of Brampton or Town of Caledon and other municipal bodies;
- i. Public office holders,
 - ii. Officers, directors or employees of a local board of the Regional Municipality of Peel, City of Brampton, City of Mississauga or Town of Caledon,
 - iii. Members of an Advisory Committee, acting in their public capacity and appointed by Regional Council.
- c. Members, directors, officers, employees or consultants of publicly funded school boards and educational institutions;
- d. Members, directors, officers, employees or consultants of publicly funded healthcare institutions; and
- e. Members, directors, officers, employees or consultants of Municipal Associations including but not limited to the Association of Municipalities Ontario and the Federation of Canadian Municipalities.
5. This by-law does not apply to the following activities:
- a. Communication that is a matter of the public record or occurs during a meeting of Council or a Committee of Council held in the presence of the public;
 - b. Communication that occurs during a public process such as a public meeting, hearing, consultation, open house, or media event held or sponsored by the Regional Municipality of Peel or by a public office holder;

- c. Advocacy communication for or against a policy or program that states a position where the primary focus is a broad community benefit or detriment, whether region-wide or local, and where that position would have no direct, indirect or perceived benefit to the person or entity on whose behalf the communication is undertaken;
- d. Communication that is restricted to a request for information;
- e. Communication that is restricted to compliments or complaints about a service or program;
- f. Communication by an individual on behalf of an individual, business or organization regarding:
 - i. The enforcement, interpretation or application of any legislation including a by-law with respect to the individual, business or organization,
 - ii. The implementation or administration of any policy, program, directive or guideline with respect to the individual, business, organization,
 - iii. A personal matter of the individual, business or organization unless it is communication that is in respect of a matter that falls under the definition of lobbying, that is for the special benefit of the individual, business or organization.
- g. Communication by an applicant, an interested party or their representatives with respect to an application for a service, grant, planning approval, permit or other license or permission;
 - i. With an employee of the Region or a Member of Council if the communication is restricted to providing general information on an application, including a proposed or pending application or to inquire about the application review process,
 - ii. With an employee of the Region if the communication is part of the normal course of the approval process,
 - iii. With respect to planning and development applications, if the communication is with an employee of the Region who has a role in the processing of a planning application during the formal pre-application consultation, the filing of the application and the application review process, including the preparation of development agreements.
- h. Submitting a bid proposal as part of the procurement process and any communication with designated employees of the Region as permitted in the procurement policies and procurement documents of the Region;

- i. Communication with a public office holder by an individual on behalf of an individual, business or organization in direct response to a written request from the public office holder;
- j. Communication to a Member of Council by a constituent of the Member of Council, or an individual on behalf of a constituent of the Member of Council on a general neighbourhood or public policy issue;
- k. Communication directly related to those Region-initiated consultative meetings and processes where an individual is a participant; and,
- l. Communication regarding a financial interest by not-for-profit groups or organizations where such group or organization has no paid staff.

Registration and Reporting of Lobbying Activity

- 6. No person on whose behalf another person undertakes lobbying activities, shall make a payment for the lobbying activities that is in whole or in part contingent on the successful outcome of any lobbying activities.
- 7. No person who lobbies a public office holder shall receive payment that is in whole or in part contingent on the successful outcome of any lobbying activities.
- 8. All lobbyists shall file a return regarding a specific lobbying communication within five (5) business days of the communication occurring or, if known in advance. Registration may take place before lobbying takes place.
- 9. Consultant lobbyists shall identify in the return the client for which the lobbying has been undertaken.
- 10. A former public office holder shall not engage in lobbying activities for a period of twelve (12) months immediately after ceasing to be a public office holder.
- 11. Lobbyists shall adhere to the Code of Conduct during the conduct of lobbying activities with public office holders.
- 12. All lobbyists with intent to lobby must register as a lobbyist.
- 13. Subject to the exemptions contained in this by-law each person who engages in lobbying activity must register as a lobbyist.

14. Registration is to include the name of the lobbyist, the name of the lobbyist's employer, and the name of the person, organization, client or other entity, on whose behalf he or she is lobbying.
15. Lobbyists must register a separate subject matter registration for each issue in respect of which lobbying takes place or is to take place. The subject matter registration will include a description of the issue being lobbied, who will be lobbied and when lobbying will occur or has occurred.

Appointment of Lobbyist Registrar

16. The Region may appoint an Integrity Commissioner as the Lobbyist Registrar in accordance with section 223 of the *Municipal Act, 2001*.
17. The Lobbyist Registrar shall report to Regional Council annually or as directed by Regional Council.
18. The Lobbyist Registrar has the authority to conduct inquiries in respect of a request made by Council, a Member of Council or by a member of the public about compliance with the Lobbyist Registry By-law or the Lobbyist Code of Conduct (attached as Schedule "A"), as set out under section 223.12 of the *Municipal Act, 2001*.

The Lobbyist Registrar is responsible for:

- a. Overseeing the administration of the lobbyist registration system;
- b. Providing advice, opinions and interpretations pertaining to the administration, application and enforcement of this by-law;
- c. Conducting investigations or inquiries to determine whether contraventions of this by-law have occurred, as permitted under section 223 of the *Municipal Act, 2001*;
- d. Suspending or revoking a registration;
- e. The enforcement of this by-law;
- f. Advising Regional Council on lobbying matters and recommending improvements and amendments to this by-law;
- g. Providing an annual report to Council and any periodic reports and information as the Registrar considers appropriate; and,
- h. Performing other duties as may be assigned by Council.

Sanctions and Penalties

19. The Lobbyist Registrar may impose penalties on communication in accordance with the following scheme if the Lobbyist Registrar finds that the requirements of this by-law have not been met:
 - a. First contravention – the lobbyist is banned from communicating with public office holders for one month;
 - b. Second contravention – the lobbyist is banned from communication with public office holders for three months; and
 - c. Third contravention – the Lobbyist Registrar shall determine an appropriate sanction.
20. If the Lobbyist Registrar decides to impose a temporary ban on communication, the Lobbyist Registrar shall inform the individual of the suspension and the reason for the suspension in writing and provide the reason for the suspension in a manner determined by the Lobbyist Registrar.
21. If the Lobbyist Registrar imposes a temporary ban on lobbying, the Lobbyist Registrar shall notify all Public Office Holders by posting a notice of the temporary ban on the Region of Peel website.
22. The Lobbyist Registrar may remove a registration or return from the Lobby Registry if the individual who filed the registration or return is found by the Lobbyist Registrar to have not complied with the requirements of this by-law.
23. When a registration is removed from the Lobbyist Registry, the individual who filed it shall be deemed, for the purposes of his or her existing and future obligations under this by-law, not to have filed the registration.
24. Any person who contravenes Section 10 of this by-law, commits an offence and upon conviction shall be liable to a fine not to exceed \$5,000.00 for a first offence and a fine not to exceed \$25,000.00 for a second or subsequent offence.
25. Pursuant to subsection 223.12(7) of *the Municipal Act, 2001*, should the Lobbyist Registrar determine, when conducting an inquiry, that there are reasonable grounds to believe that an individual has contravened any other Act or the Criminal Code (Canada), the Lobbyist Registrar shall immediately refer the matter to the appropriate authorities and suspend the inquiry pending the outcome of any resulting investigation.

26. This By-law comes into effect on March 1, 2017.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 13th day of October, 2016.

K. Lockyer

Regional Clerk

F. Dale

Regional Chair

SCHEDULE "A"

To By-law 47-2016

LOBBYIST CODE OF CONDUCT

Lobbyists are expected to comply with the standards of behaviour for lobbyists and the conduct of lobbying activities set out in this Code of Conduct when lobbying public office holders.

1. Lobbyists shall conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.
2. Lobbyists shall, at all times, be open and frank about their lobbying activities, while respecting confidentiality
3. Lobbyists communicating with a public office holder shall disclose the identity of the individual or organization on whose behalf they are acting, as well as the reasons for the communication.
4. Lobbyists shall register the subject matter of all communication with public office holders that constitutes lobbying under the Lobbyist Registry By-law.
5. Lobbyists shall inform their client, employer or organization of the obligations under the Lobbyist Registry By-law and their obligation to adhere to the Lobbyists' Code of Conduct.
6. Lobbyists shall provide information that is accurate and factual to public office holders.
7. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.
8. Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.
9. Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.
10. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
11. Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.
12. Lobbyists shall not lobby public office holders on a subject matter for which they also provide advice to the Region of Peel.

13. Lobbyists shall avoid both the deed and the appearance of impropriety.
14. Lobbyists shall not knowingly place public office holders in a conflict of interest or in breach of the public office holders" code of conduct or standards of behaviour.
15. Lobbyists with active lobbying registrations, their registered clients or their employees shall not, directly or indirectly, offer or provide any gift, benefit or hospitality to Members of Council or their staff.