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**Subject:** Implementation of a Mandatory Lobbyist Registry

**Report to:** Corporate Services Committee

**Report date:** Wednesday, November 10, 2021

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## Recommendations

1. That the implementation of a Lobbyist Registry Program for Niagara Region, **BE APPROVED**, subject to approval of funding for a Lobbyist Registrar as part of the 2022 budget process;
2. That subject to approval of funding as part of the 2022 budget process:
  - a) the draft by-law (Appendix 1 to Report CLK 12-2021) to establish and maintain a Lobbyist Registry **BE APPROVED** in principle;
  - b) the draft Lobbyist Code of Conduct (Appendix 2 to Report CLK 12-2021) **BE APPROVED** in principle;
  - c) the first six months of implementation of the Lobbyist Registry following passage of the by-law be considered an education period where penalties and sanctions will not be applied;
  - d) the Integrity Commissioner **BE APPOINTED** as the Lobbyist Registrar;
  - e) the Regional Clerk **BE AUTHORIZED** to develop the necessary forms and procedures related to the Lobbyist Registry program including a complaint intake process;
  - f) That the Code of Conduct for Members of Council **BE AMENDED** to include provisions regarding the obligations of Council under the Lobbyist Registry By-law; and
  - g) That the Regional Clerk **BE DIRECTED** to present the by-law to establish and maintain a Lobbyist Registry for passage by Council at its next meeting after budget approval.

## Key Facts

- The purpose of this report is to seek Council's approval for the implementation of a Lobbyist Registry program.

- At its meeting held on May 12, 2021, the Corporate Services Committee considered Report CLK 4-2021 and directed staff to prepare a report on a mandatory Lobbyist Registry with enforcement.
- A lobbyist registry is considered a publicly accessible accountability and transparency tool.
- Section 223.9(1) of the Municipal Act, 2001, provides authority for establishing and maintaining a lobbyist registry.
- Section 223.11(1) of the Act also permits a municipality to appoint a “registrar who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the registry and system of registration”.
- The implementation of a lobbyist registry would supplement other transparency and accountability measures that the Region already has in place to address concerns regarding lobbying such as the Procurement By-law, Accountability and Transparency Policy, Code of Ethics/Conflict of Interest Policy, Municipal Conflict of Interest Act and the Code of Conduct for Member of Council.

## Financial Considerations

As Council's direction is to proceed with a mandatory registry, there will be costs for a Lobbyist Registrar. An operating budget business case for \$50,000 has been included for Council's consideration as part of the 2022 budget process. These monies are anticipated to cover the expenses for a Lobbyist Registrar who will be responsible to investigate complaints related to alleged contraventions of the Lobbyist Registry By-law and Lobbyist Code of Conduct but will be dependent on the number of complaints received and oversee compliance with the program.

Staff have confirmed that supporting technology requirements can be handled internally at no additional cost and current staffing levels can accommodate the maintenance of the Registry subject to the number of registrations that may be received and the time spent responding to inquiries.

## Analysis

At its meeting held on May 20, 2021, Regional Council approved the following recommendation of the Corporate Services Committee:

That Report CLK 4-2021, dated May 12, 2021, respecting Mandatory Lobbyist Registry **BE RECEIVED**; and

That staff **BE DIRECTED** to provide a report on the costs of the establishment of a mandatory Lobbyist Registry with enforcement, including staffing, technology requirements, processes, necessary by-law and Code of Conduct changes, and options for a Lobbyist Registrar and that considerations for the establishment of a Lobbyist Registry form part of the budget proposals for 2022.

A Lobbyist Registry is an accountability and transparency tool that involves the registration and regulation of lobbying activities. The Lobbyist Registry would apply to anyone who wishes to lobby a public office holder outside of a public forum and the Region's normal procedures and processes. Section 223.9 (3) of the Act states that the registry shall be available for public inspection in the manner and during the time that the municipality may determine.

Further to the direction to undertake consultation, staff received feedback from the Niagara Chamber Partnership requesting that the establishment of any lobbyist registry consider the following:

- That a clear definition of lobbying be established, aligning with definitions used in other jurisdictions
- That thresholds, participation requirements, and administrative requirements be established, facilitating transparency without stifling healthy civic engagement from local businesses
- That a phased implementation approach be taken, starting with a simple and straightforward process (an annual, one-time, online registration, for example) that can be expanded in successive years

The goal of any municipal lobbying registry is to ensure that lobbying is carried out transparently and in a manner that ensures accountability as outlined in Sections 223.9 to 223.12 of the Municipal Act, 2001, S.O. 2001, c 25 (the "Act").

Chief Justice Bellamy, who recommended the first municipal lobbyist registry as part of her 2005 Toronto computer leasing inquiry, states that although lobbyists are in the business of exerting influence over a decision, it does not mean that outcome is necessarily against the public's interest. Justice Bellamy states that "what is against the public's interest is when lobbying occurs in secret."

The Bellamy Report states that "lobbying is best understood broadly as an organized effort to influence the development or ultimate fate of anything the government does: pass a law, develop a policy or program, award a contract, or give away money".

Generally speaking, a lobbyist works on behalf of third party who would directly benefit from the outcome of a specific decision.

Lobbying, as defined in the draft by-law is defined as: means any communication with a public office holder by an individual who is paid or represents a business or financial interest with the goal of trying to influence any legislative action including the development, introduction, passage, defeat, amendment or repeal of a by-law, motion, resolution or the outcome of a decision on any matter before Council, a Committee of Council, or a staff member acting under delegated authority.

From the practical standpoint of a lobbyist registry, is important to note that lobbying can take place via numerous mediums (i.e. telephone calls, emails, in-person meetings, text messages, etc.) and can occur whenever there is a meaningful exchange with someone in public office that materially advances the position of a lobbyist. Lobbying activities can happen in both formal and informal settings, and should never involve the exchange of any goods, services or financial compensation in return for the support of the elected official.

There are certain activities that, while they may seek to influence municipal behaviour, are not generally considered lobbying. These may include but are not limited to:

- Municipal staff, in their official capacity, discussing official business with Council members or other public officials;
- Individuals acting in their personal capacity to make representations before Council, Committees of Council or Local Boards;
- Providing information to a public official in response to a request;
- Advocacy activities which are generally carried out by community groups and associations and are communications that state a position for a general regional benefit;
- Members of other levels of government communicating with public officials while acting in their official capacity; and,
- Casual conversations with public officials that do not specifically pertain to municipal business.

### **Proposed Lobbyist Registry Program**

Section 223.9 (1) of the Act authorizes a municipality to establish and maintain a registry in which shall be kept such returns as may be required by the municipality that are filed by persons who lobby public officer holders.

The Act contains provisions related to the establishment of a registry that allow a registry to be customized based on need, provided there is compliance with the general requirements.

Staff propose the implementation of a registry in the form of an online searchable tool that is accessible to the public for people to register their communication activity with public office holders if it falls under the definition of “lobbying” as outlined in the Lobbyist Registry By-law attached as Appendix 1.

A user-friendly, accessible tool has been developed which would be available on Niagara Region’s website. The tool will collect information from the lobbyists as they will be required to complete a submission form for review by Clerk’s Office staff for verification. Upon approval, the information will be posted to the website. A screen shot of the Registry Tool can be found at Appendix 3. A dedicated webpage will house the by-law, lobbyist code of conduct, frequently asked questions as well as the Registry. Subject to Council approval of the program, a complaint form and procedure will also be posted on this webpage. This complaint form and procedure will be similar to the process for complaints submitted regarding alleged code of conduct violations.

Within five (5) days of any lobbying activity, a lobbyist will be required to read and acknowledge reading the Lobbyist By-law and accompanying Code of Conduct and submit their name, title, business information, date of lobbying and provide particulars related to the issue being lobbied. The information will be reviewed by staff and if all necessary fields are complete, will be uploaded to the Lobbyist Registry on the website where it will be available for the public to view. If the form submitted is incomplete or other follow up is required, staff may refer the submission to the Lobbyist Registrar for further review. Staff will endeavour to ensure the completeness of the information submitted but may post incomplete submissions in the interest of transparency.

The online tool will be available for lobbyists to register their lobbying activities and the public and individuals who may be impacted by the program to browse and familiarize themselves with the tool, with no penalties being enforced during the first six months the Registry is active.

One common component of online Lobbyist Registries, which will be implemented, is a ‘Frequently Asked Questions’ webpage to help individuals determine if an activity is defined as lobbying. In addition to this feature, a robust communications plan would be developed including education to ensure the public is aware of what a Lobbyist Registry is and how it may affect them.

To help support elected officials in their potential communications with lobbyists, Councillors will be provided “business cards” that may be handed out in the event of in-person discussions with a lobbyist. These cards will remind the lobbyist of the need to register the communication online, and the Region’s commitment to accountability and transparency.

A mandatory Registry will also include provisions for inquiries and sanctions and penalties for Lobbyists not in compliance. The Lobbyist Registrar will be given a range of enforcement powers including the ability to suspend or revoke a registration, impose conditions on the registration, and implement sanctions or penalties on a sliding scale dependent on the number of violations.

### **Lobbyist Registrar**

Section 223.11 of the Act authorizes a municipality to appoint a registrar who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the registry as described in Section 223.9 (1) and the system of registration and other matters described in Section 223.9 (2). Brampton, Ottawa, Vaughan and Peel have appointed their Integrity Commissioners as their Lobbyist Registrar. Staff are recommending that Niagara Region follow a similar approach and will include the duties of a Lobbyist Registrar as part of the RFP for an Integrity Commissioner that will be issued before year-end. The appointment of the Lobbyist Registrar will occur at the same time as the appointment of the Integrity Commissioner.

### **Inquiries and Sanctions**

Section 223.12(1) of the Act permits the Lobbyist Registrar to conduct an inquiry when requested to do so by Council, a member of Council or by a member of the public. The inquiry would be related to compliance with the requirements of the lobbyist registry, or the Lobbyist Code of Conduct. Inquiries must be conducted confidentially. Subject to Council approval and funding, staff will develop complaint procedures and processes similar to the process in place for Integrity Commissioner complaints.

Section 223.9(1) of the Act allows for a municipality to “impose conditions for registration, continued registration or a renewal of registration” and to “refuse to register a person, and suspend or revoke a registration”. These tools allow a municipality to develop their own sanctions or penalties when the registry by-law is contravened.

Where the Lobbyist Registrar is conducting an inquiry, and the Registrar “determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the Criminal Code”, the Registrar must immediately refer the matter to the appropriate authority. The inquiry must also be suspended until any police investigation and charge is disposed of. The suspension of the inquiry must be reported to Council.

The Lobbyist Registrar may provide a public report back to Council regarding any inquiry conducted and penalty imposed. Any report from a Lobbyist Registrar must be made public.

The Registrar may impose a temporary ban on lobbying if it is deemed that the requirements of the by-law and code of conduct have not been met. Staff have proposed that the following penalty structure be implemented after the six (6) month education period which is similar to the penalties in place by other municipalities.

First Offence:	Prohibition of lobbying activities for a 30 day period
Second Offence:	Prohibition of lobbying activities for a 60 day period
Third Offence:	Prohibition of lobbying activities as determined by the Lobbyist Registrar

Where the Lobbyist Registrar determines that there has been a violation, the resultant penalty must be communicated to the lobbyist, Public Office Holders and the general public. Information about the lobbyist and their penalty will be communicated to public office holders and will be published on the Lobbyist Registry page on the website.

To support the effectiveness of the Lobbyist Registrar, there is a need to establish some obligations under the Lobbyist Registry By-law for Public Office Holders, namely Regional Councillors, officers or employees of the Region in a management position or with decision-making powers, members of Committees established by Council, any accountability officers appointed under the Muncipl Act, 2001 and individuals under contract with the Region. It is recommended that any Public Office Holder will cease any lobbying related communications with a lobbyist who is prohibited from lobbying and report such lobbying to the Registrar. As well, Public Office Holders will be responsible for providing information in a timely manner to the Lobbyist Registrar with regards to an inquiry being conducted by the Registrar.

## **Lobbyist Code of Conduct**

Lobbyists are expected to comply with specific standards of behaviour when lobbying public office holders. The Code of Conduct will ensure that all lobbyists are aware of the responsibilities and expected conduct while conducting lobbying. A proposed Lobbyist Code of Conduct is attached as Appendix 2.

## **Alternatives Reviewed**

This report has been provided at the direction of Council to establish a mandatory Lobbyist Registry. Council could consider not establishing a Lobbyist Registry and instead rely on existing policies and legislation which address concerns regarding contracting and relations with third parties such as the Procurement By-law, Accountability and Transparency Policy, Code of Ethics/Conflict of Interest Policy, Municipal Conflict of Interest Act and the Code of Conduct for Members of Council to ensure accountability and transparency.

## **Relationship to Council Strategic Priorities**

This report aligns to Council's strategic priority of sustainable and engaging government including promoting an organizational culture that values continuous improvement, collaboration, and innovation and enhancing communication.

## **Other Pertinent Reports**

CLK 2-2021	Considerations for a Lobbyist Registry
CLK 4-2021	Considerations for a Mandatory Lobbyist Registry

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**Prepared and Recommended by:**  
Ann-Marie Norio  
Regional Clerk

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**Submitted by:**  
Ron Tripp, P. Eng.  
Chief Administrative Officer

This report was prepared in consultation with Donna Gibbs, Director, Legal and Court Services.



## **Appendices**

Appendix 1	Draft Lobbyist Registry By-law
Appendix 2	Draft Lobbyist Code of Conduct
Appendix 3	Draft Registry Tool for Website

## THE REGIONAL MUNICIPALITY OF NIAGARA

## BY-LAW NO. &lt;&gt;

A BY-LAW TO ESTABLISH AND MAINTAIN A LOBBYIST  
REGISTRY FOR THE REGIONAL MUNICIPALITY OF  
NIAGARA

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WHEREAS section 223.9 of the Municipal Act S.O., 2001, Chapter 25, as amended, (the Act) authorizes The Regional Municipality of Niagara to establish and maintain a Lobbyist Registry in which shall be kept registrations and returns filed by persons who lobby The Regional Municipality of Niagara's Public Office Holders;

WHEREAS section 223.11 of the Act authorizes The Regional Municipality of Niagara to appoint a Lobbyist Registrar who is responsible for performing in an independent manner the functions assigned by the Region of Niagara with respect to the Lobbyist Registry;

WHEREAS sections 8, 9, and 10 of the Act authorize The Regional Municipality of Niagara to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 2 of subsection 10(2) authorizes by-laws respecting the accountability and transparency of the municipality and its operations,

WHEREAS a Lobbyist Registry is considered a publicly accessible accountability and transparency tool;

WHEREAS it is reasonable for Members of Council and the public at large to know the nature and amount of legitimate lobbying of local government; and

WHEREAS Council desires to establish and maintain a Lobbyist Registry and appoint a Lobbyist Registrar to provide transparency about persons who lobby the Region of Niagara Public Office Holders.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

**PART I DEFINITIONS**

1. For the purposes of this By-law:

**"Communication"** means any substantive form of communication including a formal meeting, email, letter, phone call or meaningful dialogue or exchange;

**"Council"** means the Council of The Regional Municipality of Niagara;

**"Lobby" or "Lobbying"** means 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 the outcome of a decision on any matter before Council, a Committee of Council, or a staff member acting under delegated authority;

**"Lobbyist"** means:

- a) **"Consultant Lobbyist"**: an individual who Lobbies for payment on behalf of a client (another individual, a business, partnership, organization or other entity);
- b) **"In-house Lobbyist"**: an individual who is an employee, partner or sole proprietor and who Lobbies on behalf of his or her own employer, business or other entity; and
- c) **"Voluntary Unpaid Lobbyist"**: an individual who Lobbies without payment on behalf of an individual, business or any other for-profit entity for the benefit of the interests of the individual, business or for-profit entity;

**"Lobbyist Registrar"** means the individual appointed by Council in accordance with section 223.11 of the Municipal Act, 2001;

**"Lobbyist Registry"** means a system of registration in which shall be kept the Registrations and Returns of persons who Lobby Public Office Holders and which shall include such information as required pursuant to this By-law;

**"Public Office Holder"** means:

- a) A member of Regional Council;
- b) An officer or employee of The Regional Municipality of Niagara;
- c) A member of a local board or committee established by Council;
- d) Any accountability officer, appointed under the Municipal Act, 2001, including but not limited to the Integrity Commissioner, the Lobbyist Registrar, Ombudsman, and/or Closed Meeting Investigator;
- e) Individuals under contract with the Region providing consulting or other advisory services to the Region related to matters with budgetary or operational impacts during the term of their contract.

**"Region"** means The Regional Municipality of Niagara;

**"Registration"** means a first filing by a Lobbyist regarding a subject matter he or she intends to Lobby on as set out in subsection 8(1); and

**"Return"** means an update of a Registration filed by a Lobbyist as set out in subsection 8.2.

## **PART 2 ESTABLISHMENT OF A LOBBYIST REGISTRY**

### **2. Lobbyist Registry**

- 2.1 The Regional Clerk shall develop and maintain a Lobby Registry under the oversight of the Lobbyist Registrar, in which shall be kept all Registrations and Returns filed under this by-law.
- 2.2 The Lobbyist Registry shall be available for public inspection through electronic, web-based access at all reasonable times.

### **3. Exempted Persons and Organizations**

- 3.1 The following persons and organizations shall not be considered Lobbyists when carrying out official duties on behalf of and authorized by the public sector bodies they represent:
- a) Government or public sector not including the Region and other municipal bodies:
    - 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 or 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, 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 representatives in Canada of the government
- b) Officials and employees of the Region and other municipal bodies:
  - i. Public Office Holders
  - ii. Members or employees of a local board of the Region
  - iii. Members of an advisory committee appointed by Council
- c) Other public sector:
  - i. Persons Communicating on behalf of local school boards
  - ii. Persons Communicating on behalf of healthcare institutions

#### **4. Exempted Activities**

##### **4.1 Lobbying does not include:**

- a) Communication that occurs during a meeting of Regional Council or a Committee of Council;
- 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 Region or a Public Office Holder or related to an application;
- c) Communication that is restricted solely to a request for information;
- d) Communication that is restricted solely to compliments or complaints about a service or program;
- e) Communication with a Public Office Holder by an individual on behalf of an individual, business or other entity about:

- i. the enforcement, interpretation or application of any Act or by-law, save and except the Region's Procurement By-law, by the Public Office Holder and with respect to the individual, business or other entity;
  - ii. the implementation or administration of any policy, program, directive or guideline by the Public Office Holder and with respect to the individual, business or other entity;
  - iii. a personal matter of the individual, business or other entity 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 other entity;
- f) 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 a Public Office Holder 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 an employee of the Region if the Communication is with respect to planning or development applications and the officer or employee has a role in the processing of a planning or development application during the formal pre-application consultation, the filing of the application and the application review process, including the preparation of development agreements;
- g) 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;
- h) Communication with a Public Office Holder by an individual on behalf of an individual, business or other entity in direct response to a written request from the Public Office Holder;
- i) Communication to a Public Office Holder by a constituent, or an individual on behalf of a constituent on a general neighbourhood or public policy issue;

- j) Communication directly related to those Region-initiated consultative meetings and processes where an individual is participating as an interested party; Communication for or against a policy or program that state 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 a business or financial interest of the individual, business or other entity on whose behalf the Communication is undertaken;
- k) Communication regarding a business or financial interest by not-for-profit businesses or other not-for-profit entity where such business or entity has no paid staff.

## **5. Prohibitions**

- 5.1 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.
- 5.2 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.
- 5.3 No former Public Office Holder shall engage in lobbying activities for a period of twelve (12) months after ceasing to be a Public Office Holder of the Region.
- 5.4 No person will Lobby a Public Office Holder unless they are Registered in accordance with this By-law.
- 5.5 No person will provide false or incomplete information in their Registration or Return.
- 5.6 No Lobbyist will offer or provide goods, services or financial compensation in return for support as a part of their Lobbying.

**6. Lobbyist Registrar**

- 6.1 The Region may appoint an Integrity Commissioner as the Lobbyist Registrar in accordance with section 223 of the Municipal Act, 2001.
- 6.2 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.
- 6.3 The Lobbyist Registrar's responsibilities include:
- a) overseeing the administration of the Lobbyist Registry system;
  - b) providing advice, opinions and interpretation pertaining to the administration, application and enforcement of this By-law;
  - c) conducting inquiries in respect of a request made about compliance with this By-law, which may include requesting that a Public Office Holder gather information concerning Lobbying of him or her and provide that information to Lobbyist Registrar;
  - d) suspending or revoking a Registration;
  - e) enforcing this By-law;
  - f) advising Regional Council on Lobbying matters and recommending improvements to this By-law; and
  - g) providing an annual report to Regional Council and any other reports as the Lobbyist Registrar considers appropriate.

**7. Responsibilities of a Public Office Holder**

- 7.1 A Public Office Holder's responsibilities include:
- a) responding, in a timely and complete manner, to a request from the Lobbyist Registrar under subsection 6.2(c) to gather and provide information; and



- b) ending, as soon as practicable, Lobbying by a Lobbyist who is prohibited from Lobbying and reporting, in a timely manner, such Lobbying to the Lobbyist Registrar.
- 7.2 Except when responding to a request from the Lobbyist Registrar under subsection 6.3(c), a Public Office Holder's responsibilities under this By-law do not include gathering or providing information concerning Lobbying of him or her.

### **PART 3: REGISTRATION AND REPORTING OF LOBBYING ACTIVITY**

#### **8. Registrations and Returns**

- 8.1 All Lobbyists shall file a Return regarding Lobbying Communication within five (5) business days of the first Communication occurring. The Registration shall include:
- a) their name, address and contact information;
  - b) if they are a Consultant Lobbyist, In-house Lobbyist or Voluntary Unpaid Lobbyist;
  - c) the name of the individual, client or other entity, including all business names under which the individual, client or other entity is operating, on whose behalf he or she is Lobbying;
  - d) the name of the individual or individuals they are Lobbying;
  - e) the subject matter and date on which the Lobbying will start and finish, with the date on which the Lobbying finishes being no more than one year after the date on which the Lobbying starts; and
  - f) any such further information as the Lobbyist Registrar may require.
- 8.2 A Lobbyist shall file a Return updating any change or addition to information provided under Section 8.1 in his or her Registration.
- 8.3 If Lobbying continues for more than one year, a Lobbyist shall file a new Registration for each year the lobbying continues.
- 8.4 The Lobbyist is solely responsible for meeting the requirements with respect to Registrations and Returns set out in this section.

- 8.5 Lobbyists shall read and adhere to the Code of Conduct for Lobbyists during all Lobbying activities with Public Office Holders
- 8.6 The Lobbyist Code of Conduct is attached hereto as Schedule "A" and forms part of this By-law.

## **PART 4: ENFORCEMENT AND PENALTIES**

### **9. Penalties**

- 9.1 The Registrar may impose a temporary ban on Lobbying in accordance with the following scheme if the Registrar finds that the requirements of this By-law and Code of Conduct have not been met:
- a) for 30 days for a first contravention;
  - b) for 60 days for a second contravention;
  - c) for a period of time longer than 60 days as determined by the Lobbyist Registrar for a third or subsequent contravention.
- 9.2 When the Lobbyist Registrar prohibits an individual from Lobbying, the Lobbyist Registrar:
- a) shall notify the individual and all Public Office Holders of the prohibition and the reason for the prohibition in such manner as the Lobbyist Registrar determines; and
  - b) shall post the prohibition and the reason for the prohibition on the website.
- 9.3 The Lobbyist Registrar may remove a Registration or Return from the Lobbyist Registry if the Lobbyist Registrar finds that the individual who filed the Registration or Return has contravened this By-law.
- 9.4 When a Registration or Return is removed from the Lobbyist Registry, the individual who filed the Registration or Return is deemed, for the purposes of his or her existing and future obligations under this By-law, not to have filed the Registration or Return.
- 9.5 In accordance with 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 a provincial Act

or the Criminal Code of Canada, the Lobbyist Registrar shall immediately refer the matter to appropriate authorities and suspend the inquiry pending the outcome of any resulting police investigation.

## **PART 5: TITLE, SCOPE AND INTERPRETATION**

10. This By-law shall be known as the Lobbyist Registry By-law.
11. In the event of a conflict between the provisions of this by-law and the provisions of another by-law of The Regional Municipality of Niagara the provisions of the more restrictive enactment shall prevail.
12. In the event any provision, or part thereof, of this by-law is found by a court of competent jurisdiction, to be ultra vires, such provision or part thereof, shall be deemed to be severed, and the remaining portion of such provision and all provisions of this by-law shall remain in full force and effect.
13. That this By-law shall come into force and effect on the date on which it is passed, with the exception of Part 4: Enforcement and Penalties, which is to come into force and effect six (6) months after.

THE REGIONAL MUNICIPALITY OF NIAGARA

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James Bradley, Regional Chair

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Ann-Marie Norio, Regional Clerk

Passed: <date>

## **PROPOSED SCHEDULE “A”**

### **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. Honesty**

Lobbyists shall conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

#### **2. Openness**

Lobbyists shall be open and transparent about their lobbying activities at all times, including identifying in all communications with public office holders that are lobbying, while maintaining and respecting necessary confidentiality.

#### **3. Disclosure of Identity and Purpose**

(a) Lobbyists communicating with public office holders shall, at all times, disclose the identity of the individual, business or organization on whose behalf they are lobbying, as well as the subject matter of the communication.

(b) Lobbyists shall register their name and company information and all lobbying activity with public office holders in accordance with the provisions of the Lobbyist Registry By-law.

#### **4. Information and Confidentiality**

(a) 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.

(b) Lobbyists shall provide information that is accurate and factual to public office holders.

(c) Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.

(d) 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.

(e) 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.

#### **5. Competing Interests**

- (a) Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- (b) Lobbyists shall advise public office holders that they have informed their clients of any actual or potential conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.
- (c) Lobbyists shall not lobby public office holders on a subject matter for which they also provide advice to the Region.

## **6. Improper Influence**

- (a) Lobbyists shall avoid both the deed and the appearance of impropriety.
- (b) Lobbyists shall not knowingly place public office holders in a conflict of interest or in breach of the public office holders' codes of conduct or standards of behaviour.
- (c) Lobbyists will not offer any goods, services or financial compensation in return for support as a part of their lobbying.

## **7. Restriction on Communication**

- (a) Lobbyists shall not communicate with public office holders in relation to a procurement process except as permitted by the Region's procurement policies and procurement documents.
- (b) Lobbyists shall not engage in lobbying activities where the Lobbyist Registrar has prohibited them from lobbying for a specified period of time.

# Register as a Lobbyist

[INTRO TEXT HERE]

Contact Information

\* First Name

\* Last Name

\* Name of organization on behalf of whom you are contacting Niagara Region

\* Address

\* Phone

xxx-xxx-xxxx

\* Email

Figure 1

\* What kind of Lobbyist are you?

- ☒ Consultant  
☐ In-house  
☐ Voluntary unpaid

\* Subject matter

Select one... ▼

\* Range from

\* Range from

\* Brief description of your communication

\* Have you held a position with Niagara Region within the last 12 months?

- ☐ Yes  
☒ No

## Persons Lobbied

\* First name

\* Last name

\* Position

[+ Add a person](#)

## Lobbyist Registry

[INTRO TEXT HERE]

Name	Organization	Town / city	Type	Person(s) lobbied	Subject	Dates	Description
Tony Stark	Avengers	St. Catharines	Consultant	Steve Rogers, Bruce Banner, Thor	Economic development	August 1 - 7, 2021	test