



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 12.1.2
Executive Standing Committee
September 20, 2018

TO: Chair and Members of the Executive Standing Committee

ORIGINAL SIGNED

SUBMITTED BY:

John Traves, Q.C., Director, Legal, Municipal Clerk and External Affairs

ORIGINAL SIGNED

Jacques Dubé, Chief Administrative Officer

DATE: June 6, 2018

SUBJECT: Potential Municipal Lobbyist Registry

ORIGIN

At the October 31, 2017 meeting of Halifax Regional Council, Item 15.1, the following motion was passed: THAT Halifax Regional Council request a staff report with recommendations for the creation and maintenance of a municipal lobbyist registry, which should include a regular, transparent reporting process, and contains a jurisdictional scan for best practices in other Municipal, Provincial and Federal Governments.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter

188(1) The Council may make by-laws, for municipal purposes, respecting

...
(f) businesses, business activities, and persons engaged in business;

RECOMMENDATION

It is recommended that the Executive Standing Committee recommend that Halifax Regional Council maintain its current approach and continue to rely on existing policies and legislation to promote the accountability of elected officials.

BACKGROUND

At the October 31, 2017 meeting of Halifax Regional Council, Councillor Cleary brought forward the motion noted in the Origin section of this report. During the discussion on this motion, Councillors expressed interest in receiving a jurisdictional scan outlining best practices and suggested definitions for terms such as “lobbyist.”

Lobbying is commonly defined in federal, provincial and municipal legislation as any oral or written communications attempting to influence the actions of public officials. In the municipal context, the term lobbying typically means communication with a public office holder to advance a business or financial interest, primarily related to the land development process. For further information, a list of definitions and/or descriptions of “lobbying” and “lobbyist” from selected Canadian jurisdictions is included with this report as Attachment 1.

It is important to understand that the framework of this type of legislation tends to define “lobby” and “lobbyist” broadly, and then provide specific exemptions for circumstances in which the legislation does not apply. For example, lobbyist registries typically do not apply to members of other levels of government, or public bodies with which the government does business.

A lobbyist registry can ensure that interactions between staff, elected officials and lobbyists are a matter of public record and accessible to all citizens. Generally, lobbyists are required to provide information about the organization for which they work, the individuals or departments / agencies they are lobbying, and the outcomes they are seeking to achieve. Although greater integrity, accountability or transparency can be achieved by developing a registry, consideration must be given to the legislative ability and cost / benefit of establishing such a tool, as well as the potential impact on the ability of citizens to participate in the democratic process.

Lobbying laws and policies are generally applicable only to paid lobbyists who must disclose the identity of the public office holder they are seeking to influence, the nature and purpose of the client's business and the decision for which the lobbyist was retained to represent a client. Paid lobbyists include consultants retained with the specific goal to lobby public officials, and paid staff of a business or organization looking to advance a project or influence decision-making. These laws do not normally apply to individuals or constituents.

DISCUSSION

Lobbying Legislation at the Federal and Provincial Level

The federal government and nine Provinces, including Nova Scotia, have enacted legislation that requires lobbyists to register their interactions with public officials. Of those nine, only Quebec has mandatory lobbyist registration applicable to both provincial and local governments. Federal and provincial lobbying legislation is generally divided into similar components including: definitions of lobbying and lobbyists; definitions of public office holders; categories of “types of lobbyist”; and the establishment of lobbyist registries and associated regulations, fees, and enforcement (fines).

The following is a summary of current lobbyist legislation in the Government of Canada and Province of Nova Scotia.

Government of Canada

The federal Lobbying Act and its related regulations came into force in 2008. The purpose of the act is to ensure transparency and accountability in the lobbying of public office holders to increase the public's confidence in the integrity of government decision-making. The act sets out requirements for who must register as a lobbyist and what information must be provided, and is based on four key principles:

- Free and open access to government is an important matter of public interest.
- Lobbying public office holders is a legitimate activity.
- It is desirable that public office holders and the general public be able to know who is engaged in lobbying activities.
- The system of registration of paid lobbyists should not impede free and open access to government.

These principles are generally consistent among those jurisdictions where lobbying legislation exists.

The federal Lobbying Act applies to:

- Legislation, programs and policies;
- The award of any grant, contribution, financial benefit or any contract by or on behalf of the Federal government;
- Meetings between a public office holder and another person, directed to both administrative and legislative branch officials;
- Individuals who are paid to lobby. People who lobby on a voluntary basis are not required to register.

The federal act identifies three types of lobbyists. Most provincial and municipal lobbyist legislation follows the Government of Canada's lead and includes similar categories to these:

- Consultant Lobbyist - A person who is hired to communicate on behalf of a client. This individual may be a professional lobbyist but could also be any individual who, in the course of his or her work for a client, communicates with or arranges meetings with a public office holder.
- In-House Lobbyist (Corporations) - A person who works for compensation in an entity that operates **for profit**.
- In-House Lobbyist (Organizations) - A person who works for compensation in a **non-profit** entity.

A considerable number of lobbyists register under the federal act, but an unknown number do not for various reasons, including: not knowing a lobbyist registry exists, not understanding that they should register; and evading registration intentionally. A person who contravenes any part of the Act or its regulations is liable to a fine of up to \$25,000. Someone who had filed misleading or false statements and documents could also receive up to six months imprisonment. Penalties may increase to: a fine of up to \$100,000, imprisonment for up to two years, or both. Decisions to prosecute are the responsibility of the Attorney General. A nominal fee is required to register as a lobbyist, but access to the information in the registry is free to the public.

The Office of the Commissioner of Lobbying was established in July 2008 under the federal act to support the Commissioner, who is an independent Agent of Parliament, appointed by both houses of Parliament for a term of seven years. The Commissioner's mandate is threefold:

- Maintaining the Registry of Lobbyists, which contains and makes public the registration information disclosed by lobbyists;
- Developing and implementing educational programs to foster public awareness of the requirements of the Act; and
- Conducting reviews and investigations to ensure compliance with the Act and the Lobbyists Code of Conduct.

The Commissioner reports annually to both houses of Parliament. Reports on Investigation conducted in relation to the Code are tabled in Parliament as they are completed.

Province of Nova Scotia

The current Provincial Legislation in Nova Scotia, the Lobbyist Registration Act (LRA), was proclaimed in 2002. The principles, definitions and categories of lobbyist generally follow the spirit of the federal legislation, including the application of the Act to both appointed and elected officials, and the categorization of lobbyists into Consultant Lobbyists, In-house Lobbyists for a Company, and In-house Lobbyists for an Organization.

Following passage of the legislation, the Registry of Lobbyists was established in 2002 to promote open, accountable and accessible government. The LRA requires the registration, for a fee, of anyone who is paid to lobby public servants. The public can search the Registry for free, which is administered by Service Nova Scotia.

Documentation for the Registry states that “Communicating with a public servant in an effort to influence a decision is called lobbying. Under the Act, anyone who is paid to do this is considered a lobbyist; regardless of whether they are a hired consultant such as a lawyer or public relations professional, or an employee of a company or organization. Not all communication with a public servant is lobbying. For example, sending a personal letter to your MLA or a government official to express your opinion about a policy or program is not lobbying unless you are hired to do so.” Lobbying is further defined in the LRA, as communication with a public servant to influence:

- the development of a legislative proposal;
- the introduction, passage, defeat or amendment of a bill or resolution;
- the making or amendment of a regulation;
- the development, amendment or termination of a policy or program;
- a decision about privatization or outsourcing;
- the awarding of a grant, contribution, or other financial benefit by or on behalf of the government;
- the awarding of a contract by or on behalf of the government (consultant lobbyists only); or
- the arrangement of a meeting between a public servant and another person (consultant lobbyists only).

The legislation does not apply to submissions in proceedings that are matter of public record (ie: submission to a committee of the House of Assembly). It also does not apply to submissions made to a public-office holder with respect to the enforcement, interpretation or application of legislation by that public-officer holder, or the implementation or administration of any policy, program, directive or guideline by that public-office holder, with respect to that person, partnership or organization.

Under the LRA, anyone who is paid to lobby a public servant may need to register. Consultants must register within 10 days of being retained by a client, company employees who spend significant time lobbying must register within two months after becoming a lobbyist, and the senior officer of an organization such as a professional association or society must register employees who spend significant time lobbying within two months after they become lobbyists. Fines for not registering range from \$25,000 for a first offence, while subsequent fines could be up to \$100,000.

The Nova Scotia LRA does not apply to municipalities or to persons lobbying local government. Neither the Halifax Regional Municipality (HRM) Charter nor the Nova Scotia Municipal Government Act contain specific authority for municipalities to implement a lobbyist regulatory regime. The HRM Charter does contain authority to regulate “business activities”, which could include lobbying as a business activity, but depending on Council’s desired outcomes, this may not be sufficient to implement a full lobbyist regulatory regime.

Lobbying Legislation at the Municipal Level

Research conducted earlier this year revealed only five municipalities in Canada that legislate lobbyist registration and regulation, and all are in Ontario: Toronto, Hamilton, Brampton, Vaughan, and Ottawa. The cities of Surrey, BC; Winnipeg, MB; and Edmonton, AB have policies and/or voluntary programs but no supporting legislative enactment or regulation regimes.

The *Ontario Municipal Act* provides specific legislative authority for municipalities to provide for a system of registration of persons who are paid to lobby public office holders. The act authorizes a municipality to establish and maintain a registry to keep returns filed by persons who lobby public office holders and to appoint a registrar who is responsible for performing in an independent manner the functions assigned by the municipality with respect to its lobbyist registry.

The following table contains information on nine Canadian municipalities that have some form of Lobbyist Registry. This information was obtained via a request for information and desk research, so may not represent a comprehensive list of all Canadian local jurisdictions which are active in this area.

Municipality	General Description
Montreal	Under a provincial act, Quebec has mandatory lobbyist registration applicable to both provincial and local governments. Therefore, Montreal does not have a municipally operated registry, but refers to the provincial registry. This approach is relevant to all other jurisdictions in Quebec.
Toronto	The Office of the Lobbyist Registrar of the City of Toronto maintains the first public, online municipal lobbyist registry in Canada and regulates the conduct of lobbyists in the City. The Registrar is one of the City's four Accountability Officers, and is independent and accountable to Council. Toronto's by-law covers unpaid/volunteer lobbyists as well.
Ottawa	The Ottawa Lobbyist Registry is a component of City Council's Accountability Framework. The purpose is to enhance the transparency and integrity of business conducted at City Hall. The Registry is an online tool that documents instances of substantive communication, such as telephone calls, meetings, or e-mails between those who lobby and Members of City Council or City Staff in a centralized database that is accessible by the public. The City's Integrity Commissioner is responsible for the enforcement and oversight of the Registry.
Brampton	The Lobbyist Registry came into effect in January 2016 and is a component of the City of Brampton's accountability and transparency policy framework. The Lobbyist Registry is intended to enhance transparency to the public by providing an accessible record of persons who lobby public office holders outside of public forums like Council and Committee meetings or public open houses. An online tool has been developed to create, maintain, and search this record.
Hamilton	Since August 2015, under Hamilton's Lobbyist Registry By-Law, lobbyists are required to register themselves and submit subject matter(s) that they intend to discuss with public office holder(s). Lobbyists are required to register their lobbying activity at least one business day before they can communicate with a public office holder. The goal of the Registry is to allow members of the public to clearly see who is lobbying the City of Hamilton's public office holders.
Vaughn	In December 2017, City of Vaughan Council passed a By-law to establish a lobbyist registry. The by-law includes definitions, exemptions and a Lobbyist Code of Conduct. The Registry is a tool that provides accountability and transparency to lobbying activities by giving the public access to information about who is communicating with public office holders. The Registry is administered by the Office of the Lobbyist Registrar.
Winnipeg	In April 2017, Winnipeg Council approved the implementation of a voluntary lobbyist registry. The purpose of the registry is to provide transparency on lobbying activities in the City of Winnipeg. Lobbyists are not required by legislation to register their activities; but registration on a voluntary basis is encouraged.
Edmonton	Edmonton does not have a corporate registry, although some potential interest has been raised, but the Mayor has voluntarily implemented a lobbyist registry to provide increased public transparency on who is accessing the Mayor's Office.
Surrey	The City of Surrey adopted a Lobbyist Registration Policy in 2008 requiring lobbyists who intend to advocate on behalf of applicants for a rezoning, development permit, or an official community plan amendment to register their name and activity on a public website. However, there is no

	legal authority to implement the regime as a by-law with legal penalties for non-compliance, so it operates essentially as a “voluntary” or “honour system” regime.
--	---

There are four basic approaches to municipal lobbyist registries in Canada: governance of municipal units by a provincial registry (Quebec); registries established under specific permission granted by provincial legislation (some Ontario jurisdictions); creation of voluntary registries (Winnipeg, Edmonton, Surrey); or no municipal lobbyist registry.

Web links to lobbyist registry sites for the jurisdictions noted in the table, as well as the federal registry, registries from Nova Scotia and other provinces, and international registries are included with this report as Attachment 2.

Elements of a Successful Lobbyist Registry

For a municipal lobbyist registry to be effective, it requires independence and enforcement capabilities. Successful registries are supported by resources, including an office and staff that are empowered to make independent decisions and engage in education and outreach. Most importantly, the office and registry requires legal authority to impose fines, withdraw access privileges, or impose other penalties for non-compliance.

As one example, the City of Toronto has set up an Office of the Lobbyist Registrar which is external to all City departments to ensure independence in decision making. A public enquiry carried out in Toronto recommended that for a Lobbyist Registrar to be effective it must be granted the ability to enforce, and such rights to enforce have been granted to Toronto by the Ontario Provincial Government. In 2016, the city's lobbying by-law was amended to allow the Lobbyist Registrar the ability to impose restrictions on lobbyists and establish a Lobbyists Code of Conduct. The change in the by-law has also given Toronto the power to investigate and impose conditions on lobbyists, such as suspension of an individual's ability to lobby within a certain timeframe.

Effective registries often include a specific Code of Conduct for public officials and lobbyists and/or form one part of a broader accountability framework. In Toronto's case, the Registrar is one of four accountability officers in the municipality, the others being an Auditor General, Ombudsman, and Integrity Commissioner. Most provinces and Ontario municipalities include a code of conduct as part of the registry, which covers general expectations such as honesty, openness, disclosure of identity and purpose, confidentiality, conflict of interest, and proper communication.

It is best practice, and vital for the success of any registry as an accountability and transparency tool, that information contained in any lobbyist registry be free to search and easily accessible to the public.

Financial Considerations

The adoption of a lobbyist registration regime applicable to all municipal transactions requires administrative costs to monitor those transactions and to log or register lobbyists. The City of Toronto's Office of the Lobbyist Registrar's has an annual budget of \$1.1 million and 8 staff members (one Lobbyist Registrar and seven staff). In addition, Toronto has approved a capital budget of \$660,000 for a project to maintain and update the lobbyist registration and search systems. Toronto also engages in extensive outreach and education, at additional cost to the above-noted figures.

Hamilton's lobbyist registry cost close to \$100,000 to implement, and carries a cost of approximately \$115,000 per year to maintain. The city's existing integrity commissioner doubles as the lobbyist registrar.

There is minimal cost to implement the City of Surrey's voluntary registry, but its costs are absorbed by existing staff resources. The city's registry form is completed when a development application is first submitted. Approximately once per week, the Planning Department forwards the documents to its

Legislative Services department where staff review for completeness, file, scan and upload the applications to the city's website for public viewing.

Conclusion

The only way for HRM to create a full lobbyist regulatory regime as seen in other jurisdictions is to request amendments to the HRM Charter, or an amendment to Nova Scotia's Lobbyist Registration Act to extend the regulatory regime to apply to local governments and municipal lobbying activity.

As noted earlier in this report, the Lobbyist Registration Act in Nova Scotia does not apply to municipalities or to persons lobbying local government. Neither the HRM Charter nor the Nova Scotia Municipal Government Act contain specific authority to implement a lobbyist regulatory regime. If HRM wishes to establish an effective lobbying policy at the local government level, Council may need to request that the Province amend the Charter to include the necessary and appropriate authorities to allow for the creation and enforcement of lobbying rules, including a registry, code of conduct, and fines, loss of privileges, or other penalties for non-compliance. The current statutory authority to regulate business activities would permit Council to require a license to lobby, and impose conditions thereon, but would not provide for a comprehensive regulatory regime such as is found in other jurisdictions.

While a Charter amendment may allow for development of a suitable and effective enforcement tool for Council, it would impose upfront and ongoing costs on the municipality. If Council were to pursue such an option, staff would recommend that a thorough analysis of the financial and resource implications be conducted before reporting back on the types and ranges of costs that could be reasonably anticipated.

Following Quebec's model and asking the Province to amend its existing lobbyist legislation to include regulation of lobbying conducted at the local government level may involve minimal municipal costs, but would require the Province to agree to assume the costs of extending their regulatory regime to include municipal units.

Cost-effective regimes can be implemented without legislation, but have limited effectiveness. The most that could likely be achieved without new legislation is an "honour system" such as those adopted in Surrey, Winnipeg, and Edmonton, or adoption of a code of conduct where the lobbying activity is regulated solely through imposing requirements on Council and senior staff. This option would require all Councillors and senior officials to self-report lobbying activity to a designated individual who would publish a regular report on such activity. This approach would involve a reallocation of existing resources and, since the municipality would have no legal power over the lobbyists, the effectiveness of such a regime might not be adequate.

It is important to note that some aspects of lobbying activities, including conflicts of interest (special advantage/disadvantage, interactions of Council and staff), accountability, responsibility and openness, are covered by, or could be covered by, other policies and legislation at HRM. These include a code of conduct, proposed campaign financing rules, the *Municipal Conflict of Interest Act*, and the criminal law. In addition, the municipal Auditor General plays a strong role in ensuring accountability and openness at HRM. In consultation with the Access & Privacy Office, councillors also have the ability to make publicly available information about their schedules and meetings.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the material in this report.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. The risks considered rate Low.

COMMUNITY ENGAGEMENT

Not applicable.

ENVIRONMENTAL IMPLICATIONS

Not applicable.

ALTERNATIVES

The Executive Standing Committee may recommend that Regional Council direct the Chief Administrative Officer to develop a draft by-law for its consideration to regulate lobbying as a business activity to the extent that is currently permitted by the HRM Charter. A full assessment of financial and resource implications would need to be included.

The Executive Standing Committee may recommend that Regional Council request an amendment to the HRM Charter to specifically allow for the development of a municipal lobbying registry and regulatory regime. As noted earlier in this report, a full assessment of financial and resource implications would need to be conducted if the municipality receives permission through the Charter to establish such a regime.

The Executive Standing Committee may recommend that Regional Council request an amendment to expand the provincial Lobbyist Registration Act to include regulation of lobbying conducted at the local government level.

The Executive Standing Committee may recommend that Regional Council request that staff develop a voluntary model for lobbyist registration. As noted in the report, this approach would involve some impact on existing resources, and results of a voluntary registry may not be optimally effective.

ATTACHMENTS

Attachment 1 – Definitions of Lobbying from selected Canadian Jurisdictions.

Attachment 2 – Links to Lobbyist Registries from selected Jurisdictions.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Paul Johnston / Coordinator of Corporate Affairs, 902.490.6616

Attachment 1 – Definitions of Lobbying from Selected Canadian Jurisdictions

Government of Canada

Lobbying is communicating, with public office holders, for payment with regard to:

- the making, developing or amending of federal legislative proposals, bills or resolutions, regulations, policies or programs;
- the awarding of federal grants, contributions or other financial benefits; and
- in the case of consultant lobbyists, the awarding of a federal government contract and arranging a meeting between their client and a public office holder.

Nova Scotia

Communicating with a public servant in an effort to influence a decision is called lobbying. Under the Act, anyone who is paid to do this is considered a lobbyist; regardless of whether they are a hired consultant such as a lawyer or public relations professional, or an employee of a company or organization.

Under the LRA, lobbying means to communicate with a public servant in an attempt to influence:

- the development of a legislative proposal;
- the introduction, passage, defeat or amendment of a bill or resolution;
- the making or amendment of a regulation;
- the development, amendment or termination of a policy or program;
- a decision about privatization or outsourcing;
- the awarding of a grant, contribution, or other financial benefit by or on behalf of the government;
- the awarding of a contract by or on behalf of the government (consultant lobbyists only); or
- the arrangement of a meeting between a public servant and another person (consultant lobbyists only).

Alberta

Lobbying is a legitimate activity in a free and democratic society. "Lobbying" means to communicate with a public office holder in an attempt to influence:

- the development of any legislative proposal by the Government or a prescribed Provincial entity or by a Member of the Legislative Assembly (MLA);
- the introduction, amendment, passage or defeat of any bill or resolution in or before the Legislative Assembly;
- the development or the enactment of any regulation or any order in council,
- the development, establishment, amendment or termination of any program, policy, directive or guideline of the Government or a prescribed Provincial entity;
- the awarding of any grant or financial benefit by or on behalf of the Government or a prescribed Provincial entity;
- a decision by the Executive Council or a member of the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or a prescribed Provincial entity or to the public, or
- A decision by the Executive Council or a member of the Executive Council regarding privatization of any goods or services to the Government.

For consultant lobbyists only, "lobbying" also includes arranging a meeting between a public office holder and any other individual, or communicating with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the Government or a prescribed Provincial entity.

Grassroots communication, defined in the Act as *"appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly*

with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion" is also considered to be a form of lobbying under the Act.

British Columbia

"Lobbyists" are persons who, on behalf of their employers or clients, communicate with public office holders in an attempt to influence their decisions. The term "public office holder," as defined in the LRA, extends beyond Members of the Legislative Assembly and employees of government to include employees of Crown corporations, universities, health authorities, and other entities.

Manitoba

Lobbying is a legitimate activity in a free and democratic society. The Act defines "lobby" to mean in relation to a consultant lobbyist or an in-house lobbyist, to communicate with a public official in an attempt to influence:

- the development of a legislative proposal by the government of Manitoba or by a member of the Legislative Assembly (MLA);
- the introduction of a bill or resolution in the Legislative Assembly or the amendment, passage or defeat of any bill or resolution that is before the Legislative Assembly;
- the making or amendment of a regulation as defined in *The Regulations Act*;
- the development, amendment or termination of a program or policy of the Government of Manitoba or a government agency;
- the awarding of a grant, contribution or other financial benefit by or on behalf of the Crown; and

In relation only to a consultant lobbyist, "lobbying" also includes:

- arranging a meeting between a public official and any other individual; or
- communicating with a public official in an attempt to influence the awarding of any contract by or on behalf of the Crown.

New Brunswick

To lobby is to communicate with a public office holder by a consultant or in-house lobbyist in an attempt to influence:

- the development of a legislative proposal,
- the introduction of a public bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any public Act or resolution before the Legislative Assembly,
- the making or amendment of a regulation as defined in the *Regulations Act*,
- the development, amendment or termination of any policy or program of the Government of New Brunswick,
- a decision by the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provide goods or services to the Crown or to the public,
- a decision by the Executive Council, a committee of the Executive Council or a minister of the Crown to have the private sector instead of the Crown provide goods or services to the Crown, and
- the awarding of any grant, contribution or other financial benefit by or on behalf of the Crown.

In the case of a consultant lobbyist, lobbying also includes arranging a meeting between a public office holder and any other person and communicating with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the Crown.

Newfoundland and Labrador

Lobbying is communicating with a public office holder in an attempt to influence government policy or program decisions, including:

- the development, introduction, passage, defeat, amendment or repeal of any legislation, bill, resolution, rule, regulation or a by-law;

- the development, amendment or termination of any policy or program of Government or a public body or by the City of St. John's or its controlled entities;
- a decision about privatization or outsourcing;
- the awarding of any contract, grant, contribution or other financial benefit by or on behalf of the Crown or the City of St. John's or its controlled entities;
- arranging a meeting between a public office holder and any other person;
- the procurement of goods and services;
- the terms of a tender or request for proposals or other procurement solicitation prior to the awarding of that tender or the acceptance of the request for proposals or other procurement solicitation;
- the terms of a contract, the choice of a contractor, or the administration, implementation or enforcement of a contract, or
- the appointment of any public official.

Ontario

"Lobby" means to communicate with a public office holder in an attempt to influence,

- the development of any legislative proposal by the Government of Ontario or by a member of the Legislative Assembly,
- the introduction of any bill or resolution in the Legislative Assembly or the passage, defeat or amendment of any bill or resolution that is before the Legislative Assembly,
- the making or amendment of any regulation as defined in Part III (Regulations) of the *Legislation Act, 2006*,
- the development or amendment of any policy or program of the Government of Ontario or the termination of any program of the Government of Ontario,
- a decision by the Executive Council to transfer from the Crown for consideration all or part of, or any interest in or asset of, any business, enterprise or institution that provides goods or services to the Crown or to the public,
- a decision by the Executive Council, a committee of the Executive Council or a minister of the Crown to have the private sector instead of the Crown provide goods or services to the Crown,
- the awarding of any grant, contribution or other financial benefit by or on behalf of the Crown, and

in relation to a consultant lobbyist,

- to communicate with a public office holder in an attempt to influence the awarding of any contract by or on behalf of the Crown, or
- to arrange a meeting between a public office holder and any other person; ("exercer des pressions")

Quebec

Lobbying is the act of communicating verbally or in writing with an elected official or a public official on behalf of a client, company or **organization**¹ in order to influence one or more of these decisions:

- the development, introduction, amendment or defeat of any legislative or regulatory proposal, resolution, policy, program or action plan;
- the issuance of any permit, licence, certificate or other authorization;
- the awarding of any contract, other than by way of a call for public tenders, or of any grant or other financial benefit, or the granting of any other form of benefit determined by government regulation;
- the appointment of any public office holder within the meaning of the *Loi sur le Ministère du Conseil exécutif* (member of a board of directors, or member of a government agency or enterprise) or senior public officials (Secretaries-General or Secretaries of the Ministère du Conseil exécutif and the Secrétariat du Conseil du trésor, and the deputy ministers).

¹Non-profit organizations constituted to serve management, union or professional interests, or those mostly constituted of for-profit enterprises, or representatives of such enterprises, are subject to the Act.

Saskatchewan

In order for someone to be lobbying, four components **must** be present:

- There must be payment to the lobbyist;
- There must be a form of communication;
- Communications must be with a public office holder; AND
- There must be an attempt to influence one or more outcomes.

All four variables must be present before a person is considered to be lobbying. There are two distinct types of lobbyists – consultant lobbyist and in-house lobbyists.

City of Toronto

The by-law defines lobbying to mean communication for payment with a public office holder on the wide range of decisions made by City Council and local boards, and those made by staff acting under delegated authority. *The* by-law defines three classes of lobbyist:

- Consultant lobbyists;
- In-house lobbyists;
- Voluntary unpaid lobbyists acting for for-profit enterprises.

City of Hamilton

"Lobby", used as a verb, means to communicate with a public officer holder on:

(a) any of the following subject matters with the goal of advancing a business or financial interest:

- the development, introduction, passage, defeat, amendment or repeal of a City by-law, bill or resolution on any matter;
- the development, approval, amendment or termination of a City policy, program, directive, guideline, including but not limited to a service delivery model;
- the purchase of goods, services or construction and the award of a contract by the City;
- the approval, approval with conditions, or refusal of an application for a service, grant, planning approval, permit or other licence or permission by the City;
- the award of any financial contribution, grant or other financial benefit by the City;
- the transfer to or from the City of any interest in or asset of any business, enterprise or institution;
- to arrange a meeting between a public office holder and any other person on any of the subject matters listed in paragraphs (i) to (vi) inclusive; and

(b) the hiring, promoting, demoting, disciplining or terminating of an employee of the City who is a member of the City's Senior Management Team.

"Lobbyist" means a consultant lobbyist, in-house lobbyist or voluntary unpaid lobbyist and:

- "consultant lobbyist" means an individual who lobbies for payment on behalf of a client (another individual, a business or other entity);
- "in-house lobbyist" means 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
- "voluntary unpaid lobbyist" means an individual who lobbies without payment on behalf of an individual, business or other entity for the benefit of the interests of the individual, business or other entity;

City of Vaughn

Any communication with a public office holder by an individual who represents a business or financial interest with the goal of trying to influence any legislative action, including, but not exclusively, development,

introduction, passage, defeat, amendment or repeal of a bylaw, motion, resolution or the outcome of a decision on any matter before Council or a Committee of Council, or staff member acting under delegated authority.

City of Ottawa

Lobbying occurs when an individual representing a financial or business interest, or the financial interest of a not-for-profit with paid staff, communicates with a Member of Council or City staff to try to influence a decision on governmental matters that are outside of standard processes.

City of Winnipeg

A lobbyist is an individual who, when representing a financial or business interest, or the financial interest of a not-for-profit with paid staff, communicates with a Member of Council or City staff with the intent of influencing a decision on governmental matters outside of the standard process.

Some general examples include: Individuals seeking direct or indirect financial benefit, or increased / decreased / changed City services, policies, practices or legislation that may lead to direct or indirect financial benefit.

City of Edmonton

You will be considered a lobbyist if you wish to meet with the Mayor or the Mayor's Office staff outside of a formal public meeting with the intent of influencing or changing:

- An existing City of Edmonton program or policy;
- An upcoming or future Committee or City Council decision.

This may include:

- Development of a legislative proposal;
- Amendment, passage or defeat of a by-law;
- The development, establishment, amendment or termination of a program, policy, directive or guideline of the government or government entity;
- The awarding of a grant or financial benefit;
- A decision by the City to transfer assets or privatize provision of goods and services;
- If you are communicating for a client, arranging a meeting or trying to influence the awarding of a contract.

You will not be considered a lobbyist if you are meeting regarding a local constituency matter.

Attachment 2 - Links to Lobbyist Registries from selected Jurisdictions

Government of Canada

https://lobbycanada.gc.ca/eic/site/012.nsf/eng/h_00000.html

Province of Nova Scotia

<https://novascotia.ca/sns/lobbyist/>

Province of Alberta

https://www.albertalobbyistregistry.ca/apex/f?p=171:CMS:4471394292446:::CMS_SITE%2CCMS_PAGE:ABLBY%2CHOME

Province of British Columbia

<https://www.lobbyistsregistrar.bc.ca/>

Province of Manitoba

http://www.lobbyistregistrar.mb.ca/index.php?option=com_content&view=featured&Itemid=170&lang=en

Province of New Brunswick

<http://www.gnb.ca/legis/conflict/index-e.asp>

Province of Newfoundland and Labrador

<http://www.servicenl.gov.nl.ca/registries/lobbyists.html>

Province of Ontario

<http://www.oico.on.ca/home/lobbyists-registration>

Province of Quebec

<https://www.commissairelobby.gc.ca/en/lobbyists-registry/>

Province of Saskatchewan

<https://www.sasklobbyistregistry.ca/>

City of Toronto

<https://www.toronto.ca/city-government/accountability-operations-customer-service/accountability-officers/lobbyist-registrar/>

City of Ottawa

<https://ottawa.ca/en/city-hall/accountability-and-transparency/accountability-framework/lobbyist-registry>

City of Brampton

<https://service.brampton.ca/lobbyist/>

City of Hamilton

<https://www.hamilton.ca/government-information/accountability/lobbyist-registry>

City of Vaughn

<https://www.vaughan.ca/cityhall/lobbyistregistry/Pages/default.aspx>

City of Winnipeg

<http://www.winnipeg.ca/clerks/lobbyistregistry/>

City of Edmonton

https://www.edmonton.ca/city_government/city_organization/mayor/lobbyist-registry.aspx?utm_source=virtualaddress&utm_campaign=MayorsLobbyistRegistry

International Registries of Lobbyists

Australia - http://lobbyists.pmc.gov.au/who_register.cfm

European Union - <http://ec.europa.eu/transparencyregister/public/homePage.do>

United States - https://www.senate.gov/legislative/Public_Disclosure/LDA_reports.htm