

LOBBYIST REGISTRY

A Guide for Public Office Holders



Region of Waterloo

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What is Lobbying?

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.

To define “communication”, this means any substantive form of communication including a formal meeting, e-mail, letter, phone call or meaningful dialogue or exchange, that materially advances a matter that is defined as Lobbying whether in a formal or informal setting.

Who is a Lobbyist?

The Region of Waterloo’s By-Law identifies three types of Lobbyists:

- 1) **Consultant Lobbyist:** an individual who lobbies for payment on behalf of a client (e.g., another individual, a business, a partnership, organization or other entity).
- 2) **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.
- 3) **Voluntary Lobbyist:** an individual who lobbies without payments on behalf of an individual, business or any other entity for the benefit of the interests of the individual, business or entity.

Who is a Public Office Holder?

A public office holder is:

- A member of Council, and any person on his or her staff;
- An officer or employee of the Region;
- A member of a local board or committee established by Council, and any person on his or her staff, and;
- An Independent Accountability Officer, including but not limited to the Region’s Integrity Commissioner, Lobbyist Registrar, Ombudsman, and Closed Meeting Investigator.

What are my responsibilities as a Public Office Holder?

1. Responding, in a timely and complete manner, to request from the Lobbyist Registrar, to gather and provide information when they are enforcing the Lobbyist Registry By-Law.
2. Ending, as soon as practicable, the Lobbying activity by a Lobbyist who is prohibited from Lobbying and reporting the activity, in a timely manner, to the Lobbyist Registrar.

What should I do when being Lobbied?

Public office holders who are being lobbied, should check the Lobbyist Registry on a regular basis to see whether the lobbyist who lobbied to them has registered. If the lobbyist did not register, the public office holder should inform the lobbyist of their responsibilities to do so and directing them to the Clerk's Office should they require any further information regarding the process.

Who is **not** a Lobbyist?

(a) government or public sector, other than the Region:

- 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, and

- 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, the Cities of Cambridge, Kitchener, and Waterloo, the Townships of North Dumfries, Wellesley, Wilmot and Woolwich and other municipal bodies:
- (i) individuals who are public office holders of those municipalities or other municipal bodies;
 - (ii) members or employees of a local board of the Region;
 - (iii) appointed members of a committee established by Council.
- (c) other public sector persons communicating on behalf of:
- (i) local school boards,
 - (ii) public healthcare institutions receiving provincial aid under the *Public Hospitals Act*.

Please note Representatives of an Indigenous Organization advancing actions from the Truth and Reconciliation Commission's Calls to Action, or the United Nations Declaration on the Rights of Indigenous Peoples Act, or the Missing and Murdered Indigenous Women, Girls and 2 Spirited+ Calls to Action, may, but shall not be required to, file a Registration in accordance to Part 3 of this By-law, under principles of inclusion and respect for Indigenous rights.

What is not considered Lobbying?

Lobbying does not include:

- (a) communication that occurs during a meeting of 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 to a request for information;
- (d) communication that is restricted 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 concerning:

- (i) the enforcement, interpretation or application of any Act or 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 an individual 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 or an interested party, or a representative of either of them, with respect to an application for a service, grant, planning approval, permit or other licence 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 preapplication 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 Region-initiated consultative meetings and processes where an individual is participating as a stakeholder; 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 a business or financial interest of the individual, business or other entity on whose behalf the communication is undertaken;

- (k) the making of a complaint or request for an investigation, being interviewed or summonsed, or making submissions in response to an investigation;
- (l) 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.

Who is the Lobbyist Registrar for the Regional Municipality of Waterloo?

The Regional Municipality of Waterloo's Integrity Commissioner is herein appointed as the Lobbyist Registrar in accordance with section 223.11 of the Municipal Act, 2001.

The Lobbyist Registrar's responsibilities include the following:

- (a) provide advice, opinions and interpretation pertaining to the administration, application and enforcement of this By-law;
- (b) conduct 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 themselves and provide that information to the Lobbyist Registrar;
- (c) enforce the Lobbyist Registry By-law;
- (d) suspend, revoke or refuse a Registration or Return;

What are the Penalties for not disclosing Lobbying Activity?

The Registrar may impose a temporary ban on communication by a Lobbyist with any or all Public Officer Holders in accordance with the following scheme if the Registrar finds that the Lobbyist has contravened any of the requirements of this By-law or the Code of Conduct for Lobbyist:

- (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

NOTE: The above penalties will come into effect 6 months after the initial launch date of the Lobbyist Registry.

Where should I direct Lobbyists to find out more Information?

For more information, lobbyists can visit the Region of Waterloo's Lobbyist Registry website or contact the Lobbyist Registry Administrator at lobbyistregistry@regionofwaterloo.ca.