

Appendix "B"

COMPLAINT PROTOCOL

COMPLAINTS REGARDING NON-COMPLIANCE

1. A request for an inquiry about non-compliance with the Lobbyist Registry By-law or Lobbyists' Code of Conduct may be made by City Council, a member of Council or a member of the public.

FILING OF COMPLAINT AND CLASSIFICATION BY LOBBYIST REGISTRAR

2. The complaint shall be filed with the Lobbyist Registrar for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Lobbyist Registry By-law and not covered by other legislation or other Council policies.

COMPLAINTS OUTSIDE LOBBYIST REGISTRAR JURISDICTION

3. If the complaint is not, on its face, a complaint with respect to non-compliance with the Lobbyist Registry By-law or the complaint is covered by other legislation or complaint procedure, the Lobbyist Registrar shall advise the complainant in writing.

REFUSAL TO CONDUCT INVESTIGATION

4. The Lobbyist Registrar may refuse to investigate a complaint or may terminate an investigation, if the Lobbyist Registrar is of the opinion that:

- (a) there are no grounds or insufficient grounds for an investigation;
- (b) the complaint is frivolous, vexatious or not made in good faith; or
- (c) an investigation, or continuation of an investigation, would serve no useful purpose.

## INVESTIGATION

5.

- (1) The Lobbyist Registrar will proceed as follows, except where otherwise required by the *Public Inquiries Act*:
  - (a) Provide the complaint and supporting material to the lobbyist whose conduct is in question with a request that a written response to the allegation be provided within ten business days.
- (2) If necessary, after reviewing the submitted materials, the Lobbyist Registrar may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.

## SUSPENSION AND REFERRAL TO APPROPRIATE AUTHORITIES

6. As required by subsection 223.12(7) of the *Municipal Act, 2001*, if at any time during the inquiry the Lobbyist Registrar determines that there are reasonable grounds to believe that there has been a contravention of any other Act or of the *Criminal Code of Canada*, the Registrar shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting police investigation and charge have been finally disposed of, and shall report the suspension to City Council.

## RECOMMENDATION REPORT

7.

- (1) Following the completion of an investigation, the Lobbyist Registrar shall provide the lobbyist with a copy of a draft report and offer the lobbyist the opportunity to provide comments within five business days.
- (2) Where the complaint is sustained in whole or in part, the Lobbyist Registrar shall report to Council outlining the findings, the terms of any settlement and/or any recommended corrective actions or sanctions under Section 10 of the By-law.
- (3) The Lobbyist Registrar shall give a copy of the report to the lobbyist whose conduct is concerned.
- (4) Where the complaint is not sustained, except for in exceptional circumstances, the Lobbyist Registrar shall not report to Council the result of the investigation except as part of an annual or other periodic report.

## REPORT TO COUNCIL

8. Upon receipt of a report, the City Clerk shall indicate, on the next agenda of City Council, Notice of Intent from the Lobbyist Registrar to submit a report for consideration at the following regular meeting of City Council.

## DUTY OF COUNCIL

9. Council shall consider and respond to the report at the next meeting of Council after the day the report is laid before it.

## PUBLIC DISCLOSURE

10.

- (1) The Lobbyist Registrar and every person acting under their jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol.
- (2) The Lobbyist Registrar shall retain all records related to the complaint and investigation.
- (3) At the time of the Lobbyist Registrar's report to Council, the identity of the person who is the subject of the complaint shall not be treated as confidential information if the Lobbyist Registrar finds that a breach has occurred.
- (4) All reports from the Lobbyist Registrar to Council will be made available to the public on [ottawa.ca](http://ottawa.ca).