

# Winnipeg needs a useful, constructive lobbyist registry

*Chris Lorenc, Winnipeg Free Press, April 18, 2017*

The term “lobbyist” gets tossed around a lot in public and not always in gracious tones. But the “lobby” exercise is a respectable, necessary act in both politics — doing what’s possible — and the nitty-gritty of governmental decision-making.

In fact, without the regular input of business, industry and professional groups and not-for-profit sectors, the policies, budgets and legislation our politicians pass would look a whole lot less informed and less like a workable fix for the issues they address.

Earlier this month, city Coun. Scott Gillingham asked the Manitoba Heavy Construction Association to meet with him in his office — he’s working on the 2018 operating and capital budget and, as finance committee chair, he wanted to understand how the city’s procurement practices could be improved in order to get more value out of the \$100-million-plus the city invests in local and regional streets every year.

Getting more value for the same dollar — that was time well spent, by both my association and Coun. Gillingham. Ours was one of many similar private discussions he is having with public and private individuals and groups.

This kind of thing happens all the time and should be encouraged.

Civic and provincial politicians and officials seek advice from groups such as ours and others noted above because they know the best decisions are informed decisions. That doesn’t mean councillors or the administration are necessarily swayed by the input they seek or agree with the advice received. But they are aware, after such consultations, of the potential effects or consequences of any proposed decision to be made or avoided.

It’s important that Winnipeggers and Manitobans can see who is working with elected representatives and administrative officials to influence decisions about, for example, infrastructure investment.

A lobbyist registry, carefully drafted and well crafted, can go a long way to improving the level of understanding of that process.

But the proposed policy heading for a vote by Winnipeg’s executive policy committee (EPC) on Wednesday doesn’t get us there. In fact, it might stoke misunderstanding or suspicion.

The proposed definition of a lobbyist speaks specifically to the efforts of an individual, representing a financial or business interest, “who seeks to influence decision-makers through communications that are outside the regular, public and transparent process.” That definition is broad, clear and simple.

Where the proposed policy really falls down is in its fundamental construction.

A lobbyist registry should not be a voluntary policy. It should have the force of law backing it up and all those caught within its definition should be bound by its rules.

Because the proposed civic policy is only voluntary, it amounts to guidelines, really — and it is unenforceable.

That’s because city council does not have the legislative authority to make such a bylaw. It would require, as pointed out by the city’s own auditor in 2015, an amendment by the provincial government of the City of Winnipeg Act.

The auditor’s recommendations, referred to in the current report to EPC, point out that without that legislative authority, there can be no investigation of lobbyist activities that are not reported, nor any enforcement or punishment for non-disclosure. The auditor concluded that in such circumstances, a registry “would provide little value.”

So, what will come of this policy?

Well, some individuals or groups will voluntarily register their activities within the 10 days now recommended by the administration. But some won’t.

So, then there will be the “official” voluntarily recorded lobbying interactions open to public scrutiny, and the “unofficial” undisclosed activities by those who don’t register their interactions with elected and public officials.

The activities of both registered and non-registered interactions can be perfectly useful, legitimate and entirely welcomed (indeed, sought, as is often the case) by civic officials, but only one type will be made public.

I am registered as a lobbyist federally because of the work that I have done as a member of the board (now chairman) of CentrePort Canada. The federal rules are clear, and I am on record as having made the case for CentrePort in federal offices.

However, I am not registered provincially because Manitoba’s Lobbyist Registration Act’s definition of lobby work — according to my counsel’s legal interpretation — excludes the bulk of my contact with decision makers. The provincial act’s criteria mean that many groups and individuals who advise or seek to influence decision-making are similarly and legitimately not registered.

Are Manitobans better informed about who is talking to provincial politicians and public servants — and why — outside of the regular public process of consultation? I doubt it.

City council can craft a sound, meaningful registry bylaw that would benefit everyone. To do that, it should follow the advice of its own auditor, who said the city’s charter must be amended to allow passage of a bylaw with clout.

One last thing: to my knowledge, the city did not consult in the community at all before proposing this lobbyist registry. This proposed policy skips the advance work required to lay the strong foundation of a workable bylaw. And that, as noted, is just bad policy.