



democracy Watch
émocratie en surveillance

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Nancy Bélanger, Commissioner
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June 22, 2022

RE: Joint letter from 14 organizations and two individuals calling for key ethical lobbying changes to the proposed new *Lobbyists' Code of Conduct*

Dear Commissioner Bélanger:

We, the undersigned 14 organizations with supporters totalling more than 1 million Canadians, and the undersigned 2 individuals, oppose your proposed new Rule 6 in the *Lobbyists' Code of Conduct*, and most specifically the 1- to 2-year "cooling-off periods" and lists of political activities that Rule 6 refers to that are set out in the Appendix of your proposed new *Code*, and also the possibility in Rule 6 that you could grant a further reduction of the cooling-off periods.

Your proposed new Rule 6 blatantly contradicts current Rule 6 in the current *Code*, and the proposed new Objectives and Expectations sections, and proposed Rules 5, 7.1 and 7.2, in the proposed new *Code*, all of which strictly prohibit lobbying when there is even an appearance of a conflict of interest. New Rule 6 also blatantly contradicts proposed new Rules 3 and 4 that prohibit lobbyists giving gifts or hospitality to politicians, government officials and other office holders worth more than \$30 annually. New Rule 6 also blatantly contradicts section 10.11 of the *Lobbying Act*, which prohibits Cabinet ministers, their staff, Cabinet appointees and MPs from lobbying the federal government for 5 years after they leave their position.

If, to have ethical lobbying, lobbyists need to be stopped from giving gifts or hospitality worth more than \$30 annually, and stopped from lobbying anytime there is an apparent conflict of interest, and stopped from lobbying for 5 years after they leave public office, they also need to be stopped from raising money

and campaigning for politicians and parties and then lobbying them only 1 to 2 years later.

Doing any fundraising or campaigning for a politician or their party is a significant favour that creates an appearance of a conflict of interest that lasts for several years, and arguably for the entire time the politician remains in politics. Clinical testing by leading psychologists such as Robert Cialdini over several years has shown clearly that doing favours for someone creates a powerful sense of obligation to return the favour that lasts for years.

For example, Prime Minister Trudeau and any of his Cabinet ministers and MPs who were first elected in 2015 clearly still owe the people who fundraised or campaigned for them in any way to help them first win power, as does every other party leader and MP still owe everyone who first helped them win election. They wouldn't have the pay, perks or power they have today if they had not won that first election.

As a result, we call on you to:

1. Delete proposed new Rule 7.1 from the proposed new *Lobbyists' Code* and replace it with current Rule 6 in the current *Code*, which prohibits a lobbyist from doing or proposing to do anything that places a public office holder in a real or apparent conflict of interest;
2. With regard to proposed new Rule 6 in the proposed new *Code*, in the Appendix increase the proposed cooling-off periods for high-level "political work" (i.e. being a senior campaign official and/or organizing fundraising efforts and/or developing or coordinating political research (including polling), data analysis, messaging or advertising and/or organizing campaign, candidate or party events) and for "other political work" (i.e. being a part-time or almost near full-time assistant campaign official, campaign office manager, researcher, pollster or event organizer and/or campaigning through distributing campaign materials and/or fundraising through soliciting donations and/or canvassing nearly full-time) from your proposed 1-2 years to 10 years;
3. Create a new category of "low-level political work" (i.e. part-time or occasional canvassing, campaigning, fundraising, research, data analysis, polling or event organizing) for which the cooling-off period is 5 years;
4. Add "canvassing or volunteering a couple of times during a campaign period" to the list of activities at the end of Appendix section on "political work" – activities that many voters do and, therefore, activities that can be done without having to sit out from lobbying for any time period;
5. Remove the requirement that the "other political work" activities have to be done full-time with frequent interaction with the candidate or official, as any of the listed activities done even once (other than canvassing a couple of times) with the candidate or official just knowing about it is enough to create an apparent conflict of interest that lasts for years, and;
6. Remove from the new *Code* Rule 6 the possibility of the Commissioner granting any reduction of these cooling-off periods.

If you do not make the above changes to your proposed new *Code*, you will be gutting current Rule 6 in the current *Code*, and the current cooling-off periods of 5 years, and you will allow for rampant, corrupt favour-trading in federal politics. You will also make it legal for federal Cabinet ministers and MPs to make decisions under the *Conflict of Interest Act* and *Conflict of Interest Code for Members of the House of Commons* that help the lobbyists (and their clients) who fundraised or campaigned for them because their relationship with those lobbyists will no longer be "improper" given it will be legalized under your proposed new Rule 6 of the *Code*.

The above listed changes are needed to clearly prohibit anyone who fundraises or campaigns in any substantial way for a politician or party from lobbying the politician or top party politicians and officials until at least 5 years later and, for top-level fundraising and campaigning, 10 years later.

Please do the right thing by making the above changes to your proposed new *Code*. You have said several times since you took office in January 2018 that you are dedicated to ensuring transparent, ethical lobbying. Your proposed new *Code* will instead increase the level of unethical lobbying exponentially.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Duff Conacher', with a stylized, cursive script.

Duff Conacher, Co-founder of Democracy Watch
on behalf of the Board of Directors of Democracy Watch

And the following 13 organizations with supporters totalling more than one million Canadians:

[B.C. Civil Liberties Association](#)
[Canadian Institute for Information and Privacy Studies](#)
[Centre for Free Expression](#)
[Climate Action Network](#)
[Dogwood](#)
[Ecology Action Centre](#)
[Leadnow](#)
[MakeWay](#)
[OpenMedia](#)
[Prevent Cancer Now](#)
[Sierra Club B.C.](#)
[Stand.earth](#)
[Unlock Democracy Canada](#)

And the following two individuals:

Alan Broadbent
David Suzuki