

Standing Committee on Access to Information, Privacy and Ethics  
Sixth Floor, 131 Queen Street  
House of Commons  
Ottawa, Ontario  
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Via E-mail: [ETHI@parl.gc.ca](mailto:ETHI@parl.gc.ca)

March 6, 2023

**RE: Joint call on Committee to reject Commissioner of Lobbying's proposed changes to key ethical lobbying rules in the *Lobbyists' Code of Conduct***

Dear Committee members:

You are currently reviewing Commissioner of Lobbying Nancy Bélanger's proposed changes to the *Lobbyists' Code of Conduct*, including key ethical lobbying rules in the *Code*.

In the current *Code*, Rules 6 and 9 and a guideline the Commissioner has issued concerning Rule 9 prohibit lobbying for 4 years (a "full election cycle" i.e. until after the next election) after a person does any significant campaigning or event organizing, or any fundraising, for a politician or party.

If a person only makes a donation, volunteers a bit on a campaign, attends a fundraising event or puts an election sign on their lawn, they are not prohibited from lobbying at all, because many voters engage in these same low-level political activities.

In contrast, Commissioner Bélanger's proposed new Rule 6, and the definitions of "political work" and "other political work" in the Appendix of her proposed new *Code*, will allow lobbyists:

1. To secretly campaign for and fundraise for politicians and parties up to nearly full-time (including raising an unlimited amount of money for them) while lobbying them;
2. To secretly be a second-level, full-time campaign staff person for a politician, riding association and/or party and then only be prohibited from lobbying for 1 year;
3. To secretly be a top-level, full-time campaign staff person for a politician, riding association and/or party and then only be prohibited from lobbying for 2 years;

and not only can all of this campaigning and fundraising be done in secret, but also the Commissioner is proposing to give herself the power to secretly reduce a lobbyist's 1-2 year lobbying prohibition down to an even shorter time period.

Commissioner Bélanger is claiming that a legal opinion her office paid one law firm to do for her says that the current 4-year prohibition on lobbying violates the *Charter* right to freedom of expression and would be rejected by the courts. Commissioner Bélanger refuses to make this opinion public.

We disagree. The Supreme Court of Canada (SCC) has made it very clear in its rulings that protecting government integrity, and the integrity of policy-making processes, is a priority objective in order to ensure we have a democratic system of government in Canada.

The SCC has also made it very clear in its rulings, as have other Canadian courts, that reasonable limits can be put on *Charter* rights in order to ensure government and policy-making integrity, and actually that these limits are needed to protect our democracy.

It is an entirely reasonable limit to prohibit a person who does anything significant to help a politician or political party from lobbying the politician, party leader and top party officials for 4 years. That prohibition ensures that lobbyists don't lobby people they have helped – which helps ensure ethical lobbying and protects the integrity of government and policy-making.

For all these reasons, we call on the Committee to reject the Commissioner's proposed changes. The current Rules 6 and 9 properly prohibit, for 4 years, a person from lobbying a politician, party leader or top party officials after doing significant campaign activities, or any fundraising, that helps the politician or their party during an election or between elections.

Whether the Committee calls on the Commissioner to leave current Rules 6 and 9 in the *Code* in their current form, or to adapt them to the context of the proposed new Code, the Committee should call on the Commissioner to:

1. Ensure under proposed new Rule 6 that when a person does significant campaigning or provides significant assistance to a politician or party, or any fundraising, they are prohibited from lobbying for at least 4 years, to ensure they can't lobby the people they assisted before the next election;
2. Ensure under proposed new Rule 6 that a person is only allowed to lobby right away after political activity if the person has only volunteered or campaigned a few times for a politician or party during an election campaign or between elections (without doing any fundraising), and;
3. Prohibit any reductions of any lobbying prohibition time periods.

Signed,

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