



Railway Association
of Canada



December 5, 2014

Ms. Karen E. Shepherd
Commissioner of Lobbying
255 Albert Street – 10th Floor
Ottawa, ON K1A 0R5

Dear Commissioner:

We are writing to you today on amendments to the Lobbyists' Code of Conduct.

As you acknowledge, lobbying is a legitimate activity. As advocates for some of Canada's large resource and transportation sectors, we are active lobbyists. We believe this engagement with government helps ensure sound public policy outcomes in the interests of all Canadians. We fully accept and agree that for our sectors to be represented well, our conduct as their representatives must be beyond reproach. We all operate in full compliance with the Lobbyist Act and adhere to the Code.

We have grave concerns, however, regarding some of the proposed amendments to the code of conduct, specifically the new proposal that would prohibit lobbyists from lobbying their friends (and those persons who work for friends). Defining "friends" is problematic, raising a number of questions, such as:

1. How would "friend" be defined?
2. What if, over the course of months or years engaging with a public official, one became a "friend" of that person? Would one have to cease having any dealings with that person? At what point would that change occur and by what criteria?
3. What if one had been a friend but had fallen out of contact – how would one define such a relationship?
4. Would a public servant be prevented from undertaking certain positions within government if that meant that s/he might have cause to be lobbied by a "friend"?

These and related concerns leave us of the view that the provision is unenforceable as currently drafted. Moreover, in our view, there is no concern raised by the Commissioner in the background paper that justifies such a significant change. As the purpose of the *Lobbying Act*, and the instruments published under it, is to ensure transparency, we caution that such a change might frustrate as opposed to enhance that goal.

Moreover, to further limit lobbying activities to any person who reports to that 'friend' is very severe. The draft code notes that a lobbyist "shall also not lobby other public office holders who work within that public office holder's area of responsibility." The reporting requirements for communications achieve the goal of transparency, and if there is untoward behaviour that may happen as a result of a friendship, business relationship or family connection, the public disclosure of the meeting and the registration of the person in question should be sufficient to meet the needs identified by the Lobbying Commissioner. The prohibition created in the draft code of conduct is unwarranted, will significantly curtail legitimate activities, erode the development of sound public policy and place limits on natural human interactions and behaviour. It would be a step, moreover, that would cast an unjustified shadow on an industry that operates ethically and responsibly.

Yours sincerely,



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