



Ducks Unlimited Canada
Conserving Canada's Wetlands

December 19, 2014

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

Dear Commissioner Shepherd,

Thank you for the opportunity to comment on the proposed changes to the *Lobbyists' Code of Conduct*.

As Canada's leading wetland conservation organization, government and industry relations programs are an integral part of our work. We engage with decision makers at all levels of government on a regular basis in order to advance effective, science-based wetland conservation policies across Canada.

Our organization fully recognizes the need to ensure transparency and accountability in all government relations activities. We believe that a strong lobbying oversight regime is necessary for reducing the potential for conflict of interest, or the appearance thereof, in interactions with designated public office-holders (DPOHs).

However, we are concerned that the proposed changes to the *Code* regarding "preferential access" and "political activities" may lead to confusion, and may place undue limitations on legitimate advocacy activities.

Sections 7 and 8 of the revised *Code* would restrict a lobbyist from engaging with a DPOH who is a "relative or friend of the lobbyist or has financial or business dealings with the lobbyist." In our view, these terms are inadequately defined, and the provisions themselves are both unjustified and likely unenforceable.

We would strongly recommend that your Office provide clear, reasonable and specific definition of the terms "relative" and "financial or business dealings". These terms as currently presented are too ambiguous and too broad in scope, and would almost certainly lead to onerous and unnecessary compliance issues.

Conversely, we do not see how a clear or reasonable definition of the term "friend" could possibly be provided, and we would therefore recommend that it be completely removed from the proposed *Code*. Friendship being an inherently subjective concept, the inclusion of this term in the *Code* will be highly problematic for all advocacy organizations, but particularly for grassroots, volunteer-driven NGOs such as our own.

The proposed wording of section 9, prohibiting the lobbying of a public office holder on whose behalf a lobbyist has undertaken "political activities", would seem to invite similar compliance issues, and would unacceptably restrict the democratic rights of Canadians.

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From a legal standpoint, it is troublingly unclear what would constitute either “political activities” or a “sense of obligation”. This prohibition as currently worded could conceivably forbid lobbyists from fully exercising their constitutional rights to freedom of expression and peaceful assembly, for example by preventing them from attending a local all-candidates’ debate, or even putting up a lawn sign.

The further prohibition against lobbying “other public office holders who work within that public office holder’s area of responsibility” is also unreasonably restrictive. For example, the “area of responsibility” of the Prime Minister’s Office or the Treasury Board could be interpreted as encompassing all government departments.

We urge your Office to reconsider the inclusion of this unjust and discriminatory prohibition in the revised *Code*.

Ducks Unlimited Canada has long upheld the highest ethical standards in all our advocacy activities, and we support your Office’s commitment to enhancing public confidence and trust in the integrity, objectivity and impartiality of government decision-making. However we feel that these proposed changes to the *Lobbyists’ Code of Conduct* are unwarranted, and would unfairly restrict legitimate public policy work.

We hope that our comments have been useful, and we look forward to your response.

Yours sincerely

A handwritten signature in black ink that reads "Gregory E. Siekaniec". The signature is written in a cursive style with a large, looping initial 'G'.

Gregory E. Siekaniec
Chief Executive Officer