



December 19, 2014

Ms. Karen Shepherd  
Commissioner of Lobbying  
255 Albert St.  
Ottawa, Ontario K1A 0R5

**Re: Proposed Revisions to the *Lobbyists' Code of Conduct***

Dear Commissioner Shepherd:

Thank you for the opportunity to provide comment on proposed changes to the *Lobbyists' Code of Conduct*. The Canadian Electricity Association (CEA) is the national voice of the electricity sector in Canada. Every day, CEA members generate, transmit and distribute electricity to industrial, commercial, residential and institutional customers across Canada.

Since our Association was founded in 1891, CEA has communicated the views of our diverse membership to the federal government and been a robust contributor to policy and legislative development at the federal level.

At all times, CEA fully complies with *The Lobbying Act and The Lobbyists' Code of Conduct* in all activities relating to advocacy on behalf of members. We appreciate the work of your office and the support from your staff when questions arise relating to various aspects of our registration and reporting of communications.

Earlier this year, CEA appreciated being invited to participate in the Office of the Commissioner of Lobbying's Advisory Group of Representatives and to have the opportunity to contribute to the revision of various information and administrative elements of the registration and reporting processes and to your website.

At all times, simplicity and clarity in all aspects of our interface with your office and the *Act* enables more efficient processes with the shared goal of ensuring the integrity of the *Act* and its administration.

While CEA is generally supportive of the changes proposed to the *Code of Conduct*, we have concerns with specific revisions to Rule 8 and have proposed recommendations below.

We believe this proposed new rule is well-intentioned in that it is an attempt to provide clarity in response to criticisms of the current Rule 8 to address preferential access and political activities. However, with the proposed revisions to Rule 8 on Improper Influence/Preferential Access, any proposals that will restrict contact by lobbyists with "friends" who are public office holders is overarching and requires clarification. In our view, there is no concern raised by the Office of the Commissioner of Lobbying in the background paper that justifies such a change, and, more importantly, this provision is unenforceable as currently written.

The lack of definition of “friend” in the proposed revisions fails to adequately reflect the diversity of relationships between lobbyists and public office holders, specifically in Ottawa where personal and professional networks often overlap at our schools, the hockey arena, online, etc. Restricting a registered lobbyist from contact with any public office holder within the friend’s “area of responsibility” is so broad that it could be interpreted to include entire federal departments. In the case of the most senior Designated Public Office Holders in the Prime Minister’s Office or Privy Council Office, the proposal could reasonably be interpreted to restrict communications with all of government. If the purpose of the *Lobbying Act* and the instruments published under it is to ensure transparency, it is our view that such a provision might frustrate as opposed to enhance that goal that will likely divert resources away from more fundamental concerns regarding the relationship between lobbyists and government.

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. If there is inappropriate behaviour taking place 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 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. In our view, it would be a step that would cast an unjustified shadow on an industry that operates ethically and responsibly.

CEA appreciates the opportunity to provide feedback and to recommend revisions that we hope will be considered to ensure that our lobbying activities can continue to be conducted in full compliance with the *Act* and *Code* and that have the clarity and administrative efficiency to benefit both our Association and the work of you and your staff.

Sincerely,



Jim R. Burpee, P. Eng.  
President and Chief Executive Officer

