



HEART &
STROKE
FOUNDATION

FONDATION™
DES MALADIES
DU CŒUR
ET DE L'AVC

December 18, 2014

Karen Shepherd, Commissioner of Lobbying
255 Albert Street
10th Floor
Ottawa, Ontario K1A 0R5

Dear Ms. Shepherd,

On behalf of the Heart and Stroke Foundation I am writing to provide you with some feedback on the draft amendments to the lobbyists Code of Conduct.

While we support the objectives of the *Code of Conduct*, and with the necessity of acting in a manner that places public office holders in neither a conflict of interest, nor the appearance of a conflict of interest, some of the proposed wording raises potential concerns, most notably around the use of the words “friend” and “relative.”

The term “relative” is not defined in the proposed *Code of Conduct*. The HSF notes that the *Conflict of Interest Code for Members of the House of Commons* defines “relative” as a spouse, common-law partner, or minor child, adopted child, or child of a common-law partner, while other statutory and regulatory instruments provide different definitions. We recommend that the proposed *Code of Conduct* be amended to provide a clear definition of “relative” in order to provide certainty and reduce the likelihood of compliance issues.

In a similar vein, the word “friend” is problematic. “Friend” is perhaps more difficult to define than “relative,” but the absence of an objective standard in the proposed *Code of Conduct* is extremely troubling. The leaders of charities and nonprofits – who are also usually responsible for any lobbying activity – are often well-known and active in their communities. The same can be said about Members of Parliament and many senior public servants. Indeed, there are a number of MPs who were once, themselves, leaders of organizations in our sector. Many senior public office holders also serve as volunteers and board members with charities and nonprofits. At what point does being a peer and colleague, or an acquaintance, cross into the realm of friendship? The answer to this will always be subjective, but the absence of clarity will make compliance and enforcement much more difficult. In the absence of a clear and reasonable definition, we recommend striking the word “friend” from the proposed *Code of Conduct*.

The proposed section 8 goes on to state that, where a problematic relationship with a public office holder exists, “[a] lobbyist shall also not lobby other public office holders who work within that public office holder’s area of responsibility.” We have two concerns with this section:

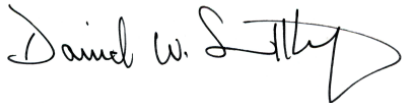
Where the public office holder is a Minister of the Crown, the implication is that a lobbyist who has a personal relationship with that Minister may not engage with any public office holder working within the Minister’s Department, or at any agency that reports to or through that Minister. We believe this would be far too broad a prohibition, and could have a serious detrimental effect on the ability of organizations to make representations to government.

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Given that lobbyists employed within an organization share one registration with their responsible officer, it could be implied through the draft amendments that any prohibitions on lobbying activity by the responsible officer would extend to other individuals within that organization. This would be an unacceptably broad prohibition on the ability of organizations to engage with government.

Thank you for the opportunity to provide feedback on the draft amendments. We would be more than happy to discuss our comments with you should you have any questions. I look forward to hearing back from you.

Sincerely,

A handwritten signature in black ink that reads "David W. Sculthorpe". The signature is written in a cursive style with a large, sweeping flourish at the end.

David Sculthorpe,
Chief Executive Officer