

## Top guns in Tory movement offer differing views on fixing Lobbying Act

By: Jennifer Ditchburn, The Canadian Press

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OTTAWA - Michael Coates and Guy Giorno have had unique access to Stephen Harper, in both cases having worked with him during election campaigns, and Giorno was Harper's last chief of staff.

But while the two men might have matching political allegiances, they offered often divergent views this week on how to improve the country's lobbying rules.

The House of Commons access to information, privacy and ethics committee has offered a soapbox to some former Conservative and Liberal political hands in its review of the Lobbying Act.

Coates, president of public affairs and lobbying firm Hill and Knowlton Strategies Canada, helped prepare Harper for debates over three consecutive elections. But Coates didn't volunteer his services in 2011 because of what many in the lobbying industry see as unclear rules around whether they can be politically involved.

Hill and Knowlton, the Government Relations Institute of Canada and the **Public Affairs Association of Canada**, have all advocated for some more clarity in what they're able to do. For example, some would like to see the lobbying commissioner give them an opinion before they engage in a certain political activity.

"Canadians are Canadians. I don't know how you can take democratic rights away from one group of people," Coates told the committee.

"I have a right to be able to work on behalf of a political party. I'm getting on, maybe campaigning is past me, but think of all these young people who are coming up in our profession. Why shouldn't they be able to run a campaign or take part in a national campaign? What a tremendous experience they'd be gaining."

New Democrat MP Dany Morin said he saw a problem with someone raising money and helping a candidate get elected, and then turning up in their office to lobby.

"Personally, I see a conflict of interest, where you wouldn't just be a regular volunteer like a senior placing calls in my riding," Morin said.

Coates, joined by senior Hill and Knowlton senior vice-president Elizabeth Roscoe, also said they would like to see lobbyists file quarterly rather than monthly reports about their communications with ministers and other public office holders.

Coates argued some clients don't want to meet with officials anymore because they feel their corporate strategies are being revealed to the competition when the reports are posted online.

Giorno, a lawyer and expert in lobbying laws, is backing all the recommendations made by commissioner of lobbying Karen Shepherd — and then some.

Speaking on behalf of the Canadian Bar Association, Giorno advocated earlier this week for greater transparency in the monthly communications reports. He said anyone who meets with a public office holder should be listed in the posted reports, not just the CEO of the company. Ditto for all the officials at the meeting, he said.

Giorno and the bar association didn't offer a direct opinion on the subject of political activity and lobbyists.

What nearly everyone who has testified before the committee agrees on, including Shepherd, is the need to give her office more clout.

The concept of administrative monetary penalties is seen as a way of both expediting the investigation process into alleged breaches of the Act, and of deterring would-be violators.

Currently, Shepherd can only file reports to Parliament and refer matters to the RCMP or the director of public prosecutions. She does not levy fines.

Giorno underlined that the RCMP have never laid a single charge after getting a file from the commissioner. He said he referred a case to Shepherd that subsequently went on to the RCMP while he worked in Harper's office.

"I never heard the result of the RCMP investigation, but the commissioner's latest annual report indicates that after every single act lobbying investigation, the RCMP declined to lay charges," said Giorno, without naming the alleged violator.

"This must include the case I referred, even though it included a clear and blatant attempt to arrange a meeting contrary to the five-year ban."

Shepherd has grappled with a number of cases of alleged and confirmed Lobbying Act violations involving Conservatives. Former Harper adviser Bruce Carson is still under investigation by Shepherd for approaching public office holders about a water project his girlfriend was involved in without being registered as a lobbyist.

Shepherd found former Tory MP Rahim Jaffer and his former business partner contravened provisions of the Lobbyists' Code of Conduct.

The Conservative government's five-year ban on lobbying for former politicians, their staff and senior bureaucrats has come up sporadically in the committee's review of the Lobbying Act.

A few Tory MPs have hinted that perhaps the Act goes too far.

"I feel like I've gained a lot of knowledge, and I think it's valuable to other people who are dealing with government," said MP Colin Mays.

"And I'm just wondering if five years isn't a little overboard, that there should be an opportunity for people like myself when I'm finished here to be able to share some of that experience and knowledge that I've gleaned from my years of service."