



February 16, 2022

Ms. Nancy Bélanger
Commissioner of Lobbying
Office of the Commissioner of Lobbying of Canada
410 Laurier Avenue West, 8th floor
Ottawa, Ontario K1R 1B7

Dear Commissioner Bélanger,

Thank you for the opportunity to comment on the draft Code.

The Code in its current form is not broken by any means. Lobbyists have adapted to it notwithstanding the gray areas that require guidance. The guidance issued in 2019 on Gifts, Political Activities and Preferential Access added much needed clarity and struck a reasonable balance. Unfortunately, the current draft version of the Code contains elements that are unworkable, unenforceable and present an overreach specifically with the definitions of close relationships, low-value gifts and political activities.

The Conference for Advanced Life Underwriting (CALU) fully supports the Canadian Society of Association Executives (CSAE), the Government Relations Institute of Canada (GRIC) and the Public Affairs Association of Canada (PACC) submissions on behalf of their members and the industry and specifically want to draw attention to the following:

1. The draft Code has eliminated the current preamble which explicitly states several important principles that underscore the legitimacy of lobbying and the importance of free and open access to government.
 - Recommendation: The Code should clearly state that lobbying is a legitimate and normal part of our democratic process, and the exchange of ideas and information strengthens government and public administration. It is critical that the Code explicitly state that free and open access to government is an important and integral part of participating in our democracy and that lobbying is a legitimate activity.
2. Gifts: The draft Code sets a \$30 maximum (including taxes) for any gift. With respect to hospitality, for example at receptions, the same limit applies.
 - Recommendation: The simplest and clearest way to handle gifts is to keep the current wording in the existing Code, which relies on ethics rules of designated public office holders and states that a lobbyist shall not offer or promise a gift “which the public office holder is not allowed to accept.”



3. Close relationships: The draft Code sets out a definition for close relationships that includes working relationships, such as being partners, colleagues or allies in the same office, sitting together on a board of directors and delivering a program or service together.
 - Recommendation: Simply having worked in the same office, sat on the same board, or delivered a common program should not necessarily constitute a close relationship between two people.

4. Political activities: The draft Code proposes to apply a one-year cooling-off period to anyone undertaking limited, non-strategic, political activities, including simply canvassing. The draft also proposes to include parliamentary secretaries under this ban, meaning that if a candidate you canvassed for is appointed minister or PS, that entire minister's office, including all staff, is off limits for a year.
 - Recommendation: A limitation on registrable activities as a result of political activity is a prima facie violation of Section 2 and Section 3 of the Charter of Rights and Freedoms. The proper venue for limiting Charter Rights is not through a consultation on a non-statutory instrument.

CALU is a national professional membership association of leaders in the life insurance and financial advisory industry. For over 30 years, CALU has engaged in public policy advocacy on behalf of its members and the more than 17,000 member-clients of its partner organization, Advocis.

Thank you for the opportunity to participate in this important consultation.

Best regards,

Guy Legault
President & CEO
Conference for Advanced Life Underwriting