
The Lobby Monitor

November 23, 1998

Volume 10, Number 4

In this issue

The Ontario act on lobbyist registration moved a step closer to being law with the end of committee hearings. All that remains is clause-by-clause and third readings. At the hearings, MPPs heard Speaker Chris Stockwell call for an Integrity Commissioner responsible only to the legislature, and a call from lobby firms to remove the penalty for placing a public office holder in a position of conflict or failing to deregister.

Whether the committee will heed this advice should be evident on November 25th. (2)

Lobby notes (3)

Consultant registrations (94)

Organizational Registrations (5)

Corporate Registrations (6)

The state of the environmental lobby: Kyoto, climate change, PVC, sulphur in gas, seals and whales: the frequency of registrations continues to climb with the number of issues. (7)

Registrations in this issue

Client Organizations

Bell Canada
Cala TMPW services
Canada's Sports Hall of Fame
Cdn Banking Ombudsman
Cdn Courier Assn
Cdn Satellite Comm
Cleartnet Comm
Co-op Housing Fed
Cran & Stenning Tech
Crop Protection Inst
FR Aviation ltd.

General Financial Corp
Int'l Fund for Animal Welfare
Northrop-Grumman
Ritvik Toys Inc.
Trillium Growth Capital
United Parcel Service Canada
Wal-Mart Canada

Lobby Organizations

CFN Consultants
Cooper Briggs Lyons
Devine & Associates
Fraser Milner (Ott)

Fraser Milner (Tor)
Global Public Affairs
GSI Grants Consultants
Hill & Knowlton Canada (Ott)
Inter/Sect Alliance
Prospectus Assoc
PSC Public Sector Corp (Ott)
SAMCI (Ott)
Summa Strategies
Tactix Gov't Cons

Harris stocking stuffer

In Toronto, the Ontario Government's Standing Committee on the Legislative Assembly will meet to give clause by clause consideration of Bill 69, An Act to Amend the Members' Integrity Act, 1994 and to enact the Lobbyists Registration Act, 1998, on Wednesday, November 25. Current expectations are that it is not expected to take more than the allotted time and that it will be back in the legislature before Christmas for third and final reading.

There was one day of hearings on Bill 69. On that day, the committee heard from the Speaker of the Ontario Legislative Assembly, *Chris Stockwell*; *David Miller* from **Hill and Knowlton** representing **GRIC**; and *James Crossland* and *Bob Carman* representing **GPC**. The committee also received briefs from *Susan Murray* of **SAMCI** and from the **Alliance of Exporters and Manufacturers**.

Who reports to whom?

For Stockton, the issue was a familiar one to those who follow the federal discussions. To whom should the Integrity Commissioner report. He argued strongly that the Integrity Commissioner should report only to the legislature, and not to the cabinet as well.

"Section 1 of Bill 69 allows the Integrity Commissioner to undertake any activities assigned to him by Management Board of Cabinet. This, in my opinion, is a very dangerous and difficult piece of the legislation. In my view, this compromises the non-partisan nature of the position and indeed the trust of the commissioner. By reading this part of the legislation, I think you could argue that the bill has the potential to put the Integrity Commissioner himself, ultimately the person who measures the integrity of the members, in a con-

flict of interest, which is ironic at best and dangerous at worst. Now you have the Integrity Commissioner, who has the most private and personal information of all members on all sides of the House, put in a situation of responding, reacting and reporting to a partisan member of the executive council who reports to the Premier of the province of Ontario. To me, that reeks of conflict of interest."

At least Mr. Stockton has half a loaf. His federal counterpart's only link to the legislature is his annual report.

Praise for lobbyists

The representatives of the lobbying community had different concerns. Both GRIC and GPC were seeking a preamble to the bill that recognized the role and contribution of lobbyists in the system of government. Said Miller:

"In this case, we think it's particularly important that the preamble to the bill reaffirm what the minister and the government said when this bill was introduced, which is stated in the federal preamble, that being that lobbying is a legitimate part of the democratic process and that the purpose of the legislation is not to inhibit it but rather to ensure it is carried out with honesty and transparency."

But watch the penalties

Miller also set the scene for the points made by Crossland and Carman by arguing for a code of ethics:

"Like a preamble, a code may not have full force of law, but we believe it can be a useful as a supporting document to the bill in setting forth accepted and expected standards of

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conduct. We would encourage you to consider the possibility of creating a specific code of conduct for the industry under the auspices of this legislation.”

This point was supported in the brief submitted by SAMCI.

The presence of a code was important because of the concern over the provisions for slapping a stiff fine of up to \$25,000 on anyone convicted of placing a public office-holder in a position of real or potential conflict of interest. GRIC, GPC and SAMCI employed several themes of argument to convince the committee that such provisions belong in a code of conduct, which should fall outside the enforcement provisions of the Act, as is the case at the federal level. Said Miller:

“Our third concern is with regard to conflict of interest. One specific provision of the legislation which concerns us is subsection 17(3), which establishes as an offence punishable by a fine of up to \$25,000, any action by a lobbyist which ‘knowingly places the public office-holder in a position of a real or potential conflict of interest.’”

The exchange between Tory MPP *Bill Grimm* and Miller was instructive.

“Mr Grimm: Section 8 in the federal code says, “Lobbyists shall not place public office-holders in a conflict of interest by proposing of undertaking any action that would constitute an improper influence on a public officeholder.” What we have done in this legislation, rather than have a code of conduct with no penalties, as is the case federally, is put in a tough section regarding conflict of interest with some tough penalties as well. Is that the reason you object to it?”

Mr Miller: No, it's not. There are already Criminal Code provisions, which obviously are much more serious than just a fine. We think that is already clearly dealt with.

Other issues

GPC raised the need to register for arranging meetings for clients even if the purpose of the meeting was not to

lobby, which raised the question of how one could prejudge what will be discussed, or how words and actions will be perceived by the office holder.

An interesting side issue is one which reflects on marketing practices and public image, namely the provision that treats failure to deregister within 30 days as severely as failure to register plus an annual attestation that the current registrations are still valid. At the federal level, there is evidence that some lobby firms are quicker to register new clients than to deregister those that they are no longer representing. On occasion, client organizations have called in to the LM offices to insist that certain lobby firms are no longer working on a file, only to be confronted with evidence of a still-active registration. GRIC and GPC argued that the onerous penalties for failing to deregister should be removed.

SAMCI also called on the Ontario government to ban contingency fees.

The lobbyist community should know by Wednesday whether they have succeeded in their efforts the change the bill.

LM

Registration Notes

Richard Mahoney of *Fraser Milner* has joined the discussions on the sort of assistance, financial and otherwise, that might be provided in moving the **Canadian Sports Hall of Fame** into the old train-station-cum-conference-centre across from the Chateau Laurier in Ottawa.

The **Association of Canadian Distillers** has a new hand at the helm. *Jan Westcott* is the new president of the association.

Don Moors has just registered at his new post at **Temple Scott**. The client is the **Canadian Banking Ombudsman** whose position is under threat from those who want an ombudsman who is not a creation of the banks.

LM

Conference on Ontario Lobby Law

The Lobby Monitor, in conjunction with **Inside Queen’s Park**, has scheduled a half-day seminar on the workings of the Act and an examination of the problems and changes that come with disclosure of lobby information. The seminar is tentatively scheduled for the last week in January.

Additions to the Lobbyists Registry

Lobby Firm	Lobbyist	Client	Issue
CFN Consultants	O'Donnell, Patrick	FR Aviation	providing advice concerning alternative service delivery
CFN Consultants	Sturgeon, Raymond N.	FR Aviation	providing advice concerning alternative service delivery
CFN Consultants	Webster, Harry	FR Aviation	providing advice concerning alternative service delivery
CFN Consultants	Sturgeon, Raymond N.	Northrop-Grumman	providing advice, assistance public and private business opportunities in the high tech field
Cooper Briggs Lyons	LeBlanc, Dominic	General Financial Corp	international events organization, francophonie summit communications
Devine & Associates	Devine, George	Co-op Housing Fed	transfer fed govt's NHA social housing programs to prov and territ govts
Fraser Milner (Ott)	Mahoney, Richard J.	Canada's Sports Hall of Fame	negotiations of govt conf centre and potential lease arrang with the reg Ottawa-Carleton
Fraser Milner (Tor)	Steeves, Christopher	Trillium Growth Capital	subsection 204.82(5) of the Income Tax Act (Canada)
Global Public Affairs	Chiasson, Edmond	Cala TMPWSservices	advice on govt advertising procurement
Global Public Affairs	Pettipas, Randy	Cala TMPWSservices	advice on govt advertising procurement
Global Public Affairs	Schiller, Francis	Cala TMPW Services	advice on govt advertising procurement
Global Public Affairs	Schiller, Francis	Cdn Courier Assn	Canada Post Mandate Review
Global Public Affairs	Schiller, Francis	United Parcel Service Canada	Canada Post Mandate Review
GSI Grants Consultants	Dann, Robert E.G.	Cran & Stenning Tech	sr&ed investment tax credits
Hill & Knowlton Canada (Ott)	Hepburn, Ken	Cdn Satellite Comm	radio spectrum broadcasting regulation telecom reg spectrum managt telecom/brdcast reg
Inter/Sect Alliance	Marcotte, Michelle	Crop Protection Inst	pest control products act
Prospectus Assoc	Evershed, Robert D.	Ritvik Toys Inc	advisories by health protection branch (consumer products division)
Prospectus Assoc	Evershed, Robert D.	Wal-Mart Canada	advisories by health protection branch (consumer products division)
Prospectus Assoc	Pristanski, William J.	Wal-Mart Canada	advisories by health protection branch (consumer products division)
PSC Public Sector Corp (Ott)	Maynard, Bruce H.E.	Bell Canada	multi-user international telecommunications network
Summa Strategies	Whiting, Kenneth	Int'l Fund for Animal Welfare	Canada Fisheries Act; marine mammal regulations; criminal code of Canada (various sections)
Tactix Gov't Cons	MacDonald, Sonja	Clearnet Comm	CRTC regulatory policy of wireless communications; Industry Canada telecommunications policy.
Temple Scott (Ott)	Moors, Don	Cdn Banking Ombudsman	monitor privacy legislation monitor financial sector reform initiatives ;bill c-54

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<i>Organization</i>	<i>Lobbyist</i>	<i>Issues</i>
Alberta Chamber of Commerce	Crowder, Keith	Canada pension plan [CPP] reforms - harmonization of enviromental policies [climate change] - regulatory reform - provincial concerns related to television and radio licensing - taxation reform
Automotive Parts Mfr Assn	Fedchun, Gerald	funding PEMD- reforms PEMD prog- "steel roundtable" - free trade agree, WTO negotiations - fed assist, incl. grants, - sci rsrch/expt dev [SR & ED] tax incnt prog - - pub health care system
B'Nai Brith Canada	Dimant, Frank	holocaust and north american culture; hate on the internet, holocaust education study tours to europe and israel for students and teachers; holocaust remembrance - international and human rights issues.
Cdn Assn of Agri-Retailers	Ryrie, Jacqueline L	transport dangerous goods regs changes pesticide manage reg agency cost recovery prog agri and agri-food can amps program agrie and agri-food canada fertilizer act changes transport can clear language initiative [CEPA] changes
Cdn Assn of Chiefs of Police	McConnell, Bryan	telemarketing fraud; crime awareness; criminal code; young offenders act; corrections & conditional release act; crown liability act; radiocommunications act; firearms act & regulations; high risk offenders criminal code of Canada
Cdn Cosmetic Toiletry & Frag Assn Cdn Die Casters Assn	Low, Charles A. Kennedy, Donald	provide advice to government on regulation and policy concerning cosmetics and drugs that are like cosmetics. release of cdca 1999 directory. to ic; nrcan; stats can; env. can. and to trade commis worldwide through dfait; cdca will continue to be involved with canmet on the climate change issue; possible contact with DFAIT Michigan single business tax issue;
Cdn Jewish Congress	Silverstone, Jack	war crimes, national unity, multiculturalism and status of women, right-wing groups in Canada, CSIS, Canadian human rights act, health care & employment equity and social safety net; advocacy for a holocaust museum in Oottawa, immigration and refugee board
Cdn Life & Health Insurance Assn	Daniels, Mark	initiatives relating to fed financial services legislation, access to the canadian payments system ,health care reform ,initiatives relating to fed financial services legislation, taxation matters ,gst reform, reform of the Canada business corporation act
Cdn Nat'l Inst for the Blind	Herie, Euclid	egis prop: copyright policies/programs: employ & train; veterans affairs; govt communic guidelines; copyright; tech disability tax credits and other taxation issues; 2001 census; accessible transpo; internat'l develop assist
Cdn Public Health Assn	Dafoe, Gerald	implement CPHA child health social advocacy strategies, world trade and MAI: CPHA will develop a policy statement importance of social clauses in multilat trade and invest agree, Cdn enviro protect act [CEPA]
Cdn Sugar Inst	Marsden, Sandra	trade: access U.S. market; monitoring U.S. export program; upcoming round WTO [world trade organization] negotiations:
Cdn Taxpayers Fed	Robinson, Walter	harmonization regulations nutrient content claims U.S. labelling and advertising
Cdn Vehicle Mfr Assn	Nantais, Mark	submissions, CPP reforms, MP compensation review commission, whistle-blower legislation (treasury board), levels of personal and corporate taxation, industry canada assistance programs
Cdn Wireless Telecom Assn	Poirier, Roger	Bank Act amend; motor vehicle safety act amend harmonization regulatory development; cdn enviro protection act [CEPA] amend; Canada labour code amend re: prohibition replace workers
Chambre Commerce du Mtl Metro Cnl for Health Research in Can	CRTC on policies, regulations and tariffs under the telecommunications act. Lacharité, Luc Fortin, Pierre	regulations under the radiocommunications act, discussion with industry canada officials concerning proposed regulatory requirements, Bank Act financial research services in Que, Tech Partnerships, electronic commerce
Coal'n Assn of Canada (The)	Downing, Donald	1. fed budget consult; 2. policies and programs health research/funding; 3. issues related to health care; 4. taxation policies with respect to charity giving and 5. Sci/tech policies and progs.
Dominion of Canada Rifle Assn Edible Oil Foods Assn Canada	Kaulbach, Thurston Lima, Ileana	air issues, particularly greenhouse gas emissions; implementation of transportation policy; minting taxation; development of emission trading regimes.
Forest Alliance of BC	Tevlin, Tom	actively lobby against imposition of regulations [firearms, gun control] nafta/gatt review tariff margarine; health can consultation on margarine standards; food and drug reg; nutrition labelling; interprovincial trade Ontario Quebec colour edible oil products act; oleomargarine act endangered species legislation

Additions to the Lobbyists Registry

Organization	Lobbyist	Issues
Heart & Stroke Found of Canada Makivik Corp Pulp & Paper Res Inst of Can	Tholl, William B. McGoldrick, Michael J. Wright, Joseph	tobacco regulation & taxation, drug policies, food information ,pharmacare, direct to consumer advertising, taxes regulation of charities gun control; James Bay agreement; Inuit involvement in unity/constit iss; tax policy iss;whaling policies;[CEAA] grants, contributions: proposals for new projects will be submitted to technology partnerships canada, to industry canada, to Forestry Canada and to environment canada
Save the Children Canada Winnipeg Commodity Exchange	De Grace, Rene Corn, Bennett	landmines, contact ministers Axworthy and Eggleton on issue of child soldiers, participation in CCIC adopt an MP campaign bill C-4 Cdn Wheat Board/ Cdn grain , market agri prod, market energy, market livestock prod cattle,hogs, internat'l trade/ commerce, amend banking/financ instit.

Corporate Registrations

Hydro-Quebec Royal Bank of Canada	Nadeau, Marie-Jose Reynolds, D. Lindsey	production, distribution and transportation of electricity. Bank Act, Trust and Loan Act (federal and provincial), Insurance Act (federal and provincial), Provincial Securities Act, Competition Act,task force on the future of Cdn financial services sector
Working Ventures Cdn Fund	Tucker, David	the subject matter of a majority of working ventures' lobbying activities relates to specific aspects of the Income Tax Act (Canada) relating to labour-sponsored venture capital corporations

Environment, Continued from page 6

concealing the size of the hunt and threatening extinction of the harp seal. IFAW is arguing that it will be the collateral fallout from that campaign that Canadians have the most to fear.

Whereas seals are the issue on the East Coast, whales are it out West. The American media has been camped out for months waiting for Indians from Washington state to exercise their right to hunt whales. The environmentalists fight to stop this has spilled over into Canada. Lawyer **Warren Kinsella**, a former Liberal candidate in Vancouver North now working with **McMillan Binch** in Toronto, is representing **The Humane Society** which is trying to stop the hunt. Among other things, The Society is trying to get the RCMP to intervene by arguing that the American natives hunting the whales will be using prohibited weapons in Canadian waters.

Timing messages

On the very same day that environmental groups were castigating the government for dragging its feet on reducing the sulphur content in gasoline and talking about the bad effects this had on the air we breathe, Pollution Probe released a report arguing that air pollution indoors posed a bigger threat to children.

State of the environment

The environmental lobby has been growing at a steady pace throughout 1998. Climate change and Kyoto have bolstered the lists of those engaged on *normal* environmental issues such as the seal hunt, endangered species and CEPA amendments. Not a week goes by, it seems without a registration of an old player on a new issue, or a new player on an old issue or any of the other possible combinations.

The CEPA amendments currently being hotly debated by the members of the Commons Committee on Environment & Sustainable Development attracted a lot of lobbyist attention as the proposals made their way through the departments and Cabinet. In the

end, it seems that the outcome was less a result of the lobbying activity and more the result of federal-provincial politics.

The policy direction on climate change and Kyoto are more malleable and salient and are thus attracting loads of corporate attention. Environmental groups are also buzzing around on these issues and CEPA, but are also putting a lot of resources behind tougher endangered species legislation.

Environment Registration Table

Lobbyfirm	Environmental	All
	Registrations	Registrations
GPC Gov't Policy Cons (Ott)	11	65
Global Public Affairs	9	47
The Capital Hill Grp (Ott)	8	106
Hill & Knowlton Canada (Ott)	7	43
Public Perspectives	7	20
SAMCI (Ott)	5	25
Gowlings (Ott)	4	21
Summa Strategies	4	13
Earncliffe Strategy Grp	3	30
Hession, Neville & Assoc	3	21
McMillan Binch (Tor)	3	18
IGRG-Industry Gov't Reln	2	28
Tactix Gov't Cons	2	12
Association House	1	33
Osler, Hoskin & Harcourt (Tor)	1	19

Environmental Facts

- 155 Associations / organizations include environment in their lobbying agenda
- 81 Corporations include environmental lobbying in their corporate strategy
- 7 other Corps where env an issue, but focus is trade or ind development.
- 124 corporations/organizations employing consultant lobbyists in the area.
- As the chart shows, this is fairly dispersed with the thirteen firms having more than 1 client in this area accounting for 68 of the 124 registrations or approximately 55% of all consultant registrations.

Recent developments

Pollution Probe has opened an office in Ottawa in recognition that more work needs to be done in town on the climate change issue. Probe's man on water, **Rick Findlay**, has been chosen to manage the Ottawa spearhead. Probe people were quick to point out that they chose to locate their office on Sparks Street, far away from the NGO/environmental crowd at 1 Nicholas Street.

Greenpeace, too, has decided to pour more time and resources into Ottawa. Last week, it recorded a major success on its campaign on vinyl toys with an updated report on the safety of some these. This culminated in an HPB product warning which, in turn, sparked more activity from the commercial sector. (See registrations this edition).

The **International Federation of Animal Welfare**, IFAW, has recently launched a major campaign on the seal hunt. They have hired **Doug Young** and **Paul Zed** in Ottawa and former major trade negotiator Mickey **Kantor** to spearhead a campaign to convince Ottawa that in its current form, the seal hunt is unsustainable. IFAW has started the campaign, basing it on arguments that Canada is

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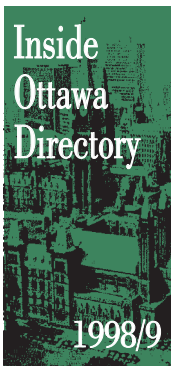
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