

**FREE TRIAL**  
**SUBSCRIBE**

Hill Times Publishing

Welcome, alyssa.j.odell@gmail.com([Subscription Center](#)) ([Logout](#))  
[Change password](#) SEARCH

NEWS LOBBY NOTES PEOPLE REGISTRATIONS COMMUNICATION REPORTS CALENDAR POLL WATCH ABOUT CONTACT BLOG

View Edit Track

Like {0}

Tweet

Print Email

A A A

## Merging Ethics, Lobbying offices needs study, says lobby czar, pitching other ideas to address 'overlap'

NEWS | ALYSSA O'DELL

PUBLISHED: WEDNESDAY, 02/24/2016 4:52 PM EST

LAST UPDATED: THURSDAY, 02/25/2016 4:25 PM EST

Lobbying Commissioner Karen Shepherd would consider the idea of studying ways to get her office and Ethics and Conflict of Interest Commissioner Mary Dawson's working more extensively together, but is stopping short of supporting the idea pitched recently by Dawson to merge the two offices.

"There needs to be further study, I think before something like that," Shepherd said in an interview with The Lobby Monitor following her appearance at a briefing before the House committee on access to information, privacy and ethics Tuesday.

On Feb. 18, Dawson told members of the committee on procedure and house affairs that [merging the two offices](#) may help with overlap and confusion over the rules and guidance dispensed by the two commissioners.

"I think it might be helpful if the two offices were together, but that's for the future," Dawson said following a question about harmonization possibilities between the two offices.

Shepherd's office administers the federal Lobbying Act and Lobbyists' Code of Conduct, while Dawson's manages affairs under the Conflict of Interest Act for public office holders and the Conflict of Interest Code for Members of the House of Commons.

"There is a problem between the Lobbying Act and the members code and the act and that is the same terminology is used and it means something different," Dawson said at committee last week.

For example, the definition of the term "public office holder" in the Lobbying Act is more broad and differs from that found in the Conflict of Interest Act, which defines public office holders as ministers, parliamentary secretaries, governor-in-council appointees or ministerial staff.

But for Graham Fox – president of the Institute for Research on Public Policy and a former federally registered lobbyist and ex-Conservative staffer – a review of all recently created independent agents of Parliament should take precedent over any plans to study merging offices.

A number of new commissioners' offices were added "in some haste" by the former Conservative mandate as it "understandably" moved to quickly fulfill election promises following the 2006 win by Stephen Harper, Fox said.

### A winning strategy is knowing what not to do



An updated 2015 guide to the rules of giving and receiving for federal lobbyists, bureaucrats and political staff and MPs.

[READ IT NOW](#)

### FIND OUT MORE ABOUT THE LOBBY MONITOR

- TAKE A FREE TRIAL
- CHANGE YOUR NEWS ALERTS
- SUBSCRIBE
- NEWS YOU CAN'T GET ANYWHERE ELSE
- REUSE AND PERMISSIONS

[SUBMIT AN EVENT](#)

#### ■ Wednesday, Feb 24, 2016

- » Canadian Nuclear Association Conference and Trade Show

#### ■ Thursday, Feb 25, 2016

- » Manning Centre Conference 2016 and Policy Advocacy Workshop

#### ■ Sunday, Mar 06, 2016

- » PDAC Convention 2016

#### ■ Monday, Mar 07, 2016

- » Energy Infrastructure: Developments, Issues and Opportunities
- » A Taste of the Arctic 2016

#### ■ Tuesday, Mar 08, 2016

- » An International Women's Day Discussion on Gender Equality
- » Canadian Chiropractic Association Reception

#### ■ Wednesday, Mar 09, 2016

- » Cattlemen's Evening of Canadian Beef, Canadian Beer and Canadian Whisky

"Before we start thinking about merging some or changing mandates on others, why don't we start with a full review of are they serving parliamentarians in the way that was originally intended," he explained.

Fox said he could see either a special committee or the procedure and house affairs committee being potential venues for such a review.

"Part of my worry is that as we multiply the number of agents of parliament, we're almost dealing parliamentarians themselves out of the business of holding government to account," the IRPP president said, agreeing that if parliamentarians had more purview to request clarification, specific information and reports it might ease some of the confusion currently noted between the Dawson and Shepherd's offices.

### Finding a 'common approach'

Shepherd said she believes both acts are still important in terms of assuring Canadians that lobbying is being conducted ethically, but added that a "common approach" to operations between the offices could be looked at, referencing the example of Toronto's Commissioner of Integrity and Lobbyist Registrar, who have a formal memorandum allowing them to work together on concurrent investigations and issue joint interpretation bulletins while remaining independent offices.

"Which I think is a great way to deal with the concern of where there is confusion on parts [of mandates] where there is overlap," Shepherd said of the concept of joint advisories or interpretations.

In Ontario, the Office of The Integrity Commissioner is responsible for administering rules under five pieces of legislation that covers six mandates, including MPP integrity, minister's staff ethical conduct and lobbying registration.

While noting that it's only been just over ten years since the responsibilities for overseeing Canada's federal lobbying regime were transferred away from the then-federal ethics counsellor to the Office of the Registrar of Lobbyists in 2004, Shepherd said she was open to the idea of studying ways the two offices could increase working together.

"The reasons for that [2004 transfer], as I understand, was because of institutional bias and also dual mandates, but I don't think there was ever anything that stopped or prohibited the offices in acting in any way but a harmonious manner," she said.

Reaction among lobbyists who spoke with The Lobby Monitor on a background basis was mixed on this statement, with many saying that although Shepherd has gone through efforts to ensure her guidance both refers and aligns with previous directives from the Office of the Ethics Commissioner, the same cannot be said of Dawson.

"I think they [Dawson's office] view their independence in a different way, and for me that's problematic," said Government Relations Institute President André Albinati [Friday](#), adding that the professional group would be "positively inclined" to proposals for the Ethics and Lobbying offices to better "pool resources."

Stakeholders, parliamentarians and lobbyists have previously told The Lobby Monitor that "conflicting advice" on gifting rules [from the two offices](#) was a persistent challenge, highlighting harmonization concerns between the offices' regulations and advisory opinions.

"It does make some sense to have both of them under one banner, because obviously what might be a conflict for a public office holder ... needs to be in line with [lobbyists]," said Public Affairs Association of Canada president John Capobianco in a phone interview with The Lobby Monitor.

The fact that both Shepherd and Dawson's terms expire in summer 2016 "makes for

### ■ Thursday, Mar 10, 2016

» Discussion on Criminal Justice Reform

### ■ Friday, Mar 18, 2016

» Political Staff in Parliamentary Government

[SEE MORE](#)

## VIEW NEWS COMPILED WEEKLY

■ Feb. 19, 2016 [VIEW](#)

■ Feb. 12, 2016 [VIEW](#)

■ Feb. 05, 2016 [VIEW](#)

■ Jan. 29, 2016 [VIEW](#)

■ Jan. 22, 2016 [VIEW](#)

[SEE MORE](#)

## MORNING BRIEF

### ■ Shepherd urges further study on merging offices, ethics commissioner rules against ex-Conservative MP

Feb. 25, 2016 12:00 am.

SHEPHERD SAYS FURTHER STUDY NEED BEFORE MERGING OFFICES OF ETHICS AND LOBBYING...

[VIEW](#)

### ■ Tanning industry advocate, Toronto-area municipality return to lobbying on the Hill

Feb. 24, 2016 12:00 am.

DAY AT THE REGISTRY: The professional tanning industry has revived its lobbying...

[VIEW](#)

### ■ Suncor, municipalities and educators lead January lobbying on the Hill

Feb. 23, 2016 12:00 am.

GR ACTIVITY JUMPS IN JANUARY AFTER SLOW FALL: Lobbying activity on the Hill...

[VIEW](#)

### ■ Consider merging Conflict of Interest, Lobbying offices, ethics watchdog tells PROC

Feb. 22, 2016 12:00 am.

WHEN TWO BECOME ONE: Merging the federal offices of the Ethics and...

[VIEW](#)

### ■ FPAC selects new CEO; pre-budget consultations draw energy, health stakeholders

Feb. 18, 2016 12:00 am.

NEW FPAC CEO LEADS QUEEN STREET MOVES: After just over two months...

[VIEW](#)

[SEE MORE](#)

interesting timing," he said, if something along the lines of merging the two offices was moved ahead.

"There's a lot of things that sort of naturally make sense for this to happen," Capobianco said, adding that it would be crucial to consider whether it "gives too much power to one person" to oversee both mandates.

It's the first time PAAC members have heard the suggestion of combining the offices, and he added that other changes to increase cooperation and communication between the Dawson and Shepherd's office could be an alternative to the idea of merging.

Still, GR stakeholders warn that embarking on a review of the two commissioners' mandates would be a large legislative undertaking that would take time and could pose its own challenges.

"I would be very interested in pursuing the examination [of merging the offices], but it's something that would take a lot of time and will involve the review of several acts of Parliament," said Ottawa lawyer and veteran lobbyist Scott Thurlow, in a phone interview with The Lobby Monitor.

He said there is still plenty of confusion in the government relations community about ethics and conflict of interest obligations for both lobbyists and public office holders, but that using "common sense and good judgment" should be enough to help guide lobbyists waiting for clarification or harmonization moves from the commissioners.

### **Committees consider future agendas**

While committee members at PROC made no firm commitment to push the study of merging the two offices forward, there appeared general interest in the idea from at least a few MPs.

"In one way it makes a lot of sense if there's problems with overlapping let's get in into one document where the language and the references are meant to be consistent," NDP's MP David Christopherson said during committee.

According to PROC chair and Liberal MP Larry Bagnell, the committee will move forward with reviewing outstanding recommendations for amendments under the Conflict of Interest Code for Members as a first order of business.

The subject of communication between the two offices emerged during a Tuesday's briefing at the ethics committee, which saw Dawson, Shepherd give updates on their offices to members, alongside Information Commissioner Suzanne Legault and Privacy Commissioner Daniel Therrien.

While the topic of merging the offices was not brought up specifically, Conservative committee member and MP Matt Jeneroux spent time questioning Dawson and Shepherd on the level of communication between the two offices, and how this impacts investigations and guidance on conflict of interest issues involving both public office holders and lobbyists.

When asked at the meeting if the two offices consult each other on situations where mandates may overlap – such as the recent revelation that Justice Minister Jody Wilson-Raybould was navigating conflict of interest and ethics rules after her husband, Tim Raybould, [registered to lobby federally](#) – Dawson could be seen shaking her head.

Shepherd did note to committee members that she has shared reports and guidance with Dawson's office before publishing it publicly in the past.

Before the ethics committee moved in camera to discuss its upcoming agenda, Shepherd and Dawson outlined their main priorities moving forward, which largely dealt with a host of outstanding committee legislative review recommendations for changes to the Conflict of Interest Act and Lobbying Act, which itself had a number recommendations endorsed or

supported for further study by the former Conservative government that have never moved forward.

"What I recommended [then] I would still stand by and recommend today," Shepherd told The Lobby Monitor, whether that means clarifying and discussing past recommendations with committee members, or starting with a fresh legislative review, which is due in 2017.

Past recommendations from the ethics committee for legislative changes to the Lobbying Act included removing the "significant part of duties" threshold for in-house lobbyists and granting the lobbying commissioner the power to impose administrative monetary penalties as part of the act's enforcement regime.

**Lobbying database transferred to Privacy Commissioner's server**

At committee Tuesday, Shepherd also highlighted ongoing work by her office to consult on the recently revised Lobbyists' Code of Conduct and disclosed that the commissioner's website had recently been moved to to the server of fellow independent agent of Parliament Privacy Commissioner Therrien.

She told The Lobby Monitor she hopes the move will allow for more independence and greater flexibility to explore upgrades, such as making it easier for lobbyists to post information to the federal registry using technology such as smart phones or scheduling apps.

"In the long term I see increased efficiencies, but also as we're both independent agents of Parliament it will give me, as resources permit, the ability to make changes in development," Shepherd said.

The transfer was completed last week.

[aodell@lobbymonitor.ca](mailto:aodell@lobbymonitor.ca)

---

<b>Inside The Lobby Monitor</b>	<b>Subscribers</b>	<b>More Info</b>	<b>Hill Times Publishing</b>
News	Subscribe	About Us	The Hill Times
Lobby Notes	Free Trial	Contact	Embassy
People	Update Password	Submit an Article	The Wire Report
Registrations	Download Electronic Edition	Internships	Parliament Now
Communication Reports			HTWork
Calendar			Classifieds
Archive			Reuse & Permissions

[Stay Connected>>](#)   [RSS](#)   [Twitter](#)   [Facebook](#)