



March 29, 2019

PERSONAL AND CONFIDENTIAL

Democracy Watch
Attn.: Mr. Duff Conacher
P.O. Box 821, Station B
Ottawa ON K1P 5P9

Dear Mr. Conacher:

Re: Request for inquiry into Liberal Party of Canada fundraising events

As a courtesy, I am writing to inform you that the Office of the Commissioner of Lobbying has completed its assessment of the matters brought to our attention in your letter of September 17, 2018.

Democracy Watch requested an investigation of "162-plus Liberal Party of Canada fundraising events held since January 2016" which include:

- "90 or so events held between January 2016 and October 2016"; and
- "72 fundraising events that have occurred since April 2017", as reported in an article published by the Globe and Mail on September 17, 2018.

In addition, Democracy Watch also requested the Office to investigate "every Liberal Party fundraising event going back to 2009" as well as "the fundraising events held by the other federal political parties since 2009".

The Lobbying Act requires the Commissioner of Lobbying to investigate when there is reason to believe that such an investigation is necessary to ensure compliance with the Act or the Lobbyists' Code of Conduct. While Democracy Watch contends that "the Commissioner of Lobbying does not need evidence of a violation" in order to investigate, the Federal Court of Appeal has interpreted the standard to be applied in determining whether there is "reason to believe" as requiring "sufficient credible evidence to give rise to a bona fide belief" (*Symbol Technologies Canada ULC v. Barcode Systems Inc.*, 2004 FCA 339).



The allegation that "it is very likely that registered lobbyists or people directly connected with organizations that are registered to lobby the federal government have been involved in several of the 162-plus Liberal Party fundraising events held since January 2016" does not meet the reason to believe standard articulated by the Federal Court of Appeal. Accordingly, I will not take further action with respect to this matter.

The letter also refers to two specific examples that Democracy Watch had previously brought to the attention of this Office. One concerns a 2015 fundraising event organized by the late Dr. Barry Sherman who was Chairman and CEO of Apotex Inc. at the time. In light of Dr. Sherman's passing in December 2017, I ceased the investigation into that allegation. As you know this matter is before the Federal Court. The other concerns a 2014 fundraising event organized by a board member of Clearwater Seafoods Inc. That matter is now closed as the individual involved was not engaged in registrable lobbying activities and was therefore not subject to the Lobbyists' Code of Conduct.

I share Democracy Watch's interest in promoting transparent and ethical lobbying at the federal level. I take all allegations of potential non-compliance with the Lobbying Act or the Lobbyists' Code of Conduct seriously and my Office assesses all such allegations with due diligence and integrity.

Sincerely,



Nancy Bélanger
Commissioner of Lobbying