



democracy Watch
émocratie en surveillance

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Marc Garneau, Minister of Transport
Via email: marc.garneau@parl.gc.ca

Michael Keenan, Deputy Minister, Transport Canada
Via email: michael.keenan@tc.gc.ca

Nicholas Robinson, Director General, Civil Aviation, Transport Canada
Via Email: nicholas.robinson@tc.gc.ca

David Turnbull, Director, National Aircraft Certification, Transport Canada
Via Email: david.turnbull@tc.gc.ca

Members of the House of Commons Standing Committee on Transport
Via Email to the Committee Clerk: TRAN@parl.gc.ca

December 1, 2020

RE: Disclosure of communications by Boeing representatives concerning approval of 737 Max-8 flying again in Canadian airspace, and public inquiry

Dear Minister Garneau et al,

I am writing to request that you disclose publicly the details of all communications any representative of Boeing has had with you, your staff, your party leader and/or their staff (in the case of the Minister and MPs) or anyone at Transport Canada or within the Government of Canada concerning the consideration of whether to approve the Boeing 737 Max-8 airplane to fly again in Canadian airspace.

The public has a right to know the details of all of these communications.

The federal *Lobbying Act* has huge loopholes that allow for secret lobbying, including lobbying of any regulatory agency by any business regulated by the agency. [Clause 3\(2\)\(b\)](#) of the federal *Lobbying Act* sets out that loophole:

3(2) This Act does not apply in respect of ... (b) any oral or written communication made to a public office holder by an individual on behalf of any person or organization with respect to the enforcement, interpretation or application of any Act of Parliament or regulation by that public office holder with respect to that person or organization;..."

As well, the *Lobbying Act* only requires disclosure of paid lobbying (sections [5](#) and [7](#)). As a result, Boeing could be paying former Liberal Cabinet ministers to give it strategic advice, while they secretly lobby for free for Boeing.

In addition, this regulation under the *Lobbying Act*: <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2008-116/index.html> has huge loopholes in it as it only requires oral, pre-arranged communications initiated by the lobbyist to be disclosed monthly in the Registry of Lobbyists when the lobbying is about anything other than financial benefits.

As a result of these huge loopholes, Boeing doesn't have to register and disclose any of its lobbying of Transport Canada or the Transport Minister or MPs re: the re-validation of the 737 Max, and it hasn't according to the Registry of Lobbyists: <https://lobbycanada.gc.ca/app/secure/ocl/lrs/do/clntSmmrySrch?registrationText=boeing&searchType=Search>

And, even if Boeing did register its lobbying generally about the 737 Max, Boeing wouldn't have to disclose any communication initiated by Transport Canada officials or the Transport Minister or his staff or MPs, or any oral communications that were not pre-arranged by Boeing's lobbyists, or any written communications (including letters, emails, pins etc.).

However, again, despite these loopholes, Canadians have the right to know the details of all communications any representative has had with anyone in federal politics concerning the approval of the 737 Max-8 to fly again in Canada.

In addition, Democracy Watch urges members of the House of Commons Standing Committee on Transport to re-consider the decision of the Committee made last Thursday to not call on the government to initiate a public inquiry into the many questions that Transport Canada refuses to answer about its decision-making that led to the 737 Max being approved, and between the first crash of the plane in Indonesia in October 2018 and the second crash in Ethiopia in March 2019 which killed 18 Canadians.

We look forward to receiving your responses to these requests.

Sincerely,



Duff Conacher, Co-founder of Democracy Watch
On behalf of the Board of Directors of Democracy Watch