

FEDERAL COURT OF APPEAL

DEMOCRACY WATCH

Appellant

-and-

BARRY CAMPBELL and
THE ATTORNEY GENERAL OF CANADA
(OFFICE OF THE REGISTRAR OF LOBBYISTS)

Respondents

NOTICE OF APPEAL

TO THE RESPONDENTS:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the appellant. The relief claimed by the appellant appears on the following page.

THIS APPEAL will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court directs otherwise, the place of hearing will be as requested by the appellant. The appellant requests that this appeal be heard at Toronto.

IF YOU WISH TO OPPOSE THIS APPEAL, to receive notice of any step in the appeal or to be served with any documents in the appeal, you or a solicitor acting for you must prepare a notice of appearance in Form 341 prescribed by the Federal Courts Rules and serve it on the appellant's solicitor, or where the appellant is self-represented, on the appellant, **WITHIN 10 DAYS** of being served with this notice of appeal.

IF YOU INTEND TO SEEK A DIFFERENT DISPOSITION of the order appealed from, you must serve and file a notice of cross-appeal in Form 341 prescribed by the Federal Courts Rules instead of serving and filing a notice of appearance.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPEAL, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Fodd R. Desanti
Registry Officer
~~Agent du greffe~~
(Registry Officer)

Date: March 18, 2008

Issued by: _____

Address of
local office:

Toronto Local Office
Federal Court of Appeal
180 Queen Street West
Suite 200
Toronto, Ontario
M5V 3L6

Tel: 416-952-8006
Fax: 416-973-2154

TO: The Attorney General of Canada
Department of Justice
Ontario Regional Office
130 King Street West
Suite 3400, Box 36
Toronto, ON
M5X 1K6

AND TO: LENZNER, SLAGHT, ROYCE, SMITH, GRIFFIN
Barristers
Suite 2600
130 Adelaide Street West
Toronto, ON
M5N 3P5

Peter H. Griffin
Jordon Goldblatt

Tel: (416) 865-9500
Fax: (416) 865-9010

Solicitors for the Respondent,
Barry Campbell

APPEAL

THE APPELLANT, DEMOCRACY WATCH, APPEALS to the Federal Court of Appeal from the Decision Docket No. T-1942-06 of Justice Frenette of the Federal Court dated February 19, 2008 ("the decision") dismissing the Appellant's application for judicial review of the ruling made by the Registrar of Lobbyists ("Registrar") dated October 10, 2006 ("the ruling").

THE APPELLANT ASKS that:

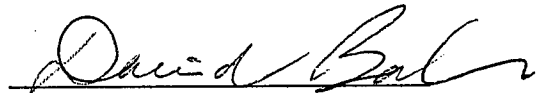
- a) The Appeal be allowed and that the decision of Justice Frenette and the ruling of the Registrar be set aside and that the complaint of Democracy Watch concerning the actions of lobbyist Barry Campbell be referred back to the Registrar [or successor adjudicator] to be decided pursuant to Rule 8 of the *Lobbyists' Code of Conduct* [the "Code"], properly interpreted; and
- b) This Honourable Court award the Appellant its costs below and on this Appeal on a substantial indemnity basis; and
- c) Such further and other relief as to this Honourable Court seems just.

THE GROUNDS OF APPEAL are as follows:

1. Justice Frenette committed an error of fact and law by stating at paragraph 2 that Minister Jim Peterson sought the advice of the Ethics Counsellor prior to fundraising dinner for his re-election campaign in 1999 organized by Mr. Barry Campbell; and
2. Justice Frenette erred in fact and law by stating at paragraphs 21 and 22 that the Registrar's ruling "properly applied the interpretation of the relevant Rule which was in use at the time"; and

3. Justice Frenette erred in law by upholding the Registrar's ruling that Rule 8 of the *Code* can be applied without regard to whether or not lobbyist Campbell's actions in organizing the fundraising dinner placed Minister Peterson in a conflict of interest; and
4. Justice Frenette erred by upholding the Registrar's ruling that a lobbyist who undertakes an action that would constitute an improper influence on a public office holder would not violate Rule 8 of the *Code* unless it was additionally demonstrated that the action had the effect of actually influencing the office holder; and
5. Justice Frenette erred by upholding the Registrar's decision to base his decision on an *ultra vires* advisory opinion concerning the interpretation of the *Code*; and
5. Justice Frenette erred by awarding costs in favour of the Respondents against the Appellant, and in particular by failing to recognize the public interest served by having this proceeding litigated.

March 18, 2008



bakerlaw

672 Dupont Street, Suite 400
Toronto, Ontario M6G 1Z6

David Baker LSUC#: 17674M
Tel: (416) 533-0040, ext. 222

Solicitor for the Appellant,
Democracy Watch