

Court File No. 01-CV-211576

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**DEMOCRACY WATCH, and JUDY DARCY on her own  
behalf and on behalf of and for the benefit of all members of the  
CANADIAN UNION OF PUBLIC EMPLOYEES**

**Applicant**

**- and -**

**THE ATTORNEY GENERAL OF CANADA**

**Respondent**

**AFFIDAVIT OF DUFF CONACHER**

I, Duff Wilson Conacher, of the City of Ottawa, in the Province of Ontario,  
Coordinator of the applicant Democracy Watch, MAKE OATH AND AFFIRM:

1. I am the Coordinator of the applicant Democracy Watch, and have personal knowledge of the matters stated herein, except where stated to be based on information and belief, in which case I believe them to be true.

**Democracy Watch**

2. Democracy Watch was founded in September 1993 and is incorporated pursuant to federal law as a not-for-profit corporation. Attached to this affidavit as Exhibit "A" is a true copy of the articles of incorporation.

3. Democracy Watch is a non-partisan organization that advocates democratic reform, citizen participation in public affairs, government and corporate accountability, and ethical behaviour in government and business in Canada. Democracy Watch's mandate is set out as "20 Steps Toward a Modern, Working Democracy", a true copy of which is attached to this affidavit as Exhibit "B".

4. Democracy Watch is funded by donations from individual supporters, citizen organizations, and foundations.

#### **Democracy Watch Activities**

5. This proceeding is consistent with the principles that Democracy Watch is pursuing in many areas, in particular, its work to make governments and their institutions more transparent and accountable. Democracy Watch currently has active campaigns on the following issues: access to information, anti-trust, bank accountability, corporate responsibility, government ethics, political finance, voter rights and citizen association development.

6. Democracy Watch coordinates or co-coordinates five nation-wide coalitions of citizen organizations. All of the coalitions support the related campaigns of Democracy Watch. In total, the coalitions involve over 100 citizen organizations the collective membership of which is over 3 million Canadians. Democracy Watch also participates in another nation-wide coalition coordinated by other Canadian citizen organizations.

7. One of the nation-wide coalitions Democracy Watch co-coordinates is called Open Government Canada ("OGC"). OGC is fighting government secrecy and pushing for greater access to public information. OGC member groups represent citizens, journalists, librarians and lawyers. Democracy Watch is assisting the OGC coalition in the belief that a clear right to easy, full access to information produced by and for all government institutions is a key and fundamental accountability measure in any jurisdiction claiming to be a democracy.

8. The other nation-wide coalitions coordinated or co-coordinated by Democracy Watch are as follows:

- (a) the Canadian Community Reinvestment Coalition (which focuses on increasing the public accountability of financial institutions, specifically banks, through increased disclosure and performance requirements and other banking issues);
- (b) the Corporate Responsibility Coalition (which focuses on increasing the disclosure requirements and requirements for corporations to act responsibly);

- (c) the Government Ethics Coalition (which focuses on increasing the disclosure requirements, ethical standards and enforcement of ethical standards for public officials and lobbyists); and
- (d) the Money in Politics Coalition (which focuses on increasing the disclosure requirements and reducing the influence of money on public officials and political decision-making).

9. Democracy Watch also has an Anti-Trust Campaign (which focuses on strengthening competition laws and enforcement of those laws) and a Citizen Association Campaign (which focuses on advocating an innovative method for forming citizen associations to monitor corporate and government institutions). With respect to the latter, the method is to form broad-based citizen associations in many areas that will have much greater financial and other resources than most existing citizen groups. Democracy Watch believes that such associations would, therefore, be more able to address citizen concerns – including addressing issues such as government secrecy – by using their greater resources to pursue more fully (e.g., by way of litigation) access to information requests that are frequently denied.

10. Through its Canadian Community Reinvestment Coalition (“CCRC”), Democracy Watch participated in Canadian federal government consultations and policy-making processes concerning the 1997 *WTO Agreement on Financial Services* and subsequent domestic legislative changes resulting from that agreement. The CCRC continues to monitor WTO negotiations concerning financial institutions and financial services.

11. Democracy Watch also participates in the NGO Working Group on the Export Development Corporation (“EDC”), which focuses on, among other things, the EDC’s public disclosure requirements concerning companies and projects to which the EDC provides support, and information about the environmental and social impacts of the projects.

#### **Democracy Watch and Coalition Partner Publications**

12. Democracy Watch and its coalitions have published 20 reports since the spring of 1994. Some of them are:

- (i) *Spring Cleaning: A Model Lobbying Disclosure and Ethics Package for Those Hard to Reach Places in the Federal Government* (May 1994);
- (ii) *Corporate Citizenship and Social Responsibility: An Agenda for Raising the Standards in Canada* (October 1994);
- (iii) *Balancing the Marketplace: The Case for the Creation of Citizen Associations in Canada* (May 1995);
- (iv) *Reinventing Integrity: First Annual Report Card on the Federal Government's Ethics Package* (June 1995);
- (v) *Redefining Integrity: Second Annual Report Card on the Federal Government's Ethics Package* (June 1996);
- (vi) *Access to Basic Banking Services: Ensuring a Right to This Essential Service* (October 1997);
- (vii) *Disclosure By Banks of Business Lending Statistics: How to Correct the Flaws in the Current System* (November 1997);
- (viii) *An Accountability System for Financial Institutions in Canada: How To Ensure They Meet a High Standard of Performance* (December 1997);
- (ix) *Access Denied: The Failure of Voluntary Measures to Improve Banking Services* (June 1999);
- (x) *Revolving Doors: The Undue Influence of Corporate Lawyers on the Competition Bureau* (May 2000); and
- (xi) *From Secrecy to Openness: How to Strengthen Canada's Access to Information System* (July 2001), a true copy of which is attached to this affidavit as Exhibit "C".

13. Democracy Watch publishes a newsletter, *Citizen Action*, twice annually that is sent to all Democracy Watch supporters, as well as some libraries, MPs and NGOs. As an example of the content of this newsletter, the Fall 2000 edition contained an article entitled "Let the Sun Shine In" about Democracy Watch's work with Open Government Canada. A true copy of the Fall 2000 edition of *Citizen Action* is attached to this affidavit as Exhibit "D".

14. Democracy Watch has a website ([www.dwatch.ca](http://www.dwatch.ca)) which contains all of the news releases and opinion pieces issued by Democracy Watch, along with background material on each of our campaigns. The website and webpages on the website receive thousands of "hits"

per month. For example, for the 5-month period March 2001 to July 2001 the website and webpages on it received a total of 91,724 hits.

15. Democracy Watch's CCRC has a separate website ([www.canrc.org](http://www.canrc.org)) which contains all of the news releases, opinion pieces and reports issued by the CCRC, along with extensive information on financial institutions in Canada. The website and webpages on the website receive thousands of "hits" per month. For example, for the 5-month period March 2001 to July 2001 the website and webpages on it received a total of 40,456 hits.

16. Democracy Watch maintains an email list of approximately 8,000 Canadians to whom regular updates about our campaigns are sent.

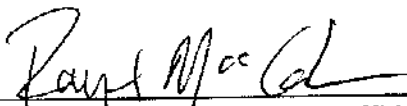
#### **Democracy Watch Presentations and other Public Appearances**

17. Democracy Watch regularly appears before Parliamentary committees and meets with policy-makers concerning bills, regulations and studies that relate to the issues addressed by Democracy Watch campaigns.

18. Representatives of Democracy Watch also speak regularly at conferences, roundtables and public events. For example, on July 20, 2001, at an Ottawa Kiwanis Club luncheon, I spoke about Democracy Watch's campaigns for open and transparent government, and disclosure requirements for corporations. Democracy Watch board member Aaron Freeman and I also spoke at the Centre for Social Justice's conference in Toronto on May 11-13, 2001 about Democracy Watch's campaigns on these issues.

19. Democracy Watch has received national TV, radio, or print media coverage at least once every month since May 1994. In addition to these national media appearances, Democracy Watch's campaigns also receive regular coverage in regional and local media. A list of some of the instances of this media coverage appears on Democracy Watch's web-site. A true copy of selected portions of this list is attached to this affidavit as Exhibit "E".

AFFIRMED BEFORE ME at the City  
of Toronto, on June 6, 2002.

  
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Commissioner for Taking Affidavits

  
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Paul Conacher