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# Standing Committee on Access to Information, Privacy and Ethics

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Chair: Ms. Rachael Harder





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• (1535)

[English]

**The Chair (Ms. Rachael Harder (Lethbridge, CPC)):** I will call this meeting to order.

As you will recall from our last meeting, Mr. Barrett has the floor.

**Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC):** Thanks, Madam Chair.

To pick up where we left off, I was speaking about the necessity of this committee's undertaking a study of the "Trudeau II Report". To advance this and to have everyone on the same page, I'd like to describe the sequence of events, the timeline, that has led us to this point.

This comes out of statements by the Prime Minister in 2015 that with a Liberal government, we would have a government that was open and transparent by default. Instead, on the very day this story first broke in February 2019, the immediate response was that it was false. In subsequent months, we heard time and again that the Prime Minister did not pressure former attorney general Ms. Wilson-Raybould. We know that to be not true; we know that was not an honest statement.

The story, which you can say evolved, changed. It changed throughout the months that followed the revelations in February of last year. As it evolved, it went from being false to being...The cabinet shuffle was the result of Scott Brison's resigning. Then we heard it was Stephen Harper's fault, and then we heard it was about jobs.

The jobs refrain got locked-in, and we heard it over and over again. The only reason the Prime Minister undertook the sustained campaign of political pressure on Ms. Wilson-Raybould was in the name of re-election. It was because of the general election that was planned for October 2019.

Even after the Ethics Commissioner released his report finding the Prime Minister guilty of breaking ethics laws for the second time, the Liberals continued to block the investigation of the scandal at every turn.

With this new motion, I want all members of the committee, including Liberal members who share benches with their cabinet colleagues and all opposition members—my colleagues in the Conservative caucus, the Bloc Québécois, and the NDP—to have an opportunity to give Canadians closure on this issue.

We saw the report by the Conflict of Interest and Ethics Commissioner, and he has not reported back to this committee. That's essential. We also heard that the government had confidence and trust in officers of Parliament. Regrettably though, we know that full transparency wasn't granted during the investigation and that obstruction continued in that process.

I expect that my colleagues on both sides of the House would agree that we want to have a Parliament for Canadians where they know that the truth will come out. That should be a strong deterrent to bad judgment or bad behaviour.

One can appreciate the use of certain rules to protect strategy or issues of national security and public safety because these necessitate secrecy in government. For political reasons—and they can be partisan reasons—Canadians expect that when an investigation is undertaken by an independent officer of Parliament, the latter will be given unfettered access. If there's a reason to invoke secrecy requirements, they expect there to be an off ramp for that officer of Parliament to review the information, determine its relevance, and that its reportability to committee and to Canadians then be considered on a case-by-case basis.

Last year, on February 12, there was a letter sent from Andrew Scheer, Leader of the Opposition, to Prime Minister Trudeau, which said:

I call on you to immediately waive solicitor-client privilege in respect of any advice given to you or your staff in relation to the prosecution of SNC Lavalin. Additionally, I call on you to also waive any and all rights to confidentiality in respect of communications to or from yourself or any member of your staff, previous or current, in relation to the prosecution of SNC Lavalin.

It went on to say:

If you do not meet this obligation, Canadians can only conclude that there is something that you wish to keep hidden.

This letter is from the outset last February. While the position of the government has evolved, we have maintained the same position. We want transparency. We want openness. We want accountability from the government, and that's what Canadians expect.

This continued in the justice committee in 2019 when, in an emergency meeting of the committee—and at the time I was a member of the standing committee—opposition members were blocked by the Liberal members of the committee in their first attempts to shed light on this scandal. So from the outset on that committee, we saw government members quickly fall into line with the government. We, of course, persisted, because that's what we heard from Canadians loudly and clearly. From coast to coast to coast, we heard phone calls and saw letters pour into our offices—certainly they did into mine—from people who demanded more from this justice committee.

On February 20 of last year, there was an opposition day motion put forward by the third-place party, the NDP, seeking an inquiry. This motion calling for an inquiry—

• (1540)

**Mr. Charlie Angus (Timmins—James Bay, NDP):** I have a point of order. I'm listening very closely and I want to clarify something. He said it was from the NDP. Does he know the member who brought forward that motion for an inquiry?

**Mr. Michael Barrett:** Madam Chair, I believe the member was Mr. Angus, Timmins—James Bay. Is that correct?

**Mr. Charlie Angus:** Yes, it's Timmins—James Bay. Thank you. I just wanted to have that on the record, for clarification.

**Mr. Michael Barrett:** The member for Timmins—James Bay wisely was the sponsor of an opposition day motion that called for an inquiry into this issue. Conservative MPs supported it. NDP members supported it. Even two Liberal MPs supported the motion. Until then, Canadians were told that the justice department's decision to not award SNC-Lavalin a deferred prosecution agreement came weeks after Prime Minister Trudeau met with the former attorney general.

Well, then we learned that this meeting occurred two weeks after the decision was made. We know that in that meeting the Prime Minister reminded Ms. Wilson-Raybould that the final decision on SNC-Lavalin's deferred prosecution agreement was hers to make. The decision had already been made, Madam Chair. The Prime Minister's reminder to Ms. Wilson-Raybould was direct pressure to intervene in the prosecution.

We saw, on February 25 of last year, a Conservative opposition day motion to call on the Prime Minister to testify at committee. That motion read:

That, given the Prime Minister's comments of Wednesday, February 20, 2019, that the Standing Committee on Justice and Human Rights is the appropriate place for Canadians to get answers on the SNC-Lavalin affair, and given his alleged direct involvement in a sustained effort to influence SNC-Lavalin's criminal prosecution, the House order the Prime Minister to appear, testify and answer questions at the Standing Committee on Justice and Human Rights, under oath, for a televised two-hour meeting, before Friday, March 15, 2019.

The Liberals defeated the motion, reaffirming their commitment to a cover-up.

Let's fast-forward to March, Madam Chair, and having Ms. Wilson-Raybould return to committee. She had said in her testimony that she had more to say, but we know that the waiver that was granted to her was not sufficient for her to give the totality of information that the committee was looking for. She said that she

couldn't answer direct questions regarding meetings and interactions after she was fired. She acknowledged that they were relevant. Canadians heard the testimony and saw Ms. Wilson-Raybould testify. It was compelling, to say the least, but again, we were thwarted in our attempt to get the full information.

As I move through this timeline, I want to go back to that February letter from Mr. Scheer that just called, at the outset, for a transparent approach in responding to this. Almost certainly that would have limited political damage, which was what gripped the PMO for much of last year. It also would have given Canadians the confidence that they deserve in public institutions. That is what's so important.

On March 19, 2019, the justice committee held an in camera meeting. Following that meeting, we know that an attempt was made to shut the committee down on all further efforts to probe the scandal. The Liberal members of the committee stated that no witness was prevented from providing evidence on any relevant information during the period covered by the waiver, but again, we know that that was not the case. Not letting Ms. Wilson-Raybould give her full testimony was the largest impediment at the time.

Further directing members of a committee to close down the investigation was, I guess you could say, adding insult to injury. On March 26, Liberal members of the committee blocked a push by opposition members to open a new probe, to invite the former attorney general to testify. MP Peter Kent presented a motion to the committee, calling for it to study the allegations, asking the Prime Minister to waive further privilege and allow Ms. Wilson-Raybould and others to speak openly on the matter. The motion also asked that the former attorney general and her colleague, the former Treasury Board president, Ms. Philpott, appear before the committee and that the committee then present its findings to the House.

• (1545)

Now, fast forward to August 21. The Liberal members rejected a motion to have the Ethics Commissioner appear at the ethics committee. The motion by the opposition to have Commissioner Dion testify was defeated 5 to 4, with only one member breaking from the majority, and that was one of the members who voted with that first opposition day motion, MP Erskine-Smith.

An additional motion by the NDP to have the Prime Minister himself testify, along with the Minister of Finance and his former chief of staff, Ben Chin, was also defeated.

We saw in September, Madam Chair, that attempts at an RCMP inquiry into potential obstruction of justice were hindered by the government. A waiver of confidentiality was not provided by the Clerk of the Privy Council, nor did the Prime Minister override the clerk, which would have allowed the RCMP access—necessary access when conducting an investigation—to both staff and materials. So close to the beginning of an election—so close—it was disappointing, though not surprising, to see the continuation of what at that point was a full-blown cover-up.

We had an election. In the election, the issue was raised more than one time, including by me. This issue appeared in the party platforms. It gave rise to material in the party platforms from members sitting at this table. We have many opposition members—121 in the official opposition alone—who ran on a commitment to look at this issue. The same is true for the NDP.

Canadians didn't approve of the conduct that took place. I don't believe that voters who elected Liberal members would simply discard the potential good work of their members and throw them out of office because of this issue, but there was an expectation. They did hold an expectation that with a minority government, with parties collaborating and working together with the official opposition—a strong official opposition receiving a record number of votes and committing to examine this issue—it would be examined.

Of course, it also stands to reason that the independent officer of Parliament who undertook the investigation and duly made his findings would have the opportunity to present those at committee. To come to committee with the motion that I have presented gives all members an opportunity to deal with what for some may be an uncomfortable situation but is necessary for us to deal with.

In presenting this new motion, there's a critical element to it, and that is that it's time bound, so this isn't going to be what we preoccupy.... I don't aspire to talk about this issue for four years, if that's the duration of this Parliament. I don't. I would like to deal with it and to move on.

Following the last meeting, I read comments made by my colleague Mr. Fergus that Canadians don't want us looking in the rear-view mirror, if that's a fair characterization of his comments. I'm sure he'll correct me if I'm wrong. To a point, I'm inclined to agree. However, we're not looking in the rear-view mirror. This issue is still present and it's front of mind for many Canadians. They genuinely want to have confidence in what we do here. We don't want the representatives of the 338 ridings that make up Canada to be referred to in a pejorative way. We don't want the term “parliamentarian” to be a pejorative term in Canada. We want Canadians to know that our conduct here is beyond reproach.

● (1550)

When we have an investigation that reveals and validates so much of what we heard during testimony at committee last spring but isn't able to drill all the way down and get all of the information, Canadians are left wondering. They're left wondering if the cries of cover-up were just partisan tomfoolery or, in fact, was there a sustained attempt, a coordinated effort, to cover up the obstruction of the rule of law in Canada? That should give Canadians great pause, and it has. I would be surprised to hear from colleagues that

it's something that was raised with them in the last year. As I mentioned before, I certainly heard about it many times.

I think what we didn't hear following the commissioner's report is also worthy of mention. There was a recognition that the investigation had occurred and that there was a finding of guilt against the Prime Minister, but there was no apology. The refrain by the Prime Minister that he'd never apologize for standing up for jobs, I do know from my interactions with people in my constituency and many Canadians, is insufficient.

It's an aggravating factor and why I believe there is public desire and that it's in the public interest that we finally set a date to finish this thing. We need to hear from the commissioner on this thing, take a look at it and report on the subject. There would be a majority report, there would be a minority report, but then Canadians would know. Would that then inform this committee on good future work we can do that would serve us well under a government of any political stripe? The relevance and the importance of officers of Parliament is tied directly to their ability to do their job.

If we have a structure set up where they're unable to do their work because it might embarrass the government of the day, it's going to leave a majority of Canadians dissatisfied with the institutions they're paying for. We have the Conflict of Interest and Ethics Commissioner, and we have the code that governs members. It's critically important that we have a robust code that acts to guide members and that we have the act.

When the act is strong and when we have a commissioner who has all of the tools in his or her tool box to ensure that it is being followed and to investigate complaints or allegations that it has not been followed, and there are also real consequences available when it is not followed, that is the expectation that we have. That's what I know my constituents expect if there is a Liberal government, a Conservative government, an NDP government or another. They expect they can have confidence, because it doesn't matter who has the keys to the PMO, because we will have someone who is going to be a check on the balance of power other than another political party, other than the official opposition or opposition parties. It's going to be the independent officers of Parliament.

● (1555)

Just as we would find it a very cynical move by a government to cut funding from the commissioner's budget because the government doesn't want a commissioner investigating it, the same can be said to be true when we uncover the fact that the rules in place provide neither adequate guidance nor adequate deterrence when they aren't followed. That's what we can gain from hearing from the commissioner on this specific issue.

This committee is not going to issue a finding of guilt. That was done already. What this does give us is an opportunity to hear from the commissioner. By the time I finish, will I have a need or opportunity to stretch out that hearing? No, in questioning the commissioner, I will get the amount of time allocated in the rules of this committee. We could then undertake the good work that only members can do to improve the tools available to the commissioner, tools that Canadians expect to be in place to keep us honest.

It's a unique opportunity that we have in front of us here today. We have the opportunity to dispel the cloud that hangs over us sometimes, that we can't break free from partisanship or the party whip. We have the opportunity to move forward with an agenda that satisfies the public interest, that satisfies a real need that's been created. I can't underscore enough the number of times we've heard from Canadians on this matter. In recent days, before the break, there was coverage of our proceedings, and I got a lot of feedback about that. I think that speaks volumes about the opportunity we have to cauterize this and restore Canadians' confidence in our public institutions. It's a rare opportunity that we have. I know that many facets of our parliamentary system are special and serve our country well. Truly, they are the envy of the world. Many countries don't have the type of democracy that we have. They don't have the checks and balances that we have. This committee is one of those checks and balances, with the commissioner. This gives us that opportunity.

When members consider how they're going to vote on the motion, I implore them to give due consideration to the opportunity that's presented. It's different from the first in that it's time-bound. That's an olive branch, if you will, that I'm suggesting to reassure members that we can address the issue and move on. But if we don't address it, and we don't have a proper review of the "Trudeau II Report", that's where we leave that undone and where the lack of public confidence comes in. That's where people refer to "politician" as a pejorative term. We get lumped in with lawyer jokes or something like that. That shouldn't be the case. This is honourable work that members do in this place, and it's so important. There is a great tradition that comes with it.

• (1600)

Here we each have that opportunity today to deal with what Canadians have told us, and they told us that in ridings across this country, not only where they elected opposition members but also in ridings where Liberal members were elected as well. There were votes cast for the parties that put forward platform items specifically on this issue. It's so rare that that would happen, and I look forward to having many opportunities to find common ground to stomp on with my colleagues on all sides of the House. I think, on this issue, that it would show that spirit of collaboration that is referenced in committee documents. It would show that spirit of collaboration that, we heard from so many, would be taken to heart after the election.

I'm going to ask if there is a copy of the motion handy. While we dig that up, I'll remind everyone that we don't know how long we're going to be here for. I don't mean today. Today I imagine we'll be done at 5:30, but I don't know how long this Parliament is going to last.

**Mr. Charlie Angus:** On a point of order, are we getting into theology here? I plan on living a long time and I get very worried when someone says I have to move on a motion, because I might not....

Are we talking about Parliament, or are we talking about life?

**Mr. Michael Barrett:** It's Parliament, sir.

**Mr. Charlie Angus:** Okay, good. I just wanted to clarify, because I plan on living for a little while longer.

**Mr. Michael Barrett:** Madam Chair, I'd like to read my motion.

I believe that it's going to be circulated, and it was read into the record at the start of my remarks. I know there's a speakers list, and I'd like to give the chair the opportunity to recognize my colleagues who've asked to speak, and I am conscious of the fact that we do have the lobbying commissioner—she's expected in 25 minutes—and I want to be respectful of that.

I'll read my motion in English, and it's provided in both official languages:

That the Committee commence a study on the report by the Conflict of Interest and Ethics Commissioner entitled Trudeau II Report, published on August 14, 2019. That the Conflict of Interest and Ethics Commissioner be invited to appear for no less than two hours to brief the Committee on his report and that he be given 20 minutes for a prepared statement followed by questions from committee members. That the Committee invite other witnesses as required and that the Committee table a report in the House of Commons no later than May 29, 2020.

Madam Chair, I want to be mindful of the time that we have in this committee. I hope that I'm demonstrating that by bringing my remarks to a close in just a moment. I'd like to again underscore that May 29 date. I'm not talking May 29, 2023 or 2024. I mean this year, this spring. Let's put this issue to bed, because it has not been. We have a report from an officer of Parliament who has not reported back to the committee on this issue. We have an opportunity to deal with that today.

I look forward to hearing from all colleagues on this issue. When you do come to call a vote, Madam Chair, I will ask for a recorded vote at that time.

Thank you very much.

• (1605)

**The Chair:** Thank you, Mr. Barrett.

Based on my speaking list from the last day, I have Mr. Angus.

**Mr. Charlie Angus:** Thank you.

I'd like to thank my colleague for bringing forward this officer of Parliament's report to this committee. That's our work, and we have to hear from them. I was very disturbed in the previous session that we did not hear from Mr. Dion on this. His report raises a number of troubling questions that require answering.

One thing that my colleague did not speak so much about is something that I'm really interested in, namely, Mr. Dion's saying that he was interfered with in doing his work. That's not acceptable. Nobody in the Prime Minister's Office can tell Mr. Dion that he can't investigate, because then we can't have credibility. If there's a political hot-button issue, we have to trust that the officers of Parliament have the tools to do their duty. If they're being denied that, it comes to us to address that. There are many outstanding issues on this file. This came at an enormous cost to the credibility of the Canadian government. We lost the head of the Privy Council, the Prime Minister's chief of staff and two of his most respected cabinet ministers. We were put on the watch-list internationally for international bribery and corruption. They felt that if we do not have standards for independent prosecution of corporate crime, what does it say about Canada?

I guess my concern is how many meetings we're talking about. My colleague has said that he's being very judicious in terms of the time, but it has taken about an hour or two to explain the basic principles. I'm not interested in an open-ended committee. I feel that there are a lot of unanswered questions, but some of them are just going to....

In the interests of what we do with our committee, I certainly see that Mathieu Bouchard from the Prime Minister's Office should come before us. Ben Chin should come before us. I don't know if it's fair to ask Ms. Wilson-Raybould in her position now, but those two witnesses should, and maybe Mr. Butts. I heard from Michael Wernick. He spoke the last time. I felt he didn't do...his position with much credibility, but definitely Mr. Chin and Mr. Bouchard, because they were key in setting up meetings that put the Prime Minister in a situation where the Prime Minister was found guilty of attempting to influence... in aid of the financial interests of another party. As public office holders—current public office holders—I think they are obliged to meet that high standard. Since they are still public office holders, I think they should come.

I would like to hear from my colleague on how many meetings. If we have Mr. Dion for one meeting and then we have these witnesses for the other, I think we could do it in two meetings. Then I think we would be able to present a report to Parliament that would close this chapter. We would be seen doing due diligence. I know it's hard for the government to have this issue dragged up again, but when a report of this magnitude comes before us, we have the obligation to hear the commissioner, to follow his recommendations, and to test him on how he undertook that investigation to make sure that he did due diligence. When I read it, I feel he has, but we should have the opportunity to look at this.

If my colleague has interest in a witness list, that would reassure me in terms of how many meetings he wants.

**The Chair:** Mr. Kurek, you are next on the list.

**Mr. Damien Kurek (Battle River—Crowfoot, CPC):** Thank you, Madam Chair.

I would be prepared to yield my time to Mr. Barrett, and then perhaps you could come back to me. There were some questions posed by my colleague from the NDP, and certainly I'd be happy for you to come back to me, if that's acceptable.

• (1610)

**The Chair:** I'll go to Mr. Barrett and then I'll return to you.

**Mr. Damien Kurek:** Thank you.

**Mr. Michael Barrett:** Thanks, Madam Chair.

Through you to Mr. Angus, I think his proposal is reasonable. In terms of the witnesses he mentioned, I think their testimony would be more than germane. It would be critical to this study.

Your point is well taken: I did speak at length in the preamble. However, I do think that two meetings, but not more than three, would suffice once all parties collaborated in camera, if that's the will of committee, on witness lists. The output from the those deliberations would be the number of witnesses.

I think that proposal is eminently reasonable.

**The Chair:** Mr. Kurek.

**Mr. Damien Kurek:** Thank you very much, Madam Chair.

It's an honour to be able to talk about this subject in particular because I think it strikes at the very core of who we are as parliamentarians—the very core of who we are in our country and as representatives in the Parliament of Canada. I'll talk a bit more at length about that, but I would like to just thank the clerk for her work to organize a committee room with television cameras. I had mentioned that I would bring it up whenever necessary, so I do want to thank the clerk and the folks who do the hard work to make sure that MPs can do their job and who help make this happen.

The fact that we're on television speaks to accountability and to Canadians' accessibility to their democratic institutions. Certainly the motion we have before us is entirely appropriate. In fact, it's absolutely necessary to deal with what has been a true shaking of the trust in Canada's democratic institutions.

Having run for the first time in this past year, I heard the concerns about this issue regarding the actions of the Prime Minister. I actually found it quite stunning that there were things like deferred prosecution agreements—DPAs—and the public prosecution service and cabinet confidence. These are terms that are not generally in the common discourse of Canadians, but they were in the past election and in the approximate eight months since this story broke in the *The Globe and Mail* at the end of January. These terms were not something that most Canadians generally cared about—and I can say this because I spoke to thousands of Canadians over the course of the campaign. It was not something that concerned them in their day-to-day business.

However, when our democratic institutions are put at risk, when the rule of law is questioned, when you have a prime minister who says that he is standing up for jobs, yet—certainly in my home province of Alberta—it seems like the very opposite is true, it's a very troubling trend. The conversations, whether they be the recordings that were released or the testimony, are quite striking.

I often joke that the viewership of Parliament must spike after new MPs are elected. My family has commented that they've never watched CPAC as much as they have in these past number of months. I know for a fact that on the day the former attorney general went before the justice committee, eyes across this country were glued to the television because the very hallmark of the independence of the Canadian judiciary, the rule of law and our democratic institutions that protect us from governments overreaching and from the ability of corporations or individuals to buy influence.... These are all things for which this committee has a unique responsibility.

We're going to be hearing from the lobbying commissioner later today. The fact that we are able to have a system that, by and large, makes sure that we are protected from interests that would attempt to persuade unduly and disrupt the functioning of our institutions is absolutely fundamental to who we are as Canadians.

I would encourage all members.... I'm a big fan of parliamentary democracy in general and the history of it. One of the things that makes our democratic institutions—and specifically Canada's Parliament—so powerful and unique is that the House of Commons is made up, at this point in time, of 338 independent constituencies that elect members. The qualifications of those members vary from coast to coast to coast, but ultimately the person who gets the most votes is given the confidence and the trust to enter this chamber. As I'm sure every member sitting around this table who has been on the ballot can attest, when you first walk into that chamber with the confidence of the people of your constituency, it is an incredibly humbling thing.

• (1615)

The fact that in our institution 338 MPs get to join together.... How does a government get formed? Well, you must have the confidence of the House. That's easy in a majority; one party makes up the majority of those seats. In a minority, it gets a little bit more complicated, but the principle remains. There are whipped votes and all of these other things, but when it comes down to it, each and every one of our 338 MPs stands for his or her constituency.

The reason why I emphasize this here today is the fact that some of these questions regarding the Prime Minister's actions, and the actions of some of the most powerful political staff in the country, call into question the role of our institutions. It is absolutely fundamental that we are able to address this.

The fact that the Conflict of Interest and Ethics Commissioner put together a report, did the work that's required on his end to attempt to answer these questions.... Then there is the mandate. Having read through the mandate and being appointed to this committee, we have to hold those officers responsible, to ensure that the tough questions are asked, whether we're in the opposition benches or in the government benches. As MPs, we all have the responsibility to ensure that the tough questions are asked.

The Conflict of Interest and Ethics Commissioner did his part. Now it's time for us, as members of Parliament, to do our part. It is clear.... The "Trudeau II Report"—and I have it here in front of me—reads almost a little bit too much like a novel. I know that my colleague used the word "cover-up". Time and time again, there are just outstanding questions, whether they be related to cabinet confi-

dence, the question around who benefited from the influence, or the fact that....

I'd like to read if I could from page 2—the second-to-last paragraph of the executive summary of the "Trudeau II Report". It states:

For these reasons, I found that Mr. Trudeau used his position of authority over Ms. Wilson-Raybould to seek to influence, both directly and indirectly, her decision on whether she should overrule the Director of Public Prosecutions' decision not to invite SNC-Lavalin to enter into negotiations towards a remediation agreement.

Then, in the conclusion of the executive summary, he says:

Therefore, I find that Mr. Trudeau contravened section 9 of the Act.

I think that as you continue to read through this, and out of respect for the committee and the important business that we have.... I know that I have questions for the lobbying commissioner, who is going to appear in about 10 minutes. Out of respect for the good work that this committee is doing, I do want to ensure that we have the opportunity to....

I'll conclude. Those who—and I'm sure there's nobody in this room—were at any of my campaign events know that I talked a lot about the principles of good governance. The reason why I do that, Madam Chair, is that there are certain things that transcend politics. There are distinctions between Liberal, NDP, Bloc and Conservative members. There are distinctions that make us...and I'm sure we all have reasons why we belong to certain political parties.

However, there are certain things that transcend politics. This, I would submit to all my colleagues around this table, is one of those things that transcend politics. The accusations, the evidence presented, the fact—again, to use the word that my honourable colleague used—that there's even a conversation around a cover-up, speak to the exact reason why this issue is not closed.

I believe that, in order to preserve the very institutions we all have the honour and privilege of being able to serve and protect, Canadians deserve their parliamentarians—for me, the good people of Battle River-Crowfoot, and for each of us, our respective constituency—asking these questions asked and having them answered by those involved.

• (1620)

Madam Chair, with that, I would bring my comments to a close, but I do implore each member around this table to consider how this motion moving forward or not—because we all have a choice to make, and there are consequences to those choices—impacts the very job that each of us was sent here to do.

**The Chair:** Mr. Fergus.

[*Translation*]

**Mr. Greg Fergus (Hull—Aylmer, Lib.):** Thank you very much, Madam Chair.

I would simply like to know whether this motion is in order, given that it is very similar to the first motion that was presented and rejected by the committee two meetings ago.



[*English*]

**The Chair:** Mr. Fergus, if you're asking to have a ruling, you are welcome to raise a point of order, but if you're simply looking for a discussion, then I can respond in a moment.

[*Translation*]

**Mr. Greg Fergus:** Would you care to make a statement on that? Is this motion in order?

I'm asking this question on a point of order.

[*English*]

**The Chair:** On the point of order, I will make a ruling that is not subject to discussion. My ruling on this is that it does fit. When I look back at the documents I was presented with, they are somewhat limited, I'll admit that. It is not easy for me. There is a grey area that I am given to work with.

As Chair, I am asked to rule whether or not it is of sufficient variance. That is the term used. I've had to wrestle with this term "sufficient". It's not "substantive"; it's "sufficient". If it were substantive, then I would look for a difference in substance, but it's sufficient, which gives me two words to work with. I have to look at the purpose of the motion, and I have to look at the means by which the purpose is fulfilled. When it comes to the purpose and the means of the motion, one of these can be the same and one of these can be different, and the motion is still declared sufficiently variant.

In this case, the purpose of the motion is the same, to bring forward the "Trudeau II Report", but the means by which that is met are different. Whereas the first motion asks for the Law Clerk to come forward and for the cabinet confidences to be the point of discussion, the second motion does not include that as a means. Furthermore, in the first motion, there is no time limit given, which means that the means are unending. There's no limitation to it. Whereas in the second motion, it sets an immediacy to it, or gives a very tight time frame, asking for the study to be completed and for the report to be written and given back to the House by May 29.

Given the fact that the means are different, though the purpose is the same, according to the House of Commons debate that took place in 2006, I would rule this in order.

Madame Gaudreau.

• (1625)

[*Translation*]

**Ms. Marie-Hélène Gaudreau (Laurentides—Labelle, BQ):** I'll speak slowly so that anyone can understand what I'm saying, with the help of the interpreter, if necessary. A big thank-you to the interpreters, who are doing an extraordinary job.

I'm going to respect our guest's presentation, but I'd also like to talk about this topic for a very long time. I don't know if you listened carefully to my speech this morning. I spent 10 minutes discussing the motion that was tabled today. The Bloc Québécois is obviously in favour of this motion. We want to know what the situation really is, and we want to have the real facts. However, I wonder about our role as parliamentarians.

I'm talking to you now about how I feel. What I was talking about this morning was raising awareness. This committee has to

look at ethics; it's about morals. What is morality? It's analyzing together what is right and what is wrong, communicating, dialoguing about it in order to move forward. These are terms that have been circulating for the last few weeks; I'm not making this up. Today, my conscience tells me that I was elected to spend money so that, all this time, we are trying to go begging for information. Basically, however, it is up to our committee, the Standing Committee on Access to Information, Privacy and Ethics, to make proposals to correct the Access to Information Act.

What's going on? We're stalling for time. I have a bad feeling in my stomach, which tells me that what we're doing is partisanship. I agreed to sit on this committee because we were going to talk about ethics, human realities and privacy. Please respond to the fact that 30 million Canadians out of 37 million have had their identities stolen. There is an urgency: where is your willingness to act as parliamentarians?

One of the mandates of our committee is ethics, and I want us all to show respect. I've been very respectful, and I've listened to you, but I think that respect should be collective, and first and foremost, we should have respect for our fellow citizens, who are also taxpayers. I'd like to remind everyone that there are 37 million Canadians in Canada.

You heard my heartfelt appeal today. I am a new parliamentarian, and I have a lot to learn. However, I can't wait three years to name things. In closing, I repeat, we are members of a standing committee with a mandate to study access to information. There are motions and legislation, including the Access to Information Act and the Privacy Act, that have a major impact on our lives—all of us—but also on ethics.

Thank you for listening. You now know how I will vote and what I consider important.

[*English*]

**The Chair:** I thought perhaps I saw some hands up here earlier. I want to make sure they aren't missed.

You guys are good? Awesome.

Having heard from everyone, then, I will call a vote on the motion that is before the committee.

Before doing so, I want to take a moment to caution members. Based on principle, I have ruled this motion in order. However, let this caution stand: If this motion or a motion like it were to come forward to simply change a date, I would have no other choice than to rule that out of order. At that point in time it would be getting silly. I'm putting that out there as a caution to the committee. There have to be sufficient changes made to motions in order for them to come forward.

With that, I will proceed to a recorded vote.

(Motion negatived: nays 6; yeas 4)

**The Chair:** At this point in time I will suspend, and we will prepare for our first witness.

• (1630) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1635)

**The Chair:** I call the committee back.

Let me call the committee's attention to a quick order of business before I formally invite Ms. Bélanger to give her remarks. We have a subcommittee report before us. I would look for agreement to adopt the subcommittee report.

**Some hon. members:** Agreed.

**The Chair:** Thank you so much, everyone.

Ms. Bélanger, thank you so much for coming today and for being willing to give your remarks and take our questions. We certainly look forward to learning from you today.

With that, I will hand the floor over to you for your opening statement.

[*Translation*]

**Ms. Nancy Bélanger (Commissioner of Lobbying, Office of the Commissioner of Lobbying):** Thank you very much.

[*English*]

Good afternoon, Madam Chair and committee members.

I am very pleased to be here today to meet many of you for the first time and to provide an overview of the federal lobbying regime, including my office's operations and activities.

The Lobbying Act and the Lobbyists' Code of Conduct recognize that lobbying is a legitimate activity, that lobbying should be transparent and that lobbyists should meet the highest ethical standards. The act and code are intended to foster public confidence in government decision-making.

As the Commissioner of Lobbying, I am accountable to Parliament, and my mandate includes three aspects.

[*Translation*]

First, I must establish and maintain a registry of lobbyists. As the main tool for enabling transparency of lobbying activities, the registry provides Canadians with information about who is communicating with public officials and about what subjects.

On any given day, there are about 6,000 active lobbyists registered. In the past year, they've provided details of more than 13,000 reportable communications.

A key strategic priority for the office has been to modernize the lobbyists registration system. As such, we consistently look for ways to improve the registry to make it more user- and mobile-friendly.

[*English*]

The second aspect of my mandate is to ensure compliance with the act and code. My office conducts verifications to ensure that registerable lobbying activities are properly reported and information provided by lobbyists is accurate and complete.

Allegations of non-compliance with the act and code are dealt with in two steps. First, a preliminary assessment is undertaken to evaluate the nature of the alleged contravention, to obtain initial information and to determine whether the subject matter falls within my jurisdiction. Following this assessment and when necessary to ensure compliance with either the act or code, an investigation is commenced.

When I complete an investigation under the code, I must table a report to Parliament. However, when I have reasonable grounds to believe that an offence has been committed, I must refer the matter to a peace officer, most often the RCMP. Offences under the Lobbying Act include failing to register; failing to file a monthly communication report; providing inaccurate information; and, lobbying while subject to the five-year prohibition.

In the current fiscal year, I have referred six investigation files to the RCMP, and as of today there are eight files with the RCMP. When such a referral is made, I must suspend my investigation until the matter has been dealt with. Once this has occurred, I can then complete the investigation and report to Parliament.

As of today, the office's ongoing compliance workload includes 14 preliminary assessments and 10 investigations.

• (1640)

[*Translation*]

Former designated public office holders are subject to a five-year probation on lobbying when they leave office. The act provides that I can grant an exemption from this prohibition based on a limited set of criteria.

Last fall, we launched an online tool to assist former designated public office holders who wish to make such a request.

Since the beginning of the current fiscal year, I have received 10 requests. Two exemptions have been granted thus far and three remain to be reviewed. Once granted, the exemptions are published on the office's website.

The last, but certainly not least, aspect of my mandate is to raise awareness of the act and code with lobbyists, public office holders and with any other stakeholders interested in lobbying.

This past year, we focused on updating our communication products and gave more than 50 presentations to stakeholders. This represents more than 600 individuals who now know more about the requirements of the act and code.

In addition, the Conflict of Interest and Ethics Commissioner and I offered teleconference sessions on post-employment obligations, gifts, and overall obligations for ministerial staff.

The office's website remains the main tool to reach lobbyists and the public. We have been updating and redesigning it to make information more readily accessible. A new website will be launched at the beginning of the next fiscal year.

[English]

All of this work and the effort required to fulfill government reporting obligations is being performed by a very small team of 28 employees. It is important to recognize the unwavering engagement, professionalism and resolve of the employees of the office who, more often than not, are asked to go well beyond what is required by their positions.

Creating and maintaining an exceptional workplace is a key priority, and it is important to me that the employees feel valued and understand the importance of their work. In the most recent Public Service Employee Survey, 100% of the employees in our office specified that their workplace prevents discrimination, treats them with respect and provides the equipment they need to do their jobs. Over 90% agreed that they have the support to balance their work and their personal lives, are proud of the work they do and would recommend the OCL as a great place to work.

In terms of financial resources, the office has a budget of \$4.5 million that has effectively not changed since 2008. Personnel costs represent 70% of the expenditures, which is practically \$3.4 million. The remaining \$1.1 million is used to acquire program support and corporate services including HR, finance, IT and contracting.

Looking ahead, I have concerns about the current budget. Our fiscal reality is attempting to operate with a budget established more than 10 years ago. At that time \$4.5 million may have been sufficient, but today it means there is practically no flexibility to re-allocate financial resources, hire additional human resources or make necessary investments in an IT system with today's price tags.

The registry is a statutory requirement and is vital for transparency. Constant investments are required to ensure that the registry remains up to date with evolving IT and security standards and with the necessary enhancements to improve accessibility of the information.

I have recently taken steps to secure additional funding for the coming years by submitting a budget request to the government. Should we get this funding, we will hire additional employees with expertise in IT and information management to ensure the registry remains secure, reliable and easy to use.

[Translation]

Finally, I cannot conclude my remarks without mentioning that the Lobbying Act has been up for statutory review since 2017. I have developed a targeted number of recommendations to enhance the federal framework for lobbying. These recommendations are values-based, aimed at enhancing transparency, fairness, clarity and efficiency. Should the Lobbying Act be reviewed, I am ready to share a summary of my recommendations or a more comprehensive document detailing the rationale for each of them.

Madam Chair and committee members, thank you.

[English]

Thank you. I'm happy to answer any questions.

**The Chair:** Thank you very much, Ms. Bélanger.

With that, I will move to questions by the members, starting with Mr. Barrett.

You have five minutes.

**Mr. Michael Barrett:** Thanks, Madam Chair.

Thank you, ma'am, for your testimony today. I had the opportunity to meet with you before to hear about the work you do on behalf of Parliament. I appreciated that and hearing from you today. Thank you very much.

You mentioned in your conclusion that a statutory review of the Lobbying Act is required, and that 2017 is fast approaching and that you do have recommendations in mind.

At this committee we will fill up our agenda with lots of different items. I'm just wondering if you'd be able to give us an idea about the scope of the type of recommendations that you would make.

● (1645)

**Ms. Nancy Bélanger:** When I appeared on my nomination back in December 2017, I was asked to be prepared for a legislative review by the spring of 2018, so I've been working really hard for the last two years to come up with some recommendations. And experience helps, because the more I get along, the more I think of other things.

What I've done is gone through the recommendations that were made back in 2012 and what the committee had gone through and recommended. I decided to take a value-based approach. The values I've enunciated are transparency, efficiency, clarity and fairness. There are different things that can be recommended, and I've come up with 11 recommendations that would enhance those aspects. They can be put into two categories, some with respect to registration and some with respect to compliance.

With registration, the first one that everyone knows about, and I've said it in this committee before, is eliminating the "significant part of the duties" threshold. It's very difficult to apply, and it's difficult for organizations and corporations to know when they've met the 20% threshold. If you look at the different charges that have been laid, these have always been for consultant lobbyist or lobbying while prohibited. It is difficult for them to interpret and, therefore, very often they possibly over-report, or I investigate, and it's 13% or 15%. That is the difficult one.

What I highly recommend is that it be transparent and that it be registration by default with very clear criteria. If you fit in those exemptions, then you wouldn't need to register. Of course, we need to have a balanced approach as well.

Interestingly—and as you may or may not know—British Columbia has just adopted a number of new recommendations. They have gone the approach.... Their law will be in force on May 4. I don't know if they chose that date specifically for a reason. What they are doing is to have registration by default. If you have fewer than six employees and spend fewer than 50 hours a year at lobbying, then you do not need to register. My recommendation would be—and I don't know if you want to hear my recommendation, but I will keep going—fewer than six employees, likely about eight hours and three months.... I find that allowing a full year before having to register is too long. I would highly recommend that within three months, if you meet the threshold, you register. If you ask for more than \$10,000, you should be registering.

That's one aspect. The other one is the monthly communication reports. Right now they have to be oral and arranged by anybody other than the public office holder. To me, who organizes the meeting should not matter to Canadians, and whether it's arranged in advance should not matter. Those one-hour conversations while you wait for your plane together should matter. To me, that's an important one. Whoever is in the room while the lobbying is occurring should be named. That's another example of a recommendation.

**Mr. Michael Barrett:** Thank you very much.

Who is in the room is a key question. Should the committee take a further look at this, I would find it to be very important.

Is there a move to disclose compliance statistics? How many investigations you've undertaken, how many complaints have been referred to you, how many you have found on your own, and how you found them, that type of reporting, that level of detail, I don't believe are currently in your annual report. Are it?

**Ms. Nancy Bélanger:** How many I've opened and how many I've closed are definitely in my annual report. How many I've self-initiated versus how many I've received complaints about are not in it, but I'd be happy to proceed to do that. I'm going to throw this number out, and I might be off by a little bit, but I would almost bet that 90% are self-initiated.

• (1650)

**Mr. Michael Barrett:** I think that would be very interesting—

**Ms. Nancy Bélanger:** Yes.

**Mr. Michael Barrett:** —and would also help inform us, particularly when there is budgetary pressure.

**Ms. Nancy Bélanger:** Yes.

**Mr. Michael Barrett:** The work that you're undertaking, it certainly would make a case for an expanded scope—

**Ms. Nancy Bélanger:** Sure.

**Mr. Michael Barrett:** —should that be the case.

How much time do I have left, Madam Chair?

**The Chair:** You have 30 seconds.

**Mr. Michael Barrett:** I can't get much done in that time.

You said that having more resources available to you in digitizing...would be helpful. Are all of these reports, such as your annual report, available online for the public?

**Ms. Nancy Bélanger:** Yes, absolutely.

**Mr. Michael Barrett:** Thanks very much.

That's fine for my time.

**The Chair:** Thank you, Mr. Barrett.

We'll move over to Ms. Brière.

[*Translation*]

**Mrs. Élisabeth Brière (Sherbrooke, Lib.):** Good afternoon.

Thank you for your presentation and for accepting our invitation.

In your annual report, you explain, “the office updated its guidance documents on how to mitigate conflicts of interest related to preferential access, political activities, and gifts”. The update of this guidance on the Lobbyists' Code of Conduct ensures that rules 6 and 10 of the former guidance, which concern conflicts of interest and gifts, respectively, have been replaced by rules 7 and 10 of the new guidance, which concern preferential access, political activities, and gifts.

Could you explain the reasoning behind these changes?

More generally, how do you see the coexistence of rules on lobbying and rules to prevent conflicts of interest?

**Ms. Nancy Bélanger:** I'll start with your first question.

No rule has been replaced. The Lobbyists' Code of Conduct exists and I cannot change it without holding consultations and providing you with a summary afterwards. Therefore, rule 6 still exists, as do rules 7 to 10, but these rules are accompanied by guidelines to facilitate their interpretation. I updated these guidelines because I was new to the job—I had just come to this position—and also because there was going to be an election. There is a rule on political activities, and I wanted to make sure that it was well-understood by lobbyists.

The rules haven't changed. I have simplified and clarified the examples of activities that could lead to a finding of conflict of interest and which require attention. I can tell you that lobbyists have expressed their satisfaction with the updated guidelines. They have been simplified, but directly and separately for each rule.

Your second question dealt with how lobbyists could manage possible conflicts of interest. Rule 6 is general in nature: it asks lobbyists to be careful about all their behaviour and not to act in such a way as to place the individual who listens to them in a conflict of interest situation, that is, a member of Parliament. Rules 7 to 10 are more specific: a lobbyist must not offer gifts; if a lobbyist undertakes political activities to help you get elected, he or she cannot then lobby you; and he or she cannot use interpersonal relationships to his or her advantage. The purpose of these rules is to prevent a conflict of interest or to avoid creating tension, a conflict between a private interest and the public interest.

**Mrs. Élisabeth Brière:** Have these changes been well-received?

**Ms. Nancy Bélanger:** Yes, absolutely.

**Mrs. Élisabeth Brière:** Okay.

Thank you.

**Ms. Nancy Bélanger:** Thank you.

**Mrs. Élisabeth Brière:** In the annual report, you also state, “The office supports transparency by helping the public, journalists, researchers and advocacy groups to understand the information they find in the registry, clarifying reporting requirements and identifying the best way to obtain the information they are seeking in the registry”.

Could you tell us more about how you help users of the registry of lobbyists to understand the information they find there and to improve their searches?

**Ms. Nancy Bélanger:** Last year, if I remember correctly, the annual report listed 8,200 requests from the media, university professors, students, lobbyists and public office holders. These requests related to the operation of the registry and access to tools on our website. To make the site easier to navigate, we are currently working to improve it. We also have three advisors who respond to telephone calls and emails to help people wherever possible to find the information they need in the registry.

The registry contains information on lobbyists, meetings held and topics discussed. We produce reports based on this information. That's how we help lobbyists. We provide many presentations and outreach activities. There have been 50 this year so far, and close to 70 last year. We hardly turn down any requests—which may end up affecting us.

• (1655)

**Mrs. Élisabeth Brière:** You said earlier, in your presentation, that the website was going to be improved.

**Ms. Nancy Bélanger:** Yes.

**Mrs. Élisabeth Brière:** What will the updates cover?

**Ms. Nancy Bélanger:** No information will be lost. We've gone from about 3,500 pages to fewer than 300. The information was all over the place, so we tried to make it more succinct, avoid repetition and reduce the number of pages. We also tried to take a user-centred approach. This should be ready by the beginning of April. I'm looking forward to that.

**Mrs. Élisabeth Brière:** Okay.

[English]

**The Chair:** You have 25 seconds.

**Mr. Han Dong (Don Valley North, Lib.):** Oh, okay.

Thank you very much for presenting. I'm a new member, too, so I really appreciate this opportunity to learn a bit more about your work.

You mentioned that the former designated public office holders are subject to a five-year prohibition after they leave their office. There are some exemptions. I want to know a bit more about the exemptions. Also, does this rule apply to members of Parliament and also members of the Senate, as well?

**Ms. Nancy Bélanger:** Yes.

**The Chair:** Sorry, if I may interrupt just for a moment here, Mr. Dong, we will come back to you—

**Mr. Han Dong:** Okay.

**The Chair:** —to do your question in just a moment.

Right now, I'm going to turn the floor over to Ms. Gaudreau.

[Translation]

**Ms. Marie-Hélène Gaudreau:** Mr. Dong, I'm new, and I have a lot of time ahead of me, so I would like to let you finish your question.

**A voice:** That's kind.

[English]

**Mr. Han Dong:** Those were my questions I asked, so thank you very much, my great colleague across the table.

But yes, just to help me to understand these two general questions.

**Ms. Nancy Bélanger:** When lobbyists lobby public office holders you should think of the latter as really meaning any public servant, including you, your staff, senators and their staff. When they do, they need to register. But there's a subset of that group, designated public office holders, which includes you, members of Parliament, senators, and obviously ministers—they're members of Parliament—and their staff. When they leave office, they're subject to a five-year prohibition on lobbying.

The exemptions under the act are extremely limited. They're really for people who have been there for a short period—students, individuals who really had only administrative duties. The exemptions are not for those who had any decision-making power. Students in ministers' offices are designated public office holders, so they will often be the ones asking for an exemption when they leave office.

**Mr. Han Dong:** Okay. Thank you, Madame Bélanger.

[Translation]

**Ms. Marie-Hélène Gaudreau:** Good afternoon, Ms. Bélanger.

**Ms. Nancy Bélanger:** Good afternoon, Ms. Gaudreau.

**Ms. Marie-Hélène Gaudreau:** I'm happy to see you. I'm new, and I have many questions, so I'm going to concentrate on the main ones.

You're with us today to describe your role, but I would like to know what your role will be in the coming weeks and in this session. Are we going to see each other just once, or are there going to be interventions in our committee work?

**Ms. Nancy Bélanger:** The first thing I'll say is that I am always at your disposal. I am available at any time to meet with you in committee. I sent you all a letter with information. I'm prepared to meet with you or your staff, if you're not available, because I know you're busy.

In terms of our interactions, usually, once our budget documents are tabled, I'm invited in May to discuss them. Otherwise, I'm always available to meet with you.

**Ms. Marie-Hélène Gaudreau:** That's fantastic. Here's my next question.

You caught my attention when you talked about additional funding. You have worked on the website in a number of ways, including maximizing its usefulness. Personally, I am concerned about access to information.

Could you explain your request for additional funding? What will it be used for?

How can we remain vigilant in terms of privacy?

• (1700)

**Ms. Nancy Bélanger:** What I can tell you is that there will be no risk of a breach of privacy, in any way whatsoever. I come from the access-to-information field. Before I took this position, I worked in that field. So I am a firm believer in the protection of information. I will always make the necessary investments to ensure the integrity and protection of the information in the registry.

That being said, the more money I invest in the registry, the less money I have left to fulfill all the other tasks of my mandate. My budget request is for the hiring of five additional staff. I'm asking for an additional \$780,000 a year to hire five more employees, who will work primarily in information management, management of our registry and so on, and to fund the updating of all our equipment.

**Ms. Marie-Hélène Gaudreau:** Madam Chair, may I ask another question? Do I have two minutes left? Good, because I have a number of questions. More specific questions will follow, but I am going to ask some questions that may be of interest to everyone.

You said earlier that some files were closed and others were in progress when you took over this position. I actually want to know more about the role we play on this committee as parliamentarians.

What happens when certain cases are suspended and appear to be resolvable? I gather reports would be produced, isn't that right?

**Ms. Nancy Bélanger:** Yes. Probably. If I investigate something involving the lobbyists' code of conduct and complete that investigation, I report to Parliament. There are far fewer complaints about the code than the act. I will give you the example of some people

who did not register although they were lobbying or who did not report their monthly conversations.

Most of my investigations involve the act. When I do these types of investigations, I talk to people, read the material and make reports, which are sent to the RCMP rather than Parliament. I have sent six in the past year, which is sort of a record. There used to be an average of two or three per year. Of those six reports, one was from the previous year and one was sent by my predecessor.

With respect to suspended cases, the act requires me to let the RCMP do its job and determine whether there has actually been an offence.

**Ms. Marie-Hélène Gaudreau:** Thank you very much.

[English]

**The Chair:** Mr. Angus, for six minutes.

**Mr. Charlie Angus:** Thank you, Madam Chair, and thank you, Ms. Bélanger, for coming. It's excellent to have you here, and I commend your work.

Certainly, there are many lobbyists who come and with whom we try to meet. You listed the reasons why you would investigate them for failing to report, and failing to live up to the code. One of the elements, under section 6 in the Lobbyists' Code of Conduct, states that it is not to place public office holders in a conflict of interest. That is one of the key ones.

On February 14, 2019, I wrote to you after Mr. Dion announced he was launching an investigation into whether or not the Prime Minister breached the Conflict of Interest Act. On February 19 you responded, and I'm very pleased you did. You said you were going to look into it. Did you do an investigation?

**Ms. Nancy Bélanger:** I look into everything that comes in. I cannot give you any further comment simply because I am required by law to keep everything private, and in particular, I would not want to jeopardize the integrity of any police investigation.

• (1705)

**Mr. Charlie Angus:** I thank you for that. I guess my concern is the following. We've had this only a few times where a serious matter is brought before the lobbying or conflict of interest commissioner, and there is a finding. Your predecessor, Ms. Shepherd, used to find lobbyists contravening the act, but sometimes it was a public officer holder.

In August 2019, Commissioner Dion found that the Prime Minister had broken section 9 of the act, which is very specific, because it was to improperly further the financial interests of another party, that being SNC-Lavalin. He said that the authority of the Prime Minister and his office was used to circumvent, undermine, and ultimately attempt to discredit the decision of the Director of Public Prosecutions as well as the authority of Ms. Wilson-Raybould.

I know you can't say whether or not you carried out an investigation, but it seems we're in a very odd situation that on the person who put the Prime Minister in this position, or the people who did, there is no report, there is no statement. There is no reference whether it was turned over to the RCMP. We don't know. If you found it sufficiently serious, and you forwarded it to the RCMP, would you not at least make that statement known, or that you had initiated an investigation? Was there an investigation, and were they found in compliance or not?

**Ms. Nancy Bélanger:** I cannot confirm anything in relation to the investigations I conduct. It's really because I need to ensure the integrity of all investigations, including those involving the RCMP. I can tell you that if I'm doing an investigation under the code, and under the act, and I have to forward all the information I've obtained under the act to the RCMP, I must also suspend the one under the code, because I can't be talking to all the same witnesses at the same time as the RCMP.

**Mr. Charlie Angus:** Okay, thank you.

**Ms. Nancy Bélanger:** If I may add, I can tell you as well that just as it is frustrating for you that I am not able to confirm anything, it is also frustrating for me and the employees of my office not to be able to share the extensive work that we do. Everything is being looked at very thoroughly. I can only ask you to trust that the system is working in accordance with the act, as it should, and that when and if I have an opportunity to report to Parliament, I will.

**Mr. Charlie Angus:** I really appreciate that, and I don't want to make it more uncomfortable for you. I guess my concern is about having a sense of whether an investigation has begun. With Mr. Dion, there are some outstanding investigations he hasn't reported back on. I would assume that is because we knew he had begun one. Some of those cases may have been moved to the RCMP. In these cases, it's not for me to ask him, but if we don't know if an investigation has begun, we don't know if the investigation has been concluded. Would that be something we would need to look at changing regarding your role? Would this give greater clarity to us and to your office? At the end of the day, it's about public confidence.

**Ms. Nancy Bélanger:** I think if the act were changed so I'd be able to confirm whether or not I've started an investigation, and whether I've completed it...But I don't complete the investigations I send to the RCMP; I suspend them.

**Mr. Charlie Angus:** Right.

**Ms. Nancy Bélanger:** Then I wait for them to do something, either to send it back to me or to lay a charge. When that is done, if they send it back to me, then I could report to Parliament. If they lay a charge...for example, in the Carson file—

**Mr. Charlie Angus:** Yes, right.

**Ms. Nancy Bélanger:** —I ended up ceasing that. There were charges, and he was found guilty. I'm not going to report to Parliament on such a matter.

**Mr. Charlie Angus:** Yes, exactly.

**Ms. Nancy Bélanger:** That is the way the act is set up right now.

**Mr. Charlie Angus:** I want to ask about the ability to maintain an investigation. In something like the Carson case, there are levels that have to be very, very high for the RCMP to step in, because it would be so explosive. However, this would still be in other areas a clear contravention of the act.

Would you suggest changing the rules so that you have the discretion to decide whether to continue an investigation or to hold it so that you could finish it off? When the RCMP have looked at it and have not moved on, it can seem like things are done, but there are sometimes still clear questions about the act that need to be protected.

**Ms. Nancy Bélanger:** If the RCMP sends the file back to me, I will likely still report to Parliament on many of the files I have dealt with in the last year, even if they decide not to proceed with accusations. What I would do is simply report to Parliament what I had done and what I had found. That's what I would do, but it hasn't come back to me yet.

• (1710)

**Mr. Charlie Angus:** Thank you for that.

**Ms. Nancy Bélanger:** I would like to add something else.

**Mr. Charlie Angus:** Certainly.

**Ms. Nancy Bélanger:** I think having a spectrum of sanctions would help as well. Right now, everything that is an offence under the act is to be sent to the RCMP. But in fact—you're correct—not all files are created equal. There might be files where we could simply issue a public report with AMPs, a prohibition on lobbying and not necessarily an offence under the Criminal Code.

**Mr. Charlie Angus:** Thank you.

**The Chair:** Thank you.

Monsieur Gourde for five minutes.

[Translation]

**Mr. Jacques Gourde (Lévis—Lotbinière, CPC):** Thank you, Madam Chair.

Thank you for being here today, Ms. Bélanger. It is always a pleasure to welcome you.

Further to what my colleague was saying about some of the issues, lobbyists are very active on the Hill. They put a lot of pressure on us, but they also put a lot of pressure on public servants.

Have you noticed whether there are some topics lobbyists are covering more than others? Does this ring any bells? Has it happened recently or in the past year that there have been 40, 50 or 75 representations by lobbyists on the same subject?

**Ms. Nancy Bélanger:** A few years ago, there was the legalization of cannabis. It was a hot issue, and, indeed, there was an increase in representations in that area.

Health, the environment, industry and economic development are topics that are always in the news. We can see that there are higher rates in some areas, but the areas that seem to be of interest to people are the ones you are discussing.

If no lobbying was going on in these areas when they are in the news, I would be worried. I would be looking for the reason. I would try to understand why no one is lobbying on these topics when they are in the news. I am glad to see that people are lobbying, and it is in the registry.

**Mr. Jacques Gourde:** Does a lot of lobbying go on with the Privy Council?

**Ms. Nancy Bélanger:** I think that the Privy Council is the third or fourth most solicited department in terms of lobbying. The House of Commons is in first place because it is an institution. Usually, the Department of Innovation, Science and Economic Development is second, and next is the Privy Council, that is, the Prime Minister's Office, which is always third or fourth.

**Mr. Jacques Gourde:** You have the registry of lobbyists, but do you also have a registry that lists all the topics discussed?

**Ms. Nancy Bélanger:** Yes. The registry shows not only the topics discussed on a given day, but also the details of discussions. It doesn't describe every minute, but it is a kind of box in which they can enter certain data.

**Mr. Jacques Gourde:** What type of representations do lobbyists make? In my experience, it is often about budget measures. Rarely is it about saving taxpayers' money.

Are they often representations to justify future expenditures?

**Ms. Nancy Bélanger:** I don't know, since I am not part of the discussions. What I can tell you is that the registry lists topics of discussion. If it is about budget requests, it is listed. The more entries in the register, the more transparency, in my view. However, the quality of lobbying and accessibility are not within my mandate. Funding is one of the topics in the registry, but I don't know if it is the one with the highest percentage of representations. I could get back to you with that information.

**Mr. Jacques Gourde:** It would be of interest to us to know how often representations are related to financial or other measures.

**Ms. Nancy Bélanger:** I will look into that and get back to you.

**Mr. Jacques Gourde:** In my experience, lobbyists rarely propose measures to save taxpayers' money. Often, it is to justify expenditures, future requests or government direction.

When I was in the government, it was just the opposite. They wanted the government to do this or that. When you are in opposition, they want to make sure the government is going in the right direction.

**Ms. Nancy Bélanger:** I will get you the statistics on how many times it is about subsidies or money.

**Mr. Jacques Gourde:** We know that these lobbyists are paid by companies. What I find distressing is that those who can afford to pay lobbyists are more vocal than those who cannot but would probably be entitled to representations to the government. They sometimes come to see us, and it is difficult. Lobbyists charge be-

tween \$300 and \$700 per hour. So the average Canadian cannot gain access.

Do you have ways to provide access to Canadians who do not have such means?

• (1715)

**Ms. Nancy Bélanger:** You are the ones being lobbied. It is therefore up to you to decide to whom you give access. I make sure that, when you give that access, it is in the registry. Currently, I do not have the mandate to determine who has access. I could never manage your schedules or decide who has access to what.

Anyone who gets paid to lobby must register in the registry, and I don't feel it is within my mandate to make it possible for the average person, who does not get paid a lot of money, to communicate with you.

**Mr. Jacques Gourde:** So, if the person is not paid, they do not have to register.

**Ms. Nancy Bélanger:** If the person is not paid, they do not need to register. That is true. The registry of lobbyists is there to regulate the lobbying profession. So it is about people who get paid.

**Mr. Jacques Gourde:** It is a Pandora's box. People can lobby without getting paid, or they can get paid some other way without us knowing about it.

Thank you, Ms. Bélanger.

[English]

**The Chair:** We will move to Mr. Dong for five minutes.

**Mr. Han Dong:** I'll give my time to Brenda for her question. For the remainder of time, I'll give it back to my honourable colleague across the floor in gratitude for giving me the time to ask a question. Thank you.

[Translation]

**Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.):** Thank you very much for being here, Ms. Bélanger.

I think the way you worked with the Conflict of Interest and Ethics Commissioner is a very good thing. I know that here on the committee we also work with the Office of the Information Commissioner of Canada.

[English]

You mentioned that you had some previous experience with the Office of the Information Commissioner and with the Privacy Commissioner and, of course, with the Conflict of Interest and Ethics Commissioner.



I'd like to learn a little more. Are you working with the other commissioners? If you have worked with offices such as the Office of the Auditor General, for example, it seems to me that in some of the things you're doing—I know how difficult it is to set up shop and run all the systems and so on—perhaps there can be some synergies found in working with other agencies.

**Ms. Nancy Bélanger:** Absolutely. The agents of Parliament meet regularly. We're a good group of colleagues. I work with the Conflict of Interest and Ethics Commissioner. I signed an MOU with him very shortly after I arrived so that we could share outreach activities, which we have done quite a number of times. We even did some YouTube videos and we've done a lot of teleconferences together so that both sides hear the different perspectives, from the lobbyist and from the decision-maker.

I've done a number of presentations with him. The Office of the Privacy Commissioner is actually the organization that holds our server, our registry. It ensures the integrity and respect of personal information. I do have an MOU with that organization. It costs us about \$200,000 a year, but that's taken care of.

All of my services for finance, contracting, HR—whenever we want to hire somebody for the finance and the contracting—are with the Canadian Human Rights Commission. They provide that service and we have an MOU with them.

I haven't done anything with the Auditor General, and I don't know if he would be open to that. Right now, I have the resources I need to do more of the corporate side of the function.

[*Translation*]

**Mrs. Brenda Shanahan:** I am going to give our colleague some speaking time.

**Ms. Marie-Hélène Gaudreau:** I am trying to sort this out. There are four commissioners and I see that a lot of work is being done collaboratively. Two things that came up were funding and the distribution of work between commissioners.

It would be interesting to know what your relationship is with the other commissioners, Ms. Bélanger. We are here to help you restructure your office. Perhaps one approach would be to be more collaborative, especially if you are understaffed. The issues of access to information, the registry of lobbyists and privacy are actually closely linked.

What can we do to help you? Are there opportunities for collaboration?

• (1720)

**Ms. Nancy Bélanger:** Certainly our mandates are quite distinct. Is there a need for more collaboration? Perhaps. We should think about that. I also know that, in the provinces, some of the offices are amalgamated. To find out whether or not this is a positive thing, I suggest that the committee invite some of the commissioners to come and see whether there are benefits for them.

Personally, I will take any opportunity to cooperate or perform certain tasks with them, because we are such a small organization. However, we all have an obligation to keep information confidential. So that limits the information that we can share.

**Ms. Marie-Hélène Gaudreau:** Do I have any more time, Madam Chair?

[*English*]

**The Chair:** You have 30 seconds.

[*Translation*]

**Ms. Marie-Hélène Gaudreau:** Thank you kindly, Ms. Bélanger.

Indeed, we are going to have to work together and sort all of this out. When it comes to confidentiality, working together does not make it harder to respect people's privacy. On the contrary, there may be ways to do things while also protecting personal information.

**Ms. Nancy Bélanger:** Thank you, Ms. Gaudreau.

[*English*]

**The Chair:** Mr. Kurek, go ahead for five minutes.

**Mr. Damien Kurek:** Thank you very much, Madam Chair.

Thank you very much, Commissioner, for coming. I hope to get a few questions in, so I'll ask you to keep your responses fairly short. As a new member—and I know there are a number of new members around this table—I'm wondering if there are two or three quick reference points that you in your role could share with MPs in this committee, ways that we can make sure we are doing our jobs most effectively to ensure that you can do your job most effectively.

**Ms. Nancy Bélanger:** Quick reference points—I don't think so. I appreciate these invitations. I feel as though we work quite in isolation, so having the opportunity to share is absolutely welcome. I need to know that you know what I'm doing, that I am working hard, that my team is working extremely hard, and I do not want to make it look as though we're in an ivory tower or something and not doing anything. As often as you want to invite me and to hear from me, it will be my pleasure to come.

Otherwise, I have a very discreet and very focused mandate. I think maybe in the future we will have an opportunity to work together if there's ever a legislative review, a little bit more closely, but otherwise, I think that having open discussion and communication is the best.

**Mr. Damien Kurek:** I appreciate that. Certainly that answers my question. Thank you very much for that.

I reviewed your mandate on your website and some of the information you sent. I'd like to read into the record a quote from your website that I think highlights the importance here:

The purpose of the [Lobbying] Act is to ensure transparency and accountability in the lobbying of public office holders in order to increase the public's confidence in the integrity of government decision-making.

I think that is a fairly accurate description of your overall mandate, kind of succinct into one statement.

I would just ask for any comments you might have on your role as commissioner in ensuring that Canadians can trust the institutions of Parliament and trust that their government is not subject to undue influence and that sort of thing. I'm not sure if you were here for part of the debate before, but this is something that's top of mind. I certainly heard a tremendous amount during the last election, and I continue to hear a lot from constituents, about how we need to have confidence in our democratic and governmental institutions.

**Ms. Nancy Bélanger:** I'm a great believer in access to information and transparency. I was in the access world before. I continue to promote transparency in everything I do, as much as I can. I reach out to lobbyists a lot. I am watching everything that goes on. I said earlier that likely 90% of the work I do is self-initiated. All I can do is try to continue to instill the integrity of how lobbyists do their work.

Quite frankly, there are 6,000 lobbyists who are registered. Under the code on ethical conduct, I am not receiving many complaints. I am not really observing much. There is a lot going on, for sure, but at least Canadians know about it if they look at our registry. How do I reach out to all Canadians to make sure they know about my registry? Well, it's little baby steps. I am trying to meet with anybody who wants to meet with us. I am in the universities. We try to use social media. All we can do is use word of mouth, and reach out to you, and hopefully people will understand the role of the registry and the lobbying regime overall, at some point. Really, it helps to contribute to the integrity of decision-making.

• (1725)

**Mr. Damien Kurek:** I appreciate that.

Chair, how much time do I have left?

**The Chair:** You have 30 seconds.

**Mr. Damien Kurek:** Okay. Perfect.

I would leave you with this final comment. You know, “lobbying” is often known as a dirty word. It's so important that this registry and the investigations you undertake help to ensure that Canadians can ultimately trust government. We talk a lot about trust, because often it's the headlines and whatnot that speak to when trust is shaken or broken. Specifically in regard to your mandate as the lobbying commissioner, thank you for the good work you do and for your role in helping to ensure that Canadians can ultimately trust our public institutions.

Thank you very much for appearing before us today.

**Ms. Nancy Bélanger:** Thank you.

**The Chair:** Ms. Shanahan, you have five minutes.

**Mrs. Brenda Shanahan:** I'd like to give my time to Greg Ferguson.

[Translation]

**Mr. Greg Ferguson:** Thank you very much, Mrs. Shanahan.

Thank you, Madam Chair and Madam Commissioner.

It is a pleasure to have this second opportunity to speak with you. I have to tell you that I really enjoyed our first meeting.

I do not know whether all my colleagues know this, but before I became a member of Parliament, I was a staff lobbyist for the Association of Universities and Colleges of Canada. On my team, I was the one responsible for lobbying members of Parliament during the 41st Parliament. We talked about this before. On my team, I had insisted, even with the volunteers who came from across Canada to advance the interests of the universities, that we register even though it was not required. I thought it was always better to give as much information as possible to your predecessor, rather than not give enough.

However, I did notice that it was sometimes a bit complicated to use the registry, especially for volunteers who do not lobby regularly. Indeed, less than 5% of their work is devoted to lobbying. I am not even talking about the 20% threshold.

Is there a way to simplify registration so that Canadians can get a realistic update on the status of lobbyists who speak to politicians or senior officials?

**Ms. Nancy Bélanger:** There are a number of ways to simplify the process, especially for people who need to sign up for the registry. Currently, the criteria vary based on whether a business or an organization is involved. I believe the criteria should always be the same. So, one of my recommendations is to harmonize the criteria.

There used to be two steps in the registration process. People had to sign a contract and then send it in. We have eliminated those steps. Over the past year, we have streamlined the registration process, and it is now possible to go directly into the system and work with a staff member, who does the registration. We have transferred all data to the Webforce platform so that the registry can be accessed by telephone. Previously, people who had to register could only do so by accessing the system from their office. Now they will be able to do it from their cell phone.

We are very aware of the situation and we are trying to improve the process. One thing we have done is conduct a customer service survey. It showed us that, once people know how the process works, it is easy, but they still have to get there. We are taking small steps, but we are always listening and we are getting things done.

• (1730)

**Mr. Greg Ferguson:** That's great. Thank you very much.

My second question concerns a point you raised during your presentation. You would like people to also include communications that take place in public places, while waiting for the bus or in a lineup at an airport, for instance.

I for one remember my old life before I jumped into politics. I have been in the region for 32 years. I am one of the only members of Parliament who has been in Ottawa that long. Over the decades here, I have met many lobbyists. Sometimes I meet them somewhere and the conversation starts and I do not know whether I started it or they started it. In some cases, the conversation is very detailed, and in other cases it is not. When our exchanges are detailed, I remind them that they have to use the registry.

Again, I'm wondering whether we are making things more complicated. Are we creating a huge workload for you and your team?

**Ms. Nancy Bélanger:** If you are creating a heavy workload, something is going on, and it should be registered. If it happens a lot and is not being registered, there is a problem.

You are right about the complexity of the process, and that is why we want to simplify things. The question of who started the conversation should not be relevant. Conversations about the weather should not be logged in the registry. However, if the person is asking for support for a \$10,000 or \$15,000 request, that is lobbying. If we had to determine whether the meeting in a lineup was arranged in advance or who started the conversation, that would make it complex. As soon as a lobbyist asks for something, it should be recorded in the registry, period. I hope that simplifies things.

**Mr. Greg Fergus:** Pardon me, I have another question.

[*English*]

**The Chair:** That is your time.

**The Chair:** Madame Bélanger, thank you so much for your time and being willing to answer our questions and engage in conversation with us today.

**Ms. Nancy Bélanger:** Thank you.

**The Chair:** To all the members, thank you for your thoughtful questions and interactions.

With that, I will call this meeting adjourned.

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