



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Access to Information, Privacy and Ethics

EVIDENCE

**NUMBER 084**

Monday, October 16, 2023

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Chair: Mr. John Brassard





## Standing Committee on Access to Information, Privacy and Ethics

Monday, October 16, 2023

• (1630)

[*Translation*]

**The Chair (Mr. John Brassard (Barrie—Innisfil, CPC)):** Welcome to meeting number 84 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

[*English*]

Pursuant to Standing Order 108(3)(h), briefing on annual reports and other reports of the Information Commissioner, the Commissioner of Lobbying and the Conflict of Interest and Ethics Commissioner, today's meeting is taking place in a hybrid format pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application.

I'd like to make a few comments for the benefit of the witnesses and members.

Please wait until you are recognized by name before speaking. For those participating by video conference, click on the microphone icon to activate your mike, and please mute yourself when you're not speaking.

For interpretation for those on Zoom, you have the choice at the bottom of your screen of floor, English or French audio. For those in the room, you can use the earpiece and select the desired channel.

Although this room is equipped with a powerful audio system, feedback events can occur, and these can be extremely harmful to our interpreters and cause serious injuries. The most common cause of sound feedback is an earpiece that's worn too close to a microphone. We therefore ask all participants to exercise a high degree of caution when handling the earpieces, especially when your microphone or your neighbour's microphone is turned on. In order to prevent incidents and safeguard the hearing health of our interpreters, I invite participants to ensure they speak into the microphone in their headset and that it's plugged in, and to avoid manipulating the earbuds and place them on the table away from the microphone when they are not in use.

[*Translation*]

Please remember that all comments from members of Parliament should be addressed to the chair.

[*English*]

I would also say, in accordance with the committee's routine motion concerning connection tests, that I am aware that for everyone appearing remotely, the connection tests have happened.

Now I'd like to welcome our witnesses for the first hour today.

From the Office of the Commissioner of Lobbying, I want to welcome Nancy Bélanger, Commissioner of Lobbying, and from the Office of the Information Commissioner of Canada, Caroline Maynard, Information Commissioner.

I thank both of you for your patience. We're starting this meeting an hour later than scheduled. I appreciate your taking the time with us this afternoon.

Commissioner Bélanger, you have five minutes for your opening statement, and you will be followed by Madam Maynard.

Go ahead, please.

[*Translation*]

**Ms. Nancy Bélanger (Commissioner of Lobbying, Office of the Commissioner of Lobbying):** Good afternoon, Mr. Chair and committee members. Thank you for the opportunity to appear before you today to discuss the work of the Office of the Commissioner of Lobbying together with my colleague the Information Commissioner.

The Office of the Commissioner of Lobbying is a micro-organization with a broad mandate set out in the Lobbying Act. The act requires the office to maintain a registry of lobbyists, offer education to increase awareness and understanding of the lobbying regime, and ensure compliance with the act and with the Lobbyists' Code of Conduct.

Despite the small size of our organization, we have the same extensive reporting requirements as all other federal departments.

We delivered on our mandate with a small number of employees—which averaged 28 staff positions in the last fiscal year—and with a budget of \$5.2 million.

The number of registrations and registered lobbyists continues to grow each year, and 2022-23 was no exception, with as many as 5,300 active registrations and 7,000 active lobbyists at any given time. The same is true for oral and arranged communication reports filed in the Registry of Lobbyists, which once again set a new record at 30,681.

We have enhanced the registry by introducing a search alert feature that notifies users when their selected keywords are added to the registry.

We also continued our efforts to contribute our experience and knowledge, both in Canada and internationally, with approximately 80 presentations to a variety of stakeholders.

On the compliance front, in 2022-23, I determined that no further action was required in 27 cases. I pursued three investigations and made one referral to the RCMP. As of September 30, we had 36 ongoing compliance files.

[*English*]

Last fiscal year, as you know, we also worked tirelessly to update the Lobbyists' Code of Conduct, which was ultimately published in the Canada Gazette in May 2023.

For the first half of the current fiscal year, our efforts have been focused on ensuring that stakeholders understand the updated code, which came into force on July 1. We are prioritizing communications with those who are currently listed in the registry, to support their understanding and compliance with these updated standards.

More broadly, we are developing ways to expand our awareness and understanding of the lobbying regime. We will increase our products and tools while also improving our use of plain language so that we can further promote compliance.

I was pleased that the office was identified in budget 2023 to receive an ongoing increase of \$400,000. This funding will allow us to hire four additional indeterminate staff to help alleviate some of the risks associated with depth of capacity. I am hopeful that we will receive these funds through the supplementary (B)s process and proceed to staffing these positions.

In the ongoing absence of a review and of changes to the act, and recognizing that I have just over a year left in my mandate, I will continue to identify and pursue improvements that could enhance the transparency, fairness, clarity and efficiency of the federal lobbying regime. These changes will include updating our interpretation materials with respect to the application and enforcement of the act, improving the registry, and potentially seeking regulatory updates to enhance the effectiveness of lobbying registration.

I would like to conclude by thanking each and every employee of the office. I am grateful for their dedication, professionalism and excellence in delivering on our mandate.

Mr. Chair and committee members, thank you. I welcome your questions.

• (1635)

[*Translation*]

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

Ms. Maynard, you have five minutes to give your presentation.

**Ms. Caroline Maynard (Information Commissioner, Offices of the Information and Privacy Commissioners of Canada):** Thank you for inviting me to appear before you to discuss the reports published by the Office of the Information Commissioner so far this year.

I was probably among the first to read the final report of this committee's study into access to information as soon as it was made available last June. As I indicated in my statement following the release of your report, I am delighted that many of your recommendations reflect the advice of the many witnesses who appeared before you.

[*English*]

Allow me to thank this committee once again.

Now let me bring you up to speed on some of my office's activities since I last had the opportunity to appear before you.

The most recent reports I published were actually the annual reports on the administration of the access to information and privacy acts, which were tabled on October 3.

In addition to my role of investigating complaints related to access to information requests, my office is also subject to both of these acts.

I take my responsibilities in these areas very seriously, and it is reflected in my office's own ATIP performance, which includes no deemed refusals and an average response time that is lower than the 30-day limit.

[*Translation*]

Last June, I also tabled my annual report, which detailed the office's activities and the results achieved in 2022-23. While I am proud of our results, I remain very concerned about the overall state of the access to information system in Canada.

I expressed my concerns in opinion pieces that ran in The Globe and Mail and Le Devoir during Right to Know Week. In these articles, I discussed our 40-year-old Access to Information Act's midlife crisis.

[*English*]

I pointed out that successive governments have failed to modernize information management practices, just as they have failed to introduce amendments to the act itself that would ensure that it remains relevant and effective.

I also stated that some government institutions now routinely violate this law on a daily basis and that there is no or little indication that the government intends to act to rectify the situation. I'm hoping to be proven wrong when the government tables its response to your report, which is due, I understand, this week.

Two weeks ago, I also met with provincial and territorial counterparts in Quebec City, where we issued a joint resolution aimed at reinforcing the public's right to access government-held information, including historical records.

It has never been more important for Canadians to have access to official government records if we are to maintain confidence in our democratic institutions. In our modern, digital world, disinformation and misinformation spread very quickly. Timely access to accurate facts and reliable information is more critical than ever.

[Translation]

Recognizing that access to information systems across Canada are frequently unable to provide timely responses to access to information requests, the resolution called upon respective governments to also make use of alternate mechanisms for providing access to records, including through proactive disclosure.

We also urged our respective governments to modernize legislation, policies and information management practices.

A copy of the resolution is available on the Office of the Information Commissioner's website. A link to it has already been provided to the committee.

[English]

In closing, as the government seeks to reduce expenditures, I would like to repeat something that is crucial. Leaders must remember that access to information is both a quasi-constitutional right and a legal obligation, and it must be treated as such.

I will conclude my remarks here.

Thank you very much.

• (1640)

[Translation]

**The Chair:** Thank you, Ms. Maynard.

We'll now begin the first round of questions, where speakers from each party will have six minutes.

Mr. Gourde, you have the floor for six minutes.

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

Ms. Bélanger and Ms. Maynard, we're always grateful for your presence, which is very important.

Ms. Bélanger, you talked about the increase in the number of lobbyist registrations. Tell me about the extent of this increase.

**Ms. Nancy Bélanger:** Last year, I think there were about 5,000 lobbyists, or 6,000 at one point. Now it's up to 7,000. As for communication reports, last year there were 24,000 or 25,000, whereas this year it's around 30,000. I'm referring to oral and arranged communications.

We've really seen an increase every year since the system was introduced. In itself, it's a positive thing that the lobbyists who communicate with you are registering. It's not a bad thing, but it means that the office is busy. It's good.

**Mr. Jacques Gourde:** I think the lobbying industry is doing well in Canada right now.

Explain how lobbyists report their communications with public office holders, which include us and certain public servants. Do they send you a report explaining roughly what exchange of information took place during these communications?

**Ms. Nancy Bélanger:** All organizations and consultant lobbyists are required to register when they intend to communicate with a government department on a given topic. I'm referring here to oral and arranged communications, and not those that might take place

impromptu in the street, for example. On day 15 of the month following the time they had the conversation, they must enter data into the system to show that they had a conversation with the public office holder in question. They must name the person they spoke with and indicate how the topic for which they originally registered was addressed. That's about all the information we have.

**Mr. Jacques Gourde:** To your knowledge, has a public office holder's name ever appeared on a lobbyist's communication report without their actually having had any communication? In the lobbying industry, lobbyists have clients and must have a certain number of communications with public office holders. So, I'm wondering if people don't sometimes resort to cut-and-paste. For example, a lobbyist may say that he or she has spoken to such-and-such a person about such-and-such a topic, when in fact that person had merely greeted the lobbyist. The lobbyist still takes the trouble to write a communication report so that his or her boss will send him his cheque.

**Ms. Nancy Bélanger:** The purpose of the registry is certainly to be adequate and to contain truthful information. So if it turns out that registered lobbyists are filing entries on conversations that did not take place, that's technically an offence. I hope people try to file truthful entries. I will tell you, though, that many people will submit a report to the registry for a letter they've sent, and that is a case of their misunderstanding the system. Every month, we check about 5% of all communications submitted and, if there's an error, we have the lobbyist correct it.

**Mr. Jacques Gourde:** Thank you, Ms. Bélanger.

Ms. Maynard, I'm going to ask you a question about protecting privacy.

I don't know if you are aware, but Quebec's new Bill 25 is very much inspired by what you do at the Office of the Commissioner.

Are federal institutions subject to Bill 25, are they exempt, or are some and others not?

**Ms. Caroline Maynard:** With respect to protecting privacy and personal information, I urge you to speak with Philippe Dufresne, the Privacy Commissioner of Canada. I know he's in regular contact with provincial commissioners regarding access to personal information and privacy protection.

**Mr. Jacques Gourde:** I will happily speak with him.

You also spoke of the Access to Information Act's midlife crisis. Personally, I'm closer to the late-life crisis.

Can you go over some of the details on that?

**Ms. Caroline Maynard:** The Access to Information Act was passed in 1983. We therefore celebrated the act's 40th anniversary this summer, in July. As noted in my office's annual report as well as several subsequent statements, unfortunately there wasn't much to celebrate after 40 years. I must admit that we were very proud as Canadians to be among the first to adopt access to information legislation. More specifically, Canada was the eighth country in the world to do so. Today, over 125 countries have access to information legislation. However, given the current state of our legislation, we are now in 53rd place. The act hasn't been modernized since it was passed, and there are many issues with its enforcement. My office receives a lot of complaints. What we're trying to do is give Canadians key examples of why access to information is important and why the act should be modernized after 40 years.

• (1645)

**Mr. Jacques Gourde:** You also mentioned that it was difficult for Canadians to gain access to information in a timely manner.

Can this really lead to problems for organizations as well as Canadians on a personal level?

**Ms. Caroline Maynard:** Yes, a great many issues can arise. For example, imagine that a journalist, teacher or anyone else wants information about how the government makes decisions. If they receive the information one or two years later, it will no longer be relevant. That's why the act sets deadlines. Unfortunately, the deadlines are not being met.

**The Chair:** Thank you, Ms. Maynard and Mr. Gourde.

For reference purposes, I'd like to inform the committee that we invited Mr. Dufresne to testify. He is busy this week, but he is available next week. I believe he'll be testifying on Monday, but nothing has been confirmed yet.

[English]

We're going to Ms. Damoff for six minutes.

Go ahead, please.

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** Thank you, Mr. Chair, and thank you both for being with us today.

Ms. Bélanger, I want to talk a bit about sponsor travel. I have done a lot of work with Results Canada and World Vision. I know you've heard the concerns that these organizations have expressed.

Could you give us a bit of a rationale as to why you decided to do what you've done when it comes to international travel?

**Ms. Nancy Bélanger:** I used to work a long time ago in the Conflict of Interest and Ethics Commissioner's office. Sponsored travel has been a concern from that perspective for a very long time. When I became the Commissioner of Lobbying, it concerned me that lobbyists, who expected something from those people they lobby, could offer travel worth thousands of dollars and then come back and call you to lobby you for something specific.

The predecessor of the current Conflict of Interest and Ethics Commissioner appeared before committee and suggested that all sponsored travel should be subject to an acceptability test. I agreed with him.

From my perspective, on lobbyists, I thought, "I can't make a rule that hospitality and big, lavish dinners are prohibited," but travelling members of Parliament, public servants or anyone else around the world, possibly with guests.... It certainly creates a sense of obligation that, in my view, is not acceptable.

At the end of the day, if it's that important for members of Parliament to go on these trips, you need the budget for it. I don't think it's fair. It's also levelling the playing field. I have had representations of concerns from those who have offered, but I have also received representations from those who have said, "We have never been able to offer that because we don't have the budget, and this was a good call and a good decision."

**Ms. Pam Damoff:** As an MP, I've been able to use my member's office budget to visit a uranium mine, for example. I've been to the Six Nations reserve, which is not too far from my community. I also went, just this summer, to Okimaw Ohci Healing Lodge in Saskatchewan. These trips have greatly educated me, as a member of Parliament.

I've also done trips with Results and World Vision. They're far from lavish. I'm not talking about the porterhouse steaks and chateaubriand that I know some sponsored travel includes. This was economy travel. This was not staying in lavish hotels at all. These were educational, and they have informed my work as an MP. I feel no obligation to those organizations, but it has informed my decision-making in the things I've done.

How do you get that balance? We don't have a budget to travel internationally.

• (1650)

**Ms. Nancy Bélanger:** I would argue that if you feel that it has enhanced your role as a member of Parliament, maybe you should.

I cannot, in good conscience, say that it's okay for lobbyists to bring individuals whom they lobby on travel.

Some of the groups you've mentioned are likely not registered lobbyists. Let's make this very clear: I regulate only lobbyists—those who are registered and paid to lobby members of Parliament.

I do not regulate groups that are not registered to lobby, so there will be some travel that can continue.

**Ms. Pam Damoff:** What travel is allowed to continue, then?

**Ms. Nancy Bélanger:** It is for groups that are not registered to lobby. I regulate only lobbyists. If they don't meet the threshold to be registered as lobbyists, then they're not subject to the code of conduct for lobbyists.

**Ms. Pam Damoff:** Moving on, do you think that lobbying is a multi-jurisdictional issue? Should we be looking at any kind of harmonizing with the provinces in terms of lobbying rules?

**Ms. Nancy Bélanger:** That's interesting. I have groups that tell me it would be so much easier for them to register in one place or at least be subject to the same rules across the country. I do not believe that any commissioner of lobbying from across this country would be against that idea, because we're all dealing with different thresholds.

It's not easy for lobbyists out there to know. In one place, it's 10 hours. In another, it's 30. We are very different. Some models are copying other models.

I think that having a great vision would be wonderful. Whether or not we can get all provinces and the federal government to agree to have one type of regime for lobbying, we'll see.

**Ms. Pam Damoff:** I'm finding that it makes it hard for organizations to know what they can do.

**Ms. Nancy Bélanger:** Absolutely.

**Ms. Pam Damoff:** I'm an Ontario MP. The provincial rules there are far more lax than they are federally in terms of lobbying. I think it can be hard for them to differentiate.

**Ms. Nancy Bélanger:** I don't know that I would agree that they're more lax. They're different.

**Ms. Pam Damoff:** If you look at what happened with the Greenbelt, I would say they're a lot more lax.

**Ms. Nancy Bélanger:** We'll see where that goes.

**Ms. Pam Damoff:** Thank you.

**The Chair:** Thank you, Ms. Damoff.

[Translation]

Mr. Villemure, you have the floor for six minutes.

**Mr. René Villemure (Trois-Rivières, BQ):** Thank you very much, Mr. Chair.

Commissioners, thank you for appearing before us again today. It's a regular exercise.

I will address you first, Ms. Bélanger.

Are you satisfied with the new Lobbyists' Code of Conduct?

**Ms. Nancy Bélanger:** Yes, I'm satisfied with the new code. Someone asked me recently if, in the event that I had to start that work over again, I would do certain things or enact certain rules differently, and the answer is no.

The new code took effect six months ago. So far, we've received a lot of questions because people don't want to breach the code, but that's a good thing.

**Mr. René Villemure:** What has the new code changed in your day-to-day work? Have you been receiving more requests, for one thing?

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

**Mr. René Villemure:** How about compliance?

**Ms. Nancy Bélanger:** I hope people are complying with the code. It must be said that the new code has only been in effect for six months. We get a lot of questions about receptions. Many receptions are mentioned in the newspapers. In some cases, we've been contacted; in others, we haven't, so I contact those concerned.

Since the code came into effect, my office's workload has increased a little when it comes to requests, but we anticipated that and it's all going well.

**Mr. René Villemure:** You're halfway through your term, aren't you?

**Ms. Nancy Bélanger:** I have 14 or 15 months left. My term ends in December 2024. So I have a little over a year left.

**Mr. René Villemure:** You're accurate.

Is there anything that wasn't included in the act that you would like to leave to the next commissioner? Is there anything still missing from the act?

**Ms. Nancy Bélanger:** The act needs to be reviewed because there are plenty of things missing from it. I can't say it enough: There are some major gaps.

Right now, many lobbying activities take place without needing to be registered. In addition, the means available for imposing sanctions are inadequate. Either the file is referred to the RCMP, or a report is tabled in Parliament; there's nothing in between. Furthermore, a lot of information doesn't get recorded in the register right now, when it could be.

Basically, there is a lot of room for improvement. I'd say even lobbyists agree that some improvements are needed. It's about time that the act be reviewed. It was last reviewed in 2012. In fact, the act includes a review provision. So it's not a choice, it's an imperative, a requirement. However, on two occasions, it hasn't been reviewed when it should have been.

• (1655)

**Mr. René Villemure:** I think all the commissioners will agree on this.

Ms. Maynard, earlier you talked about disinformation and misinformation. Can you tell us a little bit more about that? We're very concerned about it.

**Ms. Caroline Maynard:** Disinformation is when the wrong information is provided voluntarily or intentionally. Therefore, the goal is to make sure people don't get the right information.

Misinformation is when people don't get all the facts.

Often, what people are trying to do through access to information is fill in the information gaps. In principle, information should always be accessible as quickly as possible and it should be provided voluntarily. Government should be proactive about providing information. If it isn't, we want people to get reliable, factual information quickly so they can understand the history around something and make the right decisions. When it comes to history, we've seen recent cases that demonstrate how important it is for people to have access to reliable information.

**Mr. René Villemure:** We've talked before about the principle of cabinet privilege. Where do we stand on that?

**Ms. Caroline Maynard:** Nothing has changed since the last time we saw each other. I still don't have access to documents that fall under cabinet privilege. I requested an amendment to the Access to Information Act so that the cabinet would be subject to our investigation. I was pleased to see that, as a committee, you made that recommendation.

**Mr. René Villemure:** This morning, I read a newspaper article about the case of Ms. Wilson-Raybould and SNC-Lavalin, at the time. The Conflict of Interest and Ethics Commissioner recommended that the veil of secrecy be lifted. Citing the RCMP, today's article said that if the veil had been lifted, things would have ended differently.

I assume the reason you're pushing for secrecy to be lifted is precisely to stop this type of thing from happening.

**Ms. Caroline Maynard:** The Rouleau Commission is a very good example. A huge number of documents protected under cabinet privilege were handed to the commission, because they alone could explain what happened and the decisions that had to be made quickly. In the end, the sky didn't fall and people got a lot of information.

It's not my place to tell you that information should be released, but someone in an independent commissioner's position like mine should at least be able to check the information to make sure that it truly falls under cabinet privilege and it isn't just a standard document providing advice or recommendations.

**Mr. René Villemure:** We still trust the Office of the Commissioner in both cases.

Where declassification is concerned, do you have any other suggestions to make besides the one about cabinet privilege?

**Ms. Caroline Maynard:** Declassification is another matter. It's about documents classified as secret or top secret. We're seeing documents from 60, even 80 years ago that are still classified when they should no longer be. We're suggesting that a process be put in place to ensure mandatory release of these documents. Right now, people need to file an access to information request, and then a lengthy process begins to find out whether the institution wants to declassify the information when it's reviewed. If certain documents had to be declassified, the information would be available more quickly and only documents that are still of a sensitive nature—there will always be some documents like that—would continue to be protected.

**Mr. René Villemure:** Would this require that the act be reviewed or that regulations be changed?

**Ms. Caroline Maynard:** Through policy, the government could implement a mandatory declassification process. That way, the legislation wouldn't have to be amended.

**Mr. René Villemure:** Perfect.

Thank you very much.

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

[English]

Mr. Green, you are up for six minutes. Go ahead, please.

**Mr. Matthew Green (Hamilton Centre, NDP):** Thank you very much, Mr. Chair.

This is such an important line of questioning that I want to pick up from my friend from the Bloc.

Commissioner Maynard, of the OIC inventory for complaints in 2022-23, 15% include historical cases of national security. What would a robust declassification system look like, how often should

cases be up for renewal of classification, and what would the metric be to impose that renewal?

**Ms. Caroline Maynard:** That's a good question. There are existing mechanisms out there. The U.K. has one. The United States has one. Australia has one, too. They're all different, and I'm not saying any of them are better, but we definitely don't have one here in Canada.

Whether you pick 60 years, 50 years or 80 years, even.... We've recently seen a case in which it was a legal opinion that was 80 years old and still was not going to be released.

We need a program with experts who are going to be sitting and deciding what can be declassified on behalf of Canada, and I think that would not just help my office but help Canadians understand their history.

● (1700)

**Mr. Matthew Green:** On that, it says that only investigators with a certain level of clearance may investigate certain cases. At what substantive level are investigators provided a higher clearance, and how quickly are staff trained and provided an opportunity to gain a higher level of clearance in order to investigate more complex cases?

**Ms. Caroline Maynard:** We don't have a special classification for the positions themselves; it's a special delegation from the minister. I have about 23 employees who have that delegation, and their clearance takes a normal clearance time, like for the RCMP clearance for secret. We have only a few top secret employees. It takes sometimes three to six months.

**Mr. Matthew Green:** You said that you had only a few top secret clearance employees. Is that an administrative barrier to being able to deal with some of the more complex cases that might have sensitivity or undue delay?

**Ms. Caroline Maynard:** It's definitely difficult to have somebody who has the expertise. Imagine, from my office, hiring these people. I understand that within the government it's difficult as well, because the same documents are being reviewed not only by my office but by the analysts in each of these institutions. Definitely, if the documents were declassified from the get-go, it would help the process ultimately.

**Mr. Matthew Green:** This is certainly not pertaining to this intervention that you're here for today, but I've heard the term “administrative sabotage”, and I certainly don't place that on your office. It's the way in which, across the whole of government or in government arm's-length institutions, there is a skirting of the laws.

In fact, a story published on October 4 has a headline that says, “We're ashamed! Canada's information watchdogs sign joint pact, urging governments to fix FOI systems”. I'm just going to quote a couple of things, and then I'm going to invite you to respond, if that's okay.

The Globe's report that launched, called “Secret Canada”, has revealed that public institutions “skirt access laws, also known as freedom of information laws, by overusing redactions, failing to meet legislated timelines and claiming ‘no records’”.



That's even when, in fact, they do exist. This is what I reference when I say "administrative sabotage".

I believe you signed on to the resolution, and I'll allow you to speak to it in a moment. The report continues:

The resolution calls on governments to uphold seven "principles" related to the public's right to know. Chief among them is the idea that the culture of public institutions "must be founded on the fundamental principle that information under their control belongs to the people they serve."

I won't reference the entire article. I'm sure you're familiar with it and probably have prepared to comment on it coming into this, given that this story broke just a few weeks back. I will allow for you to address that now and maybe just provide a context for how you feel that this resolution impacts the work you're able to do moving forward.

**Ms. Caroline Maynard:** Like I said in my opening remarks, all the commissioners last week felt that it is a really good time now to talk about access. The Globe and Mail did a really good job in putting that on the front pages.

We are in a place where information is key. Canadians don't trust governments. They need information to be factual, timely and provided to them. A lot of our jurisdictions—not all, but many—need modernized legislation. We need trained analysts and trained professionals to deal with that.

Ultimately, we definitely need a change of culture across the board. We need people who believe that giving information will make them feel better and empowered, not embarrassed and impoverished. We need government employees to feel that the leaders are behind them when they give access to information.

**Mr. Matthew Green:** I will share with you a quote from Michael McEvoy, and we share the perspective, which is this:

Where there is a vacuum of information created by government withholding information, that's where conspiracy theories, that's where disinformation is going to flourish.

Is that a statement you also agree with, and do you view what has been stated as the "erosion of access rights" as being a threat to the institution of democracy itself?

• (1705)

**Ms. Caroline Maynard:** I totally agree with Michael. Yes, we definitely need more information out there, not people trying to figure out what the information is.

As you said earlier, when you receive a document that's redacted and later on you find out through the investigation that the information that was redacted is not top secret, it's not a legal opinion, that's when the trust goes away. Why was that redacted in the first place, or why was the timeline missed, when it's a two-pager that you should have received in 30 days?

We need to help Canadians trust our government better, and the system of information is broken.

**Mr. Matthew Green:** Thank you so much for your candour today.

**The Chair:** I appreciate that too, Matt, quite frankly.

Thank you, Madam Maynard.

We're going to the second round now. I have Mr. Barrett for five minutes, please.

Go ahead, Mike.

**Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC):** Thank you, Chair, and thank you both for being here today.

Your timing is quite fortuitous. In the Toronto Star this morning there is a story that says, "Documents reveal why RCMP didn't pursue criminal probe of Justin Trudeau in SNC-Lavalin affair." It says:

The Royal Canadian Mounted Police declined to pursue a criminal investigation into Prime Minister Justin Trudeau's actions during the SNC-Lavalin affair in part because the federal police force was thwarted in a bid to get confidential cabinet materials, newly released documents show.

That is not the documents they were seeking, just documents about the process that they used to seek them.

This came down to the RCMP googling open-source information, public information, to try to get the answers they needed, instead of having access to the information they were actually looking for. This, of course, is a scandal that saw the Prime Minister found guilty under the Conflict of Interest Act of using his power to interfere in the independence of the Attorney General for the purpose of helping his friends who were facing a criminal investigation, his friends in a multinational company.

The question this raises, of course, is whether Prime Minister Trudeau used his power to break section 139 of the Criminal Code, which says that everyone who "wilfully attempts in any manner to obstruct, pervert or defeat the course of justice in a judicial proceeding" is guilty of an offence. If so, it would mean that he was using his power to help a multinational company that had defrauded and bribed its way around the world, among a host of other awful conducts.

This law, the Conflict of Interest Act, was broken. The question is whether the Criminal Code was broken in this scandal, the saga that saw Canada's first indigenous Attorney General fired and, of course, the then health minister having to follow her out the door.

Some knowingly and some unknowingly undertook a cover-up to make sure Canadians didn't get the answers they needed. This is tremendously concerning for Canadians. It's still the subject of media reporting all these years later. Five years later people are still trying to get answers about what happened, because Canadians have a desire to get the truth, and Canadians deserve that truth.

While you are here, I'd just like you to indulge me for a moment while I give notice of a motion, which is:

That, pursuant to Standing Order 108(3)(h) and in relation to media reports, the committee undertake a study to investigate why the RCMP did not pursue a criminal probe of Prime Minister Justin Trudeau and his involvement in the SNC-Lavalin affair; that the committee dedicate no fewer than four meetings to the study; that the committee invite Prime Minister Justin Trudeau to appear before the Committee for no fewer than two hours, in addition to any further witnesses the committee may consider relevant to appear; and that the committee begin the study forthwith.

We'll send that to the clerk.

**The Chair:** Make it in both official languages as well, please.

You have a minute and 47 seconds. Go ahead.

**Mr. Michael Barrett:** Yes, absolutely.

How many orders have you issued to the government, Ms. Maynard?

**Ms. Caroline Maynard:** Last year I issued 157 orders.

**Mr. Michael Barrett:** How many were complied with?

**Ms. Caroline Maynard:** Most of them were. I think we have now up to nine cases on which the institution decided to challenge the orders and one on which they ignored the order and we had to apply for a mandamus to force them to respect the order that was issued.

**Mr. Michael Barrett:** I would like you to explain why you have to issue orders, what the threshold is before that occurs, but I don't think we have time.

Which departments would you deem the serial offenders, the ones that appear most often for which you have to issue orders?

**Ms. Caroline Maynard:** The top five institutions are always the ones that will get the most orders, because they have so many files. They are Library and Archives, the RCMP, PCO, National Defence, and I can't remember the fifth one but I can send you the name.

• (1710)

**Mr. Michael Barrett:** Has the current Liberal government gone to court to prevent your orders from being carried out?

**Ms. Caroline Maynard:** As I said, a few institutions have actually challenged the orders, most of the time because they've found that the timelines I gave them were unreasonable. They were trying to obtain longer delays to respond to an access request.

**Mr. Michael Barrett:** Following the projected time that they said it would take for them to fulfill the orders, do they fulfill the orders 100% of the time?

**Ms. Caroline Maynard:** Most of the time we have to settle, because the orders have been respected by the time we get a hearing. Basically, the system of going to court is to gain some additional time.

**Mr. Michael Barrett:** Do you know what it costs your department for you to appear in Federal Court?

**Ms. Caroline Maynard:** We have our own legal counsel, but I had to increase my legal counsel team by three employees to respond to that.

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

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

I'll go to Ms. Khalid next.

Go ahead. You have five minutes.

**Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.):** Thank you very much, Mr. Chair.

Thank you to both our absolutely awesome witnesses for being here today. I really appreciate your input.

I'm going to pick up on something that MP Damoff talked about in more general terms. I'll be a bit more specific.

There was reporting last month about the sponsored travel disclosure from five Conservative MPs who, based on the disclosure, took quite a lavish trip to London. The MPs on the trip were John Williamson, Stephen Ellis, Philip Lawrence, Rosemarie Falk and Shannon Stubbs.

Included in their expenses were 600 bottles of champagne, porterhouse steaks, chateaubriand, smoked salmon—

**The Chair:** Did you say 600 bottles of champagne?

**Ms. Iqra Khalid:** I apologize. That's \$600 bottles of champagne, along with porterhouse steaks, chateaubriand and smoked salmon, which cost over \$6,200 for one night out to dinner. It's pretty strange. One of the strangest parts of that disclosure was a \$360 Uber trip.

What really stood out to me, though, apart from all these lavish expenses, was that four of the five MPs were sponsored by Canadians for Affordable Energy, an organization launched in 2016 by MP John Williamson. I don't think he's a Liberal; you might want to check with him. The only exception was that Mr. Williamson, who was also on this trip, had his travel covered not by the organization he had launched but by the Danube Institute, a conservative think tank based in Hungary.

I'm just wondering, Madame Bélanger, if you're aware of this story. Is this something your office is looking into?

**Ms. Nancy Bélanger:** I'm aware of everything that's going on in the media. We have a team that goes through and looks at everything. I can tell you that everything you see, we're on it.

However, for every trip, for every sponsored travel, for every reception, for every gift that's out there, the first step is to verify whether or not the groups that have donated are registered lobbyists. Otherwise, I don't regulate them.

That's really all I can say with respect to anything on the work we do on the compliance front.

**Ms. Iqra Khalid:** Thank you. I appreciate it.

I would love your insight here. Would it have been inappropriate for Mr. Williamson to accept sponsored travel from an organization that he used to work for, one that he founded? If it's not inappropriate according to the act or the code, do you think it should be?

**Ms. Nancy Bélanger:** Again, many public office holders are calling my office. I don't regulate whether you can or cannot accept a gift. That question can be asked of your next guests over the next hour.

Whether or not that sponsored travel or that gift can be provided from a lobbyist, which is the first step, comes to me. Right now, the only gift that can be provided is a \$40 gift of a token of appreciation to say thank you for something you have done and \$40 hospitality. I am very strict on that with respect to registered lobbyists.

Whether the other side can accept that \$40 gift or that \$50 or \$60 gift from whomever, registered lobbyist or not, is for the Conflict of Interest and Ethics Commissioner to decide.

• (1715)

**Ms. Iqra Khalid:** Do you think this is an issue of concern, though?

**Ms. Nancy Bélanger:** Due to the fact that it's in the media, I would say yes.

**Ms. Iqra Khalid:** I know some of the most common examples of sponsored travel would be CIJA bringing MPs to Israel and Palestine, or the Taipei Economic and Cultural Office in Canada hosting trips to Taiwan.

In this specific case that I outlined, we have a Hungarian think tank paying for a Canadian MP to go to the U.K. Do you find that unusual?

**Ms. Nancy Bélanger:** Whether or not that gift could be accepted, again, would have to be put to the Conflict of Interest and Ethics Commissioner's office, which is why a previous commissioner said there should be an acceptability test. Whether or not this group is registered to lobby, I don't know.

This is happening on all fronts. I think it needs to be regulated. Certainly, from the lobbyist perspective, I'm regulating it.

**The Chair:** Thank you, Ms. Khalid. That's five minutes.

[*Translation*]

Mr. Villemure, you have the floor for two and a half minutes.

**Mr. René Villemure:** Thank you very much, Mr. Chair.

Ms. Maynard, you stated earlier that access to information was a quasi-constitutional right. I know that in a past appearance, the Privacy Commissioner spoke of a fundamental right to privacy.

Would you go so far as to say that access to information could be elevated to the status of a fundamental right?

**Ms. Caroline Maynard:** Yes, definitely. Ultimately, without access to information, without knowing our rights, without knowing what's going on in government, we can't understand what's going on at that level, make democratic decisions or vote.

Based on the Supreme Court's interpretation, it's all part of and flows from the right to freedom of expression. That's why we're saying that it's quasi-constitutional. I feel that's misunderstood. However, more and more, Canadians are realizing that information is crucial to their choices or the way they live their lives. Therefore, we could certainly go so far as to ask that it be considered a constitutional right that must be protected.

**Mr. René Villemure:** Would you agree that lack of information prevents understanding?

**Ms. Caroline Maynard:** Isn't that the foundation all the time when we make any decision in our lives? We need to know the

facts so we know what to base the decision on. To be able to make so-called informed choices, we need the whole story, all the information that should be considered.

**Mr. René Villemure:** So lack of information prevents us from understanding.

**Ms. Caroline Maynard:** Lack of information can lead us to misunderstand, and therefore, as we said earlier, to conceive our own ideas and lapse into conspiracy theories. So, yes, it certainly can lead to many negative outcomes.

**Mr. René Villemure:** I have about 30 seconds left. Would you also say that lack of information erodes trust in the government apparatus?

**Ms. Caroline Maynard:** It totally does. If people find out afterwards that information wasn't given to them or provided to them in a timely manner or that they didn't have the right facts and the right information, they can't trust that the next time they will get all that. That's why I said to you that information should be provided as quickly as possible, as well as possible and as voluntarily as possible.

**Mr. René Villemure:** Thank you.

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

[*English*]

Mr. Green, you have two and a half minutes. Please go ahead.

**Mr. Matthew Green:** Thank you, Mr. Chair.

There have been some pretty significant concerns about regulated and unregulated lobbying raised in the matter of the sponsored travel that I'd like to address through Commissioner Bélanger.

If it's the case that a trip is funded—a third party, vis-à-vis an interest that may be registered through individuals—what mechanisms do we have to pursue and investigate dark money funding of sponsored travel?

**Ms. Nancy Bélanger:** I'm sorry. I'm not sure I understood your question.

From my perspective, if I know that a lobbyist—who's registered and whom I regulate—provides sponsored travel when prohibited, I can investigate and report to Parliament.

**Mr. Matthew Green:** Who investigates in the unregulated compensation of MPs' travel abroad?

• (1720)

**Ms. Nancy Bélanger:** There's a gap.

**Mr. Matthew Green:** There's a gap.

**Ms. Nancy Bélanger:** Yes.

**Mr. Matthew Green:** It's the Wild West, essentially. That's what we're saying. There's an incentive for big corporations or consultants to not register in order to not have to adhere to the law.

When you add up the numbers of this trip and you look at the ways consultancies operate.... I have a hard time, as a former consultant myself, understanding how an individual can come up with the kind of cash to send people on a trip like this, to have the kinds of expenses—\$3,400 in champagne and wine and nearly \$1,000 for steak—without there being some kind of fiduciary interest in that.

In that regard, if it's not regulated and not within the framework of lobbying, could that not be considered in the space of bribery?

**Ms. Nancy Bélanger:** Possibly...but what I would highly recommend is that when it comes to acceptability.... You know, public servants are not accepting these types of trips. It's really in relation to members of Parliament, so if you believe that this needs to be regulated, maybe it's in the hands of the Conflict of Interest—

**Mr. Matthew Green:** Commissioner, I'm going to ask you a direct question, because my time is up. Do you believe that dark money is an issue within Canada? Please answer with just a very short yes or no.

**Ms. Nancy Bélanger:** Do I believe what? I didn't understand.

**Mr. Matthew Green:** Mr. Chair, at this point, I'm going to give notice of a motion, because my time is lapsing and I want to be clear on this. I'm going to give notice of a motion at this point, sir.

**The Chair:** Go ahead, Mr. Green.

**Mr. Matthew Green:** Thank you.

That, pursuant to Standing Order 108(3)(h) and in relation to the recent disclosures of sponsored travel by Stephen Ellis, Rosemary Falk, Philip Lawrence, Shannon Stubbs and John Williamson, which include more than \$3,400 for champagne and wine and nearly \$1,000 for steak dinners plus travel paid for by Canadians for Affordable Energy, the committee invite the Lobbying Commissioner, the Interim Conflict of Interest and Ethics Commissioner, and Dan McTeague, President of Canadians for Affordable Energy, to appear before the committee for no less than one meeting.

It's just a notice, sir. I wanted to make sure we put the committee on notice for that.

**The Chair:** Thank you.

If you can distribute that in both official languages to the clerk, I would appreciate that, Mr. Green.

We have two and a half minutes each, and I have a question for Ms. Bélanger at the end.

Mr. Kurek, go ahead for two and a half minutes, please.

**Mr. Damien Kurek (Battle River—Crowfoot, CPC):** Thanks very much, Chair, and thank you to the commissioners for coming and speaking with us today.

Commissioner Maynard, you mentioned two things that I think are key here. Those are the quasi-constitutional right of access to information and the legal obligation that it be fulfilled.

Certainly, as we've spoken about before, there was universal agreement from all who came and testified before this committee on the importance of access to information. Unfortunately, there was one outlier when it came to whether the government is doing its job, and that happened to be the then minister.

I believe you said in your opening statement that the government departments violate these rules "on a daily basis". Can you expand on that a little?

**Ms. Caroline Maynard:** Institutions are struggling to respond to the increased number of requests within the time limits provided by the act. The act says that the responses are supposed to be within 30 days. We see institutions such as the RCMP receiving more requests than they are able to respond to, so they are often missing that deadline. LAC is the same way, as is IRCC. That timeline or... Deemed refusal is when you don't even receive a response. They're supposed to give you their response in 30 days or tell you they're going to take an extension. They don't do that.

**Mr. Damien Kurek:** Specifically, I know that when I filed an access to information request, cabinet confidence was one of the boxes I had to check. Certainly, it's troubling that it seems to be pending the goodwill of a particular government, and if there was hypothetically something to hide, it would be easy just to dismiss the importance of ensuring that Canadians could have access to something like cabinet confidence, and of course the revelations we heard today.

I'm wondering if you could provide comments on how we make sure we can rebuild the trust in our access to information system, among the challenges—I think writ large the erosion of trust—that the government faces, to ensure that Canadians have that quasi-constitutional access to information they deserve.

**The Chair:** I'm sorry. Answer in less than 20 seconds, please.

**Ms. Caroline Maynard:** Public servants need to know that the information belongs to Canadians. They are there to provide the information and not to hide it, or not to redact it. The first thing they need to do is change the culture of secrecy within the government so that information is shared.

• (1725)

**The Chair:** Thank you. That was 19 seconds. I appreciate that.

Go ahead, Madame Fortier, for two and a half minutes, please.

[*Translation*]

**Hon. Mona Fortier (Ottawa—Vanier, Lib.):** Thank you very much, Mr. Chair.

Commissioners, I'd like to thank both of you for your work. We've had the opportunity to work together over the past few years and I know you work very hard.

I'd like to come back to foreign entities, a topic addressed by my colleague Ms. Khalid.

You stated that it might be a good idea to regularize them. Right now, is that covered in the Lobbying Act? If not, do you have any ideas on how we might go about bringing foreign entities under the act?

**Ms. Nancy Bélanger:** Right now, if foreign entities are represented by people who are in contact with public office holders, registration is mandatory. Some foreign organizations register with us themselves, insofar as they are the ones in contact with public office holders and they reach the threshold of 30 hours of lobbying per month. This applies to those who do a lot of lobbying. Organizations that do no lobbying or do less than the threshold permitted and don't have consultants are not required to register. However, technically speaking, foreign organizations that do lobby are required to register.

**Hon. Mona Fortier:** I don't have much time left.

You have a little over a year left in your term. If you had three priorities to work on, would this be one of them?

**Ms. Nancy Bélanger:** I have only one priority to put forward: that the Lobbying Act be reviewed. That's all I ask, please.

**Hon. Mona Fortier:** Therefore, strengthening the act with respect to foreign entities could be part of the review, particularly when it comes to sponsored travel. That would be one concrete example.

**Ms. Nancy Bélanger:** It would be, yes.

**Hon. Mona Fortier:** Would you like to take the few seconds remaining to say anything else to the committee members about your priorities?

**Ms. Nancy Bélanger:** We are certainly going to continue to work very hard to improve the clarity of our documents. We're going to make this a commitment to try to push it forward.

Now that the Lobbyists' Code of Conduct is up to date, all I have to do is explain to you how we can improve the federal lobbying regime so that we continue to lead the way. The world is watching us. Right now we're losing our primacy; we're not as good as we used to be.

**Hon. Mona Fortier:** Thank you very much.

**The Chair:** Thank you, Ms. Fortier.

[English]

Just before we conclude with this hour's panel, Ms. Bélanger, we've seen a marked increase, as you've noted, in the lobbying registry.

One of the concerns I've heard from some members is that their name appears on the lobbying registry without their actually having met with the lobbyist. How can we avoid that situation? Is it incumbent upon members to notify your office at that point and say, "Look, we didn't meet with these guys"? Are there any penalties for those who do that within the lobbying community?

**Ms. Nancy Bélanger:** Please, if you do notice that, inform my office. We have a fantastic client service group, and they will communicate with the lobbyist. If I see a pattern.... Obviously, sometimes it's a misunderstanding. They sent you a letter and they thought they had to do a monthly communication report.

Please let us know. If it's someone who repeats it as a way of amplifying their profile, I can investigate. If it's inaccurate, I could send that to the RCMP.

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

[Translation]

Thank you, too, Ms. Maynard.

[English]

That concludes our first panel.

We're going to take some time to switch up. I'm going to suspend the meeting for a couple of minutes, and then we should get started in probably another five minutes.

Thank you.

• (1725) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1730)

**The Chair:** Welcome back, everyone.

I would like to welcome our witnesses for the second panel today.

First, we have Mr. Mario Dion as an individual. He is the former conflict of interest and ethics commissioner. From the Office of the Conflict of Interest and Ethics Commissioner, we have Mr. Konrad von Finckenstein, Interim Conflict of Interest and Ethics Commissioner.

Mr. Dion, I understand you have a brief statement that you would like to make to the committee, so we will start with you, sir. Thank you. We appreciate your coming back in order to be before the committee.

For the sake of the committee...the annual report is split between the former and current commissioners. That's why, in the absence of Mr. Dufresne today, I thought it was appropriate to have Mr. Dion speak to the committee as well.

Welcome, sir. Go ahead, please.

[Translation]

**Mr. Mario Dion (Former Conflict of Interest and Ethics Commissioner, As an Individual):** It's actually a rather unusual situation, Mr. Chair. Thank you for inviting me.

I left my position in February 2023, so I've been retired for eight months now. When I was contacted late last week, I was pleased to accept the invitation, because I've always believed in the importance of the role that the House of Commons and parliamentary committees play in our democracy.

I'm here because I was still the Conflict of Interest and Ethics Commissioner during the preparation of the annual report currently being studied, as well as certain investigation reports that you may wish to discuss. That's why I'm here.

What's more, I worked with Mr. von Finckenstein at the Department of Justice a very long time ago. I thought it was a little unfair to expect him to be able to study the annual report and assimilate the investigation reports, so I gladly agreed to be here this afternoon to try to help him answer any questions you might have for him.

• (1735)

[English]

I'm all yours for any questions and any discussion you wish to have about my time as commissioner—five years altogether.

Thank you again for inviting me.

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

Mr. Interim Commissioner, the floor is yours for five minutes, sir.

Go ahead, please.

**Mr. Konrad von Finckenstein (Interim Conflict of Interest and Ethics Commissioner, Office of the Conflict of Interest and Ethics Commissioner):** Thank you for inviting me to appear before you today. I have a few opening remarks.

[Translation]

I acknowledge that we are meeting today on the traditional territory of the Anishinabe Algonquin people.

The annual report for 2022-23, which I submitted to your committee, covers a period when Mr. Dion was in office, so no comment from me is necessary.

[English]

As you know, our office has three mandates.

**The Chair:** Excuse me, Mr. Commissioner.

We had a similar problem last time, with the interpreters not understanding. Could you speak up and clearly into the microphone? That would be appreciated. Thank you.

**Mr. Konrad von Finckenstein:** Yes. Pardon me. I'm sorry. I will try to speak right into the microphone.

As you know, our office has three key activities: giving advice to public office holders, educating them so they know when to recognize a public conflict of interest, and addressing non-compliance issues.

Transparency is the key issue for us.

[Translation]

As I mentioned in my appearance on September 18, my approach is to be as transparent as possible about everything the office does. I would therefore like to bring to your attention four small changes to the administration of the act that have been made under my tenure.

These changes reflect a common-sense approach to the application of the act. They are effective immediately and only apply prospectively.

[English]

The first change is the definition of “entity”. When you take post employment with another entity, you need to have a cooling-off period, or you need to ask me for a shortening of the period later.

I don't think this makes any sense when you go into the government. If you work for another department or as a consultant for an-

other government department, there's no conflict of interest or confidential information you take with you. In future, anybody who leaves one government post and goes to another in whatever function doesn't have to ask for our permission.

Secondly, it involves gifts. Under the act, public office holders and their families are not allowed to accept any gifts or benefits that could influence them. However, we also have the Commissioner of Lobbying, from whom we just heard, who makes rules regarding lobbyists and what they are allowed to give, or the hospitality that can be accepted. The lobbyists, under their code, established a value of \$50 for each instance and not more than \$200 cumulatively.

It makes no sense to have different numbers and regimes for both, so we will adopt the lobbyists' approach: Anything under \$40 is fine. Cumulatively up to \$200 is fine, too. If it's over \$200, you have to notify us.

[Translation]

The third change is with respect to what we call the minimal value exemption. It is the value of controlled assets that reporting public office holders who are not ministers or parliamentary secretaries do not have to sell after their appointment. The act requires that the commissioner believe the assets do not pose any risk of conflict of interest, given their minimal value.

What is considered minimal value? Ten years ago, we set the value at \$30,000. Today, things have changed, partly because of inflation, so we've doubled that amount. This means that if you're not a minister or a parliamentary secretary, you can have controlled assets worth less than \$60,000.

• (1740)

[English]

The fourth change applies only to a dozen individuals who are appointed under the Canadian Energy Regulator Act. It affects how they can deal with open-ended mutual funds and exchange-traded funds.

Now, legal opinion suggests they can hold neither, and they must sell them. I just don't understand how anybody who has open-ended mutual funds can in any way be influenced by that, and why they should not own them. I know the wording of the Canadian Energy Regulator Act is somewhat vague, and you can read it two ways, but I read it the way it was meant to be. We want to make sure that good people come and serve, etc. Whether they own mutual funds or not is irrelevant.

If it's ETFs, they can either sell them or put them in a blind trust, but they don't have to sell them, which was a previous ruling. Hopefully, as a result of that, we will be able to attract capable people to the top of the energy regulator.

All these changes are made with the same goal, which is to be practical, be effective and make sure we have a good exchange of people between the public and private sector, but to avoid any conflict of interest.

Thank you. I'll be glad to answer your questions.

**The Chair:** Thank you, sir.

We are going to start our first round of six minutes with Mr. Barrett.

**Mr. Michael Barrett:** Thank you both very much for being here.

Mr. Dion, after five years in the position, is it your belief that the Liberal government takes the ethics rules seriously?

**Mr. Mario Dion:** Mr. Chair, the government does take it seriously, although not as seriously as I wish it did. It's a spectrum of seriousness, if you will. There were several ministers and parliamentary secretaries who were taking their obligations very seriously. There were others who were not as serious about it. As a whole, there was a good degree of effort to ensure that they would act within the Conflict of Interest Act.

**Mr. Michael Barrett:** Based on your observations after five years, you made a recommendation that government members should take remedial ethics training. That implies a lack of understanding of the basics at the remedial level. Is that correct?

**Mr. Mario Dion:** The word “remedial” was affixed to it by somebody else. I did not conceive of it as remedial. I conceived of it in the sense that I believe in education; I believe in continuous education, and I believe anybody can always learn more about a subject matter. In the very busy world we live in, people sometimes choose not to take the time to properly understand their obligations, so that's why I made the recommendation a few months before I left that they should take the time to learn how to, essentially, better understand how to avoid trouble.

**Mr. Michael Barrett:** Do you recall in which publication, or in which report, that came out as a recommendation?

**Mr. Mario Dion:** I think it was the Ng report. Almost certainly, it was the Ng report.

**Mr. Michael Barrett:** How many members of the Liberal government did you find guilty of breaking our ethics act?

**Mr. Mario Dion:** I never counted them, to tell you the truth. I've heard references to four or five, but I never actually.... I don't know whether it was four or five.

**Mr. Michael Barrett:** Okay, let's go through them.

First, we had the Prime Minister in “The Trudeau Report”. That was with respect to the trip to Bells Cay.

**Mr. Mario Dion:** Yes. It's Mary Dawson's report, not mine, but it's still on the list.

**Mr. Michael Barrett:** We're still going to count them as part of this government, even under the previous commissioner. It's the same Prime Minister.

The “Trudeau II Report” was with respect to the SNC-Lavalin scandal again.

We had the then fisheries minister, I believe, Dominic LeBlanc, with the “LeBlanc Report”, or “clam scam”, as I think it was called.

We had the “Ng Report”. That was the contract to a bestie of the small business minister.

Then we have the “Fergus Report”.

We had five instances with four individuals, and though we covered two commissioners, we had—

• (1745)

**Mr. Mario Dion:** There was also the “Morneau Report”. You forgot that.

**Mr. Michael Barrett:** Oh, how could I forget? Just like one might forget a French villa, I forgot the “Morneau Report”.

**Some hon. members:** Oh, oh!

**Mr. Mario Dion:** That is complete. I think it's complete.

**Mr. Michael Barrett:** Okay.

Well, certainly we've heard about all the reports that have been issued under your tenure. I guess we'll see if any of that ethics training is taken up on, and if there's an arrest for the breaches of our ethics laws.

What do you think the continued breaches of ethics laws did, over your term, to Canadians' confidence in our institutions? Do you think that repeated offences or multiple breaches by one government instill confidence by Canadians in the system?

**Mr. Mario Dion:** They obviously don't. There is no other possible answer.

It has a cumulative effect. It's taking place also around other situations, in other spheres of political life, if you wish. The surveys are clear. Overall, confidence has gone down in the last—

**Mr. Michael Barrett:** We see the erosion of Canadians' confidence. They would expect, traditionally, ministerial accountability.

These are the people who are covered by the act—ministers or parliamentary secretaries—but there are two cases in which we've seen the promotion of people who have reports named for them. Minister LeBlanc and Speaker Fergus have both received promotions, which, I would say, does not serve to bolster Canadians' confidence in their democratic institutions.

After the “Ng Report”, Minister Ng came before the committee and said she lacked training, that she lacked an understanding, and that's why she broke that ethics law. How much training do you think is required for someone who is elected to office and then is given a position that makes them a designated public office holder? How much training do you think is required for them to understand that giving a government contract to a friend would be unethical?

**Mr. Mario Dion:** I think an hour would be sufficient to cover that particular topic.

**Mr. Michael Barrett:** Okay.

How much time do I have left, Chair?

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

**Mr. Michael Barrett:** Well, I thank you very much, Commissioners, for being here.

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

We're now going to Ms. Khalid for six minutes.

Go ahead, please.

**Ms. Iqra Khalid:** Thank you very much, Mr. Chair, and thank you to our witnesses.

If you don't mind, I'll go back to my questioning from the first hour for our witnesses there, about the five MPs who travelled to London on a very lavish trip that was sponsored by external entities.

As we discussed already, their flights, their hotels, the very oddly expensive Uber bills and the \$6,000 dinners were paid for by Canadians for Affordable Energy, with the exception of the expenses for MP John Williamson, who, in 2016, founded the organization that paid for the other MPs. His travel to London was paid for by a Hungarian think tank.

Obviously, a lot of questions arise from this. Do you think this passes the sniff test, first and foremost, in terms of what an MP should logically be doing and accepting?

**The Chair:** Who are you directing that to?

**Ms. Iqra Khalid:** I refer that to Mr. von Finckenstein, but also Monsieur Dion, if he has any comments.

**Mr. Konrad von Finckenstein:** First of all, it caught me unaware. I don't know anything about the situation you're talking about. I'm sorry. I cannot answer the question.

**Ms. Iqra Khalid:** Okay.

I'll go to Monsieur Dion.

**Mr. Mario Dion:** Nor do I. I don't recall the trip you're talking about. I don't know what year it may have taken place in. It was published, I guess, in the sponsored travel list published on March 31.

**Ms. Iqra Khalid:** It's also been in the media, so I'm quite surprised that people of your stature in your offices would not know of something like that.

**Mr. Mario Dion:** I've stopped reading those articles, because sponsored travel is perfectly acceptable under the code. That's what Parliament decided several years ago. Any criticism of sponsored travel is a waste of time, because it's declared perfectly acceptable in the code governing the conduct of MPs.

That's all I have to say about that.

● (1750)

**Ms. Iqra Khalid:** Thank you, I appreciate that.

Maybe I will recap it for you. I would love your input. If this was a scenario that was presented to you, what would you think about it?

Five Conservative MPs took a lavish trip to London in June. The MPs on the trip were John Williamson, Stephen Ellis, Philip Lawrence, Rosemarie Falk and Shannon Stubbs. Included in their

expenses were \$600 bottles of champagne, porterhouse steaks, chateaubriand and smoked salmon, which cost over \$6,200 for one night out for dinner. The expenses also included a \$360 Uber ride.

Now, their expenses and their travel were paid for by an organization that was created by one of the MPs who was on this trip with them, except that specific MP's bills were paid by a Hungarian think tank.

When you see a scenario like that, based on your expertise and your experience in your offices, what would be some of the flags you would raise?

**Mr. Konrad von Finckenstein:** First of all, I don't answer hypothetical questions. Present me with facts and I'll make a ruling. Without that, I can't....

Obviously, the way you present them, it would seem to smell. As I say, it was your presentation; I don't know the actual facts, etc.

As my predecessor in title so rightly put it, the act specifically allows for sponsored travel, so if there's a situation, you have to compare the actual facts against the provisions of the law and make sure they have complied.

If this were to come up now, I would do exactly that. I would look at the facts and make sure that whatever provisions in the code that are pertinent to the situation have been complied with.

**Mr. Mario Dion:** I would add, Mr. Chair, that one other relevant consideration is that the office gets notified about sponsored travel only way after the fact. Usually we are not consulted. We learn months after the trip has been completed. We basically publish what was declared to us. We have no role in judging or in saying anything about sponsored travel, but we publish so that the political process can take over, as it is now.

**Ms. Iqra Khalid:** Again, I'm actually quite surprised that neither of you have heard of this. The facts that I presented are not hypothetical. They are real, and this would have been presented to you in the case of sponsored travel. I will leave that where it....

Maybe I'll ask you what your view is on foreign entities providing dollars to Canadian members of Parliament at the level of extreme, lavish trips, and its impact on our democracy here. I know we've had a whole bunch of conversations about foreign interference and the interference of foreign entities in Canadian democracy. I would love your viewpoint on that.

**Mr. Konrad von Finckenstein:** Obviously, like everybody else, I think that foreign actors playing on the Canadian scene shouldn't happen, and this should be restricted as much as it can be.

However, I am bound to apply a law. I can only look at that law, apply the power that the law gives me and enforce those provisions. If you feel they're not strong enough, you're not alone. Lots of people obviously think they should be changed, but at the moment, we have the provisions there and we enforce them as much as we can.

If you think they're not strong enough, then it's up to you as parliamentarians to make them better.



**The Chair:** Thank you, sir.

Thank you, Ms. Khalid.

[*Translation*]

Mr. Villemure, you have six minutes.

**Mr. René Villemure:** Thank you very much, Mr. Chair.

Thank you for being here today, gentlemen.

Mr. Dion, I have always appreciated your frankness. It's a virtue when it comes to ethics.

Today, you posted on your Twitter account an article from the *Toronto Star* that basically states that the documents reveal why the RCMP didn't pursue the investigation into Justin Trudeau in the SNC-Lavalin affair.

Could you please comment on that?

• (1755)

**Mr. Mario Dion:** I posted it because I thought it was an interesting article about a situation I've been following for several years. That's all I wanted to do.

**Mr. René Villemure:** That wasn't my question. I'm talking about the fact that you analyzed this situation at the time.

**Mr. Mario Dion:** Yes, obviously. Before producing the investigation report, we analyzed the documents and testimonies available to us.

**Mr. René Villemure:** Okay.

You've noted, as has everyone here, that the RCMP did not pursue the investigation in question, and today a source is revealing why.

Do you think the reasons are credible?

**Mr. Mario Dion:** Seriously, I have no opinion on that.

**Mr. René Villemure:** No problem.

Earlier, my colleague talked about repeated breaches of the Conflict of Interest Code for Members of the House of Commons. I think you'll agree that ethics is a matter of culture. We have a structure here, which is the code, but ethics is about culture. Of course, some people are more inclined to respect ethics and others less so. That said, it seems to me that there is a certain ethical casualness at the top. Yet the higher you are on the pyramid, the closer you should be to 100% exemplary behaviour.

What do you think about that?

**Mr. Mario Dion:** It's obvious that a leader has a lot of influence on the behaviour of the people he leads. I saw it when I was at Correctional Service Canada and the Department of Justice. I've seen it everywhere I've worked. The leader's behaviour is, indeed, very important. It plays a role.

**Mr. René Villemure:** If the leader is more flippant about a certain subject, then perhaps that flippancy will show up in the rest of the pyramid.

**Mr. Mario Dion:** It's possible.

**Mr. René Villemure:** Okay.

Earlier, someone asked you how long it takes to learn how to do things right. In fact, a one-hour training course on the subject we were talking about earlier—

**Mr. Mario Dion:** On the notion of besties, it's pretty obvious.

**Mr. René Villemure:** It seems to me that it is. However, we realize that this isn't enough. We can always train people, but at some point, there is something called judgment. You either have it or you don't. We're stuck with someone who can no doubt improve a little, but if you see such a flippant attitude at the top of the pyramid, it seems to me that it contaminates the rest.

**Mr. Mario Dion:** There are two levers.

First, there's education and comprehension, which help the individual to act in accordance with the expectations of the act and the code, the two instruments that apply.

Then there are the consequences, which can have a serious impact on people's behaviour. I will give a very simple example. If the police give a ticket to someone crossing the street when the light is red, it will have a deterrent effect on the people who witness it.

So there's prevention that can be achieved through education, but there is also punishment, which should be applied occasionally to make sure everyone understands that a given behaviour is not acceptable.

**Mr. René Villemure:** We know that the code doesn't provide for sanctions, beyond the shame itself.

When we had the Trudeau Report and then the Trudeau II Report, I was appalled to know that it was possible to have two reports on the Prime Minister, because I expect him to be more exemplary than anyone else.

Do you think adding sanctions is something to consider?

**Mr. Mario Dion:** It's important to remember that there was also the Trudeau III Report, which absolved the Prime Minister.

**Mr. René Villemure:** In this case, you're right.

**Mr. Mario Dion:** When I was commissioner, there was a lot of talk in this committee about sanctions. I think there should be a review of the sanctions the commissioner could recommend. The commissioner can't impose sanctions. He's nobody's boss, except those who work in his office. However, recommending sanctions can put real pressure on the Prime Minister, who is, under the act, the final arbiter of all these decisions. In the case of the code, the House of Commons is the final arbiter.

**Mr. René Villemure:** However, in the case of a report against him, the Prime Minister is his own arbiter.

**Mr. Mario Dion:** In this case, there's a problem.

I don't think the legislative drafters foresaw this situation back in 2006.

**Mr. René Villemure:** I wouldn't have anticipated it, either.

When you say that the commissioner could recommend sanctions, what do you have in mind?

**Mr. Mario Dion:** For example, it could be a one- or two-week suspension, or a fine. I'm not thinking of imprisonment, obviously. It's important to know that the Criminal Code applies in the most serious situations, so I'm talking more about a fine or a suspension. It could also be mandatory training, as is done for harassment and impaired driving.

**Mr. René Villemure:** Suspension is certainly being considered, as is training. The fine often gives me the impression that ethics can be bought. People think they're going to pay the fine and that's it, so I don't think it's as good.

Thank you very much.

• (1800)

**The Chair:** Thank you, Mr. Villemure. That's good, you took less time than allowed.

[*English*]

Thank you, both.

We're going to go to Mr. Green now for six minutes.

Go ahead, Mr. Green.

**Mr. Matthew Green:** Thank you very much.

Commissioner von Finckenstein, in your opening remarks you talked about the discrepancy for gifts as it related to the two bodies, one at \$50 and one at \$200. You mentioned that you'd make an adjustment on the gifts. Is that correct?

**Mr. Konrad von Finckenstein:** Well, if we can adopt the appropriate amount.... It seems to me that it makes no sense that you have a different demand for donors and donees. Therefore, we can—

**Mr. Matthew Green:** I would agree.

In your opinion, is the lower of the thresholds probably more reasonable?

**Mr. Konrad von Finckenstein:** Can somebody be bought or influenced for \$40 or \$200? I doubt it. How far do you have to go before you think it becomes meaningful? Being prudent in setting it at this level...it certainly will not influence anybody.

**Mr. Matthew Green:** You acknowledged the protection of a democratic institution as it relates to the trust and the decisions that are made—having a conflict, having the appearance of a conflict, being influenced, the conversations we've had and I know that you would be privy to around foreign interference—as being germane, yet the order of magnitude in which the scenario was provided to you: \$3,400 for champagne and wine I think, and one of them might have been a \$700 bottle of wine....

I know you don't want to do hypotheticals, but let's have an ethical exercise right now. If I were to receive, in my office, from an unregistered company consultant, an \$800 bottle of champagne, could I accept that under the current regime?

**Mr. Konrad von Finckenstein:** No. You have to report it.

**Mr. Matthew Green:** If I were flown first class to the U.K. and put up in a hotel, and an \$800 bottle of champagne was presented to me there, could I accept it?

**Mr. Konrad von Finckenstein:** You're pointing out that there could be an improvement to our code and the way it is worded, etc. With the way it is worded right now, as Mario so eloquently pointed out, sponsored travel is allowed and is just reported to us, and we publish it later on. I mean, this is—

**Mr. Matthew Green:** Thank you, sir. I'll reclaim my time, if I may, and go through to Mr. Dion now.

Mr. Dion, in your time in office, you've certainly been very candid, and I think extremely professional and impartial in carrying out the legislation, as it's written, to the best of your ability.

Did you ever, in any of your work, cover the phenomenon of dark money? This is the idea that actors behind the scenes can use proxies to engage in activities that they themselves might not legally be able to engage in. Are you familiar with the term “dark money”, sir?

**Mr. Mario Dion:** No. Frankly, I am not. I have a sense of what it could be, but I have not come across that situation.

**Mr. Matthew Green:** Dark money would potentially look like a company that might be registered, and therefore not allowed to provide gifts to MPs, contracting a third party. In essence, it's doing indirectly what it can't do directly, providing a third party with the funding mechanisms to fly a group of MPs across the Atlantic to London for an upscale conference that includes \$3,400 in champagne and \$1,000 steak dinners.

If it were the case, sir, that a company or an entity were funding something indirectly through consultants, how would you frame that? Would that be a violation of the conflict of interest code, or could it perhaps be considered a criminal act?

**Mr. Mario Dion:** It's complex and hypothetical; therefore, I will resist the temptation.

**Mr. Matthew Green:** It's not really.

Do you want to—

**Mr. Konrad von Finckenstein:** Certain assumptions would have to be proven. You say “indirectly”. What proof do you have? If you can prove that, etc., and you do, then you're starting to wander into criminal fields. Without the exact situation, the exact facts, I don't think either Mario or I can give you a satisfactory answer.

**Mr. Matthew Green:** That's fair. I'll accept that.

Let me ask the question from perhaps a different perspective. For a company that is unregistered to be on the lobbyist registry—and therefore in this nebulous, dark space of unregulated gifts, travel and luxuries—would the onus be on them to prove that they could actually afford to send a group of MPs on a transatlantic trip, or are we now reporting to the public that really the lobbyist registry doesn't matter and the gift registry doesn't matter, because all we have to do, potentially, is hire a third party that is unregistered?

• (1805)

**Mr. Mario Dion:** The sponsored travel is fine, by definition, under the code—

**Mr. Matthew Green:** Sponsored travel, as I'm sure you are aware, has changed—

**Mr. Mario Dion:** —therefore, it doesn't matter who the donor is, because it's perfectly okay to be sponsored and to go on a trip. Anything that's incidental to the trip is also perfectly acceptable under the code.

**Mr. Matthew Green:** Okay, so, basically, if you fly to the Caribbean or London to get the gifts, it's okay.

**Mr. Mario Dion:** It doesn't matter who gives the gift. The MPs are authorized to accept sponsored travel, period, from any entity.

**Mr. Matthew Green:** Let me ask you this last question, then. If I'm in Hamilton and someone sponsors me to travel to downtown Toronto to stay at the Fairmont—I'm at a conference at the Fairmont in Toronto—and we have an \$800 bottle of champagne, is that sponsored travel?

**Mr. Mario Dion:** As long as you go a few kilometres away, it is sponsored travel. There is no definition. Travel means you are not at your usual place of residence, period. If somebody pays for your trip to go there—

**Mr. Matthew Green:** I think this is as startling to the Canadian public as it is to me.

Thank you very much, sir. I appreciate your time.

**The Chair:** Thank you, Mr. Green, and thank you, Mr. Dion.

We're going to go to the second round, now, with five minutes for Mr. Kurek.

Go ahead, please.

**Mr. Damien Kurek:** Thank you very much, Commissioner and Mr. Dion, former commissioner.

It's certainly been a very interesting conversation. We've talked a lot about trust and leadership. There have been some questions about the attitude coming from the top.

I'd ask both of you for your feedback on the implications of when violations of the code, as was mentioned.... In fact, Mr. Dion, you mentioned that there have been three Trudeau reports—not one, not two, but three reports. Is the implication that Canadians seem to see a Prime Minister continually—or in this case on at least three occasions—violating the conflict of interest code or being the subject of a pretty serious investigative process? The challenge is that it leads to Canadians' being unable to trust when it seems as though there are no consequences.

Mr. Dion, I'll start with you, and then I'd like feedback as well from Commissioner von Finckenstein.

**Mr. Mario Dion:** I would point out that there are no immediate consequences. There could very well be consequences of another nature, basically. That's why, for the reports, we investigate; we come to a conclusion; we send the report to the Prime Minister, and we publish immediately after, so that the public can see the report for themselves—what the findings were, what happened, and so on and so forth. Then another process can take place, and it does—in the House of Commons or in the media, and so on and so forth. It's out of our court. The minute the commissioner tables a report, it's over.

The commissioner, for what it's worth, has come to a conclusion, as he is required to do under the act. Then, it's up to other people to pick it up from there.

**Mr. Damien Kurek:** Is there anything to add, Commissioner?

**Mr. Konrad von Finckenstein:** I think you're looking at it from slightly the wrong perspective. The whole system is set up on the basis of reputation. You have a reputation. You want to preserve it, etc. If you do something that is against the code and there's a report, it will be damaging to your core reputation. There is no question about it. It will be made public. You'll have to take the consequences. The voter has to take the consequences, whether he loses confidence in you and your government, or whatever. Our job is just to make sure that people abide by the code. When there is a violation or a failure, it is made public, so that the political process can create the consequences. It's not for us to create the consequences.

**Mr. Damien Kurek:** I appreciate that. Here's why I appreciate that feedback: It gets passed to Parliament, but when you have, for example, a governing party that seems to continually allow those within its leadership to flagrantly disregard ethics or, in the case of Speaker Fergus, to allow those who have been found to have violated the code to then get a pretty big promotion, with a chauffeur and a residence, I'm curious.

The question is for both of you. How do we reconcile this, when it seems that for those who are making the decisions, the naming and shaming seem not to be enough to help restore some of the trust that's been broken with Canadians when it comes to the ethics rules in this country?

Mr. Dion, I'll start with you.

• (1810)

**Mr. Mario Dion:** I think my colleague has answered clearly. It affects your reputation. It follows you forever on Google. I would point out, although it's not my role, that Mr. Fergus was elected. He was not promoted by the Prime Minister.

**Mr. Damien Kurek:** Well...he was certainly elected, but it's funny that some of these conversations didn't happen.

The question is whether a change in government would help bring about an adjustment in that attitude and help restore trust in Canadians.

Commissioner von Finckenstein, just to clarify, you mentioned in your opening statement exemptions being granted to people subject to the act working between governments. Is that different government departments within the federal government? Is that different provincial, municipal governments? Is that a foreign...?

Can you outline that a bit?

**Mr. Konrad von Finckenstein:** It's the federal government only. The situation right now is this: Let's say you worked for the Department of Transport, and you're an associate deputy minister. You leave, and you want to work for the Department of Agriculture as a consultant, or for a Crown corporation, etc. You have a two-year cooling-off period, and one year depending on your rank, and you have to come to me and ask if you can shorten that.

I don't see why. I don't see where the conflict is. I don't see where the ethical problem is. Whatever knowledge you have is government knowledge, and you take it from one end of the government to the other. Go ahead and do it. I don't want to see it.

**Mr. Damien Kurek:** Thank you for the clarification.

**The Chair:** Thank you, sir, and thank you, Mr. Kurek.

Mr. Bains, you have five minutes. Go ahead, please.

**Mr. Parm Bains (Steveston—Richmond East, Lib.):** Thank you, Chair, and thank you to our two commissioners for joining us here today.

Mr. von Finckenstein, when you appeared before us last month you indicated that the backlog amount was trivial, and that you would ensure that it would be gone. I wanted to see where we're at now.

Can you please share an overview?

**Mr. Konrad von Finckenstein:** There's no backlog anymore.

**Mr. Parm Bains:** Is it gone?

**Mr. Konrad von Finckenstein:** It's gone.

**Mr. Parm Bains:** Congratulations. Thank you.

The annual report states that in 2022-23, the commissioner "continued to implement a three-year strategic plan covering...2021-2024". The plan is not posted on the website.

What are the highlights of the plan that you can share?

**Mr. Konrad von Finckenstein:** Basically, the strategic plan outlined the goals of the organization over those five years, in terms of education, information and using the most up-to-date tools to be user friendly, for the people who use the system and also in terms of setting internal goals and outlines. It's so that you have service standards, so that things get done both in a proper fashion and in a proper time frame.

It's called a strategic plan, but it's really not so much strategic, because, after all, what we are charged with is administering the code and the law. It sets out how we want to do it and how we will do it most efficiently, being as user friendly and as unproblematic as possible.

• (1815)

**Mr. Parm Bains:** Is it done in phases or processes that you've timed out—like this year and then the following year?

**Mr. Konrad von Finckenstein:** Certain things are ongoing. For instance, a perfect example is bringing in a new and better informatics system. First of all, we can't do it ourselves, because we're part of the House of Commons, so we have to work for them, etc. It has to be something that is compatible with their system. It has to be approved by them.

As you know, there are lots of stories of doing it wrong and disastrously, so we are trying to do it in phases. First of all, you have to test the system; then you make sure you educate your people, so they understand it and there's no human resistance to it. Then you do it in phases. If you do it all at once, you're guaranteed to have a breakdown of something. There are always some practical problems that have to be tested and wrinkles to be worked out before you go full-bore.

**Mr. Parm Bains:** Then you mentioned training people, or re-training. Is that taking a little more—

**Mr. Konrad von Finckenstein:** Yes. Having seen introductions of new technology several times over my career, I think that's the most important part—training people so that they understand it, feel comfortable with it and can overcome the internal resistance that they'll have to change. They say, "I always did it this way. Why do I have to do that way?" Explain it, learn how to do it and see what the advantages are, etc.

**Mr. Parm Bains:** Are you finding there's a culture change? Is that what you're pointing to?

**Mr. Konrad von Finckenstein:** There's also a bit of a culture change. As I mentioned in my opening remarks, both on September 18 and today, I think it's clear that it's not just the application of the act and mechanically making sure that everything...but keeping the overall purpose in mind. What are we trying to do? We're trying to avoid conflicts of interest. We're trying to restore trust in the system. We want to make it workable.

On the question I was just asked about government, we're moving from one government entity to another. It's the perfect example of something that's just annoying to people and doesn't.... You look at the end result of what the conflict and the ethical problems are. There are none. Okay, then. Let's not do it.

**Mr. Parm Bains:** I'll go to Mr. Dion.

The annual report states that in 2022 and 2023, 83% of reporting public office holders submitted the information required by the initial compliance process on time. There were more than 1,400 items for all regulatees posted in the public registry. There was everything from the declaration of assets, etc....

Are these numbers consistent? Do you think this has improved or gotten worse over the years?

**Mr. Mario Dion:** They fluctuate from time to time, but there's no marked change. We have 83% of people who did it on time and 17% who didn't. It's pretty complicated.

[*Translation*]

**The Chair:** Thank you.

Mr. Villemure, you have two and a half minutes.

**Mr. René Villemure:** Thank you very much, Mr. Chair. I intend to use my two and a half minutes this time.

Earlier, we were talking about leaders setting the tone. Could you tell me whether or not there's an ethical culture in the upper echelons of government?

**Mr. Mario Dion:** I think so. The work began a long time ago. The Tait report, for instance, which dates back to 1996 or 1997, paved the way. A lot of time has been devoted to training, particularly for deputy ministers and assistant deputy ministers. The situation is much better than it was 25 years ago, but there is still a long way to go to make it even better. It'll never be perfect, anyway.

**Mr. René Villemure:** No.

So it would be fair to say that the culture is relatively ethical, even if there are shortcomings on the part of a few.

**Mr. Mario Dion:** There's also the phenomenon that a few bad apples can get into any group.

**Mr. René Villemure:** There may even be some among the leaders.

**Mr. Mario Dion:** That's right.

**Mr. René Villemure:** Now that you're free to express your opinions, what recommendations would you make, beyond the Conflict of Interest Code for Members of the House of Commons, to improve the level of ethics and trust in the government?

**Mr. Mario Dion:** The obligation to respond to a commissioner's report could be a possibility, as is the case for parliamentary committee reports. They make recommendations, as you did with the access to information systems, and the government has an obligation to provide a response within 90 days, five months, or whatever the time frame is. There could be the same obligation for the Conflict of Interest and Ethics Commissioner's reports on certain breaches, so that the government can say whether it accepts or rejects the recommendations. That would be helpful, because there is no feedback right now.

**Mr. René Villemure:** There's the issue of sanctions, which we were discussing earlier, and the issue of feedback, which we're discussing now.

**Mr. Mario Dion:** Feedback should be an obligation. There isn't any right now.

**Mr. René Villemure:** Okay.

Earlier, you said that the act and the code didn't provide for the leaders to become their own judges, so to speak. It's funny; I hadn't thought of it that way. I honestly didn't see a situation like this coming either.

What could be done about this?

**Mr. Mario Dion:** I have no idea.

**Mr. René Villemure:** It's kind of unheard of.

**Mr. Mario Dion:** Yes. This is increasingly the case in many areas.

**Mr. René Villemure:** Indeed, the world is changing rapidly.

Thank you very much.

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

[*English*]

Next, we're going to go to Mr. Green for two and half minutes.

Go ahead, Matt.

**Mr. Matthew Green:** Thank you very much.

Mr. Dion, carrying on with that, I think it's very important that any regime, particularly ones that are, I want to say, quasi-judicial and, certainly, fundamental to the democratic institutions that we serve.... I think the point you raised about the obligation to participate in the process and to co-operate in the process is an important one.

What could you point to as being the strongest of recommendations to ensure adherence to that? It seems like there is no deterrence and no downside for the government in not co-operating with your investigations.

• (1820)

**Mr. Mario Dion:** If you heard me say we did not get co-operation, I don't know where that came from, because we consistently received good co-operation from those who were under investigation throughout my five years. There's no question about that.

It's not about co-operation; it's about what happens after the conclusion has been reached and the report is published. The absence of feedback and visible consequences.... Maybe there are important consequences that we don't see or know about. It's not impossible. That's what I think undermines the credibility of the regime.

After the report is tabled—poof—there is trouble for a few hours or days, and then it's over. It's finished. It disappears.

**Mr. Matthew Green:** Thank you, sir.

Perhaps on my end there is something that was lost in my interpretation or my understanding of what was said, but I think the spirit is there, which is ultimately what happens after you conclude the reports.

Could you perhaps reflect on comparators, given your experience in the public service, in jurisdictions around the world that do have a higher level of compliance with orders that are made in terms of penalties or some types of accountability measures?

**Mr. Mario Dion:** We did a review of this nature while I was there. We provided that to the predecessor committee, or maybe this one. I'm not sure which legislature it was, but we did give this committee a table of various jurisdictions and various consequences. I must admit I have forgotten.

It's not cut and dried, as you say in English. It varies greatly among jurisdictions; however, there is one universal reality. He who investigates does not impose penalties. It's somebody else who has to read the conclusion and decide whether there should be any consequences and, if so, what they should be.

**Mr. Matthew Green:** It is very important testimony today. Thank you for taking time to be here and to support this committee.

To the commissioner, Mr. von Finckenstein, thank you again for your candour and the straightness in your answers.

I appreciate you both.

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

We're going to go for two and a half minutes to the Conservatives, followed by the Liberals to conclude this panel.

Mr. Kurek, your mom and dad are here. I'm willing to give you two and a half minutes, or do we go to Monsieur Gourde?

[*Translation*]

**Mr. Damien Kurek:** It will be Mr. Gourde.

**The Chair:** Okay.

Mr. Gourde, you have the floor for two and a half minutes.

**Mr. Jacques Gourde:** Thank you, Mr. Chair.

Mr. Dion, you said earlier that some people took ethics very seriously, others moderately and other much less. Personally, I'd call it elastic ethics in some cases.

You had a very good career at the Office of the Conflict of Interest and Ethics Commissioner. You worked there for seven years, didn't you?

**Mr. Mario Dion:** My mandate was for seven years, but I had to step down after five years for health reasons.

**Mr. Jacques Gourde:** Okay.

Is there a profile of people who have elastic ethics? Are they people who couldn't care less about ethics?

**Mr. Mario Dion:** It's a matter of personality. There are people are rather messy and others are extremely tidy and organized. That's a factor.

There are people who have managed their whole lives to do anything without consequences and can continue to do so. There are people who have always taken everything seriously; I was in that category. From my first year of school, I was afraid of the consequences if I broke a rule. There are people like that, but there are also people for whom the rules aren't a problem and who never respect them.

There are such people in our microcosm as well. However, I have to say that senior public servants, order-in-council appointees or ministers, for example, are responsible people, by definition. That's what I've always said. Only a minority of these people, 5% or 10%, perhaps have an elastic conscience, as you say.

**Mr. Jacques Gourde:** It's true that you took your job very seriously. You tabled very thorough reports, both damning and well explained.

Was it somewhat frustrating for you to see that, after all that hard work, there were no consequences, that there was media coverage for two or three days and then life went on as if nothing happened?

**Mr. Mario Dion:** We are one of the players in the system. We need to know our role and its limitations, and accept them. When I accepted the position, I knew that I wasn't becoming prime minister and that I couldn't decide everything. It didn't cause me any sustained frustration. I may have felt some frustration in the hours that followed, but after that it was okay.

• (1825)

**Mr. Jacques Gourde:** After all that money was invested in the Office of the Commissioner, isn't it frustrating to see that there are absolutely no consequences?

**Mr. Mario Dion:** There are consequences, but we haven't seen them yet. Sometimes it's something that happens in the medium or long term.

**Mr. Jacques Gourde:** We'll let democracy take its course.

Thank you, Mr. Dion.

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

Ms. Fortier, you have two and a half minutes. That's what will bring this round of questions to an end.

**Hon. Mona Fortier:** Thank you very much, Mr. Chair.

Gentlemen, thank you for being here. When I was minister, I had the privilege of working very well with your hard-working teams. I'd like to point out that you're doing a good job.

Mr. von Finckenstein, at your last appearance before the committee or at a previous appearance, you indicated that you have sufficient resources to fulfill your mandate. Is that still the case? If so, what are your priorities in the coming months? If not, can you explain how you plan to go about it?

**Mr. Konrad von Finckenstein:** At this time, we don't have any resource problems. Without being excessive, our resources are adequate to do our jobs.

As I said earlier, my priority is that the application of the Conflict of Interest Act be truly focused on its purpose, that is, avoiding conflicts of interest, and that it be applied in a practical way, not automatically. It's not like tax, where you can say you're entitled to this deduction because of this or that. Applying the Conflict of Interest Act requires some judgment. You have to assess the situation, analyze the facts and examine the rules to determine how the act can be applied to restore public confidence in elected officials and the public service. It's essential never to lose sight of this fundamental objective.

**Hon. Mona Fortier:** My colleague mentioned a case about which some information was shared today. Is this a situation you're concerned about that could be further investigated or examined as part of your mandate?

**Mr. Konrad von Finckenstein:** I can only do what the Conflict of Interest Act and the Conflict of Interest Code for Members of the House of Commons allow me to do. Do I like the situation your colleague mentioned? No, not at all. However, as I said, I don't know the details. This is the first time I've heard these facts. Naturally, this isn't something that's going to boost public confidence. Is there anything we can do? Can any other part of the government do something about the situation described by your colleague? As far as I know, there's almost nothing we can do.

**The Chair:** Thank you, Ms. Fortier.

[*English*]

Gentlemen, I want to thank you for appearing before the committee today.

Interim Commissioner, thank you again for your frankness and your candour.

Mr. Dion, I'm not sure if we will see you again in front of this committee, but we wish you all the best. Thank you for your years of service to the people of Canada, and we wish you great health and happiness in retirement, sir. Thank you for being here.

**Some hon. members:** Hear, hear!

**The Chair:** There are just a couple of things before we go.

First of all, the foreign interference report that was completed by the committee is expected to be tabled in Parliament on Thursday

morning during Routine Proceedings. As per the motion that was passed by the committee, we will be having a media conference, so we are going to need to know who is going to be available from each party for this media conference. We're planning on scheduling it for Thursday. If you can have that in to the clerk by noon tomorrow—the availability of members for the Thursday media conference—I would appreciate that.

**Hon. Mona Fortier:** Mr. Chair, do you know around what time it will be?

**The Chair:** We're working on the time right now.

Madam Clerk, do we have any idea, roughly?

**The Clerk:** It will be after Routine Proceedings.

**The Chair:** It will be after Routine Proceedings, for sure. We just have to firm up a time.

Let us know by noon tomorrow which representatives from each party will be available for that.

That's all that I have for today.

Thank you to our clerk, our analysts and the technical people who support us in these meetings.

This meeting is adjourned. Have a good evening, everyone.

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