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Chair: Mr. John Brassard

Standing Committee on Access to Information, Privacy and Ethics

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• (0850)

[*English*]

The Chair (Mr. John Brassard (Barrie—Innisfil, CPC)): I call this meeting to order. Good morning, everyone.

[*Translation*]

Welcome to meeting No. 59 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

Today's meeting is taking place in a hybrid format, pursuant to the House Order of June 23, 2022, and therefore, members can attend in person in the room and remotely using the Zoom application.

[*English*]

Should any technical challenges arise, please advise me. Please note that we may have to suspend for a few minutes, as we need to ensure that all members are able to participate fully.

Pursuant to Standing Order 108(3)(h) and the motion adopted by the committee on Wednesday, November 30, 2022, the committee is resuming its study of the third edition of the Lobbyists' Code of Conduct.

In accordance with the committee's routine motion concerning connection tests for witnesses, I am informing the committee that all witnesses appearing virtually have completed the required connection test in advance of this meeting.

I would now like to welcome our witnesses today. From the Government Relations Institute of Canada, we have Megan Buttle, who is the president. Welcome, Ms. Buttle.

[*Translation*]

From Lobbyisme Québec, we have Jean-François Routhier, Commissioner of Lobbying.

[*English*]

From the National Aboriginal Capital Corporations Association, we have Shannin Metatawabin, chief executive officer. From the Public Affairs Association of Canada, we have Mr. Kyle Larkin, who is the treasurer. He is attending in person.

We're going to start with our opening comments.

Ms. Buttle, you have up to five minutes for your opening statement to the committee. Please go ahead.

Ms. Megan Buttle (President, Government Relations Institute of Canada): That's great. Thank you, Mr. Chair.

Good morning, Mr. Chair and members of the committee.

Thank you for inviting the Government Relations Institute of Canada, or GRIC, to discuss the draft third edition of the Lobbyists' Code of Conduct.

Let me begin by introducing GRIC and our mandate. GRIC is a national not-for-profit organization that represents both in-house and consultant professionals from across the country. Our members advocate on behalf of charities, non-profits, national and provincial member-based associations, unions and the industry writ large.

We are, of course, acutely interested in the draft third edition of the Lobbyists' Code of Conduct.

GRIC has been an active and constructive stakeholder in the multi-stage consultation initiated by the Commissioner of Lobbying on her proposed changes to the code. Although we acknowledge that there have been several improvements from previous drafts, there remain two areas of critical concern for our members.

The first relates to rule 4 and the suggested updates under "hospitality". The proposed annual limit of \$80 poses a significant challenge for our members, particularly with regard to the logistical and administrative challenges involved in tracking the combined value of hospitality to a specific individual over the course of a calendar year.

While we appreciate the commissioner's testimony, wherein it was suggested that doing so involved simply dividing the total budget by the number of those expected to attend a particular event, in our view that's an oversimplification of what has been proposed.

To meet the proposed annual hospitality limit of \$80 per official by tracking MPs, senators and other public office holders who have previously attended receptions and received hospitality would be nearly impossible and would impose an undue burden on some members.

As all of you know, receptions or meetings and briefings are, for many, based well outside of Ottawa. They provide a chance to meet with several decision-makers at once rather than hosting individual one-on-one meetings. Presently, the code functions well under the requirement that lobbyists should be limited to providing reasonable hospitality.

As this committee is already aware, public office holders are already subject to the Conflict of Interest Act, which requires them to disclose gifts totalling more than \$200 in value over a 12-month period. In addition, both the Lobbying Act and the Conflict of Interest Act prohibit gifts of any value that could reasonably be seen to have been offered to influence the public office holder or to create a sense of obligation.

The second concern for our members, and one that the committee has already heard a great deal about, relates to rule 9 and the limits on political activities, which our members see as a direct violation of section 2 and section 3 of the Charter of Rights and Freedoms.

GRIC believes that if limitations must be imposed, doing so should be done through thorough debate in Parliament, not through a non-statutory instrument such as the Lobbyists' Code of Conduct. Our members strongly oppose this section and believe it's a dramatic overreach.

More practically, while we accept that a cooling-off period may be necessary for those within senior, high-profile and strategic roles, unpaid volunteers who support campaigns in lower and less prominent roles should not be subject to cooling-off periods that would potentially impact their livelihood.

By their very nature, lobbyists or those who may be lobbyists in the future are engaged in the political process and often want to take part in the election of their representatives. All of you rely on volunteers to help you during your campaigns, campaigns that neither you nor the volunteers know whether or not you will win, let alone whether you will be elected to government, become a parliamentary secretary or have the honour of being named to cabinet.

Our fear is that this measure will severely limit volunteer engagement and create an additional regulation in an area where no identified systemic problem or issue has been presented to date.

To close, as the Commissioner of Lobbying herself stated, Canada has one of the world's strongest set of lobbying rules. They are balanced, reasonable and transparent. However, we are concerned that the overly prescriptive nature that the commissioner is proposing in certain areas may add complexity and confusion and may limit the ability of ethical and professional lobbyists to engage and inform elected officials on important public policy issues.

We urge the committee to consider our feedback, and we ask that the commissioner consider revising these two sections of her recommendations to continue forward.

I'd be pleased to answer any questions as they relate to our concerns with, and positions on, these proposed lobbying changes.

The Chair: Thank you, Ms. Buttle, for being very efficient with your opening statement. That was less than five minutes. I appreciate that, and the committee does as well, because it will give us more time to ask questions.

[*Translation*]

Mr. Routhier, I will now invite you to make your opening statement. You have the floor for five minutes.

Mr. Jean-François Routhier (Commissioner of Lobbying, Lobbyisme Québec): Thank you, Mr. Chair.

Members of the committee, thank you for inviting me to share the views of Lobbyisme Québec on the oversight of lobbying activities, and more specifically on the ethical rules that apply to the practice of lobbying. I humbly hope that by sharing our expertise and our research into lobbying best practices I will be able to contribute to your study.

In Quebec, the Lobbying Transparency and Ethics Act was enacted by the National Assembly in 2002. It applies to lobbying of parliamentary, government and municipal public office holders; this makes it a unique scheme with the broadest scope in Canada. The first commissioner then adopted the Code of Conduct for Lobbyists, in 2004. The code derives from the civil law and provides the general rules of ethics and conduct with which lobbyists must comply in their practice.

My presentation today is part of the well established culture of collaboration among Canadian officials responsible for regulating lobbying. That is also the spirit in which Lobbyisme Québec participated in the consultation conducted by the federal commissioner concerning the code of conduct she is proposing.

Lobbyisme Québec is very active, and has been very active in recent years, in researching and implementing best practices in lobbying oversight. In 2019, Lobbyisme Québec tabled a report in the National Assembly that proposed a reform of the Quebec legislation based on principles inspired by national and international best practices. In fact, the report attracted interest from the Organization for Economic Cooperation and Development, which in turn published a complete study of the Quebec lobbying oversight scheme in March 2022 and made recommendations for incorporating international best practices into that scheme.

On the subject of the rules of ethics and conduct in Canada and Quebec and elsewhere in the world, the legislation that provides for oversight of lobbying generally recognizes the legitimacy of lobbying when it is conducted transparently and in a sound and ethical manner. Those schemes are sometimes supplemented by ethics and conduct guidelines, as is the case in Quebec and in the federal government.

In our view, transparency and ethics are responsibilities that are shared between the persons who perform or benefit from lobbying activities and public institutions or office holders. It is therefore important to strike the right balance in apportioning those responsibilities. From that perspective, the laws and codes that govern lobbying should not, in our opinion, be used to make up for flaws in other transparency, ethics or integrity schemes, including those that apply to public office holders.

In addition, we believe that the laws that govern lobbying activities have for too long focused on the individuals who perform those activities rather than on the companies, consulting firms or clients by or for whom those activities are performed. We think that the apportionment of responsibilities is still incomplete.

Even though the federal and Quebec schemes are intended to ensure transparency in a large proportion of influence communications and have a number of factors in common, they unfortunately also share flaws that limit the scope of that transparency. The most notable example is the concept of "significant part", by virtue of which a firm's lobbying activities need not be disclosed until the point when the time spent on the conduct of those activities makes up a significant part of the job or function of the individual who performs them.

The federal and Quebec schemes also differ on certain points, in particular as regards the two cases reported by the federal commissioner and raised by her when she appeared before the committee: political participation and hospitality. The treatment of those matters differs significantly between our two jurisdictions.

However, we understand very well the federal commissioner's concerns, in that, absent a statutory revision, and considering her own situation, she chose to propose amendments to her code of conduct. The purpose of those amendments is to enable her to clarify the objectives of transparency and ethics enshrined in her act and put those objectives into practice better.

Thank you for your attention and I am entirely at your disposal to answer your questions to the best of my abilities.

• (0855)

The Chair: Thank you, Mr. Routhier.

The witnesses today are not using all of their speaking time. That's good, since committee members will be able to ask more questions.

[*English*]

Next I have Mr. Metatawabin.

Sir, you have up to five minutes for your opening statement. Go ahead, please.

Mr. Shannin Metatawabin (Chief Executive Officer, National Aboriginal Capital Corporations Association): Good morning, everybody.

[*Witness spoke in Cree*]

[*English*]

My name is Shannin Metatawabin. I am the CEO for the National Aboriginal Capital Corporations Association, or NACCA, and I am a member of the Peetabeck First Nation of the Mushkegowuk tribal territory.

Thank you for the invitation to testify as part of your committee's study on the third edition of the Lobbyists' Code of Conduct.

Before I begin, I would like to acknowledge that this meeting is hosted on the unceded territory of the Algonquin people.

NACCA represents a national network of 58 indigenous-led lending institutions. Our members make business loans to first nations, Métis and Inuit entrepreneurs. We advocate for our member institutions and on behalf of indigenous business development in general.

As far as I know, I'm the sole indigenous representative invited to speak on the revised code of conduct. This is unsurprising, in a way. Though a number are growing, only a handful of indigenous organizations can be found on the registry of lobbyists. Indeed, indigenous advocacy is in some ways unique, following from the special relationships our people have with the Crown. Paragraph 4(d) of the Lobbying Act exempts members of first nation band councils or self-governing indigenous governments. Many national and regional indigenous organizations might argue that they too are exempt.

For our part, NACCA made the decision to join the registry in 2018 at the urging of our government relations consultant, Isabel Metcalfe. Our registration ensured that the advocacy work would be transparent and guided by the same standards that apply to all organizations.

I will save my few comments on the revised code for the end, using most of my time to explain why we embraced the lobbyist registry and to highlight some of the benefits it has brought to NACCA.

First, we are not rights holders and an entity exempted from the act. Rather, we are a national indigenous organization that operates in a competitive business environment. Ensuring we have a clear record of interactions with public office holders is simply good business practice. The principles set out in the code—ones like integrity, honesty, openness and professionalism—are also front and centre of our own organizational values.

Second, NACCA is, without question, an advocacy organization. We do manage programs. Our indigenous women's entrepreneurship program, for example, offers microloans and business training to indigenous women. However, at our founding in 1997—we just celebrated 25 years—advocacy was our original reason for being, and it remains our focus now. Our cause is the full participation of indigenous people in Canada's economy, and it still cries out for public attention.

Due to barriers not of their own making, aspiring indigenous business owners still lack capital and support to participate in the Canadian economy. We have every reason to remind federal office holders of this. We take pride in the registry's list of meetings, which provides a record of our effort to do so.

Now I'll speak to some of the benefits we have realized since 2018.

The first is that the record itself is freely available to our members, other business organizations and public office holders. Second, our upholding of the code of conduct has helped increase faith in us as a credible, trustworthy organization. Our presence on the registry sends a clear signal. We belong to a growing, new generation of indigenous business leaders who are confident to play by the same rules as other business organizations.

Finally, and most importantly, being a registered organization has opened doors for NACCA at the highest levels. We are a known quantity and have gained access to dialogue and decision-making tables that we could not have dreamed of before.

Your committee invited me here to comment on the proposed draft code of conduct for lobbyists. On this, I would make only three points.

First, the new code puts forward what appears to be reasonable and well-grounded amendments.

Second, some have questioned the hospitality limits as too strict. For our part, we appreciate clear, modest spending limits. They help level the playing field for organizations like ours, which do not have deep pockets.

I would like to compare it to the treaty-making process. My treaty was assigned four-dollar treaty payments that have remained in place for more than a hundred years. It's not reasonable to assume that the value of money maintains the same level of spending. Doing this in legislation is probably a bad idea.

My third and final suggestion would be to canvass the views of other registered indigenous organizations. Our own perspective is shaped by our work as a national advocate for indigenous business development. Other indigenous organizations could well have a different take, and are coming on board in increasing numbers.

• (0900)

To close, I thank you for the invitation to attend this meeting. I welcome any questions you may have.

Meegwetch.

The Chair: Thank you.

Our next witness, for up to five minutes, is Mr. Kyle Larkin.

Go ahead, please.

Mr. Kyle Larkin (Treasurer, Public Affairs Association of Canada): Good morning, everyone. Thanks for braving the snow this morning to be here in person.

My name is Kyle Larkin.

Thank you, Chair, and thank you to the members of the committee for inviting us to testify today.

I'm the treasurer of the Public Affairs Association of Canada, also known as PAAC. As you may know, PAAC is a national not-for-profit organization that represents hundreds of public affairs professionals across the country. Our members come from both the private and the public sectors, in areas such as industrial and financial companies, Crown corporations, consulting firms, small businesses,

ministries and municipalities, PR organizations, trade associations, educational institutions, and law and accounting firms.

I'm pleased to be here today with my colleague Megan, from the Government Relations Institute of Canada, whom we have worked closely with in engaging on this consultation for the renewed Lobbyists' Code of Conduct.

I would like to begin my remarks today by stating that while some of the changes to the Lobbyists' Code of Conduct are welcome, others are truly a solution in search of a problem.

As you've already heard from other witnesses, the commissioner has proposed an annual limit of \$80 for hospitality, which includes parliamentary receptions.

As you know, receptions in Ottawa and events across Canada are a unique opportunity for elected officials to meet with Canadians who are working in a variety of different industries. Lobbyists have the pleasure of working with these individuals on a regular basis. Craig from Barrie, Sue from Hamilton and Christina from Vancouver have all attended parliamentary receptions hosted by associations over the past year. None of them or the thousands of other business leaders who visit Parliament annually are registered lobbyists.

The current rules already disallow lobbying at receptions. Receptions are instead a unique opportunity for an association, charity or industry to raise its awareness among parliamentarians. There are tens of thousands of associations, charities and companies in Canada, and for some, the only way to connect with elected officials is through a reception or event. These events also allow parliamentarians to meet Canadians from across the country who are on the ground and building businesses, creating economic development and supporting their own communities.

To ensure that these important democratic functions are able to continue, we are proposing that the term "reasonable" continue to be applied to receptions, as is the case in the current code of conduct.

The second area that PAAC finds issue with in the proposed Lobbyists' Code of Conduct relates to the new section on political work.

As you have also heard from other witnesses, the new cooling-off period limitations pose challenges for the democratic participation that is allowed for all Canadians, no matter their profession. PAAC does believe that a cooling-off period should continue to apply to those who hold senior roles on campaigns, as this could potentially create a sense of obligation for public office holders. However, to hold this same standard for door knocking, canvassing, distributing campaign literature and other minor campaign activities infringes on Canadians' ability to participate in our democracy.

Furthermore, there are no examples of non-compliance as it relates to political activities that we know about. Lobbyists, many of whom have worked on Parliament Hill, are naturally passionate about Canadian politics. Many have also been involved in campaigns one way or another since a young age and continue to participate due to their belief in specific candidates or a passion for a certain political party. In no way are lobbyists participating in elections to create favour, and if they did create a sense of obligation, they would already be precluded from lobbying that individual.

Last, as you all know, volunteers are the backbone of local political campaigns. As lobbyists are naturally risk-averse and have a strong history of complying with the act and the code of conduct, many would cease to involve themselves during elections. While this might not have a tremendous impact on campaigns, it does create a system that excludes certain professionals from participating in our democracy.

Finally, I would like to thank all of you for taking the time to study the renewed Lobbyists' Code of Conduct. It's important that we get this right in order to ensure that transparency and accountability among lobbyists continues, while also mitigating unintended consequences on important democratic functions.

Thank you again. I'd be happy to take any questions you may have.

• (0905)

The Chair: Thank you, Mr. Larkin.

A couple of brownie points go to you for invoking Barrie in your opening statement, and Hamilton too—you threw one out to The Hammer.

We are going to start our questioning by committee members. Our first round will go to Mr. Kurek, who is online.

Mr. Kurek, you have six minutes, please.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thank you very much, Mr. Chair, and thank you to all of our witnesses for joining in the conversation here today.

Just to start, off the top, I think everyone around this table agrees on the need for a robust regime to ensure that there's accountability, so that ultimately Canadians can trust the system, both in lobbying and the way that lobbying happens as well as in federal decision-making.

I have just a few questions for some of the witnesses. I hope to get through to everybody. If not, maybe I'll have a round later in our meeting.

Ms. Buttle from the Government Relations Institute of Canada, you mentioned that there were some things that were improved in the updated code. Would you mind referencing a few of the improvements?

We've heard a fair amount about the challenges related to hospitality and the cooling-off period. I'm just wondering if you could highlight some of the things that you see as improvements.

• (0910)

Ms. Megan Buttle: Sure. Thank you. That was a good point.

There were many things that we saw improved. One that the membership really appreciated was the update to the preamble. There was an acknowledgement of transparent ethical lobbying and that it is a legitimate part of the public policy process to help inform federal public officials. We found that this part was really critical to involve and update.

We also found that the move from the four-year threshold within the political work to the cooling-off period of two years for senior and highly and strategically valued participants and volunteers in campaigns makes a lot more sense, particularly given the minority government situation.

Originally the four-year threshold was tied to fixed election dates. In today's situation, we all know that a fixed election date is often not the cycle we're operating in. We thought that reducing the cooling-off period to two years was more attuned to the actual situation with elections and what that rule was supposed to address.

However, we still have concerns around political work generally being added in through a non-statutory instrument like this.

Mr. Damien Kurek: I appreciate that.

Specifically on hospitality, you mentioned that your organization had highlighted some concerns. Could you suggest to the committee what your proposed solution would be?

We've heard a number of different things from different witnesses, but ultimately members of this committee are going to be tasked with trying to figure out what's best and defining that balance between accountability and transparency to ensure that Canadians can trust the system.

What would you recommend as a reasonable limit or process to ensure that there's never the perception that a politician can be bought off by somebody trying to influence them?

Ms. Megan Buttle: We do believe—and the membership was fully consulted—that moving back to or maintaining the “reasonable hospitality” wording, as opposed to a dollar limit, is more appropriate. It allows for a more common-sense application.

We cannot imagine lavish food or lavish drinks, if you can recall many Parliament Hill receptions. “Reasonable limit” is typically the best approach that can be applied by all.

The intention of receptions and hospitality is not to create that favour or sense of obligation. As I think was heard through many common remarks, a sense of obligation is already captured through many other elements of the code and the Conflict of Interest Act.

Mr. Damien Kurek: If I could just push back here a little bit, I don't disagree, but we've seen that the word “friend” especially has a wide variety of interpretations. We've seen that very publicly in recent examples and over the last number of years.

I'm wondering if you could provide a definition as to what “reasonable” should actually be.

Ms. Megan Buttle: I'll leave that to the commissioner. I'd hesitate to create a definition around "reasonable". I think it really implies that common-sense view. There's also the opportunity for anyone who has a level of confusion to reach out to the office. They do provide clarity and guidance on very specific circumstances. If there are questions or people are uncertain, the office is there to be a resource for individuals to reach out to and get that level of clarity on very specific circumstances.

Mr. Damien Kurek: Thank you very much.

I apologize, but time is a precious resource here.

Mr. Metatawabin, thank you for coming. I really appreciate hearing about the organization and the good work that you do.

You mentioned the concerns around elections and ensuring that the right balance is struck to encourage engagement from the members you represent—

The Chair: Excuse me, Mr. Kurek. Mr. Villemure, I expect, is having a challenge with interpretation.

[Translation]

Mr. René Villemure (Trois-Rivières, BQ): It's the sound quality that is causing a problem for the interpreter.

[English]

The Chair: It was brought to my attention as well. I was going to let the round finish. I have stopped your time, Mr. Kurek.

There is something wrong with your microphone. It sounds muffled. We can hear what you're saying, but it's not clear for interpretation. Can you take your microphone and put it down a little bit further? That might help for the minute you have left. If not, then we may have to try to fix the problem, and the clerk has already identified that.

Go ahead.

• (0915)

Mr. Damien Kurek: Thank you, Chair. Hopefully, this is a little bit better.

Mr. Metatawabin, I'm hoping you can expand on what you would suggest that balance should be to both encourage democratic engagement, but not ever—

The Chair: Sorry, Damien; it's actually not better. It seems to be a little bit worse. Do you have another headset around, or is that the only one?

Mr. Damien Kurek: This is the one they told us we needed to use. We were told the other ones weren't acceptable anymore.

I will cede the remainder of my time to Mr. Barrett. I'm sorry to put you on the spot there, Michael, but there was about a minute left, to my understanding. I will endeavour to get this resolved.

The Chair: Damien, do you have that on your iPad? Is it connected to your iPad, or what's it connected to?

Mr. Damien Kurek: It's connected to my iPad.

The Chair: That might be the problem, according to the technicians.

Go ahead, Mr. Barrett, or Mr. Dalton.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): I would just say quickly on the point of order, Chair, that it's important to note that Mr. Kurek is using a House-approved device and that his headset is the one specified by the Speaker's order and has been issued by the House. I think it's important to note that Mr. Kurek has followed all of the rules. I appreciate that there's now a technical issue to resolve, but a House-approved device and the approved headset are being used. He's losing his opportunity to participate in spite of his compliance.

The Chair: That's noted, Mr. Barrett.

You have a minute if you want to take it.

Mr. Michael Barrett: I have questions for the witnesses, but we have eaten up a little bit of time with this issue, so I'll cede the floor.

Thanks.

The Chair: Thank you, Mr. Barrett.

Hopefully we can get that fixed, Mr. Kurek, but I do appreciate the fact that you are using approved headsets and devices.

Ms. Vandenbeld, you have six minutes, please.

Ms. Anita Vandenbeld (Ottawa West—Nepean, Lib.): Thank you, Mr. Chair.

Thank you to all the witnesses today. I know you're coming here very much with the desire to ensure that we have a transparent and good code, so I appreciate that.

My first question is for Mr. Metatawabin. I had a campaign volunteer who is indigenous. She's the daughter of a sixties scoop member, so she didn't have a lot of opportunity growing up to learn her culture.

She volunteered on my campaign and brought a lot of wisdom to the campaign. We had a blanket ceremony. Not just me, but other members of my team learned tremendously from her. Then, after the election, she had always wanted to return to her tribe where she had never lived, actually, and one of the only ways to do that was through being a government relations person. There was one spot. Somebody had had it for 25 years. It comes open very rarely. She was offered that and she did take that position so that she could learn her roots.

Under the way that this new code is proposed, would she have had to turn down that lifetime opportunity?

This is for Mr. Metatawabin.

Mr. Shannin Metatawabin: I don't know the details of the code and how it would impact that woman in wanting to work within her home area.

Ms. Anita Vandenbeld: Okay.

Mr. Larkin, if she had volunteered on my campaign, would this mean she would be precluded from taking that opportunity?

Mr. Kyle Larkin: It's a great question. I would say that the renewed code introduces uncertainty to the process. Whether you're canvassing one time or 10 times or 20 times, it's not very clear what precludes you from receiving that sense of obligation or not being able to engage in the lobbying process.

I would say that she likely would have to work with the Commissioner of Lobbying, but again, the uncertainty that's introduced there will prevent a lot of those folks from even thinking about opportunities like that. I would say that individual probably would be precluded from the opportunity you're speaking about.

Ms. Anita Vandenberg: More likely, she may not have actually chosen to participate in a campaign to begin with, knowing that this was something she wanted to do in her future. I think that would have been a great loss for the campaign but also for her.

Mr. Larkin, there's a young fellow who has been involved in my campaigns. He came to Canada at 16. He started door knocking and got involved with the Young Liberals in my riding. It was one of the key ways he was able to integrate. When he went to university, he started studying international development, political science and public affairs with the desire to be part of this world of politics that we're in. He joined my riding association and was involved throughout.

He was offered a position and I think did work for some time with your firm. Does this proposal mean he wouldn't have been able to do that?

• (0920)

Mr. Kyle Larkin: I would say you're definitely touching on something there. As you know, a lot of young Canadians involve themselves in politics. It could be working on Parliament Hill, it could be canvassing, it could be door knocking or it could be whatever.

As I said before, the renewed code would introduce uncertainty on that activity. The 12-month ban on lobbying is specific for individuals you canvass with, but as you also know, if you're in a riding in Ottawa, for example, you may go out and canvass for five different candidates. If you're in any urban centre, or even in any rural area, you may canvass for several candidates. It could block you from engaging with those individuals even if you've never interacted with them. Even if you're only dropping off campaign literature and literally aren't speaking to any Canadians about that candidate—you may not even visit the campaign office—you'd receive a 12-month ban as a result.

There certainly is that uncertainty that's being introduced through the renewed code.

Ms. Anita Vandenberg: What's more likely is that the young fellow who's at university here in Ottawa will tell all his friends and his classmates who are studying public affairs or political science, "Don't get involved in any campaigns, because you might not be able to get a job in this town."

Is that what might happen?

Mr. Kyle Larkin: I think that's exactly it.

I would also say that current lobbyists, or those looking to get into the lobbying sector, are naturally risk-averse and certainly

wouldn't want to get into any situation in which they would be breaking the law or breaking the code of conduct. I totally agree with you that it would prevent most, if not all, from getting involved in the political process through canvassing, door knocking, dropping off literature or even in senior roles.

As I said before and as you know, lobbyists and public affairs professionals are some of the most passionate in politics. They've been involved in politics since a young age. They might have worked on Parliament Hill or in provincial legislatures. This would have a major impact on some of those most passionate volunteers that we see across Canada.

Ms. Anita Vandenberg: Ms. Buttle, I want to ask you a similar question.

There's this image in the public of lobbyists as being these big-wig, very rich, connected, powerful people, but a lot of them are just young people who want to get involved. For instance, Results Canada has lobbyists. This is an international development advocacy group. A young woman who works with them worked on my campaign back in 2015. Fortunately, it was not in the last campaign, because would she then have been precluded from taking that job of advocating more development funding for the education of women and girls around the world? Would she not have been able to take that job if she'd gone canvassing for me?

The Chair: We're over time, Ms. Buttle. I'll give you a very quick response on that one, please.

Ms. Megan Buttle: I think it goes to the fact that many of us are naturally risk-averse in the industry of lobbying and any government relations activities. The current system sets such a high standard already. We want to maintain that high ethical space and increase transparency, and not dilute that.

The Chair: Thank you, Ms. Buttle and Ms. Vandenberg.

A voice: [*Inaudible—Editor*]

The Chair: We need some order here, please.

[*Translation*]

Mr. Villemure, the floor is yours for six minutes.

Mr. René Villemure: Thank you, Mr. Chair.

Mr. Routhier, I am very familiar with the office of the Quebec Lobbyists Commissioner. I would like it if you could define ethical lobbying for us.

Mr. Jean-François Routhier: There is no definition in the Lobbying Transparency and Ethics Act. The Quebec act defines a lobbying activity as a communication by an individual on behalf of their enterprise, their organization, or a client, with the intention of influencing a decision by a public office holder.

Definitions may vary from case to case and law to law. They may talk about contracts or about influencing legislation, regulations, permits or grants. As I said initially, lobbying schemes that I would characterize as "modern" also provide rules of ethics and conduct that mean that lobbyists—the people who perform lobbying activities—must adhere to certain fundamental ethical principles.

I don't know whether you have looked at Quebec's Code of Conduct for Lobbyists, but some of the rules in that code are very similar to the rules in the federal Lobbyists' Code of Conduct. It talks about generally applicable rules of ethics, such as the prohibition against giving false or fraudulent information, the obligation to say who their real client is, or the fact that they must not try to unduly influence a public office holder.

In the case of Quebec, the most important rule in respect of ethics and integrity is not to try to persuade a public office holder to violate the rules of conduct applicable to that person themselves.

• (0925)

Mr. René Villemure: Thank you.

Since I have several questions for you and we have only six minutes, I would ask that you try to give brief answers.

Would you give the Lobbyists' Code of Conduct proposed by the Commissioner of Lobbying of Canada the gold medal, or do you believe it could be improved?

Mr. Jean-François Routhier: In fact, I have not done a specific analysis. I have commented on certain proposals made by the Commissioner of Lobbying, primarily in the first version of the code. I think it was a good code, in the first place, for overseeing lobbying at the federal level.

Are there still improvements to be made? Very probably, since all our schemes can be improved.

I think the commissioner has tried to solve some of the problems she faced in enforcing the Lobbying Act and I would say, as a regulator, that it is important to be able to make these adjustments. So I think it is a good code.

Mr. René Villemure: As Quebec's Commissioner of Lobbying, do you believe that McKinsey would have been able to fall through the net of the code proposed by the Commissioner of Lobbying of Canada?

Mr. Jean-François Routhier: I'm not sure I understand the question.

You are talking about a firm that offers its services and we need to see the extent to which the federal act, a subject in which I am not an expert, applies to offering the services of a consulting firm.

Could the rules of conduct be used to interpret the obligations of a consulting firm? I think you have to consult the federal Commissioner of Lobbying.

Mr. René Villemure: Certainly, while the letter of the rule is silent, the spirit of the rule is definitely present in this situation.

How far back does the last revision of the Code of Conduct for Lobbyists go in Quebec?

Mr. Jean-François Routhier: The code was adopted in 2004, two years after the Lobbying Transparency and Ethics Act was enacted. The code has never been officially revised. We have focused a lot of our activities on the reform of the act itself, because it contains profound biases and we think that in 2023, it is time to move to the next level of oversight and make sure the gaps are filled.

We could solve some problems by revising the Code of Conduct for Lobbyists, but in my opinion, that are more fundamental issues in the act that have to be fixed first.

Mr. René Villemure: Since 2002, how many times has the act been revised?

Mr. Jean-François Routhier: There has never been a major revision. The last amendment was in 2019, when the commissioner was given responsibility for the Registry of Lobbyists and for building a new disclosure platform. That responsibility formerly lay with the ministère de la Justice, and this created a two-headed system. Fortunately, that responsibility was transferred in 2019 and today we have a new registry, one that, in my opinion, is an example of best practices when it comes to disclosure of lobbying activities.

Mr. René Villemure: A little earlier, my colleague talked about volunteers acting as lobbyists, at least, around rule 6. Is too much being made of that rule, or is it, rather, a fundamental element?

Mr. Jean-François Routhier: Again, I think the federal commissioner is trying to eliminate or manage problems that are actually present or are perceived at the federal level. The issue of political involvement, for example, has not come up in the broad discussions in Quebec. If I were asked how to proceed, I would answer that I always advocate the greatest transparency. Transparency is the real solution, not bans. That said, again, I understand very well why the commissioner wants to delineate what her code applies to.

• (0930)

Mr. René Villemure: Thank you.

The Chair: Thank you, Mr. Villemure and Mr. Routhier.

[English]

Mr. Michael Barrett: I have a point of order, Chair.

The Chair: Go ahead with your point of order.

Mr. Michael Barrett: Chair, could we do a connection test and confirm that Mr. Kurek is able to exercise his rights as a member of this committee? I see that he's changed his devices to another approved House device, and he is still wearing an approved headset from the House.

Can we get confirmation from the technicians and from the interpreters and from you that Mr. Kurek can continue to participate in the meeting?

The Chair: Thank you, Mr. Barrett.

Madam Clerk, has the test been done with Mr. Kurek? If not, can we do a test to make sure that he's okay?

The Clerk of the Committee (Ms. Nancy Vohl): I confirm that it's already here in the chat that Mr. Kurek is properly connected with a Surface Pro and that he has a Jabra headset from the House of Commons.

The Chair: Okay. Thank you.

Mr. Michael Barrett: On that point of order, Chair, Mr. Kurek completed a connection test before the start of the meeting with the House-approved devices he was using. Can we hear from Mr. Kurek and have confirmation that the sound quality is appropriate so that he can continue?

Ms. Ya'ara Saks (York Centre, Lib.): I have a point of order, Chair.

The Chair: Hang on with the point.

Mr. Kurek, are you there? Can you give us a quick test, please?

Mr. Damien Kurek: Thank you, Mr. Chair. I'm joining you all from [*Inaudible—Editor*] here today.

The Chair: It sounds much better to me.

Mr. Damien Kurek: Okay. Thank you.

The Chair: Go ahead, Ms. Saks.

Ms. Ya'ara Saks: [*Inaudible—Editor*] over half the time with the witnesses.

The Chair: Thank you for that intervention.

Mr. Green—

Ms. Ya'ara Saks: There are technicians to take care of it.

The Chair: Mr. Barrett, just hang on a sec, okay?

Mr. Kurek's test has been done. I am going to go to Mr. Green for six minutes—we don't need to prolong this—and then I'm going to come back and I'm going to give Mr. Kurek his one minute he had left, after Mr. Green. I think that's fair.

Mr. Michael Barrett: It's a question of privilege, Chair.

The Chair: Mr. Green, you have six minutes.

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

I would prefer—and I'll just go on the record and say this—that Mr. Kurek sing the Alberta national anthem for his one minute. I would appreciate that for a sound check. That would be great.

The Chair: *Oskee Wee Wee* would have been better.

Mr. Matthew Green: I agree.

For my questions, I'll begin with Mr. Metatawabin.

First of all, thank you for being here, sir. Your introductory remarks spoke to the integrity of your organization, and they are well represented with you here today.

I did have some questions because I want to make sure that we have the cultural competencies within these particular amendments that may best serve your communities, your nations.

I'm wondering if you've given contemplation to whether the rules regarding gifts or hospitalities place any inequitable limitations on your organizations, such as in offering a gift to an elder, a knowledge keeper or a community member, or providing food that is spe-

cific to a particular indigenous first nation, Métis or Inuit community that may surpass the low-value threshold during a meeting, event or reception?

Mr. Shannin Metatawabin: Thank you for that question.

I kind of compare this to the treaty-making process more than 100 years ago. They designated \$4 in that treaty. That was supposed to cover a big bag of flour, a big bag of sugar and other things that people needed on the lands. If you compare that to what it's valued at today, it would be an amount that would cover all those staples.

I appreciate Mr. Green's question, because you never know what the activity is going to be or what part of the country it's going to be in. Look at the cost of food. If you're having an event in northern Ontario or even in Nunavut, the cost of food is approaching \$20 for milk. How is that going to fit into your standard for the value of a meal for having an event?

I think that it's more reasonable to say that there's a value of a meal and this is approximately what it is. It says "reasonable" right now, and that makes a lot of sense, and everybody can be left to justify that the meal covers the value of that event.

I would much prefer to be able to offer a gift of moccasins or something to a dignitary who's coming to our area, and the value of those have gone up exponentially because they are hard to come by.

I think we need to maintain some sort of reasonableness and common sense when we're thinking about this. Indigenous people don't generally put their names in the lobbyist registry, but there are going to be more like me who will be lobbying because it's essentially a funnel. More are trying to fit into a smaller area and get those meetings with certain individuals.

Thank you.

• (0935)

Mr. Matthew Green: I just want to make sure that it's covered off in the study in a very specific way, because you've brought up some very important points around the history of rights holders and what the appreciated value would be in those agreements in terms of treaties.

Would it be reasonable then, sir, to conclude that when offering a gift to an elder, a knowledge keeper or a rights holder, it may be reasonable, or in fact legal, to consider those folks, as rights holders, to be outside of the framework of this particular legislation?

Would you seek to have some sort of exemption for those particular cultural exchanges, which are nation-to-nation and outside of a lobbyist-type scenario? Would that be helpful, sir?

Mr. Shannin Metatawabin: I think that our nation already considers ourselves exempt under paragraph 4(1)(d.1), where nations are able to engage with the Crown on a nation-to-nation basis.

I'm specifically speaking as an organization representative of my community. I am legislated under the—

Mr. Matthew Green: For clarity, sir, because my time is ticking away, you're the representative of those organizations. Let's say, for instance, that you host an event that includes government officials. Your member organizations and dignitaries are from rights-holding nations. It's that grey area where you're not there representing a nation per se, but you're facilitating the event.

It doesn't have to be on the spot now, but for the benefit of this, I'm just wondering if you could provide any scenarios you might encounter in the course of your work. In many ways—if you look at the Two Row Wampum in the Haudenosaunee territories where I'm from, having gone to bread and cheese events there—you're travelling through two worlds in your work.

I just want to make sure that you have the opportunity to see that reflected, as a representative of your organization. Perhaps maybe in further contemplation and in written submission you can provide clarity to this committee around that, if you deem it important. I do think precision is important.

Given the integrity that you've provided in your introductory remarks, I wouldn't want to have amendments to this act that have a cultural gap in the treaty-to-treaty relationships that we have.

Mr. Shannin Metatawabin: Yes, I appreciate that. That's a very good point.

When I'm trying to distinguish between first nations and organizations that represent first nations in a more mainstream advocacy way, there are cultural elements that we need to designate as exempt, because we have certain processes and ceremonies at those events.

Thank you. I'll send something to you.

Mr. Matthew Green: *Meegwetch.*

The Chair: Thank you, Mr. Green.

We're now going back to Mr. Kurek, who had about a minute left in his questioning. Just so everybody knows, if this were happening to anyone in this room, I would be doing the same thing. It's only fair.

Mr. Kurek, I believe you were going to be asking a question of Mr. Metatawabin. Go ahead, please.

Mr. Damien Kurek: Yes. Thank you.

I'll continue with the line of questioning that Mr. Green had.

Thank you for your perspective. I found it really valuable to hear about how you chose as an organization to get involved to ensure you were upholding the highest standards and demonstrating your participation in the process.

I'm just wondering on the precision front if you would have any further comments, so that as members of the committee we could best understand what you would suggest as a good fit. I'm happy to receive further comments by written submission if you are up to that as well.

Thank you.

• (0940)

Mr. Shannin Metatawabin: Generally, from what I know about the act and the intention of the act to provide equitable opportunity of access, I think there are good elements within the act already, but I don't think that getting into the details and providing those by fine-tuning it to create even more issues by putting dollar amounts on hospitality is helpful for us doing the work, especially when the AFN recently came out with a document called "Closing the Infrastructure Gap by 2030". It outlines a need for \$349 billion to cover basic infrastructure in indigenous communities to ensure we have standards of living equitable to those of every other Canadian. Then we can think about prosperity, business and contributing to the economy.

There are going to be a lot more indigenous organizations approaching, and we want to recognize that we are a bit different, in that we have a culture, we have ceremonies and we have a process. In putting a certain value on a meal, maybe in a certain situation that meal in a different part of the country will allow for only a salad and dessert or something like that, and not the meal, just to put it in perspective.

The Chair: Thank you for that.

Thank you, Mr. Kurek.

We are now going to our second round of questioning, starting with five minutes each.

Given the time, it looks like we are going to get in only one more round, because we do have some committee business. We have some drafting instructions for the analysts that we have to deal with.

We are going to Mr. Dalton for five minutes.

Go ahead, please.

Mr. Marc Dalton (Pitt Meadows—Maple Ridge, CPC): Thank you to all the witnesses for sharing their perspectives. It is appreciated.

I want to read into the record some comments that the outgoing ethics commissioner made in a bombshell of an interview. Then I'm going to ask the different witnesses for commentary on how, from their perspective, this impacts the code.

I'm just going to read some of these comments. This is from the interview with ethics commissioner Mario Dion. It says:

The government needs to take ethics "more seriously" and that repeated breaches by senior Liberals during his tenure have undermined public confidence in the government....

"The act has been there for 17 years for God's sake, so maybe the time has come to do something different so that we don't keep repeating the same errors."...

"These are not new rules. You can't make these mistakes, you make everyone look bad, and you make public trust decline by making these mistakes"...

He said he had 140 presentations during his tenure, and thousands of attendees. He said, “that [this] did not prevent International Trade Minister Mary Ng”—who testified in this committee recently—“from telling a House committee”—that’s us—“that it would be helpful if the commissioner’s office offered ‘additional’ ethics training to political staff after no one in her office raised a flag when she [doled] out two [thousand dollars] to a...‘close friend.’”

He says—and this isn’t very complimentary:

“That’s like if I drive in my car this afternoon and I drive through a red light and then [argue] with a [police] officer that it is too bad because I should have received training about red lights. It’s a convenient excuse, in my view,” he said....

Quoting recent polls showing the public’s confidence in politicians is “not going in the right direction,” Dion said in the interview that the ethics breaches by senior Liberals over his tenure were certainly a factor and that “something has to be done” [so that they] show that they “are taking this seriously.”

He says—and this applies also to the code:

“Public shaming is the foundation of the system.”...

The public is understandably frustrated at what appears to be a lack of accountability from law-breaking MPs.

“No one’s resigning, no one’s forced to resign and no one is [even] shuffled. And there’s no appearance of even any sort of accountability, beyond having to stand in front of that question period and say a quick *mea culpa*, [my fault]”.

He continues:

“It’s really dissatisfying that these regimes work that way, and the solution has to lie with [a] culture of accountability within parliamentary democracies.”

I’m coming to the end of his comments

A voice: I hope so.

Mr. Marc Dalton: Well, I would understand why the member would hope so. Thank you, Liberal member.

● (0945)

The Chair: You know me. I’m informal when it comes to interaction, but deal with everything through the chair, please. Don’t deal with everything across the table.

Go ahead.

Mr. Marc Dalton: Thank you, Chair.

Dion [has] also noted that the Conflict of Interest Act specifically states that respecting that law is a “condition of employment” for the public office holders it applies to. That means that in theory, anyone who breaches the act [should] lose their job....

But who is the boss of Liberal MPs and cabinet [ministers]? The prime minister, who has already broken ethics laws twice.

“I don’t think the crafters of the act envisaged the situation where a prime minister would be found in breach [of the act] himself.”...

But who would you give the power to fire an MP, if not the prime minister or voters....

We are just about at the end, again:

According to Stedman, the fact that the prime minister was never sanctioned by his own party and caucus for his ethical breaches allowed ministers to go unpunished for their subsequent breaches....

“If Trudeau is not going to hold himself accountable, and the party is not going to hold him accountable, well [then], he kind of has to not hold them accountable in return. It’s kind of a *quid pro quo* with his...party members,” he said. “Trudeau’s caucus failed the system.”

The Chair: Mr. Dalton—

Mr. Marc Dalton: My question—

The Chair: You’ve run out of time for questions, Mr. Dalton.

Mr. Marc Dalton: Well, maybe I’ll....

Thank you.

Mr. Matthew Green: I have a point of order, Mr. Chair.

I want to know, so we’re clear, that while that will be in the Hansard, it will have no standing within the study. Can you confirm that? There are no questions.... Nobody reflected upon it. So that we’re clear, that will not be reflected in any of the analysts’ contemplation of the study.

The Chair: Well, we’ll see when the analysts contemplate what was discussed—

Mr. Matthew Green: As a member, I want clarity from you as the chair, sir.

My testimony isn’t for the contemplation of the analysts. It’s only the testimony of the witnesses. Is that correct?

The Chair: Mr. Dalton used his time to make a statement, which he’s entitled to do, as you know, Mr. Green.

Mr. Matthew Green: Sure, of course.

The Chair: I will make sure that what you’ve indicated is....

Mr. Matthew Green: I believe procedurally that is the case—that while you could make the statement and feel good—

The Chair: Just hang on a second. I do have to go to the clerk on this, because I’m unsure, Mr. Green. Thank you.

The Clerk: Mr. Green, in answer to you, there will be discussions about what is going to go in the letter a little bit later today. It’s going to be a discussion in camera. In the end, it’s not the report of the analyst. The analyst will reflect what the committee wants to see in the report.

Mr. Marc Dalton: Chair, can I just leave the question, and they can submit the answer?

Mr. Matthew Green: No, your time is up.

The Chair: Say that again, Mr. Dalton.

Mr. Marc Dalton: I didn’t realize that I’d have this right at the very end. Normally having a quick notification that I had 10 seconds would have allowed me at least to present the question.

The Chair: The members are allowed to use their time in relation or relevance to whatever they want. You used your time to make a statement. As the clerk said, we are going in camera afterwards to provide drafting instructions on a letter to the commissioner. This will not be a formal report presented to Parliament. We can discuss it at that point. Is that okay?

Thank you.

Next up, I have Mr. Bains for five minutes. Go ahead, Mr. Bains.

Mr. Parm Bains (Steveston—Richmond East, Lib.): Thank you, Mr. Chair.

Thank you to our witnesses for joining us today.

To go back on Mr. Dalton's questions there, I have a question for Mr. Larkin.

My colleague across the way read some quotes from Mario Dion. Mr. Larkin, which commissioner oversees the lobbying code?

Mr. Kyle Larkin: That would be the Commissioner of Lobbying.

Mr. Parm Bains: What is the name of the lobbying commissioner?

Mr. Kyle Larkin: That's a good question.

The Chair: Nancy Bélanger is her name, Mr. Larkin, just to help you out.

Mr. Parm Bains: Okay, thank you for that.

I'm going to go back to Mr. Metatawabin.

Your association advocates for indigenous economic development by promoting aboriginal businesses with equitable access to capital and care, and has also registered a lobby, as you mentioned and explained previously today. How does your lobbying impact economic growth for indigenous people in Canada?

• (0950)

Mr. Shannin Metatawabin: I started in 2016, and the first priority they gave me was access to capital. The first thing I did was retain a consultant, and Isabel Metcalfe has been helping us since the beginning. We were the best-kept secret for the government. An investment of \$240 million made 35 years ago has been recycled 15 times to \$3.3 billion in lending to indigenous people across Canada

We are essentially the indigenous version of the Business Development Bank of Canada. Our lobbying efforts brought us into rooms and allowed me to tell the story of the network, which enabled us to create and launch an indigenous growth fund that is an institutional-grade investment tool that allows the private sector to invest in our community. We are able to lend that to our members who, in turn, lend that to the community in business loans. It is providing more loan portfolio for our members to provide larger loans, whereas they had maintained the same level of loan for 35 years. Now this allows them to move at the speed of business and to the size of business.

Mr. Parm Bains: That's the economic impact on the growth for indigenous people. What other types of lobbying activities do you find to be the most beneficial?

Mr. Shannin Metatawabin: I like to maintain a diverse lobbying effort. I like to update the government officials to make sure that they know what's going on in the indigenous community, in economic development in general and on the reconciliation front.

Right now, the government has a 5% procurement target. They had that 20 years ago, but it got nowhere because there were no consequences for a manager who didn't make a decision to choose

an indigenous business as opposed to a business they knew, so no changes ever actually happened.

To Mr. Dalton's question, unless there are consequences and an impact on compensation and jail time...Singapore puts officials in jail if they undertake any breaches. We have to take it seriously when people think they can go above what the rules set. Impacting compensation, I think, would ensure that everybody doesn't breach.

Mr. Parm Bains: Thank you.

Going back to Mr. Larkin, a previous witness told the committee that reducing the cooling-off period for political work to 24 months would usher in a wave of pay-to-play U.S.-style politics and corruption.

What do you think of the commissioner's decision?

Mr. Kyle Larkin: That's just not the truth. There are specific rules and laws that exist in Canada that don't exist in the U.S. The main one I would point out is PACs. PACs don't exist in Canada.

Money and politics don't exist the same way they do in the U.S. For us to go to U.S.-style lobbying through the code of conduct is just not possible. The proposed new code of conduct would not introduce anything like that.

Instead, the 24-month ban on lobbying activities after holding a senior role in a campaign is based on international standards. It would still hold the transparency and accountability that the law and the code go for.

Mr. Parm Bains: I'll go to Ms. Buttle for this one—

The Chair: Go very quickly, Mr. Bains. You are basically at your time right now, so I'll give you a quick question and quick answer.

Mr. Parm Bains: Do you think this will invite loopholing and other means to work around the new language?

Ms. Megan Buttle: No. There has been virtually no signal that there are any systemic issues, or that there is any need.... These changes will not result in any adverse activity and will maintain a high ethical standard for lobbyists.

The Chair: Thank you, Ms. Buttle. Thank you, Mr. Bains.

[*Translation*]

Mr. Villemure, the floor is yours for two and a half minutes.

Mr. René Villemure: Thank you, Mr. Chair.

Ms. Buttle, I'm going to ask you the same question as I asked Mr. Routhier: I would like you to tell me what the definition of ethical lobbying is, to you.

• (0955)

[English]

Ms. Megan Buttle: To capture that, our version and what we see as ethical lobbying is ensuring ethical transparency in all activities. It is built on the respect for a system that Canadians can trust. The objective is to avoid the sense of obligation and to avoid leveraging close relationships, and instead engage in sharing information for the purpose of better public policy.

[Translation]

Mr. René Villemure: Do you believe that transparency is sufficient in that case?

[English]

Ms. Megan Buttle: Yes, Canada has one of the world's highest standards of transparency in lobbying. Naturally, it is an industry of individuals who are risk-averse, as several witnesses have already said to date, because our current system has such a high standard.

There is no widespread issue of this nature to require this type of overreach. If we look at the annual reports from OCL, we see that the compliance is quite high. If anything, in a lot of the cases that come forward through OCL, it's less than 1% of activity that's taking place and is registerable. Even within that, more than 50% of them are closed upon the preliminary assessment of those cases.

[Translation]

Mr. René Villemure: You said a little earlier that it is not practical to prescribe a specific amount when it comes to hospitality expenses and it is preferable to apply the concept of "reasonable value". However, we know there are a thousand and one possible definitions of what is reasonable.

In another vein, regardless of whether it is a specific amount or reasonable value, when a person attends 90 events, it adds up and creates a duty to account. Do you agree?

[English]

Ms. Megan Buttle: Keeping the current code language around "reasonable" limits is accessible for many, because we don't believe there is a systemic issue of the kind you've just identified. That is not happening to allow for this need of specificity. There is an opportunity to make sure that we are maintaining that high standard of disclosure and transparency. Requiring more defined limits may cause more confusion and not simplify transparency.

[Translation]

Mr. René Villemure: Thank you for your answer, but I can assure you that what I have described happens: past experience has shown us.

The Chair: Thank you, Mr. Villemure.

[English]

Next we have Ms. Barron, who is in for Mr. Green, for two and half minutes,

Go ahead, please.

Ms. Lisa Marie Barron (Nanaimo—Ladysmith, NDP): Thank you, Chair. I'm happy to be here.

My question today is for Mr. Jean-François Routhier.

Jean-François, Quebec's Code of Conduct for Lobbyists is a regulation under the Lobbying Transparency and Ethics Act, as opposed to the Lobbyists' Code of Conduct, which is a non-statutory instrument. Would you consider the Lobbyists' Code of Conduct less effective as a result?

Mr. Jean-François Routhier: Actually, the Quebec code is enforceable. We believe that this is an important thing for lobbyists' conduct. I do believe that best practices would be to actually make this a regulation that is enforceable. I think the federal government at the federal level would also benefit from that.

Ms. Lisa Marie Barron: What would you consider to be the gold standard or the benchmark that we should be striving for here around the Lobbyists' Code of Conduct, and is there any further information you could provide to help us move in the right direction?

[Translation]

Mr. Jean-François Routhier: It is very difficult to determine the ideal standard. We have done a relatively complete job with the Organization for Economic Cooperation and Development, the OECD, to identify best practices for the oversight of lobbying. I invite you to read the report that has been tabled concerning the Quebec act, with respect to ethics.

I am hearing a lot of discussion, particularly about the value of gifts. These are not issues that have been raised a lot in Quebec.

I think each government has to oversee lobbying based on its own needs and its own circumstances. That is one of the fundamental principles stated by the OECD: the legislation and regulations governing lobbying must be adapted to the socioeconomic context.

[English]

Ms. Lisa Marie Barron: Do I still have more time?

The Chair: I can give you an extra bit of time if you like.

Ms. Lisa Marie Barron: No, I just wasn't sure how much time I had left.

The Chair: You're at your time right now.

Merci, Mr. Routhier.

Next we have Mr. Barrett for five minutes. Go ahead, Mr. Barrett.

Mr. Michael Barrett: Thanks, Chair.

I have the same question for each of the witnesses, so could we try to get through your responses with the five minutes that I have?

I'll follow up on Mr. Dalton's question. He was talking about the lack of real consequences with respect to the ethics code for members. If there's no consequence for members of Parliament who break the code that applies to them, what impact does that have on compliance for folks who are subject to the lobbying code?

We'll start with Mr. Larkin, then we'll move through the folks who are joining us virtually.

• (1000)

Mr. Kyle Larkin: I would just draw a very clear distinction between the ethics act and the ethics commissioner and the Lobbying Act and the Commissioner of Lobbying.

Mr. Michael Barrett: The question is about the ethics code and not the ethics act. It's with respect to the effect on the perception of folks who are subjected to the rules that are governed by the Commissioner of Lobbying. What is the impact if folks who are governed under one set of rules by an officer of Parliament don't face any consequence for not following the rules?

For the folks who are governed under the auspices of a separate officer of Parliament, do you think there's any impact on their compliance if folks who are subject to the other don't have any penalty or consequence?

Mr. Kyle Larkin: I would say that the Lobbying Act and the Lobbyists' Code of Conduct are already so robust that they really does keep lobbyists compliant with the law and with the code. That's why we see such a low rate of non-compliance. It's because lobbyists are already naturally risk-averse with their clients or with the organizations, associations or companies that they work with. They really do believe in a transparent, and a certain and accountable system.

Mr. Michael Barrett: That's great. Thanks very much.

I will now go to the next witness who is available or ready online.

Go ahead, Madam.

Ms. Megan Buttle: I would say, echoing the same comments, that the code of conduct by the office of the lobbying commissioner is separate and distinct. A lobbyist's reputation and their ability to operate is through trusted transparency that is highly contingent on their reputation of maintaining that level of transparency and trust.

I can't speak for parliamentarians, but I would say that ensuring ethical behaviour is of the utmost importance for a lobbyist to be able to maintain their professional standards and do their job. It avoids that sense of obligation and avoids leveraging any of those close relationships. Instead, it's there for the purpose of sharing information that is so critical to better the public policy environment.

Mr. Michael Barrett: Thank you, ma'am.

Go ahead, Mr. Metatawabin.

Mr. Shannin Metatawabin: From what I've learned from what I've been participating in, and having been taught by Isabel Metcalfe on transparency and ethical processes, this is really what the code instills, I think. All of them hold their reputation really closely and follow to the *t* what they need to do. They stay away from the things they don't need to do. I think it's working, in that sense.

Mr. Michael Barrett: Monsieur Routhier, go ahead.

[*Translation*]

Mr. Jean-François Routhier: Fundamentally, I think that responsibility for compliance with ethical rules lies first and foremost with public office holders. Governments, parliaments, must adopt rules that are consistent and complementary so that everyone knows what they are and is able to obey them. The lobbying over-

sight system should not fill the gaps in other oversight schemes that apply to the integrity or ethics of public office holders.

[*English*]

Mr. Michael Barrett: It sounds like maintaining the reputation of the lobbyist and the integrity of their profession is so important that they maintain that risk aversion and see so few contraventions of the rules that apply to them, which is certainly in stark contrast to the example that Mr. Dalton raised with respect to all the findings under the ethics code and the ethics act.

Thanks very much, Chair.

The Chair: Thank you, Mr. Barrett.

We will now go to our final intervention of the morning. That will be Ms. Hepfner online.

You have five minutes, Ms. Hepfner.

• (1005)

Ms. Lisa Hepfner (Hamilton Mountain, Lib.): Thank you, Chair.

Thank you to our witnesses for being here today.

Through you, Chair, I would like to begin by directing my questions to Mr. Metatawabin.

I have to tell you that I really appreciate that you took the time to participate here today. I found your intervention and your opening statement extremely interesting. It gave us more insight than I think we've heard from some other witnesses today.

I got from you that the lobbying code as it is in Canada actually levels the playing field among lobbyists, and that to change it in the way that has been proposed would not level the playing field. It would actually do the opposite, when, as I understood from the lobbying commissioner, the intent with these amendments was to level the playing field. What I got from you was that it would have the opposite effect.

Can you confirm and reflect on that for me?

Mr. Shannin Metatawabin: I think the intent is to give equitable access to all groups. If you take a look at the lobby registry, you'll get a good indication of where the world is going or where the needs in the community are. I think the National Association of Friendship Centres was number four in December for lobbying, because they were challenged a lot after the pandemic in the urban centres for indigenous people with housing and other services.

Making too many changes creates too much complexity. By having us participate and having some basic rules to operate under, it's working well. When you start to get into amounts, it's going to complicate things. I think that if we remain reasonable when things seem to be working relatively well and lobbyists are playing within the rules, not modifying that code as much would probably make more sense.

Ms. Lisa Hepfner: I also got the impression that you were speaking of lobbying as a right that you have to exercise. I'm wondering if you feel that these changes would remove some of your rights in that way. Can you reflect on that?

Mr. Shannin Metatawabin: I don't think I'll touch the exemption that our nations hold on a nation-to-nation basis to be able to have discussions and opportunities to engage with the Crown. I am speaking as a CEO of a national association that is an advocacy organization, and we're just creating these new mechanisms of engaging the government to make sure that everybody knows what we're doing and how we're helping the community. There's a public good happening from our work. We want to make sure that everybody knows about it.

The rules to get us there, with the cooling-off period that might eliminate some students who are working for a politician and might be trying to get a job.... That's not what the intent is. Let's clarify that we're not talking about them. We're talking about people in high-influence positions more than we are about all these nitty-gritty details, these minute details that might be eliminating certain people who shouldn't be eliminated. Let's think about that more than getting into the finite details.

Ms. Lisa Hefner: Thank you.

My colleague MP Green mentioned in our last meeting that there seems to be a vilification of lobbying as a profession: that it seems to have a connotation that's less than favourable. What do you think about that? Do you agree? Is that a problem?

Mr. Shannin Metatawabin: I think it probably comes from the history, right? It was mostly subject to a small group of corporations and people of influence. Take a look at society in general. People of colour have been separated from the system—from the finance, the education and the health system. Now that we're being included more in the system, you're going to start to see us being more involved. There's a larger group of us, so you're really seeing that it's going to be a funnel, with a larger group of people trying to fit into a certain number of meetings that political people can have. Having equitable rules for everybody is a good thing, but let's not over-complicate it.

Thank you.

Ms. Lisa Hefner: Thank you.

Really quickly, Mr. Larkin, tell us why people would volunteer for a political campaign.

Mr. Kyle Larkin: You probably know the answer to that question more than I do, but I would say that individuals—it could be young Canadians, seniors or any Canadians—are volunteering on political campaigns because they want to be participating democratically and they're passionate about individual candidates or individual parties that they personally believe in.

• (1010)

Ms. Lisa Hefner: Thank you.

The Chair: Thank you, Ms. Hefner.

That concludes our questioning by the committee members.

I do have a couple of questions that I'm going to go around on with the witnesses. They're going to be very direct.

On the process by which the commissioner engaged with stakeholders during this entire process of updating the lobbying code of

conduct, do you believe, in your opinion, that it was fair and reasonable?

I'll start in the room with Mr. Larkin.

Mr. Kyle Larkin: Thank you.

I do believe it was fair. Three rounds of consultations in any manner is fair.

I would say that we have made strides in certain areas. The first proposed code of conduct that came in, in the first instance, proposed a \$30 limit on hospitality. That also included tax, service fees, labour, the room charge, etc. It simply would have made receptions impossible. We've moved from that to \$40, just for covering food and beverage. It's still a challenge. It still would make events nearly impossible, especially if you include any cultural elements, be it kosher food, indigenous food or halal food—no matter what it is. Also, food differences across Canada—a red pepper cost is different in Ottawa from what it is in Nunavut—are also not necessarily accounted for.

The consultation in general was well done. I would say that there is still more room to grow.

The Chair: Thank you, Mr. Larkin.

I'll move next to Mr. Metatawabin, please. Go ahead.

Mr. Shannin Metatawabin: I think consultation should be expanded a little more. I think we are the only indigenous organization that was consulted with. I'd like to see the National Association of Friendship Centres engaged on their interpretation. They've been doing a lot of lobbying. There are other indigenous groups that are also within the space.

On the last comments that were just shared, I think I share them as well. The amounts for hospitality need to be considered more.

The Chair: Thank you.

Mr. Routhier, do you have any comments, sir?

[*Translation*]

Mr. Jean-François Routhier: I think the process followed by Ms. Bélanger is a transparent process, in which there were several rounds of consultations. I believe that if comments are made to her regarding the possibility of improving the process further, she will certainly be very receptive.

[*English*]

The Chair: Thank you, Mr. Routhier.

Ms. Buttle, do you have any comments on that?

Ms. Megan Buttle: I believe it was fair that there have been some positive changes, but I do believe that certain sections are not reasonable when practically applied, nor do we see the notable issues that require these revisions as a whole.

Generally, the consultation process has been fair and open.

The Chair: I do have one more question. We're going to reverse it and start with Ms. Buttle.

Is there any new information that you provided to the committee today that was not provided to the commissioner when she did her consultations?

Ms. Megan Buttle: No. We provided the same consistent information in this testimony in prior submissions.

The Chair: Thank you.

Go ahead, Mr. Routhier.

[*Translation*]

Mr. Jean-François Routhier: Today's discussions and the questions I was asked related to subjects other than the revision of the code itself, so the answers I gave may certainly have differed from the commissioner's, because she was not asked for those comments.

[*English*]

The Chair: Thank you.

Go ahead, Mr. Metatawabin.

Mr. Shannin Metatawabin: To be honest, I didn't know much about the changes to the code until I was asked to present at this committee.

I think we could be better at communicating the connection between our indigenous community and what's going on with the changes.

The Chair: Thank you, sir.

Mr. Larkin, finally the question goes to you.

Mr. Kyle Larkin: I'd just say that our testimony was in line with the different submissions that we put in during the consultation, which really focused on the issues on the hospitality front as well as on the political work front.

The Chair: Thank you, Mr. Larkin.

That concludes today's meeting.

I want to thank all of the witnesses on behalf of the committee and on behalf of Canadians for being here, and indigenous communities as well. I also want to thank our members, our clerk and our analysts.

We are going to be moving in camera to discuss the drafting instructions.

The public portion of this meeting is adjourned. Thank you.

[*Proceedings continue in camera*]

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