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Chair: Mr. John Brassard



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• (1105)

[English]

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

[Translation]

Welcome to meeting number 112 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

[English]

Pursuant to Standing Order 81(4), the committee is commencing consideration of the main estimates 2024-25: vote 1 under Office of the Commissioner of Lobbying; vote 1 under Office of the Conflict of Interest and Ethics Commissioner; vote 1 under Office of the Senate Ethics Officer; and votes 1 and 5 under Offices of the Information and Privacy Commissioners of Canada, referred to the committee on Thursday, February 29, 2024.

[Translation]

Today's meeting is taking place in a hybrid format, pursuant to the Standing Orders of the House of Commons. Members may attend in person in the room and remotely using the Zoom application. I would again like to remind all committee members not to put their earpieces close to the microphones, as this can cause feedback and cause hearing injury to the interpreters.

[English]

I'd now like to welcome our witnesses for the first hour today. From the Office of the Conflict of Interest and Ethics Commissioner, once again we have Mr. Konrad von Finckenstein, who is the commissioner.

Sir, it's good to see you again. I think I've spent more time with you than with my wife lately.

Melanie Rushworth is the director of communications, outreach and planning, and Sandy Tremblay is the director of corporate management.

Mr. Commissioner, you have up to five minutes to address the committee. Please proceed.

[Translation]

Mr. Konrad von Finckenstein (Commissioner, Office of the Conflict of Interest and Ethics Commissioner): Thank you, Mr. Chair.

Ladies and gentlemen members of the committee, thank you for inviting me to speak with you about the Office of the Conflict of

Interest and Ethics Commissioner's budgetary submission for 2024-25.

As you will have noticed, I am accompanied today by Ms. Sandy Tremblay, director of corporate management, and Ms. Melanie Rushworth, director of communications.

[English]

First of all, I would like to thank you and all your fellow members for voting in favour of my permanent appointment. I very much appreciate the vote of confidence.

The commissioner's office consists of around 50 professionals who are doing everything possible to ensure that the 3,200 people subject to the Conflict of Interest Act or the Conflict of Interest Code for Members of the House of Commons avoid conflicts of interest.

I see the office as having a twofold purpose: one, to help public officials avoid and manage their conflicts of interest, and two, to facilitate the movement of qualified people in and out of the public service. These principles reflect my approach to the role of commissioner. Ultimately, the goal is to safeguard public confidence in the integrity of elected and appointed officials.

[Translation]

All experienced and competent people will, over time, be exposed to potential conflicts of interest. To me, this means the credibility of the advice and guidance provided needs to be both helpful, innovative and timely. Accordingly, you will see a change in our educational offerings throughout this year.

[English]

Reflected in the main estimates request is an alignment of funding to ensure the continued growth of the educational and outreach functions of the office. This will allow us to develop more tailored or subject-specific opportunities to meet the needs of those subject to either regime. These approaches will be online, in person and on demand. In the near future, an online course specifically tailored to meet the needs of elected members under the code will be launched.

Reflecting our efficient approach, the budget for this year reflects an increase of just under 3%, which will be used mainly to offset some cost increases.

Melanie, Sandy and I would be happy to answer any questions you have about our office, our finances or our operations.

Thank you.

The Chair: Thank you, Commissioner.

I have a couple of notes. We have a bit of committee business that we will need to discuss at the end. First will be the budget for this particular study—we're going to need approval of that at the end—and second will be some of the recommendations on the data extraction tools report that's coming up. I'll keep a bit of time at the end for that.

We're going to start with our first six-minute round.

Mr. Barrett, you have the floor for six minutes. Go ahead, sir.

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Good morning.

Commissioner, how many investigations do you have ongoing today?

Mr. Konrad von Finckenstein: There are two.

Mr. Michael Barrett: How many investigations are ongoing with respect to Sustainable Development Technology Canada?

Mr. Konrad von Finckenstein: The proposals are with regard to sustainable development.

• (1110)

Mr. Michael Barrett: Are you able to undertake preliminary investigations into other board members at SDTC?

Mr. Konrad von Finckenstein: As you know, we basically act on requests from the public or members. I have the authority to start investigations of my own, but again, all of this has to be done on the basis or credible evidence or suspicion, and I have seen no reason so far to start anything other than the two we have ongoing.

Mr. Michael Barrett: With respect to the other members of the board and matters of public record, including the committee transcript, are you confident that no reasonable suspicion has been raised that voting members were doing things to materially benefit themselves?

Mr. Konrad von Finckenstein: That's correct. There has been no evidence of any kind, and no suspicions or allegations have been raised with regard to the other members.

Mr. Michael Barrett: If you were presented with new evidence by a member of Parliament or a member of the public through open source information like media or committee testimony, would you investigate other board members?

Mr. Konrad von Finckenstein: It depends on what the information is, how credible it is, how substantive it is and so on. However, if indeed it meets the threshold for something that needs to be investigated, and if there is sufficient evidence to indicate something that's contrary to the rules, then we would do it.

Mr. Michael Barrett: In your reviews or briefs of past files, past investigations, has it been the case that in similar circumstances—in this case we're talking about the board of Sustainable Development Technology Canada, where you're investigating two individuals who served on the board—investigations could give rise to fur-

ther investigations of other members of the board? That's based on your past experience.

Mr. Konrad von Finckenstein: Well, my past experience is very short, as you know. I don't know whether my previous—

Mr. Michael Barrett: I mean based on your past experience at the office.

Mr. Konrad von Finckenstein: I can just answer that hypothetically, yes, it is possible. I don't know whether it has happened.

Melanie, do you know of any past investigations that have spawned subsequent investigations?

Ms. Melanie Rushworth (Director, Communications, Outreach and Planning, Office of the Conflict of Interest and Ethics Commissioner): There are none coming to mind.

Mr. Michael Barrett: Have you been able to obtain all of the information you've requested—documents, evidence—from the Sustainable Development Technology Canada organization?

Mr. Konrad von Finckenstein: Yes.

Mr. Michael Barrett: Then they have been forthcoming.

Are you able to share with us who your point of contact is with SDTC? There have been a number of changes with that organization since your investigation commenced.

Mr. Konrad von Finckenstein: You are asking me for the details of my investigator. All I know is that we've asked for information. We got all the information. We asked the witnesses to come forward. They came forward. They were put under oath, and they have testified.

Mr. Michael Barrett: The two—

Mr. Konrad von Finckenstein: If you want to know who does it, who was actually contacted in the organization and who has been responding to us, I can get you the name. I don't have it here.

Mr. Michael Barrett: I'd appreciate that, sir.

Am I correct in inferring from your response that you've interviewed both of the subjects of the two complaints you've received from SDTC and that they have sworn an oath and provided testimony to you?

Mr. Konrad von Finckenstein: That's correct.

Mr. Michael Barrett: Could you take us through the investigative process so far for the SDTC file? I appreciate that there is information you're not able to get into until you've presented your report, but I imagine there is a process that you'd follow. Are you able to take us through that and forecast when you would expect the resolution? Informally, I believe I asked you this before and you said, "as soon as possible," which I appreciate, but what has the process looked like?

Mr. Konrad von Finckenstein: First of all, if a complaint is made, we look at it. We see if there is enough substance to warrant an investigation, and then we do an investigation.

We notify the people. We ask them to send us all of the relevant documents. They send them to us. We examine said documents. On the basis of that, we then structure the questioning. We ask them to come. We put them under oath. They answer the questions. If we need some other people, as a result of those questions, whose testimony will be relevant, we'll summon them. It's the same process again.

Once everything is done, we come to a conclusion and write a report. The factual part of the report we send to them and say, "These are the facts we've found. Is there anything incorrect, and do you want to help us?" We certainly don't want to misstate the factual situation. They give us a response.

Once we have that, the whole thing is translated into both languages, and then we publish it. On the same day, we notify the person who is....

I can tell you now that certainly before August 1 you will see the report.

• (1115)

Mr. Michael Barrett: I appreciate that. Thank you very much.

The Chair: Thank you, Mr. Barrett.

Commissioner, I'm going to ask if you can speak up just a little. We don't have the ability to put those longer mics on, as we have in the past, so if you can speak up or maybe get a bit closer to the microphone, that would be terrific.

Mr. Bains, you have six minutes. Go ahead, sir.

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

Thank you, Commissioner, for joining us with your team today.

When you were last at this committee, you were asked about sponsored travel by a number of MPs. On the problems associated with sponsored travel, is the apparently limitless value of gifts receivable during travel a problem for you? Have you given any thought to this since the last time you visited?

Mr. Konrad von Finckenstein: You know what the rules are, and these are the rules you yourselves passed. It's the code the House passed for members of the House. I administer them and I live with them. Could they be improved? That's up to you and the general public to decide.

My job in this case is not to suggest that you change your code. You decide the code you want to live by and I apply it.

Mr. Parm Bains: When a member believes an investigation is warranted by your office, do you think it's responsible of the member to predetermine the outcome of the investigation and to publicly share this view?

Mr. Konrad von Finckenstein: Well, I don't think that's the proper behaviour, but on the other hand, we live in a country with freedom of speech. They can of course say what they want. It's their opinion. That doesn't mean that will be the outcome of the investigation.

Mr. Parm Bains: Section 13 of the code states, "A member shall not participate in debate on or vote on a question in which he or she

has a private interest." Does this mean someone who is advocating for a sector in which they have a financial interest, during a debate in the House or at a committee, is violating this part of the code?

Mr. Konrad von Finckenstein: It depends on how you define "sector". If you're talking about, let's say, farming and you're a farmer, obviously you can speak on it. If, however, you are a milk farmer and this is something specifically on milk farming, you probably should not because that clearly will affect you.

You have to put it in the context of what the sector is and whether you think it's proper to the content or not. I get a lot of inquiries on this very point from you—not from you personally, but from members of Parliament—and we give them the best advice we can on their circumstances.

Mr. Parm Bains: On the same point, does this extend to voting on government legislation?

Mr. Konrad von Finckenstein: Again, it depends. If you're voting on something that will directly affect you, you should not do it because that clearly represents a conflict of interest. You have to look at the vote, what it entails and what the consequences of the vote are for your situation before you can make that decision.

Mr. Parm Bains: Now that you're in this role full time, has your office seen an increase in demand for services? If so, how has this affected your capacity and the need for funding?

Mr. Konrad von Finckenstein: No, I don't think there has been any change in the volume of work that has come in since I was appointed permanently. Whatever backlog there was, we managed to deal with it within the first few months of my interim appointment. Right now, we are fully staffed, and we are meeting the demands as they come to us.

Mr. Parm Bains: Your office is funded very differently from others that are examined in the main estimates. Could you explain how funding is requested and why it's done in that way?

Mr. Konrad von Finckenstein: Sandy, would you like to answer that?

Ms. Sandy Tremblay (Director, Corporate Management, Office of the Conflict of Interest and Ethics Commissioner): Yes, I can answer that question.

We operate differently. Basically, the commissioner prepares the main estimates of what will be required for the expenses of the office for the next year. Then this is submitted to the Speaker for concurrence, and it's provided to the President of the Treasury Board, who submits our main estimates as well as those of the other government departments to the House of Commons.

• (1120)

Mr. Parm Bains: To build on that, the 2024 main estimates allocated around \$6 million for "Administration and Interpretation of the Conflict of Interest Act and the Conflict of Interest Code", as well as around \$2.5 million for "Internal Services". What internal services are offered by your office, and how does the increase in operating budgets positively impact the services you're able to offer within the office?

Maybe I'll go back to you, Ms. Tremblay.

Ms. Sandy Tremblay: In terms of internal services, we're talking about human resources, financial services, information technology and information management. Also, some parts of communications and some parts of legal services offer internal services.

We haven't had an increase at all in our operations budget, but in the salary budget, we had a small increase in that area, so we had to staff an additional person in information technology. In terms of professional services, I'd say 65% of our operations budget goes to the House of Commons administration, because we have a service-level agreement for information technology with the House of Commons administration.

Mr. Parm Bains: Those are all of my questions for today. Thank you.

The Chair: Thank you, Mr. Bains.

[*Translation*]

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

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

I want to greet the witnesses and thank them for being here.

Commissioner, I'm interested in the smooth operation of the Office of the Commissioner. I want to make sure that you have all the resources you need to accomplish your mission. According to your current budget, do you have all the resources you need to do so?

Mr. Konrad von Finckenstein: Yes, we have all the resources we need.

Mr. René Villemure: Perfect.

There are a lot of documents from the Office of the Commissioner online, but we can't find the 2021-24 strategic plan yet. Will it be published soon?

Mr. Konrad von Finckenstein: I'll let Ms. Rushworth answer that question.

Ms. Melanie Rushworth: We haven't published our strategic plan; that was a decision we made with the previous commissioner. However, our team is in the process of creating a new strategic plan, because we need to support Mr. von Finckenstein's objectives. My team will be working on this project over the course of the fiscal year.

Mr. René Villemure: The strategic plan may also require resources. That's why I asked the question about resources.

Mr. Konrad von Finckenstein: If we want to implement new ideas, this will undoubtedly require further resources. Next year, when I come back to the committee, I may ask for an increase in our budget.

Mr. René Villemure: Have you given any thought to the direction of the next strategic plan? Can you tell us what work has been done?

Mr. Konrad von Finckenstein: As I mentioned, we're going to have an online program for new members of the House of Commons.

Ms. Rushworth, would you like to explain this further?

Ms. Melanie Rushworth: Yes, of course.

We have prepared the training that all new MPs must take after each election. It will be offered on the House of Commons Source system in the coming months.

We've also talked about doing the same thing, or almost the same thing, with the act. When we did our survey of public office holders, we learned that online training was one of their requests. We're continuing to think about how to improve training in general, particularly on more specific things, such as the post-employment of MPs.

My team is always available on request to provide training or make special presentations to any office that requires it.

• (1125)

Mr. René Villemure: Do you believe that, for a subject such as ethics and conflicts of interest, online training is sufficient? It seems to me that this is a vast subject.

Ms. Melanie Rushworth: As far as the training is concerned, the idea is to present the concept in a general way and emphasize that each situation is unique, as Mr. von Finckenstein said. During training, we always explain that our office advisers are available to discuss a given situation in greater detail. However, the idea is to make a general presentation, but also to give people a clear understanding of the steps required to comply with the act or the code.

Mr. René Villemure: Do you receive many requests?

Ms. Melanie Rushworth: Yes. Over the past year, we have offered nearly thirty sessions to around 500 people.

Mr. René Villemure: Commissioner, you've only been permanent for a short time, but you've nonetheless been observing things for quite a while. Regardless of complaints, do you think the ethics situation is improving or deteriorating? I ask because, in society, we're seeing a certain deterioration in public morals, if you like. From your point of view, what's the situation?

Mr. Konrad von Finckenstein: We did not investigate public communications. Like you, I read the magazines and the press. It's obvious that there's a lack of trust when it comes to ethics. That's why it's necessary for us to reinforce the importance of ethics and educate those elected or appointed to behave in accordance with the act and the code.

I think it's really the reality that's going to influence public opinion. It doesn't help when there are always situations where people are accused of conflict of interest.

Mr. René Villemure: Thank you very much for your reply.

The Chair: Thank you, Mr. Villemure.

Thank you, Commissioner.

[*English*]

Now, for six minutes, we're going to Mr. Green.

Mr. Green, go ahead.

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

Welcome back to the committee.

At the Office of the Conflict of Interest and Ethics Commissioner, typically you post your annual reports online. Certainly, that was the case for the 2018-21 strategic plan, which is currently available online. Your current plan, for 2021-24, is not published online. Why is that?

Mr. Konrad von Finckenstein: It doesn't exist yet. I was appointed in September on a temporary basis and just the last month on a permanent basis. Obviously, one thing to do is have a new strategic plan, but for the time being we are living with the one that went to 2021. This one would be up to 2024. Basically, we will, in the coming months, try to come up with a new strategic plan setting out our goals.

Mr. Matthew Green: You said “in the coming months”. When do you think we can expect that, specifically?

Mr. Konrad von Finckenstein: Melanie, this is in your hands.

Ms. Melanie Rushworth: We were awaiting the arrival of someone into the position on a permanent basis before we moved forward with that planning. Our intention is to have some conversations with the commissioner to help him understand the projects that have been undertaken in the last few years and what will be continuing forward, and to make sure that what continues forward reflects that.

I would anticipate—

Mr. Matthew Green: I have to intervene for a moment—my apologies—to take my time back.

He was the interim commissioner. He's certainly been around. Your intention is to commence this discussion. Has it begun, or am I to understand it hasn't begun yet?

Ms. Melanie Rushworth: The conversations have certainly started with the commissioner, but I anticipate that my team will be in a position to have that plan done this calendar year.

• (1130)

Mr. Matthew Green: Commissioner, I'll come back to you. Assuming that there was a process for your permanent appointment, in your discussions with government before you were finally appointed to this permanent position, what did you identify during the interview process as your main priorities knowing what you know, be that from your interim work or your previous work?

Mr. Konrad von Finckenstein: Exactly as I said in my opening statement, I think the office is twofold. It deals with conflicts of interest, and the other side is to facilitate the entry of the best talent from the public service to the private service and vice versa. We really have to concentrate on that, because if you do that well, then you have very few conflicts of interest.

Part of this is about the priority of education, which Melanie talked about. We have done this online for MPs. It's probable that I will need to do it for the people who are subject to the act, especially the people who are nominated. It's also about making sure people understand that this is not something we have to just do well, as if it's like checking off that, yes, you signed your statement and that's

it. No. It has to be something that's on your mind in your daily activity. This requires a lot of publication and a lot of speaking publicly and using the modern media to get that message out.

Mr. Matthew Green: That will suffice.

To get into your work, presumably you would have reviewed the previous strategic plans and would have likely done some financial forecasting to begin to consider a budget. Obviously, we're in budget time. You're here on the main estimates.

Did any of the elements of the previous strategic plans require additional finances going to human resources?

Mr. Konrad von Finckenstein: Ms. Tremblay can answer that best.

Ms. Sandy Tremblay: There was no requirement for additional human resources.

Mr. Matthew Green: In the time of this term—we'll call it 2021 until now—how many complaints were filed?

Mr. Konrad von Finckenstein: Melanie, do you have the number?

Ms. Melanie Rushworth: Complaints in what sense? Could you please clarify what you mean?

Mr. Matthew Green: I mean complaints to your office, formal written complaints that you would have had to consider whether to pursue or not pursue.

Ms. Melanie Rushworth: I don't have the number of cases we looked at specifically in front of me at the moment. They are recorded in our quarterly reports, which are posted online. I'd be happy to compile those and get back to you.

Mr. Matthew Green: If you were to ballpark it, what I'm trying to get a sense of is how many active complaints you receive versus how many you pursue. It's to get an understanding of the volume of work and whether or not it's adequate for your office.

I hear today that there are only two, so I would imagine that even within the last year or so, there would likely have been more complaints. Could you comment on how many complaints you've had within the last fiscal year, starting in 2023 until now?

Mr. Konrad von Finckenstein: Mr. Green, you're using two different terms here. One is complaint and one is investigation.

Mr. Matthew Green: That's correct. I'm trying to discern—

Mr. Konrad von Finckenstein: Which number do you want? We can give you the number of investigations right now. There are two, as you know.

Mr. Matthew Green: You've already done that, sir. I'm asking how many complaints, because I want to see how many complaints you receive versus how many you actually pursue. It's a very—

Mr. Konrad von Finckenstein: Okay, that's fine. We can get you that number. There's no problem. I have nothing to hide. I just don't have it here.

Mr. Matthew Green: That's fair enough. Thank you.

That will conclude my round.

[Translation]

The Chair: Thank you, Mr. Green.

This concludes our first round of questions. We'll now begin the second round.

Mr. Brock, you have the floor for five minutes.

[English]

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Mr. Chair.

Thank you and good morning to our witnesses.

I publicly congratulate you, Commissioner, on your full-time status.

I want to follow up on some of the questions posed by my colleague Mr. Barrett with respect to the two ongoing investigations regarding SDTC. I trust that you're probably not at liberty to tell us at what point you're at in the investigation, but obviously it will be wrapped up soon enough.

At this point in time, have you uncovered any element of criminality associated with the complaints?

Mr. Konrad von Finckenstein: No.

Mr. Larry Brock: I want to spend a little more time on the issue of criminality because I know you have a mandate to report to the RCMP. This was fleshed out the last time you appeared with former commissioner Dion. You had legal counsel assisting in the answering of the questions I put to former commissioner Dion, but I don't think there was sufficient time for me to get a fulsome response.

If I understand correctly, where you detect criminality, the threshold from your perspective is reasonable and probable grounds. Is that correct?

• (1135)

Mr. Konrad von Finckenstein: With regard to “reasonable”, definitely. As for “probable”....

Like all discretions, you can't define them. That's part of the problem. However, when we investigate and come across something that gives reasonable suspicion that there's some criminality, at that point in time we stop the investigation and call the RCMP to look at it.

Mr. Larry Brock: I'm really pleased to hear that, Commissioner, because the takeaway from former commissioner Dion and legal counsel surrounding the SNC-Lavalin matter was that they felt there were no probable grounds to make a referral to the RCMP, although the RCMP relied upon their report and the evidence contained in that report. I thought this threshold from a non-law enforcement entity—your office—was completely inappropriate.

What is appropriate, based on your response, is mere suspicion, and I think that's the lowest standard you can have for any criminality, so it's very pleasing to me to hear that during your tenure, that is going to be the legal threshold.

Mr. Konrad von Finckenstein: Mr. Brock, I said “reasonable suspicion”. I didn't say “suspicion”.

You're a former prosecutor, so—

Mr. Larry Brock: I'll use your words, sir.

Mr. Konrad von Finckenstein: —you know the standard.

Mr. Larry Brock: Yes. It's “reasonable suspicion”, which is a very low standard.

In relation to SDTC, you said you read the papers and you currently know what's going on in the House. It's been dominating the news for some time.

We have another scandal with the Justin Trudeau government, which is the arrive scam. Have you received any complaint to date from any member with respect to the arrive scam?

Mr. Konrad von Finckenstein: No.

Mr. Larry Brock: Okay.

You also have the mandate, under section 45 of your act, to initiate your own investigations. Based on what you have learned or read so far, or based on information received with respect to the arrive scam, is there any prospect that you will be looking to do an investigation into what has transpired with our broken procurement system?

Mr. Konrad von Finckenstein: The ArriveCAN issue is a procurement issue. I don't deal with procurement, as you know. I deal with conflicts of interest.

The parties involved in it so far and everybody who has been mentioned are not subject either to the act or to the code of conflict. Therefore, there's no reason for me to look into it and start an investigation or anything.

Mr. Larry Brock: Very well. Thank you.

How many agency investigations has your office initiated in the last three years?

Mr. Konrad von Finckenstein: I don't have the number. I can get it to you. I'm sorry. The last three years—

Mr. Larry Brock: Is it fair to say that they're largely complaint-driven?

Mr. Konrad von Finckenstein: Yes.

Mr. Larry Brock: Can you recall the last time you were involved in or saw in a review of your office's records an occasion when your office initiated an investigation on its own?

Mr. Konrad von Finckenstein: There have certainly been none during my tenure.

Melanie, do you recall a time?

Ms. Melanie Rushworth: Past commissioners initiated investigations on their own accord based on information they came across without there being direct requests from a member of Parliament or a senator, but I would have to get back to you on the exact number of them.

Mr. Larry Brock: Thank you.

That's my time.

The Chair: Thank you, Mr. Brock.

We'll go to Ms. Khalid for five minutes.

Go ahead, please.

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

Thank you, Mr. von Finckenstein, and congratulations on your appointment.

I want to ask you today about Jenni Byrne + Associates and its implications.

I know Ms. Byrne has claimed that she only lobbies at the provincial level, but the media has reported that just days after Pierre Poilievre's election as leader of the Conservative Party, the lobbying firm run by Pierre Poilievre's top strategist, Jenni Byrne, established a second company, Forecheck Strategies, which is housed out of the same office, for the purposes of lobbying federally.

Are you aware of this situation?

• (1140)

Mr. Konrad von Finckenstein: I'm not responsible for lobbying. Ms. Bélanger will appear after me. You should ask her these questions.

Ms. Iqra Khalid: Have you been in touch with any of the Conservative members with respect to this issue at all?

Mr. Konrad von Finckenstein: As I said, I deal with conflicts of interest. Neither Ms. Byrne nor...is responsible under the Conflict of Interest Act or the code. All of these activities she's doing are totally outside my remit.

Ms. Iqra Khalid: Can I ask you what the definition of a minister's staff is, as it applies to the code?

Mr. Konrad von Finckenstein: Ministerial staff are, obviously, people the minister hires to advise him. Yes, ministerial staff are subject to the Conflict of Interest Act. There's no question about it.

I don't know what further definition to give you. It's somebody the minister hires to advise him in the function of his office.

Ms. Iqra Khalid: We talk about the benefits received or the relationships that may have a conflict of interest because of how a political party acts and how it interacts with lobbying firms. Do you not see that as a conflict of interest at all or something that you should be concerned about?

Mr. Konrad von Finckenstein: You have to give me a specific factual situation and the details of what you think is the conflict. If it is in violation or possibly in violation of the act, obviously we will look at it. However, you're speaking purely hypothetically and throwing a name at me, so I'm sorry; I can't give you a more complete answer.

Ms. Iqra Khalid: You're asking for specific facts. Reports have indicated that Ms. Byrne attends regular caucus meetings, meetings that are typically reserved for Conservative members of Parliament, senators and top staff. The reporting also details Ms. Byrne's active participation in morning strategy calls within the opposition lead-

er's office. It seems to me that there is a specific relationship there and that should be covered by the act.

Would you not agree with that?

Mr. Konrad von Finckenstein: Ms. Byrne is a private consultant, is she not?

Ms. Iqra Khalid: She's a private consultant who happens to be the top strategist for a political party with specific interests in her company and her lobbying.

Mr. Konrad von Finckenstein: Where is the conflict here?

Ms. Iqra Khalid: That's exactly what I'm asking you, sir. You're the expert here. I would like to have a better understanding of how it is that a private company can have political influence and strategize with a political party and why you don't question how that occurs, what implications there are, private or public, and what kind of political influence is happening there.

Mr. Konrad von Finckenstein: Surely my job is to make sure that a public official does not abuse information and create a conflict of interest. How they conduct their own political activity—whom they consult, etc.—is not part of it.

I fail to see, from what you just put forward to me.... You invite these people to your sessions. If you want that, that's your problem. What has this got to do with your official duties? I don't understand it. I'm sorry, but I don't see how this—

Ms. Iqra Khalid: Well, I will definitely clarify now.

It is my belief that the role Ms. Byrne plays within the Conservative Party is similar if not the same as the role a minister's staff plays, and to have those conflicts of differing interests here I think is a flag for a conflict of interest.

Have you looked into this matter at all? Has anybody brought this up to you?

The Chair: Give a very quick response.

Mr. Konrad von Finckenstein: No, I have not looked at it, and nobody has raised it with me except you today.

Ms. Iqra Khalid: Thank you.

The Chair: Thank you, Ms. Khalid.

[*Translation*]

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

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

Ms. Rushworth, the difference between interest and conflict of interest would be a very interesting topic for a training course.

I believe it was noted in the 2021-22 report that not all the funds had been spent by the Office of the Commissioner. Was there a reason for this?

• (1145)

Ms. Sandy Tremblay: Are we talking about the 2021-22 report or the 2023-24 report?

Mr. René Villemure: We're talking about the 2021-22 report.

Ms. Sandy Tremblay: In the 2021–2022 report, there was only a surplus of \$286,000, which represented 4% of the total. I have to say that last year, in 2023-24, there was a bigger surplus, because for 6 months there was no commissioner in place. So there were delays in staffing given that we didn't have the authority to do it and since the commissioner position was vacant.

Mr. René Villemure: All right. That makes perfect sense.

Commissioner, what are your main short-term and long-term challenges?

Mr. Konrad von Finckenstein: My main challenge in the short term is to communicate the strategy I have announced. Our first task is to facilitate the movement of talent between the public and private sectors, which means avoiding conflicts of interest. So far, we've focused on conflicts of interest and seen facilitation as a secondary task. In my opinion, we need to do exactly the opposite.

Our second task is to create tools that will help appointed and elected individuals. As I said, we are going to offer the online training we've offered to MPs to appointees as well.

Mr. René Villemure: Wonderful. Thank you very much.

The Chair: Thank you, Mr. Villemure.

[English]

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

Go ahead, please.

Mr. Matthew Green: Thank you very much.

I just want to speak to the process of funding. Before each fiscal year, you prepare an estimate for the budgetary requirements. It's considered by the Speaker of the House and then transmitted to the President of the Treasury Board, who lays it before the House with the estimates of the government.

How does this differ from processes through which other officers of Parliament receive their funding?

Mr. Konrad von Finckenstein: Sandy, go ahead.

Ms. Sandy Tremblay: How it differs is that we don't have a minister who approves the main estimates that we propose. It comes here for approval. That's how it differs. We don't have a minister responsible for us.

The Speaker acts as the minister for the office, but he or she does not approve them. They just consider the estimates. There's no approval.

Mr. Matthew Green: What are the benefits or drawbacks of that budget process for your office?

Ms. Sandy Tremblay: For us, it makes things a lot easier because we can manage our projects. The commissioner can decide what he wants to push forward. There's no one approving or disapproving the request we're making, or whatever the commissioner decides that his priorities are for the next year and how he will manage these resources.

Mr. Matthew Green: Just for the record, can you again state your role and how long you've been in it?

Ms. Sandy Tremblay: I'm the director of corporate management. I'm also the chief financial officer for the office. I've been in this role since June 2016. That's almost eight years now.

Mr. Matthew Green: Have you had instances where requests for estimates haven't been met or your budgetary requirements haven't been met? Have you ever had that, to your recollection?

Ms. Sandy Tremblay: No, that's never happened before. Everything we ask for usually represents a small increase every year for economic increases and salary increments. It's the same case this year.

Mr. Matthew Green: Minus the gapping that you had by not having a permanent person, would you have found upward pressures, given the cost of living, collective agreements and everything else? Are you able to adequately meet the demands?

Forgive me if I came off pretty sharp in the last round, but I was trying to find out how many complaints go in and how many are investigated. Is there a gap there, and if so, why? Is it funding? Could you use more people, given the state we're in with the lack of trust and the cynicism that we have in government?

In my estimation, if an allegation was made against me, I would want it quickly investigated and would want it turned around. When it's not pursued or perhaps when it's dismissed, it's left hanging out there without a conclusion.

In your opinion, does your full-time complement of staff meet the growing demand for complaints?

The Chair: Give a very quick response, please.

• (1150)

Ms. Sandy Tremblay: Yes, so far it has.

I just have to say that most of our budget doesn't go to investigations and legal services. It's mostly for advisers, as that's about 40% of our complement. We have not had any issues from our budget in being able to respond to complaints.

The Chair: Thank you, Mr. Green and Madam Tremblay.

We are in our last five-minute round. We're going to start with Mr. Kurek.

Go ahead, Mr. Kurek, for five minutes.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thank you very much, Chair, and thank you to the commissioner.

Congratulations, officially and on the record, for your permanent appointment. The term is seven years, I believe, and certainly that continuity is important.

I find the Liberals' line of questioning interesting. It seems like they're auditioning to be in the official opposition, when it's their record that.... It's their Prime Minister who was twice convicted of breaching the Conflict of Interest Act. It's cabinet ministers and members of their party who have broken and been found guilty of breaking the act.

The Liberals' top pollster, Don Guy, lobbies the government. We're not talking about somebody who has lobbied the opposition, but their top pollster, the one who's giving them the information, lobbies the government for dollars. I can tell you that's certainly concerning to me.

Former Liberal cabinet minister Navdeep Bains was responsible for regulating telcos and then got a VP position at one of the highly regulated national telcos in our country. I can tell you that it is quite something to hear these Liberals equivocate on such matters.

Commissioner, we heard pretty specifically from your predecessor that training was an issue. You outlined a few of the efforts you're undertaking to make sure that resources are available to MPs and others who have responsibilities under the act. I want to ask what the response is to those training materials.

A follow-up question is in the context of you and your team's availability to answer questions, to speak with those who have obligations under the act and to answer questions to make sure that those who have obligations can understand exactly what those are.

First, can you outline a bit more about what training opportunities you're providing? I believe the former commissioner said that there should be a mandatory retraining course, so I want to ask you about some of those resources. Then could you outline what the response is? Could you provide information about the number of MPs and others who are subject to the act who are reaching out to your office? If you could, explain, both to this committee and to Canadians watching, the resources that are available to make sure that those who have obligations have the information required to make sure they don't break the rules.

Mr. Konrad von Finckenstein: Melanie, can you answer this question?

Ms. Melanie Rushworth: Absolutely.

A number of different pieces of training are available through the office. As I explained, we've just recently finished the online training for MPs, and I've requested funding to produce a similar type of product under the act in the next fiscal year.

One of the other things we've recently completed is a survey of public office holders, similar to the one we did a couple of years ago with members of Parliament, asking them about the types of services at the office. From that, we know they are happy with the training they are receiving, but they would like to see some more topic-specific training, and we will continue to work on that.

Similarly, on making sure we're responsive to the needs of the public—you mentioned people coming to us for information—in the course of a year, my team responds to in excess of 3,000 queries that come in from members of the public or the media. We respond to all of those to let them understand what our role is and how we can help them.

Mr. Damien Kurek: You mentioned some numbers there. I know all MPs have to do the yearly filings and whatnot. When it comes to queries, do you have any numbers for how often an MP or others who might have obligations under the act reach out to your office to request information and ask about obligations to make

sure they have the information required so that they don't break the rules?

Ms. Melanie Rushworth: Absolutely. Our yearly average is just in excess of 3,000 requests for advice, which come into that team. Last year, they were about 15% higher than the yearly average. I can also tell you that their questions mainly pertain to material change, general obligations and post-employment, which applies under the act but not under the code. In that regard, we are able to meet our service standards.

Other members of this committee were asking about our ability to meet the demand. We are able to meet our service standards. When a member of Parliament or a public office holder calls, they are responded to within three days.

• (1155)

Mr. Damien Kurek: I appreciate that.

My takeaway from this is that there is no excuse for anybody who has obligations under the code. They can get the information from you to make sure they don't break the rules. It's unfortunate that sometimes it seems like we have a government that cares less about being willing to follow the rules.

The Chair: Thank you, Mr. Kurek.

[Translation]

Ms. Lapointe, you have the floor for five minutes.

Ms. Viviane Lapointe (Sudbury, Lib.): Thank you, Mr. Chair.

[English]

Welcome, Commissioner.

I think it's important for members of the public who are listening in today to talk about the important role that your office plays. As the commissioner, you administer the Conflict of Interest Act and the conflict of interest code. You do that with the aim of ensuring that public office holders and members do not use their positions to further their financial or private interests.

I think the other very important thing for viewers to know is that the Office of the Conflict of Interest and Ethics Commissioner is independent and non-partisan. I think that's very important.

Can you tell us how we can reassure Canadians that your office is free from political interference?

Mr. Konrad von Finckenstein: First of all, there is the appointment process. People have to apply. Then they have an interview. The interview process involves people from the government and a couple of people from the private sector. In my case, it was a retired judge who sat on the panel.

Then whoever is selected is put forward to all the parties of the House and they have to vote. It is what happened in my case, and it was a unanimous vote. Effectively, nobody saw any problems.

Now, it's obviously the conduct that will tell.... If I or anybody occupying the position were to be in any way partisan, the whole issue would be lost. The *raison d'être* is that we make decisions on the basis of objective fact, not on our political or philosophical leanings.

The appointment requires that you be a former judge or you have formerly run an independent organization. I've done both, so hopefully that will give people some assurance that we will act non-partisan.

Ms. Viviane Lapointe: I was interested in one of the responses you gave to a question of my colleague Mr. Villemure. You talked about how today there's a lack of confidence in ethics and how important it is to reinforce that. Can you tell me how your office does that reinforcement?

Mr. Konrad von Finckenstein: Well, there's no magic bullet. It's basically education and using every medium possible to get the message out. Then, certainly, there's having investigations, calling it as it is and making sure that where there is a conflict, it is highlighted and explained. Hopefully, that will serve as a deterrent for others.

Melanie is my director of communications. She spends a lot of time getting the message out that there is a code and they have to abide by it.

Melanie, why don't you tell them about some of the activities you're doing?

Ms. Melanie Rushworth: In addition to responding to public queries that come into our inbox or by telephone, we pay attention to some of the statistics in the office to understand the types of questions that public office holders or members of Parliament are asking us. We try to make sure we think this through when we're communicating externally, answering media queries and so on to try to weave those topics of interest into our responses. Then, obviously, when we are asked for presentations, we deliver those also.

Ms. Viviane Lapointe: Commissioner, what do you consider to be the greatest challenge facing your office today?

Mr. Konrad von Finckenstein: It's a good question. It's probably understanding the digital challenge and what it represents to the whole of government, including my office, and how to use it positively. We all see how it's being used—quite often negatively—but it can also be a very useful tool. I don't think we have really mastered it.

To what extent can we use social media in order to get our message out better, to educate people and to instill confidence? I think we are all struggling with the digital challenge in every sphere of our lives, mine included.

• (1200)

Ms. Viviane Lapointe: I think it's important that as members we're accountable, and I suggest that the same applies to your office. How do you measure your work—I'm not talking only about process outcomes, but more specifically about outcome measures—to demonstrate the effectiveness of your work for Canadians?

Mr. Konrad von Finckenstein: It's rather difficult because what we do is all confidential. I can only give you the number of people who have consulted us, who have been invited and so on.

To the extent that people get in contact with my office and ask a question or want advice on something, we give it. If they don't follow it after we say, “You have to do this and this; otherwise you're in conflict”, there is a breach and obviously we start an investigation. There's never anything of that sort, so essentially, to the extent that people consult with us, we give advice and they follow it.

The best thing is to try to get people to come forward and consult, and as Melanie showed, the numbers go up each year, which somewhat supports the fact that we are actually effective. Given that all we do is, for logical reasons, confidential and we cannot share it with you, it's very hard to measure outcomes in any other way.

The Chair: Thank you.

[*Translation*]

Thank you, Ms. Lapointe.

Commissioner, on behalf of the committee, thank you for appearing before us today.

I would also like to thank Ms. Tremblay and Ms. Rushworth for their participation.

We will suspend the meeting for a few minutes to allow Ms. Nancy Bélanger to settle in.

The meeting is suspended.

• (1200)

(Pause)

• (1205)

[*English*]

The Chair: Good afternoon, everyone. We're going to continue with the meeting today.

For our second hour, we're very pleased to have Madam Nancy Bélanger here. She's the Commissioner of Lobbying.

Ms. Bélanger, welcome to the committee. You have up to five minutes to address the committee. Please start.

[Translation]

Ms. Nancy Bélanger (Commissioner of Lobbying of Canada): Good morning, Mr. Chair and members of the committee.

Thank you for the opportunity to appear before you today to discuss the Main Estimates 2024-25. I am very pleased to meet a number of you for the first time and to speak to you about the work carried out by my office.

The Lobbying Act requires that I maintain the Registry of Lobbyists, that I expand awareness and understanding of the lobbying regimes through education and that I conduct compliance work that supports respect of the act and the Lobbyists' Code of Conduct.

Let me report on some of the highlights from the 2023-24 fiscal year: Over 7,000 lobbyists were registered with over 5,700 active registrations at any given time. Monthly reports of oral and arranged communications with designated public office holders attained a record high, with over 34,000 communications reported, according to statistics released this morning. We reached about 4,800 stakeholders through approximately 123 outreach presentations. In carrying out our advisory role, we responded to over 400 requests to ensure compliance with the new Lobbyists' Code of Conduct. In addition to 37 compliance files carried over at the end of fiscal year 2022-23, we initiated 16 preliminary assessments and determined that no further action was required in 14 cases. I opened two investigations, made two referrals to the RCMP and tabled one investigation report to Parliament.

Priorities for the current fiscal year include the continuous improvement of the Registry of Lobbyists. Recently, we updated the registry so that subject matters and their corresponding details are linked to each other in registrations, thereby improving transparency. This fall, another update will require lobbyists to identify the details discussed in association with the subject matter when submitting monthly communication reports.

We continue to develop ways to expand awareness and understanding of the Lobbying Act and the Lobbyists' Code of Conduct. In particular, we are updating our interpretation materials with respect to the application and enforcement of the act and will issue advisory notes in respect of the code.

• (1210)

[English]

In addition, we're advancing on 34 ongoing compliance files. The Lobbying Act requires that an investigation be conducted when I have reason to believe that one is necessary to ensure compliance. When I have reasonable grounds to believe an offence under the act has occurred, I'm required to suspend my investigation and refer the matter to the appropriate police authority. In most cases, it's the RCMP. There are currently four files suspended and with the RCMP.

With respect to investigations conducted under the code, I'm required, once I conclude an investigation, to report to Parliament on my findings. As you are aware, the act imposes strict confidentiality requirements, and I cannot, therefore, discuss the specifics of any compliance files.

The office delivers on its mandate and fulfils its corporate functions, including by meeting extensive government-wide reporting requirements through the invaluable work of a small number of employees who now average 31 staff positions. We are continuing our staffing actions to ensure a full complement of 37 FTEs by the end of the year.

The total annual budget for this current fiscal year is approximately \$5.9 million. Roughly \$4.6 million goes to salaries and benefits, leaving an operating budget of \$1.3 million. About \$700,000 of that operating budget is spent on obtaining services from other government institutions, including services related to HR, finance, procurement and information technology.

Before I conclude, I must reiterate that the Lobbying Act requires this committee to undertake a review of the act every five years. The last review occurred in 2012. Two opportunities to improve the lobbying regime were missed in 2017 and 2022. I will continue to identify and pursue improvements that could enhance the transparency, fairness, clarity and efficiency of the federal lobbying regime, but most of the regime's identified deficiencies can only be addressed through legislative amendments. I would urge this committee to avoid any further delays, prioritize initiating a review of the act and put forward legislative amendments.

I'd like to conclude by thanking each and every employee of the office. They are actively engaged in and contribute to an exceptional work environment. I'm extremely grateful for their dedication, professionalism and excellence in delivering on our mandate.

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

The Chair: Thank you, Ms. Bélanger.

We are going to start with our first six-minute round.

Mr. Barrett, you have six minutes. Go ahead, please.

Mr. Michael Barrett: Commissioner, if a company says that a significant part of what it does is contacting and communicating with government, should it be registered to lobby?

Ms. Nancy Bélanger: If it meets the threshold of "significant part of the duties", absolutely.

Mr. Michael Barrett: I'll circle back to that.

If the contact and communication includes pitching products and services and providing hospitality to government officials, should it be required to register to lobby?

Ms. Nancy Bélanger: Procurement is only a requirement if it's a consultant lobbying, not if it's an organization or corporation. It would depend.

Mr. Michael Barrett: With respect to the amount of time that lobbying is required to necessitate registration, how many hours a week in contact and communication with government does a company need to undertake to be required to register?

• (1215)

Ms. Nancy Bélanger: It's approximately eight hours a week. It's calculated at 20% of your time, and we look at it a month at a time, so it's about 30 hours a month.

Mr. Michael Barrett: Is that written or is that just the standard developed through precedents?

Ms. Nancy Bélanger: That is the standard developed by the office going back practically to when the office was first created, because those words are used in the act.

Mr. Michael Barrett: Okay, so it's eight hours a week, 32 hours a month. Is that about it?

Ms. Nancy Bélanger: There's too much lobbying that does not require registration, so this is another pitch to amend the Lobbying Act.

Everybody should know that I am looking at the interpretation bulletin around the words "significant part of the duties", and I am considering amending that threshold.

Mr. Michael Barrett: I wrote you about a month ago regarding GC Strategies. This is the Liberal government's hand-picked favourite IT firm. They don't do work on the applications but collect a commission for connecting the government with unknown firms, like the giant KPMG with 10,000 employees and 40 corporate offices across Canada.

Can you tell us today if you're investigating GC Strategies or its principals for contravening the Lobbying Act?

Ms. Nancy Bélanger: As I told you in the letter, I'm very much aware of the facts of that case, and I cannot confirm whether I'm investigating. You know that I do that because I do not want to jeopardize a possible RCMP investigation.

Mr. Michael Barrett: Okay.

This two-man operation has said that they have devoted a significant part of what they do to contact and communication with the government—more than 80 hours per month. Were you aware of that previously or, like Canadians, did you learn that during the testimony of these individuals at committee?

Ms. Nancy Bélanger: GC Strategies was never registered, so I learned of all the activities like all other Canadians.

Mr. Michael Barrett: For clarity, are you able to confirm if Mr. Kristian Firth is being investigated by your office?

Ms. Nancy Bélanger: I cannot confirm that.

Mr. Michael Barrett: Thank you.

Kristian Firth admitted to meeting a host of government officials outside of offices, such as Paul Girard, who's the former chief information officer; Dan Gaudreau, a DG at Heritage; Jeff Lamirande, a program manager; Philippe Johnston, a former CIO; Marc Brouillard; Cameron MacDonald; Antonio Utano; Sevac Eskibashian; Ross Gordon; Gary Hobin; Chulaka Ailapperuma; and Gary Davis.

Should Kristian Firth of GC Strategies be investigated given that long list of names and the amount of lobbying that he says he's undertaken?

Ms. Nancy Bélanger: As I've said before, I'm aware of the facts. I know the list you're talking about, but I can't confirm at what stage this file is at.

Mr. Michael Barrett: How many investigations are currently ongoing with your office?

Ms. Nancy Bélanger: Right now we have one active investigation.

Mr. Michael Barrett: How many investigations have you passed after referring them to the Royal Canadian Mounted Police?

Ms. Nancy Bélanger: Right now there are four suspended. There were six suspended, but they've just returned two. With the RCMP, there are four investigations.

Mr. Michael Barrett: How many have been returned by the RCMP to your office that you referred to them?

Ms. Nancy Bélanger: I have been in office for six and a half years, and I have referred approximately 15. There have been two charges. They still have four. The math is that they returned the rest of them.

Mr. Michael Barrett: I have less than a minute left. I appreciate your responses.

I want to mention, while we're talking about lobbying in the context of the cost of living crisis, Don Guy, a senior Liberal who collects cheques from Loblaws. Last year, his company GT and Company met twice with the Prime Minister's director of policy, John Brodhead. Don Guy's daughter used to work in the Prime Minister's Office for Prime Minister Justin Trudeau. Their chief pollster, Dan Arnold, is paid by a Loblaws lobbyist. Tahiya Bakht is an in-house lobbyist for Loblaws who used to be the PM's regional adviser. Last year, she was able to get a meeting with Mr. Brodhead, her former colleague and the PM's director of policy. The PM's new marketing wizard, Max Valiquette, did marketing for Loblaws for four years.

When we wonder about the cost of living crisis we have and why the Liberals haven't grabbed that tiger by the tail, we need to look no further than many of these people, like Kevin Bosch and Julie DeWolfe. The list goes on.

• (1220)

The Chair: Thank you, Mr. Barrett.

Go ahead, Mr. Bains. You have six minutes, please.

Mr. Parm Bains: Thank you, Mr. Chair.

Thank you, Commissioner, for joining us today.

The federal lobbying regime sets requirements and standards for the transparent and ethical lobbying of federal officials. Do you believe these standards are known and respected?

Ms. Nancy Bélanger: I believe they are known. When I look at statistics, I believe that for the most part, yes, they are being respected.

Mr. Parm Bains: My colleague from across the way was talking specifically about GC Strategies. We know that they've been around. Mr. Firth and his partner have for over 20 years been working alongside various government officials. I'm curious about the name change.

Is changing a name from what they may have been operating under before to something else a way of circumventing lobbying rules in any way?

Ms. Nancy Bélanger: I certainly wouldn't accept that as an excuse for circumventing the rules.

Mr. Parm Bains: Should that be looked at as a problem? If you're operating for years and all of a sudden, say, a government changes and you change your name, should that be looked at?

Ms. Nancy Bélanger: If I have allegations that an organization, a corporation or a firm has been lobbying while not registered, the change of name will not affect the way I look at the file to see whether or not they met the threshold and should have been registered.

Mr. Parm Bains: What are some of the other challenges your office is facing when it comes to ensuring that the rules outlined in the act and the code are not circumvented?

Ms. Nancy Bélanger: The biggest challenge is the “significant part of the duties” threshold. There is a lot of lobbying occurring that isn't required to be registered. When I receive some allegations, I see things in the news and look into them to see if they meet the threshold. However, very often organizations or corporations will stay under the threshold so they don't need to register. That needs to be fixed.

Mr. Parm Bains: If I were to go further on exactly what you said—that you look at news reports—we've seen media reporting and letters received by your office showing that you're well aware of the circumstances around, for example, Ms. Jenni Byrne and Forecheck Strategies. Of particular concern is that staff of Jenni Byrne + Associates used the name Forecheck Strategies to lobby federally, including to lobby members of the Conservative Party and the Leader of the Opposition. Some obvious contraventions to the 2023 code, specifically sections 4.1, 4.2 and 4.3, may be happening there, as outlined in the reporting on this issue.

Is there an ongoing investigation into this matter?

Ms. Nancy Bélanger: I can confirm that I am looking into that matter. For every single thing you send me, I look into the matter, unless of course I have already started it, which often happens as well.

Mr. Parm Bains: What is the process in your office when you become aware of something like that?

Ms. Nancy Bélanger: The process is that we open a preliminary assessment, and we have a matrix to determine the level. One of my biggest challenges is to stay relevant and make sure that we are quick with our files. That way, if we need to send something to the RCMP or if we need to report to Parliament on a code issue, we can do it quickly.

I evaluate the importance and relevance of the file and the public interest in it. We open a preliminary assessment, we do our preliminary work and we ask whether the “significant part of the duties” threshold is even remotely met.

We seek a lot of information from public office holders and public servants, and they send us the information. We evaluate it, and if I have reason to believe an investigation is necessary to ensure compliance, I open an investigation. From there, either it's a report

to Parliament if it's a code issue, or I refer it to the RCMP if it's an act issue.

Mr. Parm Bains: Is this ongoing? Have you completed your initial review?

Ms. Nancy Bélanger: No, it's ongoing.

Mr. Parm Bains: You haven't had to suspend the investigation for any reason. It's continuing right now.

Ms. Nancy Bélanger: I would not confirm that in any event.

Mr. Parm Bains: Section 4.1 specifically states that you should “never lobby” an individual who may “have a sense of obligation” due to “a close [personal] relationship”.

I mentioned this somewhat in the previous question, but specifically with regard to Ms. Byrne, there have also been reports that Mr. Poilievre and Ms. Byrne share a well-documented, long-standing personal and professional relationship. Recent media coverage has shed light on Ms. Byrne's close ties to the Office of the Leader of the Opposition.

Based on a review of publicly available information, do you believe that Ms. Byrne and Mr. Poilievre share a close personal relationship consistent with section 4.1?

• (1225)

Ms. Nancy Bélanger: You're going to have to let me do my work because the code only applies to lobbyists who are registered to lobby the federal government. The code does not apply to someone who's not registered to lobby any one of you. That's the first step.

Mr. Parm Bains: Okay, so if someone's lobbying and they're not registered, then—

Ms. Nancy Bélanger: That's another problem. That's an act issue. If there's unregistered lobbying happening, it's under the act and it's an offence. That would have to be referred to the RCMP. If they're registered to lobby and they breach the code of conduct, then I can complete that investigation and report to Parliament.

Mr. Parm Bains: I know you said to let you do your job, so we'll let you do your job, but I'm looking forward to the outcome of that.

The Chair: Thank you.

[Translation]

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

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

Thank you for being with us again, Ms. Bélanger. You're one of those commissioners we know won't hesitate to launch an inquiry when necessary, and we're very grateful to you for that.

I'd like to know how the lobbying world is doing. You have a new code, for instance.

Ms. Nancy Bélanger: Yes. All the statistics in all areas have increased. So our office is very active and we have a very hard-working team. We've had a lot of requests to interpret the new code, especially requests for exemptions for gifts and hospitality. It's kept us very busy. So, it's going well.

Mr. René Villemure: The new code has therefore been well received.

Ms. Nancy Bélanger: I think so. In July, it's going to be a year since it's been in effect and I haven't really received any complaints. You may have heard some, but I haven't.

Mr. René Villemure: So there have been no complaints.

Ms. Nancy Bélanger: No, there haven't been any, unless you're talking about compliance complaints.

Mr. René Villemure: Yes.

Ms. Nancy Bélanger: In that case, yes, I am looking into some.

Mr. René Villemure: How many do you have?

Ms. Nancy Bélanger: As far as code compliance is concerned, I probably have fewer than five files. It's mostly allegations of unregistered lobbying that I receive or see in the public domain.

Mr. René Villemure: These are the ones you pass on to the RCMP, aren't they?

Ms. Nancy Bélanger: Yes, they are.

Mr. René Villemure: Do you pass on a lot to them every year?

Ms. Nancy Bélanger: Last year, I sent them two, and I've sent them fifteen since I became commissioner. It depends on the case; I don't make them up. If I have reasonable grounds to believe that an offence has taken place—the threshold is quite low—I forward the file to the RCMP.

Mr. René Villemure: How many cases are there per year?

Ms. Nancy Bélanger: We always have about 30 files to review, on average.

Mr. René Villemure: All right.

We are currently examining the operating budget of the Office of the Commissioner of Lobbying. Do you have sufficient funds to carry out your work to your satisfaction?

Ms. Nancy Bélanger: I wouldn't say I have enough to do it to my satisfaction, because I'm someone who would like to do a lot more. However, I only have 30 employees, even though I have enough money to have 37. We're in the process of staffing up, but it's hard to find people who have the skills to come and work for us. However, we're working hard on that and I hope we'll get there by the end of the year.

As for the budget, I had asked for much more than I received in the 2023 budget. I received half of what I asked for. We're doing a lot with the few employees we have. We could certainly do more with more money.

Mr. René Villemure: In your case, the budget allocated to you is established by a decision of Parliament. It's not a recurring budget. It's a little different from what we do for the Conflict of Interest and Ethics Commissioner, for example.

Ms. Nancy Bélanger: It's different. It's a decision that's made just like for any other department.

Mr. René Villemure: Should it be so?

Ms. Nancy Bélanger: No, absolutely not.

Mr. René Villemure: Why?

Ms. Nancy Bélanger: Because it affects the independence of officers of Parliament. In my case, it's not a big deal, because I don't regulate government departments, I regulate lobbyists. On the other hand, in the case of those who regulate departments, investigate them and then have to ask them for permission to have more funds, it creates an appearance of conflict as to their independence, in my opinion.

Mr. René Villemure: That's right. Does having fewer resources than you requested have an impact on the number of investigations you conduct?

• (1230)

Ms. Nancy Bélanger: It doesn't affect the number of investigations I do, because there's a team around me. My problem this year is that three of the six people on my investigation team are on parental leave, which has had an impact on compliance numbers.

Mr. René Villemure: You mentioned earlier that it takes a special profile to work at the Office of the Commissioner of Lobbying. What is the profile of the people who work for you?

Ms. Nancy Bélanger: It depends on the field. Certainly for investigations, we like someone who not only has investigative experience, but more importantly analytical skills and abilities. However, if we're looking to hire someone on the communications side, where there's currently only one employee, we want them to have communications experience. We're looking to hire someone in information management. In information technology, we need expertise in the language of our registry. Depending on the field, we need very specific expertise.

Mr. René Villemure: You know, when people think of the Commissioner of Lobbying, they think of investigations.

Ms. Nancy Bélanger: Yes, indeed.

Mr. René Villemure: What does the rest of your week consist of?

Ms. Nancy Bélanger: As I explained in my opening remarks, we made 123 presentations in the past year. Our team is very small. We give a lot of advice, we do a lot of customer service. A team of five employees works directly with lobbyists to make sure they understand the plan and help them register. More than 7,000 lobbyists are registered. We also do a lot of outreach; in fact, that's a big part of my job.

Mr. René Villemure: Do you think the Office of the Commissioner of Lobbying would be able to maintain a second registry listing foreign agents, obviously provided it had additional funding?

Ms. Nancy Bélanger: To do that, we would need not only additional funding, but also expertise in the area of national security, which we do not have.

Mr. René Villemure: Is it conceivable? A few countries do it, but I'm a little skeptical, I have to admit.

Ms. Nancy Bélanger: Personally, I would not want to have that mandate. Under the Lobbying Act, lobbying is a legitimate activity that must be transparent. Keeping a foreign agent registry is not a very positive step, more like the opposite. The approach and the objectives of the two registries would be different.

Mr. René Villemure: Thank you.

Ms. Nancy Bélanger: Thank you.

The Chair: Thank you, Mr. Villemure and Ms. Bélanger.

Mr. Green, over to you for six minutes.

[English]

Mr. Matthew Green: Thank you very much.

Ms. Bélanger, I'm going to put to you a series of questions in a rather rapid way. I'm going to try to get as much out of this round as I possibly can, so if you could be as succinct as you can, that would be super helpful. If I intervene, it's not out of disrespect; it's just to get on to the next question.

What is the purpose of not allowing registered lobbyists to provide sponsored travel?

Ms. Nancy Bélanger: It's to ensure that there is no perception of conflict of interest and a sense of obligation from the public office holder to the lobbyist.

Mr. Matthew Green: Would it be safe to say that those who offer sponsored travel and are paying for trips—lavish accommodations, food and all of these things—have a motive?

Ms. Nancy Bélanger: I don't know if they have a motive, but certainly if sponsored travel is offered, there's a reason for it. If they plan on lobbying afterwards, there would be a cooling-off period.

Mr. Matthew Green: You mentioned a perception of a conflict of interest. I think having a perception of a conflict of interest is important because there would be a rational perception by the public that MPs could be influenced on an issue pertaining to a country or organization. Is that correct?

Ms. Nancy Bélanger: That's correct.

Mr. Matthew Green: There's an almost limitless amount that could be spent in this regard.

Can members of the public make complaints to your office about suspected breaches of the code?

Ms. Nancy Bélanger: Absolutely. I do receive some.

Mr. Matthew Green: Are they informed of when you are undertaking an investigation?

Ms. Nancy Bélanger: No. They're informed that I will review the matter, and if it concludes in a report to Parliament, they'll be made aware at that time.

Mr. Matthew Green: Are you aware of any registered lobbyists who have sponsored MP travel since the new rules came into effect last year?

Ms. Nancy Bélanger: Yes, and I know what you're referring to. It's that trip in July of last year.

Do I have time to speak to that matter? Would you like me to speak to that matter?

Mr. Matthew Green: Yes, please do.

Ms. Nancy Bélanger: I did receive consent from CIJA to speak to this issue.

As you all know, the new code came into force on July 1. In May, they did ask me if I could suspend the application of the code for the month of July in light of the fact that they had two trips already organized.

I did not think it was fair to tell them not to pursue that trip since it had been organized for more than six months, I think. However, I did tell them that if they were going to pursue the trip, there would be a cooling-off period with respect to the individuals they brought on it, in light of the amount spent on those trips.

• (1235)

Mr. Matthew Green: What was the amount?

Ms. Nancy Bélanger: I think it's in the Conflict of Interest and Ethics Commissioner's report. I think it was between \$15,000 and \$20,000 for some of them, if I recall correctly.

Mr. Matthew Green: For the purposes of this committee, I will state on the record that we're talking about Scott Aitchison, Kody Blois and Valerie Bradford, who took a trip sponsored by CIJA after these provisions were put in place.

This is an exemption. Is that correct? Is this an exemption that was granted?

Ms. Nancy Bélanger: Exactly. It was an exemption just for the month of July in light of the fact that the trip had been organized ahead of—

Mr. Matthew Green: How long is the cooling-off period?

Ms. Nancy Bélanger: I told them the cooling-off period would be up to two years in light of the amounts.

Mr. Matthew Green: Was this in legislation and law, or is this just the policy you provided in response to this particular case?

Ms. Nancy Bélanger: This is a code of conduct; it's not law. I did inform them in writing that there should be a two-year cooling-off period. That cooling-off period—

Mr. Matthew Green: Was that “should” or “must”?

Ms. Nancy Bélanger: It was “must”. It would be two years for the individuals who would have gone.

You are correct that there was a monthly communication report last February for a meeting that would have occurred in January with one of the members of Parliament who accepted a trip. CIJA advised me in February that they realized this individual had been invited to a presentation by CIJA by mistake. They were forthright in letting me know that they had made a mistake and would not do that again. It was an oversight that the MP had been invited and I accepted that explanation.

Mr. Matthew Green: They made a mistake?

Ms. Nancy Bélanger: Yes—well, it was inadvertent. All members of Parliament who were part of the mission had been invited. This particular member did come to the meeting, and he should not have been there.

Mr. Matthew Green: Would the member have been informed of his obligations?

We're talking about Scott Aitchison, I presume.

Ms. Nancy Bélanger: Yes.

Mr. Matthew Green: Would he not have been informed of his obligations when taking a trip of \$10,000 to \$15,000? He was then lobbied after by this organization. Was he aware?

Ms. Nancy Bélanger: I don't regulate any one of you. However, I did send to all of you a one-pager about the impact of sponsored travel on all of you, so I would suspect he received that information.

Mr. Matthew Green: To be fair to the member, you created an exemption for CIJA. No other organization presumably got this exemption. They got it. They sponsored three MPs we know of who made this trip, with upwards of \$45,000 to \$50,000 in gifts, in a way. Then there were parameters put on it.

With that exemption, was he provided guidelines on the two-year cooling-off period, or is he in breach of the code?

Ms. Nancy Bélanger: Mr. Aitchison could not be in breach of my code. The code applies to lobbyists.

Mr. Matthew Green: Would it not be an ethical breach for him to follow up with lobbyists he received a trip from?

Ms. Nancy Bélanger: That you would have to ask Mr. von Finckenstein. I don't know.

The Chair: Thank you, Mr. Green.

That concludes our first round of questioning of six minutes.

Ms. Bélanger, you made reference in your opening statement to reviewing the act itself. It hasn't been done since 2012. Just for the benefit of members, there are two ways we can do that. In 2012, there was an order of reference from the House of Commons for the act to be looked at. That was the last time it was done. It can also be done at committee through a motion of committee to study the act if we want to. That's something to perhaps consider going forward. In several appearances that Ms. Bélanger has had before the committee, she's made reference to the need to look into the act subsequent to the 2012 review.

Mr. Barrett, with that, I'm going to you for five minutes. Go ahead.

Mr. Michael Barrett: Commissioner, I want to circle back to some of the names and associations that I listed at the end of my first round.

Brian Topp, who is associated with the NDP, and Don Guy, who is a Liberal, both collect cheques from Loblaws. Last year, their firm GT and Company met twice with the Prime Minister's director of policy, John Brodhead. I outlined earlier an additional connection between Mr. Guy and the Prime Minister's Office.

If I were to send a request for you to review this matter, would you undertake a preliminary review?

• (1240)

Ms. Nancy Bélanger: Absolutely. I review everything.

Mr. Michael Barrett: Mr. Gurratan Singh is the brother of the leader of the fourth party in the House of Commons, Mr. Jagmeet Singh. Mr. Gurratan Singh, of course, collects a paycheque as a vice-president of Crestview Strategy. They are the lobbyist of record for Metro Richelieu Inc., which is one of the grocery giants.

If I were to send you this and request for you to look into it, would you initiate an inquiry?

Ms. Nancy Bélanger: Every allegation that I receive I look at.

Mr. Michael Barrett: Okay, so—

Ms. Nancy Bélanger: I'm aware of most of the facts that you are referring to today. I always look at things. I also work with lobbies to ensure that they understand the code's obligations.

Mr. Michael Barrett: Have you had to proactively communicate with Mr. Topp with his NDP ties, Mr. Don Guy or Mr. Gurratan Singh?

Ms. Nancy Bélanger: I won't confirm any of that. Those are conversations I have with any individual.

If I believe that I need to be proactive in ensuring compliance, I will do that. Very often I open a preliminary assessment and go from there.

Mr. Michael Barrett: Thanks very much. There's correspondence to follow.

Mr. Chair, I'm going to turn my time over to Mr. Kurek.

The Chair: Go ahead, Mr. Kurek.

Mr. Damien Kurek: Thank you very much, Chair, and thanks to my colleague.

Commissioner, thank you again for coming before us.

With the changes that were made in the Lobbyists' Code of Conduct, maybe you can quantify for us whether significant outreach was done by members to ensure that people would be compliant. I'm not just speaking of MPs. Those who are affected would be a better way to put it.

Ms. Nancy Bélanger: The numbers just skyrocketed. That's the number of individuals who communicated with our office to ensure that the code was understood. Incredibly, there were a lot of calls from members of Parliament with respect to sponsored travel, which led me to do that one-pager I sent to everybody to make sure you all understood where I was coming from with respect to regulating the lobbyists.

We do a lot of presentations to organizations, corporations and firms that want to understand the rules, in particular with respect to hospitality and gifts, which I've really come down on with a number. People want to understand what that really means.

Mr. Damien Kurek: Help me understand a bit about what that communication from your office looks like. Are those emails? Are those phone calls? Is that outreach? Is it you being asked to give a presentation to a group of people or a lobbying firm? What does that look like?

Ms. Nancy Bélanger: It's all of the above.

When someone registers to lobby, we automatically offer an outreach session. Very often they take us up on it and they'll be one on one with our advisers. Then we will send emails to groups or organizations that we see may not be registered and ask whether they understand the rules, just in case they meet the threshold, for example.

I never say no to a presentation. We've done 123. When I think about the number of people we have, we do a lot of outreach. It can be upon request.

Mr. Damien Kurek: I appreciate that.

It's interesting. One of the scandals that has dominated much of the headlines is about a company named GC Strategies. Do you find that name misleading? A company that does contract work with the government is named GC Strategies. I'm just curious if you could perhaps share your thoughts on that.

Ms. Nancy Bélanger: I never really put much thought into the name of a company. I look at their actions and then decide whether or not it fits my—

Mr. Damien Kurek: Okay.

The Chair: Thank you, Mr. Kurek and Madam Bélanger.

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

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): Thank you very much, Mr. Chair.

Thank you, Madam Commissioner, for being here.

You have such an in-depth knowledge of this. It's really refreshing for us to learn and hopefully take some of it away.

My colleague Mr. Bains touched on sections 4.1, 4.2 and 4.3. I want to touch on section 4.2, which reads:

Never lobby an official or their associates where the official could reasonably be seen to have a sense of obligation towards you because of political work—paid or unpaid—you are doing or have done for the benefit of the official, unless the cooling-off period has expired.

I'm sure you understand that completely.

Section 4.2 states that you should never lobby an individual who may have a sense of obligation due to political work, either paid or unpaid. We've seen in reporting that Ms. Byrne's firm has been lobbying Conservative members of Parliament and designated public office holders in the Leader of the Opposition's office. Ms. Byrne has been reported as being the next national campaign director.

Do you believe that Ms. Byrne's role as a national campaign director could create a sense of this obligation? Technically speaking,

with the updated code of conduct that you published last year, back home in the next election campaign, my sign chair won't be able to lobby me for one to two years because of that sense of obligation.

Tell me what your thoughts are on Ms. Byrne holding that role.

• (1245)

Ms. Nancy Bélanger: The first thing I'm going to say is I'm not going to comment on Ms. Byrne and her role. She is not at this time registered to lobby the federal government, and therefore—

Mr. Darren Fisher: That should be concerning as well.

Ms. Nancy Bélanger: I will do my work. If she is not registered to lobby, she's not subject to this code. Let's put that on the table as a first thing.

Mr. Darren Fisher: Someone who is clearly lobbying but is unregistered should also be a concern. Is that correct?

Ms. Nancy Bélanger: If someone is lobbying and not registered, it's an act issue that I would refer to the RCMP.

Mr. Darren Fisher: Thank you.

A CBC article on March 22 said, "Some lobbyists listed as working for Forecheck Strategies on the federal lobbying database are listed as employees on the website of Jenni Byrne + Associates, but not on the website of Forecheck Strategies." It seems like some people work for Jenni Byrne but use Forecheck Strategies to maybe book meetings. Again, I'm trying to get clarity.

Maybe you can tell me what you think the reality is here as you see it. Does it raise suspicions when people are so ultrafluid in their registrations?

Ms. Nancy Bélanger: What the reality is I don't know because I'm in the process of doing my work.

For any company that is registered to lobby the federal government—and Forecheck is—their lobbyists would be subject to the code of conduct. There might be some act perspective and there will possibly be code issues, but I need to do the work to determine if there are any breaches of the code.

Mr. Darren Fisher: Are you able to tell us where you are in the process?

Ms. Nancy Bélanger: The preliminary assessment has been opened.

Mr. Darren Fisher: In your experience, which is long, is it common for lobbyists to register with consulting firms where they are not employees?

Ms. Nancy Bélanger: I'm sorry. I don't understand. Is it common—

Mr. Darren Fisher: Is it common for a lobbyist to register with a consulting firm that they are not an employee of? I ask because some members seem to work for Jenni Byrne + Associates and some seem to work for Forecheck. There's this fluidity of registration.

Ms. Nancy Bélanger: I don't know what the facts of this particular issue are at this point, but usually a government relations firm will register.

What happens with consultants is they have to individually register. It's not the firm that registers. Each lobbyist has the responsibility to register as the consultant lobbyist irrespective of which company or firm they are with.

Mr. Darren Fisher: If Jenni Byrne is clearly lobbying federally while unregistered.... She's inactive as a federal lobbyist, so unregistered. I'm trying to put all this together. I know you probably have an understanding that you're not able to share with us today.

Ms. Nancy Bélanger: When people say there's federal lobbying occurring, we need facts to that effect, and I need to determine the facts.

Mr. Darren Fisher: I wish you Godspeed in your investigation.

Again, I want to thank you very much for the work you do.

Ms. Nancy Bélanger: Thank you very much.

The Chair: Thank you, Mr. Fisher.

We're switching things up. We're going to Mr. Green first.

• (1250)

[Translation]

He will be followed by Mr. Villemure.

We're going to wrap it up before our scheduled time because we have some committee business to deal with.

[English]

Mr. Green, go ahead, please.

Mr. Matthew Green: Thank you.

What would be the penalty for a registered lobbyist who provided sponsored travel to an MP?

Ms. Nancy Bélanger: It would likely be simply a breach of the code and a report to Parliament, so it's reputational, really.

Mr. Matthew Green: Then it has no real teeth. You have no ability, as it stands now, for any type of.... It's a slap on the wrist publicly.

You mentioned it's a regulation; it's not a law, so there's no criminality involved. Would providing teeth to the legislation—to make it law, make it criminal—help you in any way?

Ms. Nancy Bélanger: Certainly giving it teeth would, yes. Making it criminal would not necessarily. I think there needs to be a level of discretion.

Even currently, I have to suspend anything I look into that's missing a monthly communication report or one communication that should have been registered that the person is unaware of. I need to send that to the RCMP.

We need a spectrum of sanctions, and that's what I would like to discuss with this committee.

Mr. Matthew Green: I'm in full support, by the way. I will go on the record now and say that. Respecting the timeline, I won't do it right now, but I will be bringing to this committee a motion to have a review, per your request.

You may know that I put forward a motion at this committee—the committee unanimously adopted it—to move the question of sponsored travel to PROC, the idea being that the central budget provide two international trips by the government, with no external influences at all, at the discretion and full reporting and accountability mechanisms of the House of Commons.

Would that help you in streamlining your work so that you don't have to chase all of the paperwork and all the parameters of this code, which I would say—I don't want to call it performative—doesn't have any real teeth at the end of the day?

Ms. Nancy Bélanger: I fully support the motion that was adopted by this committee. I've been in the world of ethics for over 15 years, and I think it goes a long way to helping with the integrity, faith and confidence in decision-making when you remove the possibilities of undue influence.

Mr. Matthew Green: That's outstanding. I think that's all I need.

I thank you for your time and for your candour as well.

The Chair: Thank you, Mr. Green and Madam Bélanger.

[Translation]

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

Mr. René Villemure: Thank you, Mr. Chair. I would like to use my time to raise a point of order.

The Chair: Okay. Go ahead.

Mr. René Villemure: Yesterday, the committee received a letter from Innovation, Science and Economic Development Canada regarding its review of national security issues raised by the TikTok application. The letter notifies us of the stages of the review, which could take up to 200 days. The letter does not even specify whether, after 200 days, we'll get a response.

Since we are currently preparing the committee's report on TikTok, I think it would be problematic to go ahead and release our report and findings without knowing what will be in the department's review report. In addition, the letter's wording does not make it clear whether we will ever find out.

For the moment, I'd like us to agree to postpone the completion of our report, at least until the department completes its review, which I think is too far in the future. We can challenge the timeline, but we can't issue what I would consider a fluff report while the department is conducting its national security review. Those findings could turn out to be quite serious.

The Chair: Thank you, Mr. Villemure.

Are you moving a motion that would say we can't finish our report on TikTok until we see the findings of the department's review? Is that what you're proposing now?

Mr. René Villemure: Absolutely.

I propose that we wait for the results of the review. We should do everything we can to pressure the department on this, but we should not table our own report until we have that information. That is the motion I am moving.

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

[English]

This is a very interesting situation that Mr. Villemure is proposing, and the motion is in order.

We are scheduled to deal with this report on Thursday. The committee asked us to contact ISED to come up with an understanding of when their national security review, which was announced in September, would be completed. ISED came back and said it would be roughly 200 days, but we don't know from what. Is it from when they announced the study or from the day we received the letter on April 19?

I made it clear in past interventions that I think we should hold off on the study until we see what comes out in that national security review. Mr. Villemure is formally proposing that we do that now through this motion, and I'm going to open up the floor for discussion on this.

Mr. Barrett, go ahead, please.

• (1255)

Mr. Michael Barrett: Mr. Chair, I support the motion, but can we dismiss the commissioner?

The Chair: Ms. Bélanger, I'm sorry about that. I want to thank you for appearing before our committee today and for your continued good work on behalf of Canadians. We'll see where this leads us in terms of a formal review of the act, but Mr. Green has already indicated that he's prepared to deal with it, either through himself or through the will of Parliament.

Thank you, Ms. Bélanger, for taking the time today to update the committee on the estimates.

Ms. Nancy Bélanger: Thank you very much. Have a great day.

The Chair: That was your intervention, Mr. Barrett.

Now I have Ms. Khalid.

Go ahead, Ms. Khalid, on what Mr. Villemure proposed.

Ms. Iqra Khalid: Thank you very much, Chair.

I think this committee appreciates how long it took for us to finally get a report going. We've been doing a lot of work that is very offhand, and it doesn't really lead to many reports. I was quite proud of the way the committee came together to work on this.

While I take Mr. Villemure's points on the need to understand and take into account the security review, I want to make sure—and I've said this again and again—that this report sees a conclusion and is tabled in the House.

Chair, I'm sure that the clerk and you have done great work to try to get clarity and get this issue resolved. I found that we could have asked more comprehensive questions of the people we've been corresponding with. Perhaps we can ask for a follow-up and further explanation or clarification on this.

Clearly we don't know. You indicated, Chair, that you're not a hundred per cent sure. I think it would be a mistake for us to shelve this report without having done our homework and without doing the due diligence of finding out where exactly we stand on this.

As I've indicated many times before, I'm quite passionate about this report. Given the nature of artificial intelligence and social media platforms, with their implications on Canadians and privacy concerns, they are always going to be changing. They are always going to be innovating and be very fast-paced. If we start shelving reports like this, we're not going to get anywhere, because I bet you that 200 days from now, there are going to be different circumstances and we'll want to shelve the report again.

This is an ongoing issue that we need to continue to work on. I propose that we seek clarity on timelines and make sure that we go forward with this report, because it is essential. It is important.

This is interim too, because I can understand and appreciate that there will be a lot more reports coming on this exact issue, whether it's a year from now, two years from now, 10 years from now or 50 years from now. This is an evolving issue that we need to deal with as a committee, and I strongly encourage you, Chair, to not put this aside. We need to get this report on the record and tabled in the House to try to work on this issue.

As I've said, maybe this motion is a little pre-emptive. Perhaps we should first get clarification instead of just moving to shelve this. Perhaps, before we discuss and vote on this motion, you can seek some clarity and get some answers and follow-up, Chair.

• (1300)

The Chair: Thank you for that, Ms. Khalid.

Look, I'm not looking to shelve anything. I'm going to do what the will of the committee asks me to do.

I do have some concerns, and I think I've stated those concerns in the past. We'll be dealing with a series of recommendations, which the committee could be putting forward in the report, that could be completely contrary to or could contradict what the national security review outlines. I don't want to put something out there in the public realm and then have it come back to us after we've adopted the report and presented it to Parliament. That's my concern.

I'm indifferent either way on this report. I think it was a good study. We had some good witnesses come in. I just don't want any of the recommendations we made to be counter to the work that ISED is doing.

I will address one thing, which is the letter we had asked for. If you recall, when we came out of the previous two-week constituency break, I informally asked ISED about the timelines, because that's what the committee had asked me to do. They said they were not prepared to give me an informal response, but the committee received a formal response yesterday. In that response, they talked about 200 days.

I agree with you, Ms. Khalid, that there is no clarity on those 200 days. Did they start when the first public reports came out that said they were doing a security review in September, or do they start now? I don't know that, so I certainly agree with you on the timeline and how long it would take. It could be 200 days from tomorrow. I don't know.

I have Mr. Fisher now, and then I saw Mr. Green's hand up.

Go ahead, please.

Mr. Darren Fisher: Thank you very much, Mr. Chair.

You are right; we would be dealing with a series of recommendations. However, that series of recommendations comes from the testimony the committee heard. I wasn't a member of the committee then. This is my third meeting and there's a bit of *déjà vu*, because I think we had this exact conversation when Mr. Villemure brought it up at my first meeting last week.

I'm very much supportive of what my colleague MP Khalid said about not shelving this. Certainly, Mr. Chair, no one sees you as trying to shelve anything. This is an interesting conversation.

We as a committee decided just last week that we would program this on Thursday as a continuation of the report. I'm 60 pages in and I plan to do my best to get the full 103 pages in. I would like to see us go forward with what the committee decided just a week ago today.

The Chair: I appreciate that.

What's changed is the formality of the letter that we received from ISED. That's what has changed the discussion a bit—

Mr. Darren Fisher: However, it won't change the recommendations or the testimony that was heard by the committee.

The Chair: You're correct.

Mr. Green, go ahead, please.

Mr. Matthew Green: I don't know—I feel like my Liberal friends doth protest too much. I think Mr. Villemure's motion is a rational motion. I don't see it as being an issue. When new information is presented to committee, particularly of this formal nature, it's something we should take into consideration.

The report is in our hands, ultimately, as a committee. We can decide to adopt additional information into our reporting. We can decide to recall witnesses. We can do all of those things. Given the complexity of this, there's value in addressing or at least acknowledging the work that's being done there.

For that reason, I support Mr. Villemure's motion. I don't see any downside at all at this point in doing the prudent thing and waiting to see what comes out of that.

I'm happy to see this go to a vote if there's no consensus.

The Chair: Thank you for that, Mr. Green.

I don't see any further discussion. Do we have consensus? No.

We're going to a vote on the motion. The motion is to wait until the ISED report on the national security review comes out, and then to continue on with our report at that time.

(Motion agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

The Chair: That will change our scheduling for Thursday a bit. We have the Information Commissioner, and the notice will be published soon.

Seeing no other business, I am going to adjourn this meeting. Thank you to all who made it happen.

Have a good afternoon, everyone.

The meeting is adjourned.

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