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Chair: Mr. John Brassard



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• (1640)

[Translation]

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

Welcome to meeting number 138 of the Standing Committee on Access to Information, Privacy and Ethics.

[English]

Pursuant to Standing Order 111.1(1) and the motion adopted by the committee on Tuesday, October 22, 2024, the committee is considering the certificate of nomination for Caroline Maynard to the position of Information Commissioner, referred to the committee on Monday, October 21, and we are also considering the certificate of nomination for the position of Commissioner of Lobbying, referred to the committee also on Monday, October 21, 2024.

What I've decided to do, for the benefit of the committee, given the fact that we are well over an hour into this, is to put Ms. Maynard and Ms. Bélanger together on a panel. Originally, it was supposed to be separate, but respecting everybody's time.... Now, I will let the committee know that we do have up to two hours, but I'm going to leave it to the discretion of the committee to tell me when they're finished with their lines of questioning.

The other thing I'd like to do—and we've done this before—is to give Monsieur Villemure and Mr. Green an opportunity to reset the time at the hour after the questions. If the committee is okay with that, I'd like to propose that as well. Are we good?

Some hon. members: Agreed.

The Chair: Okay.

We're going to start with you, Ms. Maynard, if you don't mind. You have up to five minutes to address the committee, followed by Madame Bélanger. Go ahead, please.

Ms. Caroline Maynard (Information Commissioner, Office of the Information Commissioner of Canada): Hi, everybody. I am pleased to appear before you today in the context of my proposed reappointment as Information Commissioner of Canada.

Nearly seven years ago, I arrived before this committee with a deep desire to serve Canadians, a relentless focus on results and a vision of how I intended to fulfill my role as an agent of Parliament. I had four specific priorities: ensuring the work at my office was open and transparent, improving collaboration with stakeholders to address barriers in the system, tackling the existing backlog

of complaints and preparing to implement legislative amendments to the Access to Information Act.

[Translation]

I'm proud of my record in each of these areas. My accomplishments are reflected in the annual reports that I tabled, as well as in the background document that I provided to you before my testimony today.

Under my leadership, the Office of the Information Commissioner is an employer of choice. My team may be working in a challenging environment, but they truly enjoy their work and believe in our rights to access information. Our high retention rate and the impressive results of employee surveys over the course of my mandate attest to this.

[English]

I have worked hard to improve the overall health of the access to information system, which has not been meeting its legislative purpose. Through my systemic investigations, I have put the spotlight on the root causes of issues. I have also met frequently with ministers, senior department officials, management teams and employees. The goals of such meetings are always to promote culture change, to encourage better performance and to facilitate compliance.

In terms of enforcement, whenever I have been able to resolve complaints without resorting to issuing orders, I have done so, but I have also not hesitated to spur institutions to action through my orders and, when necessary, through litigation in the courts.

[Translation]

I've also taken my role as an adviser to parliamentarians very seriously. I understand that we live in an era of societal and technological change. We are dealing with outdated systems, poor information management and declining public confidence in public institutions. So I've tried to be a trusted source of information and expertise in the area of access to information. I've done everything I can to ensure that the activities of the Office of the Commissioner are clearly presented and that the state of the system is clearly assessed. My testimony was based on observations and investigations by my team.

[English]

I believe my renewal would represent stability for the office, the ATIP community and Canadians, allowing me to continue to build on what I have accomplished so far. If I am given the honour to continue in this role, I will carry out my duties with the same determination and focus on results I have shown through my mandate.

I will be relentless in speaking out on the importance of transparency by default, and the role that every public servant must play in ensuring that the rights of Canadians are respected. I have seen how stakeholders advocate for a better system, but I have also seen how hard public servants in the ATIP trenches are trying to make this system work in the meantime. These people have my support, and they need and deserve the support of their leaders in bringing about the necessary transformation.

The policy and legislative changes that I have recommended are based on experience and have been endorsed by stakeholders. As the next review of the act looms on the horizon, I will continue to press for long overdue improvements. They would contribute to making Canada the global leader in transparency that it always should have been.

[Translation]

Finally, my experience as commissioner has made me even more committed to the right to access to information. I know that I've defended and enforced this right effectively. That's why I remain positive and hopeful for the future, and I'm ready to continue to fulfill this role.

Thank you.

I look forward to your questions.

The Chair: Thank you, Ms. Maynard, for your presentation.

The next person to speak is Ms. Bélanger, for five minutes.

You may begin, please.

• (1645)

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

I am pleased to be here today and honoured to be considered for a second term as Commissioner of Lobbying.

When I first appeared before this committee in 2017, I recognized the importance of the federal lobbying regime, which contributes to public confidence in federal institutions and public servants.

After seven years as commissioner, I continue to believe in the importance of this work to support and improve the transparency and ethics of lobbying.

I'm very proud of the work that my team and I have done. I would like to highlight some of those accomplishments.

We've continually improved the Registry of Lobbyists in terms of filing processes, functionality and search functions. We've also improved transparency by aligning topics with the related lobbying details. Monthly reports on oral and organized lobbying of design-

nated public office holders must now identify the details, not just the subject.

We've increased our outreach and engaged with a diverse audience of over 9,000 stakeholders through over 500 presentations.

We broadened our relationships with the media, academia, other government institutions and the international community, while strengthening our proactive engagement with stakeholders. Our website has been renewed to improve the availability of useful information.

I've launched several investigations to ensure compliance with lobbying requirements. This led to 16 referrals of alleged offences to the Royal Canadian Mounted Police and six reports of investigations to Parliament.

I also submitted preliminary recommendations to this committee so that they could be considered in improving the Lobbying Act.

Finally, I published a new version of the Lobbyists' Code of Conduct, which sets out clear ethical standards that lobbyists must respect.

[English]

This work was performed against the backdrop of a move, two elections and a pandemic. In addition to the ongoing and increasing corporate reporting obligations, the work was performed by a very small team of about 30 employees. In both 2021 and 2023, we succeeded in obtaining additional budget funding to increase our staff capacity. We now have resourcing for approximately 37 employees, compared to 28 when I started my mandate.

Our current total annual budget is approximately \$6.2 million. Roughly \$4.7 million goes to salaries and benefits, leaving an operating budget of \$1.5 million. Speaking of our budget, I would urge parliamentarians to consider a new funding model that preserves the independence of agents of Parliament.

While we have accomplished a lot, there are plans in place to move forward. I recently issued interpretation bulletins about the application of the act, and should I be reappointed, I expect to issue more, including about the threshold that triggers registration for lobbying done by employees on behalf of their employer. We will expand education and understanding by creating and sharing clear and accessible content about lobbying, including videos and learning modules for various audiences. We will continue to improve the registry at every opportunity so that users can easily and effectively find the information that is available.

Finally, I will continue to prepare in anticipation of a long overdue legislative review of the Lobbying Act. The last review occurred in 2012 and brought no changes. I must impress upon you again that it is important that Parliament make legislative changes so our federal lobbying regime can be the best of its kind and remain effective. This is crucial, because rigorous transparency standards contribute to a healthy democracy.

If I am reappointed to a second term, I will continue to serve Parliament and Canadians in keeping with the mandate set by the Lobbying Act and in accordance with the highest integrity, public sector values and ethical standards.

I would like to conclude by expressing a heartfelt “thank you” to each employee of the office. They are actively engaged and contribute to an exceptional work environment. I am extremely grateful for their dedication, professionalism and excellence in delivering on our mandate. It has truly been an honour and a privilege to lead them during the last seven years, and I appreciate the support they have provided me.

Mr. Chair and committee members, I also want to extend my deepest appreciation to each of you for the respectful and constructive interactions we have had over the course of my time as commissioner.

I welcome this opportunity to answer any questions.

The Chair: Thank you, Madame Bélanger.

As a reminder to committee members, we have up to two hours. I'm going to leave it to your good graces when you want to end this session. If you want to end it early, let me know. If you want to continue up to the full two hours, let me know. We'll accommodate that as best we can.

The other thing I would ask is that you direct your question to each individual distinctly and let them know to whom the question is being directed.

We're going to start with Mr. Barrett for six minutes.

Go ahead, sir.

• (1650)

Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC): Commissioner Bélanger, why is registering to lobby important?

Ms. Nancy Bélanger: It is important for transparency, to make sure that Canadians know who's meeting whom and about what, and what leads to the decisions that decision-makers are making.

Mr. Michael Barrett: Why are your powers under the act to investigate important?

Ms. Nancy Bélanger: It is to ensure compliance, to ensure there is transparency and to make sure that the requirements of the act, as set out currently, are met.

Mr. Michael Barrett: What do you think about the shared obligations of parliamentarians and officers of Parliament to ensure Canadians' trust in our democratic institutions?

Ms. Nancy Bélanger: I believe we have a very important role to play. In fact, I think agents of Parliament are almost guardians of

values. The former official languages commissioner said that at one point, and I have always believed in it.

Mr. Michael Barrett: I've written you some correspondence of late, on October 24 and before that on October 3, both dealing with Mark Carney, an adviser to the Prime Minister. I want to lay out a bit of why that correspondence was necessary. Then I have a couple of questions for you.

First of all, we have, in no particular order, the heat pump hustle by Mark Carney, also known as carbon tax Carney, where we learned that he was using his role as a special adviser to the government in the U.K. to lobby for his own interests. We've seen that this is a behaviour that he's comfortable undertaking.

Now, within days of being appointed to this panel of experts to advise the Prime Minister—we know that it's a panel of one, as he's the only one there—he landed billions in loans for his self-described friend who heads Telesat. This was announced as a way to connect Canadians, but we've learned recently that there are no requirements for a certain number of Canadians to be connected for those billions.

We know that he sits on the board at Stripe. The government was convinced to have credit card companies cap their fees, but Stripe, where he stands to benefit from his interests, isn't passing those savings on. They're benefiting from that as well.

We know that his investment firm holds the second-largest mortgage insurer in the country, which will directly benefit from the announcement that, again, came days after his appointment. These changes will allow for longer amortization periods, meaning that Canadians will pay more interest for longer, benefiting his interests again.

I've written you a couple of letters. Could you articulate what section 10.4 of the act allows you to do?

Ms. Nancy Bélanger: It allows me to investigate if I have reason to believe the investigation is necessary to ensure compliance.

Mr. Michael Barrett: You articulated that to me in our most recent correspondence and in past correspondence as well.

You also have an obligation to pass things on to the RCMP. What would trigger that requirement?

Ms. Nancy Bélanger: When I start an investigation, the moment I have reason to believe an offence has occurred, I immediately suspend my investigation and forward it to the RCMP. I've done that more than 16 times in the last seven years.

Mr. Michael Barrett: Have you handed any files to the RCMP that they are currently reviewing?

Ms. Nancy Bélanger: They have four suspended files of mine currently.

Mr. Michael Barrett: That is to say, you suspended four files pending the decision of the RCMP.

• (1655)

Ms. Nancy Bélanger: I have suspended 16 over the years.

Mr. Michael Barrett: But you have four currently.

Ms. Nancy Bélanger: Currently, there are four that continue to be suspended.

Mr. Michael Barrett: I appreciate that precision. Thank you.

I want to circle back to the piece about Canadians' confidence in your role. I referred to Mr. Mark Carney as carbon tax Carney, but he's quickly earning the moniker of conflict of interest Carney. Are you able to tell Canadians today if you're currently investigating Mark Carney for potential violations under the Lobbying Act?

Ms. Nancy Bélanger: I won't confirm whether I'm investigating. The reason I don't do that is that I do not want to jeopardize any future possible criminal investigation.

What I will tell you, as I said to you in the letter, is that I look at everything. I've opened more than 170 files in the last seven years. I look at everything. I can tell you that I am reviewing the matter.

Mr. Michael Barrett: I appreciate your advising us that you're reviewing the matter.

Now, if you want to refer something to the RCMP, is the Minister of Justice required to have any intervention or involvement?

Ms. Nancy Bélanger: You would have to ask the RCMP that. Once I've sent something to the RCMP and they do their work, I assume they discuss it with the public prosecution office. I don't believe that—

Mr. Michael Barrett: If you find that someone has violated the act, are you required to refer that to a cabinet minister?

Ms. Nancy Bélanger: Absolutely not, and I would not.

The Chair: Thank you, Mr. Barrett.

We're going to go now to the member for Châteauguay-Lacolle, Mrs. Shanahan.

Go ahead, please.

Mrs. Brenda Shanahan (Châteauguay—Lacolle, Lib.): Thank you very much, Chair.

I thank the witnesses for being before us today. This is not the first time that I've had the opportunity to question you both over the years in different circumstances, and I'm very pleased to be doing so today.

I'm going to turn first to Madame Bélanger as the Commissioner of Lobbying.

First of all, thank you for very clearly stating your role and your approach and how you work.

Do cute little derogatory names that are attributed to the different people you may be looking at affect your work at all?

Ms. Nancy Bélanger: I'm a lawyer by trade. I have been a neutral public servant my whole life. I look at the facts. I look at every single letter that's brought to my attention. I look at every newspaper article, and I open files. I look at everything. The names don't have an impact. I look at facts, and I look into facts, and it's the facts that determine the next steps in any of the files that I review.

Mrs. Brenda Shanahan: Because you do have a public-facing role, do you think the public is affected when these cutesy names

are attached to people prior to any investigation that you may be undertaking?

Ms. Nancy Bélanger: I really don't think I have a view of what the public thinks. I'm not going to go there.

Mrs. Brenda Shanahan: I thank you for your integrity in the way that you conduct yourself, and I think it is worthy of the values of Parliament and the role that you undertake.

I'd like to ask you now for an update on your investigation into Jenni Byrne. I believe that it came up the last time you appeared at this committee, Jenni Byrne and Forecheck Strategies. As was widely reported in the spring—and, of course, this was after Pierre Poilievre's election as leader of the Conservative Party of Canada—the lobbying firm run by Pierre Poilievre's top strategist, Jenni Byrne, established a second company, Forecheck Strategies—I believe this was reported in *The Globe and Mail*, so you must be aware—housed in the same office for the purposes of lobbying federally.

In your last visit, you confirmed that you had indeed initiated a review. Is there an ongoing investigation?

Ms. Nancy Bélanger: There is an ongoing review.

Mrs. Brenda Shanahan: Thank you for that.

Have you completed your initial review?

Ms. Nancy Bélanger: No.

Mrs. Brenda Shanahan: Can you talk to us about what steps that would normally take?

Ms. Nancy Bélanger: When I do a preliminary review, we usually approach a few witnesses, and then from there I decide if I have enough information to proceed to an investigation to ensure compliance.

If it's a matter under the act—if there should have been a registration and there is none—usually I will not talk to the person who is possibly the person who should have registered, in the event that this goes to the RCMP. So, it's very much an administrative review, which I then will suspend and send to the RCMP if I have reason to believe that registration should have occurred.

• (1700)

Mrs. Brenda Shanahan: Okay, so there are two things there.

Who would be the witnesses you would question, in this case?

Ms. Nancy Bélanger: Usually, it will be public servants, all of you, senators, public office holders, those who met with those individuals who potentially require registration.

Mrs. Brenda Shanahan: That review is ongoing.

The second thing is this. Have you had to suspend the review for any reason? Do you see that you will be suspending, for the reasons that Mr. Barrett evoked when he questioned you earlier?

Ms. Nancy Bélanger: I will not comment on whether or not I've suspended it or if I'm in an investigation, simply to ensure that if this ever leads to an RCMP investigation I don't jeopardize that.

This conversation needs to happen, again, in a review of the act, because as much as it is frustrating for all of you not to know where my investigations lead, it's frustrating for me not to be able to talk about them. There needs to be a middle ground and there needs to be a conversation about what the processes should be, because right now it's all or it's RCMP. There's nothing in the middle. There need to be monetary penalties. There needs to be a way for me to publish that I'm of the view that there have been some breaches that don't necessarily amount to a criminal offence. That conversation needs to happen during a review of the act, which, again, is long overdue.

Mrs. Brenda Shanahan: That's very interesting. So there is a possibility that you may have to, in this case, suspend and send it to the RCMP. You're not at that stage yet.

Ms. Nancy Bélanger: I'm not prejudging, but there's always a possibility in every single case I look at.

Mrs. Brenda Shanahan: All right. Very good.

Do I still have time, Mr. Chair?

The Chair: Be very quick, please.

Mrs. Brenda Shanahan: All right.

I have a quick question for Madame Maynard on the current financing model.

[*Translation*]

Does the current funding model adequately meet your needs?

Does it allow you to update your role at this time?

Ms. Caroline Maynard: At the moment, the funding mechanism isn't independent. I absolutely have to make a request like any government department.

Is that enough? No, that isn't the case. I need additional resources.

Mrs. Brenda Shanahan: Is your work limited by the current model?

Ms. Caroline Maynard: The work we are currently doing is limited to the extent that I don't have the necessary resources to do all the work that is before us.

Mrs. Brenda Shanahan: Thank you very much.

The Chair: Thank you, Mrs. Shanahan.

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

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

Thank you both, ladies, for being here today.

These conversations are always pleasant because both of you are the guardians of the public's integrity and trust in the machinery of government.

Ms. Maynard, I'm going to ask you a question that I asked you last year.

Does the Government of Canada have a culture of transparency or darkness?

Ms. Caroline Maynard: That's a difficult question to answer.

Every year, we have more access to information requests and more complaints. This is because institutions often don't provide the requested information quickly, or they redact the information provided to complainants. So they come to our office to ensure that the law is respected. Unfortunately, we find that exclusions and exemptions are often and quickly used in the act instead of discretion and voluntary or proactive disclosure.

Mr. René Villemure: Would you say that redaction is sometimes a bit intense?

Ms. Caroline Maynard: Yes. We often see responses to access to information requests whose pages are completely blacked out.

Mr. René Villemure: Without being embarrassed, we can say that darkness is something you often see.

Ms. Caroline Maynard: Yes, and the act allows for that.

That said, although there are situations where discretion could be used to provide more information, we often don't see use of that discretion for the benefit of Canadians, which is unfortunate.

Mr. René Villemure: Information is power. The power of the people depends very much on what the Office of the Information Commissioner of Canada can do.

You mentioned a couple of times the need for independence. What is the government's response when you talk about the need for independence?

Ms. Caroline Maynard: I'd say this is where I can flag that situation. The issue of independence should also be raised in the review of the act.

In the report presented by the committee, I remember that you had agreed to make a recommendation in that regard. Whether it be Ms. Bélanger, any officer of Parliament or myself, our mandate is to conduct investigations independently. However, when we need additional funding, we shouldn't have to ask for it from departments that are being investigated by agents of Parliament.

• (1705)

Mr. René Villemure: No, because such a situation can lead to mistrust among the public.

Ms. Caroline Maynard: Unfortunately, this might lead people to believe that we could be influenced by this mechanism.

Mr. René Villemure: Okay.

The public watching the actions of the Commissioner and the Office of the Information Commissioner might think that impartiality, while desired, may be uncertain.

Ms. Caroline Maynard: The public may wonder because I have to investigate complaints against ministers or departments that are also responsible for approving my budget requests.

Mr. René Villemure: If independence could be achieved—that's what we want—do you think that this could increase the confidence and credibility of the institution and the machinery of government itself?

Ms. Caroline Maynard: Absolutely.

We are agents of Parliament. We should report to Parliament. We should be accountable to Parliament. So you would be responsible for asking us questions about our budget, about the expenditures we are making and why we need more money. If we have too much, it's also a matter of returning it. It's the same process.

Mr. René Villemure: In the case of the Winnipeg laboratory, a major report had been produced. It was largely blacked out. Even the page numbers were. As a result of the work of a committee of which I was a member, much of the redaction in the report was dropped. It gave me a sense of overclassification.

First, I'm concerned about this overclassification. Second, when I look at the work of the Hogue commission on a daily basis, I look at the documents released by government institutions and I find what can be considered to be overclassification.

Do you have any advice on that?

Ms. Caroline Maynard: The right to information is the right of Canadians and the right of parliamentarians. That's how we can learn how decisions are made, how money is spent.

When I give advice, it's to the institutions. You're right, if a document has page numbers and even the page number, the headings, and the subsections are blacked out, it doesn't give the impression that the person provided information that can be released. It will be even worse later on, if, through an investigation, we realize that the exemption or exclusion was not applied appropriately and that the law wasn't respected.

Obviously, when they see completely blacked out documents, Canadians ask questions and file complaints with our office.

Mr. René Villemure: It certainly prevents the public from understanding.

However, with respect to classification, it's understood that paragraphs can be summarized and that there is an alternative to redaction.

Ms. Caroline Maynard: Some exclusions are made in a normal way. Even in my office, investigations are conducted confidentially, so if you look at requests that were sent to us, you'll see that we often have to redact, because our investigations are done confidentially.

However, I'm telling institutions and departments that, if they are able to provide information, they should do so. People will have a better understanding of the decisions and a greater confidence that the information they receive is reliable. They'll be able to understand the decisions and policies of a department.

The Chair: Thank you, Mr. Villemure.

The next questioner is Mr. Green, for six minutes.

[English]

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

Ms. Bélanger, you are heading into your second term. What would you do differently? Knowing what you know now, would you treat your second term a little bit differently?

Ms. Nancy Bélanger: It's not official yet that I will be starting a second term, but should I have that honour, what I would do differently is not much, actually. I am very much results-oriented. I believe in what I'm doing. Maybe I personally would learn to accept that I can't get everything done that I want done because I have only 30 employees, but I wouldn't do much differently.

• (1710)

Mr. Matthew Green: Let's talk about that, because we've danced around this issue. For five years, I've seen you in some capacity in front of the public accounts committee, in front of OGGO and now here at the ethics committee talking about the funding model. What would be the ideal annual budget for the office that would restore an adequate depth of capacity for good?

Ms. Nancy Bélanger: I don't want to advance a number, because I haven't actually done that study, but I would think that if I want to at least.... I wouldn't say double, but close.

Mr. Matthew Green: How would your office's services be improved if the budget was larger?

Ms. Nancy Bélanger: I'm sorry; I didn't hear the question.

Mr. Matthew Green: How would your office's services be improved should your budget be larger—not double, but let's just say larger?

Ms. Nancy Bélanger: We meet our service standards now when we discuss with lobbyists, but certainly there would be more outreach. There would be more documents, advisory opinions and more information on our registry. That would be a big push.

Right now, I have 47 compliance files. I would hope that there wouldn't be much of a backlog. I think that everything would be more efficient and faster and stay more relevant.

Mr. Matthew Green: We spoke about the funding model. I'm giving you the opportunity now to give specificity about what arm's-length, predictable funding would look like that's non-politicized. Perhaps you could comment on that.

Ms. Nancy Bélanger: The model would be such that we do not have to go through departments we are regulating, the government, to ask for money in order to be able to do our work effectively and efficiently. Ideally, we'd come to a committee, a neutral committee, that would listen to us and that we are accountable to, such as this committee, to explain the work we do and the funding we need, the resources we need.

Work fluctuates. There are years when I've opened 40 files, and there is another year when I've done 24. Maybe there would be a way to give back the money that I don't need to my colleague, and she can give me some when she doesn't need it.

Something needs to happen, because it shouldn't go through the government of the day.

Mr. Matthew Green: This is my last question for you. We're certainly seized with the studies on foreign interference. Foreign influence can also take place in lobbying, be it registered or unregistered.

Has your office ever been briefed on the possible threats of foreign interference using lobbyists or like agents?

Ms. Nancy Bélanger: No, I have not been briefed on those threats. I have been briefed on the legislation and the registry.

Mr. Matthew Green: Is it something that you consider?

Ms. Nancy Bélanger: It would be something I consider, but I don't know if at any point I will have all of the... I certainly have top security, but I don't know if it's something that all the agencies would be willing to share with me.

Mr. Matthew Green: I'll go one step further, given that you are on the front lines and given that corporations are often owned by foreign actors, including, sometimes, state governments that are actively trying to both advocate for their financial interests in Canada and involve themselves in political decision-making. I think about the oil and gas lobby, for instance, which is touted as a Canadian resource but is owned by various foreign actors.

Would it be helpful for you to at least have some kind of supplementary training to be able to flag instances where you might see undue activity from these types of entities?

Ms. Nancy Bélanger: Absolutely. Yes.

Mr. Matthew Green: Would that be a recommendation you would make to this committee?

Ms. Nancy Bélanger: I could certainly make that recommendation to this committee.

Mr. Matthew Green: What other recommendations do you have?

Ms. Nancy Bélanger: I have lots. I started with 11 of them in 2021 and I've added some to my list.

The first one has to be registration by default. Corporations and organizations speaking to all of you for up to 30 hours a month without needing to register is not right. It's completely wrong. As I stated in my opening remarks, I plan to give new meaning to "significant part of the duties" and to reduce that threshold. If I am reappointed—head's up—it's coming down. It will not be 32 hours anymore. That's the first thing.

The second is the monthly communication reports that are oral and arranged in advance. Why does it matter if they are arranged in advance? It's the content of the conversation that matters. Who arranged them is irrelevant as well. Whether you meet them at the corner of the street or in your office, by chance or because it was planned, that needs to be in the registry.

There's a spectrum of sanctions.... Do you want me to go on? I'll stop now.

• (1715)

Mr. Matthew Green: No. More, more—

The Chair: I'm going to give Mr. Green an opportunity to pick this up a bit later.

That concludes our first round.

We're going to start the five-minute round with Mr. Cooper.

Go ahead, sir.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you, Mr. Chair.

Madame Maynard, your investigation into the arrive scam remains ongoing. Is that correct?

Ms. Caroline Maynard: Yes.

Mr. Michael Cooper: Thank you for that.

We recently saw reports—I'm not going to ask you to weigh in on them—in which the Canada Border Services Agency said that over 1,800 emails that a parliamentary committee had ordered to be produced had been destroyed. Now, miraculously, those emails have been found.

Hypothetically, if you were to find in the arrive scam investigation, or any other investigation, that a government official destroyed government documents or emails, what remedies do you presently have at your disposal?

Ms. Caroline Maynard: If I believe there's an intent to destroy these documents to not provide the information, my only action plan is to send it to the Attorney General for their review of a possible criminal act.

Mr. Michael Cooper: You would have to refer it to the present Attorney General, who sits in Justin Trudeau's cabinet. Is that correct?

Ms. Caroline Maynard: That's the justice minister, yes.

Mr. Michael Cooper: Okay. Thank you for that.

Does that cause you any concern, given that in many of these investigations, there is exposure on the part of the government? I'm not trying in any way to impugn the integrity of the justice minister, but there is a perception, certainly, that there isn't the same level of independence that there would be if, for example, you could refer the matter directly to the authorities, such as the RCMP.

Is that something that you would like to see happen?

Ms. Caroline Maynard: Actually, that was one of the recommendations I made in my submission to the legislative review in 2019. I suggested that it should be changed to be exactly like the Lobbying Act, where I can refer directly to a police force: the RCMP, or the provincial or municipal entity that's responsible for investigating.

Mr. Michael Cooper: Can you elaborate a little bit on why you would like to be able to report directly to the authorities that would have jurisdiction to investigate whatever the matter may be, as opposed to sending it to the Attorney General?

Ms. Caroline Maynard: The process would be more transparent, and it would be more direct, so the police would have direct access to the evidence.

Mr. Michael Cooper: Would you say that, at present, the Access to Information Act is antiquated and in need of being updated?

Ms. Caroline Maynard: I totally agree with your statement.

Mr. Michael Cooper: Okay, thank you for that.

You've made a recommendation, as far back as 2019, to be able to report directly to the authorities rather than to the Attorney General as one change in the mechanisms available to you provided for under the act. The government has indicated that they're not going to be making any further amendments to the act. The best they've offered is a review in 2025. Are you disappointed with the government's response in that regard?

Ms. Caroline Maynard: I was disappointed. I still believe that we need a review of the legislation, which was not done in 2019. I'm hoping that when they say they will review the act in 2025, they will actually do it, but to start a review is a different thing than actually doing a review.

Mr. Michael Cooper: It's been a long time coming.

Ms. Caroline Maynard: That act is from 1983. It's 40 years old. It did have some changes in 2019, with Bill C-58, but the changes were not sufficient.

• (1720)

Mr. Michael Cooper: Okay. Thank you very much.

I'm fine.

The Chair: Okay, good. There's a little bit of time.

Ms. Bélanger, the review for the Lobbying Act was originally done in 2012—correct me if I'm wrong. It was supposed to be done in 2017. It was not done. Here we are in 2024, and it still hasn't been done. Is that correct?

Ms. Nancy Bélanger: It should have been done in 2017. It should have been done again in 2022, and here we are. We've missed two during my mandate.

The Chair: Okay, thank you.

Mr. Bains, you have five minutes. Please go ahead.

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

Thank you to both of our commissioners for joining us today.

I know there was some discussion around Forecheck Strategies. A CBC article dated March 22 reads:

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.

This continues now, as lobbyists for Jenni Byrne + Associates are filing communication reports as employees of Forecheck Strategies, a firm where they do not work.

In your last appearance, you said it was the responsibility of the lobbyist to register. Does a lobbyist have to confirm they work for the company for which they are registering? That's to the Commissioner of Lobbying.

Ms. Nancy Bélanger: There are two types of lobbyists. There are lobbyists who work for consulting firms and represent clients, so when they register on behalf of a client, they will indicate who their client is, and then there are some in-house lobbyists who have an employer. They're not in a government relations firm. They work for their organization or corporation, and part of their duties is to communicate with federal officials. In the case of organizations and corporations, the responsibility is on the senior official, while if you work for government relations, the responsibility is on the actual consultant.

Mr. Parm Bains: So each individual is responsible for their actions.

Ms. Nancy Bélanger: Each individual consultant lobbyist is responsible for their actions, yes, if they're a consultant lobbyist.

Mr. Parm Bains: Is it a concern for you that someone can register as a lobbyist for a company where they're not an employee?

Ms. Nancy Bélanger: The Lobbying Act allows that. The Lobbying Act allows consultants to represent companies and organizations. That's permissible, because that is the work they do. That is a profession. It is recognized by the Lobbying Act as a legitimate activity to lobby, as long as it's transparent and ethical. Consultant lobbyists will register on behalf of their client, which will usually be an organization or a corporation. I don't have concerns if there's an actual registration. Once they're registered, they're subject to the code of conduct.

I will not discuss Forecheck. That is also a file I am reviewing. I'm just giving you the explanation of how the act works.

Mr. Parm Bains: Yes, and I'm trying to understand.

Does it raise suspicions for you? You said that you're not concerned as long as people are doing it in an ethical manner, but people are fluid in their registrations. Is this something that you would recommend cleaning up in some capacity?

Ms. Nancy Bélanger: We keep an eye on our registration, for sure. Every registration is approved by my advisers. We look at the information that is provided, and then we approve the registration. It's an offence not to be accurate, so they had better be accurate in their registration. If they're not accurate and I find out about it, I'll investigate them.

There are ethical rules in place, and if there are allegations... There are over 9,000 registered lobbyists. There are a lot of them, and there is a lot of action happening. There were 34,000 oral and arranged communications last year, so there is a lot of lobbying occurring. We're keeping an eye on as much as we can.

Mr. Parm Bains: Okay, but what I'm trying to get to is that it's not the organization they're representing but it's the lobbying firm they register that they work for that's the concern. Whether they're consultants or whatever, it's the actual work.

That's my question, if you understand me.

Ms. Nancy Bélanger: Individuals are entitled to work where they want to work. I can't regulate that. Once they work somewhere, and they choose to become lobbyists and represent a client, then they need to be transparent about it. If they're not transparent about it and doing it, that's an offence. If they are transparent about it, and the information is accurate, they're subject to a code of conduct, and they need to ensure that they comply by the code of conduct.

• (1725)

Mr. Parm Bains: Simply, if there is suspicion that they're not being transparent, a complaint can come in, and you would investigate and continue in that manner. Is that correct?

Ms. Nancy Bélanger: Yes.

The Chair: Thank you, Mr. Bains. Your five minutes are up.

[Translation]

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

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

First of all, Ms. Maynard and Ms. Bélanger, rest assured that I'll get there.

Ms. Maynard, the Privacy Commissioner often refers to privacy as a fundamental right. Do you think that access to information should be considered as such?

Ms. Nancy Bélanger: The Supreme Court of Canada has already recognized that access to information is a quasi-constitutional right. Should the act be amended to codify it? It's really up to parliamentarians to consider it during the next legislative review. That being said, it's certainly a right that belongs to Canadians.

Given its importance to Canadians, why not codify it in the Access to Information Act?

Mr. René Villemure: So you're in favour of it being included in the law.

Ms. Caroline Maynard: Absolutely.

Mr. René Villemure: What do you think of the Access to Information Modernization Action Plan, which was published by the Treasury Board Secretariat?

Ms. Caroline Maynard: It is an action plan. As I mentioned several times, I like to see results, whether it's the Office of the Information Commissioner of Canada or the system in general. An action plan is one thing, but seeing the results and the actions taken is another.

So we keep waiting to see results. The system needs love, but right now, it would be hard to say that it's getting better.

Mr. René Villemure: So it's a plan without any concrete action.

Ms. Caroline Maynard: It's a plan that includes measures, but no deadline or end results. There aren't really any tables or results.

Mr. René Villemure: So it's a plan.

Ms. Caroline Maynard: It's a plan.

Mr. René Villemure: Do you think that the hesitant measures proposed in that action plan are likely to undermine the public's confidence in the access to information system and its credibility?

Ms. Caroline Maynard: Ultimately, I don't think citizens see the difference, but they realize that they don't get timely answers. They don't receive the information they want within the time limits set out in the act.

Institutions aren't getting the help they need from their departments, or from the government in general, to meet this growing demand.

Again this year, over 200,000 access requests were sent to the government. I received over 300 complaints a month. So there are 4,000 or 5,000 complaints a year. It isn't getting any better. We need resources, we need to invest, we need to innovate. We need better information management.

The government says it wants to take those measures, but at the end of the day, we don't really see any results.

Mr. René Villemure: Okay.

Thank you very much.

The Chair: Thank you, Mr. Villemure.

[English]

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

Mr. Matthew Green: Ms. Maynard, what are the reasons motivating you to accept a second term as the Information Commissioner of Canada?

Ms. Caroline Maynard: I have to say that the last seven years have gone so fast and we have done so much. I presented you with a list of things that we've accomplished. I have worked on the backlog. I have worked with institutions. I have issued more orders. I have presented honestly to you what things are happening and how things can be changed, and there's a momentum.

I feel that we can definitely build on what we have accomplished so far, and I do believe that we need to continue to work on the system. There are solutions. My systemic investigations are examples of recommendations for solutions that the government can implement. I'm still waiting, in some cases.... For example, I'm waiting for an IRCC portal that will provide the information outside of the system, but I do believe there's hope that the system will get better.

I would love to be part of the legislative review in 2025 because of the experience that I now have. When I was here in 2018, when Bill C-58 was presented and tabled, I didn't have the experience that I have now to provide recommendations based on investigations that I have done for seven years.

• (1730)

Mr. Matthew Green: You have some unfinished business.

Ms. Caroline Maynard: Totally.

Mr. Matthew Green: I appreciate that.

Ms. Bélanger, I'm going to ask you the same question.

What are the reasons motivating you to accept a second term as Commissioner of Lobbying of Canada?

Ms. Nancy Bélanger: I also have unfinished business. I have found this work completely.... I'm passionate about this. I've been with agents of Parliament since 2007, and I want to continue. I absolutely love the people I work with. I believe in this mandate. We have done a lot. Seven years—I agree with you, Caroline—have flown by, but there's still more to be done, and I believe I can get it done with my team, obviously.

Mr. Matthew Green: I believe that to be the case for both of you as well. Thank you.

Those are my questions.

The Chair: Thank you, Mr. Green.

We're going to go to Mr. Caputo, and then we're going to go to Mr. Fisher.

Just before we do, I'm going to reset. We can have six-minute rounds, if we want, to conclude, and then I would say we call it a day after that. There's an appropriate motion that needs to be addressed by the committee in order to confirm to Parliament that we're in agreement with the proposal that our two commissioners be appointed, so we're going to go down that path, if that's okay.

Mr. Caputo is next, followed by Mr. Fisher.

Go ahead.

Mr. Frank Caputo (Kamloops—Thompson—Cariboo, CPC): Thank you, Mr. Chair.

I want to thank both of our witnesses for being here and for communicating in the professional and forthright way that they have.

I'm going to go first to the Commissioner of Lobbying.

This is my first time asking you questions. My understanding is that you draw a distinction between a review and an investigation. Is that correct?

Ms. Nancy Bélanger: The review is part of an investigative process, because if I start looking for information, it's an investigation. Do I need to pursue it to ensure compliance and start possibly issuing production orders and subpoenas, etc.? Most of the time I don't have to do that because people provide me with the information. There is a lot of information out there that we obtain and start looking at, and we very quickly know that we're not going to pursue it because there's nothing there.

Mr. Frank Caputo: I see.

Ms. Nancy Bélanger: It's really a process, and it's part and parcel of an investigation. Everything I do, I do it under the section that your colleague has quoted.

Mr. Frank Caputo: The reason I ask that—and I may have misheard you, so please correct me if I'm wrong—is that one of the issues that have been raised today is with respect to Mark Carney, and I believe you said you are looking into it. I took that to mean you're reviewing it. Is that accurate?

Ms. Nancy Bélanger: That means that I'm looking into it. Whether I'm in the investigating stage of it, I will not confirm that.

Mr. Frank Caputo: Of course. That's why I asked whether there was a difference between looking at something versus an investigation, because I think you gave a number—119 or 116. I think that was the number of investigations you mentioned earlier.

Ms. Nancy Bélanger: I've opened close to 170 files since I've been in office.

Mr. Frank Caputo: You said 170. I'm sorry.

Ms. Nancy Bélanger: I would say that close to 25 or 30 led to full-blown investigations.

Mr. Frank Caputo: Would Mark Carney's case fit into the 170 you've looked into but not into the 20 or 25 that resulted in full-blown investigations?

Ms. Nancy Bélanger: I will only confirm that everything I look into fits into that 170. When I start actually investigating, I don't confirm, because I do not want to jeopardize possible criminal investigations.

Mr. Frank Caputo: I understand that. I'm just trying to see where we're at. When you say, "I'm looking into something", and then it's being done under the authority of legislation, I think you can see....

What is the threshold for you looking into something?

• (1735)

Ms. Nancy Bélanger: I'll start by saying that I look into everything. The moment there are communications with any of you—public office holders, public servants, senators—that are not in our registry, I look into it. Very often, that leads to nothing. It will be a volunteer organization, or one communication clearly does not meet a 30-hour threshold. But I do look into everything.

Then, I will communicate with public office holders to determine the amount of communication and how much communication occurred over a span of time. Once I get that information, if I have doubts that we're now into lobbying that was not registered, I will trigger what we call the investigation. Then it proceeds from there.

Mr. Frank Caputo: When it comes to Mr. Carney, we have several discrete areas of interest that I'm interested in. One of them is the heat pump issue. I think my colleague Mr. Barrett called it the heat pump hustle. I won't attempt to steal his quote on that. We also have his involvement with Stripe. We have him issuing a fundraising email on behalf of the Liberal Party of Canada. We have his involvement with Brookfield, and Brookfield then looking for \$10 billion of new investments. Then we have a \$2-billion contract to a company whose CEO is close to Mr. Carney.

Are you able to say whether any one of those discrete issues, if you will, would rise to the threshold I just mentioned of you having to look into something?

Ms. Nancy Bélanger: I will not comment on a file.

Mr. Frank Caputo: Okay.

Mr. Chair, how much time do I have?

The Chair: You have 20 seconds.

Mr. Frank Caputo: All right.

I wish you both all the best.

Thank you.

The Chair: That took three seconds.

We'll go to Mr. Fisher for five minutes.

Go ahead, sir.

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

Thanks to both of you for being here today.

Ms. Maynard, according to your most recent annual report, only 16% of complaints were well founded. How much of your office's capacity is impacted by these unfounded or unwarranted or trivial or malicious complaints?

Ms. Caroline Maynard: The percentage you referred to is investigations that lead to a result of well founded. Then an order is usually issued. That really is a small amount, because we are trying our best to resolve complaints informally.

The role of my office is to make sure that requesters are getting as quickly as possible the information they are entitled to or that a response is provided to them. We do an investigation. We investigate until that response is provided. Then we cease the investigation if that response is given during the investigation. There's a lot of time and effort done in those cases. Almost 80% of our investigations lead to a result, a positive result, but not to a report itself.

Mr. Darren Fisher: How has the proportion of those unfounded claims changed from, say, seven years ago? Has it changed proportionally in your seven years?

Ms. Caroline Maynard: It seems to be very similar every year in terms of what we find to be founded and not well founded.

Unfortunately, some institutions are still using section 21, for example, which is about advice and recommendations, in cases where there is information that is not advice and recommendations. We will let them know right away during an investigation. Sometimes we convince them during the investigation and the information is

released, but there's a lot of work done in the background to get that information released. Now, because I have the authority to issue orders, we don't spend too much time negotiating. We try to get the information voluntarily. If not, we issue an order. In the last seven years, I've issued over 700 orders.

Mr. Darren Fisher: How do you foresee the number of these complaints...? Going back to your annual report, it's 16% for this year. Has it always been about 16%?

Ms. Caroline Maynard: Do you mean the well-founded ones?

Mr. Darren Fisher: Yes.

Ms. Caroline Maynard: I think it was more before. We are now getting to that because we're going to be issuing an order, and we know that the order is the last drop, when we know we can't agree with the institution. At that point, I don't want to waste any more time negotiating or talking or explaining to the institution why we don't agree with them, so an order is issued. That 16% is representative of the orders that I have issued.

• (1740)

Mr. Darren Fisher: Is there any thought that some of these unfounded complaints are malicious in nature or a political tactic?

Ms. Caroline Maynard: There's a new disposition in the act that an institution is allowed to refuse to respond to an access request if it's vexatious, made in bad faith, but they have to ask my permission. In the last six years, I think I've received 49 cases like this, but we only agreed to 11 of those. It's not that often that a request is vexatious or made in bad faith.

Mr. Darren Fisher: Do you expect the number to go up in the coming years? Based on what you said, it sounds like you think it will stay fairly static.

Ms. Caroline Maynard: The number of complaints goes up with the number of access requests being made. It's proportionate. The more access requests are made—and Canadians know their rights, so they're asking for more information—the more we get complaints, because the institutions are overwhelmed with the number of requests. They don't have the resources to respond to that number of access requests, which keeps going up every year.

When I ask for finance for me, I can respond to the complaints that I receive as much as I can, but institutions are also in need of resources, better processes, and better technology to respond to that increase in requests.

Mr. Darren Fisher: Last year, the Conservatives voted against the funding for your office.

Do you worry that by asking for funding directly from Parliament instead of from government, there could be less accountability for funding for your office?

Ms. Caroline Maynard: I've asked for funding for the last 10 years—and not only me, but the former commissioners—and it's been approved three times in 10 years. We don't usually know if it's going to be accepted or not until it's in the budget.

The Chair: Thank you.

Mr. Darren Fisher: That was fast.

Thank you.

The Chair: That concludes our first hour.

We have six-minute interventions, and then we will conclude on that.

I understand that Mr. Cooper and Mr. Barrett will be splitting their time. We're going to start with Mr. Cooper for six minutes.

Go ahead, sir.

Mr. Michael Cooper: Thank you very much, Mr. Chair.

Perhaps I'll make a starting point to correct Mr. Fisher. Conservatives voted non-confidence in this rotten and corrupt government. We didn't vote against additional funding for the commissioner.

Ms. Maynard, is it correct that your office sought \$6 million in interim funding from this government in 2023?

Ms. Caroline Maynard: In 2023, we requested \$3 million.

Mr. Michael Cooper: Was it \$6 million in 2022?

Ms. Caroline Maynard: Since 2018, every year we have asked for \$3 million in temporary funding. In 2020, it was permanent funding that was given to us, and since then we haven't received any funding additional to that.

Mr. Michael Cooper: You've been turned down by the government.

Ms. Caroline Maynard: I haven't received any responses.

Mr. Michael Cooper: I would submit that that is the equivalent of being turned down, if you haven't received any response.

On a different note, the public accounts committee has been seized with the Liberals' green slush fund scandal. One of the issues that we have been probing was the appointment of conflict-ridden chair Annette Verschuren. There is evidence that Navdeep Bains rigged the process to appoint a Liberal insider, Ms. Verschuren, as chair of SDTC, better known as the green slush fund. The committee ordered that the PCO turn over all emails and all documents between the PCO, the industry minister's office—then minister Bains—the PMO, as well as the Department of Industry. Incredibly, not a single email could be found. We're talking about the appointment of the chair, someone who is responsible for overseeing one billion taxpayer dollars. One of the issues identified by PCO in explaining why they couldn't find any emails was that many of the records were transitory in nature and therefore had been destroyed.

Do you have any thoughts on the existing policy around transitory records and whether that policy needs to be re-examined?

• (1745)

Ms. Caroline Maynard: The policy on records is administered by the Treasury Board, and it's the same thing for retention of emails and documents. I've always said, and former commissioners

as well, that there is a need for a legislative duty to document decisions. I cannot comment on this particular situation, as we may have a complaint that we may have to investigate, but there is definitely a need—especially nowadays, with the technology that we're facing—to document decisions that have an impact on decisions that are being made in the government.

Right now, there is no such thing as a legislative duty to document. It's something that we had recommended as well in our submissions for our legislative review.

The Chair: Go ahead, Mr. Barrett, for two and a half minutes.

Mr. Michael Barrett: Commissioner Maynard, yesterday on X, Matt Gurney, who's a journalist at readtheline.ca, wrote, "A U.S. federal agency gave me a detailed response to a question I sent today. It included more info than I asked for and a statement I could attribute to an official. Response time was 2.5 hours. Sigh." Why is it possible for a Canadian journalist to extract a response like that from the U.S. government, and no journalist can extract anything like that from the Canadian government?

Ms. Caroline Maynard: I cannot comment on that particular situation. I can tell you that some journalists are getting information quickly from this government as well, but there's also a lot of frustration when institutions are not responding with a quick response.

There's a difference between a media request and an access to information request. I'm responsible for the access—

Mr. Michael Barrett: There are ATIPs in this country that are older than my children. My children are 11, 10, eight, six and four years old, and there are ATIPs older than each of them. Why?

Ms. Caroline Maynard: Again, I think the system is overwhelmed. The act is antiquated. We're dealing with institutions that are reviewing papers by hand, removing duplicates by hand. There's a lot to be done.

Even within my institution, I had a backlog of files that were the age of your kids. Fortunately, because we became more efficient, we have reduced that age, but it's still not sufficient. We still need more resources to respond to access requests in a timely manner, because, as you mentioned, the information has to be relevant. When you ask for information, you want it now; you don't want it in 10 years, unless you are doing a history book. It is unfortunate that this is the situation in Canada.

Mr. Michael Barrett: Thanks.

The Chair: Thank you, Mr. Barrett.

I now go to Mrs. Shanahan.

Go ahead for six minutes.

Mrs. Brenda Shanahan: Thank you, Chair.

I want to return to the question of lobbyist registration, Madame Bélanger, in particular with the case of Jenni Byrne + Associates. It's clear that Jenni Byrne was a registered lobbyist with her firm prior to Pierre Poilievre becoming the leader of the Conservative Party of Canada. Within days of that happening, this new company, Forecheck Strategies, was registered, and employees from the Jenni Byrne company were working for Forecheck. Per the website of Forecheck and the website of Jenni Byrne, there was still some confusion or an omission of registration of employees. As a result of some excellent reporting work by the media, questions were asked, and then Jenni Byrne's photo was taken down. Changes were made to the two websites in question and the registration following those questions.

You know, I think that's the definition of setting up a shell company, but we're not here to talk about that. I think we understand that the real issue is the influence that somebody can have working as a lobbyist, whether they're registered or not. They're working with private companies and then have an influence on politicians formulating policy and so on.

Reports indicate that Ms. Byrne does indeed attend regular caucus meetings, meetings that are typically reserved for Conservative MPs—and senators, apparently; I think the Conservatives still have their senators with them—and their Conservative staff. Ms. Byrne, apparently, is actively participating in morning strategy calls within the opposition leader's office.

In situations like this, I think we have seen, in other cases, individuals actually consulting with the officer of Parliament in question for advice. Has Ms. Byrne ever consulted your office for advice on this matter, on her change in roles?

● (1750)

Ms. Nancy Bélanger: Whether Ms. Byrne consulted my office or not, I will not confirm. Many people call our office for advice, and it's confidential advice. If lobbyists are lobbying and are not registered, I look into it. If they're not lobbying, then they don't need to be registered, and the matter ends there.

I review everything. As I have stated before, this is a matter that I continue to review, and I will not comment any further on it.

Mrs. Brenda Shanahan: It is very illuminating, because it does seem that people change roles, and it does not always happen in a very transparent fashion.

Is this something that your office would advise on if asked?

Ms. Nancy Bélanger: Obviously, if any of you leave your office, you're subject to some rules. Once you leave office, you're subject to the prohibition on lobbying, so of course I would advise you on it. When people change jobs, when people actually participate in your political activities, then they ask me if they can lobby you, so we do get a lot of questions about their role: when they can communicate and how the code of conduct applies.

Mrs. Brenda Shanahan: Thank you for that.

Could you elaborate on that advice, when a lobbyist is becoming a political staffer, for example?

Ms. Nancy Bélanger: For someone who is a lobbyist and who leaves their function as lobbyist and become a political staffer, it's a constitutional right to participate in partisan political activities, so individuals can do that. Should they choose to come back to being a lobbyist afterwards, then there will be rules in place. I will tell them at that time that they need to call me back because there will likely be a cooling-off period so that they can't lobby certain individuals because there clearly would be a sense of obligation. It's very much on a case-by-case basis.

Mrs. Brenda Shanahan: I thank you for that.

Do you think that there are gaps in the current legislation around lobbying and that there are indeed loopholes that people are taking advantage of?

Ms. Nancy Bélanger: There are a few. I would love to come back and chat with you any time about that. For sure, there's the threshold. There is the spectrum of sanctions. We can talk about directing minds, about volunteers and about the post-employment restriction. If any of you leave, you can't lobby as a consultant. You can lobby for a corporation for up to 20% of your work, but you can't lobby for an organization.

There are some bizarre rules in the Lobbying Act that need to be fixed, absolutely—hence the need to look at the Lobbying Act and make changes, not just review but make changes.

Mrs. Brenda Shanahan: How much time do I have, Chair?

The Chair: You have 14 seconds.

Mrs. Brenda Shanahan: I think we'll leave it at that.

Thank you very much.

The Chair: Thank you.

[*Translation*]

Mr. Villemure, you have six minutes.

Mr. René Villemure: Thank you very much.

I'm going to turn to you, Ms. Bélanger.

Thank you for your thoroughness in bringing forth these issues. This is very important, even if you tell my colleagues opposite what they can do next year, after the election. But I won't tell you about Jenni Byrne or Mark Carney.

We've heard a lot from Ms. Maynard about the need for independence. What would you have to say about that?

● (1755)

Ms. Nancy Bélanger: Independence is important. It's important financially. It's important for our positions so that we're not influenced, so that we have integrity, so that we don't allow ourselves to be influenced by what's going on. We are listening, we are reviewing the files, but our decisions are based on integrity. We make decisions based on our laws and the facts before us.

Mr. René Villemure: People write to us on all kinds of subjects, and someone wrote to me the other day saying that your term shouldn't be renewed because, according to him, you didn't investigate nine violations of the Lobbying Act that had been referred to the RCMP.

So I'd like to hear what you have to say about that.

Ms. Nancy Bélanger: You and members of the Senate, not public opinion, will decide whether or not to renew my term. I personally review all the files that are before me with rigour.

With regard to the nine offences you're referring to, I have no idea who and what your correspondent is talking about. As soon as there's reasonable doubt that an offence has been committed, I refer the matter to the RCMP. I sent sixteen files to them. So I take that seriously.

I can say that among the files I sent to the RCMP, the degree of seriousness of the offences varied. Sometimes it was a person who didn't file a communication report. If there's an offence, I refer the matter to the RCMP. However, I'd like to have the discretion to determine whether I should make a public report, instead of sending the matter to the RCMP, because some offences are more serious than others. Currently, any potential violations that I see are referred to the RCMP.

Mr. René Villemure: Right now, it's either black or white.

Ms. Nancy Bélanger: It's either black or white.

Mr. René Villemure: There's a lack of nuance.

Ms. Nancy Bélanger: Absolutely.

Mr. René Villemure: For example, if I refer to WE, Facebook, SNC-Lavalin, or something like that—that's what was brought up—do you remember those files? Why would you, apparently, have neglected to investigate those files?

Ms. Nancy Bélanger: First of all, I don't want to talk about those issues.

Mr. René Villemure: Okay.

Ms. Nancy Bélanger: To say that I didn't conduct an investigation is completely false and unfounded. I don't know where that person got that information.

I look at everything; on the Facebook, WE, and SNC-Lavalin files, I certainly did what I normally do and confirmed that I was looking at all the files.

Mr. René Villemure: So your work is non-partisan, impartial, neutral, objective—

Ms. Nancy Bélanger: It's objective, impartial, honest, and carried out with respect for people and democracy.

I do so with transparency as much as possible.

Mr. René Villemure: I assume that your objective is always to maintain public confidence and the credibility of the institution.

Ms. Nancy Bélanger: Yes, absolutely.

It's important that lobbying be done in a transparent and ethical manner. If the rules aren't followed, it's my role to ensure that they are, and I do my job.

Mr. René Villemure: After being around for many years, lobbying has developed a negative aura for a lot of people, who think it's about deals between people who know each other, or other such things.

Do you have any plans to educate the public on this?

Ms. Nancy Bélanger: As I said earlier, we've managed to talk to over 9,000 people over the past seven years. My first message is always to say that lobbying in Canada is not the same as it is in the United States. Lobbying here is recognized as a legitimate activity, as long as it's transparent and ethical.

The problem is that there's still work to be done in terms of transparency. That's where the law must be changed.

Mr. René Villemure: I hear you loud and clear. That's a recommendation we certainly have to take into consideration.

Last year, we discussed the Lobbyists' Code of Conduct, which had been updated, if I can put it that way.

Are you satisfied? What has it changed in your daily activities?

Ms. Nancy Bélanger: I'm very satisfied.

I would add that most of the lobbyists I met during my presentations appreciate having clear rules. However, we're getting a lot more calls than we used to because they want us to confirm whether their behaviour is ethical or not.

That has increased our workload in a very positive way. This isn't a complaint at all. That's great, because we didn't get calls before. We didn't know what was going on. I'm now aware of receptions that organizations want to organize and gifts they want to give. They inform me.

Providing advice to ensure that the behaviour of lobbyists remains ethical helps us do our job.

• (1800)

Mr. René Villemure: Providing education to the public would be interesting because, as I told you, I get a lot of emails and calls telling me that so-and-so did this and so-and-so did that. In general, I refer them to your office. However, to ensure people's trust, couldn't something be done with regard to the public?

Ms. Nancy Bélanger: Yes, absolutely, and that's certainly one of the goals I often discuss with my team. But we have a small team and that's a problem. Also, how do we reach out to people who are interested, knowing that not everybody is interested?

Mr. René Villemure: No, but it interests a lot of people on the X platform.

Ms. Nancy Bélanger: So I'll start with the X platform.

Mr. René Villemure: Thank you very much.

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

[English]

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

Mr. Matthew Green: Thank you very much, sir.

Ms. Maynard, you've stated many times, including in your special report to Parliament in May 2024, that "the best access request remains the one that did not need to be made in the first place." Can you elaborate on this idea?

Ms. Caroline Maynard: I believe in transparency by default. I believe our institutions should use that as their first means to provide information to Canadians. We should not have to ask for information through an access request. We should not have to wait 30 days. We should be able to click on Google and get the information from the Internet and pages that are already public.

Institutions that are receiving requests multiple times on the same subjects should know that this is something people want to know about, and they should publish that information instead of waiting for an access request. That's what it means.

Mr. Matthew Green: You may recall in your time that, from July 2018 until October 2021, the Liberal government actually had a minister of digital government, who was seemingly responsible for providing information technologies as a whole-of-government approach, as well as for digital strategies and programs at the Treasury Board Secretariat.

In your time, did you witness any real efforts to see this ministry, or at least this mandate under Minister Murray at the time and Minister Brison before her, move toward this idea of open by default? Certainly, it's something the Liberal government campaigned on, but it seems that at some time in 2021, it just pulled the plug on it.

Ms. Caroline Maynard: Unfortunately, I have not been kept in the loop of what the minister has been doing with respect to digitization. We know there is work being done, but unfortunately the number of access requests has not gone down, so it doesn't seem to be having an impact on the information provided.

Mr. Matthew Green: They abolished it in October 2021. I was just wondering if, in your time, you saw any material improvement and then decline, or was this an exercise in futility?

I'll go back to the funding model. On March 7, 2023, during your appearance before our committee, you made the following statement. It was a strong one. You said:

I strongly believe that a model that gives the Minister of Finance and the Prime Minister the power to limit the required funding of agents of Parliament is contrary to our oversight role. As agents of Parliament, we report directly to Parliament, rather than to the cabinet or a particular minister. Frankly, the manner in which we are funded should reflect this independence.

Do you still have the same position on the issue?

Ms. Caroline Maynard: Yes, I do, 100%.

Mr. Matthew Green: It was also reported, if I recall correctly, that your department was positioned in a structural deficit resulting from unfunded salary increases that were, further to the collective agreement, negotiated by the Treasury Board.

Is that still the case?

Ms. Caroline Maynard: Yes. In June, we were told that the only way to resolve this situation was through an off-cycle budget ask, which we submitted in June. To this day, I haven't heard whether that budget request has been submitted to the finance minister by the Minister of Justice.

Mr. Matthew Green: This really is a practical example of the flaw in the funding model to begin with. In fact, when left to political or partisan actors, you're effectively left with this structural deficit.

Is that correct? Is it safe to say that causation and correlation are one and the same here?

• (1805)

Ms. Caroline Maynard: I'm kept out of the loop. That's the reason I believe that we have to have a different mechanism, so we can have that discussion with the parliamentary people we are reporting to and so we can ask for funding and provide evidence for these requests that we need additional funding.

Mr. Matthew Green: In your annual report, you state that you'd like to see "an overhaul" of the access to information system and that "legislative changes" are needed to "meet the needs of the 21st century." You also note that amendments to the Access to Information Act are unlikely to be proposed until 2025.

In what main respects should the Access to Information Act be modernized?

Ms. Caroline Maynard: As Nancy said, there's a lot to be changed, but definitely, as I've testified before, we need an act that will make cabinet ministers and the Prime Minister's Office subject to the Access to Information Act. We need cabinet confidence to be subjected to the act. We need an independent mechanism for financing. The list is very long. We need an overall review of exemptions and exclusions. We need a public interest override, which is one act that we don't have in Canada compared to other jurisdictions.

As I said earlier, I will use these seven years of experience that I've had to submit better, longer and more supported submissions in 2025 when the act is reviewed, if I have the chance to be renewed in my position.

Mr. Matthew Green: Not to pre-empt anybody, but it's looking like that's going to be the case.

I just want to thank both of you for being here today. Certainly, you have your work cut out for you in this respect. I do hope, at least from our NDP position, that we find these independent processes for funding that are non-politicized and not relying on cabinet, because we also agree that you are agents of Parliament and not of any one minister.

Thanks again for being here.

Those are my questions.

The Chair: Thank you, Mr. Green.

I do have a question for Madame Bélanger.

Earlier in your testimony, you said that there are 9,000 registered lobbyists right now. You said, if I recall, "There are a lot of them". In the seven years you've been here, since the start.... What was the number of registered lobbyists seven years ago?

Ms. Nancy Bélanger: The average, from active registered, was about 5,700. Now the average is 7,400, so that's about 2,000 more. Our peak has been 9,000 at any one time. Lobbyists go in and out. We've had peaks of 9,000. They've risen by about 2,000.

The Chair: Would it be safe to say that it's like a 40% increase in the number of lobbyists, roughly?

Ms. Nancy Bélanger: Yes, and it's about the same for the number of active registrations.

Monthly communication reports—these oral, arranged in advance communications—were 23,000 in 2017. Now we're at 34,000. Everything has increased.

The Chair: Okay.

On behalf of the committee, as chair of a committee that provides oversight on access to information and lobbying, I want to thank you both for the work that you've done. I've been chairing this committee now for over two years. You've been in front of this committee several times within that time, and you've been forthright in the information you have provided, despite the sense of frustration that I get when you appear. Notwithstanding that, you plow through and you provide not just this committee and Parliament, but all Canadians with valuable information in the work that you do.

As chair of this committee, I have the utmost confidence in your reappointment and your ability to continue to do your work for the next seven years. Again, that's one voice.

I will turn to Mr. Fisher now to move the appropriate motion to report to the House that the committee has confidence in your appointment. We will open it up for debate. I suspect that there will be none, but that's up to the committee members. Then, I will stand and report positively how this committee feels about your appointment.

Mr. Fisher, go ahead.

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

Thanks again to both our witnesses.

I move:

That the committee has considered the proposed appointment of Caroline Maynard as Information Commissioner of Canada and reports its support for her appointment to the House.

The Chair: The motion has been moved.

Is there any discussion?

(Motion agreed to)

The Chair: Thank you.

Go ahead with the second motion, please.

• (1810)

Mr. Darren Fisher: I move:

That the committee has considered the proposed appointment of Nancy Bélanger as Commissioner of Lobbying of Canada and reports its support for her appointment to the House.

The Chair: Thank you, Mr. Fisher.

The motion has been moved.

Is there any other discussion on that?

(Motion agreed to)

The Chair: Thank you for moving that, Mr. Fisher.

Again, thank you for being in front of the committee today and for providing us with the information that you did. We continue to wish you the best of luck.

I want to thank your staff as well. I know that both of you have acknowledged and recognized the work that your staff do. It's tough work, and we appreciate it.

Thank you so much.

This meeting is now adjourned.

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