HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

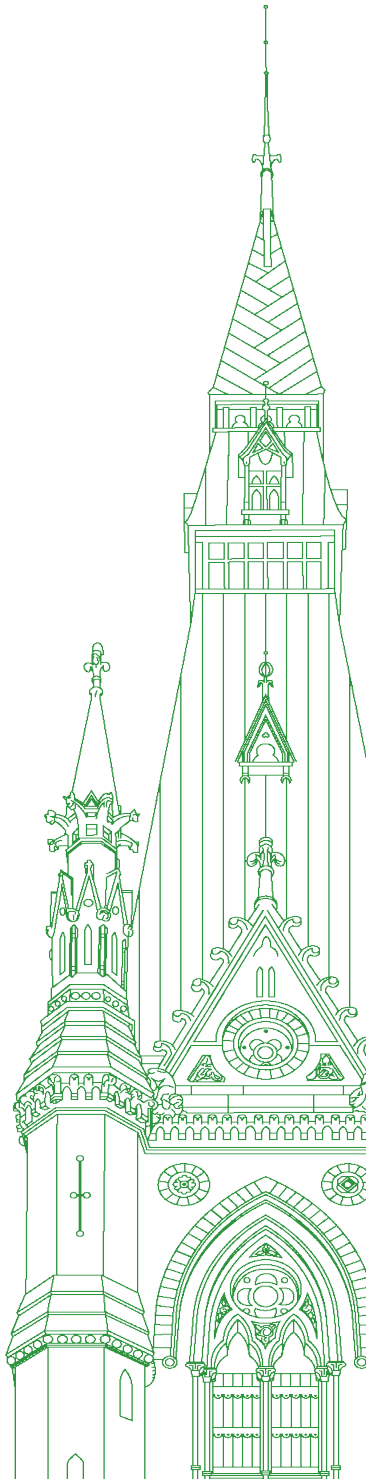
45th PARLIAMENT, 1st SESSION

Standing Committee on Access to Information, Privacy and Ethics

EVIDENCE

NUMBER 036

Thursday, April 16, 2026



Chair: John Brassard

Standing Committee on Access to Information, Privacy and Ethics

Thursday, April 16, 2026

● (1530)

[*English*]

The Chair (John Brassard (Barrie South—Innisfil, CPC)): Good afternoon, everyone. I'm going to call this meeting to order.

[*Translation*]

Welcome to meeting number 36 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

Pursuant to the order of reference of Thursday, February 12, 2026, section 14.1 of the Lobbying Act, and the motion adopted by the committee on Wednesday, September 17, 2025, the committee is resuming the statutory review of the Lobbying Act.

[*English*]

I'd like to welcome our witness for the first hour today, all the way from British Columbia: Michael Harvey is from the Office of the Registrar of Lobbyists for British Columbia. He is the commissioner and registrar.

Mr. Harvey, I welcome you to the committee. You have up to five minutes to address the committee. That will be followed by questions from members.

Go ahead, please.

Michael Harvey (Registrar, Office of the Registrar of Lobbyists for British Columbia): Thank you very much.

Good afternoon, Chair and members of the committee. Thank you for inviting me here today.

I'm pleased to assist the committee in its study by providing you some information about key aspects of British Columbia's Lobbyists Transparency Act, which I'll refer to as the LTA, and my office's role in administering it.

As the Information and Privacy Commissioner, I am designated the Registrar of Lobbyists for British Columbia. Importantly, my role as an officer of the Legislative Assembly is non-partisan and independent.

The overarching purpose of the Lobbyists Transparency Act is in the name itself: transparency. The LTA sets out to ensure there is transparency in who is paid to communicate with and attempt to influence the decisions of B.C. public office holders.

One of the strengths of B.C.'s LTA is that it is a relatively simple act. As a regulator, I can attest that there is a beauty in simplicity. Simplicity leads to understanding, which leads to compliance, which ultimately leads to transparency. In a recent appearance before our own statutory review committee, I reinforced this concept: Keep it simple, keep it simple, keep it simple.

I will focus my remarks this afternoon on three important sections of the statute that support transparency. First is the principle underlying what has been referred to at this committee as “registration by default”. Second is the requirement to file monthly lobbying activity reports for any lobbying communication with senior public office holders. Third is my office's authority to support compliance through education and, in significant cases, via administrative penalties.

I'll start with the registration threshold that has been in place since major amendments to the act came into force in 2020. The amendments harmonized the registration requirements for both consultant lobbyists and organizations, and removed a collective 100-hour threshold for in-house lobbyists over a 12-month period.

Prior to the 2020 amendments, this 100-hour threshold did not apply to consultant lobbyists. This created a two-tiered system whereby consultant lobbyists were subject to more stringent regulatory requirements than organizations, and it obscured transparency by allowing for considerable amounts of lobbying by organizations to go unreported. Now, under the LTA, all lobbyists are treated the same, providing the public with better transparency of the lobbying being conducted in this province.

The ORL saw an increase of over 100% in the number of registered organizations in the year following the removal of the 100-hour threshold. It is evident that significant lobbying efforts were previously unreported and inaccessible to public scrutiny.

Now, with that said, the LTA does exempt from the requirement to register organizations that have fewer than six employees and lobby for less than 50 hours over a 12-month period, unless the primary purpose of the organization is to represent the interests of its members or to promote or oppose issues. Some have characterized this as a small business exemption, but in fact, it also applies to small, service-oriented non-profits.

The next aspect of B.C.'s legislation that I would like to highlight for you today is the monthly return. Via the monthly return, lobbyists are required to submit details about any lobbying communications with senior public office holders that occurred in the month prior. Senior public office holders are a subset of the most high-ranking public office holders.

Monthly returns must include any communication directed at a senior public office holder, including meetings, correspondence, phone calls or social media posts directed at a senior public office holder. If it meets the definition of “lobby”, it must be reported in a monthly return.

The return includes details such as the date of the activity, the names of the lobbyists, the subject matter and intended outcome, and the names and titles of the senior public office holders. This requirement provides the public with timely, detailed information of lobbying activities directed at government and government-controlled entities.

Finally, I would like to conclude with the ability to levy administrative penalties. My office leads with education. We reserve investigations into matters of non-compliance for cases where contraventions are significant or repetitive. In these cases, I do have the authority under the LTA to issue administrative penalties on lobbyists found to have contravened the act.

As a regulator, I am most effective when I have a whole range of tools in my tool box to choose from. Penalties function as one of those tools, as a necessary incentive for lobbyists to meet their transparency obligations under the LTA. Penalties can be either monetary, up to $25,000, or a prohibition on lobbying for a period of up to two years. I note that since the amendments came into force six years ago, the ORL has conducted over 7,000 compliance reviews and published only 17 decisions regarding non-compliance and associated penalties. Monetary penalties administered in those decisions range from $650 to $8,000. To date, my office has not issued a penalty prohibiting lobbying.

● (1535)

With that, Chair, I am happy to answer questions from you and members of the committee.

The Chair: Thank you, Mr. Harvey.

We're now going to go to Mr. Hardy.

[*Translation*]

Mr. Hardy will have six minutes to ask questions.

[*English*]

Mr. Harvey, if you need interpretation, make sure you use the earpiece. Wait until the interpretation is over, and then you can respond to Mr. Hardy. It just makes it easier from a back-and-forth standpoint. At least, that's my experience.

[*Translation*]

We're going to start now.

You have the floor, Mr. Hardy.

Gabriel Hardy (Montmorency—Charlevoix, CPC): Thank you very much, Mr. Chair.

Thank you for joining us today, Mr. Harvey.

My understanding is that in 2020, there was a legislative change pertaining to lobbying in British Columbia. You made it mandatory to report all lobbying activities for anyone with an influence on a public office holder. The person has to make a public report, so that you can see what is going on. You spoke about a 100% increase in registration thereafter. Ultimately, more people reported they were lobbyists.

Did this increase the administrative burden significantly?

Did you notice an increase in the number of lobbyists? Was it always the same people? With the system being more structured, did it provide for better oversight?

How did you manage the 100% increase in registrations with existing staff and the structure that was introduced thereafter?

[*English*]

Michael Harvey: Thank you, Mr. Hardy, for that question. It touches on a number of elements, so I'll address each one of them.

First, as I mentioned in my speech, we did see, after those amendments came in, a year-to-year 100% increase in the number of lobbyists who are entering their registration into the registry. It's important to clarify who needs to provide information on what in the registry. Anyone who lobbies any public official in a provincial entity needs to register as a lobbyist. If they're trying to influence any public office holders as part of their jobs, that is something they need to register.

The monthly returns need to be filed for lobbying activities with only senior public office holders, so only the most important. That way, we, on the one hand, get maximum transparency on lobbying across the board of both senior and junior officials. The more detailed information in the registry and available for scrutiny is for the lobbying of the most senior public office holders. It's important to clarify the two types of information.

● (1540)

[*Translation*]

Gabriel Hardy: In Canada, there is a distinction between applying for grants and lobbying to be awarded a contract. If a person tries to get a contract, it would appear that does not qualify as lobbying. However, if the person lobbies to secure a grant, they are required to register.

Is it the same in British Columbia? Does a direct request to a decision-maker to be awarded a contract also count as lobbying?

[*English*]

Michael Harvey: That's a very important question. It's an important difference between our acts, and it's very important and insightful to shine a light on it.

In British Columbia, the purpose of the act is to make sure that there is a transparency function, so the public is able to see what's going on. The general principle at work here is that if the public is able to see something through a means that is already public, and there's already a transparency function, it does not necessarily need to be duplicated.

With respect to, let's say, the procurement process, there is transparency reaching through the procurement regime, and the transparency function is achieved there. If someone is following the procurement process that is governed by that legislation, the lobbying activity in trying to get a government contract is not required. If a lobbyist steps outside of that and tries to influence that outside of the formal procurement process, that influence becomes lobbying. The key is the concept of influence, where someone is trying to influence decisions as opposed to participating in an established process.

The same would apply to grants. Let's say a non-profit organization is participating in a grant project. Of course, non-profits do a lot.... That's a big part of the business for non-profits. If it's putting 30 hours of work into preparing a grant application, that work does not count towards lobbying. If it gets a meeting with a senior public office holder, and it tries to influence the awarding of that grant outside of the grant application process, that is lobbying. That's a key difference between the provincial and federal acts, and it's insightful of you to put your finger on it.

[*Translation*]

Gabriel Hardy: Ninety-nine per cent of businesses in my riding of Montmorency—Charlevoix, and in Quebec in general, are small or medium-sized enterprises, or SMEs. In Canada, 98% of businesses are SMEs.

People often tell me that the perception they have is that large businesses have the resources to pay lobbying firms to lobby the government, whereas SMEs don't have the time to do that. They have to focus on their businesses to try to turn a profit at the end of the month.

Have you introduced any measures to make things easier for SMEs and to ensure that businesses have quick access to the government, so they can make suggestions and have some influence over decision-makers, so they have a bit more clout?

Ultimately, will large lobbying companies continue to take up the most space when it comes to lobbying decision-makers?

[*English*]

Michael Harvey: The exception that I referenced in the registration-by-default approach does essentially allow for lobbying by small businesses if that is not their primary purpose. If their primary purpose is running a hardware store, for example, they have fewer than six employees and they do less than 50 hours of cumulative lobbying over the course of the year, then they are exempted from the act. They, as well as, let's say, a small.... A swim team, for example, is also exempted from the act.

The LTA isn't able to level every playing field, but we are cognizant of that issue.

The Chair: Thank you, sir.

[*Translation*]

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

Linda Lapointe (Rivière-des-Mille-Îles, Lib.): Thank you very much.

Good afternoon, Mr. Harvey. Welcome.

That is very interesting. We have heard a lot about British Columbia's lobbying act. The Commissioner of Lobbying of Canada spoke about it here and had a lot of good things to say about it.

Can you give us an overview of the bill that amended the act?

Can you also talk about some of the main changes that were made, and explain why the changes were necessary and how they have improved the regime?

[*English*]

Michael Harvey: Certainly.

The first thing I should mention is.... I understand that you have, later today, representatives from the Organisation for Economic Co-operation and Development coming to talk to you, and I think that's excellent. When Commissioner Bélanger and I and our colleagues from Quebec, who I understand are appearing next week, were recently in Paris at OECD meetings where they have created a network of lobbyists, it was very apparent at that meeting that Canada has long been seen as a leader in oversight and that, among those, B.C. and the LTA are recognized as a leading example. Canada was essentially the first country to introduce a lobbying regime.

Lobbying oversight is one of the least developed forms of integrity regulation in the world. However, it's growing, and Canada is seen to be a leader. This is a real opportunity for Canada to take the next step in leadership, and I think the OECD will be able to provide you with information on really what the next best practices are. It does excellent work, and we rely on its recommendations quite a lot.

Certainly, the recommendation that we rely on a lot.... One of the three that I characterized is registration by default, which has the benefit of a broad approach. This is consistent with OECD recommendations to be broad and inclusive. The OECD is of the view—and we agree at the ORL in British Columbia—that a lobbying regime should be all-inclusive and that people should have the ability to see the full scope of what is being recommended or who is trying to influence public office holders.

There are two aspects of this, if you'll permit me to explain why. The first is value neutrality. It's very important that the act not be seen to be embedded with values about what are good organizations and what are not good organizations. I think we all need to be honest. There's no question that the word “lobbying” comes with some stigma. I begin all of my speaking remarks by saying that lobbying is an important function in our democracy. It is how our public office holders come to learn about what the different organizations in our jurisdictions want and need from their government and government-controlled entities.

Lobbying, if it is transparent, is an important part of democracy. It's the transparency and the historical attitude towards this idea that lobbying takes place in the shadows that really are the basis for the stigma. There's no question that the stigma associated with lobbying is part of the concern for carve-outs and for groups to not want to be seen to be lobbyists. Even some public officials, senior public office holders, don't want to be seen to be lobbyists. However, lobbying is an important part of our democracy. I think it's best that we shine a light and address the stigma that's associated with it and, through that, build transparency.

Regulation by default is an important way to say that this act is value-neutral. It doesn't pick good and bad organizations and say that some are covered and some are not. Everybody is covered.

The other aspect is a little bit counterintuitive. Having everybody in the registry, whether they're pursuing corporate interests or not-for-profit interests or whether they're charitable organizations—as long as you're influencing, you're in—does allow the public to look in the registry and see who is getting more access to government officials and who is doing what type of lobbying. If, indeed, the playing field is uneven and if, indeed, as Mr. Hardy mentioned, the big businesses are the ones with the specialized access, then people can see the full suite of who is influencing and make those judgments for themselves. That's how we build trust.

● (1545)

[*Translation*]

Linda Lapointe: Thank you.

The Chair: You have 50 seconds.

Linda Lapointe: Okay.

In your opinion, how can the statutory review of Canada's Lobbying Act take those changes into account, particularly with respect to the recommendations made by our own Commissioner of Lobbying?

[*English*]

Michael Harvey: I talked about simplicity. One other aspect of simplicity is simplicity across this country.

I started my career years ago in the Government of Newfoundland and Labrador, in intergovernmental affairs. I've worked in many different intergovernmental sectors with governments across this country for many years. I can say that it's a dream in every sector to have our laws aligned so that when we have organizations working across jurisdictions, they don't suffer challenges with having to comply with the varying regimes. Everybody dreams of this, but, of course, we also live in a federation and want to respect the wishes of the people of each of our jurisdictions. That's part of our Constitution.

I'm here to talk about British Columbia. I wouldn't presume to tell the federal Parliament exactly what policy choices to make, but I would encourage simplicity through harmonization. There's a real opportunity here.

● (1550)

The Chair: Thank you, Mr. Harvey.

[*Translation*]

Thank you, Ms. Lapointe.

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

Luc Thériault (Montcalm, BQ): Thank you, Mr. Chair.

Commissioner Harvey, welcome.

As Ms. Lapointe said, the Commissioner of Lobbying made 21 recommendations, including 15 that are modelled on your Lobbyists Transparency Act. My questions reflect a concern about comparisons between the two acts.

I'd like to talk about prohibitions. In recommendation 15, which relates to the five-year restriction on lobbying in Canada, the commissioner recommends the following:

> Amend the Act to harmonize the five-year restriction on lobbying so that all former designated public office holders are prohibited from engaging in any lobbying activities for the duration of their five-year restriction on lobbying, regardless of whether they work as a consultant or for an organization or corporation. Currently, former designated public office holders who are employed by a corporation may lobby up to a significant part of their own work.

Your Lobbyists Transparency Act includes a two-year lobbying prohibition for former public office holders. As I said, Canada's Lobbying Act sets out a five-year prohibition.

What do you think of a five-year prohibition?

Do you think it's too long?

Why did British Columbia decide on a two-year prohibition?

Are there any exemptions in the enforcement of the two-year prohibition in British Columbia? If so, under what criteria?

[*English*]

Michael Harvey: I should immediately contradict myself—what I've just said about the opportunity to harmonize—but this is another example of where some variation across the jurisdictions may be justified.

As you point out, in British Columbia there is a two-year cooling-off period for former public office holders. As for why that number is different from the five-year period at the federal level, I'm not sure that I can answer that question. I think these are policy choices that are made by different jurisdictions. I think that the labour markets and the political ecosystems at the provincial level and at the federal level are likely to be a bit different. I think there may be some scope for variation in the amount of time.

As for the exceptions, yes, there is an exception provision for former public office holders to be able to lobby. We have just a handful of examples of where that exemption has been sought and granted. In my instance, it's based on public interest, which is a complex topic.

This was not a feature of the recommendations I made before my statutory review committee, but if I were to focus on this, I would probably recommend to my own committee that the scope of decision-making be that the federal commissioner have in their act to consider a range of different issues, because of the complexity of defining this public interest and having that principle embedded in the act. That's because it appears in there in the act but not in other places.

This is in the public domain. My predecessors have provided exemptions to, for example, former public officer holders who wanted to work for BC Ferries, which is identified as an entity. It's not considered a government-controlled entity in British Columbia. If someone wants to work there and influence government, then that would be defined as lobbying, but the submissions to my office and to me were that being able to do that was in the public interest, and we ultimately agreed. That's an example of where an exemption was granted, but, as I say, since this has been in effect over the past six years, there have been only three or four examples of exemptions being sought and granted.

● (1555)

[*Translation*]

Luc Thériault: You said that the cooling-off period was a policy decision. The fact is that lobbying firms often seek out public office holders who used to be ministers or who held senior positions in the public service.

Do you think a two-year cooling-off period is sufficient, given that these people have built up networks in the course of their duties?

In your opinion, this is a policy decision, but I'd like to hear the opinion of British Columbia's lobbying commissioner.

[*English*]

The Chair: I will need a short answer from you, Mr. Harvey, if you don't mind. I know it was a long question, but we're already 15 seconds over.

Michael Harvey: I understand.

What I will say is that we have seen operationally no problems with this policy choice. What I will further say is that this policy choice needs to make sure that this cooling-off period doesn't serve as a disincentive for people to enter political life. That is an important balance that policy-makers need to take into consideration.

The Chair: I do appreciate that. Thank you.

This is now the second round.

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

Michael Barrett (Leeds—Grenville—Thousand Islands—Rideau Lakes, CPC): What is the right balance between the transparency Canadians look to have, or should have, and the ability for people to be able to transition to new opportunities with a cooling-off period? People who are looking to enter the private sector after leaving time in service to the public, whatever that role might be, would probably be anxious for the period to be shortened, but we can understand on balance why there needs to be that cooling-off period. What's the sweet spot?

Michael Harvey: I can't really say. Now, I would be a former public office holder myself. I'm not covered by the LTA in British Columbia, but I was a government executive before I was appointed as commissioner. I was an ADM in Newfoundland and Labrador, but if I had been an ADM in British Columbia, I would have been a public office holder. Yes, that would have affected my employment prospects, so I certainly have some personal understanding of that concept.

I'm not sure I can say what the right number is. I don't think it's really the position of a regulator to say, with that level of precision, what the right number is.

Michael Barrett: If I can, then, what is the objective that needs to be achieved through the use of a cooling-off period?

Michael Harvey: I think the primary objective is trust and integrity. It's so that people can believe there's not a revolving door.

I think there's a two-barrelled answer to that question. One, there should not be a revolving door. Two, people need to believe that people aren't trading on their networks in their life post holding public office. I think a really long period would be too punitive. A very short one would be too short. Less than two years, I would imagine, would be too short.

I would say that five years is getting on the longish side, but again, I don't think that's for the regulator to say.

● (1600)

Michael Barrett: Do you think it should be absolute in its application, or should there be ranges based on the position held and the position being sought? Should there be flexibility? Should there be exceptions?

Michael Harvey: In the B.C. position, there are exceptions. As I mentioned in my answer to a previous question, I think the commissioner—or in my case, the registrar—should have some latitude to determine the basis of that exception, based on the diverse fact circumstances that apply.

Your other question was about whether there should be a scaling. In B.C. now, we have, “You're in or you're out.” You're a defined former public office holder, the definition of which is similar to senior public office holder. If you're a senior public office holder—for example, if you're not a parliamentary secretary and not a member of cabinet but just an MLA without one of those positions—then you're not a former public office holder. If you're a director in government, then you're not a former public office holder. If you're an ADM or a parliamentary secretary, then you are. It's just two steps.

I would go back to the principle of simplicity. If you introduce a scaling mechanism with many steps, then you start to get into confusion. What about this position? What about that position? Remember, lobbying legislation applies to a broad range of organizations. We're not just talking about MPs' offices or about departments. We're talking about the whole range of Crown corporations, agencies, boards and commissions that are covered. Their organization charts can be really complicated, so if you try to introduce a scaling mechanism that is too complex, you get into endless little debates about whether someone is at this level or that level and whether they are in or out.

My advice to you, as it would be to my own legislature, is that there's a beauty in simplicity. That would be the answer to both aspects of the question you asked.

Michael Barrett: Thank you.

The Chair: Thank you, Mr. Barrett.

Mr. Danko, you have five minutes. Go ahead.

John-Paul Danko (Hamilton West—Ancaster—Dundas, Lib.): Thank you, Chair.

I'm going to continue with Mr. Hardy's line of questioning, I think.

We're all familiar in our constituency line of work with people regularly asking for meetings. It's quite easy to define when it's a consultant lobbyist, since you're being lobbied for a specific issue or fund or whatever it is, but it can get into a bit of a grey area when you're talking about organizations or corporate entities. They are constituents that you represent, but they also have a business interest. It could also extend to advocacy and social justice issues.

There seem to be a number of recommendations that try to clarify when it's lobbying and when it's not. How can we better simplify that and make sure that the people who are engaging with elected officials are also aware that they are in fact lobbying, or are not?

Michael Harvey: That's an excellent question.

The first point I'd make in response is that it's useful to remind the committee, and it's always a useful reminder, that the onus of the law is on the lobbyists. It's not on MPs. It's not on MLAs. It's the lobbyists who need to comply.

That's easy to say, and I know that if I were in your shoes, even though I might know that someone approaching me has the responsibility to figure this out, nevertheless, I'm the public office holder. Their information will or will not be in the registry and will or will not be in the newspaper, but it's a useful reminder that it's for them to figure it out.

That said, how do we make it easy to comply within the definition of lobbying? My answer, as with previous questions, is that simplicity is your friend. It should be a broad definition that focuses on influence, because that's really what this is about: representing interests as part of your job to try to influence a public office holder. A definition that is broadly applicable is less likely to suffer confusion over whether this is lobbying or not.

Because you used the word “advocacy”, I think it's important to reference this issue. We hear it a lot: “What's the difference between lobbying and advocacy?” We hear it from the community as well: “I'm not lobbying. I'm doing advocacy.”

The difference, in my view, between lobbying and advocacy is the stigma that's attached to the word “lobbying”, but there is no real difference. Both are trying to influence public office holders. I know that oftentimes we talk about “interest representation”, which is a useful term, but it's a very bland term and doesn't really resonate with the public. I think “lobbying” is a word that does. I think it's important to say that if you're trying to influence public office holders, there should be transparency about that in a democracy. I think we want to direct our efforts into addressing that stigma and say that in a modern democracy, yes, transparent lobbying is a part of our system.

● (1605)

John-Paul Danko: That's a really fascinating answer. It's quite a bit different from my experience at the municipal level. Thank you for that.

For my second question, I wanted to dig a little bit into recommendation 9, which is talking about grassroots lobbying.

I understand that grassroots lobbying is basically an appeal to members of the public through mass media by direct communications that seeks to persuade them to take a stance on an issue or seeks to influence government decisions. It seems to me that this could also apply to social media, to alternative news sites and to so-called influencers, who routinely can have very sophisticated organizations and who routinely seek to influence public policy and put out calls for action through direct communication or online.

Is that included in what we're talking about, or should it be?

Michael Harvey: I think that's an important question. Grassroots lobbying is not part of the LTA in British Columbia. Whether it's in or not is one of those policy choices. I don't have a lot of expertise to talk about it.

I will pivot, though, and talk about social media. People sometimes ask why they need to register their social media communications as lobbying activity if they're already in the public. To that, I will very quickly respond that social media is not entirely in the public, because not everyone can automatically see every social media post. Also, they're not all in one spot. It's the "all in one spot" part that's the value of the registry.

The Chair: Thank you, Mr. Harvey and Mr. Danko.

That was an interesting response. Thank you.

[*Translation*]

Mr. Thériault, you have five minutes.

Luc Thériault: Thank you, Mr. Chair.

British Columbia's Lobbyists Transparency Act is currently undergoing a provincial parliamentary review. You were a witness during those hearings in December.

Can you share some of the recommendations, or amendments to the Lobbyists Transparency Act, that you proposed as part of the review?

Could some of the recommendations also apply to the federal Lobbying Act?

[*English*]

Michael Harvey: Yes, I think they could. Again, I don't want to speak with expertise on the federal act, because that's not my mandate and it's not my expertise, but I can make some level of comment.

We made five recommendations. The first one is that there be a disclosure of the beneficial interests behind lobbying. If an organization is lobbying on behalf of somebody else, it is obliged to disclose really who is funding its lobbying organization. There are a number of reasons behind that. For example, if a series of corporations got together and decided to create an organization to lobby on their behalf, in principle that may not be transparent in the registry. We think that it's an important principle of transparency that the beneficial interests behind lobbying be disclosed. That was our number one recommendation.

I'll just very quickly run through the others. They're pretty straightforward because, again, I think our act is in great shape.

The second is for the type of communication to be addressed. This speaks to the issue of social media. We heard this from the not-for-profit community. That form of lobbying is in sending tweets or Facebook posts that are directed at social media. They do that, let's say, 100 times over the course of a month, but the public doesn't know, from the registry, the difference between a tweet and a meeting. They think that speaks to transparency about who has what access. We agree, and we think there should be transparency about that. It's a really simple little thing, but we recommended that level of transparency.

The others might be a bit specific to British Columbia.

The definition is not entirely clear in terms of what a provincial entity is. We made recommendations on clarifying that.

I also sought the authority to issue advisory opinions. If someone comes to our office, they often will want specific advice on a specific fact circumstance. We are always wary about prejudicing our quasi-judicial role. I don't have the authority to give them a specific answer to that question. I sought that authority so that I wouldn't have to hedge my advice against prejudicing myself.

The last one is a mandatory consultation of the Office of the Registrar Lobbyists in the case of legislative or statutory changes. We're fortunate that governments, to date, have always consulted us on the legislation or the regulations, and we think this should be mandatory in the law.

Those were the five recommendations. For the ones that might apply to the federal legislation, I would clearly think that they would be a good idea there too.

● (1610)

[*Translation*]

Luc Thériault: With respect to the first aspect you mentioned, is it something you see a lot?

[*English*]

Michael Harvey: I can't really say, because we don't.... It's a fair point. I was wary about making recommendations about hypothetical problems, but there have been instances in which it has not been entirely clear. We have seen instances in which industry associations have emerged, and it's not entirely clear who has been behind them. It doesn't happen a lot, but when it happens, there has been some notoriety about it.

I'll leave it at that.

[*Translation*]

Luc Thériault: Okay.

The Commissioner of Lobbying of Canada recommends that she be allowed, under the Lobbying Act, to refer matters to an appropriate authority, rather than just to the RCMP. Again, she refers to British Columbia's Lobbyists Transparency Act, specifically section 7.92(6).

Which appropriate or relevant authorities can you refer a matter to in British Columbia, and how often do you refer matters?

[*English*]

The Chair: Mr. Harvey, the worst part of my job is telling people that we're over time. I am going to give you a chance to answer that, sir, because I think it's an important question, but if you can do it quickly, I would appreciate that.

Thank you.

Michael Harvey: I understand.

I'm not aware of any instances where we have done that. We have the fence provisions in our act, and we would have to send those to Crown. We've never had to do it. It's important that they exist. If there was a truly scandalous matter, that tool might be useful, but we've never had to do it.

Because we have administrative monetary penalties, we can deal with particularly egregious matters in-house, through that tool box, so that's a very useful tool, even if we have only used it pretty rarely. Beyond that, I've not had occasion to do that.

The Chair: Thank you, Mr. Harvey.

[*Translation*]

Thank you, Mr. Thériault.

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

Gabriel Hardy: Thank you very much, Mr. Chair.

Mr. Harvey, you have spoken to some extremely important issues.

The goal is to serve the public at all times. If a person influences a public decision-maker to get public money, and the money is invested in a certain sector, we'd agree that we'd want transparency. We always want to ensure that money is spent in the best way for the benefit of Canadians.

With respect to your measure to make all lobbying activities public through your registry, how did the public react to that? Have you seen any changes in the perception of lobbying in British Columbia?

Earlier, you said that lobbying is important. It's one of the tools decision-makers have to better understand businesses.

Did you observe any shift in the general public's attitude after implementing the measure?

● (1615)

[*English*]

Michael Harvey: Thank you for that question. I think it's a very important question. Unfortunately, I have to report that I don't have an answer for you.

In part, that's because I'm still a relative newcomer to British Columbia. I've been in office for only about two years. Before, as I've mentioned, I was in Newfoundland and Labrador. With that said, It's a very important question, and I'd like to understand the answer to that question myself.

Under our strategic plan, we have two pillars. I developed a strategic plan. One of those pillars is to do more outreach. My impression as still a relative newcomer to British Columbia is that people in our province aren't sufficiently aware of all the protection they have under the Lobbyists Transparency Act. I think, if they were aware of the transparency, it would enhance the trust that they have in the system.

It is part of my multi-year strategic plan to answer that very question that you're asking, probably through public survey data and so on.

[*Translation*]

Gabriel Hardy: Thank you very much.

You stated that you rely on the concept of simplicity. You noted that there was a 100% increase in registrations.

Has the simplicity of the system you put in place helped avoid excessive bureaucracy? To adapt, did you have to hire more people to manage more files?

City officials in my riding tell me that all legislative changes bring more paperwork. That forces them to ask members of their teams to handle the paperwork, so they have to hire more people; otherwise they won't be able to meet the requirements.

Has putting in place an extremely effective system allowed you to handle things without any difficulty?

[*English*]

Michael Harvey: Yes, Mr. Hardy, I know you asked that question earlier and I wasn't able to answer it. I'll try to provide a succinct reply now.

We did have to increase our staff complement, but let's keep that in perspective: We increased it from two to four. We are able, with the two full-time registry officers that we have, to monitor activity in the registry and flag potential issues of non-compliance.

We also make use of our investigators, and that's why I am the Information and Privacy Commissioner and the Registrar of Lobbyists. In my job as Information and Privacy Commissioner, I have a range of investigators, and those investigators can do double duty and act as investigators on the LTA matters.

Yes, we've had to only very moderately increase our staff complement, but, through creativity, have been able to deal with this regulatory oversight mandate efficiently.

[*Translation*]

Gabriel Hardy: Was the transition complicated?

As you can imagine, if the federal government were to follow this directive, the number of lobbyist registrations could become quite significant fairly quickly.

Did the fact that it was very simple—you increased your staff complement by two only—reduce complications over time? Do you think it's become highly efficient?

Did it take several months for people to adapt, or was it still a good idea to change everything?

[*English*]

Michael Harvey: I wasn't there at that time, but what I've heard is that for the small number of staff who were working on it, it was a significant change management enterprise. I wouldn't say that it was accomplished in six months; a fair amount of work had to go into it, but I think they did it, and they did it well.

[*Translation*]

The Chair: Thank you, Mr. Hardy.

Mr. Sari, you have five minutes.

Abdelhaq Sari (Bourassa, Lib.): Thank you very much, Mr. Chair.

[*English*]

Thank you so much for being here this afternoon and for the testimony you've shared today. You have a lot of knowledge about this issue.

I will ask my question in French.

[*Translation*]

I'd like to pick up on Mr. Hardy's remarks concerning potential administrative burden.

Did you implement certain rules, legislative requirements or changes more slowly because the administrative burden could jeopardize the process?

● (1620)

[*English*]

Michael Harvey: Thank you.

We did have a delay coming into force. Since that time, we've had other minor amendments, and there's always a period of time after the amendments are enacted until they come into force that allows for resources to be developed, staff to be put in place and education and outreach to be done.

I think that's a normal part of expanding regulatory oversight. It takes a lot of work, but I think it was well planned out and executed successfully.

[*Translation*]

Abdelhaq Sari: I'd like to talk a little about technical details. I'm thinking about tools that were put in place, especially compliance tools. Some of the tools have penalties.

Can you give us more details about the penalties you added?

Should the federal government also introduce penalties, to make the regime more effective, achieve the desired results and encourage more ethical conduct?

[*English*]

Michael Harvey: The main things we do to ensure compliance in the vast majority of cases—more than 99%—are primarily an email or a letter with some information about how the lobbyists can come into compliance, and a discussion.

The three most important tools in our tool box are a phone call, an email and a letter, and that's really it.

We do administrative monetary penalties on the basis of only the most egregious cases. We've had serious and repeated contraventions of the act.

When my investigators issue a determination, they do that on the basis of delegated authority, so that I can preserve my ability to do a reconsideration. They do that, and they examine a whole variety of aspects that may influence what an appropriate fee will be, and they do that quite transparently. That's all laid out in a determination of all the different considerations of what that fine is going to look like.

[*Translation*]

Abdelhaq Sari: How much time do I have, Mr. Chair?

The Chair: You have one minute and 40 seconds.

Abdelhaq Sari: Great.

I'd like to go back to some of the questions that were raised by colleagues on both sides of the committee room. I want to talk about how you handle grassroots lobbying in British Columbia.

Do you have any lessons on that? Can you share your experience on that, so we can learn from it?

[*English*]

Michael Harvey: Yes, and I apologize, because my answers on this are going to be unsatisfactory to you. It has been a policy choice of the government, at least at this point, not to recommend grassroots lobbying.

The only thing I would reference is that when thinking about grassroots lobbying, people might have different ideas about what it is. They often will attach it to stories they've heard, particularly notorious instances. Let's say they've heard an example of a grassroots lobbying initiative by an industry, and they're concerned about whether that's transparent. Also, grassroots lobbying happens on behalf of other groups as well, such as not-for-profits and so on.

My advice to the committee would be to just be expansive in examining that. I encourage value neutrality in that decision-making. Beyond that, yes, because it's not a feature of British Columbia, I don't have a whole lot of expertise to offer. I expect that the OECD folks will have something to offer on that.

The Chair: Thank you, Mr. Sari.

[*Translation*]

Abdelhaq Sari: Thank you very much.

[*English*]

The Chair: Mr. Majumdar is next, for two and half minutes.

Then, Mr. Saini, you'll have two and a half minutes, sir.

Shuvaloy Majumdar (Calgary Heritage, CPC): Thank you for your testimony, Commissioner. Let me ask you something in the brief time I have.

You mentioned influence on social media by media, and we know there are forms of formal media and informal media. There are cultural media that are open to foreign exploitation as well. There are spaces in social media that span from X to WeChat.

When you look at influence operations and lobbying from those types of quarters, what do you suggest can be done to tighten the rules around transparency when lobbying like that is occurring on senior public officials and elected officials?

● (1625)

Michael Harvey: It speaks to that first recommendation we made to the statutory review committee in British Columbia. I didn't reference it specifically when I commented on that earlier, but that was very much a part of the recommendation, of why we made that recommendation as well. If there are actors outside the province who are influencing lobbying inside the province, there should be transparency about that.

It's not an entirely illegitimate thing to happen that actors outside may wish to lobby. I mean, we live in a modern economy, where there may be companies outside of British Columbia that wish to operate in British Columbia, for example. It's not inherently...but when we're talking about illicit foreign interference, it's another way to shine light on what's going on. Requiring beneficial interest disclosure as part of that process gets at that. Also, the ORL participates in a collaborative multi-agency effort on this question in British Columbia.

Shuvaloy Majumdar: Thank you.

When you think about how the media and the press present a particular perspective—an editorial view dressed up as journalism—what do you think about that type of influence in public policy debates?

Michael Harvey: I can't comment on that. Obviously, as a citizen, I have thoughts on that, but as a registrar of lobbyists, that's not lobbying, so that's outside of my mandate to comment on.

The Chair: Thank you.

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

Gurbux Saini (Fleetwood—Port Kells, Lib.): Thank you for coming.

Is the cooling-off period the same for the premier of the province versus a parliamentary secretary after they have completed their jobs?

Michael Harvey: Yes. There's no scaling beyond the two years. The two-year cooling-off period applies to every former public office holder, whether it's the premier, a parliamentary secretary, an assistant deputy minister or a vice-president of a Crown corporation.

Yes, it's for two years.

Gurbux Saini: The other thing you discussed was people hired as lobbyists having to declare what remuneration they will get.

Could you elaborate on that one?

Michael Harvey: They should have to declare the beneficial ownership. That is our recommendation.

Organizations also have to declare funding sources or what they have received from other governments. That is currently a requirement. If there's another government funding an organization, they need to declare that. This may speak to the foreign ownership issue.

This is something that has come up in our statutory review. Lots of non-profits have said, “Hold on. I'm a non-profit that operates across the country, and I've received a grant from the Government of Alberta for this cultural programming I do. Why do I need to declare that?” Under our act, you do. Non-profits have recommended that this be addressed. We spoke sympathetically to that recommendation as well. I don't think it's of interest if someone got an arts grant from the Government of Alberta. I don't think that's the transparency people in British Columbia are interested in.

I am interested in whether the government of a foreign country is funding a company to lobby in British Columbia. I think that is something people in British Columbia want to know about or should want to know about.

The Chair: Thank you, Mr. Saini.

That concludes our first hour.

Mr. Harvey, I want to thank you for taking the time to appear before the committee. I turned to the analysts at one point and said, “He's not even been in this job for two years.” I found your knowledge very compelling, sir, and I think you added a lot of value to the testimony today. I want to thank you again on behalf of the committee.

I'm going to suspend for a couple of minutes while we switch over to our next panel. We'll be back.

● (1630)

_____(Pause)_____

● (1636)

[*Translation*]

The Chair: We are resuming the meeting.

The committee is resuming the statutory review of the Lobbying Act.

I'd like to welcome our witnesses for the second hour.

From the Organisation for Economic Co-operation and Development, we have Elsa Pilichowski.

[*English*]

She is the director of public governance.

Also on the line, we have Nejla Saula, head of the anticorruption, integrity and open government division.

We also have Pauline Bertrand. She is a policy analyst.

Welcome to committee, everyone. We're looking forward to a valuable discussion to help us in our review of the Lobbying Act.

Elsa, I understand that you are going to provide the five-minute opening statement on behalf of your colleagues. Go ahead, please.

[*Translation*]

Elsa Pilichowski (Director, Public Governance, Organisation for Economic Co-operation and Development): Thank you very much, Mr. Chair.

Honourable members of the committee, obviously, it's a pleasure to appear before you today to contribute to your review of Canada's Lobbying Act.

As you mentioned, Mr. Chair, I am joined today by Ms. Nejla Saula, head of the OECD's anti-corruption, integrity and open government division, which is responsible for all aspects of lobbying at the OECD, and by Ms. Pauline Bertrand, from the same division, who leads our work on transparency and integrity in relation to lobbying and influence. I'll make a few remarks for context, and my colleagues will answer any of the more technical questions.

I'll start with a few words on the OECD's work in this area. Our work is based on the OECD recommendation on transparency and integrity in lobbying and influence, which was first adopted in 2010 and updated in 2024. The update was quite comprehensive.

An OECD recommendation is a legal instrument, and in this case, a non-binding one, adopted by the OECD council, and thus by the 38 OECD member countries. It sets out agreed-upon principles and standards for public policy to guide countries.

This specific recommendation is now a leading reference and helps public authorities optimize the benefits of lobbying while mitigating the risks of undue or disproportionate influence. This is the first international instrument to take a comprehensive view of the influence ecosystem. It covers all stakeholders engaged in lobbying as well as a whole range of influence tools, from direct representation of interests to communication campaigns and influence exerted on behalf of interests linked to foreign states.

The recent review of the recommendation sought to address the increasingly digital, complex and interconnected nature of influence ecosystems as well as the need to adapt regulatory frameworks accordingly. Today is therefore a particularly timely opportunity to engage in this discussion regarding potential ways to strengthen Canada's Lobbying Act.

● (1640)

[*English*]

Our data show that lobbying remains one of the least regulated areas of public integrity across the OECD. Within this broader context, Canada stands out as having one of the most robust frameworks.

According to the 2025 public integrity indicators that the OECD publishes, Canada is among the strongest performers, in both the strength of its legal framework and its implementation. According to our data, it is fulfilling 80% of the criteria for lobbying regulations and 89% for practice, which are well above the OECD averages of 43% and 38% respectively.

It's also important to note that these indicators focus on the core building blocks of the lobbying framework. As such, while Canada performs strongly on these foundational elements, there remains scope for improvement in more detailed and technical aspects of the regime. In this regard, there is a growing body of international good practices from which Canada can draw inspiration.

Our latest data show that, as of 2025, 61% of OECD countries formally define lobbying in their regulatory frameworks. This progress is particularly striking when viewed in a historical perspective, because 15 years ago, only five OECD countries, including Canada, had formal lobbying regulations in place.

To conclude, I would emphasize that the growing number of integrity rules and reporting requirements is sometimes perceived as a constraint on effective governance. Lobbying regulations may be viewed as burdensome by some who are subject to disclosure obligations. Some public officials may feel that such rules limit their ability to engage freely with stakeholders.

That being said, experience across OECD countries consistently shows that well-designed lobbying frameworks strike a balance between transparency and proportionate compliance. They provide clarity for stakeholders, strengthen accountability and ultimately support better public policy-making, leading to more effective, fair and trusted outcomes.

This is particularly relevant in the Canadian context. According to the OECD 2024 survey on the drivers of trust in public institutions, 49% of respondents in Canada still believe their government would accept corporate lobbying that favours industry interests over those of society, compared to 43% at the OECD level. These are perception data, but perception data are also facts. They are factual perception data.

When nearly half of citizens question their government's resilience to undue influence, even if it is only a perception, this is not a marginal concern. It's a clear call to action.

We are very happy to discuss this further with the committee and to provide any information or comparative insights that may support your study.

Thank you very much, Mr. Chair and members of the committee. We welcome any questions you may have.

The Chair: Thank you, Ms. Pilichowski.

We're going to start with our six-minute rounds. I'm going to ask members if they can direct their questions to one of the three specific individuals. That would make it easier. If it's to all three, clearly indicate that.

We're going to start with Mr. Majumdar. He is from the Conservative Party of Canada. He's going to start with six minutes.

Go ahead, Mr. Majumdar.

[*Translation*]

Shuvaloy Majumdar: Thank you for your contribution, Ms. Pilichowski.

[*English*]

Thank you so much for testifying before this committee.

You mentioned something pretty stunning at the conclusion of your presentation, when you said that half of the Canadian people question the lobbying regime in the country. There might be reasons for that.

The OECD has examined conflicts involving family members of public office holders. In light of Canadian cases linking ministers' spouses or partners to large infrastructure projects and procurement files, what disclosure and safeguard rules would you recommend could be drawn from best practices elsewhere?

Elsa Pilichowski: That's a question for Pauline.

Pauline Bertrand (Policy Analyst, Organisation for Economic Co-operation and Development): Thank you, Elsa.

Good afternoon, Chair and members of the committee.

I think this is quite a broad question. As you said, and as was repeated by the federal Commissioner of Lobbying and the commissioner for British Columbia, ultimately, the goal of lobbying regulation is to provide transparency and increase public trust.

In terms of what could be improved in a Canadian lobbying register, as Elsa mentioned, it's already a comprehensive law. One of the key findings from our work in recent years that is emphasized in our report, "Lobbying in the 21st Century: Transparency, Integrity and Access", is that lobbying is no longer limited to written or oral communication. There is a case for looking into how public policies and laws can be influenced through more indirect forms of lobbying or grassroots....

The second pillar of our work, and the key message of our recommendation, is that in order to prevent undue influence, it's not just about having a lobbying register in place; it's really to build a coherent ecosystem of safeguards, which can include lobbying laws and lobbying registers. Issues related to managing conflict of interest, gifts and hospitalities, foreign influence and pre and post public employment are really about building a coherent ecosystem.

This ecosystem allows citizens to understand who is influencing the law, how and on what issues. It also allows them to understand the kinds of integrity safeguards that are in place beyond the transparency of lobbying activities and the lobbying register, and how this can be associated within a broader ecosystem of safeguards.

● (1645)

Shuvaloy Majumdar: Thank you very much.

As this committee reviews the Conflict of Interest Act, the OECD has flagged limits in self-reported ethics screens here in Canada.

Drawing on international best practices, how can Canada strengthen independent oversight of disclosures and recusals up to the point of ensuring divestment in advance of being in a position to make big decisions?

Pauline Bertrand: On the issue of conflict of interest and lobbying, I think Canada already has a strong framework in place in the sense that there is independent oversight of lobbying—the lobbying commissioner is an independent agent of Parliament—similar to the oversight of conflict of interest. This is already a point on which Canada is strong. If we look at public integrity indicators as well, Canada is above the OECD average on conflict of interest.

We could get back to you with further points on the conflict of interest regime in Canada. We focused our analysis on the lobbying framework, but we're happy to provide some elements on the conflict of interest framework as well.

On the independence of oversight, this is something on which Canada performs very well in our work and in our public integrity indicators.

Shuvaloy Majumdar: Thank you. We'd appreciate it if you could provide that in writing to the committee.

Canada has faced criticism over ATIP delays in access to information, with heavy redactions and proposed access to information challenges. Many are months behind schedule and are providing significant barriers to the transparency we expect of our government. What OECD-recommended reforms to lobbying and beneficial ownership disclosure—

[*Translation*]

Linda Lapointe: I have a point of order, Mr. Chair.

We're talking about lobbying here today, but that's not at all what my colleague is talking about.

The Chair: Yes, but Mr. Majumdar was talking about lobbying when he asked his question.

Linda Lapointe: Yes, but he didn't talk about lobbying in that particular question.

The Chair: That's what I heard.

Linda Lapointe: Did you hear the word "lobbying"?

[*English*]

Shuvaloy Majumdar: I was about to ask when you interrupted me.

[*Translation*]

Linda Lapointe: Sorry, I was perhaps too premature with my point of order.

[*English*]

Shuvaloy Majumdar: The question I have—

The Chair: Hang on. I've stopped your time. I've already made my ruling. You mentioned the word “lobbying” in your question.

Shuvaloy Majumdar: I was about to finish the question, Chair.

The Chair: Yes.

You were a little quick on the point of order.

[*Translation*]

I think so.

Linda Lapointe: Okay.

[*English*]

Michael Barrett: It's unnecessarily disruptive. It's rude.

The Chair: Go ahead, Mr. Majumdar.

Shuvaloy Majumdar: Thank you for the opportunity, with apologies for that display to the people testifying.

The question I had was this: What OECD-recommended reforms to lobbying and beneficial ownership disclosure would improve transparency while respecting privacy?

Pauline Bertrand: This is an important point. Actually, in our public integrity indicators on lobbying, the disclosure of beneficial ownership is part of the criteria we look into and part of the quality of the lobbying framework, which, again, Canada fulfills. As you mentioned, ultimately, when it's about understanding lobbying, it's important also that citizens can understand who is the ultimate beneficiary of the lobbying activities.

There was a recommendation from the lobbying commissioner to disclose all entities that control and have a direct interest in the outcome of the lobbying. This would indeed be aligned with good international practices. If you would like an international example, Germany has some extensive disclosures, for example, on who funds lobbying activities and whether there is external funding provided to support the lobbying activities.

Perhaps I can mention as well that this is something that is de facto transparent in foreign influence registries. In these registries, those who register are typically those who conduct lobbying influence activities on behalf of or under the control of a foreign interest. This can actually be mirrored in lobbying registries in requiring those who register to disclose whether there is an entity that controls or directs some of the lobbying.

● (1650)

The Chair: Thank you, Ms. Bertrand.

Just for the benefit of the witnesses, I am keeping time. We went a bit over there. There are lots of great questions being asked, and I want to make sure we respect the time of members.

[*Translation*]

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

Abdelhaq Sari: Thank you very much, Mr. Chair.

Thank you very much to the witnesses for being here today.

Based on your statements and responses to questions so far, you've given us a lot of valuable and relevant information.

Ms. Pilichowski, I'd like to get back to something you said in your opening remarks. In terms of Canada's performance, you said that, based on your study, Canada met 80% of the criteria for regulation and 89% for practice.

You also said that Canada scored very well and was among the strongest performers. You used those terms. That's excellent. This committee strives for ongoing improvement to enhance performance all the time, as you said.

Are there other OECD countries that use regulatory compliance tools that yield better results?

Obviously, if you have any, you can give us examples of stronger administrative monetary penalties or disclosure requirements that would enhance compliance practices.

Pauline Bertrand: Thank you very much for that question.

Based on the OECD indicators and Canada's 80% score, it should be noted that our indicators, including indicators on regulatory quality, don't go into details about the quality of definitions and anything that is covered, for example, with respect to institutions and public responsibilities.

We look at the existence of a regulatory lobbying framework, penalties, rules on post public employment and, as I said, information on transparency about ultimate beneficiaries. That's why Canada scored 80%. The only criterion that was not validated for Canada pertained to rules on pre public employment, for example, in relation to guardrails in place on that front.

That's why I wanted to stress that point. Our indicators are there to give countries a general idea of areas that require key changes, bearing in mind that our indicators cover the entire integrity system. As such, we don't go into detail on very specific aspects of legislation. We do that when we work jointly with countries to undertake a comprehensive review of their lobbying regulations and make targeted recommendations.

Best practices on administrative penalties in countries without administrative penalties, including Canada, have been viewed as an element that could pose a challenge or be the subject of reform. With regard to best international practices, there are countries that levy administrative penalties. For example, Ireland established the Standards in Public Office Commission, which can levy administrative penalties and has a system that includes automatic penalties for lobbyists who file returns late. Some OECD member countries have these types of penalties.

France has also introduced a formal notice mechanism that requires lobbyists to comply with their obligations. These formal notices may be made public. As such, there is also a "name and shame" practice that could motivate lobbyists to comply with their obligations. That is also a recommendation in our legal instrument, in which we recommend that countries have a graduated system of penalties, which promotes compliance among lobbyists.

I want to talk about the quality of disclosures very briefly. In most countries, disclosure normally applies to written and oral communications. In Canada, the Commissioner of Lobbying of Canada has recommended that the information disclosed in monthly returns be expanded slightly to include pre-arranged oral communications as well as written communications, as is the case in British Columbia. That measure is standard practice in OECD member countries, including France, Germany, Lithuania and Ireland.

● (1655)

Abdelhaq Sari: I'm sorry to cut off your answer, which is very relevant, but I'm going to make the same request as Mr. Majumdar.

Could you send us the information in writing? It would make for some interesting reading.

Your report also covered a very important element related to coordination between the agencies responsible for public integrity.

What type of concrete mechanisms would you recommend today, be it training, information sharing or anything else?

Pauline Bertrand: It's true that Canada has a rather unique model that is not found in any of the other OECD countries. Canada's Parliament has appointed an officer who is responsible for the implementation of the Lobbying Act. None of the other OECD countries have that.

Generally, as in the case of France and Ireland, for example, an independent agency is responsible for public integrity and the implementation of lobbying legislation. Normally, such an agency, for example in France, has responsibilities that encompass the disclosure of interests and the declaration of assets, public officials and the framework on foreign influence and mobility between the public and private sectors. It's true, then, that the issue of coordination doesn't come up as much, simply because these agencies have a broader mission.

I'd like to point out that Canada's strong suit is independence. In many OECD member countries, agencies responsible for implementing the law are rarely independent, even though that's something we recommend.

With regard to coordination, I would point out that Canada's Foreign Influence Transparency and Accountability Act will soon come into force. You have an independent Commissioner of Lobbying, and I believe coordination between the lobbying commissioner and the foreign influence commissioner will be very relevant.

The Chair: Thank you, Ms. Bertrand.

I have taken note of the requests for information from the members. The clerk will send you members' requests for information by email after the meeting.

Mr. Thériault, you have six more minutes for your questions.

Luc Thériault: Thank you, Mr. Chair.

Ladies, welcome. Thank you for your enlightening remarks and testimony.

In 2021, the OECD signed a partnership agreement with Lobbyisme Québec. A report entitled "The Regulation of Lobbying in Quebec, Canada: Strengthening a Culture of Transparency and Integrity" was released in 2022.

You recommended a review of the concept of "significant part of duties" for legal persons. As part of this review, the Commissioner of Lobbying of Canada has recommended eliminating the "significant part of duties" threshold in the federal act and requiring registration by default.

First, I'd like to hear what you think about this recommendation to have registration by default.

Second, which OECD countries have a practice of registration by default?

● (1700)

Pauline Bertrand: Thank you very much for the question regarding the concept of thresholds.

There has been a great deal of discussion about that concept in OECD member countries because countries that apply the "significant part" threshold or other criteria may have some challenges. Indeed, these thresholds are always a matter of interpretation, and most importantly, they can be used to circumvent registration.

The feedback we've heard about these thresholds is that there's a big problem with implementation in countries that do use the thresholds. I can give you a few examples. France, for example, refers not to "significant part", but to 10 lobbying activities for each lobbyist. As a result, to circumvent this requirement, all a given entity has to do is to assign nine or fewer lobbying activities to each lobbyist, to fall below the cut-off. In Germany, it's 30 lobbying activities, bearing in mind that sending a letter to 30 members of Parliament counts as 30 lobbying activities.

In terms of recent developments, what we've seen is that countries that have recently passed legislation don't have this concept of threshold. That means that the most recent laws—Portugal's being the latest, passed in January 2026—don't have this concept of threshold. Instead, they apply the concept of registration by default, unless there's an exemption. They have a list of specific exemptions in the legislation.

As such, our recommendation for Quebec was to clarify the concept of "significant part" or to remove it from the legislation, because it opens the door to interpretation and could encourage people to remain under the threshold on purpose.

Luc Thériault: My understanding is that you support that.

Is that correct?

Pauline Bertrand: Yes, but our country recommendations are made on a case-by-case basis. Legislation on lobbying and the contexts vary widely from one country to another. Our recommendations for Canada may be very different from our recommendations for other OECD countries on these specific issues.

Our recommendation for Quebec, which also makes sense for Canada, is to clarify and remove this notion of "significant part".

Luc Thériault: In the same 2022 report, you recommended that Quebec amend its lobbying legislation to give the commissioner of lobbying the power to impose administrative monetary penalties. The Commissioner of Lobbying of Canada would like to have that power.

Why does the OECD consider it important to grant the power to impose penalties to the relevant lobbying authority? That's the first part of my question.

The second part is as follows: How many countries give that power to the lobbying authority in their lobbying regulation? Have you been able to see the effects of such powers?

Pauline Bertrand: With respect to the first part of your question, I would say that it's really a matter of encouraging compliance. Bearing in mind that in countries like Canada, which have only criminal penalties, if there is any suspicion that a lobbyist has committed an offence, the only recourse after investigation is to refer the case to the relevant judicial authority.

Giving the institution responsible for ensuring compliance with the law power to impose administrative penalties or to suspend a lobbyist from the registry temporarily does indeed encourage compliance and ensures penalties are proportionate to the seriousness of the offence. For instance, for minor offences, such as forgetting to update disclosures, which may not be done on purpose, it's appropriate to apply lower monetary penalties.

I don't have the exact number of countries where the agency responsible for ensuring compliance with the legislation has that option. Our indicators don't cover that. However, we can send you examples.

Ireland's framework is actually one of the most relevant examples I mentioned. It could be an example of best practice for Canada. It's a very good example, because it provides the ability to impose administrative penalties.

The Chair: You have one minute, Mr. Thériault.

Luc Thériault: Thank you very much.

As I understand it, this reduces response time. In this case, it gives the lobbying authority the ability to intervene more effectively with lobbyists.

Is that correct?

● (1705)

Pauline Bertrand: Absolutely.

Luc Thériault: Okay.

Thank you. I don't have any other questions.

The Chair: Okay.

Luc Thériault: I'll use my 30 seconds in the next round, Mr. Chair.

The Chair: That's fine. Thank you, Mr. Thériault.

We're going to start the second round.

Mr. Hardy, you have five minutes.

Gabriel Hardy: Thank you, Mr. Chair.

Ladies, thank you for joining us today.

Ms. Saula, you've not had a chance to answer questions since we started, so I'm going to give you an opportunity to share your views.

I'd like you to describe what you consider to be corruption across the world. I'm not looking for a far-fetched or rare example. I want an example of what you've seen in the 38 OECD countries.

The example of what you consider to be corruption would have to be something that occurs regularly.

Nejla Saula (Head, Anti Corruption, Integrity and Open Government Division, Organisation for Economic Co-operation and Development): Thank you very much.

I have to say that's not an easy question. I think it's an interesting question from a lobbying perspective, because obviously, lobbying is not defined as corruption, but rather, it's defined as influence that needs to be regulated through transparency.

The easiest approach to corruption and arguably the easiest to define in various OECD member systems is simply the payment to a public servant or a public official to advance a private interest. It means making a financial payment to influence a public servant's decision or doing that person a favour, to advance a private interest at the expense of the public interest and to alter the decision that the official ought to have made in the public interest.

That's the most common definition and the broadest one. When it's applied to more specific contexts, such as public procurement or securing licences or licensing agreements, it consists in paying a public servant to secure a licence that would otherwise not have been granted.

That's one of the most common examples.

Gabriel Hardy: Thank you. I appreciate your answering the question. That seems pretty clear to me.

When it comes to lobbying, someone wields influence to receive a benefit that is not necessarily in the public interest and helps one side unilaterally.

What are the countries that have better success preventing this kind of action doing? What mechanisms have they put in place?

I'll give you an example. What are they doing to fight corruption effectively, whether through a parliamentary mechanism like ours or through an ethics commissioner or a commissioner of lobbying, as is the case here in Canada?

Here in Canada, we're fortunate to have a parliamentary system where the opposition puts questions to the government every day. If there is an actual or perceived ethical breach, people will be invited to appear before a non-partisan committee, and the committee will conduct an investigation.

Do you think this increases people's confidence in our system? Does it prevent corruption and conflict of interest?

Nejla Saula: Yes, and that's the point Ms. Bertrand and Ms. Pilichowski raised at the beginning. The issue of regulating influence activities falls within a broader ecosystem of public integrity. These activities are not necessarily problematic per se, as long as they are transparent. That's our approach. The question is how to foster a culture of integrity among the various stakeholders in the public space, and this obviously includes parliamentarians as well as the executive branch.

Influence activities are acceptable if they are conducted transparently. I have in mind Ms. Pilichowski's point about the culture of lobbying and what that means in a society. Based on our approach, lobbying should not necessarily come with stigma and be perceived as corruption per se. It just needs to be regulated properly to make it transparent, so that people are comfortable with it and stakeholders have more trust in institutions. I believe that's our approach. It's an ecosystem, and lobbying regulation is one piece of this ecosystem, but it's by no means the only component of a country's integrity system.

● (1710)

Gabriel Hardy: Thank you very much.

By that, you're confirming that a standing committee that summons people because they have a potential conflict of interest or they may have been directly or indirectly lobbied is a mechanism to enhance transparency and public trust. Thank you for confirming that.

The Chair: Your time is up, Mr. Hardy.

Gabriel Hardy: Thank you. I was going to ask a very good question.

The Chair: You can ask it later.

[*English*]

I apologize to our witnesses. I was going to identify which parties the speakers were from. I did that at the beginning, but I haven't done it since.

Mr. Saini is from the Liberal Party of Canada.

You have five minutes, sir. Go ahead.

Gurbux Saini: This question is for Elsa. The Canadian Lobbying Act is seen as being one of the best in the world, but since we are considering a statutory review of the legislation, what key elements or best practices would you recommend we consider?

Elsa Pilichowski: If it's okay, sir, I would prefer that Pauline respond to that question.

Pauline Bertrand: Very quickly, for example, in order for Canada to reach 100% on implementation, one of the key elements that are currently absent from the register and could be included is information related to financial information, so the budget and expenses related to lobbying activities. There was a question raised earlier by one of the members about the funding that is provided for the purpose of lobbying and influence. This could be information that is relevant to include in the register. That is included in some registers across the OECD, like, for example, in Germany.

Other elements that Canada could consider, and that is in our legal instruments, is the question related to grassroots communication to provide more transparency on these types of activities that are currently in the register. Lobbyists have to indicate only that, yes or no, they do grassroots, but give no further details.

Throughout the discussion, the question on monetary fines was mentioned. That is also an area of improvement that could bring Canada more in line with our recommendation on lobbying and influence.

Gurbux Saini: In your 2020 report, you recommended additional compliance measures that could be available to the Commissioner of Lobbying in Quebec. Do other countries, such as the United Kingdom, France, Australia or New Zealand, have similar tools? If so, what types of measures do they use?

Pauline Bertrand: In terms of compliance, as I mentioned, I do not have the exact numbers for which countries have the possibility of imposing a monetary fine. However, in terms of the best practices that we could highlight, I mentioned Ireland in terms of monetary fines. Also, countries like Lithuania and Slovenia have relevant practices in terms of not going directly to criminal prosecution or penalties but imposing measures such as training, a temporary debarment from the register or a temporary prohibition from conducting lobbying activities, which are there to ensure compliance and provide more proportionate sanctions. In countries like France, however, where there are only possibilities for criminal sanctions, there have been recommendations that are similar to those made by the lobbying commissioner to provide for a more graduated system of compliance and enforcement.

Gurbux Saini: British Columbia is considered to have some of the best legislation in the world. Can you compare that to Canadian legislation, both at the federal level and in Quebec?

● (1715)

Pauline Bertrand: I have one point before I mention the regulation in British Columbia. Our indicators and measurements do not cover regulations at the provincial level or at the state level. Our analysis, when it comes to our data measurement, is limited to a national, federal level. We have not analyzed in detail the regime in British Columbia.

That being said, as the commissioner from British Columbia mentioned earlier today, we also have discussions with regulators at the provincial level. We did publish a report on Quebec. British Columbia is part of our network of lobbying regulators. The key strengths of the system that were mentioned throughout the discussions today are the fact that communications reports do not cover just pre-arranged meetings, but all oral and written communications. This is in line with the practices across the OECD.

A system of monetary penalties is also aligned with these best practices and with our recommendations. These would be the key elements that I would say differentiate British Columbia from the federal level. The thresholds issues, which were a significant part of it, were removed. These are some of the key points that differentiate British Columbia from the federal level, but, again, we have not gone into detail of the system in B.C. in our indicators.

The Chair: Thank you, Pauline.

Thank you, Mr. Saini.

[*Translation*]

Mr. Thériault, from the Bloc Québécois, you have five minutes.

Luc Thériault: Thank you.

I'd like to spend the next five minutes having a more open discussion about a report entitled “Anti-Corruption and Integrity Outlook 2026: Canada”. In the report, you note that Canada does not have a unified central anti-corruption strategy. That's a statement of fact. There are multiple bodies that manage cases, multiple pieces of legislation and so forth.

Have you identified any benefits to a unified central strategy?

Was it simply an observation to lay out the underpinnings of Canada's provisions on the issue?

Nejla Saula: I'll take that question, if I may.

Thank you very much. That's a very interesting question and an issue that we discuss on a regular basis.

The answer lies in the second element you suggested. In other words, we are fully aware that there might not be a consolidated national strategy; however, strategic goals that are scattered across various legislative and policy instruments have been adopted at the federal level under the Criminal Code, the Financial Administration Act and so forth.

Under the OECD's approach, which is incorporated in our recommendation on public integrity and upon which our analysis and report are based, we recommend that even though there isn't a single document, there should be a central strategic approach to anti-corruption.

That's probably what is missing in Canada's system, and this has been included in that analysis and indicator, which I think might be the only one where Canada doesn't rank high. Even though Canada is ahead in all the other areas, this is still a weakness. A stronger strategic approach is needed, one that goes beyond the legislation and provides a policy direction on anti-corruption and enhanced integrity at the federal level.

Luc Thériault: Do you have any examples of countries with such strategies?

Have any positive impacts been observed on that front?

Nejla Saula: Absolutely.

Most OECD countries and some non-OECD member countries have strategies. First, interestingly enough, since we started tracking developments in this area in member and non-member countries two or three years ago, we have seen a growing number of countries adopt their first national strategy. Second, the most effective strategies have the highest quality. High-quality national strategies or strategic national objectives include the capacity to implement a monitoring and evaluation system.

A coordinated national strategy allows for that. It makes it possible to track implementation, evaluate the impact and inform subsequent national strategies. We drew on that point to make our finding, in the document, that national strategies have a positive impact on a country's anti-corruption and integrity system, especially when the strategies have monitoring and evaluation systems that allow governments and public authorities to determine the impacts of the strategies and to draw conclusions. There is less scope for that in a more fragmented system.

● (1720)

Elsa Pilichowski: I'd like to add to that, if I may. Having a national strategy that is reviewed regularly also allows all administrations to identify new threats to integrity, which emerge very quickly in the digital world, such as foreign interference. As such, a strategy makes it possible to review these new threats in a coordinated manner with all integrity stakeholders.

Luc Thériault: When you talk about a national strategy, you're simply saying that notwithstanding the various authorities in Canada that are responsible for combatting corruption through various pieces of legislation, there is some consistency and cohesion. However, we must consider that Canada's performance has room for improvement. Other countries are doing better than Canada on that front.

Is that what you mean?

The Chair: Your time is up, Mr. Thériault, so I'll ask the witness to give a brief response.

Nejla Saula: First, I'd be delighted to continue this conversation in a different setting, because I think it's very important. The fact that there are several stakeholders is definitely not a problem, far from it. There are many institutions that make up the integrity ecosystem.

At the same time, it's important to have a policy direction for efforts to fight corruption and promote integrity, as Ms. Pilichowski noted, to position institutions to be dynamic and to adapt to risks.

That is not possible without such a strategy.

The Chair: Thank you.

[*English*]

Mr. Barrett, you have five minutes. Go ahead.

Michael Barrett: Canada scores highly in the OECD's 2026 lobbying indicators, meeting 80% of criteria on regulation and 89% on practice.

However, in their 2023 report, “Implementing the OECD Anti-Bribery Convention in Canada: Phase 4 report”, the OECD said that, under the Liberal government, “Canada's prosecutorial independence framework came into sharp focus during the SNC-Lavalin...case” and that allegations of political interference “triggered a public statement from the Working Group on 11 March 2019.”

Does this suggest that Canada's system may look strong on paper but still fails when real pressure is applied by well-connected insiders?

[*Translation*]

Elsa Pilichowski: Our indicators look at the regulatory systems in existing institutions and at a set of potential penalties. They don't look at the day-to-day reality within a country—well, the indicators in my department don't. Regardless of the institutions and existing regulations, the fact is that there are scandals or issues in real life. We that see in all countries, including Canada and countries that are very successful when it comes to regulation.

It's therefore hard to conceive—at least that's our perspective—of a system where issues don't arise in real life. The important thing is to have penalties for such issues, to learn from the issue, to look at emerging risks, and to ensure systems are up to date.

● (1725)

[*English*]

Michael Barrett: The OECD's anti-bribery convention says that foreign bribery cases must not be influenced by national economic interest or by the identity of a company involved. In that Liberal scandal with SNC-Lavalin, we saw that the government repeatedly relied on fabricated jobs and economic arguments.

Does Canada's current lobbying regime do enough to expose those pressure campaigns built around those arguments, when the beneficiary is a major corporation with significant political access?

In your previous response, you said it's about lessons learned and really what consequences are brought to bear. Does the current regime go far enough, knowing what we know now following that very significant scandal?

Pauline Bertrand: I will take that one, and perhaps echo what Elsa said.

When it comes to lobbying regulations, there will always be actors who want to conduct influence in a malign, manipulative or secretive way. They can find ways to circumvent regulations. The goal of a lobbying regulation—a lobbying register—is not to cover every single angle, but really to, as much as possible, cover some of the key risks, provide transparency where it is relevant and ultimately enable citizens and various stakeholders to understand who is lobbying on what, how and with what means.

As you said, when there are these cases, it's always an opportunity to improve. Following this particular case, there have been reforms. I think that the purpose of your study is to be able to ask, where can we go even further, in terms of transparency and what communications we ask lobbyists to disclose in terms of who is the ultimate beneficiary of lobbying? These are the questions that you could look into on how to enable citizens to understand where the lobbying comes from.

Again, there will always be cases and those who want to influence in a malign way. Sometimes, they're ahead of the reforms. The idea is, through these cases, learning and experience, to be able to identify where reforms are needed.

In Canada, you have a very long experience regulating lobbying—one of the longest experiences within the OECD. I think, from the previous commissioner, the current commissioners and now these international examples, there is room to really identify where these specific points are where Canada already does well but could do better in terms of transparency.

The Chair: Thank you.

Thank you, Mr. Barrett.

[*Translation*]

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

[*English*]

Linda Lapointe: It is John-Paul's turn.

The Chair: Please go, Mr. Danko, for five minutes. Go ahead.

John-Paul Danko: Thank you, Chair.

I really appreciate taking part in committee today and the discussion, especially hearing what I think are some pretty positive opinions about Canada's lobbying registry, Canada's ethics regulations, and Canada's being a global leader and having very strong ethics and lobbying regulations already in place. Of course, we're always interested in what can be improved.

Part of the question, for me, is the ongoing evolution of how governments and elected officials are influenced, or attempts are made to influence them, to reach one decision or another. Two of those kind of come together. We've talked a little about it, in terms of social media and foreign influence. I want to bring those together and ask a question about that.

What we're seeing is a whole ecosystem of social media, so-called influencers, whose purpose is not conveying news or their opinion. It's to influence public policy and elected officials. Oftentimes, what we've seen is that they are funded by corporate interests, or even occasionally, foreign interests.

We've seen that in the United States, where there have been social media influencers attempting to influence government policy who were funded by foreign adversaries.

My question for the witnesses is, can they comment on where they see the evolution of lobbying going? How can we make sure that those undue influences are appropriately managed, so that Canadians have the transparency they deserve?

● (1730)

Pauline Bertrand: You're making a very important point. That is one of the central messages and key reasons we update our own standards. The previous version of our legal instruments defined lobbying as a direct oral or written communication. What we found—and you mentioned it—was that a lot of lobbyists or interest groups will say that, today, they can conduct a very successful lobbying and influence campaign without the need to write to or meet with a single public official.

We have moved from lobbying to influence. A lot of this influence is done through grassroots lobbying or communications campaigns, where the goal is to spread information materials and influence the opinions of the general public so that this can in turn put pressure on public officials to take a specific stance. This is why the new version of our legal instrument defines lobbying as more than just written and oral communications. It includes all these attempts to influence the public. This is the first point.

The second point is how this can be addressed in lobbying registers and what the link is to the foreign influence landscape. Some of these practices, whether they're, as you mentioned, done on behalf of a corporation or a foreign country, are quite similar. We have lobbying firms that represent both corporations and foreign governments.

As you mentioned, there are also groups that we could call front groups. They are controlled by an industry interest or by a foreign interest. This is where the link between the lobbying register and the foreign influence register comes into play. There is a case for aligning these frameworks a bit.

What I want to say is that it's really crucial, in terms of how lobbying registers evolve, that they no longer just provide transparency on oral and written communication but go beyond that.

I think Canada already defines and includes grassroots communications in the Lobbying Act. I think that the next step is to ensure that this notion of grassroots communications is clearly understood and that there's clear interpretation on what that means. There can be a lot of activities that can fall under indirect or grassroots lobbying. How can that be disclosed in the register, and how do we ask lobbyists to disclose this type of information?

There are few examples within the OECD, with the exception of the EU transparency register. All the other registers, unfortunately, are still focused on oral and written communications. There is a lot to learn from foreign influence registers that have for a long time included these communications campaigns and these political activities that are more about influencing minds and less about directly influencing public officials.

John-Paul Danko: Thank you.

Am I out of time?

The Chair: You're over time, but if you have one quick question, I'll give you that time.

John-Paul Danko: No, I'm good. That was an excellent answer, thank you.

The Chair: Thank you, Mr. Danko.

I want to thank all of our witnesses for being here today—Elsa, Nejla and Pauline.

As I noted earlier, I have made notes of the times of the questions of Mr. Majumdar and Mr. Sari. We will be following that up with the clerk, so you'll get an email. I know an hour passes by really quickly. If there is any more information you would like to provide to the committee that will be helpful in the study, I invite you to do that as well.

Thank you again. I'm going to dismiss you.

Mr. Barrett, go ahead.

Michael Barrett: It's Thursday afternoon. We moved a motion on Monday with respect to the question of a conflict of interest raised by the finance minister. He said that he couldn't participate in matters related to Alto because of his relationship with a senior executive there. After moving a motion calling for the commissioner, the minister and the CEO to come to committee, we saw a filibuster that went on for more than 12 hours, led by the Liberals.

I'm going to give the opportunity to do the right thing, again. I'm going to seek unanimous consent, Chair, for this motion:

That the committee undertake a study into the connection between the Minister of Finance and National Revenue and Alto, and the minister's claims that he has recused himself from decisions his government made related to Alto; and that, for the purpose of this study, the committee invite the following witnesses to appear by May 8, 2026:

1. Konrad von Finckenstein, Conflict of Interest and Ethics Commissioner, for two hours;

2. executives from Alto, including CEO Martin Imbleau, for two hours; and

3. the Minister of Finance and National Revenue, for two hours.

● (1735)

The Chair: Are you seeking unanimous consent on that motion?

Michael Barrett: Yes, sir.

The Chair: Do I have unanimous consent for that motion?

Some hon. members: No.

We do not have unanimous consent.

Michael Barrett: Shockingly, it's denied by the Liberals.

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

That concludes today's meeting. I am advising committee members that I have scheduled time for committee business tomorrow morning at 8:15 until midnight tomorrow night. You'll get the notice soon.

This meeting is adjourned.