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# Standing Committee on Access to Information, Privacy and Ethics

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Chair: John Brassard





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

Thursday, April 30, 2026

• (1530)

[English]

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

[Translation]

Welcome to meeting number 39 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 witnesses for the first hour today. As individuals, we have Ian Stedman, associate professor, school of public policy and administration, York University; and Lori Turnbull, professor, faculty of management, Dalhousie University.

Mr. Stedman, I'm going to start with you. You have up to five minutes. It's good to see you in person. Go ahead.

**Ian Stedman (Associate Professor, School of Public Policy and Administration, York University, As an Individual):** That's wonderful. Thank you.

Good afternoon, members of the committee. Let me start by thanking you for inviting me to contribute to this review of the act.

As has been noted by several of you and your guests, a serious review of the Lobbying Act is long overdue. Hopefully this process will be very productive for all of you. There's a lot more attention being paid to issues of ethics and influence than I think many of us would like, and it has become impossible to look the other way lately.

I know there are some new members, so I will tell you a bit about me. I'm a former employee of the Office of the Integrity Commissioner of Ontario, where, from 2010 to 2015, my role was to administer the Members' Integrity Act and to backfill in other mandates. As Commissioner Motherwell noted in her appearance, that office also handles lobbyist registration, disclosures of wrongdoing and public service ethics. Everything is under one roof, you might say.

Because of my professional experience, I'm often called upon now to comment in the media about public sector ethics and accountability. I should note that my perspectives are very much informed by my experience sitting in the room and doing the admin-

istrative work on the administrative side. I believe in fulsome transparency because I want to encourage public trust and good-faith civic engagement. I believe that if information is available to the public, they might just consume it in ways that help us to protect our democracy. I'm a bit of an optimist in that sense.

For my opening statement, I'll make a series of quick recommendations, most building on the recommendations of others who have appeared before you. First, though, I want to situate my remarks by saying that, to me, a lobbyist registry is not simply about weeding out the bad actors by forcing them to make their engagements visible. It is about giving us the tools we need to better understand how governments make decisions. This includes who influences those decisions and how.

To echo Commissioner Bélanger, I'll say that I think we focus too much on who gets paid to influence and how much time they spend trying to influence as being indicators for who should have to register. I encourage you, as legislators, to trust that the commissioner's office will use its expertise to find ways to lessen the administrative burden of registering and reporting, and to focus your efforts on putting rules in place that strive, first and foremost, for what is right and what serves the regime's ultimate goals.

I teach public sector ethics at York University, and I tell my students that a policy line has been drawn, separating lobbying from the idea of registerable lobbying. This is always a bit confusing for them. I tell them that just because you aren't required to register doesn't mean that you aren't, in fact, lobbying.

As you might imagine, I fully support the commissioner's recommendation number one to do away with the "significant part of duties" threshold. Keep it simple. Figure out any specific exceptions that you want. Worry less about inconveniencing people, and put rules in place that serve the purposes of the act.

I'd also like to note my support for making sure that the designated public office holder designation is doing the work we want it to do. The regime's goal is to capture communications that are being made in an effort to influence those who themselves hold power or who occupy positions of influence. Just because you are not appointed under subsection 128(1) of the Public Service Employment Act does not mean you are not in a position of influence or power. I would strongly encourage the committee to make clear recommendations about how wide this net should be cast.

Similarly, Commissioner Bélanger's 12th recommendation pushes back against the idea that registerable communications should only be those that were arranged in advance. I can't tell you how many times I've had a casual conversation with an MP or policy adviser at the airport or at a conference. I get to choose whether I approach them and press them on a policy issue or not. If I'm someone who works in the policy world and who has an employer, then I should know the lobbying rules. This committee shouldn't have any sympathy for me having to file a quick report after a communication if that's how I choose to engage during those kinds of impromptu encounters.

In terms of penalties and other compliance measures, my answer is that, yes, changes are needed. It's harmful for public trust in her office that Commissioner Bélanger has to be so secretive about her investigations and that she has to refer to a peace officer when she believes that a person has committed an offence. Have her office survey other jurisdictions and provide you with a comparative analysis of what is being done across the country and in other Commonwealth states. I would strongly encourage you to suggest amendments to the act to allow for a range of additional compliance measures, which I know you've heard from almost everyone.

Finally, I want to return to my experience in Ontario, where everything is under one roof. I realize that conflicts of interest, lobbying and whistle-blowing are all separate offices at the federal level, but it is impossible to deny that they can have a lot of overlap on some files. I know we like these offices to have operational independence, and I know it can be controversial to make big changes to them, but I would encourage this committee to speak with the Ontario office about its experience administering multiple mandates under the wide ethics and accountability umbrella. Is it beneficial? What are the challenges? Are there greater efficiencies to be gained?

If you're going to give consideration to Commissioner Bélanger's request that a new funding mechanism recognizing and reinforcing the independence of her office be established, then I would encourage you to also think about how a new funding mechanism could be used to help improve structural independence and operational effectiveness across accountability offices.

• (1535)

I saw that the idea of combining offices was briefly mentioned in last week's conflict of interest report. I imagine a larger study would be in tow, but that's probably something you can get away with recommending in your report.

Thank you again for this opportunity.

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

Dr. Turnbull, you have five minutes.

**Professor Lori Turnbull (Professor, Faculty of Management, Dalhousie University, As an Individual):** Thank you very much for having me. I was with you back in October to talk about the Conflict of Interest Act. It's really nice to be back with you in this room again.

I've studied public sector and political ethics for a long time. These two pieces of legislation—the Conflict of Interest Act and

the Lobbying Act—are interconnected. They are integral parts of the ethics regime, which is aimed at ensuring transparency and ethical decision-making for Canadians, and at regulating the relationship between government and actors looking to engage with and influence government. I have a specific interest in the post-employment rules in place for public office holders when they leave government.

I've listened to the testimony of Ms. Bélanger, the Commissioner of Lobbying, and read her recommendations. I understand her desire to move to a system of registration by default so that all lobbying activity is captured by the Lobbying Act. This would enhance transparency and compliance. I don't believe there would be any unintended consequences in the form of suppressing lobbying activities or creating undue burden for organizations, since compliance with reporting requirements is not too onerous, even for a small organization.

I also agree with her recommendation that monthly reports should include all communications, not just those arranged in advance and initiated by a lobbyist.

I know we're going to talk about Ms. Bélanger's recommendations in more detail. I will just make one additional comment for now, which has been on my mind regarding this whole thing.

The Conflict of Interest Act and the Lobbying Act are entwined, and they work toward mutual purposes relating to ethics and transparency. As we undertake a review of the Lobbying Act, it's also important to note that we're in a period of change and reflection within Canada's public service more broadly. As you know, there are reductions happening through early retirements and job cuts. There's also a simultaneous effort to bring in new talent, new expertise and new people. As we grapple with the kinds of issues we're grappling with now—trade diversification, economic growth, AI and all sorts of things—we're obviously in a period of a lot of change. It's completely understandable and appropriate that we want a public service that can respond to those kinds of challenges. We need to move as the world is moving.

There have been media reports of heavy recruitment from the banking and financial sectors, including to the Major Projects Office. I have flagged that this has already created, and will continue to create, heightened awareness of the circumstances around these appointments. Will such appointees be captured under the Conflict of Interest Act or the Lobbying Act, and what are the implications either way?

Let me say that I don't think we should adopt practices that make it difficult for a public service to recruit such expertise. I think the opposite, actually. We need a public service that is nimble, fit for purpose and able to respond to the challenges we have. I don't think we should be allergic to finding ways to draw in the right people. It would be a shame if we were.

The moment we're in right now invites a narrow look at the Lobbying Act as it is and what we might need to change in terms of loophole-closing and whether we want to cast a broader net or a net that catches more things. Yes, we might want to look at that. We also need to think about what the broader conversation is regarding the relationship between government and business, how government wants to recruit people, what sorts of obligations we want to put on them and whether all of this meets the goals we have.

Thank you very much.

• (1540)

**The Chair:** Thank you, Dr. Turnbull.

[Translation]

We will begin the first round of questions.

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

**Gabriel Hardy (Montmorency—Charlevoix, CPC):** Thank you to the witnesses for being here.

Ms. Turnbull and Mr. Stedman, your remarks are very much in line with what we're asking for here, on both sides. You spoke about transparency and accountability. You say that we're more than ready to study everything that's currently going on.

I'm going to tell you about a situation, and I'd like you to tell me whether you think it's lobbying. As you just said, Ms. Turnbull, everything is interconnected when it comes to lobbying and conflict of interest.

The Prime Minister's economic adviser is paid by the party. That means he isn't subject to the Lobbying Act. He's also the head of a large corporation that has investments everywhere; those investments are interconnected in many fields.

That person directly advises the Prime Minister without being subject to an act. Do you think that could be some form of lobbying?

My question is for both of you, Ms. Turnbull and Mr. Stedman.

[English]

**Lori Turnbull:** From what I understand, the person is working for the Prime Minister. He is an adviser. He has investments. If he's lobbying, what is he lobbying for?

[Translation]

**Gabriel Hardy:** When it comes to helping the companies in which this person has invested, helping them to perform better thanks to public decisions made with taxpayers' money, do you think that constitutes lobbying?

[English]

**Lori Turnbull:** Well, if he's trying to make representations to the government on behalf of something else or someone else, then that's lobbying.

[Translation]

**Gabriel Hardy:** Thank you.

Mr. Stedman, would you like to add anything?

[English]

**Ian Stedman:** I would contribute the perspective that if he is being asked for his opinion on a specific topic that just so happens to be related to the company that he was known to be associated with before being hired on as an adviser, that wouldn't qualify as lobbying because he's being asked directly for his particular input on that topic. Now, if it's outside of the purview of what the advisory role is, and it could benefit those companies, then, yes, I agree; that would be lobbying.

[Translation]

**Gabriel Hardy:** I get the impression that it's sometimes a struggle to draw the line between lobbying and the sharing of interests. For example, I'm thinking of situations where a person suggests to a company that it should move toward a particular industry. If it turns out that the person giving their opinion has shares or investments in that industry, they're influencing a decision in a way that suits them.

Lobbying is often described as something a bit shady. That said, it's understood that we need to hear from people who represent industries.

As members of Parliament, we don't know everything about everything. It's important to have people come talk to us about the challenges in a given industry and how we can help that industry. It helps us make informed decisions. That, I think, is fine.

However, as soon as major decisions in the country align with specific interests and someone is playing both sides, that would potentially be a problem, in your opinion.

Have I understood you correctly?

• (1545)

[English]

**Ian Stedman:** I definitely think it's a fine line, but you're never going to be behind those closed doors to know what that conversation is. You're speculating that perhaps the conversation sometimes veers left and veers right and doesn't stay centred. It's a fair speculation. It's your job as an opposition MP to ask those questions, but I'm not so sure that you look at this....

Prime ministers and ministers have advisers, and those advisers have expertise in the areas in which advice is needed. They have that expertise because they have histories in those areas or current engagements in those areas.

The question is, do they stay on point? Do they stay centred on the actual project?

[Translation]

**Gabriel Hardy:** That's the problem. You said so at the outset. There are a lot of changes happening right now, and we have to adapt to them. That means the legislation has to be adjusted so that it can deal with this reality.

However, from the moment we try to show transparency, we have to be able to get it. If there are hidden discussions, if we don't really understand what's going on or if there's the appearance of a conflict—whether it's a conflict related to lobbying or a conflict of interest—shouldn't we have more mechanisms to be able to understand how decisions are made?

Should we at least avoid putting ourselves in a situation where the public could tell us that this isn't acceptable at all and that they don't want decisions to be influenced by large groups with money?

I'm sure you understand where I'm going with this. How can that famous line be redefined?

How can we be both transparent and structured enough to protect Canadians' interests through Canadians' money?

[English]

**Lori Turnbull:** I'm just listening to the rest of the interpretation before I jump in.

Yes, the transparency piece is really what we're trying to get at with the Lobbying Act. I start from the perspective that people are acting in a way that is ethical, and lobbying is an ethical activity. It is completely healthy in a democracy for people outside of government to want to influence government and to want to inform government about how their policies and their decisions would affect people. I think that's the essence of lobbying. It's okay to want to influence government. In fact, it's better if people want to try to influence government. We have a healthier democracy that way.

The point of the lobbying rules is to make sure that people understand what sorts of opinions are coming to the government and to make sure that the space around the government is not secret, so that we know when we see a government taking a position and going a certain way, we have an understanding of who's spoken to them about this, whether they have been heavily lobbied by one side or another. If there's a sense that maybe the decision was directed in an undue way by somebody who's had more access to the government, perhaps, than you would think they did, we want to make sure that it's not a secret. It's about shining a light on all of it so that people understand.

[Translation]

**Gabriel Hardy:** We could even go back retroactively and check who these people were meeting with, based on what interests, before they took office. We could try to understand what kind of decision these people would make with taxpayers' money, with Canadians' money, if we knew how many people had lobbied them before.

Is that right?

In your publication, you talk about prior or retroactive disclosure. You discuss the possibility of finding out what lobbying had taken place before the person took office.

Did you address this in that publication?

[English]

**The Chair:** Please provide a very quick response, Mr. Stedman.

[Translation]

You can also come back to this question later, Mr. Hardy.

[English]

**Ian Stedman:** I don't think we want to put the onus on the members. What you could get to here, as a pragmatic solution, is to ask the commissioner to put out an advisory opinion explaining that, even if you are hired as an adviser to the Prime Minister, "This is where the line is drawn. This is what is lobbying, and this is what is not lobbying. If you are lobbying, you must register." An advisory opinion would be very helpful.

[Translation]

**The Chair:** Ms. Lapointe, you have the floor for six minutes.

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

Good afternoon, Mr. Stedman and Ms. Turnbull. Welcome.

Thank you for coming to testify before the committee as part of this very important study.

Mr. Stedman, in your opening remarks, you said that, currently, anyone who is paid to lobby must register. You also said that it's possible to lobby without being paid.

Given Commissioner Bélanger's recommendations, how would you like people to register as lobbyists?

• (1550)

[English]

**Ian Stedman:** I am not as concerned about who is getting paid to influence as I am about who is influencing. The point I was trying to make is that, if we overly concern ourselves with who is getting paid and how many hours they're trying to influence, then we're losing, I think, what the point of the act is. The point is to have transparency so that we can understand who is influencing.

I believe that Commissioner Bélanger made some recommendations about how people would register: For example, if you're a member of a board, should you be registering as a consultant or as part of the organization? Those are interesting recommendations that I'm sure you're all considering.

I don't think that being paid a salary per se should be a defining factor for whether you're required to register. There are all sorts of people who advocate on behalf of organizations, with all sorts of different ways of being compensated or quid pro quo. I think that's probably a conversation you need to have, while looking at specific examples in front of you.

[*Translation*]

**Linda Lapointe:** You mentioned the possibility that, during an impromptu meeting at the airport, someone might be tempted to exert influence.

Would you report that meeting as an act of lobbying?

[*English*]

**Ian Stedman:** If I were at an airport, standing in line beside an MP—it has happened before—and I asked them a question about a policy issue relevant to my employer or to someone with whom I had an exchange of benefit for some reason, I would think that I would be required to register. That's an attempt to influence a policy issue. If I say, "How are the kids?", I don't think I need to register. Absolutely, yes, when we say, "Let's reduce the threshold." I think that's what we're saying.

[*Translation*]

**Linda Lapointe:** Thank you, Mr. Stedman.

Ms. Turnbull, you piqued my curiosity earlier. You talked about public servants and the fact that there should be reform. Some have offered to take early retirement. You also talked about new people and new responsibilities.

I would like to have more details on that. Is it about offering more training?

[*English*]

**Lori Turnbull:** I think that, in this moment, the public service is in real need of reform, and it's one of the only times over the past, I don't know, 30 years or maybe even more than that, that we're not engaged in a formal reform exercise of the public service.

We're not doing Blueprint 2020 right now. We're not doing La Relève. We're not doing any of those things. We're in a moment when the government deeply needs specific things from the public service, and we're not in a conversation in a formal way that is led by the clerk about what we need the public service to be doing.

These cuts are happening, and they're quite significant. Everybody's being affected by that, even the people who are staying. Even the people who manage to hold on to their jobs are still affected by this broader piece. There are people losing their jobs. There are SERLO competitions. When people win, they know that they had to compete against their colleagues, and they feel kind of awful. If you make them SERLO, maybe they feel that it means you don't trust them, so we're teeing the public service up for quite a crisis in confidence here and, at the same time, we're not giving any clear direction about what we want this organization to do.

I think, at the same time, the fact that the government is making these significant cuts indicates that it wants something different from the public service. The government is looking for specific skills, and I think the public service members need to hear how they fit into the government's agenda. "What do you want us to do? How can we be helpful? How can we fit into this?"

I think part of the answer to that is that the Prime Minister is clearly looking for people who have expertise in finance, economics and AI, in growth and that sort of thing, so it's fine to be... For me, it's okay to be bringing people in from the outside because

I think that makes for a more robust public service, but I also think that questions need to be answered about how you take a permanent public service and plug it into the implementation of the government's agenda. That's exactly what the public service is supposed to do, so what's our plan for that?

I think we might be at a point now where we need to be thinking about what kinds of rules might apply. If there's going to be a lot of recruitment... There's potentially a revolving-door situation where you've got people coming in from banks for a year or two years, and then they're going to go back out. They have all kinds of information about what the government's doing, how decisions are being made and who the powerful people are. They're going to go back out. What rules are going to apply to them? If the answer is none because they're not caught in the Conflict of Interest Act because they're not public office holders, then you're going to get people saying, "Well, why am I caught in this? That person was much closer to the centre of power than I was, and they don't have to obey any kind of post-employment rules." They can go back to their bank and do what they want.

We're setting ourselves up for a problem if we don't address those things. It doesn't have to be a problem, and if I sound like I'm saying we shouldn't be recruiting from the banking side, that's not what I'm saying at all. I'm saying that we need to be mindful about it, because we do have rules that govern that door that people go in and out of when they're moving from their expertise in and out of government.

● (1555)

[*Translation*]

**Linda Lapointe:** Thank you very much.

**The Chair:** Thank you, Ms. Lapointe and Ms. Turnbull.

Ms. Gaudreau, welcome to the committee.

You have the floor for six minutes.

**Marie-Hélène Gaudreau (Laurentides—Labelle, BQ):** Thank you, Mr. Chair.

I used to be on it, actually, from 2019 to 2021. I remember having conversations about this. We were wondering whether we had the legislation we needed in place to ensure that everyone was working diligently and that there was good governance. What happened? The pandemic came.

I was on this committee when we did a study on the WE Charity scandal. Other things emerged at the same time. I'm thinking in particular of the five-year ban on lobbying for former public office holders. In fact, I noticed that this was part of one of the recommendations.

I don't know if this means anything to you, but there's a new company called Baylis Medical Technologies. It was founded by a former Liberal MP. Not even five years had passed since he left office, and an opportunity suddenly arose. Engineering skills were turned into a business. He has done a lot. He has been very successful.

My point is that it's good to make recommendations, but what are the administrative monetary penalties?

There are plenty of things that we know, see and accumulate. We then say to ourselves that there's a grey area.

Do you think that if people speak out and actually call on public safety forces, the penalties are severe enough? I was a member of this committee during the study on Bill Morneau and his expenses, which totalled \$41,000. I tabled a motion for him to resign, and we didn't have time to discuss it, because he left. He knew. He hadn't recused himself.

What are we doing? Things are happening right now, but people don't want to say so. It isn't coming to light. In any case, does it hurt? People have recused themselves. They have said it quickly.

What do you think of these sanctions, which could actually hinder such important steps?

[English]

**Ian Stedman:** This sounds like a conflict of interest law question, as opposed to a Lobbying Act one.

[Translation]

**Marie-Hélène Gaudreau:** Yes.

[English]

**Ian Stedman:** I think what we've historically done is that we've said a report comes back to Parliament underneath the code, and a report comes back to the Prime Minister underneath the act. The decision is made by the Prime Minister, and the House makes the decision under the code. Recommendations are made only by your commissioner. There aren't penalties. We've historically been reluctant to give these officers of Parliament—or agents, we can call them—power to do things that are your responsibility, which is disciplining members.

I don't know that you're going to have any sort of consensus on giving a commissioner the power to fine in any real sense in a punitive way. What they have now are \$500 administrative monetary penalties, which your Conflict of Interest and Ethics Commissioner can impose, but we all know that's not really much of a disincentive. It's \$500. Maybe the question under that regime would be whether that penalty should be greater, but it's really up to all of you to vote in the House about disciplining and censoring one another. I don't know that you want to give that to the commissioner. We haven't historically wanted to.

[Translation]

**Marie-Hélène Gaudreau:** That's actually one of the things the Privacy Commissioner raised before another committee with regard to everything that's coming up, such as the sale of electric vehicles from China. The Privacy Commissioner said that he didn't have the necessary coercive measures to act effectively, to carry out prevention. In that case, it was a matter of lives, and not just lives behind the wheel. It isn't just about elections. A major study was conducted on this.

There are a number of recommendations. Are you familiar with all the recommendations? Do you know them well? It seems so.

Which one is essential for this reform?

• (1600)

[English]

**Ian Stedman:** I have a quick answer.

I believe there should be a real conversation about the penalties and the idea that the commissioner can do more in response to complaints coming in. I think you saw from her testimony that it's a real sore spot and a real point of criticism that she gets from the outside looking in and asking, "Why aren't you doing anything?" She has to explain over and over again that she doesn't have the power to do much.

I think that if you wanted to enable her and empower that office, you could be thinking more clearly about administrative monetary penalties, or naming and shaming, like Commissioner Motherwell told us about in Ontario, or having a registry of people who have actually violated and kicking them off from lobbying for three, four or six months. Something like that would be progressive and would really help her inspire others to comply, I think.

[Translation]

**Marie-Hélène Gaudreau:** Ms. Turnbull, would you like to add any comments? I still have 30 seconds.

[English]

**Lori Turnbull:** It's really interesting that the recommendation the lobbying commissioner has made is around the default being to register. I think that's probably the most impactful thing in the report. If I could have one thing, I would say that it would be that one, because I think you do get into subjectivity around, "Is this a substantial part of what I'm doing?" You're asking people to make a judgment about whether they register or not.

One of the reasons I like this recommendation, apart from the clarity around it, is that lobbying is not a bad thing. It's okay to say, "Yes, part of my work is to be a lobbyist, right, and this is what I'm doing." Just do it. Just register. It's fine. That way, you're not trying to figure out where.... I completely understand what she said when she was here. She said that she goes to lobbying day on the Hill and sees people who haven't registered.

Clearly, there are people who are identifying publicly as lobbyists but are not registering. You have a disconnect that is going to make people doubt the whole system.

**The Chair:** Thank you, Dr. Turnbull.

[Translation]

Thank you, Ms. Gaudreau.

We'll move on to the second round of questions.

Mr. Hardy, the floor is yours for five minutes.

**Gabriel Hardy:** There are many interesting elements to what we're studying. I think there needs to be more transparency in interactions with elected officials and decision-makers. They spend taxpayers' money, the money of Canadians, who work hard to entrust it to the government.

Earlier, you said that there was a major paradigm shift at the international level, even a change in the way countries operate.

When we ask questions here, some people often get the impression that we're attacking one individual. I get the impression that more and more people from the financial sector are going to enter politics, as you said. It's important to have laws that can provide a proper framework for them.

The current scenario involves a prime minister who has many connections in the financial sector and who still has shares and investments around the world that are related to performance.

In this era of international and national change, do you think it's normal that these questions should be asked, not only about the lobbying activities that influence this Prime Minister, but also about ethics?

Isn't it high time we asked these questions?

[English]

**Lori Turnbull:** It's important to think about what you want to get out of the Lobbying Act and whether the regulations are meeting the goals that you have. I don't think it's so much about Prime Minister Carney. To me, this is not about him and whatever his holdings are.

That's not the issue. The issue is the fact that there are people coming into the public service who have been recruited to do this work that they have been recognized as uniquely suited to do, at a time when we need to build these skills very quickly, not over a period of three years where you can hire and scale up and all that. They want to bring them in right now.

If we're doing that, what do we expect of these people? Are we saying that you have to observe a post-employment freeze, a cooling-off period before you go back to your bank? And if so, they're probably not going to want to do it.

[Translation]

**Gabriel Hardy:** We want transparency. That's clearly what we're asking for.

I'm not talking about the Prime Minister. I'm talking about the current scenario.

We want more transparency, and we want to make sure that our mechanisms are ready.

Earlier, we were wondering whether we could make a change, particularly when a penalty has to be imposed.

Can it be proportional to the problem that has been created, or is it just a \$200 penalty, the equivalent of a slap on the wrist?

At a certain point, it has to be adjusted to the reality we're facing. We don't want to catch more fish. Rather, we want to make sure that, if a serious mistake is committed, the powers of the Commissioner of Lobbying and the Conflict of Interest and Ethics Commissioner enable them to put a stop to it fairly quickly.

Do you agree with me?

• (1605)

[English]

**Lori Turnbull:** In my view, administrative monetary penalties are not an appropriate response to actual wrongdoing. That's somebody who is late filing all the time. So you're going to say, "Come on, stop it. We're going to charge you \$500. Knock it off. File on time."

But if you're talking about somebody who's actually trying to do an end run around the rules, \$500 is not going to do anything. Also, if you're talking about someone who's actually meaningfully compliant and made a mistake, then \$200 or \$500 would not matter either. Like, what—

[Translation]

**Gabriel Hardy:** We agree.

We basically want the penalties to be proportional to the error. Someone who's three days late won't get a million-dollar fine. In any case, it will depend on each person's point of view.

Mr. Stedman, one year after its creation, the Major Projects Office has an operating cost of \$42 million. However, no projects have been carried out yet.

We were talking about speed earlier. It takes people with a great deal of knowledge to be able to launch projects.

Do you think there has to be more transparency to understand who lobbied the government and how major projects were chosen? How did the office come to choose one project over another or one company over another?

Wouldn't it be important to have greater transparency from the Major Projects Office when it comes to lobbying and ethics issues?

[English]

**Ian Stedman:** If I understand the question correctly, I believe this is one of the recommendations made about whether communicating with government about contracts ought to be something for which we register, as lobbyists. I think the consensus across—

[Translation]

**Gabriel Hardy:** I just want to know whether that's the case right now.

[English]

**Ian Stedman:** Right.

[Translation]

**Gabriel Hardy:** If someone asks for a contract, there isn't any lobbying. There's no registration.

Is that correct?

[English]

**Ian Stedman:** I think the consensus I've heard, which I would agree with, is that it ought to be, unless there is a national security implication, in which case you probably have to have exceptions carved out. But if people are coming to government saying, "Give me that contract", and it's not subject to a transparent procurement process, then I would take the position that it ought to be registered as lobbying, yes.

[Translation]

**Gabriel Hardy:** Thank you, Mr. Stedman.

[English]

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

[Translation]

Thank you, Mr. Hardy.

[English]

Mr. Al Soud, you have five minutes. Go ahead, sir.

**Fares Al Soud (Mississauga Centre, Lib.):** Mr. Stedman, you mentioned knowing that there are new members on this committee, and I am one of them. It's a privilege to be here, particularly given that we're speaking on a topic that I find so fundamental to our democracy. In many ways, our lobbying regime is the gold standard, but there are always improvements to be made, and that's exactly the point behind the statutory review. I thank you both for taking the time to be with us today.

One thing we hear often is that not all voices in the lobbying space have the same capacity. Larger, well-funded organizations can dedicate significant time and resources to sustained lobbying efforts, while others like physician groups or health care professionals are often balancing this work alongside demanding responsibilities, like patient care.

How do we ensure that groups with less time and fewer resources, like doctors or smaller professional organizations, can still effectively be heard as we conduct our review of the Lobbying Act and potentially look to harmonize rules between consultants and in-house lobbyists in corporations and organizations?

**Ian Stedman:** One of the things that we've heard in this committee's review so far is that there are ways to do this. We've heard that British Columbia and Quebec are leaders as far as modernizing their lobbying laws is concerned.

You can default register, and then carve out exceptions for small organizations, start-ups or organizations that have a certain amount of money or are a certain size. That's a possibility, so that you don't disincentivize not-for-profits getting involved in advocacy. That's been done. You could ask your Commissioner of Lobbying to provide you with a comparative analysis of what's happening across the country. You have those examples already, so it's not like you're reinventing the wheel. You're just deciding whether you want to catch up with those who are moving quickly.

**Fares Al Soud:** Speaking of the B.C. lobbying act, it's been declared a gold standard and we've heard many witnesses praise it. Could you speak to that model and whether there are elements of it

that the Canadian regime could learn from and potentially implement?

**Ian Stedman:** That model was modernized because The New York Times took it to task. I think you don't want that.

I'm not an expert on the B.C. regime. I've not had to give too many bits of advice on it, but you have had experts here, one after the other, touting it as a place where you should be looking.

I think it's important that if you put the commissioner, Nancy Bélanger, in charge of your lobbying at the federal level and she comes in and says, "Let's look at B.C.", you owe her the respect of looking at B.C. She's the expert.

I don't have the answers for you. I don't know exactly the ins and outs of the B.C. laws.

**Fares Al Soud:** Ms. Turnbull, do you have thoughts?

• (1610)

**Lori Turnbull:** I would say that oftentimes, we see the provinces taking lessons from the federal jurisdiction, especially in areas like conflict of interest. Oftentimes, the provinces are looking at what the feds are doing and it takes them a while to catch up.

It's very interesting to see the lobbying commissioner's reflections on best practices at the provincial level. I just want to stress how unusual that is. To echo Professor Stedman, if she's saying that B.C. is the model to look at, I think it creates a real need to have a look at that.

I think one of the reasons she did that is some of the clarity that's in place there. For example, there's the default registration. It's clear what the obligation is. They don't have these spaces where there's a judgment call about whether this requires registration or not. It's probably for reasons like this that she's looking at it.

**Fares Al Soud:** Speaking of default legislation, I'd like both of you takes on this. Do you believe registration by default for in-house lobbyists is necessary?

**Lori Turnbull:** I think it's better.

**Ian Stedman:** I don't see why you wouldn't want it. I don't like the significant duties threshold. What's the point? It doesn't serve the purpose of the act.

**Fares Al Soud:** What do you think is the appropriate balance between avoiding unnecessary administrative requirements within the lobbying regime, which many witnesses before this committee have testified is a legitimate activity, and ensuring sufficient transparency? How do we strike that balance?

**Ian Stedman:** You received a brief from our friends at Gowling that said they thought if you made people register too much, it would stop them from openly discussing, getting in there and trying to influence. With respect, I think that's reflective of who their client base is. I don't think it actually serves the regime.

I think it's easy. If a doctor is using scribes to give their notes... There are all sorts of ways the Commissioner of Lobbying can make registration quick and easy. We heard the commissioner from Quebec say, "You can call us if you don't want to go online, and we'll do it over the phone."

This isn't rocket science. It's not hard. I think the argument that it's too much of an administrative burden is a sign to you that the person is doing a lot of lobbying, so they're probably the person you want to capture anyway.

**Fares Al Soud:** Thank you, both, for your time.

**The Chair:** Thank you, Mr. Al Soud.

[Translation]

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

**Marie-Hélène Gaudreau:** Thank you very much.

I'd like us all to look at a scenario for a private contract, since this is an important issue.

Not all communications are necessarily shared, and we basically believe that the awarding of a public contract should be scrutinized. I sit on the Standing Committee on Government Operations and Estimates, and we try to shed light on all contracts.

Should the Lobbying Act, which can be very useful, be applied to this type of communication?

Could you explain to me what the situation is at the moment?

[English]

**Lori Turnbull:** Is this about a contract? Yes. This should be subject to the lobbying rules because it is an expenditure of public money. This is about how public money is being used for a public purpose.

If there are people trying to influence the government on who should get that contract and for what... I understand that if you have a small contract, there's a circle around contracts that are small enough that you don't need this kind of transparency, and that's fair enough, but if you're talking about a large enough contract that it's a significant chunk of change from the public's perspective, there's nothing wrong with having transparency around it.

[Translation]

**Marie-Hélène Gaudreau:** Otherwise, in cases where the government doesn't apply principles of transparent communication that can be examined, how can it prevent companies, which are often small groups, from clearly defining the needs of public office holders?

This kind of comes back to what I was saying earlier. They're going to model their call for tenders.

Isn't that right?

[English]

**Ian Stedman:** Asking questions about a call for tender that's already out there and is public would not be the same as lobbying to get that contract. Reaching out to the public office holder and saying, "Give us that contract. Here are all the reasons", is basically submitting your tender. That would be where the line needs to be

drawn. I think that's where we've been starting to draw it within this committee. It might be subject to registration.

The line we always used in Ontario was "err on the side of caution". That's how we advised anyone who wondered if they should register. Err on the side of caution. You have nothing to lose, to Professor Turnbull's point.

Here is another example of a situation where we're looking at contracts, and maybe we didn't think about it before when we put the act together, but now it's present and it's front of mind, so I think it behooves all of you to think clearly about what you want your recommendation to be with respect to contracts.

• (1615)

[Translation]

**Marie-Hélène Gaudreau:** This is my last question.

What do you think about putting assets in trust, as the Prime Minister is doing right now?

[English]

**Lori Turnbull:** I'm sorry. Do you mean public office holders broadly? What do I think of blind trusts? How do you mean?

[Translation]

**Marie-Hélène Gaudreau:** How is it that one of the methods is for someone to put their assets in trust, precisely so they don't have to recuse themselves and can continue to develop the market?

There's a direct link to lobbying, because I was initially talking about private communications.

[English]

**Lori Turnbull:** I think the point of ethics regimes and things like blind trusts and ethics screens is that we can enable the participation of people who are elected to public office and want to serve. It's not to prevent participation or create obstacles to participation. It's about enabling the participation. If we need to create those kinds of regimes so that we know the public interest is being protected from any potential private interests the person has, that's completely appropriate.

We also do not live in some kind of parallel universe where, when someone becomes a public office holder, they stop becoming a private person. That isn't true. We're not living in some kind of made-up, fairy-tale, perfect world. We have to find ways of managing the person's private interests while they have these public responsibilities, and blind trusts are a way of doing that.

We don't know when someone enters into a blind trust. The person might have sold all their stocks and you had no idea. That's just the uncertainty you have.

[Translation]

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

**Marie-Hélène Gaudreau:** Thank you.

[English]

**The Chair:** Committee members, we're very fortunate that we have two members from the mighty OGGO on this panel today: Madame Gaudreau and Madame Block.

Ms. Block, you have five minutes. Please go ahead.

**Kelly Block (Carlton Trail—Eagle Creek, CPC):** Thank you very much, Chair.

Thank you to our witnesses for being here.

As the chair has indicated, I am not a permanent member of this committee. Nonetheless, I'm very interested in the conversation we're having today.

I happen to be one of two members sitting at this table who were parliamentarians when the Federal Accountability Act was introduced and when the Lobbying Act came into force in 2008, so I welcome this opportunity. I'm saddened to hear that a statutory review hasn't happened since 2012. I think it's important to be updating these acts as much as possible. Otherwise, you end up having to do a lot of catching up.

I want to comment on something you stated, Mr. Stedman, in the fourth edition of *Global Corruption: Its Regulation under International Conventions, US, UK, and Canadian Law and Practice*. I believe it was published in 2022. This can be found in chapter 11, "Regulation of Lobbying". You wrote, "Lobbying regulation is often enacted in the wake of political scandal." I think that is often when we start to scrutinize the laws we have in place in order to close the loopholes that have perhaps been exploited and to ensure that public confidence in some of the systems and offices we have put in place is not undermined further.

You went on to say, "Public decision-making and confidence in government stand to benefit from policy that is forward-looking and proactive, rather than reactionary." I think that speaks to the point I just made and, hence, the need for statutory reviews.

You went on to talk about the American approach. I don't know if any questions have been asked around this before. You stated that the American approach sets a much higher standard for disclosure. What would you recommend that needs to be put into our act to try to meet that high standard?

• (1620)

**Ian Stedman:** America is a tough thing to talk about now, with its ethics laws, but the point being made was the point that we've been making today: You register when you're communicating with the government, not when you're communicating more than 32 hours or more than eight hours. You register. That's the recommendation I would come out of that with.

Thank you for reading that. That's nice. You might be the first person who's ever quoted it back to me.

**Voices:** Oh, oh!

**Ian Stedman:** I think it's important to recognize, too, that when these laws are put in place, we often don't know what's coming down the pipeline. They get stress-tested every once in a while when something new happens. We saw that when Trump took office. The American laws were stress-tested quite a bit. Right now we have a situation with a Prime Minister who has holdings we've never seen before. We're getting an opportunity to look at what we've done and what we've put in place and to ask ourselves whether it's fit for purpose when the purposes are changing.

That's not a bad thing. That's what this project of legislative enactment is about. That's why you're here. Your job is to continually tweak around the edges so that you can keep up with the times and be ahead of things. I don't think anything has failed. This is just a great opportunity to look at what we have and ask whether we've learned something.

What can we do to make sure we have the right tools in place so that we're not blindsided in the future?

**Kelly Block:** I agree with that. Thank you so much.

I just want to note that when lobbying occurs, obviously, as members of Parliament, we have stakeholders and lobbyists asking for meetings all the time. We can become very busy with those meetings. There's an exchange happening. There's giving and receiving of information.

Would it be important for MPs to also identify when they've been lobbied?

**The Chair:** You have about 25 seconds to respond.

**Lori Turnbull:** I don't think it's a bad thing. It's a question of workload for the commissioner and whether she can keep up with it.

**Kelly Block:** Thank you.

**The Chair:** Mr. Stedman, you have 10 seconds.

**Ian Stedman:** I agree. I think it's a matter of where you want to put the burden and who has the resources to shoulder that burden.

**The Chair:** Thank you.

Mr. Kelloway, you're next for five minutes. Go ahead.

**Mike Kelloway (Sydney—Glace Bay, Lib.):** Thank you, Chair.

It's great to be here. This is my first time at ethics committee. It may be my last—you never know—as I'm subbing in for MP Chagger.

I really appreciate the testimony. Often when I hear from witnesses, I take questions and put them aside when something really tweaks my interest in the opening remarks. There were actually many things today, but I have only a limited amount of time.

Dr. Turnbull, you mentioned in your testimony "post-employment rules". Can I follow up on some of the comments you wanted to make around post-employment rules?

Then I'll go to Professor Stedman for a question as well.

**Lori Turnbull:** Sure. The post-employment phase is when a person is leaving their role as a designated public office holder and they're now going into a new world. It depends on what they want to do. They may go into a retirement phase. They may want to engage in a different kind of work. If they do, what will that look like, and what restrictions are on them?

The point of the post-employment restrictions is to make sure that the public interest is protected. If you have somebody leaving, such as a cabinet minister who wasn't re-elected, they've gone from having this very powerful role inside government to being a private citizen. If we put restrictions on them, and we do, they should be appropriate. They should be there to protect the public interest. To me, they should not be any heavier than that, to the point where you're discouraging people from wanting to enter public office because they don't know what they're going to do after their career on the public side is over. Of course, the restrictions apply to not just ministers. They apply to staff and to people inside the public service as well. Again, we have those things there for a reason.

I think probably, if we look around at the countries we typically compare ourselves with, Canada is actually quite robust in our restriction of the post-employment phase. Even going back to some of the comments about the American jurisdiction, their emphasis, it seems to me, is on disclosure. Do what you're going to do, but tell people about it. Then it's up to the public to map on to see if you've done anything wrong, whereas—

• (1625)

**Mike Kelloway:** It's the type of thing that's in the moment—

**Lori Turnbull:** Right.

**Mike Kelloway:** —as opposed to after the fact. That's interesting.

**Lori Turnbull:** Yes, but it's up to the public to say that they don't like what you're doing, and to react to that, as opposed to saying that the laws prevent you from doing this. Part of the issue they came up with is that Donald Trump, when he came in the first time, decided he wasn't going to disclose; a whole bunch of people decided they weren't going to disclose either, and then...oof. You don't want to make rules around that.

**Mike Kelloway:** Totally, and that's totally a different topic altogether, in terms of Mr. Trump.

Professor Stedman, I really liked your testimony as well and your answers to the questions in terms of a common-sense, balanced approach. Fundamentally, at the core of this is influence. It can be money, but it's influence.

I think about my home riding of Cape Breton and Sydney—Glace Bay. We talked about it before testimony. I'm thinking not so much of the bankers or the financiers who may come to government—God bless them; we need them. I'm also thinking of the not-for-profit world that I come from. I deal with a lot of not-for-profits in Cape Breton and, in fact, across the country.

In terms of the balance and the common-sense approach, I'm wondering what your perspective is on how best to handle that in terms of making sure that if we go forward with recommendations, it's covered in a very balanced way.

A second piece is around putting rules in place for the not-for-profits. It's often said that culture drives the strategy. In terms of rules or laws, do you think there's a time period when not-for-profits in particular would need to learn about the new rules and whether they are applied? I think that a lot of folks in the not-for-profit world don't have that capacity, but they would need to get that capacity, if that makes sense.

**Ian Stedman:** Many not-for-profits are already subject to these rules. The question then is, if you're going to lower the registration threshold so that everyone registers, do you do the same for a not-for-profit?

I completely sympathize with that. I live within the rare disease space in another part of my life and patient groups form as not-for-profits. They have no choice but to lobby to find answers to the things that they are dealing with. I have a lot of sympathy for that question.

I think the solution might be that you keep a threshold for some exceptions. For those not-for-profits that are doing health-related, individual charity work or small not-for-profits—whatever the threshold is that you will decide upon—you could say that there is a baseline number of hours that they would have to meet within their organization before they're required to register. You could keep the current rules in place for those smaller players because of the value of having them not waste their time on an administrative burden. I guess that's one way of putting it.

**Mike Kelloway:** Thank you.

**The Chair:** I have two minutes for Mr. Hardy and then Ms. Nathan to tie a bow around this.

[*Translation*]

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

**Gabriel Hardy:** I'm really happy. That's a very good question about non-profit organizations.

Yes, we have seen that there's a good side, as in everything. People lobby for the right reasons. In other cases, we can sometimes see the problems coming.

Let us talk about a situation that happened here. The Prime Minister met with Brookfield's chief operating officer in his office, without triggering the ethical screen. However, the purpose of the meeting was to discuss a non-profit organization. It's as if it were for another reason.

How can laws ensure that people don't circumvent the rules by taking cover under the umbrella of another rule that says they don't have to declare certain things? How can we be truly sure that the systems in place are being used properly?

We need to help non-profit organizations; we agree on that. However, this rule shouldn't ultimately become a way to circumvent the Lobbying Act.

What do you think?

[*English*]

**The Chair:** You have a minute to respond to that.

**Lori Turnbull:** Yes, I agree with that.

That's why I come from the perspective of when in doubt, register. Just say it. That way, the net catches everything. It doesn't mean that, whatever's going on, there's something bad and that's the reason you need to report it—not at all. It's just a question—

[Translation]

**Gabriel Hardy:** I'll go back to my question, but the other way around. You often tell us that people act in good faith, but if someone circumvents the rules in bad faith, they won't voluntarily register. They will want to avoid anyone finding out that they misused a law.

Do you understand? That's what I want to avoid.

• (1630)

[English]

**The Chair:** You have 30 seconds.

**Lori Turnbull:** How can you force someone to register if they don't want to?

[Translation]

**Gabriel Hardy:** We need laws that can cover that. That's the point. People who misuse processes, that's what we want to avoid.

[English]

**Lori Turnbull:** Then you're enforcing. That's enforcement. If you want someone to register and they won't, they don't want to, they think they can get away with it and that's their mindset, they won't do it.

Then the question is around trying to catch that person, because you think someone's going to rat them out, and then you follow up with enforcement. However, no piece of legislation is going to force someone to tell you something they don't want to tell you.

**The Chair:** Thank you.

[Translation]

**Gabriel Hardy:** Transparency would at least enable us to ask questions.

[English]

**The Chair:** Ms. Nathan, go ahead for two minutes, please.

**Juanita Nathan (Pickering—Brooklin, Lib.):** Thank you, Mr. Chair.

Thank you to both of you for being here today.

In the quick two minutes I have, I want to talk a bit about grassroots lobbying. There are some recommendations that the commissioner has given as well.

I want to talk more about social media lobbying, or AI, or any of the new forms of lobbying that we have like crowd lobbying where, instead of coming together as an organization or a lobbying firm, you have individual people lobbying, but a member of Parliament may not want to be associated with them.

How do you deal with something like that, and what would be your recommendation for that? This could be positive lobbying for something to happen or not to happen.

**Ian Stedman:** Can I ask you to reframe the end of it, that the member of Parliament might not want to be associated with being lobbied by someone?

**Juanita Nathan:** Yes, it could be a bill that's going through that they don't want to be associated with. It could be a group that is negatively portraying themselves in social media.

How do you deal with something like that? What kinds of recommendations could you give?

**Ian Stedman:** I think as a member you're allowed to just say no to a meeting.

I think what you're saying is that you're bombarded with social media. That's just the world we live in, unfortunately. I'm not so sure you can avoid that unless you have people on your staff to filter it out, and you're not the one hanging out on Twitter.

I think what underlies your question is a very important topic, which is grassroots. As we know, it is a changing space within the lobbying community. It used to be the case that I put flyers on the sides of poles, and I told people to go and talk to their MPs. Now we can do all sorts of things, including using chatbots and troll farms, that don't even require humans— your AI reference there. I think that's a really important topic that we didn't talk about today, but has come up in your review that you will have to address as far as whether or not you want more registration on grassroots lobbying.

I think Commissioner Motherwell brought it up, too, with regard to the Ontario law. It's a good question.

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

Thank you, Ms. Nathan.

If you do have any thoughts on that, Mr. Stedman, and you want to share them with the committee following your appearance here today, I would certainly welcome that on behalf of the committee.

Ms. Turnbull, you mentioned very early on in your intervention the attraction to the public service of professionals from outside the public service. We're seeing, for example, in the Major Projects Office, secondments going on where people are coming in, and they're being seconded for perhaps whatever expertise they may apply to the office.

I'm not sure that many of them would be designated public office holders, but in post-employment periods when they return to their company, should the committee be concerned with any leverage that they may have gained, any understanding of how government works or any connections that they may have made for the purposes of lobbying post-secondment? The company they return to may be connected in some way to the Major Projects Office. Should we consider that aspect of it?

Ms. Turnbull.

**Lori Turnbull:** Yes, Mr. Chair, you should. I would also say that it might not show up exactly in terms of what we describe as lobbying. But it's also information, not necessarily going back to lobby the government—

**The Chair:** The proprietary information—

**Lori Turnbull:** —but maybe they will, maybe they won't.

Also, in terms of information that they would have gleaned at the time about how things are working, who's in charge, how decisions are being made, what the criteria are or how this project got approved under these circumstances, and now this project should look more like that. This is gold. Yes, I would look at that.

• (1635)

**The Chair:** Mr. Stedman, do you have any thoughts on that?

**Ian Stedman:** Yes, I agree. I think that's a question for both the Conflict of Interest Act and the Lobbying Act, for sure.

**The Chair:** All right. My only regret is that I didn't book you for two hours, because I think you've added a lot of value to the discussion today.

**Lori Turnbull:** Thank you.

**The Chair:** I appreciate the time that you've taken with us.

We're going to suspend for a minute while we switch over to our next panel.

Thank you, both, on behalf of the committee and on behalf of Canadians. This meeting is suspended.

• (1635)

(Pause)

• (1640)

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

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

From the Royal Canadian Mounted Police, we have Frédéric Pincince, who is an inspector of sensitive and international investigations.

Mr. Pincince, you have five minutes to address the committee. Please start.

**Inspector, Frédéric Pincince (Inspector, Sensitive and International Investigations, Royal Canadian Mounted Police):** Thank you, Mr. Chair.

Good afternoon, Chair and honourable members of the committee. Thank you for the invitation to appear today as we gather on the traditional unceded territory of the Anishinabe nation and recognize the continuing presence of first nations, Inuit and Métis people in this region.

My name is Inspector Frédéric Pincince of the central region sensitive and international investigation unit.

[Translation]

First, I would like to take a moment to speak about the RCMP's federal policing role.

Federal policing has a multi-faceted mandate with authorities under more than 250 federal statutes and acts of Parliament. We enforce federal laws, investigate criminal activity related to national security, transnational and serious organized crime, financial crime and corruption.

We also secure Canada's borders and ensure the safety of critical infrastructure, internationally protected persons, other designated persons and democratic institutions.

[English]

The principle of police independence is fully respected throughout all investigations. Operational independence underpins the rule of law and is necessary for the maintenance of public trust. While accountable to Parliament, the RCMP is operationally independent. Police independence is an important principle in a free and democratic society that ensures that the government cannot direct or influence the actions of law enforcement and that law enforcement decisions remain based on the information and evidence available to police. The RCMP ensures that all investigative actions are appropriate to protect the integrity of the investigation and the right of the accused individual. As well, it takes steps to mitigate any future harm that may occur throughout the investigation. This is the delicate balance that the RCMP faces in all of its investigative efforts.

[Translation]

With this in mind, I would now like to share more information with the committee on the area within the RCMP that has the expertise and experience on leading investigations sent to us by the Office of the Commissioner of Lobbying.

[English]

Federal policing is a core responsibility of the Royal Canadian Mounted Police that is carried out in every province and territory in Canada, as well as internationally. As part of its federal policing mandate, the RCMP's sensitive and international investigation team investigates sensitive, high-risk matters that may cause significant threats to Canada's political, economic and social integrity of the institutions of government, public officials and the integrity of the Crown across Canada and internationally. This includes allegations of offences under the Lobbying Act.

[Translation]

The integrity of any criminal investigation must be protected. While subjects of investigation are sometimes known publicly, additional associates to the alleged offences are often unknown. Knowledge of the suspect, charges or investigative strategy, and techniques can lead to potential destruction of evidence, intimidation of witnesses and even result in prejudice to an innocent person.

[English]

Any disclosure of the aforementioned components has the potential to compromise an ongoing investigation.

The RCMP cannot comment on the nature or source of the information it receives relating to an ongoing investigation. In the case of enforcement of the Lobbying Act, the RCMP can confirm that it is investigating all associated matters to determine if any criminal offence has taken place.

In investigations such as those related to the Lobbying Act, the timeline of these investigations will vary depending on a myriad of factors, including matters of privilege, the number of other ongoing investigations and available resources. As a result, the duration of these investigations can vary.

[Translation]

Today, I am committed to provide you with as much information as I can on the RCMP investigative processes. I will answer your questions to the best of my ability, all the while protecting the integrity of any ongoing investigation.

• (1645)

[English]

The RCMP remains committed to this work, and we thank our partners and communities for standing with us in protecting those who have given so much to Canada.

Thank you. I look forward to your questions.

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

[Translation]

We will now begin the first round of questions.

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

**Gabriel Hardy:** Thank you for being with us, Inspector Pincince.

Thank you for sharing your knowledge with us today.

I'd like us to talk about foreign interference. This was an extremely important topic in 2024. We were told that it was even urgent to act on it. In 2025, during the election campaign, the current Prime Minister said that the biggest threat to our national security was China. In 2026, a strategic partnership on economic development and law enforcement was created with the Chinese police.

Do you think these facts could cause a problem?

Is Chinese interference still an issue in Canada?

**Frédéric Pincince:** That isn't within my area of expertise. I won't hide that from you.

[English]

[Translation]

My unit focuses really on issues related to investigations into fraud against the government, accusations or allegations against members of Parliament and the Senate, as well as related investigations, such as those that concern lobbying.

**Gabriel Hardy:** Don't you sometimes see foreign companies or interests come and lobby our decision-makers in some way?

Do you sometimes realize that there are groups active here in Canada that maybe don't go through official diplomatic channels? If so, does that become the subject of potential investigations for you?

Are you seeing that kind of activity right now?

**Frédéric Pincince:** Again, I won't hide this from you. That isn't the type of investigation we carry out under the Lobbying Act.

The investigation requests we have received, whether from the Office of the Commissioner of Lobbying or from other bodies, for example, as part of ongoing investigations in a certain context, don't currently have that component.

**Gabriel Hardy:** To clarify things for the people listening to us, could you tell us the circumstances in which you get involved?

I often see comments on social media. People wonder why there are no investigations or charges when there is evidence of unjust lobbying activities that are unfair to citizens. Lobbying can be perceived as undue pressure.

People call me about this in my riding of Montmorency—Charlevoix.

When do you get involved in the process?

**Frédéric Pincince:** Thank you for the question.

We get involved in the process on a number of fronts.

Generally speaking, we receive a disclosure or a case from the Office of the Commissioner of Lobbying. We look at the information and determine whether it shows an offence under the Lobbying Act. If the minimum threshold is met, we launch an investigation. We investigate the circumstances of the offences.

**Gabriel Hardy:** I would say that you're in reaction mode. The Commissioner of Lobbying has to take a first look and there has to be an apparent offence.

As we saw in the case of conflict of interest, if the conflict of interest isn't yet apparent, you can't launch an investigation, even if you consider, based on the information you have, that there might be a potential conflict of interest or that an offence has been committed.

You don't start an investigation until the commissioner has given you a mandate or a referral.

Is that correct?

**Frédéric Pincince:** Based on historical data from our investigations, 23 of the 24 investigations we've conducted since 2010 or 2012 were referred to us by the Office of the Commissioner of Lobbying.

However, that doesn't prevent the RCMP from investigating some situations as well. In the course of investigations, we may find certain information. We have some expertise within the unit when it comes to the Lobbying Act. As a result, investigators are very aware of potential violations. If it is determined that there could be an offence, we will investigate the situation.

**Gabriel Hardy:** In the case of an investigation related to ministers' offices or the Prime Minister's Office, for example, the people you are investigating are the ones who will provide you with the information.

Do you have trouble getting the information?

How do you go about making sure that the process is as clear and transparent as possible and that you actually have access to the information?

In a case like that, you are kind of investigating people who are ultimately mandated to give you the information. It's a bit of a strange loop.

What are your comments on that?

**Frédéric Pincince:** You're right, some of the investigations may pose challenges in obtaining the evidence needed to lay charges.

We have methods available to us under the Criminal Code for obtaining production orders, search warrants and so on. We take statements from individuals. However, we must continue the process of obtaining criminal evidence. The Criminal Code and the Lobbying Act give us guidelines. We have to continue the investigation based on those parameters.

• (1650)

**Gabriel Hardy:** Do I have enough time left, Mr. Chair?

**The Chair:** You have 40 seconds left.

**Gabriel Hardy:** That's great.

I just want to make sure I understand the relationship between Parliament, the RCMP and all that. When you investigate, for example, a public office holder, a member of Parliament, a minister or a prime minister, do the investigations stop as soon as the person leaves parliamentary office? Does this keep following them for the rest of their lives?

If measures were taken while the person was in a position where they had to make decisions, do the investigations continue even if the person has left parliamentary life?

**Frédéric Pincince:** Criminal investigations will continue. No one is above the law. In those situations, we will continue our investigation as long as the parameters of the investigation allow us to do so.

**Gabriel Hardy:** Okay. Thank you, Mr. Pincince.

**The Chair:** Thank you, Inspector Pincince and Mr. Hardy.

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

**Linda Lapointe:** Thank you, Mr. Chair.

I would like to welcome the witness. We are very grateful to him for being here at the committee.

We've already met with the Commissioner of Lobbying. She came to testify before the committee and told us that, ultimately, it was the Royal Canadian Mounted Police that conducted the investigations.

Have you read her recommendations?

I just wanted to make sure, because in recommendation 17, "Additional compliance measures", it says:

Amend the Act to allow for a range of additional compliance measures, including mandatory training, administrative monetary penalties and temporary prohibitions on lobbying.

In her testimony, the commissioner said that it was a bit tiresome because she doesn't know when the RCMP closes a file. She doesn't

have the information to tell her that the RCMP has closed the file. She says that she would really like to know what is going on and that this way of doing things bothers her. She has to contact the people she investigated two, three or four years ago. Very often, organizations no longer exist or people are no longer there. In her opinion, there would be a concern about the principle of natural justice. She doesn't know what else to do to be able to investigate.

What are your thoughts on that?

**Frédéric Pincince:** Thank you for the question.

I would like to clarify the information provided to the Office of the Commissioner of Lobbying when a file is closed.

We notify the Office of the Commissioner of Lobbying after each file has been closed. I believe the commissioner was referring to information related to the content of the investigation itself.

As a general rule, we provide clarification to the Office of the Commissioner on the case, and we notify it when the file is closed. However, in terms of the steps of the investigation, the statements that were made, all of that information remains within the investigation. That information is not shared at that time.

**Linda Lapointe:** Okay. Thank you.

Earlier, my colleague talked about the process.

Do you want to clarify that?

When the Office of the Commissioner of Lobbying sends you cases, exactly when and how does it do so?

**Frédéric Pincince:** In general, when the Commissioner of Lobbying determines that she has reasonable grounds to believe that there is an offence under the Lobbying Act, the case is forwarded to us.

We then assess the case as well as the individuals involved to ensure that they are covered by definitions in the Lobbying Act. We check whether they are consultant lobbyists or in-house lobbyists, for example. We determine whether the information is sufficient to meet the minimum threshold required for investigation. At that point, we launch an investigation.

**Linda Lapointe:** As you said in your presentation, you have to comply with 250 federal acts, and the one you just mentioned is one of them. You also said that, since 2010 or 2012, you have conducted 24 investigations.

How many of those investigations have been closed?

You can talk about the investigations that are completed, right?

**Frédéric Pincince:** Yes, I can speak generally about investigations that are completed on some of the cases.

As I said, we currently have three active cases, on which I can't provide any further information.

In terms of the other cases, if I go by the exact numbers in the past 13 years, we have about two cases that have led to charges. A case is currently before the courts. The other case was concluded, and charges were laid.

Going back a bit further, I would say that about four cases, in general, have been resolved. They led to charges. The other cases were concluded for various reasons, because we had not met the minimum evidentiary threshold in order to be able to lay charges, for example. There may be other reasons related to the parameters by which we must act in accordance with the Lobbying Act.

• (1655)

**Linda Lapointe:** Thank you.

Can you give us more details on the type of investigation you conduct, in general, and on the types of cases you handle?

What are the subjects that you don't investigate?

**Frédéric Pincince:** We have been assigned investigations involving several categories of offences and violations as defined in the Lobbying Act. Some of the offences, as I said, can involve a consultant lobbyist or an in-house lobbyist who is lobbying without registering. There are situations where the Lobbying Act does not allow an individual to lobby if it is conditional on reaching a percentage of revenue in a contract. Again, we deal with other types of investigations.

Lastly, we conduct investigations with respect to the usual five-year prohibition on lobbying for designated public office holders. They can't lobby for five years after they've held a position in the government. This is the type of offence under the Lobbying Act that we mainly investigate.

**Linda Lapointe:** Thank you.

We often hear about chance meetings between a lobbyist and an MP, when the MP is about to catch a plane, for example.

In your opinion, is it an offence if the lobbyist talks to the MP about a bill without the meeting being recorded in the registry?

**Frédéric Pincince:** It depends on the parameters and the situation in which the communication takes place. The Lobbying Act under subsection 5(1) and section 7.1 specifically outlines the parameters that need to be met in these situations.

It depends on the circumstances. We have to assess, for example, whether it's a situation related to one of the parameters set out in the act. If the communication complies, if the lobbyist is paid by a third party, then we can talk about lobbying.

**Linda Lapointe:** Thank you.

**The Chair:** Thank you, Ms. Lapointe and Inspector.

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

**Marie-Hélène Gaudreau:** Thank you, Mr. Chair.

There were 24 investigations. Of those, only one did not come from the Commissioner of Lobbying.

Did I understand correctly?

**Frédéric Pincince:** That's correct.

**Marie-Hélène Gaudreau:** Who can ask you to conduct an investigation?

**Frédéric Pincince:** Again, anyone who wants to file allegations can contact the RCMP. In that situation, we will assess the case. We will determine whether the complaint meets the criteria established to determine whether there is an offence under the Lobbying Act.

I'll say outright that the Office of the Commissioner of Lobbying is the regulatory body that has all the necessary expertise and knowledge regarding the purpose and parameters of the act.

However, if allegations are brought to our attention, we review the case.

**Marie-Hélène Gaudreau:** What about enhancing, increasing or restructuring penalties in the case of misconduct?

Let me explain. In terms of privacy, other countries say that the penalty should be set based on a percentage of sales. The penalty would no longer be \$500. It could be more like \$5 million.

What do you think?

**Frédéric Pincince:** We're talking about a regulatory system. We're also talking about the Lobbying Act. Several tools are available to legislators to determine the best solution to ensure that individuals comply with the Lobbying Act.

In terms of putting in place additional measures, in some cases, yes, it could be beneficial to speed up some processes that determine the penalty.

There are a number of issues. We have to ask whether the offence was committed in violation of the act. Minor infractions might be better resolved through penalties, including financial penalties, or investigations conducted by the Commissioner of Lobbying.

That way, we would keep more serious Criminal Code investigations. I gave you some examples earlier.

• (1700)

**Marie-Hélène Gaudreau:** What about the proposals to increase the commissioner's power?

Basically, if we legislate in this regard, the commissioner could have more power.

What do you think?

**Frédéric Pincince:** Right now, as soon as the commissioner has a reasonable doubt, she automatically refers the case to the RCMP. The RCMP, as part of its investigation, has to look at a number of factors to determine whether there is a Criminal Code offence. As we know, lobbyists must register to lobby. If they don't register on time, it becomes an offence.

Is that the type of offence we want to go after for criminal investigations? Do we want to focus instead on investigations involving, for example, a situation where someone who actually has an interest avoids registering under the Lobbying Act?

Once again, I would say that we have to strike a balance to determine what type of offence would require a criminal investigation, what type of offence would be better resolved otherwise and how to ensure that individuals are more compliant with the act, including taking other measures.

**Marie-Hélène Gaudreau:** You said that all of this is done based on available resources. What is the situation if there is an increase or financial penalties?

We learned today that not everything goes through the commissioner. If we become very responsive to lobbying offences, what happens to your resources?

**Frédéric Pincince:** Anything to do with additional administrative measures is not the RCMP's responsibility. The RCMP only deals with investigations or matters referred to it in relation to criminal investigations.

**Marie-Hélène Gaudreau:** Thank you, Mr. Chair.

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

We'll now go to the second round of questions.

[English]

Ms. Block, you have the floor for five minutes. Go ahead, please.

**Kelly Block:** Thank you very much, Mr. Chair.

Thank you, Mr. Pincince, for joining us today. I am not a permanent member of this committee. Nonetheless, I'm very interested in the testimony you are providing to this committee today.

In your opening remarks, you stated that your department investigates high-risk matters and that, when you do investigate, the cases have to meet certain minimum thresholds.

I wonder if you could tell this committee what those minimum thresholds or criteria are that have to be met in order for you to begin an investigation.

**Frédéric Pincince:** We look at the substance of the allegation. We look at all the criteria and try to assess all the elements of the offence contained in the Lobbying Act. We try to establish whether there is sufficient information for us to determine that we have reasonable grounds to believe there has been an offence. This is the minimum threshold for us to launch an investigation.

Now, there are some other factors we have to consider. As I mentioned earlier, we examine situations to determine whether there are exigent circumstances. Are we looking at a very serious transgression of the act? Are we looking at a minor transgression? As I said earlier, the lobbying commissioner refers all matters to us. Of course, we look at a very wide spectrum of offences. We have to make an assessment based on the available resources we have in order to see which ones will be prioritized.

The Lobbying Act is one of the acts we enforce, among many.

• (1705)

**Kelly Block:** Thank you.

You also mentioned that you have challenges accessing information. I wonder if you would like to speak a bit to those challenges.

**Frédéric Pincince:** When I say, "challenges"... We use the tools at our disposal, like production orders to obtain information from either companies or individuals. Some of the challenges we have are in obtaining those documents. We need to meet a certain level of information to obtain those orders. We need to meet that threshold of "reasonable grounds to believe". There are some situations where, if we cannot meet that threshold, we won't be in a position to obtain the information.

I can refer things to the lobbying commissioner, who has some compulsory powers at her disposal, such as summoning people to provide testimony. In our case, those statements have to be voluntary. People cannot be coerced into providing statements, or influenced. We have to meet the standards provided by criminal law.

**Kelly Block:** Thank you.

Can you advise this committee as to whether the green slush fund or GC Strategies remains under active RCMP investigation?

**Frédéric Pincince:** Again, I'm not in a position to comment on or give any information about either an active investigation or matters in other investigations we have concluded, because of laws under the Access to Information Act or the Privacy Act.

We're not in a position to provide information in relation to these matters.

**Kelly Block:** Thank you.

**The Chair:** Mr. Al Soud, you have five minutes. Go ahead.

**Fares Al Soud:** Thank you, Chair.

Mr. Pincince, thank you for being with us today and for your service to our country.

You spoke to this very briefly, earlier. Could you walk us through the current process when the Office of the Commissioner of Lobbying refers matters to your department?

**Frédéric Pincince:** We have an excellent relationship with the Office of the Commissioner of Lobbying. We'll receive some communication from their office to indicate that they have a matter to refer to us. Generally, we receive a well-written report that contains all of their information and why they believe there's been an offence under the legislation.

Again, we will do the same exercise to validate that information. Sometimes we have to obtain a bit more information to try to meet our threshold to launch an investigation. At that point—again, as I mentioned—if we meet the minimum threshold, we will launch an investigation.

**Fares Al Soud:** Could you speak to that threshold? I'm curious as to what you would consider to be a minimum threshold.

**Frédéric Pincince:** The minimum threshold would be, based on the information we have, that we have reasonable grounds to believe that an offence under the act has been committed.

**Fares Al Soud:** My colleague mentioned earlier, maybe in passing, that the Commissioner of Lobbying is seeking additional compliance measures, such as the authority to impose monetary penalties or require training. Could you provide examples of situations in which monetary penalties would be appropriate, including the potential amounts? I suppose I'm also asking whether there are certain measures you would suggest the commissioner should have.

**Frédéric Pincince:** I would have to say that would be a decision, based on the recommendations of this committee, as to which offences should be looked at through a criminal lens or which ones should be looked at with some alternate options, such as administrative monetary penalties.

In my opinion, when we look at the wide spectrum of potential offences, again, not registering is an offence under the act, but do we want to capture everyone who is late in registering? There could be other cases that are referred to us because there might be a lack of training or some bad information that's been provided to someone. Again, the Office of the Commissioner of Lobbying possesses incredible expertise in terms of training and being able to provide advice when it comes down to what should be and what should not be....

I would see value for this committee to examine exactly which ones should be investigated from a criminal aspect, and which ones should be looked at with some alternate measures.

• (1710)

**Fares Al Soud:** It's interesting. There's a delicate balance between flexibility on this front and rigidity. There's value in having both of those matters involved in the system.

From a compliance measures standpoint, can you explain which measures—such as mandatory training—would be more suitable, and when it would be more appropriate to refer a matter to the RCMP or other provincial regulators?

**Frédéric Pincince:** Again, when it comes down to referring matters to provincial regulators, which I believe the commissioner has mentioned before, it comes down to capacity. When it comes down to her capacity to refer matters, right now she has to report. She has to refer the matter to law enforcement. I'm not an expert, but again, in this situation, if the mechanism to share information at different levels.... I think the act should have to possess some of those mechanisms for the Commissioner of Lobbying to refer matters to some other institutions as opposed to solely law enforcement.

**Fares Al Soud:** You mentioned earlier that a referral is typically made to you when they have reason to believe there's been a criminal offence. When a referral is typically made from the Commissioner of Lobbying to law enforcement, are they generally timely and sufficient in evidence? What is the fulsome scope of what you see from the Commissioner of Lobbying?

**Frédéric Pincince:** Yes, we've received several referrals from her office in the past years, and, as I've said, we've investigated all of them. I would have to say that the information her office provided was quality information. It was well reasoned and that allowed us to conduct investigations.

Now, the conclusions of our investigations, of course, will sometimes differ, based on the variety of information. Every investigation will be different. It's all based on the information that we can obtain and the means through which we obtain that information. That's why, sometimes, the conclusion may change, based on our capacity to investigate.

**Fares Al Soud:** Thank you, Chair.

**The Chair:** Thank you, Mr. Al Soud.

Thank you, Inspector.

[*Translation*]

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

**Marie-Hélène Gaudreau:** Thank you, Mr. Chair.

As far as the power to apply coercive measures is concerned, what happens on your end if the commissioner gets assistance to handle simple cases rather than larger investigations?

Would you support that?

**Frédéric Pincince:** Again, that decision is a matter for this committee, which can make recommendations.

**Marie-Hélène Gaudreau:** What is your opinion?

**Frédéric Pincince:** I can see some advantage to this with respect to certain minor infractions. They could be handled more quickly. This would allow the Office of the Commissioner of Lobbying to provide more information on cases of minor violations. This could help improve transparency with respect to the information disclosed.

**Marie-Hélène Gaudreau:** Minor cases could be sanctioned by the commissioner following an investigation, and the RCMP could support her in that process.

Is that correct?

**Frédéric Pincince:** It would fall more under administrative investigations. The purpose of this type of investigation is really to ensure that everyone complies with the act.

In the case of more serious offences where there is clear intent to commit an offence, this type of investigation may be referred to the RCMP.

**Marie-Hélène Gaudreau:** It's not really about the nature of the cases, and it's not related to my question.

My question is more about how we can avoid working in silos.

How can we support the commissioners? I'm thinking in particular of the Conflict of Interest and Ethics Commissioner and the Commissioner of Lobbying.

Will you work together when there is an intention to contravene the act by obtaining profits through a trust without recusal?

You can see how this comes full circle. Are you already doing that? Please reassure me. If not, is that a possibility?

**Frédéric Pincince:** Government agencies have a certain degree of independence. Once a criminal investigation has been initiated, we conduct our own investigation. We use some of the information that was initially provided to us. We must be extremely vigilant with respect to that information.

As I said earlier, the commissioner has enforcement powers. She may use them. Some of those powers are not admissible in court.

• (1715)

**Marie-Hélène Gaudreau:** If certain commissioners work together as part of a legitimate request, you can investigate an offence that is not limited to failure to register. The offence may have been committed with the intention of contravening the act and going beyond that, for example, to obtain monetary benefits, among other things.

Is that correct?

**Frédéric Pincince:** In some cases, there may be co-operation with other agencies, whether in a regulatory or administrative capacity. If they wish to provide us with information, we have to be extremely vigilant, as I mentioned, because our investigations must be conducted pursuant to the powers conferred by the Criminal Code and in compliance with the Canadian Charter of Rights and Freedoms. There are therefore certain constraints that we have to respect. We do receive information, which may prove necessary.

**Marie-Hélène Gaudreau:** If the act states, in the absence of case law, that there is a correlation between actions taken, anything is possible as long as you respect the established frameworks.

Is that correct?

**Frédéric Pincince:** Yes, we have to take into account case law when it comes to administrative investigations on the criminal side. So there are constraints that we have to respect. We co-operate in accordance with the parameters set out in the act and in the case law.

**Marie-Hélène Gaudreau:** Thank you, Mr. Chair.

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

[English]

Ms. Gallant, you have five minutes. Go ahead, please.

**Cheryl Gallant (Algonquin—Renfrew—Pembroke, CPC):** Thank you, Mr. Chair.

How can the public be confident that the RCMP investigates independently, when we plainly saw that former prime minister Justin Trudeau was able to obstruct the investigation into his obstruction of justice with SNC-Lavalin?

**Frédéric Pincince:** The RCMP operates within the framework of the parameters provided to us. We have to follow the laws in place in Canada. We have to follow these processes. There are some mechanisms in place that protect some information, either by way of solicitor-client privilege or by way of parliamentary privilege. We have to operate within those parameters.

**Cheryl Gallant:** We've observed that the trail of Brookfield's international contracts coincides with the current Prime Minister's international itinerary.

How does the RCMP investigate undocumented lobbying by foreign nationals or undocumented lobbying when the Prime Minister is lobbied while out of country?

**Frédéric Pincince:** Again, for us to launch an investigation, we need to ascertain that the communications were in fact captured by the Lobbying Act. It is a very difficult question. We could speculate quite a bit as to the nature of those communications. Again, we still need to meet the threshold of that evidence. We can't make some inference in terms of location. We would need some evidence to believe those communications took place.

**Cheryl Gallant:** There is evidence. When the Prime Minister was in China, he signed a strategic partnership with the communist regime there. How would the RCMP investigate the undocumented lobbying that obviously occurred before the Prime Minister left Canada? They didn't decide that they were going to allow 49,000 Chinese-made cars into Canada just during the course of that meeting. Obviously, lobbying had to happen.

**Frédéric Pincince:** Again, I would be speculating. We would need some more information for us to be able to make a determination.

**Cheryl Gallant:** The Prime Minister is appointing former business associates, for example, the new CEO of the Defence Investment Agency. That puts the former business associates in a position to lobby on behalf of associates without documenting interactions. When they're done their term, they go back to business. What do you need to be put in place so that you can investigate how these deals are happening while the people are in office?

• (1720)

**Frédéric Pincince:** Again, it's up to the determination of this committee to make some recommendation to increase the parameters that we currently have in the Lobbying Act.

**Cheryl Gallant:** Are there even any concerns that foreign interests are influencing the government and public office holders without that transparency needed?

**Frédéric Pincince:** Again, my answer would be that those parameters would need to be determined by this committee to try to determine exactly what we want to be captured into the Lobbying Act. We really look at the situation. We will assess the evidence that we have, and we will make a determination whether we can lay charges in relation to a potential offence.

There is a lot of communication right now that might not be captured within the Lobbying Act. It is not an offence if it is not.... If it doesn't meet those criteria, as I mentioned earlier.... Is it for payment? Is it in relation to subject matter? There could be a lot of communication. If it does not meet these criteria, it will not be an offence under the act.

**Cheryl Gallant:** Should there be tools or parameters for the RCMP and our security agencies to proactively initiate reviews and investigate cases of unreported lobbying or foreign entities using leverage to influence public office holders?

**Frédéric Pincince:** Again, if it's the will of this committee to determine that this is something that would increase transparency, if this is included now in the Lobbying Act as an offence, at that point, the RCMP will be happy to investigate.

**Cheryl Gallant:** Have you seen any evidence that there is currently a functioning foreign lobbyist registry that you could act upon?

**Frédéric Pincince:** I would not have any information in that regard.

**Cheryl Gallant:** Thank you.

**The Chair:** Next, we go to Mr. Kelloway for five minutes.

Go ahead, Mr. Kelloway.

**Mike Kelloway:** Thank you, Chair.

Recommendation number 18 refers to situations where the Commissioner of Lobbying believes a matter may be addressed by another appropriate authority, such as a provincial lobby regulator. Are you able to comment on that? What are your views on that?

**Frédéric Pincince:** This is not really my area of expertise. We really focus on the investigation at the federal level. If there's a more efficient way there to refer matters to other instances, this is not a situation that we've encountered.

**Mike Kelloway:** That's fair.

What is the typical length of a post-conviction lobbying ban?

**Frédéric Pincince:** I would say the Commissioner of Lobbying does have the power. Once we have an investigation, once an individual has been convicted, the Commissioner of Lobbying has the ability at that point to issue another ban from lobbying. I'm not extremely familiar with it, but I believe we could be looking at potentially one year. I'm speculating here.

**Mike Kelloway:** I married into a police family. I know that there are certain things you can't say, but you can talk in generalities, so I can appreciate that.

Earlier on you talked about the relationship with Commissioner of Lobbying and said that you have a good relationship. I'm not asking you to give specifics, but can you walk through what happens if there is a disagreement or if you have a difference of opinion? Could you give us a sense of that kind of discussion? I think it helps inform either what recommendations would be upheld here or what amendments would be made. How is that sorted out? Can you give us a glimpse without giving us an actual example with names?

**Frédéric Pincince:** I believe there's mutual respect between our two offices. We have to operate within different standards when it comes down to the level or threshold of proof of evidence that we require.

The lobbying commissioner will look at a matter and, as per the act, the moment that she forms her grounds to believe that there is a potential violation of the offence, the file will be referred to the RCMP to investigate.

Now, when we look at it, where we sometimes may differ is on the assessment of the circumstances. Then again, at this stage, the RCMP does have the information in relation to the specifics of the

offence. At that point, this is what forms the basis of our conclusion.

Again, I believe that we each operate within our own limitations when it comes to the act. As it comes to our investigation, we have to evaluate what it is, and we have to function within some of the terminology and the notion. To give an example that was mentioned earlier, the significant part of the duties is an area that we have to navigate. I know that the act allows for the Commissioner of Lobbying to provide some interpretation bulletins.

Again, in the context of the investigation, we have to assess everything. Interpretation bulletins do provide some parameters for lobbyists to operate; however, when it comes down to the application of the law, we have to function specifically as it relates to what is contained in the act. Right now the act does not speak to 20%. That is in interpretation bulletins that are not statutory instruments and, as such, are not binding in court.

We have to operate within what is a significant part of the duties, to provide an example, which could be very challenging and complex to do.

• (1725)

**Mike Kelloway:** Very much in a similar vein, on the importance of police independence, when issues of lobbying come out, surprise, surprise, on all sides there are political issues. We're in a political atmosphere here. I think this kind of builds on your previous statements, but can you add some colour to it?

How do you maintain that integrity and independence to ensure that these are the facts and the evidence and it's not necessarily spin that may come out of Ottawa from any particular party?

**Frédéric Pincince:** We do take any allegations very seriously. We take a measured approach into each specific case. We look at the elements and the evidence before us, and we will make a determination at that point. These investigations are conducted in private. That information is contained within the investigative team, and we ensure that the information is protected to protect the integrity of the investigation. At the same time, in some situations, we consider the potential repercussions on an innocent person.

[Translation]

**The Chair:** Mr. Hardy, you have the floor for five minutes.

**Gabriel Hardy:** These are really interesting discussions.

In recent years, there have been a number of scandals. I'm thinking of the SNC-Lavalin scandal involving the Liberal government. I think you were at a meeting on that at the time. There was also the Liberal scandal involving ArriveCAN and the green slush fund, or *Fonds vert*.

Could you give us an example of the consequences of these scandals?

In fact, you intervened and conducted an investigation. Have there been any consequences? I'm talking about the ArriveCAN scandal, where about \$450 million, I think, was spent on a four-person company in a basement.

Was there any repayment?

When did the consequences occur?

**Frédéric Pincince:** In fact, the consequences can vary depending on how cases are resolved. Administrative measures can be used by the government to recover funds that may have been obtained in a way that did not comply with a contract. At that point, the RCMP investigates from a different perspective. We're really trying to determine whether there is an offence under the Criminal Code, whether in relation to the act or otherwise. So our approach is different. We don't operate—

**Gabriel Hardy:** Thank you for that. I'm sorry to interrupt, and it's really not meant to be disrespectful, but I'd like an example.

In my case, people in my riding ask me all the time what's going on. There are a lot of theories. You'll see where I'm going with this.

We asked you some questions earlier. I also understand that there are processes that have to be followed. However, we're often told here that it's up to the committee to decide how the RCMP can intervene.

I'll give you an example. The committee has just completed the review of the Conflict of Interest Act. We submitted the report, but the Liberals didn't accept all the recommendations. The Liberals control parliamentary committees. We're in a bit of a loop. We propose things, and they're not accepted. If they are not accepted, the committee doesn't change the act. If the act doesn't change, you can't intervene. So we're going around in circles.

I'm just trying to figure out how we could give you powers.

On your end, could you analyze the situation and, when you think you need to intervene, tell the commissioner that you won't wait for her to call, but that you'll step in right away?

Right now, you're always required to wait for those who are committing wrongdoing to give you permission to investigate them.

• (1730)

**Frédéric Pincince:** In some situations, we conduct an investigation. Generally, we look at situations that are in the public interest. We assess them and determine whether the allegations meet the minimum threshold required to initiate an investigation.

In other cases, investigations are conducted either by the Office of the Auditor General of Canada or by other government bodies.

**Gabriel Hardy:** Do you have any concrete examples?

Could you give us a concrete example of a situation in recent years and that led to a result, an example where the public was told not to worry, that it wasn't political in nature and that the laws were applied?

**Frédéric Pincince:** Again, in our investigations, we use the tools set out in the Criminal Code to determine whether there is sufficient evidence.

For example, an increase in costs for a given project isn't necessarily criminal. A situation where public funds have been mismanaged isn't necessarily criminal. There are mechanisms available to the government in certain situations involving non-criminal behaviour that allow it to recover funds.

As for us, we deal primarily with criminal investigations. We rely on the evidence required by the Criminal Code. We try to determine whether the threshold is met and whether there is sufficient evidence to lay charges. Again, we have to operate within the constraints we're subject to.

**Gabriel Hardy:** I'll end with a very simple question.

I have a great deal of respect for your profession. In fact, I have a lot of friends who practise it as well.

Do you think that, at some point, we focus too much on the letter of the law—on technicalities—and that we should be held to a higher ethical standard than what the law requires? You say, for example, that we can't really go there, or that such and such a person may have committed a breach, but that the breach isn't criminal.

Shouldn't we, in a way, legislate more when it comes to ethical principles that should form the basis of our laws, instead of getting hung up on technicalities that ultimately prevent us from laying charges?

**Frédéric Pincince:** Yes. I'm not a lawyer, but if I look at the act that governs ethical breaches, the Conflict of Interest Act, it's not Parliament's intention to criminalize some of these behaviours.

When the Conflict of Interest and Ethics Commissioner has reason to believe that there has been a violation of the Criminal Code or any other act of Parliament, he must suspend his investigation and refer the matter to the police. That's when we conduct an investigation.

From our perspective, once again, we have to operate within certain constraints. Naturally, the process takes more time. We don't have enforcement powers. We have to conduct investigations, proceed step by step and meet the required criteria at each stage of the investigation, from the initial assessment through to the conclusion. We have to operate within those constraints.

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

Thank you, Mr. Hardy.

**Gabriel Hardy:** Thank you very much.

[English]

**The Chair:** Ms. Nathan, you have five minutes.

Go ahead, please.

**Juanita Nathan:** Thank you, Mr. Chair.

Thank you to Frédéric Pincince from the RCMP for being here today.

Why, in the last 15 or 16 years, out of about 30 cases that have been referred to the RCMP, were only six individuals charged with offences under the Lobbying Act? I think that was between 2009 and last year.

**Frédéric Pincince:** Yes, there were several investigations. Again, we looked at all of those matters. There have been some challenges with some of the notions within the legislation. As I mentioned earlier, the “significant part of duties” could be very difficult to quantify.

While there are interpretation bulletins mentioned in the Lobbying Act, as I said, those are not statutory instruments, and they're not binding. We have to operate within the way the legislation is written. It could be challenging for us to meet that threshold to be able to lay charges in this situation.

**Juanita Nathan:** When the commissioner suspends her investigation because she has referred the case to the RCMP and the RCMP subsequently closes the file without charging, there is effectively a regulatory vacuum where neither office can act meaningfully.

How frequently does this scenario occur? In your view, what institutional reforms would prevent accountability from falling through the gap entirely?

• (1735)

**Frédéric Pincince:** The legislation could include some parameters in which information could be shared with the Office of the Commissioner of Lobbying, but it would need to be examined to ensure that information, the capacity to share information with her office, would respect the other legislation that's in place, like the Access to Information Act or the Privacy Act and so on.

**Juanita Nathan:** Bill C-8, which is now before Parliament, requires the critical infrastructure sector to implement cybersecurity programs and mandatory incident reporting.

Reflecting on a broader legislative philosophy that graduated compliance tools are more effective than relying solely on criminal enforcement, does the RCMP believe a similar graduated approach, which could potentially include the commissioner having access to more administrative penalties, mandatory training and temporary bans before criminal referral, would provide better compliance outcomes in a lobbying context?

**Frédéric Pincince:** Personally, I feel that, yes, there could be some value to examining the options to provide more options for the Commissioner of Lobbying to have more discretion in which matters should be investigated by her office and which matters should be referred to the RCMP.

**Juanita Nathan:** Have you made these recommendations already? I know the report came out, but I am wondering if you were able to give this input.

**Frédéric Pincince:** As for recommendations, as these are mostly formed from our experience in these investigations, I think the Office of the Commissioner of Lobbying would be better suited to provide recommendations based on information and the result of my investigation when it comes down to the specific offences in question.

I believe that her office is better suited to provide the recommendations, but again, I was happy to share our experience as it pertains to our investigations.

**Juanita Nathan:** What are some of the reasonable grounds that the commissioner considers before she refers something to the RCMP, grounds that you think are fair?

**Frédéric Pincince:** I would say essentially, “What is the definition of the communication? In that situation, did the communication meet the requirement of the legislation?” If it did, and there's an offence that's been established at that point, she will refer the matter.

To give an example, specifically, if someone has been lobbying and there's evidence to support that someone has been lobbying, and they were subject to a ban, at that point, if she finds grounds to believe that there's a violation under that section, she will refer the matter to us. We will make our own assessment of that information, and if we agree, we will launch an investigation.

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

Inspector, I want to thank you for your appearance on this very important study in front of the committee today. I also want to thank you on behalf of the committee and Canadians for your service to our nation. I appreciate your being here today. Thank you so much.

Before we go, I will advise the committee that you will be receiving notices for next week's meetings. We'll be dealing with the main estimates. We have the Information Commissioner and the Ethics Commissioner coming on Monday. The Privacy Commissioner and the lobbying commissioner are both coming on Thursday.

With no other business in front of us, this meeting is adjourned.







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