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Chair: John Brassard



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• (1540)

[English]

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

Welcome to meeting 40 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

[Translation]

Pursuant to Standing Order 81(4), the committee is commencing consideration of the Main Estimates 2026-27, specifically Vote 1 under Office of the Conflict of Interest and Ethics Commissioner, Vote 1 under Office of the Senate Ethics Officer, Vote 1 under Office of the Commissioner of Lobbying, and Votes 1 and 5 under Offices of the Information and Privacy Commissioners of Canada, referred to the committee on Thursday, February 26, 2026.

[English]

I'd like to welcome our witness for the first hour today. From the Offices of the Information and Privacy Commissioners of Canada, we have Caroline Maynard, Information Commissioner.

Ms. Maynard, welcome back to the committee. You have up to five minutes for your opening statement, followed by questions.

Go ahead, please.

[Translation]

Caroline Maynard (Information Commissioner, Offices of the Information and Privacy Commissioners of Canada): Thank you, Mr. Chair.

Thank you for the invitation to appear before you today.

For 2026-27, the Office of the Information Commissioner of Canada has been allocated \$15.7 million in voted funding through the Main Estimates. This represents a small increase of 0.45% over the previous year.

The mandate of my office is to carry out investigations into complaints about access to information requests made to federal institutions.

[English]

Much of our financial planning is driven by anticipated complaints and related litigation cases over which we have no control. Recent trends in my investigations and available data indicate that we are entering a period of rising pressure on the access to information system. Among other things, early indications suggest that access to information capacity across institutions is being impacted

by the government's comprehensive expenditure review. This is despite my warnings that access to information is a quasi-constitutional right, not a service, and therefore should not be subjected to cuts.

[Translation]

An analysis of the Treasury Board Secretariat, or TBS, Access to Information and Privacy statistical report for 2024-25 completed by my team revealed that approximately 40,000 out of nearly 200,000 access to information requests were not responded to within legislated timelines.

In light of these findings, my office is planning for an increase in the numbers of complaints it will receive.

[English]

It is now our expectation that complaint volumes and litigation will increase in the period ahead. This concerns me. As an agent of Parliament, the office of the Information Commissioner was exempt from the government's comprehensive expenditure review. However, this does not mean that my office has been immune to fiscal pressure. In recent years, we have contended with a funding shortfall resulting from the methodology used by TBS to allocate funding for collective agreements. Fortunately, through prudent fiscal management and the reallocation of resources, we have managed to absorb the structural deficit thus far. I have concerns, however, about how long this can be sustained.

I continue to believe that the current funding model for my office lacks the flexibility to adjust to changing circumstances. This is why I agree with your committee's recommendation that the government establish a funding mechanism that respects the independence of agents of Parliament. This recommendation was outlined in your 2023 report on the state of the access to information system.

[Translation]

Which brings me to the subject of the government's ongoing legislative review of the Access to Information Act.

Since I last appeared before this committee, an important milestone has been reached. The government launched an online consultation on a policy paper that provides the legislative changes under consideration.

My team is currently working on compiling the detailed recommendations on the reforms that are urgently needed. My recommendations will be published on my website the same day they are submitted to TBS.

[English]

Ultimately, I have said numerous times that the reform must strengthen, not erode, the right of Canadians to know how decisions are made and how their institutions operate. As we consider the path forward, it is worth recalling what is ultimately at stake.

To take just one example, yesterday marked World Press Freedom Day. That occasion served as a powerful reminder that a free press is essential to a healthy democracy and that, without timely access to information, the press cannot fulfill its vital role. When the access to information system fails, trust erodes, and restoring trust is far more difficult than preserving it.

Thank you.

The Chair: Thank you, Commissioner.

We're going to start our first round of questioning. Mr. Barrett is going to go for six minutes.

Go ahead, sir.

Michael Barrett (Leeds—Grenville—Thousand Islands—Rideau Lakes, CPC): Commissioner, can you give us a sense of the volume and the length of those delays that you're experiencing with respect to the government's failure to comply with legislated access laws?

Caroline Maynard: The amount of time under the act is 30 days, unless there's an extension taken by the institution. Last year 40,000 requests were not responded to within those timelines, and usually that leads to complaints to my office.

Michael Barrett: If I may, what order of magnitude are we talking about here? Is the government simply a couple of business days behind? Is it attempting in good faith to meet the spirit of the law and it's two days behind? What are we looking at in terms of an average in excess of the legislation?

• (1545)

Caroline Maynard: I don't have the numbers with me right now, but those numbers are in the Treasury Board access to information statistical analysis. It really depends on the institution. Some institutions will respond within 60 days, while other institutions will take an extension of up to two to three years, so it really depends.

Michael Barrett: Some take up to three years. What is the initial legislated timeline?

Caroline Maynard: It is 30 days.

Michael Barrett: It is 30 days.

How frequently are you finding that departments and agencies are not requesting an extension but are simply, for all intents and purposes, ignoring the order?

Caroline Maynard: The majority of our complaints are what we call "deemed refusal" complaints, so it's basically the person not getting a response within the 30 days and also not receiving a letter saying the institution will take an extension of time. It happens more than it should.

Michael Barrett: What would you say is the impact on public trust when we have access to information laws being flouted by government?

Caroline Maynard: The law is the law. As I said, it's a quasi-constitutional right. For sure, Canadians are entitled to that information within the time limit of the act or within a reasonable extension of time. If you do not respect the law, people will start losing faith.

Michael Barrett: They'll start losing faith.

What are the consequences, though? We talk about the laws that Canadians have to follow. You have to pay your taxes by a certain time. You have to remit a certain amount of tax to the government. If you don't, there are financial penalties, including having your wages garnished. If you drive faster than the speed limit, there are financial penalties. If you break other laws, there are a range of penalties.

If the judicial branch were to stop enforcing any of these laws, of course, it would erode the public's confidence in that branch. The same applies, I would imagine, to the executive.

Wouldn't you say that in the absence of penalties and in a consequence-free environment, the number of agencies and departments that continue to ignore the laws would only increase because it's a consequence-free environment?

Caroline Maynard: There is a direct impact on the person asking for the information. They don't receive the information on time, or they don't receive all of the information they're entitled to. There's also, in the big picture, an impact on trust and on the fact that there's misinformation going around.

I think it's more than just having those responses. I think the government is responsible for providing timely, reliable information to its citizens.

Michael Barrett: Just to underscore my point, though, it's able to not fulfill its responsibilities because there isn't a consequence brought to bear in a meaningful way.

Caroline Maynard: There is no sanction, if that's what you want to say.

Michael Barrett: All right.

You have recommended access laws be broadened, which seems problematic, because in the current scope, we're not able to get the information and the results that Canadians deserve. Would including the Prime Minister's Office, for example, allow access requests for things like the invocation of a conflict of interest screen for the Prime Minister? That is something this committee recommended in terms of that document being made available on a regular basis.

In the absence of that, if members of the public were able to request that document, that's the type of information that would be available should your recommendation to expand the scope of the act become part of the law.

Caroline Maynard: Currently, the act does not affect the ministers' offices and the Prime Minister's Office at all. Whether or not these documents would be exempted under other provisions of the act, it's impossible to say at this point.

Michael Barrett: Could you clarify for all of us the importance of affording this transparency in government decision-making to Canadians? What's the upside for society when we get this right and when the access is granted in a timely way?

The Chair: We're going to need a very quick response, unfortunately.

• (1550)

Caroline Maynard: It leads to trust.

The Chair: That's a quick response. Thank you.

[Translation]

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

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

Good afternoon, Ms. Maynard. Welcome back to our committee.

You mentioned earlier that 40,000 out of 200,000 access to information requests were not responded to within prescribed timelines. It's difficult to respond to requests in a timely manner.

The last time you appeared before this committee, you explained that a handful of organizations and individuals make constant requests and are bogging the whole system down. Did you manage to improve this situation?

Caroline Maynard: Actually, I believe what I said was that only approximately 1% of all access to information requests are submitted to institutions—that's 1% of 200,000 requests. These requests come from individuals that could be considered—well, it's not the individuals, really, but the actual requests that can be considered to be vexatious or made in bad faith.

There is a system in place currently that institutions can use to avoid responding to those kinds of requests. They can use it, but they have to ask permission from me, obviously, since it deprives those individuals from their right to access information.

We've only received 92 requests from institutions asking for permission to not respond to an access to information request because it is vexatious in nature or made in bad faith. I only agreed to 16 of these requests. The number of vexatious requests is quite limited.

Linda Lapointe: When you came before this committee previously, there was a mention of a few organizations that made so many requests that it bogged the system down completely and made it impossible to respond to requests. That's what I understood.

Caroline Maynard: It's actually the opposite.

I believe that institutions create their own problems by not managing their information properly. Access to information requests often lead to lots and lots of information. That's why the act contains an obligation to talk with the plaintiffs to make sure that their requests are understood properly. There's also an obligation to properly manage the information, which is an issue within government currently.

Linda Lapointe: Do you think you've improved this situation since you last appeared before this committee?

Caroline Maynard: I'm doing my job. I examine the complaints we receive. What I can tell you is that my office's workload continues to increase. The number of complaints keeps increasing. I couldn't say whether there's been any impact on problematic complaints, as you described them.

Linda Lapointe: Thank you very much.

You mentioned independent funding. If I understand correctly, it means that it wouldn't be the House of Commons that would be in charge of the funding and tell you how much money would be allocated to you each year. You said that independent funding was necessary. Can you tell us more about how you see that working out in practical terms?

Caroline Maynard: The way things work now, if my office needs additional funding, we have to make a request through the usual budget process, just like any federal institution, which means that it has to be accepted by the Minister of Justice and then sent to the Minister of Finance and the Treasury Board. Our process is the same as any other institution.

All I'm asking for is for the funding not to come from an institution that could be the subject of a complaint I have to work on or one of my investigations. I'm currently working on cases involving some of these departments. What would make the funding process more independent would be for us to come to a committee like this one and to ask for our budget to be increased, or even decreased, to have a fair and transparent process to make sure that our budget is in line with the number of cases we deal with on a given year.

There are precedents. The Ethics Commissioner has an independent process, and so does the Chief Electoral Officer and others in other jurisdictions. There are several different examples that could be used as models.

Linda Lapointe: I see: depending on your spending estimates, you would come to a committee designated for that purpose to present your funding request.

• (1555)

Caroline Maynard: The idea is to have a budget that's in line with demand and that wouldn't be set by departments that are the object of complaints and investigations by my office.

Linda Lapointe: Okay, thank you.

If we're talking about meeting deadlines and securing funding, how can your office speed up its investigations when it's expected to cut spending and limit internal growth?

Caroline Maynard: As I said in my remarks, we're not impacted by cuts this year. However, my budget has been hit by changes to collective agreements over the last few years. What's certain is that my office always has to manage its funds properly, because, at the end of the day, our priority is to do as many investigations as possible, because that's our mandate. What I fear is that we get to a point where we hit a ceiling. Just in April, we got 60% more complaints in one month than last year.

Linda Lapointe: Thank you.

The Chair: Thank you, Commissioner.

Mr. Bonin, welcome to the committee. You have the floor for six minutes.

Patrick Bonin (Repentigny, BQ): Thank you, Mr. Chair.

I'm very happy to be here.

Ms. Maynard, thank you for being here.

In May 2024, your predecessor, Mr. Dufresne, launched a strategic plan until 2027. It had three points: protecting and promoting privacy rights, producing guidance documents and targeted awareness tools, and preparing for the implementation of a new Privacy Act. Are you still following that plan or do you have your own strategy?

Caroline Maynard: The Office of the Privacy Commissioner is separate from the Office of the Information Commissioner. Mr. Dufresne has his own strategic plan, and our office has its own three-year plan, which was introduced at the beginning of last year.

Patrick Bonin: Right. Do you feel that you have reached your current objectives? Are there aspects that need to be solidified, or do you need more funding for that, for example?

Caroline Maynard: My office's first goal is to make sure that the right to access information is upheld, obviously. As I mentioned earlier, there are sometimes surges in the number of complaints, which we have no control over. At this stage, the priority is to make sure that complaints are investigated as quickly as possible.

Our pillars are similar to Mr. Dufresne's, but different in that he's in charge of protecting privacy while my role is to give Canadians access to information.

Patrick Bonin: You said quite clearly that you don't currently have enough funding to carry out your mandate, given the upward trend of the number of requests and complaints and increased response times.

Caroline Maynard: At this time, I believe that our budget is enough for what we've accomplished so far. What worries me is the uptick in the number of complaints. As I said, we have no control over that and no way to access additional funding to address it.

Our caseload has decreased and become more manageable, but we're receiving a lot more complaints. For example, this month, we've received 60% more complaints than the same month last year. If the trend continues, we won't have the capacity to maintain a reasonable caseload, which will negatively impact plaintiffs, Canadians and, ultimately, the right to access information.

Patrick Bonin: Do you need more staff to handle all these complaints and do all the necessary investigations?

Caroline Maynard: If the number of requests keeps increasing, then yes. We'll need to either reallocate funds internally or obtain more funding. With what's currently going on within government, it's difficult, because everyone's budget is being cut. It's hard for me to say that I need more money while access to information units within federal institutions are being cut.

What I'm advocating for is for access to information to be considered a priority because it's a legal right and for access to information units to not be cut. Even if I had more money and could conduct more investigations, it would all be for naught if federal institutions were unable to respond to my requests for information or representations.

We have to strike a balance. Of course, if transparency is the priority, we need to ensure that the right mechanisms are in place so that the funding matches the demand.

• (1600)

Patrick Bonin: You would also like more predictable funding, I would assume.

Caroline Maynard: I would like more flexible funding, actually. If the number of complaints starts going down, the budget could be reduced accordingly. However, at this time, we're forced into a funding request process that has a one-year cycle. If the request is accepted, it's already too late when we get the funding, or we have to set up a hiring process. It's hard to manage a rising or diminishing workload without having any control over the number of requests.

Patrick Bonin: You mentioned processing times that can go up to three years. That's a very long time. I assume that sometimes departments don't want the information to be made public and so they take forever to respond. I assume that happens sometimes. There may also be capacity issues.

Do you believe that you have the tools necessary to get departments to release the requested information in a timely manner? Conversely, is there anything that you're missing that's helping them stall for time?

Caroline Maynard: Since 2019, the Office of the Information Commissioner has the ability to make orders. It can also issue subpoenas to federal institutions and force them to release documents. I can say that, up to now, I've had the necessary tools.

That being said, my office still needs to have enough staff to handle incoming complaints. Assigning files is difficult because we receive more than we're able to take on. Once the files are assigned, the investigations go fairly well. The office's authorities are properly used and respected, generally.

Patrick Bonin: So, regarding the three-year—

The Chair: You have 10 seconds left.

Patrick Bonin: —processing times, you're saying it's not a matter of—

Caroline Maynard: That's for access to information requests. When requests are made, federal institutions often ask for more time to respond. However, if the person making the request files a complaint with my office, we can investigate and try to put pressure so that the request is responded to as quickly as possible.

The Chair: Thank you.

Thank you, Commissioner.

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

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

Ms. Maynard, thank you for being with us once again. It's always a pleasure.

Last week, I went to a committee meeting on the Major Projects Office. We were told that, despite an annual budget of \$42 million—it's actually \$213.8 million over five years—not a single project has been approved yet.

How many files do you process on an annual basis with your \$17.7 million budget? I'm just trying to compare both organization's efficiency.

Caroline Maynard: It's different, but we've processed 6,000 files in one year.

Gabriel Hardy: So that's 6,000 files a year with a \$17 million budget. Now that's productive. That's great.

While we're on the subject, is your budget sufficient to cover your needs? I know it fluctuates. You mentioned getting 60% more complaints in one month.

Let me ask a supplementary question: When you have 60% more complaints coming in in one month, do you feel that it's because people want more transparency and access to information?

Caroline Maynard: There's a demand, but I also think that federal institutions don't have the resources to keep up with the increased number of access to information requests.

Gabriel Hardy: So, on the one hand, there's a demand for more transparency and access to more information, but, on the other hand, there's not enough staff to respond to information requests. You mentioned a moment ago that 40,000 requests out of 200,000 aren't processed. Most are not responded to within 30 days. There's not enough funding to hire more staff to handle the current number of requests. Is that correct?

Caroline Maynard: Yes.

Gabriel Hardy: Beyond financing, what can be done to make your work easier and improve transparency? What would you like to tell our committee today?

Caroline Maynard: The Access to Information Act dates back to 1983 and needs to be modernized. It's long overdue. You reviewed it in 2020. I think it's time to review it again to take into account the way people work nowadays. This act was first imple-

mented when people worked with pens and paper. Now, people work with electronic files.

We need better information management and a change of culture within government. People need to think about transparency before secrecy. There are a number of things that could be brought forward.

• (1605)

Gabriel Hardy: Let me pick up on that last sentence, about the need for more transparency from the government. I'm going to ask you another quick question afterwards.

I spoke with someone from the RCMP last week and mentioned something that I find somewhat peculiar. I want to run this by you as well. You appear before committees—committees that may modify laws, possibly to allow you to work and act more efficiently. However, these committees are chaired by Liberals. So, as was mentioned earlier, at the end of the day, if you have to ask the person you're about to investigate to give you more money so that you can do a better investigation, it's a strange situation.

Do you feel like that's what's happening? You have to report to people that you may end up investigating, and they might not be too inclined to give you all the funding you need to do your job.

Caroline Maynard: Personally, I don't feel like there's a conflict, but it could give the impression that I might stop an investigation because the people involved are responsible for my budget. That's exactly the reason why we're asking for an independent funding mechanism. By “we”, I mean myself and several other officers of Parliament. We don't have the privilege of receiving funding without having to submit requests to departments that we're investigating.

Gabriel Hardy: That makes sense.

I also read that \$1.6 million in legal fees were spent to challenge your requests over the last four years. It means that you also have to face departments that are reluctant to provide the information and are willing to fight you in court using taxpayers' money.

When you make a request, do you believe that it's not too much to ask at that stage? You want transparency. Are your requests excessive?

Caroline Maynard: My orders, you mean?

Gabriel Hardy: Yes.

Caroline Maynard: I'm a lawyer. I believe in the justice system. Up to my level, there's a process in place. Federal institutions can challenge my orders in court. It's the process provided for in the Access to Information Act. The government makes use of it, but not often. I think less than 5% of cases end up in court.

It's a pretty large amount, sure, but it's part of our justice system. I don't have a problem with federal institutions that disagree with me having access to a legal challenge mechanism.

Gabriel Hardy: Last week, the number of committee members was changed. Since then, several committees have held in camera meetings. Do you see transparency as an absolute priority, or is it acceptable to you that people cannot see what's going on in our committee meetings?

Caroline Maynard: Transparency is important in any context.

[*English*]

The Chair: Ms. Church, you have five minutes. Go ahead.

Leslie Church (Toronto—St. Paul's, Lib.): Thank you, Mr. Chair.

Welcome, Commissioner.

I want to read a quote from the former chief information officer of Canada, Dominic Rochon, who appeared before this committee on February 12. It's a bit of a long quote, but I think it's important to what I'm hoping to drive at. He said:

Looking purely at the data can be misleading. You heard my colleague who appeared for the Privy Council Office mention previously that there are a small number of individuals who could clog up the system. For example, at one point there was one individual who happened to reach out to 50 different departments and ask for every single [Microsoft] Teams chat document they had. You can imagine that one individual taking up that amount of resources across the system can be very challenging. There needs to be a way to look into that, perhaps using the Information Commissioner, so that we can prioritize and understand so that a small number of the population cannot necessarily monopolize the system.

He went on to say:

In terms of statistics, let me just give you the following. There are, as you may have heard, over 250 institutions that the law applies to. Of those 250...155 actually received a request and closed the request in 2024-25. Of those 155...91 responded at a rate of 90% or more. That's not a system that is completely failing. In fact, when I go abroad, I see that Canada is actually seen as a star performer when it comes to trust and transparency.

My question to you, Madam Commissioner, is this: Right now, the act contains no mechanism to address this problem. Bad-faith actors can weaponize digital tools to flood dozens of institutions at once, tying up public servants, burning through taxpayer dollars and crowding out legitimate requests from journalists, researchers and ordinary Canadians. Many provinces and territories already have safeguards in place, and so do many of our G7 peers, including the U.K., New Zealand and Australia. Canada is a bit of an outlier.

Is there anything we can be doing to ensure we have the basic tools at our disposal to address this type of situation?

• (1610)

Caroline Maynard: I disagree that we don't have any mechanism in Canada. Whether we are at the federal level or the provincial level, we all have a disposition in our act that allows institutions to request permission from their commissioner to not respond to requests that are vexatious, in bad faith or an abuse of the act, of the process.

With regard to the example you provided, for one institution that may be an abuse of process because of the size of the institution, but for another one it may not be. It really depends on the way the

request is posed, who it's addressed to, how they're working with the.... We've had that happen many times.

Right now there is a system in place, and people are using it. It's the same thing in the U.K. and Australia. I think we do have the process in place.

Leslie Church: Would you agree with Mr. Rochon, the former chief information officer, that roughly 85% of records created today are transitory—things like scheduling texts, Microsoft Teams chats, working drafts, invitations, etc.? Do you believe that about 85% are transitory?

Caroline Maynard: I wouldn't know if it's 85%, but I can tell you there are a lot of transitory documents in institutions.

Leslie Church: Would you say that we need a better way of either identifying or categorizing those transitory documents? To me this paints a picture of a system where, in a digital age right now, maybe we don't have entirely the safeguards we need to ensure that the information that public servants, primarily, are being asked to track and pull together.... It may not be the core information that many requests are actually looking for. How can we deal with this better?

Caroline Maynard: I think you're touching on a very sensitive topic, which is the creation of records and, again, not providing training, proper retention policies and proper information management policies.

However, this is the way that people work. If we are to remove transitory documents from access, which is one of the proposals—to change the act to official documents—I can tell you that there's not going to be a lot of information provided under the current system. I'm not saying this is a bad idea. I haven't found one jurisdiction that has such a restrictive definition of records. Something needs to be done, but I'm not sure that's the solution, because right now people are not creating official records. They are dealing with decisions and with policy through what we often call transitory exchanges, because it's through emails and phone calls.

The Chair: Thank you, Commissioner.

Thank you, Ms. Church.

[*Translation*]

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

Patrick Bonin: Thank you, Mr. Chair.

Ms. Maynard, you mentioned response times earlier. I'm not sure if I understood correctly, but I think you said it could take up to three years. What's the average response time for complaints? Is there even one, or does it drastically vary from one complaint to the other since they're all so different?

Caroline Maynard: It's really hard to say. There's no average per se, because one person will take 30 days to respond to a four-page request, while another will say that it's very complex and will take six months. It really depends on the request. Institutions rely on factors they view as important to evaluate the request and indicate to us whether it will take them two years, one year, six months or 30 days.

We receive complaints related to these prolonged response times, and the goal of our investigations is to determine whether the extension is reasonable considering the circumstances when the request was made. We expect a request covering 60,000 files to take longer to process than one that only deals with 10 pages.

Patrick Bonin: Is there a certain percentage of valid complaints, ones that you find reasonable when you see them?

Caroline Maynard: Yes. We do a lot of informal mediation. We try to process requests as quickly as possible. Our aim is to make sure that the person making the request receives the information they're entitled to. We stop investigating when the person receives the requested information. In 33% of cases, we stop investigating once the person gets an answer or the requested information. In 11% of cases, we have to issue a report stating that the complaint was justified and ordering the institution to provide an answer and give more information. That amounts to around 45% of cases where more information is provided or the response time is shorter.

• (1615)

Patrick Bonin: So the number of complaints has increased, and roughly half of them are justified. In a way, would you say that there's an increased unwillingness to be transparent on the government's part?

Caroline Maynard: I believe the number of complaints we receive will increase, because institutions don't have the resources to handle more access to information requests dealing with a higher page count. With the way information is managed right now, a small request can generate a large number of pages.

It's one of the reasons why we need to improve the way we work. With better information management, we can respond to requests more quickly. However, if we don't have the resources and if information isn't properly managed, response times and extension requests will increase, and so will the number of complaints that my office will receive and have to deal with.

Patrick Bonin: I see your point, and you might be in a delicate situation here. I don't know. I get the impression that you're boiling this down to a resource issue and saying that, despite the increased number of complaints, there's no government intent behind that. It's like the government just flat-out having no intention of providing the information is simply not a thing that exists.

Caroline Maynard: We have two types of complaints. Some complaints deal with overly long response times. Others are related to requests that were responded to, but with redacted documents.

I would say that the intent you're speaking of or the lack of desire to provide all the requested information is more evidenced by the redaction of documents. When we get complaints of this nature, we compare the original document to the redacted one. We see what information is contained in both documents. We have access to everything.

We sometimes have to ask why some of the information was redacted when it wasn't just one month earlier. Is there an intent to hide information or did the institution use the exemption differently?

What I've observed is that the exemptions provided in the act are used more readily than the discretionary power. For example, the institution could wonder if it has to use this power to give people more information so that they understand what measures are implemented and how decisions are made.

Patrick Bonin: Let's use the example of an individual who receives a redacted document, as is sometimes the case. Quite often, that person will not file a complaint, because it takes time and they don't know how to proceed. They'll just give up because they don't want to cause further delays.

I'm sure you're aware of that obstacle. People don't want to file a complaint on top of their access to information request. Is there some mechanism that could be used to streamline that process and that could be vetted upstream by your office?

Caroline Maynard: When institutions respond to an access request, they are required to tell the person that they have the right to file a complaint with the Information Commissioner. People avail themselves of that right 3% of the time.

The Chair: Thank you, Madam Commissioner and Mr. Bonin.

[English]

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

Michael Barrett: In the United Kingdom, the centre of government is brought inside the access regime through public authority coverage. That means that the Cabinet Office is included. Number 10 is included.

Does that expose, in its contrast with our system, a weakness in the law, where the Prime Minister's Office and ministers' offices aren't covered?

Caroline Maynard: I believe that all institutions that are working for Canadians, whether they are cabinet ministers' offices or institutions that receive public funds, should be subjected to the act. Whether or not, again, there would be other exemptions that would apply to certain documents, like cabinet confidence, for example, is something that the government needs to determine.

One of my problems, though, is that I don't see cabinet confidence. Right now, it's not even subjected to the act, whether it comes from the Prime Minister's Office or any office.

Michael Barrett: I think that's where the tension exists in the U.K. It's on whether or not an exemption exists, and not on if the entity is outside the law.

Wouldn't you say that's a better accountability model—to instead have the tension on whether or not the exemption could apply and to have some kind of arbitration for that to simplify it? At least everyone is covered by the same law.

• (1620)

Caroline Maynard: I think Canadians would agree that having somebody, like our office, who is independent reviewing documents and making sure that the exemptions are applied appropriately leads to trust and accountability.

Michael Barrett: Going back to the example of the United Kingdom, your counterpart in the U.K., the Information Commissioner, can issue decision notices, information notices and enforcement notices, with tribunal review and court-backed consequences for non-compliance.

Are these the types of powers that this law should be supported with here in Canada?

Caroline Maynard: You will recall that when we did the review of the act in 2020, or even in 2019, I requested that my orders get a certification provision so that if somebody does not follow the order, I can go to the Federal Court to obtain some kind of mechanism. This is something that was not done at the time.

I'm told that it is now something that's being considered. Yes, you would need those extra mechanisms so that orders have the power of a binding court judgment.

Michael Barrett: We've seen, in the United Kingdom, that sensitive materials like policy advice and certain ministerial communications are exempt. A system—as demonstrated there—exists and functions. It allows for what we talked about in our earlier discussion—providing transparency and trust to Canadians regarding what's happening in government. When the Prime Minister's Office is outside this law, Canadians never get to the stage where government even has to defend a refusal, because it's not captured by the law.

Is this the core accountability gap that Canada's Parliament needs to fix?

Caroline Maynard: Yes. The ministers' offices, the Prime Minister's Office and cabinet confidence are currently not under our act. We're the only one. If you compare us with the five...with Commonwealth countries, the U.K., Australia and Scotland all have a disposition that allows for a review, an independent investigation and the accountability of the government.

Michael Barrett: Having made this recommendation more than one time, do you view it as something that could be remedied by the government in a relatively short period of time in order to immediately start providing the transparency and trust that Canadians are looking for?

Caroline Maynard: There is currently a legislative review going on, and those will definitely be two of my recommendations.

Michael Barrett: Thank you, ma'am.

The Chair: Thank you, Mr. Barrett.

We have Mr. Al Soud. I have one more five-minute round here, and then another five-minute round. Then we'll conclude this panel.

Go ahead, Mr. Al Soud.

Fares Al Soud (Mississauga Centre, Lib.): Thank you, Mr. Chair.

Thank you, Commissioner, for being with us today.

I wasn't there at the time, but when this committee met in February, one of the concerns raised, including by you, was that the review might result in a reduction of your order-making powers. That said—I'm still new to this committee, so forgive me if I misunderstand—one of the policy approaches proposed actually gives your orders more weight by making them enforceable as court orders once registered with the Federal Court.

Just to confirm, this would in fact strengthen your order-making powers. Isn't that right?

Caroline Maynard: Yes, it would strengthen the order.

Fares Al Soud: That's fantastic.

The February study also raised the issue of the duty to document. The policy paper proposes establishing exactly that—the idea of requiring institutions to document decisions and related information, setting a clear expectation that this is a foundational portion of the public's right to access records, especially in the digital age.

Would you agree that this is an important measure?

Caroline Maynard: It is a recommendation from all commissioners that a duty to document important decisions be added to our legislation.

Fares Al Soud: That's fantastic.

You've taken a slightly different note here. You've identified leveraging technology and refining processes as central priorities for improving efficiency. We've noted over the course of this committee that, so far, you are particularly efficient.

In light of budget constraints and limits on expanding investigative staff, I'm wondering this: Your departmental plan references the use of artificial intelligence. Could you walk us through the various ways AI is currently being implemented in your office?

Caroline Maynard: Right now, we're still testing the AI system because—as you know—we have to be careful. It has to be tested internally. We are using it for things like translation and any internal communications. We're allowed to use it for those.

Also, we are looking at starting to test a triage-type of AI process, because we are receiving over 6,000 complaints per year and they all have different subject titles. Right now, everything is done manually. We have great employees doing that, but it could help them know which bucket a complaint goes into. I know the technology exists, so it's something we're looking into.

I'm really close to Commissioner Dufresne, the Privacy Commissioner, so we have to be very careful in how we use AI and not breach anybody's privacy or put information out there that we hold as protected in our office. Therefore, we're very careful in terms of what we do with AI.

• (1625)

Fares Al Soud: That's fantastic.

Once again, taking a slight shift, for 2024-25, your actual result for indigenous contracts was 48%, while your planned target for 2026-27 is 14%. Could you speak more to this?

Caroline Maynard: We have now limited the number of consultants we use. If you look at the number of contracts my office is using, it's very small.

One of the projects that we've been working on for the last five years is moving us to the cloud with more technological tools. Having such a small office and such a small team of technical information employees, we had to use a few contractors. We almost see the light at the end of the tunnel, and we have almost completed our project. This is why we will be reducing the number of contracts.

Fares Al Soud: As an agent of Parliament, your office was exempted from the comprehensive expenditure review, but your office did take steps on its own initiative to increase efficiencies. I'd like to offer you the opportunity to speak to that a little more.

Caroline Maynard: We are always looking at ways to do our work better. We have created tasks that employees are following. We are streamlining the process of everything.

We answer the phone. Sometimes it's just a question of asking our employees to contact the complainants and institutions verbally or physically visiting the offices, so the communication goes faster. We're trying to manage most of our cases informally and only use the order-making power in cases where it is completely necessary. Those are the types of things we do internally.

Fares Al Soud: I would also like to offer you the opportunity to give us a broader breakdown on the main estimates, since that is why we are here today.

Caroline Maynard: About 90% of our budget goes to the salaries and benefits of employees. We are very small. Everything is linked to my mandate, and this is what we are trying to do. That's the priority.

The Chair: Thank you, Commissioner.

[*Translation*]

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

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

Before I get to my question, Ms. Maynard, let me first congratulate you. This is something that we rarely see here, by which I mean being so efficient, being proactive, trying to improve things without constantly looking to create another bureaucracy to manage an inefficient one. Kudos to you.

You say that you have fewer subcontractors. So you will not be among those asking the government to invest more than \$20 billion a year in subcontractors. Well done, I'm really glad to hear that. We like to see that.

You talked about transitory information earlier. Obviously, there's a lot of information in the digital era, texts and so forth. When there is a request for information, do you sometimes sense that the person might use the pretext that the information is transitory?

We had a witness here who said that he had installed an app that automatically deleted his messages. He said that, in any case, it was transitory information. If it's not you or us who make that decision, how does someone decide that the information is merely transitory? The thing is that you don't have access to the information after the fact.

Caroline Maynard: It's important to know that, under the Access to Information Act, any document requested must be provided when the request comes in, whether it's transitory or not. The medium of the document doesn't matter. I'm not opposed to cleaning up our data. We're in an era when we can't keep everything. There are very clear policies and directives from Library and Archives Canada and Treasury Board that determine what we have to keep and what we can delete, according to very specific retention periods. Some information has to be kept for seven years. There is also information that only has to be kept for two weeks.

I think the problem lies with the directives though, whether people comply with the directives. It's always difficult. We have to trust our people. There are also tools that people use that could even be restricted for information that is purely transitory. I would say that Teams chats should not be used to do work, but rather just to find out if the person is there, if they are coming for lunch, if they are late. That's the kind of conversation we used to have. Now, if you make an access to information request tomorrow morning in connection with conversations on that platform, you'll get little tidbits like that. That's not where you're going to get relevant information through an access to information request.

• (1630)

Gabriel Hardy: Do you think though that that could be used to some extent? We were saying earlier that, in that kind of conversation, sometimes there is information that can lead to a political decision. For example, in that type of exchange, one might talk about the restaurant for dinner that evening, agree on the choice of wine and, in the same conversation, plan to discuss such and such a topic.

Do you get the sense that people can sometimes hide behind the fact that these exchanges are transitory but you would have liked to get that conversation, which unfortunately no longer exists? Is that something you have to deal with?

Caroline Maynard: Once again, it's a question of properly informing our people, training them properly to use the right tools for their work as opposed to what they use to communicate, as you said. It has always existed though. We used to have PIN-to-PIN messages, whereas now we have smart phones and chats. All that to say that it has always existed. The same thing goes for the telephone.

Gabriel Hardy: Okay.

Caroline Maynard: We just need to make sure that people understand their responsibilities relating to access to information. In the case of important decisions, we have to make sure that the information is stored somewhere and is accessible.

Gabriel Hardy: People have to have an ethical basis for their decisions. We really agree on that. That has to be present in every decision.

Earlier, you talked about people giving up. That is interesting. I have heard the figure of 97%, but there are cases when a person finds that people do not want to provide the information requested or provide it with redactions. How many people find the system too cumbersome to fight it and end up giving up?

Caroline Maynard: I wouldn't say they give up.

When you look at the system as a whole, we have very few complaints, just 3% of requests or 6,000 complaints. For us, that's a lot, but I'm not complaining about it. People are very patient in general. They accept the response times or are satisfied with the response they receive. They all have the right to file a complaint. For our part, we receive 3% of all access requests made to the federal government.

Gabriel Hardy: I see.

I would like to finish with something that was mentioned earlier, which is that you have access to the redacted and the unredacted documents in order to compare them. Do you think that, in some cases, the redacted information could easily have been provided and that this could have been interpreted as a discouraging tactic?

Caroline Maynard: It might not be a tactic, but people are afraid, which is unfortunate.

I was saying earlier that people should use their discretion. It's often in these kinds of cases that we are able to get more information for complainants, because discretion can be used when we get to that point, once we talk to them.

The Chair: Thank you, Mr. Hardy and Madam Commissioner.

[English]

Ms. Chagger, you have five minutes.

Hon. Bardish Chagger (Waterloo, Lib.): Thank you, Chair.

Welcome to the committee. It's my first committee during this session, so if there's anything that I'm repeating, please excuse me. I'm just here to get some information and insights.

I want to feed off Mr. Hardy's comments with regard to back in the day. Many people in the room might not know what a BlackBerry is. I think every public servant and every politician had a BlackBerry, and you could go pin to pin. Being the MP from the riding of Waterloo, I'm at home with a BlackBerry.

I would like to know how we dealt with that in those communications.

Caroline Maynard: The Information Commissioner at the time recommended the banning of the pin-to-pin communication. What people need to understand is that employees of the public service need to respect their responsibilities under the act. Anything that they do should be, if it has a value for the work they do, saved somewhere on the government website.

The responsibility is on the employee to know, when they have these discussions with valuable information—where they provide the basis of decisions or basis of policies—that those should be in a memo, in a briefing note or in a document that is kept. If you have a bunch of emails back and forth, chats or pin to pin, those are actually very difficult to search. Sometimes, you'll end up with 50,000 exchanges just to find a little paragraph that talks about your decision-making power. This is where training and proper policy are needed.

• (1635)

Hon. Bardish Chagger: I come from a community where technology is embraced. Do you believe that the government and the public service are actually moving at the pace of technology?

It's really easy to suggest that we shouldn't use things, that we should deactivate the pin or whatever. At the same time, the people who are going to do certain things that we're trying to bring out and be transparent about are probably going to be better at that than some of the hard-working honest people who are trying to expose or share that information.

Caroline Maynard: I'm totally in favour of efficiency. I'm totally in favour of trying tools that make work better and are results-oriented for Canadians. However, you still have to make sure you respect the laws that exist. One of those laws is access to information.

If you know, when you implement these tools, that somebody is going to ask for access to information related to those tools, then you have to keep that in mind so it is accessible and proper mechanisms are there to safeguard the information somewhere that is accessible.

Hon. Bardish Chagger: I would agree that people should know what the laws are and that the information should be readily available. I wonder if there might be tools available across the country or around the world—including in my beautiful riding of Waterloo—that might help, or maybe we should consider having those conversations. There are a lot of young minds who could perhaps help us get some of that information.

I'm going to go back to the policy paper that's posted online and the consultation. It is open to the public. Are you familiar with it?

Caroline Maynard: Yes.

Hon. Bardish Chagger: Do you know until when people can give feedback?

Caroline Maynard: There's a consultation right now until June 16, I believe, where submissions to the TBS are expected.

Hon. Bardish Chagger: Brilliant.

Can anybody go online and participate in that?

Caroline Maynard: Yes, and they can review what's projected and presented.

Hon. Bardish Chagger: Brilliant.

As you know, declassification of historical records has been a significant issue. One of the policy approaches proposed "a systematic approach to the declassification and disclosure of historical records", with the goal of increasing the number of historical records made available to Canadians and reducing pressure on the ATI regime.

Don't you agree that this is a positive step to consider in a policy paper?

Caroline Maynard: I think that a declassification program is long overdue for Canada. I'm hoping it's not going to be a discretionary program, but that it's going to be a mandatory program with very set timelines that allows, before those timelines.... Right now, people think that because there's a 50-year-old document, they're going to wait until it's 50. You would want people to start looking at those documents before then. This is just the maximum. We definitely encourage a declassification program.

The Chair: Thank you, Ms. Chagger. That's it. Five minutes go quickly. I appreciate that.

That concludes our first hour for today.

Commissioner, I want to thank you for being here today.

On behalf of the committee, I think I can safely say that we support the work you're doing. If there's anything you need from this committee, please don't hesitate to ask.

Caroline Maynard: Thank you.

The Chair: We're going to suspend for a minute and then we're going to come back with the Ethics Commissioner.

• (1635) _____ (Pause) _____

• (1645)

The Chair: We're back.

We'll start the second hour by hearing from the Office of the Conflict of Interest and Ethics Commissioner. Konrad von Finckenstein is the commissioner. We also have Melanie Rushworth, director of communications, outreach and planning; and Anne-Marie Roy, manager of financial services, corporate management.

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

Go ahead, sir.

[Translation]

Konrad von Finckenstein (Commissioner, Office of the Conflict of Interest and Ethics Commissioner): Mr. Chair and honourable members of the committee, thank you for inviting me to

speak to you about our 2025-26 budget and the role that the Office of the Conflict of Interest and Ethics Commissioner plays in safeguarding public confidence in the integrity of Parliament and government institutions.

As you said, joining me are Anne-Marie Roy, manager of financial services, and Melanie Rushworth, director of communications.

[English]

The commissioner's office administers the Conflict of Interest Code for Members of the House of Commons and the Conflict of Interest Act. The act applies to roughly 3,200 elected and appointed officials. The code applies to all elected MPs. It touches every level of federal decision-making.

We take a mandate-focused approach that advances three key objectives. First, we help elected and appointed officials identify and manage conflicts of interest, ensuring that competent and qualified people can enter and leave the public service while maintaining the highest ethical standards.

[Translation]

Second, we review and report on allegations of conflict of interest in a fair, independent and transparent manner. Third, and most importantly, we help Canadians maintain confidence that the actions of elected and appointed individuals are free from conflicts of interest and improper influence. All of our work supports this key objective.

The Office of the Commissioner employs about 50 people. Our organizational structure and processes are designed to support efficient operations and responsible stewardship of public funds. Efficiency is also central to our annual spending review.

[English]

For 2026-27, we are requesting a modest budgetary increase of \$227,000. This represents a 2.5% increase and would bring our total budget to just under \$9.4 million. The increase is largely attributable to cost pressures, including a 2% salary increase consistent with other parliamentary entities and a corresponding adjustment to the employer portion of the employee benefit plan, which is set by Treasury Board.

Our largest operational expense is our information technology services agreement, which we are obliged to make with the House of Commons. It represents \$878,000, or 57%, of our operating budget. We work closely with the House to ensure that these systems remain secure and reliable, supporting both operational continuity and the protection of sensitive information.

[Translation]

We look forward to your questions.

[English]

The Chair: Thank you, Commissioner. You took *moins de temps*, which we like.

Mr. Barrett, you have six minutes.

Go ahead, please.

Michael Barrett: Does the current law, or the law as it's currently written, adequately address perceived conflicts, or does it, in its current form, leave room for public doubt, even where formal compliance boxes have been checked?

Konrad von Finckenstein: As you're aware, Mr. Barrett, I made some suggestions in our annual report that the act is out of date and needs amendment. One of the things I mentioned was putting into the act the issue of apparent conflicts of interest. For the public, it's very difficult to make the distinction between apparent conflict and real conflict. If you really want the public to have good confidence in the honesty of government, then you should avoid apparent conflicts of interest.

• (1650)

Michael Barrett: That's one that you would have noted was in the recommendations that this committee made in its report reviewing the Conflict of Interest Act, yes?

Konrad von Finckenstein: Yes.

Michael Barrett: In your response, you spoke of shoring up that public confidence. When you were last at the committee, or if not the last time, then in one of our recent conversations at committee, I raised the sale of controlled assets as the standard for divestment. Your answer, which I'm paraphrasing, was that the issues of valuation and structuring created difficulties, but you didn't say that divestment by sale was the wrong standard. This is something that the committee recommended to the House, a sale-only rule for the Prime Minister.

Is it fair to say that your concern is about implementation and not simply about the principle of stricter divestment and, as the committee recommended, divestment by sale?

Konrad von Finckenstein: Our present act makes it quite clear that we want to pursue a dual mandate. On the one hand, we want to avoid conflicts of interest and we want people to have confidence in their elected and appointed officials. On the other hand, at the same time, we want to make sure that the best people come and serve in the public service and that they can do so without any harm to their existing financial position, their connections, etc. That's the balance of it: Make sure that the best people come in, but don't make it so expensive and so difficult that they won't come.

Parliament has made its choice. It's in the act. As you know, there is a provision that if there are controlled assets, you can put them in a blind trust. That was a choice that Parliament made. It can make changes or not, but as it is right now, that's how the act is set up and that's what I administer.

Michael Barrett: Parliament also decided not to have perceived conflicts included, yet you've recommended that they be included. This committee has made that recommendation. The committee has also made the recommendation about sales. I appreciate your caution, but it is something that you are able to speak to.

The difficulty for the public office holder is the issue that you raised. If Parliament addressed valuation and tax issues, would the committee's recommendation for an arm's-length sale be a stronger safeguard for public confidence than the current blind trust option?

Konrad von Finckenstein: That's exactly why you're elected, to make that decision. I will administer it.

I'm not here to comment on your report. Your report was sent to the government. You will have hearings on it, and at that point in time, I will give my views of any amendments you suggest.

Michael Barrett: In fairness, Commissioner, you're making a recommendation on one, but you're refusing to say one way or the other on the other. You're prepared to say you believe a perceived conflict should be covered. You've staked out very clear ground on that.

In this case, I'm looking for the same. Either you agree or you don't. You've made it clear that you agree on the question of perceived conflicts being included, in spite of Parliament's having excluded it originally. In this case, Parliament previously excluded it. The committee has recommended that there be a modification made to the law.

You're well within your right, sir, to offer your opinion, as you did on the former subject.

Konrad von Finckenstein: My opinion, as set out in the annual report, was based on three years of experience in this job and the urgent needs that should be addressed because they're outdated. These are such things, as I mentioned, like exchange-traded funds, etc., that you have to get rid of because they're controlled assets. I have never understood why that.... Presumably, it's because it didn't exist.

Now, you're talking about making a value judgment. I made my value judgment on the question you're posing right now. Is this excessive, asking people to divest? Does that mean we won't get good people to accept, or is it something that is necessary? That's really a judgment of Parliament. I can give my opinion when an amendment is presented or discussed, but it's not something I advocate for at this point in time.

• (1655)

The Chair: Thank you, Commissioner.

Ms. Church, you have six minutes. Go ahead.

Leslie Church: Thank you, Mr. Chair.

Commissioner, thank you for being here with your colleagues today and for your continuing work in this capacity.

First of all, for all of us in the room and anyone watching, my colleague Mr. Barrett referred to the report of the committee. It was a majority report. On this side of the table, we issued quite a strong dissenting opinion.

One of the areas that I want to explore with you has to do with how the majority report recommended removing some of the purposes of the act, including paragraph 3(d), “encourage experienced and competent persons to seek and accept public office”, and paragraph 3(e), “facilitate interchange between the private and public sector.”

Commissioner, do you agree that those remain important purposes of the act?

Konrad von Finckenstein: If you remove those, you really amend the whole concept of the act. As I mentioned in my answer to Mr. Barrett, the act is a balance between bringing the best people in and making sure that there are no conflicts.

You're now starting to say.... It's suddenly taking away the goal of wanting to bring the best people into the public service. It becomes very questionable. Why are you doing this? What are you trying to achieve here? All it means is that it will be much more difficult for people to come in and serve the public than it is right now.

It seems to me that the dual goals expressed in the act are actually in very good balance. Making that balance and making the right decision is part of my job. We want the twin goals. We want people to have confidence in their public officials, but we also want to make sure that the best ones come in—not only those who have no conflicts because they have no assets but that they have not done anything that could possibly amount to a conflict.

Leslie Church: In that vein, then, as your office administers and provides advice to parliamentarians, the tools in your tool kit—whether they're disclosure, blind trust or a conflict of interest screen—work well, in your assessment, to ensure that we are able to establish that balance you're speaking of.

Konrad von Finckenstein: You heard in your hearings regarding the possible improvements of the act how everybody basically said we were close to the gold standard internationally in terms of conflict of interest. We have managed to avoid any serious conflicts of interest. No government has fallen over a conflict of interest, big scandals, etc.

The system is not perfect. There's no question about it. It could be improved, but by and large, it works and it works well.

Leslie Church: One of the other areas where we had some disagreement on the committee and where our dissenting report goes into some detail is the question of a general application. I want to put this back to you.

When you appeared with your legal counsel, Michael Aquilino, he stated, “The general application exemption is found in all ethics regimes in Canada. It's an almost uniform provision across all provinces.” Can you confirm that is still the case?

Konrad von Finckenstein: I'm not aware of anyone who does not have a general application exemption. After all, it's the job of Parliament to make sure of rules that apply generally. If you apply it to everybody just because they have an interest, that doesn't mean they should be disqualified.

Leslie Church: Do you see a challenge if Parliament were to remove this general application in terms of the functioning of the executive of government—ministers, the Prime Minister and parlia-

mentary secretaries—in the absence of a general application provision?

• (1700)

Konrad von Finckenstein: It's difficult. Think, for instance, of the Income Tax Act. It's a general application. It applies to everybody. All of you pay income tax. I pay income tax. If you can't now make rules on tax.... You may not call it a general exception, but there has to be something whereby you can do your job and legislate something that applies to everybody.

Leslie Church: That makes sense.

I have one last question for you, if I have time.

The Chair: You have 53 seconds.

Leslie Church: In terms of controlled assets, one of the debates we've had at this committee is around holding controlled assets and the operation of a blind trust. When a controlled asset enters into a blind trust, is it considered divested, in your estimation?

Konrad von Finckenstein: Yes. That's what the act provides. You could either divest it or put it in a blind trust, the goal being that you don't touch it, you don't know what happens to it and you can't influence its value.

Leslie Church: Once an asset is put into a blind trust, the person who was the original holder of it is considered to have divested that asset.

Konrad von Finckenstein: Yes.

Leslie Church: Thank you very much.

The Chair: Thank you, Ms. Church.

[*Translation*]

Mr. Bonin, you have six minutes.

Patrick Bonin: Thank you, Mr. Chair.

Thank you for being here, Mr. Commissioner and associates.

I would like to go back to the Annual Report 2024-2025, in respect of the Conflict of Interest Act, which was tabled in the House. In your opinion, are there two or three key recommendations that should absolutely be implemented?

Konrad von Finckenstein: I mentioned the issue of controlled assets. That is too strict. I think capital markets are developing. We have new instruments, among other things. All trade-related items are prohibited; that's too much. We have to be able to moderate things. There are new instruments that do not influence anything, but they are prohibited and must be divested.

Second, there is no one who can do my job. If I'm unable to do my job, basically, my office doesn't function, can't make decisions, because all decisions are personal. There should be a mechanism for somebody else to do my job. I would suggest the lobbying commissioner, but it could be someone else. There has to be a mechanism.

Third, there are a lot of activities that members of Parliament or public servants could do for the common good that they are prohibited from doing. You can teach at a university without pay and teach a course on how government works, whatever your specialty is. Right now, however, if you want to teach at a university, they'll say that's great, but you have to become a university employee because the agreement with the unions is that everyone who teaches has to be an employee of the university.

I can't tell you that you can go there to share your knowledge or expertise, that it has nothing to do with your position and that it will help students grow. No, I can't say that. You cannot be a university employee.

We need to be able to make changes to certain practices if there is no potential conflict of interest.

• (1705)

Patrick Bonin: Do you think the current framework is archaic, that it doesn't allow us to get to the bottom of things and that reform is needed?

Konrad von Finckenstein: Could you rephrase your question, please?

Patrick Bonin: Let me give you an example. The federal government created the Major Projects Office. In that office, there are people who are essentially loaned to the office by financial institutions, private companies, banks, for example, because of their expertise. Meanwhile, they receive some financial compensation from their previous employer, such as a bank.

The person is not in a personal conflict of interest, but a bank could finance a company for a project, for example. So the person is not in a conflict of interest; they are simply signing a document.

Should the framework be reviewed from that perspective?

Konrad von Finckenstein: In your example, would that person be appointed by an order in council?

Patrick Bonin: By whom?

Konrad von Finckenstein: They would be appointed by an order in council. In other words, would they be appointed by the government, by the cabinet?

Patrick Bonin: From my—

Konrad von Finckenstein: In the case you describe, that person would be working for the Office, but would not be subject to the Conflict of Interest Act.

Patrick Bonin: Why not?

Konrad von Finckenstein: The person is not appointed.

Patrick Bonin: They are employed by the Major Projects Office.

Konrad von Finckenstein: They are employed by the Office, but they are not appointed by an order in council. You're talking about major projects. Those people are governor in council ap-

pointees. They are required to report. The people hired by the Office, on the other hand, are not subject to our act.

The Chair: Perhaps you can return to that in the next round, Mr. Bonin.

The first round is now over, and we're going to start the second round.

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

Gabriel Hardy: Thank you for being with us today, Commissioner.

You talked about the highest ethical standards, transparent processes and trust in our institutions. There can be no greater mission, honestly. It has to be done well and it has to be done quickly.

I want to understand the process. Today we're talking about your budgets. Your office's budget processes have to be approved by the Speaker of the House, who is currently a Liberal, but we agree on the fact that it depends on the government, and the President of the Treasury Board. Is that correct?

Konrad von Finckenstein: Yes.

Gabriel Hardy: Do you feel independent when you have to have your budgets approved by people you could investigate at some point? How can you be completely independent? I firmly believe that you should be, but you report directly to people who can have a financial influence on your ability to investigate.

Isn't there a conflict in the very creation of the Conflict of Interest and Ethics Commissioner?

Konrad von Finckenstein: Somebody has to approve my budget. As was done in the case of judges, a committee could be created to decide what our budget should be and make recommendations to the government.

Gabriel Hardy: It would be a good idea to be completely independent.

Konrad von Finckenstein: You think there is a conflict. The process is as follows. We make a presentation to the Speaker with justifications as to what is needed. The Speaker then forwards that to the President of the Treasury Board, and it's approved. It's almost always a very short and specific conversation. We have to indicate what is needed and provide proof.

Ms. Roy can describe the process.

• (1710)

Gabriel Hardy: So, most of the time, there is no problem.

Anne-Marie Roy (Manager, Financial Services, Corporate Management, Office of the Conflict of Interest and Ethics Commissioner): What I can add is that we submit our budget to the Speaker of the House, but it's for his consideration. It's not an approval that we get, strictly speaking. Our budget is then forwarded to Treasury Board, and then it's really before you, before the committee, that we are asked about our budget.

Gabriel Hardy: You go before the committee. We just finished a major study, which included apparent and real conflicts of interest. We were told at a press conference that 20 of the committee's 23 recommendations, if not all of them, would be rejected by the Liberals, who now have a majority.

I keep coming back to the same issue. If we conduct investigations here or if we ask questions of witnesses, who make suggestions, and we prepare a report that is completely rejected because we don't control a committee that is intended to provide government oversight, how can that be ethical? We're going around in circles. We bring in witnesses, we hear their testimony, we make recommendations, but it's the government that's in power that ultimately rejects everything we say.

What can you do ultimately, particularly in terms of including the appearance of conflicts of interest in the act?

Konrad von Finckenstein: That's the system we have. It's the act. If you want to change it—

Gabriel Hardy: Changing laws means facing up to those who make them.

There's also the sovereign debt fund that was just announced. It's a \$25 billion debt fund. It's a new gimmick from the government that says it's going to invest in energy, infrastructure, mines, technology and net zero. It's the new thing. The fund will be headed up by a chief executive officer and an independent board of directors. Nothing was said or disclosed.

You talked about the importance of the appearance of conflict of interest. Looking at the financial interests in this fund, we can see that it is perfectly aligned with Brookfield's interests. We know that the prime minister is connected to that fund. We know his assets are in a blind trust, but in any case, he is connected to the performance of his fund. He has a strong connection to the Net-Zero Banking Alliance. Is that an apparent conflict of interest? Will this new sovereign debt fund include an ethical wall? Will mechanisms be put in place? Every time a new bureaucracy is created, do you have to reanalyze everything to see if you're going to step in to create an ethical wall?

The Chair: You have 25 seconds left, Commissioner.

Konrad von Finckenstein: The screens you're talking about are there for the second step.

First, if there is a conflict of interest, the person must recuse themselves.

Second, to prevent this from happening often, there is a process in place. We apply the screens. The matter is not presented to the person with decision-making authority, but to someone else.

The Chair: Okay, thank you.

Konrad von Finckenstein: For example, in the case of the Prime Minister, if the screen is applied, he doesn't see it because another minister will make the decision. This is a practical way to avoid a large number of recusals and so on.

The Chair: Thank you.

Konrad von Finckenstein: That's all there is to it. It doesn't change the system. Obviously, if there is an appearance of a conflict—

The Chair: Commissioner, the time is up. Thank you.

Ms. Lapointe, I'm giving you a little over five minutes to ask your questions.

Linda Lapointe: Thank you very much, Mr. Chair.

Good evening, everyone.

Thank you, Commissioner and ladies, for being with us today.

Commissioner, I'm sure you're aware that we tabled a report not too long ago. You also know that we have a dissenting opinion. Based on the testimony of Michael Sabia, the top public servant, and Marc-André Blanchard, the chief of staff to the Prime Minister, you agree that conflict of interest investigations are working well.

Do you still agree with that assessment?

Konrad von Finckenstein: Yes.

Linda Lapointe: Okay. That's even better. That's good.

Konrad von Finckenstein: In general, it works well. Obviously, every system can be improved or can be more efficient, but, in general, I believe we have a system that works and meets the challenge of building trust in government.

• (1715)

Linda Lapointe: I have another question.

One of the recommendations we put forward was this:

That the Government of Canada amend section 15 of the *Conflict of Interest Act* to grant the Conflict of Interest and Ethics Commissioner discretion to authorize reporting public office holders to engage in outside activities such as teaching, non-profit or charitable activities, where the Commissioner determines that no conflict of interest would arise.

Following what you said earlier to MP Bonin, can you speak to this recommendation and tell us whether you think it's a good idea?

Konrad von Finckenstein: Yes, I mentioned that recommendation in my report because this is a situation that happens quite often. A person subject to the act may have knowledge or expertise that they want to share at a school, university or any other similar institution. However, I have to tell them that it's not allowed, even if there is no conflict of interest. That's because, in general, under the employer's mechanism in place, the person must be an employee or have a contract, something like that.

Obviously, if I had the authority to authorize something like that, it would have to be done on a volunteer basis—that is, without compensation. I believe that many people in government or in Parliament have knowledge they want to share, and we need to find a way to make it easier for them to do so.

Linda Lapointe: Thank you.

I would like to come back to the recent report. I know that my colleague touched on the subject a little earlier.

Do you agree that it is important to encourage qualified individuals to run for public office and to facilitate exchanges between the public and private sectors?

Konrad von Finckenstein: Are you recommending that it be abolished?

No, I disagree. As I explained, I think this is an issue that affects the entire act system. It's a matter of balancing two different objectives: the absence of conflict of interest and the hiring of the most qualified people in government.

I believe this balance is working quite well right now, and I don't want this entire provision in the act to be changed. It has to be a goal. That has to be a goal. We want the most qualified people to work in government.

Linda Lapointe: Thank you.

I'd like to ask you a more specific question about the committee's report. What would be the concrete impact on your organization if the committee's recommendations regarding the Conflict of Interest Act were adopted?

Konrad von Finckenstein: It really depends on the provisions and how it would be expressed in the act. As you say, would apparent conflicts of interest be recognized? Would we also have the power to adopt regulations? Would there be more precise definitions? What powers would I have, as commissioner, in this regard?

So I would like to see the specific changes before I comment on them. Obviously, this will make our work more difficult, but, on the other hand, it will strengthen public trust.

• (1720)

The Chair: Thank you, Commissioner and Ms. Lapointe.

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

Patrick Bonin: Mr. Chair, thank you for your co-operation.

Commissioner, do you think the government should proceed quickly and introduce a reform of the act?

Konrad von Finckenstein: Yes, certainly with respect to the five points I raised in my annual report. I would like to see this proceed fairly quickly.

Patrick Bonin: Do you currently consider that you need additional funding to increase transparency, strengthen ethics, minimize conflicts of interest and increase public trust in the government?

Konrad von Finckenstein: As I said, I think the system is working well for now, but it can be improved.

Patrick Bonin: How do you compare Canada to other OECD or G7 countries in terms of the scope and clarity of the rules and the effectiveness of the Conflict of Interest Act?

Konrad von Finckenstein: You have heard all the witnesses who have appeared here. Generally, Canada is seen an example to follow. We have an act that works and we have avoided major scandals. In general, the purpose of the act is to have a preventive system. As soon as someone is elected or appointed, they must declare all their conflicts of interest. We review them, and then we tell those people what is and isn't allowed. They are subject to a code, and our office can also give them advice if certain situations arise.

Patrick Bonin: I would really like to hear a comparison. Are there examples in other countries?

Konrad von Finckenstein: In our country, we have other concepts and two organizations that deal with this issue. There are other ways to tell an elected official like you that your situation may raise a conflict of interest, but that it's up to you to decide and that I won't do it on your behalf, since my role is limited to explaining it to you, and it is the voters who will make the decision. That's our approach. For us, it's basically a preventative system.

Patrick Bonin: I'll come back to the question I asked in the previous round.

I gave the example of someone who is employed directly by the Major Projects Office, the government's new creation. You're telling me that this person is not subject to the Conflict of Interest Act. Is that correct? I'm not sure I understood your answer.

Konrad von Finckenstein: Who are you talking about? Are you talking about the main person in charge or about the employees?

Patrick Bonin: I'm talking about the people who report to the person in charge.

Konrad von Finckenstein: In this case, these employees are not order-in-council appointees. They are government employees and must follow their organization's conflict of interest code, but I'm not responsible for that.

Each government department or organization has its own code that its employees must follow, but they are not subject to the Conflict of Interest Act.

Patrick Bonin: Thank you. I just wanted to make sure I understood correctly.

We often talk about the revolving door problem related to lobbying, where people who work in the private sector come to work in government and vice versa.

Do you think that poses a challenge, especially when it comes to the deadlines that an employee, an MP or a minister must meet? Are you concerned about the revolving door phenomenon?

• (1725)

The Chair: Commissioner, please give a quick answer.

You have five seconds left.

Konrad von Finckenstein: I'm sorry, but I didn't really understand the essence of the question.

The Chair: Mr. Hardy, the floor is yours for five minutes.

Gabriel Hardy: Commissioner, you just said that you have a preventive system, but that it doesn't cover the appearance of conflicts of interest. So, in reality, you have to wait for the conflict to arise before taking action. The last time you appeared before the committee, you said that the more projects are expedited, the greater the risk of perceived or apparent conflicts. I quite agree with you that intervention should occur earlier in the process.

Ms. Farrell, who was appointed to head the Major Projects Office, spent nine years leading TransAlta, a company in which Brookfield was a shareholder. When she was appointed, the Prime Minister's ethical screen also applied to her, particularly regarding all her assets, to ensure the protection of citizens and public funds, since she is not really subject to the Conflict of Interest Act.

I'm trying to understand: Are we taking preventive measures or will we have to wait for something to happen?

Konrad von Finckenstein: She is subject to the Conflict of Interest Act.

Gabriel Hardy: Therefore, an ethical screen was fully applied in her case. She placed her shares in a blind trust. We are confident that the decisions she makes in selecting major projects will never create conflicts of interest, given that the former company she ran was co-owned by Brookfield.

Is that correct?

Konrad von Finckenstein: She complies with the Conflict of Interest Act. In the event of a conflict of interest, she would be required to recuse herself.

The details of her declaration are confidential, as you know. However, she has disclosed the contents of her assets and any potential ties, and she has received advice on what she should sell or place in trust, among other things, as all appointees do.

Gabriel Hardy: So the full process was followed.

As for the Major Projects Office, I came across something that surprised me. You'll understand that I'm really referring to the appearance of conflicts of interest. I'm not accusing anyone. However, people in my riding are talking to me about this, and I am receiving messages about it.

Let's go back to the topic of our Prime Minister and his ties to Brookfield. We know that Brookfield obtained a \$250-million loan from China. Suddenly, and for what I imagine is a rare occasion in Canadian history, as soon as the Prime Minister was appointed, he made two trips to China in two months, and a pathway to Chinese mines was opened.

In a case like that, where there could be a conflict of interest, how could you intervene? Would you currently be able to investigate whether any questionable decisions were made or would you have to wait for an official investigation to begin and to be asked to intervene? How could you intervene in such a situation of potential conflict of interest?

Konrad von Finckenstein: We can also intervene if someone files a complaint stating that there's a problem. In such a case, we look into the matter and, if there is a potential conflict of interest, we can launch an investigation. Under the Conflict of Interest Act, I have the authority to launch the investigation myself when cases of potential conflict of interest appear in the news or on television.

Gabriel Hardy: So you have the power to initiate investigations if there is a perception of a conflict of interest, even though the act doesn't address the appearance of such a conflict.

Konrad von Finckenstein: No, it's not just about perception; it's more than that. We need evidence—

Gabriel Hardy: You're talking about facts.

We've often talked about that at this committee. When you testified before the committee last time, we provided you with facts—verified facts, not just perceptions. At that point, are you able to proceed immediately or do you not really have the authority to do so because there is still no concrete evidence to investigate?

• (1730)

Konrad von Finckenstein: We're not talking about concrete evidence, but about evidence other than a mere possibility. There's a conflict when there is reasonable suspicion.

Gabriel Hardy: I have one last quick question for you. Your budget is \$9.4 million. We heard from the Information Commissioner earlier. Her budget is \$17.7 million.

This is one of the first times in history that there have been so many potential conflicts of interest linked to a prime minister. The current Prime Minister says that it's not his fault, that it's his past, that that's just how it is.

Do you think you have enough resources to deal with this scale of potential conflicts and ethical breaches?

Konrad von Finckenstein: I believe that the screen that has been set up will be able to prevent many potential conflicts of interest. We believe that the budget we have proposed will be adequate.

[English]

The Chair: Thank you, Mr. Hardy.

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

Fares Al Soud: Thank you, Chair.

Thank you all for joining us today.

Commissioner, we see that other commissioners alongside their main estimates also have their departmental plans posted online, which allows us to better understand their spending and operations. Can you let us know why your office does not have them posted online?

Anne-Marie Roy: We don't fall under the Treasury Board Secretariat, so we don't have a departmental plan.

Fares Al Soud: With the following information not being public, could you please walk us through the two core budgetary purposes of your office?

Konrad von Finckenstein: Do you want our budgetary process?

Anne-Marie, please go ahead.

Anne-Marie Roy: Are you speaking about the budgetary process?

Fares Al Soud: The budgetary purposes....

Konrad von Finckenstein: We have discussed our budgetary process before. We look at what we need and what's likely coming our way, as well as the mandatory increases and the projected costs. We submit them as a budget to the Speaker of the House. The Speaker of the House then examines it closely and discusses it with us if he wants to hear justifications for why we need this and what for. He then approves it or changes it and passes it on to the Treasury Board, and the President of the Treasury Board approves it and it goes automatically into the estimates.

Fares Al Soud: We've just heard from Ms. Maynard about the challenge of maintaining both independence and public confidence, particularly when dealing with high-profile or publicly sensitive cases. I'd like to offer you the opportunity to speak to that.

Do you experience similar challenges, given the nature of your role?

Konrad von Finckenstein: She is in a different position in terms of the budget, as she explained to you. She would love to be in a situation like ours and the Parliamentary Budget Officer's. They are not part of the departmental budget, but because they are agents of Parliament, they get money directly from Parliament. I can understand her aspirations, and I fully support them.

Fares Al Soud: Towards the tail end of Ms. Church's testimony, you said something that we would all do well to bear in mind. You said the system is not perfect, but by and large, it works. That tone—perhaps not of positivity but of confidence in our system—is reassuring. We often highlight the bad, because, yes, improvements are always of value, but scarcely do we speak of the good in most contexts.

What is it about our system that you find is so effective? Monsieur Bonin asked a similar question earlier, but I feel there was more room to expand and I'd like to give you that opportunity.

Konrad von Finckenstein: There are two things, which I've mentioned before.

First, it tries to make a balance between avoiding conflicts of interest and, at the same time, attracting and allowing the best people to work in the public service and contribute.

Second, we state the needs at the front. It's preventative. Before you can take your job, you have to come to me and tell us exactly what the possible things are, and we'll try to find a solution. It's not that you suddenly find yourself in a situation and ask, "What do I do now?", and you have to publicly make an excuse. No, it's pre-planned. We try to see it and try to avoid it.

Obviously, it's not perfect. Nobody can foresee what's coming, but these are two factors of the law that are a source of its success—the balance and the preplanning.

Fares Al Soud: Another piece we discussed with Ms. Maynard was her office's efforts to increase efficiencies, though they are exempt from the expenditure review.

I know that your office, as an agent of Parliament, is in a similar position. Has your office undergone a similar process?

• (1735)

Konrad von Finckenstein: We are exempt from it, but we are trying to be as efficient as possible. We are especially trying to use modern means. For instance, at the request of the House, we have established a training course online so that, rather than you wasting your time and us employing lots of people to teach you and make you aware of what a conflict is, there's an online training course that goes through all the permutations, etc. This has meant that for the people who were involved in that beforehand, the number has been reduced, and so on.

It's the same thing for.... We have lots of forms that you have to fill out. Unfortunately, as you know, it's a paper-heavy process. We have revised the forms. I'm waiting for the House committee on process to approve the forms so that it's easier for you. In effect, from one year to the next, you can just state that it's the same as last year except for section 5, for example, rather than having to refill everything again.

The Chair: Thank you, Commissioner.

Thank you, Mr. Al Soud.

We have time for two four-minute rounds. I'm going to go to Mr. Barrett first and then Ms. Chagger after that.

Mr. Barrett, go ahead.

Michael Barrett: You've said that the act should include apparent conflicts. Is it fair to say that the law, in its current form, is not sufficient to protect public confidence in senior public office holders?

Konrad von Finckenstein: I think that's overstating it. I think the idea of public confidence could be increased. I never said that there's no public confidence in senior officials.

For the man on the street, the appearance of conflicts of interest and real conflicts of interest are very difficult to distinguish. Very often, there's an appearance, but there's no actual pecuniary benefit. There's no conflict of interest, but people will ask, "Why aren't you doing anything about it?"

Michael Barrett: To be clear, I didn't assert that there wasn't confidence. What I asked was if it was sufficient to protect public confidence. In its current form, is it insufficient in its scope to protect public confidence?

When a minister or a prime minister has large and complex financial interests, does the current framework put too much weight on internal screens, recusals and trust arrangements rather than on big, bright lines and clear-to-understand rules for members of the public? You mentioned someone on the street not being sure and saying, “This doesn't pass the sniff test to me. Why aren't you doing something about it?” The “you” could be elected members or it could be officers of Parliament, but why isn't someone doing something about this?

Would that not be better as an aspiration for us in our development and modifications of the act?

Konrad von Finckenstein: Public confidence is hard to define in terms of what creates it and how to strengthen it. There's no magic bullet. There's no way of addressing it.

Clearly, it isn't as great as it should be or we would want it to be, but exactly what the measures are to do it and how to do it, I'm not quite sure.

Michael Barrett: Let me put a precision on that. I have one minute left, and I'll give the time to you.

What is the single most important amendment that Parliament could pass to make a positive change for public confidence in the system and in executives?

Konrad von Finckenstein: That's exactly what I just said before. There's no silver bullet. It's a whole bunch of little things, etc., that you can do to create.... I don't think there's one—

Michael Barrett: Could you name one?

• (1740)

Konrad von Finckenstein: Well, I....

Michael Barrett: I'm genuinely looking to give us a bit more direction. We had a minority report. We had a majority report. We have the expert on the application of the act and code in front of us. That's the spirit of my question.

The Chair: We now have 10 seconds left.

Konrad von Finckenstein: Clearly, we're dealing with the appearance of conflicts of interest. A good definition of what an appearance of conflict is and how it would be administered would help.

Michael Barrett: I appreciate that. Thank you.

The Chair: Next is Ms. Chagger for four minutes.

Go ahead.

Hon. Bardish Chagger: Thanks, Chair.

Thank you, Commissioner. It's been nice to hear this exchange and how you take on your responsibilities in the role. In past experiences, you have definitely demonstrated the regard and respect you hold for this office—a very important office. Thank you for your service.

As you've heard tonight and in the past, the committee recently had the Prime Minister's conflict of interest screen brought to its attention.

Could you please speak to your communications with the Prime Minister's Office, particularly its two administrators, Michael Sabia

and Marc-André Blanchard? Give us a sense of how often your offices might communicate with each other.

Konrad von Finckenstein: As you know, each person subject to it has a person in my office designated as his or her special contact. In that way, we have also designated somebody for the two people you're talking about, Mr. Sabia and Mr. Blanchard. They contact him if they have a problem and he gives them advice. As you know, it's all confidential. It's up to them whether they want to disclose it or not.

They do talk to him. Mr. Sabia, I think, has offered to give you periodic reports on this contact. As I said, the way the whole system is set up means that we are there to give advice. We don't disclose. They disclose whether they talk to us and what we told them.

Hon. Bardish Chagger: There's the constant challenge of public perception. There are these doubts constantly being placed in people's minds. I hear this from constituents.

Can constituents have confidence that you and your team take your job seriously? If you hear something that needs to be looked at, would you do your job and fulfill it, ensuring that there is no conflict?

Konrad von Finckenstein: I certainly hope we do that.

The beauty of the system is that if you have a problem, you can, in complete confidence, come to me. I will not disclose it to anybody. I cannot be forced to disclose. On the other hand, my job and my aim are to make sure your conflict goes away—that you deal with it, and deal with it in an honourable way, etc. That's how it works for everybody, including the Prime Minister.

Obviously, when somebody has a larger responsibility and as many assets as Mr. Carney and other people do, it gets more complicated. It requires more work from us.

Hon. Bardish Chagger: That's interesting, because I understand former prime minister Stephen Harper's chief of staff Guy Giorno stated that the commissioner would know what assets exist and where there is a screen. They would know all assets in blind trusts and what is not in blind trusts. The commissioner's office would know that.

Konrad von Finckenstein: Yes.

Hon. Bardish Chagger: Do you believe the screen functions effectively? The former chief of staff to former prime minister Stephen Harper recognized that it is a good regime. Do you believe it continues to function?

Konrad von Finckenstein: I think it does.

Why do we have the screen? The screen is there so the Prime Minister can function and doesn't have to constantly think, “Can I do this or not? Do I have to recuse myself?” In effect, it's to allow him...so things don't come to his desk that he can't handle. They're handled beforehand. They're being kept away from him so he can freely make his decisions. When there's something that causes a conflict, somebody else makes the decision.

Who administers it? It's the chief of staff and the Clerk of the Privy Council. Both of their jobs are to protect the Prime Minister. If they don't protect him and they let something through that causes a conflict of interest, their jobs are on the line. It's in their own self-interest to make sure the screen works and is as tight as possible.

• (1745)

Hon. Bardish Chagger: Thank you, Commissioner.

The Chair: Thank you, Commissioner.

Thank you, Ms. Chagger, for being here with us today.

We're now going to move to committee business on the motion moved by Mr. Barrett on April 23, 2026.

Mr. Barrett, you have the floor.

Michael Barrett: Chair, on the motion, which I believe is “as amended”, the request is a simple transparency measure, and it speaks to the subject matter of the meeting that we just—

The Chair: I'm sorry, Mr. Barrett. Just to remind you, we're on the amendment. I didn't make that clear when we started.

Do you want to start from the top? Go ahead, please.

Michael Barrett: Could you or the clerk restate where we are with respect to the motion for the purposes of our being in public?

The Chair: I can do that.

The motion you moved on April 23, 2026 was to:

(a) require the Privy Council Office (PCO) to provide the committee, on the fifteenth day of each month, with a report detailing each time an assessment was undertaken related to the application of the Prime Minister's conflict of interest screen, pursuant to the Assessment Tool on the Application of the Prime Minister's Conflict of Interest Screen, including assessments originating in the PCO or any department, from the previous month; that these reports include: (i) a summary of each instance where an assessment was triggered; (ii) the record of the outcome of each analysis; (iii) any records of discussions or considerations that are in the possession of the PCO or any department related to each analysis, including notes and meeting minutes; and (iv) any correspondence related to each analysis, including emails, text messages, instant messages, and other records of conversations; and that the first report shall be provided to the committee by no later than June 15, 2026, and shall include the complete set of information for each assessment since the Prime Minister's conflict of interest screen came into effect; and

(b) order the production of the Prime Minister's travel itineraries and related records for all international travel he has taken since he became Prime Minister that are in the possession of the Privy Council Office, the Prime Minister's Office, or any federal government department; including, but not be limited to, each meeting the Prime Minister attended and every attendee at these meetings; and that these documents shall be provided to the committee in both official languages and without redaction within six weeks of the adoption of this motion.

The amendment that was moved by Ms. Church under debate was that paragraph (b) be deleted, which refers to:

(b) order the production of the Prime Minister's travel itineraries and related records for all international travel he has taken since he became Prime Minister that are in the possession of the Privy Council Office, the Prime Minister's Office, or any federal government department; including, but not be limited to, each meeting the Prime Minister attended and every attendee at these meetings; and that these documents shall be provided to the committee in both official languages and without redaction within six weeks of the adoption of this motion

I'm sorry for repeating that, but that was what the amendment proposed by Ms. Church had removed from the motion. We're on that amendment.

Michael Barrett: On the amendment by Ms. Church, I want to make two important points about good faith and the opportunity we have to proceed with the consideration of the amendment. Should the amendment pass, the motion as amended does two things.

First of all, if I were to presuppose that Ms. Church's amendment were to pass with a view to having this motion adopted by the committee, that would demonstrate a level of transparency that shows, after last week when we saw a series of committees move in camera, that everyone takes seriously the opportunity we have to provide ongoing transparency for Canadians.

We had a change a week ago—it seems longer than a week ago—with the makeup of committees. We have new regular members on this standing committee. Welcome, all. That changes the dynamics, including on accountability committees, of which this is one. This is why the chair is selected from the official opposition for this committee, for the government operations committee and for public accounts as well.

What I'd say is that the substance of the motion as amended does allow for a level of information or an amount of information that satisfies ongoing concerns that we've seen raised. We get submissions from members of the public about information they want us to receive. We see the public discourse. We read the news and there are questions about the use of this conflict of interest screen in the Prime Minister's Office. Providing that detail to a standing committee allows us to serve the function that we're supposed to serve. It's not simply by adding a couple of members from the governing party to committee that we're going to lose the opportunity for that accountability.

I won't seek to impugn the motives for why committees were moved in camera last week. It happened at multiple committees. Instead, I would offer publicly to all of my colleagues that if the amendment were made to this motion to strike (b) because it was too much information—the volume of information and the work that it would generate would be too much, and it would slow down the Prime Minister's department in being able to deliver on its mandate—and that's the reason it's being deleted and it's with a view to pass the main motion, then I would concede that I wouldn't impede the amendment from moving forward. Section (b) could be struck and we could proceed with passing the main motion, which consumed many hours—more than a dozen hours—of public debate last week.

I think we have that opportunity. The government House leader spoke last week on television about how it was merely a coincidence that committees had been moved in camera.

We have that opportunity in public today to pass this motion and provide that ongoing transparency in a rolling way. I think the Privy Council Office has demonstrated that it has the capacity to furnish us with the information already. It would just be having that occur on an ongoing basis. Let's see that. Let's get that accountability. Let's do what we can collectively, as members, to bolster public confidence, because I fear that if we do not simply enact this transparency mechanism, we would see ourselves potentially undermining what is a fragile thing, which is the confidence that has been entrusted to us by Canadians.

At the same time, by passing the amendment, we would be achieving what had been suggested to be too onerous an ask for the department. I disagree, but I've never worked in PCO. Perhaps it is too onerous for them.

• (1750)

Let's assume that it is. Let's move past that, adopt the main motion and provide that transparency for Canadians.

The Chair: Thank you, Mr. Barrett.

I have Ms. Church on the amendment.

Leslie Church: Mr. Chair, I have a question for you, first of all, if you could just indulge me for a moment, and that was just about the timing of this meeting. We're past our allocated amount of time. What is your forward plan for the committee?

I don't have a problem debating this or this motion, but I would appreciate, given that we're all parliamentarians and we all have commitments outside our allotted committee times, knowing what your approach is going to be on handling the committee's time and the debate on motions like this. Is this something we could schedule during our regularly allocated committee time? Can you describe to us what you see as the committee's forward scheduling for the next few meetings?

The Chair: I can't commit to anything from a forward-scheduling standpoint. I felt that this motion was important to dispose of, so I asked for additional resources to deal with it. I think we can deal with it relatively quickly, and this is why I've scheduled it for tonight.

We're on the amendment.

Leslie Church: Thank you, Mr. Chair.

On this amendment, we do absolutely operate in good faith. I think we just had a very good session with the Ethics Commissioner on the main estimates. We heard some of his testimony again relating back to the origins of Mr. Barrett's motion and inquiry. We heard from the Ethics Commissioner about the operation of the Prime Minister's screen and set-up.

Again, I think one of our primary objections to this has been that the independent agent of Parliament, the Ethics Commissioner, who has been charged with oversight for compliance with this act and for providing advice to every parliamentarian and every member of the executive on their personal affairs and how to arrange those affairs in a way that meets the standard or the test of avoiding a conflict of interest under the act, has come forward, yet again tonight, in front of this committee to tell us that in his estimation, on the arrangements pertaining to the Prime Minister's screen and the assets

he held prior to assuming office, the current situation is working well.

We have an agreement in place with the Prime Minister's Office, via Mr. Sabia and Mr. Blanchard, who appeared here a number of months ago, to provide us, on a continuing basis, with information pertaining to the Prime Minister's screen. That information has been forthcoming to the committee. The committee has that in their possession.

Additionally, we know that under the conflict of interest regime, if the Prime Minister is ever in a situation where he must recuse himself, that is also transparently disclosed on the conflict of interest website. That's in addition to the transparency surrounding all his assets and all his compliance measures, as it is with every other designated public office holder, member of the government executive and the hundreds of other senior public servants to whom this act applies.

Mr. Chair, in looking at this motion, we understand that our primary objection to the way it was structured, and our objection to paragraph b) in particular, has been that time remains one of the most precious resources we have as a committee, as a Parliament and as a government. I think we've approached this and other motions like it in a very similar fashion, suggesting that it is within the committee's ambit to discuss every motion that's brought forward by a member of the committee, to consider it on its merits and to consider how useful and productive it will be. However, we also have to understand that all of us here could bring forward motions at any given point in time. They're not all going to pass unamended. They're not all going to pass and become business for the committee to study. We have studies that are already awaiting scheduling, and we are two months before the end of our parliamentary term. We will certainly not get through all the business this committee has already set out to dive into over the last number of months.

That is one of the reasons that for a motion like this, we do scrutinize it. We are conscious of the fact that members of the opposition are seeking records, some of which have already been provided and will continue to be provided, and some of which go far beyond the scope of what is reasonable.

Mr. Chair, I propose that we move to a vote on the amendment.

• (1755)

The Chair: Thank you, Ms. Church.

You're ceding your time on the floor. You've asked for a vote. I still have a speaking list, and that includes Mr. Hardy. Until I have exhausted the speaking list, we will not have a vote.

Go ahead, Mr. Hardy.

[*Translation*]

Gabriel Hardy: Thank you, Mr. Chair.

Again, we're addressing something that I find truly essential, when all is said and done. We also just wrapped up a discussion with the Conflict of Interest and Ethics Commissioner. He told us how much we needed to provide the crucial element of transparency in order to build public trust in our institutions.

Let's talk about the motion. I know that I'll be asked to quickly get back to it.

Last time, I said that transparency regarding the Prime Minister's travels was extremely important. He's a globe-trotting prime minister who travels all over the world for a number of reasons. Sometimes, we wonder about these trips. Other times, we think that he's trying to negotiate something.

However, we did note, for example, expenses for meals on the plane and expenses that prompted questions from the public. Section (b) of Mr. Barrett's motion makes many references to travel and to attendees at the Prime Minister's meetings in particular. We simply want more transparency so that the public knows how the decision-makers, the people whom they may or may not have voted for, are spending their money.

I believe that the motion was nevertheless appropriate. My colleague, Michael Barrett, is proposing—as we often do here—that we work together. We're told that we're the opposition party and that we oppose everything. We discussed this matter. Our role is to ensure that we improve the processes so that the public remains the focus of decisions.

Last week, after the vote in the House of Commons when the Liberals took control of parliamentary committees, we heard cheers in the House. Fifteen minutes later, the Liberal members of the committee all came down here and moved the meeting in camera.

People who keep up with our work might wonder what “in camera” means. It means that, for 30 years, we won't be allowed to talk about the discussions that took place. We'll be required to keep them secret. Yet secrecy is the opposite of transparency. So we need to clarify this.

Moreover, this didn't just happen here. This scenario played out in a number of committees, including oversight committees tasked with ensuring transparency and public awareness of government decisions.

Remember that two commissioners came to the committee today and talked about transparency. Yet the first step taken by the new majority government—and I must say that the public didn't vote for this majority, because the Liberals already held the three constituencies affected by the by-elections, so the majority came about as a result of backroom deals—was to take control of parliamentary committees. I understand that the legislation normally allows a majority government to control the committees. However, this should happen when the public has voted for the game plan, not when agreements take place after the fact, which prevents people from asking questions. The Liberals did this last week when they regained control and moved the meeting in camera.

We were told that we had to watch out for red tape and that the amendment didn't make sense because it would create too much red

tape. We believe that having access to documents is important. It helps us to carry out analyses and ask the right questions.

The Liberals tell us that the committee's time is exceedingly important. That's quite something coming from people who spent 24 hours giving monologues. One of their colleagues spoke for 70 minutes before the committee. He's just arrived and he's proud of himself too. So we attended the lecture given by my colleague, who spoke for 70 minutes. After that, they tell us that we need to be careful with the committee's time.

I gather that the Liberals are becoming more arrogant by the week. However, I think that we can work together. We're ready today to proceed if you guarantee that we'll vote and that the issue will be resolved afterwards. We'll do as Ms. Church suggests. We'll withdraw section (b) of the motion, but keep section (a), which is extremely important. If we can obtain transparency and accountability from the government, we'll be the first to support this.

Our role is to monitor. The opposition must ensure that the government remains accountable for its decisions and provides as much transparency as possible.

The motion before you was simple and effective. It called for transparency. Your first instinct was to move in camera to avoid transparency. This is happening again today. We're asking you the following question. Are you really in favour of transparency? If the answer is yes, we'll see it right away. This will be resolved. We'll move forward together and work collaboratively for the good of the people of Quebec and Canada.

• (1800)

If the answer is no, I think that people will understand your intentions. You made them clear last week and you will surely continue to do so here, week after week.

That's what I wanted to say, Mr. Chair.

The Chair: Thank you, Mr. Hardy.

[*English*]

I don't have anybody else on my list.

We're on the amendment. Because there are no speakers, I will go to the vote.

(Amendment agreed to: yeas 6; nays 1)

• (1805)

The Chair: We're on the main motion as amended now.

Ms. Church, go ahead.

Leslie Church: Mr. Chair, thank you for the opportunity to vote on that.

Thank you to my colleagues across the way for supporting that amendment. I think we are making some progress here in terms of our desire to get to a place where we're more comfortable.

Mr. Chair, there's one thing that we need to do. We would like to take a look at this motion and reflect some of what the arrangement is that we have with Privy Council to provide certain amounts of information on this topic. On our side of things, as was our view when Mr. Sabia and Mr. Blanchard were here and my colleagues across the way were asking for some of this information, we found that there is some useful information that we can ensure that we receive from PCO on an ongoing basis.

I'd like to take the first part of the remaining part of this motion, and I'd like to move an amendment. I'd like to, in the first section, section (a), replace, "the fifteenth day of each month", with "a quarterly basis".

Second, I'd like to propose to delete from "pursuant to the Assessment Tool" to "came into effect". I would like to add a subsection (b) that says, "post the reports publicly on the committee's website".

The Chair: Just so I'm clear, Ms. Church, this is a new section (b) that you're proposing then.

Leslie Church: That's correct.

The Chair: It's not a subsection. It's a new section. Is that right?

Leslie Church: Yes, they are sections (a), (b) and (c).

The Chair: Okay.

Go ahead on section (b).

Leslie Church: Section (b) was "post the reports publicly on the committee's website".

Section (c) is "invite the Conflict of Interest and Ethics Commissioner every quarter, to discuss the contents of the most recent quarterly report from PCO."

If my colleagues are interested, I think this would be a motion that reflects getting the information we want, on a timeline that is useful and appropriate. It involves the transparency of posting the reports that we receive publicly on our website as a committee. Should we have questions or concerns about what is posted, we're providing an invitation to the commissioner every quarter to discuss the contents of that quarterly report with us as well.

The Chair: By my count, we have four amendments to the motion, including two different sections, sections (b) and (c). It's not substantive, but I think it does warrant a suspension just so that members of the committee are aware of what they're voting on.

Ms. Church, I'm going to ask if you're able to share that with the clerk. I think the clerk has captured most of it, but are you able to share that?

I'm going to suspend for a few minutes until members are comfortable enough to understand what they're going to be voting on here and the changes.

Are you ready?

• (1810)

Michael Barrett: We're ready.

[*Translation*]

The Chair: Mr. Bonin, do we need to suspend the meeting? Have you had a chance to look at Ms. Church's proposed amendments?

I can see that you're ready to continue.

[*English*]

We're on the amendment. I'm going to go to Mr. Hardy on the amendment. I'm not going to suspend. Let's keep this going.

Go ahead, Mr. Hardy.

[*Translation*]

Gabriel Hardy: I'll be brief.

Ms. Church, again, on our end, we decided to let it go through and to support your proposed amendment. However, you always have an ulterior motive in mind. You're basically amending the motion again to reap more benefits by introducing other amendments. Honestly, that's disingenuous. We've been discussing this for a long time. I agreed with your proposal to remove section (b). I even voted in favour of it. We expected a clear signal that we were moving forward.

In the end, you have other proposals to change things once again. That's a shame. That isn't collaboration. You just want to pull in what you want in order to get your way. That's exactly what you have been doing for the past year. You'll be doing this more and more now that you have the majority in the committees. It's a shame, but that's your proposal.

The Chair: Thank you, Mr. Hardy.

Patrick Bonin: Mr. Chair, I would like to point out that I don't have the amendment in French.

The Chair: Okay.

Patrick Bonin: I don't know whether it was sent to the clerk and whether we can have it.

The Chair: We don't have the amendment in French. However, I can suspend the meeting for a few minutes so that you can receive it.

Patrick Bonin: I suppose that the Liberals were ready to move their amendment. It can't have come out of thin air at the last minute. There must be a French version.

[*English*]

The Chair: Ms. Church, do you have the amendment in French, or is it only in English?

Leslie Church: I can send it over.

The Chair: I'm going to suspend for a couple of minutes.

• (1810) _____ (Pause) _____

• (1820)

The Chair: We're going to call the meeting back to order.

An amendment has been shared with the committee. Now, I will say that my understanding of what Ms. Church proposed is quite different from what we have received.

The motion as amended would read as follows:

That the committee:

(a) require the Privy Council Office (PCO) to provide the committee, on a quarterly basis, with a report detailing each time an assessment was undertaken relating to the application of the Prime Minister's conflict of interest screen;

The amendment to the motion that we received strikes every part past “interest screen”, which isn't my understanding of what Ms. Church proposed, and I think it's not the understanding of the majority of the members of the committee.

The amendment continues:

(b) post the reports publicly on the committee's website; and,

(c) invite the Conflict of Interest and Ethics Commissioner every quarter, to discuss the contents of the most recent quarterly report from PCO.

I'll just make this clear for the members of the committee. The amendment is proposing to, one, replace “the fifteenth day of each month” with “a quarterly basis”; two, delete from “pursuant to the Assessment Tool” to “came into effect”; three, add “(b) post the reports publicly on the committee's website; and,”; and four, add “(c) invite the Conflict of Interest and Ethics Commissioner every quarter, to discuss the contents of the most recent quarterly report from PCO.” That is the amendment we are dealing with right now.

I'm going to go to Mr. Hardy on the amendment, please.

• (1825)

[*Translation*]

Please go ahead, Mr. Hardy.

Gabriel Hardy: Again, we've just experienced something quite extraordinary here in the committee.

Ms. Church, you're proposing to delete 75% of the motion. There were 12 sentences, and you're proposing to keep three. That's your proposal.

Not only did you propose to delete section (b) in its entirety, which we agreed to do, but you're now proposing to delete 75% of section (a). You'll probably go on to make videos saying that we don't want to participate and that we aren't working collaboratively. However, from the start, your proposals have sought to make ours insignificant enough for you to be able to ultimately say that we voted against them. You're basically proposing to take away 75% of the work that we believe must be done to make the government accountable.

Today, people are looking at us and wondering what's going on in these parliamentary committees. What's going on is what we've just experienced today, once again. Not only did you move the committee meeting in camera last week and not only did you ask us today to delete section (b)—which we agreed to do in the interest of

collaboration—but then you were ready to delete 75% of section (a) right afterwards. Your documents were ready and you knew where things were going. You don't want to work in good faith, so you come with the proposal to delete 75% of section (a). The only words remaining would be “That the committee”. I suppose that you should be proud of this. You're proposing to leave just one short sentence. You'll then hold a press conference to tell the world that the Conservatives are the ones opposing it.

Honestly, this is a sad state of affairs. The collaboration was there. We wanted to work with you. We've done this before, and you're doing this. So keep at it.

The Chair: Thank you, Mr. Hardy.

[*English*]

I have Mr. Barrett next on the list.

Go ahead, Mr. Barrett.

Michael Barrett: We're building this plane in the air. This is going to complicate it because I don't have this in writing, so we'll have to write it, send it to the clerk and then get it translated. This is likely going to precipitate a suspension, but I would like there to be a discussion about whether Liberal members are amenable to this. Perhaps that could productively happen between now and the next meeting. We'll need to get some indication of that. Otherwise, perhaps we just continue on until the wee hours of the morning.

My subamendment would be that the amendment be amended by replacing “pursuant to the Assessment Tool” with “(iii) any records of discussions”, and that's in part two.

Recognizing that it's as complicated to write after I have said it as it was for me to have said it.... I'm not sure at what juncture you'd like to suspend, but I'm also happy to attempt to articulate what that is and why it's important.

Mr. Chair, just while you take a quick look at it, I'll say that this is information that exists, so we're not looking for the creation of new information. This is not going to create more kinetic activity at PCO or slow them down in the other work they're doing. However, it does further the ends that Ms. Church is advancing with her amendment to the motion.

• (1830)

The Chair: Let me come back to you on that. I am going to suspend because I do want it distributed in both official languages as well. I realize as you say that we're building an aircraft in the air here.

The subamendment is in order. I understand where Mr. Barrett is going with it, but I do want to make sure, out of respect for members of the committee, that they do have it in both official languages. It should be a simple translation and amendment to read.

I'm going to suspend for a couple of minutes.

• (1830) _____ (Pause) _____

• (1840)

The Chair: I'm calling the meeting back to order.

If somebody wants to propose unanimous consent to distribute the translation on the subamendment a little later on, I understand that we have unanimous consent.

Mr. Barrett, do you want to...?

It's UC to redistribute the French translation.

Michael Barrett: Absolutely, yes.

The Chair: Do we have UC on that?

Some hon. members: Agreed.

The Chair: Okay.

I also understand that there is agreement among the parties to deal with this at a later date. Does somebody want to explain so that people are aware publicly of what's going on here?

Go ahead, Mr. Barrett.

Michael Barrett: We discussed the amendment and the subamendment, and we are looking to get to a good-faith resolution of this that provides that transparency. We seem to be moving in that

direction collectively, and we don't want to impede that progress because right now we don't seem to have all of the answers we're looking for. The conversations have suggested that all parties agree to resume consideration of the motion on the subamendment at an agreed-upon time following our next regularly scheduled meeting, after this Thursday. That would be after the two-week constituency break.

The Chair: It's not the desire of the committee, then, for me to call a meeting at eight o'clock tomorrow morning until midnight tomorrow night. Is that safe to say?

Michael Barrett: It is.

The Chair: Okay. Thank you, because I'd be prepared to do it.

I am going to ask, given Mr. Barrett's comments, if there is agreement to adjourn the meeting.

Some hon. members: Agreed.

The Chair: Okay. Before we adjourn, regarding Thursday's meeting, we have the lobbying commissioner and the Privacy Commissioner coming to the meeting on Thursday.

Madame Lapointe, I'm going to ask that you be in the chair on Thursday because I will not be available that day. That's just so you're prepared.

The meeting is adjourned. Thank you.

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