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# Standing Committee on Access to Information, Privacy and Ethics

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Chair: John Brassard





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

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• (1540)

[English]

**The Chair (John Brassard (Barrie South—Innisfil, CPC)):** I'm going to call the meeting to order. Welcome to meeting number 44 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

[Translation]

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

[English]

Before I introduce the witnesses, I'd like to remind you that committee members may ask questions in either English or French. If you need interpretation, take a moment to listen to the entirety of the question before responding, because sometimes that affects the time allotted for questions. I try to be as fair as I can. If there is a question that needs to be answered, I'll extend the time if I have to.

I would like to welcome our witnesses for today. As individuals, we have Jacques J.M. Shore, who is a partner at Gowling WLG, and Suzanne Sabourin, legal counsel at Gowling WLG.

From the Canadian Federation of Independent Business, we have Christina Santini, who is the director of national affairs.

I want to welcome you all to committee.

[Translation]

Ms. Sabourin, you have five minutes for an opening statement.

**Suzanne Sabourin (Legal Counsel, Gowling WLG, As an Individual):** Thank you, Mr. Chair and members of the committee.

It is an honour to address you as part of the very important statutory review of the Lobbying Act. I'm accompanied by my colleague Jacques Shore. My testimony today represents my own point of view, and not that of my law firm, my clients or any third party.

I was a salaried lobbyist and I am now a consultant lobbyist. As a public law attorney, I advise businesses and non-profit organizations on lobbying laws at the federal, provincial, territorial and municipal levels.

I work at the intersection of conflicts of interest, ethics, election lobbying and the connections between the Lobbying Act and the Foreign Influence Transparency and Accountability Act.

The scope of the Lobbying Act is very broad. The changes proposed by the Commissioner of Lobbying of Canada must be evaluated to balance genuine transparency with accessibility, openness and the democratic participation intended by the act.

I will now talk about the proposed changes.

First, I have no objection to default registration being the standard established by law. In my view, any change to the registration threshold must be made by Parliament, not through an administrative directive from the commissioner.

The changes made in 2023 to the Lobbyists' Code of Conduct raise similar concerns. The code treats sponsorship of public forums in the same way as the rules on low-value gifts and low-value hospitality, which risks stifling legitimate dialogue. I must admit that I have taken an in-depth look at the subject over the past two years.

These limits would hinder the essential dialogue in public forums where various stakeholders from the public, private, academic and community sectors debate policy. Rather than limiting undue influence, the rather strict limits risk reducing transparency.

In my opinion, the right approach would be to prioritize transparency through responsible and clear standards, while avoiding restrictions on legitimate engagement, provided that everything is disclosed under simple guidelines and following public consultation. The exclusion provided for in the act concerning briefs submitted to parliamentary committees offers a model to follow.

Second, the reforms impose a heavy administrative burden that affects all stakeholders, not just large companies with multiple lobbying mandates. It is not enough to deal with the compliance officers of the Office of the Commissioner of Lobbying of Canada or with the compliance officers of Carrefour Lobby Québec, and so on, to complete and submit a declaration to the public registry. Compliance requires an ongoing monitoring process to account for internal changes, update disclosures and reconcile disclosures with monthly communication reports in the prescribed format and by deadlines prescribed by the act.

All my clients recognize the importance of the Lobbying Act and comply with it.

As Imagine Canada's brief states, the non-profit sector includes more than 170,000 charities and non-profit organizations, many of which engage with government regarding grants and contributions as part of their work. The reforms must include a reasonable *de minimis* threshold to avoid imposing disproportionate compliance burdens on routine administrative interactions. Otherwise, organizations would be subject to the same registration and reporting obligations as those seeking to obtain major government contracts or policy changes. This would create an incongruous result that would not reflect the relative importance of the underlying activity.

Third, several reforms raise questions of procedural fairness and limits on administrative power.

• (1545)

British Columbia's Lobbyists Transparency Act is a model for additional compliance measures as it sets out clear procedural steps, legal protections for the administrative process, public guidelines and a timeline for judicial review.

Furthermore, granting the commissioner independent regulatory authority is incompatible with parliamentary accountability and the fundamental principles of Canadian administrative law. As you know, those who enforce the law should not also make it.

Lastly, several of the reforms would create a super-registry that would encompass too many things and obscure important interactions for public accountability rather than clarify them, which could harm democratic governance rather than strengthen it.

For example, including director generals as designated public office holders would significantly broaden the disclosure framework and post-employment restrictions, which would dilute the targeted oversight of senior officials.

Requiring monthly communication reports for all lobbying with public office holders, such as a Crown minister, whether oral, written, informal or pre-arranged, is fundamentally impractical. This eliminates room for reasonable judgment by office holders who are elected, appointed and recruited precisely because they are expected to exercise informed discretionary power in the public interest, and in doing so, it risks overwhelming the system with low-value disclosures that obscure significant regulatory activity.

Lastly, requiring the disclosure of all lobbyists present at meetings imposes a heavy compliance burden while diverting attention from the main lobbying officials. As our report points out, a system that tracks everything tracks nothing particularly significant. The current system has struck the right balance.

With that, I would be pleased to answer your questions.

**The Chair:** Thank you, Ms. Sabourin. Your statement was a little over five minutes. I'll therefore ask Mr. Shore if he can shorten his remarks a bit and maybe stick to three minutes.

**Jacques Shore (partner, Gowling WLG, As an Individual):** I'll see if it's possible.

[English]

**The Chair:** Mr. Shore, go ahead with your statement, please.

**Jacques Shore:** Thank you very much. I made sure that I tightened as much as possible in terms of the points.

**The Chair:** You need to tighten it a little more.

**Jacques Shore:** I'll talk quickly. How's that?

**The Chair:** Okay. Thank you. We have copies of your declarations.

**Jacques Shore:** I've added a bit more.

Thank you very much, Mr. Chair and honourable members of the committee.

[Translation]

It is truly a great privilege to be here before you this afternoon.

[English]

For three decades, I have emphasized the importance of transparency in dealing with government. Throughout my professional practice of law, I've had the honour of working with elected parliamentarians and with appointed public office holders both as legal counsel to government and in representing my clients on matters of law and public policy as legal counsel in addition to advising clients on their legal obligations under Canada's lobbying regimes.

I also note that I previously appeared before a parliamentary subcommittee in October 1994, when proposed amendments to that lobbyist registration framework were under consideration. I drew on my experience with a number of things that I had done in government and in my early days of practice. There's no question that, while many years have passed, new and innovative ideas for government remain important, and my deep commitment to the foundational principles of transparency in our democratic process remains the same.

Let me begin with a preliminary observation concerning solicitor-client privilege. This issue arises in relation to several of the commissioner's recommendations pertaining to expanded disclosure obligations, including those concerning the disclosure of funding arrangements that support lobbying activities and reporting communications with designated public office holders regarding the awarding of contracts. Canada's lobbying framework has long recognized the critical role of legal counsel and the protection of confidential communications. It is essential to recall that solicitor-client privilege exists to protect the client, not the lawyer.

When a client consents to disclosure, the issue does not arise; however, in the absence of such consent, compelled disclosure will undermine the privilege itself. This risk and the slippery slope of interfering with this recognized historical privilege should be carefully considered.

In that context, I would suggest that the committee consider a mechanism similar to the one that exists in Quebec, allowing, on an exceptional basis, for a temporary deferral of public disclosure in cases involving highly sensitive or commercially confidential information in which premature disclosure could result in significant harm. This type of deferral should be limited to cases in which there really is an important, legitimate public and economic interest involved that should not be jeopardized.

More broadly, I would submit that our lobbying regime should reflect a baseline level of trust in the integrity and judgment of public office holders and those speaking to government. A system premised on excessive disclosure because of an underlying or perceived mistrust may discourage engagement and, in so doing, undermine the public benefit and the very democratic process it seeks to protect.

It is also important to view the lobbying regime within the broader framework of accountability measures, including conflict of interest rules applicable to public office holders and those who deal with government officials to advance legitimate objectives and nation-building exercises. I want to emphasize that transparency is one component of a larger system of integrity and should not be treated as an absolute. Inculcating a common purpose to do good in the context of economic growth and nation building should also be viewed as a key societal goal.

I would also emphasize the importance of respecting institutional roles. In our report, we put it very clearly. While I certainly respect the Commissioner of Lobbying, she should not be granted the opportunity to create independent regulation-making authority. This is essentially up to Parliament and up to the Governor in Council to address; otherwise, it would be inconsistent with Canadian administrative law.

Finally, I would vigorously caution that this exercise should not lead to the expansion of the categories of designated public office holders. I respectfully believe such expansion will impose unnecessary burdens and will discourage important interaction and valuable dialogue with officials to test or to consider new ideas before raising them further at more senior or political levels of government. It may also extend to post-employment restrictions to individuals in ways that would discourage people from wishing to work in government, especially those who intend to engage in public service not for their full careers but for limited periods of time.

• (1550)

[*Translation*]

That said, thank you again for the opportunity to speak with you today.

[*English*]

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

I'll ensure that you get a participation ribbon for that one, because you're under five minutes, which is perfect. Thank you.

Ms. Santini from the CFIB, go ahead with your opening statement.

[*Translation*]

**Christina Santini (Director, National Affairs, Canadian Federation of Independent Business):** Thank you, Mr. Chair.

Good morning, everyone.

I sincerely thank the committee for this kind invitation.

The Canadian Federation of Independent Business, or CFIB, represents more than 103,000 small and medium-sized business owners across all sectors of the economy and in all regions of Canada. More than 52% of our members have nine employees or fewer. This means that these are truly smaller businesses.

[*English*]

Small business owners work an average of 54 hours a week and wear many hats, managing staff, sales and finances while serving their communities as your local shops, your local service providers and your local employers. They are remunerated by their business either as an employee or as a shareholder.

In July 2025, the Commissioner of Lobbying issued an interpretation bulletin, which lowered the registration threshold for organizations and corporations from 32 hours per month to eight hours in any rolling four-week period. The new threshold and proposals to move toward registration by default that would encompass all planned and unplanned written or oral registrable activity is concerning.

Why? These changes risk unintentionally capturing ordinary small business owners as lobbyists. From time to time, a small business owner contacts their federal MP or minister to raise concerns and make recommendations relating to policies that affect their business, or they apply for financial supports in relation to their business. They now need to register if they and/or their employees have collectively spent more than eight hours researching, drafting and sending these communications.

We are already hearing from business owners who are surprised to learn that writing to their MPs or applying for support programs could require them to register. They do not see themselves as lobbyists. They are simply trying to run their business. They believe they are raising concerns as constituents about government policy that affects their business.

One practical measure that would help reduce red tape on small businesses would be to exclude time spent applying for grants, contributions and other financial benefits from the registration threshold, particularly when there is a public, rules-based, transparent process. Applying to such programs is not an attempt to influence decisions. It is participation in a process created by government.

While we support the idea of transparency, we also caution about how it is sought. Thus, CFIB recommends not pursuing registration by default and legislating the threshold—specifically, the former 32-hour threshold. Changes to this threshold should be reviewed and debated by the House of Commons and the Senate and not left to the purview of the commissioner.

Further, a requirement should be that only planned communications organized for the purpose of influencing policy and procurement decisions are reported—not unintended or haphazard meetings at a community barbecue, for example, that weren't planned but where certain topics may be raised. We also support the suggestion of excluding the time spent preparing and submitting requests for grants and contributions when they're part of a government process.

We would also suggest or recommend that clarity be provided to stakeholders so they could properly assess the potential impacts of some of the other recommendations made by the Commissioner of Lobbying. For example, how would “grassroots lobbying” be defined and what would it include: surveys, petitions, letters or communiqués?

We are regularly told that MPs want to hear directly from small business owners in their ridings. These changes and the associated administrative burden risk discouraging that engagement. Consequently, those with the time and the resources to navigate administrative requirements will be heard. Others may opt to be silent. Transparency should shed the light on organized lobbying, not create barriers between small business owners and their elected representatives.

Thank you. I welcome your questions.

• (1555)

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

Before we begin, I'm going to ask members to direct their questions to a specific person so that there's no delay.

We're going to start with you, Mr. Cooper, for six minutes. Go ahead, sir.

**Michael Cooper (St. Albert—Sturgeon River, CPC):** Thank you, Mr. Chair.

I'm going to direct my questions to Madame Sabourin or Mr. Shore, whoever wishes to answer.

I've read your fairly comprehensive brief. I want to ask you some questions about recommendation 12 of the lobbying commissioner with respect to reporting.

You state in your brief that “the current framework [that] focuses reporting requirements on oral and arranged communications...appropriately balances transparency objectives with the practical realities of governance” and that the recommendations of the lobbying commissioner with respect to reporting are “fundamentally impractical”. You said that in your brief, and you said that in your testimony today.

Now, the lobbying commissioner has made a number of recommendations around reporting, but in recommendation 12 specifically it looks pretty straightforward to me.

It is simply that “communications...oral [and] written” would be captured and that what would need to be registered is that a communication in respect of what, in substance, is lobbying took place, as opposed to “who initiated” it—whether it be the lobbyist or a public office holder. For a public office holder who initiates the communication, what is burdensome about having to report that?

• (1600)

**Suzanne Sabourin:** It's not the fact that a public office holder initiates the communication. We are arguing that when you lump in the fact that the communication does not need to be pre-arranged or does not need to be organized, it creates a lot of difficulties. First, I think you all know that the definition of lobbying is rather wide. It's that you're denying the office holder, whether it be a public office holder or the designated public office holder, exercising his or her own discretion to determine if this is lobbying, and then you complicate the matter in terms of what interactions.... A simple meeting at a barbecue—

**Michael Cooper:** There are a few pieces to this, so let's start with the first piece, which is who initiated it. Do you think it is reasonable to require that it be reported on if, for example, what in substance amounts to lobbying is initiated by a public office holder, yes or no?

**Suzanne Sabourin:** Go ahead, Mr. Shore.

**Jacques Shore:** It really gets down to what the role and the duty of a public office holder is. A lot of that also has to do with being able to gather information, weigh issues and understand what they are. If you start creating a real formality to the engagement with the public, I think it adds new layers to it. That public officer, very generally.... It's not a designated public office holder, but let's say it's someone at the DG level. Those are important positions—

**Michael Cooper:** It seems to me to be rather an artificial test on which to base whether to report or not report who initiated the communication. It seems to me that what is material is not who initiated the communication but what the substance of the communication is. Is that not fair?

**Jacques Shore:** My sense is that it is important who initiates the communication for a particular purpose. Under the Lobbying Act, those individuals or those who wish to engage to communicate.... Remember, the previous act made reference to “influence”, and that was deleted to simply make it “communicate”. I think that's strong enough in terms of who out there is communicating or addressing issues with government officials for a particular purpose. That's where I would draw the line.

I also tend to think, as someone who worked in government before, that I would not want to find myself having to think that I have to set out every conversation I have in a day, when I'm reaching out to someone in the public to talk to them about something I'm working on to help me engage in policy.

**Michael Cooper:** Let's face it: Lobbyists are sophisticated. They know the lay of the land. They know Ottawa. They know where to find public office holders. Why, for example, should a lobbyist get a free pass from registering or reporting a communication with a public office holder at a reception or at an airport lounge? Lobbying is lobbying.

**Jacques Shore:** Mr. Cooper, this is where perhaps, with great respect, I disagree. Not all lobbyists are sophisticated professionals. Lobbyists are those who are identified as having communication with the government. That could be the person who basically meets for the first time someone who wants to address an issue that comes up with a small business they have or whatever. They're not a lobbyist, but they're bringing up particular issues of importance to them.

It's interesting. On occasion—rarely, but often enough—I find myself, when I'm representing a client's issue that may deal with a policy, a change in legislation or whatever...but I'm a lawyer who has that obligation in the context of lobbying. There's a difference as to who it is. I don't think we should make it difficult for them by imagining that they are so sophisticated that they'll know exactly what to do. This may make them quiet so that they don't engage in the conversation, because they know they have to do something, but they just don't know what.

• (1605)

**The Chair:** Thank you, Mr. Shore and Mr. Cooper,

Before I go to Madame Lapointe.... You're all experienced. You've probably been at committees before. You know the members are fighting for their time for five or six minutes, so sometimes they cut you off. There's no disrespect intended with that. They're trying to make their point as well.

[*Translation*]

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

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

Welcome to the witnesses.

Everything you've been saying so far is very interesting. Basically, it's not that simple to have the perfect definition to define what a lobbyist is or to know when one is engaging in lobbying. We're talking about small and medium enterprises. People do want to talk to their MPs about problems they're facing, but they wonder whether or not they are engaging in lobbying. I understand very well what you're saying. I was an entrepreneur before going into politics. It's a nuance that's difficult to grasp.

I've looked at both of your résumés and biographies, and I must say, they're impressive. It's very important for our committee to receive witnesses and experts, in particular.

Could you help the committee understand how your experience with the Lobbying Act and lobbying in general truly enables you to testify as experts today?

**Suzanne Sabourin:** I'll answer first.

It's obvious that I wasn't born yesterday. I started my career in the field of government relations at the time when Prime Minis-

ter Mulroney introduced the first Lobbyists Registration Act. I received briefing sessions from his office.

Over the years, as a salaried lobbyist and as a consultant lobbyist, I've always worked on the files. Now, I must say that I'm fortunate to work with several stakeholders in the private sector as well as with members of what is called civil society, that is, members of the non-profit sector. Every day, I work on lobbying issues at the federal, provincial, municipal, or territorial level.

As I've stated to you, we're beginning to look at the implications of the Foreign Influence Transparency and Accountability Act. This is my experience; this is my practice. It's what I live and hear every day. I think constantly about these subjects. I communicate frequently with compliance officers across Canada, including those at the Office of the Commissioner of Lobbying, to try to break down issues, understand complex issues, and come up with potential solutions when there's a problem to solve. That's my job.

**Linda Lapointe:** Would you have anything to add, Mr. Shore?

**Jacques Shore:** It's almost the same on my end. However, I can add a comment about my experience over the past 30 or 35 years.

[*English*]

I have had a lot of experience in dealing with the legislation from way back. I was dealing with the lobbying registrar, as they were then called. I was advising the office of the lobbying commissioner here at the federal level. I was working at the provincial level too and assisting clients who have been penalized for the way in which they may not have addressed the detail of the legislation.

More so, because of the privilege of the practice of law that I have, which is an advisory component and a component in which I'm dealing with major issues when we deal with government, I also have to be very mindful for myself. I find myself having to ensure that I am, on those occasions when I am “lobbying”, an advocate. Whether I'm before a minister or whether I'm before a judge, to me it's the same, in a sense. It's my factum that I'm sharing in terms of educating the particular individual in government that I'm dealing with. I have to make sure of the letter of the law. As a result, I've been called upon for my advice in making sure that clients respect the letter of the law as well.

[*Translation*]

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

In the brief you submitted to the committee, you mentioned the importance of avoiding a regime where the compliance burden ultimately discourages legitimate engagement.

Do you believe that lobbying is a necessary element of democracy? If yes, why is that?

What are the consequences if we end up with a lobbying regime that is too burdensome?

• (1610)

**Suzanne Sabourin:** To answer your first question, I would say that yes, lobbying is an important activity.

Like my colleague Mr. Shore, I consider myself more of a representative or spokesperson than a lobbyist, because my goal is to represent my clients as best as I can. In a democratic society, this leads to political engagement or informed engagement within which viewpoints can be exchanged in the hope of arriving at the best possible solution that is in the public interest. That's fundamental for me.

**Linda Lapointe:** Thank you.

Mr. Shore, can you also answer the question?

**Jacques Shore:** In my opinion, it's essential that there be genuine debates and discussions between government people and the public.

**Linda Lapointe:** I agree with you. No one has the real solution. It's by discussing different points of view that we can probably arrive at the best law or the best consensus. What I mean is that members of all parties in Parliament have different viewpoints, but maybe by talking together, we'll find a better solution.

[English]

**Jacques Shore:** I think we have a good, delicate balance. Respectfully, in my view, what is being proposed is that we go overboard. We will do more than is necessary. We want to make sure that the public understands that transparency is important, but we also want it to be understood that there's integrity when we deal with public office holders.

This applies to the other side as well. I think there's a suspicion that when lobbyists are speaking to government, it's something sinister, but it's not. It's about the exercise that's necessary for government to better appreciate all sides and all issues.

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

[Translation]

Thank you, Ms. Lapointe.

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

**Rhéal Éloi Fortin (Rivière-du-Nord, BQ):** Thank you, Mr. Chair.

Ms. Sabourin, Mr. Shore and Ms. Santini, thank you for being with us today.

Ms. Santini, I understand that your organization is against registration by default. Am I mistaken when I say that?

**Christina Santini:** No, you are not mistaken.

**Rhéal Éloi Fortin:** I'd like to know why you are against that. I'm not a lobbying specialist and I may be mistaken, in which case you will correct me, but what I understand is that the issue of thresholds is problematic. It's a bit cumbersome to manage when there are thresholds of 32 hours, 8 hours and so on, so several countries have adopted the registration by default rule. It seemed appropriate to me. I'd like you to explain to me further why you are against this measure.

**Christina Santini:** Often, a small business owner who pays themselves a salary from their business will face a problem. It could be a case where one of his employees calls on him to intervene or a situation where the policies of the Temporary Foreign Worker Program change, or the notices....

Excuse me, I'm going to respond to you in English.

[English]

Oftentimes, they will have an issue, and they will raise it with their local MP. Sometimes they will also ask or state that this policy should change, and they put forward the recommendations they would make.

We would not want that discussion, through registration by default with no threshold, to suddenly mean that they have to register and put in that communication when right now that conversation would have taken 30 minutes. Right now, they don't have to set up a profile, and they don't have to report that exchange. They're venting their frustration, and they're putting in a recommendation as a citizen. They're a business owner trying to operate their business, and they're frustrated with a specific policy change that's been brought forward.

Registration by default would mean that, given that they're remunerated by their business, they have to declare it, that they are an in-house lobbyist. That is a concern. Even bringing it down to eight hours is a concern because we have some members who have faced serious issues. They are very concerned about the future of their business, and they've communicated with their MPs and tried to get meetings. They've also met with the minister. That becomes lobbying, especially as soon as they get to the eight-hour threshold. However, they're only looking at their specific case or at how policies apply to their specific case.

[Translation]

**Rhéal Éloi Fortin:** I apologize for interrupting. As Mr. Chair was telling us earlier, we have limited speaking time. We're forced to be rude.

In a few words, what do you recommend?

**Christina Santini:** We're requesting that the threshold be regulated and that it be more than 8 hours, as this is too little. A threshold of 32 hours would be better. Furthermore, the notion that requesting grants or contributions, for example from Canada summer jobs, is considered lobbying should be removed. Filling out these forms takes time.

• (1615)

**Rhéal Éloi Fortin:** Thank you.

Ms. Sabourin and Mr. Shore, do you share the same opinion as Ms. Santini on this matter?

**Suzanne Sabourin:** I agree, in that the registration threshold should be regulated by Parliament. However, I'd like an in-depth consultation on the implications. We used to have a system where the threshold was set at 32 hours per month. Now, we operate under the eight-hour regime over a period of four consecutive weeks.

Is there a more reasonable middle ground? Are there any options for the non-profit sector? I won't go into too much detail, but I know that the special committee studying the British Columbia law made recommendations to lighten the burden for small and medium enterprises and the non-profit sector.

[English]

**Jacques Shore:** I'm going to add something. It's important that there be consultation. This needs to be addressed. I would like to know how members of Parliament feel about that. I'd like to know how they would feel about their constituents suddenly being put in this position. I think it requires a debate.

[Translation]

**Rhéal Éloi Fortin:** Thank you.

I'm changing the subject completely.

The commissioner also recommends that board members be considered employees. What do you think, Ms. Sabourin and Mr. Shore?

**Suzanne Sabourin:** Honestly, I was fortunate to read the testimony of the Honourable Joe Jordan, and I support his recommendation. I believe it's a practical and very reasonable approach.

[English]

**Jacques Shore:** I also agree with Joe Jordan. I would add something else, though.

It will certainly be important for all of those boards that are out there to ensure that their directors appreciate what that is. My concern is this: You have voluntary boards, and you have boards in which individuals are dealing with matters that are of importance to them. For them to feel that if they run into their member of Parliament or a minister and they have the opportunity to talk about something that is important, such as a cultural issue or a particular issue dealing with homelessness, but they now suddenly have to register...

I wonder what the value of that is. I certainly wouldn't call that person an employee. I would make sure that it would be understood as an exception to the rule. It's not an employee. It's a director. I think that's worthy of debate as well.

[Translation]

**Rhéal Éloi Fortin:** Thank you.

Ms. Santini, can you quickly answer the same question?

**Christina Santini:** That's exactly what we're talking about. When there's informal interaction, to what extent should this activity be considered lobbying and discussed? It should also be possible to have such a discussion as an individual.

Consultations would be welcome.

**Rhéal Éloi Fortin:** Is my speaking time over?

**The Chair:** You have 10 seconds left.

**Rhéal Éloi Fortin:** As for the complexity of the registration process, it takes about 20 to 25 minutes, from what I understand. Does this seem reasonable to you or not?

**Jacques Shore:** It takes longer than that, because you often need to gather information, and it can take a little while to figure out exactly what information you really need to add and save.

**Christina Santini:** It's complex, too. Even though FAQs have been set up, trying to understand whether or not a particular activity qualifies is not simple.

**Rhéal Éloi Fortin:** Thank you, Mr. Chair.

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

That completes the first round of questions. We'll begin the second round with Mr. Hardy, who has the floor for five minutes.

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

I thank the witnesses for being with us today.

I have been listening carefully to the discussion for some time now. I have always said that democracy is the power of an informed people. Therefore, it is important that people be aware of what is happening. I am thinking about transparency. Everyone regularly talks about the importance of being transparent.

Do you think that if we make things more formal and ask people to be very transparent about the efforts they're making, it will hinder the democratic process and cause people to reach out to their representative less often?

I just want to make a quick aside. If one of my constituents comes to see me to discuss a problem, they don't view the conversation as official or as part of the eight hours per month; they're just talking to me about an issue, and their life goes on. I'm made aware of it, and I continue to work on their behalf.

When you get to the point of dedicating eight hours a month to official communications—and doing so over a long period—why wouldn't that become something that needs to be monitored? It then becomes a bit like a second job.

**Christina Santini:** We were talking about registration by default, which would mean it would be zero hours. That's what I can understand. Everyone should register unless you have a—

**Gabriel Hardy:** I asked the Quebec commissioner. I asked him if increasing the paperwork would slow down the activities. He told me it was super simple: you just have to say who you met, specify the topic of the meeting and that's it.

Ultimately, what we want to know is who was contacted.

Lobbying is a good thing. However, we don't know everything in our roles as members of Parliament; we have to learn. We want to avoid making the process complex, but we want to make it more transparent. If we say that it's too complicated and that the threshold should be 32 hours, I think we're missing the point as well, aren't we?

• (1620)

**Suzanne Sabourin:** I can answer. When there's an administrative burden and too many unnecessary rules, transparency no longer adds value and it actually harms engagement.

**Gabriel Hardy:** I agree, if it becomes complicated.

**Suzanne Sabourin:** I'll tell you that the process is not so simple in Quebec. I constantly provide support there, and it's much more than five minutes.

**Gabriel Hardy:** There are associations to represent different types of businesses and all that. I feel like there must be some effective structure in place for us to be able to follow the process.

Moreover, we can't hide it: People are losing trust in our institutions because they feel that, in many ways, decision-makers sometimes give themselves an advantage. We've had examples of that here all week long.

At some point, you have to overcorrect to ensure that people who lobby do so with full transparency and that we are aware of their activities. Under the current Lobbying Act, simply requesting a contract from the government is not even considered lobbying. Right there, there is a hole as big as the moon in this act. We should also avoid making the process even more complex by saying that the threshold is 32 hours.

If people engage in lobbying and meet with public office holders, why not have something very simple that accounts for it? They would need to record that they met with a certain MP, that they spoke to them about a certain topic, and so on. It does not need to be a 100-page document. However, I think that, one way or another, people should register and say what they've done.

**Suzanne Sabourin:** I agree about the registry and I agree that transparency is important.

However, as mentioned earlier, the Lobbying Act should also be reviewed. Now, it covers communications with public office holders or designated holders, and the list of communications regulated under the act is enumerated. Even though they are listed, I assure you that for people in the industry and those in the non-profit sector who actually prepare these reports, it's not that simple. People say that they talked about this or that thing, but it was more about information and they were not trying to change the law.

**Gabriel Hardy:** I can understand that, but I don't think these people are going to look for billions of dollars.

In your report, you say that trust, by default, should be the foundation. We trust people by default. Is that what you said in your report?

**Suzanne Sabourin:** In principle, yes.

**Gabriel Hardy:** I'm wondering. At some point in life, we write our own story. Today, we have a prime minister who, before his current position, was at the head of the company that engaged in the most tax avoidance in the country. In a way, people may say they don't have much trust and that we put measures in place to regain some of that public trust.

Don't you think that if we try to minimize that and refuse certain parameters, it will have some effect on that trust? I understand that some people might find it a bit more complex, but we also want to avoid large-scale lobbying activities taking place and billions of dollars being lost.

**Suzanne Sabourin:** I don't want to downplay the importance of transparency. That said, at a certain point, overregulation no longer serves any purpose.

I'd also like to emphasize that, in its application, the Lobbying Act intersects with several other acts, such as those on conflicts of interest, for example. It should be aligned with the conflict of interest laws. That should also be considered.

**Gabriel Hardy:** I'll continue on this with you, and—

**The Chair:** No, no.

**Gabriel Hardy:** Do I not even have a little bit of time left, Mr. Chair?

**The Chair:** No, you have no speaking time left. You'll be able to continue on your next turn.

[English]

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

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

Thank you all for taking the time to be with us today.

Mr. Shore and Madame Sabourin, I have in front of me your brief, which you submitted ahead of today's meeting. I'd like to take a moment to thank you both, because it touches on quite a few valuable pieces here and certainly highlights your knowledge on this topic. In that brief, you mention the importance of avoiding a regime in which the compliance burden ends up deterring legitimate engagement. It's taken up much of today's conversation.

I want to latch on to something you said earlier, Mr. Shore, which I think is an important note, on the value of lobbying within our democracy. Your point was that many associate it with something sinister, as you said. As I was out on a walk the other day, I stepped into my local Java U—which, I will add, has much better coffee than what we have here on the Hill—and in that short time they highlighted a parking challenge they have. Now, that's municipal jurisdiction, but I'm quite happy that they felt comfortable speaking with me and engaging with me. They didn't feel as though it was going to lead to this pile of paperwork after the fact. I'd like to offer you the opportunity to expand on the importance of this legitimate engagement and perhaps on what most don't recognize as important and legitimate engagement, as well as how you believe the overly onerous compliance might challenge this.

• (1625)

**Jacques Shore:** I love that, Mr. Al Soud. I appreciate your asking that question.

We live in a blessed country. I think we live in a country in which we can pretty well expect that our public office holders, members of Parliament and senators are there because they want to advance this country. They want to do good, and they want to help families grow and do well. In that context, among those whom I've had the privilege of working with, seeing and dealing with daily, I see their interest in the public. They want to pull in that information so that they're better understood. How wonderful it is when the public also feels that there's a comfort level without an obligation that suddenly requires that they do something.

As for the point that was made earlier about sophisticated lobbyists, of course there are those advocating positions, and they understand that. However, when we suddenly move from that realm into one that basically pulls in a whole new audience and a whole new public, I worry about that. That's where I see people wanting to be quiet because they don't want to break the law and they don't want to get in trouble. The public office holder doesn't want to get in trouble either. They suddenly have an obligation.

Frankly, if I may say so, I never come across a position, to Mr. Hardy's point,

[*Translation*]

where we say that something is hidden.

[*English*]

We're not hiding. I don't see people hiding information. They're perfectly happy to register. Legitimately, when they go before government—because they know there's an obligation and there's something serious to address—they will register. They will ask for advice. They will seek the assistance of Madame Sabourin or others to address that.

I think what we need and want to do—and that's why I made that reference earlier—is inculcate the context of moral behaviour with integrity that engages people. If there's a question about an individual who had worked in a corporation previous to coming to public office—and I applaud the people who come to public office from corporations; they shouldn't always feel that they're suspect—well, they can stand up in the House of Commons, they can be asked the question and then they can answer it. That is the public engagement that I would expect, rather than necessarily relying on a lobbying commissioner to address a particular detail.

The other thing is that I don't really want to see.... We don't have telephone directories as we once did. What's the value of a telephone directory that's bigger and has every communication that goes through, rather than one that is less big and has the communications that are important for us to study and understand? I think that's where there's more than the limit we need.

**Fares Al Soud:** Thank you, Mr. Shore.

Ms. Santini, Mississauga is one of the fastest-growing cities in our country, and Mississauga Centre, perhaps, especially. During my first committee appearance on this study—it might have been my first question—I recall asking about the importance of ensuring that our system recognizes the inherent value of small businesses.

In the time that I have left, roughly one minute, I'd like to offer you the opportunity to speak to us about the important role that

small businesses play in Canada, as well as to help this committee understand why it's so important that any lobbying regime does not become overly onerous for small businesses.

**Christina Santini:** Absolutely. Small business owners, as a reference, already have a 54-hour work week. They employ 64% of Canadians in the private sector. They contribute enormously to GDP and the feel of our communities—and yes, you can walk into your Java U, and they might raise something that has to do with a federal issue. Do you want to then be in the position to have to turn around and say, “Hey, great. Thanks for telling me. Now I need to tell you, you should probably call the Office of the Commissioner of Lobbying to see if you need to register this intervention.”

Imagine how that member, that constituent, is suddenly going to feel. It's like, “Wait a minute, I'm paying my taxes. Yes, I'm asking about something on behalf of my business, but might I now have to go through a whole bunch of red tape?” The next time you walk in, he might have an issue, but he might not necessarily want to write in on it or mention it. Is that helping democracy? Is that helping the public dialogue? Is that helping you, in your position and in your work, to represent your constituents?

**The Chair:** Thank you, Ms. Santini and Mr. Al Soud.

[*Translation*]

Mr. Fortin, I only have two and a half minutes to give you.

You have the floor.

**Rhéal Éloi Fortin:** Mr. Chair, I didn't have the means to buy five minutes. I'll stick to my two and a half minutes. Thank you.

I'd like to hear the witnesses' opinions on the issue of appeals to the general public. In her recommendation 9, the commissioner proposes that each appeal to the general public be disclosed. We're talking here about organizations that generally ask people to intervene with such and such a minister.

What do you think about this issue?

● (1630)

**Suzanne Sabourin:** Naturally, it's a legitimate issue that falls within the scope of lobbying. It's another communication tactic, in a way.

**Rhéal Éloi Fortin:** Do you agree?

**Suzanne Sabourin:** It's legitimate. Once again, how do we define that, what will be the guidelines and all that? It should be subject to a public consultation and not just a directive from the commissioner stating what the situation is.

**Rhéal Éloi Fortin:** You're referring to a public consultation. I imagine you mean that it would be a consultation conducted broadly with lobbying organizations.

Which consultation are you talking about?

**Suzanne Sabourin:** I'm talking about public consultation, since these are changes proposed in the legislative framework. In this case, in reviewing the legislative framework, there's an opportunity to have public consultations on the subject, among other things. There's also the Canada Gazette and things like that.

**Rhéal Éloi Fortin:** That is comparable to what we're doing right now.

**Suzanne Sabourin:** There are also other parliamentary committees, for example.

**Rhéal Éloi Fortin:** You seem to have sufficient expertise to advise us well.

Ms. Santini, I have the same question for you: What do you think about public appeals?

**Christina Santini:** They are already public. It's generally already available. Whether it's in the Canada Gazette or elsewhere, the comments are published. Why add to the paperwork if it's allowed?

Was that the question?

**Rhéal Éloi Fortin:** We're talking about cases where an organization appeals to the public and asks them to write to a specific minister about a particular issue. Should that be considered a lobbying activity?

**Christina Santini:** What constitutes grassroots lobbying needs to be clearly defined. That's our issue.

When we saw this suggestion, we wondered. On our side, we conducted plenty of surveys before taking a position on issues. Some of these surveys are used. In other cases, when the opinion is divided, we don't use the data and we don't take a position. Do we have to declare every question, every stance? Are polls part of grassroots lobbying? Is it just a letter campaign? In the latter case, should it be recorded once or should each letter be recorded?

We had many questions due to the lack of clarity. In our submission, we asked to learn a bit more about this initiative, particularly regarding how it would be implemented. As they say, the devil is in the details.

**Rhéal Éloi Fortin:** Thank you.

**The Chair:** Thank you.

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

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

I'll pick up where I left off because I find the topic interesting.

Mr. Shore, you seem to speak of Parliament as a place that would have all the powers. Personally, I was elected a year ago, and I'll tell you what I see.

Ms. Sabourin, you said earlier that those who enforce the laws should not be the ones who make them. In theory, those who are subject to the law should not be the ones who make it either.

Here at the committee, we make recommendations, conduct studies and invite witnesses. Currently, however, Parliament is mostly made up of Liberal members, and we have just experienced a situation here where a debate that was taking place behind closed doors

was suspended. How can we hope to be completely clear and transparent when those who will be subject to the law have an influence on what is voted on by Parliament? These people will not vote in favour of a bill that will be used to investigate them.

Every time I bring up this subject here with many witnesses, whether they represent the Royal Canadian Mounted Police or other organizations, they tell me that what I'm saying is accurate. For his part, the Conflict of Interest and Ethics Commissioner tells us to amend the laws. However, those who amend the laws are those who hold the majority in Parliament. At some point, it comes down to the same thing.

I believe your vision is the right one: We should have a Parliament that is truly connected to the people. How can we hope to demonstrate transparency when there's a problem within the mechanism itself?

[English]

**Jacques Shore:** My sense is that we have significant ways of communicating today, whether it's through this, grassroots lobbying or a whole range of various areas. To a great extent, the public is aware when there are discussions going on with parliamentarians. To a great extent, what we're looking at right now is a set of circumstances whereby we want to find the right balance. The fact that this committee is doing the work it's doing right now in the public arena is extremely important.

This is also an opportunity through, for example, the work of Christina Santini, to provide the information with respect to her members and for us to be able to reach out to clients...and Hill Times articles we've written.

At the end of the day, it is the back-and-forth and then finding, I would say, a delicate balance.

[Translation]

**Gabriel Hardy:** You talk about transparency, and that's what we're asking for.

• (1635)

**Jacques Shore:** Yes, absolutely.

**Gabriel Hardy:** Currently, the act sets the threshold at eight hours per month, and this amendment was made by someone holding an independent commissioner position.

Do you believe that commissioners should have more powers?

[English]

**Jacques Shore:** No, I don't think—

[Translation]

**Gabriel Hardy:** Even so, every independent commissioner who testified before the committee told us that, to be fairer, there should be a third party.

I'll conclude by saying this: We need a mechanism to be set up. We are the Standing Committee on Access to Information, Privacy and Ethics, a committee responsible for oversight. Now we no longer even have the majority of the votes; we can no longer hold the government accountable. How can this possibly be fair, in your opinion?

[English]

**Jacques Shore:** It is because those commissioners of lobbying are advocates as well. I'm perfectly glad that they are actually—

[Translation]

**Gabriel Hardy:** All commissioners are at arm's length from Parliament. I'm not just talking about him.

[English]

**Jacques Shore:** I know they're independent, of course, but the way in which they advocate and say there should be further transparency by expanding those rules and opening them up.... I can understand that they may want to say that, but then there's a dialogue to determine whether it really makes sense and whether it will make a difference. I think it ultimately comes to a point that it's overburdened and, at the end of the day, all of that information, as I was—

[Translation]

**Gabriel Hardy:** You say that to me as if the commissioners were ill-intentioned in the way they carry out their mandate. The commissioner's job is to ensure neutrality. They also need to ensure that as an officer of Parliament, they can operate without taking sides. In that context, commissioners need to have greater power, precisely to strike that balance. What you're telling us is that we should actually take away some of their powers.

**Jacques Shore:** Mr. Hardy, I have great respect for the work of all the commissioners in the lobbying sector. I think they play a very important role.

[English]

If they decide to push the envelope as far as they can...because it's their job to say what, to them, is the perfect world.

For us, as we hear the examples.... Where we find ourselves in difficulty is that we would then be diminishing the engagement of individuals, companies and organizations with the government, and that's not what we want.

In the case of the examples given—

[Translation]

**Gabriel Hardy:** You think that the commissioners' approach, since they work for their institution, is to do everything they can to further their own interests, not necessarily to be there for the right reasons. However, right from the start, you said that we should trust institutions, despite all the scandals we've seen.

[English]

**Jacques Shore:** This is where you and I may differ. I don't think we have such scandals out there that are—

[Translation]

**Gabriel Hardy:** In Nova Scotia, the company Maritime Launch Services rents land from the provincial government for \$13,500 and then subleases it to the federal government for \$20 million per year. Isn't that a scandal?

[English]

**Jacques Shore:** There's no question, Mr. Hardy, that it's not perfect, but I think we are at a point at which suspecting all of these sinister activities or illegal activities....

It is to be hoped that they are found through other mechanisms and other means, absolutely, but it doesn't mean, in the examples given by Christina Santini or Mr. Al Soud, in which someone walks into a coffee shop and suddenly has to—

[Translation]

**Gabriel Hardy:** No, but that doesn't exist.

We're talking about eight hours, not zero.

**The Chair:** I apologize, Mr. Hardy, but your time is up.

[English]

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

**Wade Chang (Burnaby Central, Lib.):** Thank you, Mr. Chair.

Ms. Santini, do the current lobbying rules place a disproportionate burden on small businesses and business associations as compared with large organizations with dedicated government relations teams?

**Christina Santini:** Absolutely. It can create a disproportionate burden when compared with larger corporations, because large corporations can hire law firms, consultancies, etc. If a small business suddenly has an issue, or they're filling in an application form for a G and C, they don't have a dedicated team to do it. As I said, most of our members have nine employees or fewer. It's the business owner who's completing those forms, looking into the issue, researching it, trying to figure out compliance, asking for reconsideration on a decision or trying to let their MP know that this issue or this policy doesn't make sense for their kind of business and that this is why it should change.

Yes, some may say they're advocating. From a business owner's perspective, they're trying to share their views about their business. Ultimately, is eight hours too much? When it comes to the G and C forms and when it comes to the applications, yes, because those are time-consuming. I'm sure you've reviewed Canada summer jobs applications and other grant applications that may have come your way or that your office has helped constituents with. They take time. Carving that out will help, but business owners can quickly get to eight hours, or they can quickly start asking themselves if it covers them. A higher threshold might mean that they don't have to stress out about it.

Again, let's consult on what that threshold could be. We can sometimes face members suddenly having an issue with CBSA and importation fees. They're not regularly lobbying, but suddenly they're spending a lot of time on a financially related question. That's just one of the things. You want to ensure that these individuals feel that they can reach out to their MPs and that they're not suddenly going to have to face AMPs or whatever repercussions the office of the lobbying commissioner might be considering when they were really trying to express themselves.

The other thing is that whatever changes are made in the code, remember this when it comes to small business owners: educate first. That would be one of the key things. Right now we're trying to make sure our members have the information they need and know which resources to get so that they can be compliant with the law. Fundamentally, they don't want to break the law. A higher threshold will help them be compliant if they ever raise such an issue.

• (1640)

**The Chair:** Mr. Chang, I've stopped your time. Mr. Shore has something to add to Ms. Santini's response. If you want to give him that opportunity, you can.

**Wade Chang:** Of course.

**The Chair:** I'm certain that your microphone has to be a little closer to your mouth. We're having trouble hearing you.

I'll start your time. I think you do want to give Mr. Shore an opportunity to answer the question.

**Wade Chang:** Yes, please.

**The Chair:** Mr. Shore, go ahead.

**Jacques Shore:** Thank you, Mr. Chang.

I agree completely with what Ms. Santini just said. I also want to say that companies, organizations and multinationals understand all the work that has to go into registering and the efforts that are made to make sure that everything they do with government is transparent. It's part of the cost of doing business with government.

That's another part we have to think about when we're trying to look at where we put the obligation—on individuals, small organizations or these tiny companies that are just trying to get through the month and pay the bills that they need to pay. It's a big difference. It's never been an issue for me, when I'm dealing with any of those corporations that I deal with, for them to understand that it's simply the cost of doing business with government.

**Wade Chang:** Thank you, Mr. Shore.

You stated the following in your brief:

Granting the Commissioner of Lobbying independent regulation-making authority would constitute a significant institutional overreach, blurring the line between enforcement and law-making in a manner that is seriously inconsistent with foundational principles of Canadian administrative law.

As a member of Parliament, I found that a bit concerning. I want to give you an opportunity to expand on this statement.

**Jacques Shore:** Thank you very much.

Absolutely—

**Wade Chang:** If you run out of time, I would appreciate a written response, please.

**The Chair:** We have one minute.

**Jacques Shore:** Thank you again, Mr. Chang.

It's a question of the fact that, in these circumstances, it is.... Respectfully, this is a Commissioner of Lobbying who works hard, and I know that she has significant responsibilities, so I applaud her. However, at the same time, I also recognize the deep roots in common law and in administrative law that those who are involved in enforcing legislation do not make the regulations. I believe it is extremely important for that to be addressed by the Governor in Council and through consultations within government. You wouldn't expect someone to create new rules on their own and then, essentially, enforce them.

The kinds of issues we're talking about do have significant dollars-and-cents values, aside from the fact that they may very well reduce the amount of conversation, communication, with government. This is even more the case when we're looking at these issues. This is why I say that it cannot be left to a commissioner of lobbying, as it wouldn't be left to other commissioners to take on rules and responsibilities that they simply wish to take on without engaging properly with the legislature or with the appropriate elected officials who are involved.

**The Chair:** Okay. Thank you, Mr. Shore. That concludes the time for this first panel.

On behalf of the committee, I want to thank all of you for appearing. As always, if there's something you think about on the way home that you feel you should have said today, or if you have a question that perhaps wasn't answered, feel free to submit that to the clerk in both official languages.

We're going to suspend for a couple of minutes and—

**Jacques Shore:** Thank you. It was truly a privilege to be here.

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

We're going to suspend. We'll come back for the next panel in a minute.

• (1640)

(Pause)

• (1650)

**The Chair:** Welcome back for the second hour.

Before I introduce our witnesses, I want to remind them that committee members may ask questions in English and French. We try to give interpretation a bit of time, so take a moment to listen completely to what is being said before you respond.

For the second hour today, I'd like to welcome our witnesses.

As an individual present before us, we have Kyle Larkin, president and chief executive officer of the Canadian Meat Council.

Online, we have Jodene Baker, vice-president of research, advocacy and external relations for Imagine Canada.

Mr. Larkin, welcome to committee again. I think you were here a few years back for a lobbying study. You have up to five minutes for your opening statement. Go ahead, sir.

**Kyle Larkin (President and Chief Executive Officer, Canadian Meat Council, As an Individual):** Thank you, Chair.

Thank you to the members of the committee for inviting me today.

My name is Kyle Larkin. I am appearing before you in my capacity as a not-for-profit executive who has spent more than a decade engaged in federal and provincial lobbying activities. The views I express today are based on my own experience as a government relations professional and do not reflect the positions of any organizations with which I am currently affiliated.

I appreciate the opportunity to discuss the Lobbying Act, which governs my professional activities on a day-to-day basis.

I would like to begin by addressing several recommendations recently presented to this committee by the Commissioner of Lobbying that raised significant concerns for not-for-profit associations.

First, the commissioner recommended amending the act “to deem members of boards of directors to be ‘employees’”. While this may appear to be a modest change, it would significantly expand the scope of both the act and the commissioner’s mandate, by capturing Canadians who volunteer their time to serve on not-for-profit boards. Individuals who are not professional lobbyists, including farmers, nurses, engineers and other community leaders, could be required to register simply for advocating on behalf of their neighbours, colleagues and industries.

Second, the commissioner recommended requiring the “Disclosure of all entities” with a direct interest in the outcome of lobbying activities. Associations, by their very nature, are a collective of individuals or organizations united around a common purpose. This proposal would require many not-for-profit associations to publicly disclose and continually update their membership lists. For associations with individual memberships, this could mean publishing the names of tens of thousands of individuals in a public registry, although those members never agreed to such a disclosure.

Third, it was recommended that the act be amended to require the “Disclosure of all funding provided to support lobbying activities”. Given that advocacy is often a core purpose of not-for-profit associations, this proposal could effectively require the disclosure of nearly all membership dues and funding sources. With many not-for-profit associations comprising small teams and operating on limited resources, this could create a substantial administrative burden while providing limited additional transparency.

Finally, the commissioner recommended requiring all communications with designated public office holders to be reportable “regardless of whether such communications are oral or written” or pre-arranged. This would mean that even unsolicited emails that are never opened or responded to could become reportable communications.

It would also require both lobbyists and public office holders to account for virtually every interaction they have with one another. Such interactions could include passing one another on the street,

exchanging pleasantries at a reception or encountering each other at the airport. The result would be hundreds of thousands of additional communication reports and a significant administrative burden for both lobbyists and public office holders.

These recommendations, along with others advanced by the commissioner, would not only have a disproportionate impact on not-for-profit associations but also increase regulatory complexity for lobbyists and public office holders alike. Moreover, ongoing ambiguity within the act, combined with limited parliamentary oversight, has resulted in evolving interpretations that continue to create uncertainty within the profession.

One example is the 2023 revision of the Lobbyists’ Code of Conduct, particularly with respect to hospitality. Despite testimony before this committee indicating that the \$40 hospitality threshold for food and beverages would be adjusted for inflation, that threshold has remained unchanged since 2023. Without a meaningful adjustment, parliamentary receptions hosted by not-for-profit associations—an important forum through which Canadians can engage with their elected officials and senators—may become increasingly difficult to organize and sustain.

In closing, lobbying is already among the most highly regulated professions here in Canada. Lobbyists are committed to operating transparently, ethically and accountably. At the same time, we must ensure that our legislative and regulatory frameworks remain practical, internationally competitive and respectful of the important role that not-for-profit organizations play in representing Canadians. While there’s certainly room to improve the Lobbying Act, any reforms must preserve Canadians’ fundamental ability to participate in and advocate within our democratic institutions.

Thank you again for the invitation. I’d be happy to take any questions.

• (1655)

**The Chair:** Thank you, Mr. Larkin. You get an ethics participation ribbon for being under five minutes. I appreciate that.

Ms. Baker, you have up to five minutes to address the committee. Go ahead.

**Jodene Baker (Vice-President, Research, Advocacy and External Relations, Imagine Canada):** Thank you.

Good afternoon, chair and members of the committee. Thank you for the opportunity to appear before you today.

My name is Jodene Baker, and I’m the vice-president of research, advocacy and external relations at Imagine Canada.

Imagine Canada is a national charitable organization dedicated to strengthening Canada's charitable and non-profit sector through research, advocacy and sector-wide initiatives. Canada's charitable and non-profit sector includes more than 170,000 organizations working in communities across the country. The sector contributes 8.4% of Canada's GDP, employs nearly three million people and is supported by approximately 13 million volunteers.

Organizations across our sector work every day on issues such as housing, poverty, disability inclusion, mental health and newcomer settlement, to name a few, giving them direct insight into community needs and the impact of public policy.

The non-profit sector supports transparency and accountability in public decision-making, and we support the objectives of the Lobbying Act.

The issue before this committee is not whether transparency matters; it is whether the act continues to strike the right balance between transparency and participation in public policy discussions. Recent changes to the interpretation of the in-house lobbying threshold have created significant concern across the non-profit sector. For many non-profit organizations, engagement with government is not carried out by dedicated government relations staff. It is often one responsibility among many for executive directors, program staff, researchers and other employees. These organizations participate in consultations, respond to requests for information and provide evidence and expertise to government.

As organizations have worked to understand the implications of the new interpretation, we have heard concerns about administrative burden, uncertainty regarding what activities count towards the threshold and the risk of unintended non-compliance. For many organizations, the issue is not just the threshold itself; it is also the loss of predictability that comes when a long-standing interpretation changes.

Ultimately, the larger question before this committee is not simply where the threshold should be set. The more fundamental question is why Parliament included a threshold in the first place.

Consider a small non-profit delivering services in its community. An executive director might spend a few hours responding to a government consultation and participating in a discussion about program design, and another staffer may share what they're hearing from the communities they serve. The question is whether these are the kinds of activities that Parliament intended to capture when it established the "significant part of the duties" threshold.

Parliament could have required registration for every interaction with government but instead chose to distinguish between sustained lobbying activity and occasional engagement. That distinction helps focus transparency requirements on significant lobbying activities while recognizing that engagement with government is often a normal part of how charities and non-profits fulfill their missions.

Transparency matters, but participation matters as well. As Parliament considers changes to the act, it's important that registration requirements do not inadvertently discourage charities and non-profits from participating in public policy discussions.

Transparency also depends on organizations' being able to understand and comply with the rules. Clear and predictable requirements make compliance easier and more effective. For that reason, our primary recommendation is that Parliament clarify the meaning of "significant part of the duties" so that it captures significant lobbying activity while avoiding unintended consequences for organizations whose policy engagement is limited or incidental.

More broadly, Parliament should ensure that the act is applied proportionately and reflects the realities of non-profit organizations, in which staff who engage government are often also responsible for program delivery, fundraising, volunteer management and community engagement. The Lobbying Act should promote transparency while ensuring that charities and non-profits can continue to contribute their expertise and community perspectives to public policy discussions.

Thank you. I look forward to your questions.

• (1700)

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

We're going to start with our six-minute rounds, and Mr. Barrett will go first.

Go ahead, sir.

**Michael Barrett (Leeds—Grenville—Thousand Islands—Rideau Lakes, CPC):** Mr. Larkin, you raised concerns about the broader registration rules. Can you give the committee concrete examples of how that disclosure itself would discourage legitimate participation in policy-making?

Also, I know you spoke to administrative burdens. Could you expand on that point a little for our benefit?

**Kyle Larkin:** The third recommendation I highlighted from the commissioner was around adding to your registration all of those who benefit from your lobbying activities. For not-for-profit associations that may have 1,000 members, 20,000 members or 100,000 members, who could be nurses, farmers, etc., all of them would benefit from the outcome of the lobbying that those associations participate in. Therefore, my interpretation, at least, is that the membership list would need to be included in the registration.

The other piece is on volunteers versus paid employees. Since the Lobbying Act was created, there's always been a distinction between paid employees and volunteers. The recommendation that the commissioner put forward would loop volunteers into that registration. For boards of directors I have worked on in the past, with individuals—be they farmers or whoever—who volunteer their time to be on these not-for-profit association boards, now they would have to create their own registrations with the lobbying commissioner, despite receiving zero dollars from the not-for-profit association.

Those are some of the challenges I highlighted.

**Michael Barrett:** Do you think that would reduce participation by those volunteers?

**Kyle Larkin:** There could be a case of that, but I think it's a bigger question of small and medium-sized enterprises or even just Canadians who get involved in not-for-profit associations and advocate on behalf of their industry, their neighbours and their colleagues—and then have to register for something when they didn't need to do that before.

To be frank, that shouldn't be a requirement, because they receive zero dollars from their activities. They're really advocating on their own behalf as volunteers. If you follow that path down the line, you get to a world in which your small business in X constituency advocates to its local member of Parliament for an immigration issue, a CRA issue or whatever it might be and then needs to register and report.

Jodene spoke a bit about the eight hours versus the 32 hours and the definition of what is a significant part of your duties. You also start to go down that path that really impacts small businesses or even just individuals who are advocating to their local member of Parliament.

**Michael Barrett:** When someone helps to shape policy or they influence a change that materially benefits their employer, their organization or their client, what do you think is the level of disclosure that Canadians are entitled to?

**Kyle Larkin:** That's a great question.

The level of disclosure is currently available through the lobby registry in terms of disclosing money received from government, all the subject matters you're lobbying for and all the meetings you've had that are prearranged and oral.

The current federal lobby registry is framed through a transparent method. As a lobbyist for 10-plus years, I believe in transparency. I believe Canadians should know about everything I'm doing as a lobbyist and the individuals I meet with, but there needs to be a line between transparency and overburdening not-for-profit associations that may have just one, two or three employees.

• (1705)

**Michael Barrett:** This should be reserved for people who are being remunerated and not capture volunteer activities.

**Kyle Larkin:** That's correct.

**Michael Barrett:** Thank you very much for your reply.

Ms. Baker, you raised the threshold that Parliament had originally included. That was so that ordinary Canadians, small businesses, charities and local organizations wouldn't be buried in paperwork for that occasional contact with government. What kind of reform or change should take place so that we preserve this protection?

**Jodene Baker:** In our submission, the recommendation we have made is to go back to the 32 hours. The fundamental question is around a reference to a threshold at all in legislation. The commissioner has recommended registration by default, which would remove that. Our recommendation is to retain that and have it more clearly articulated within legislation around what that threshold should be.

**Michael Barrett:** Is the number, 32 hours, important? What do you think? In 30 seconds or less, which is what I think the chair would tell you, how would you design it?

**Jodene Baker:** I don't think I would come to that number today. I've heard other witnesses mention the need for consultation. It is about balancing the transparency piece with the participation aspect.

**Michael Barrett:** It is about avoiding any kind of sophisticated effort to exploit loopholes.

**Jodene Baker:** Yes.

**Michael Barrett:** Thank you.

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

We'll go to Mr. Al Soud for six minutes.

Go ahead.

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

Thank you both for taking the time to be with us today.

Ms. Baker, for several years I had the privilege of working and volunteering for the Canadian Red Cross, primarily in fundraising, philanthropy and stakeholder relations, as well as in disaster management and emergency response. The CRC is, if I recall correctly, a member of Imagine Canada, so I will start by taking a moment to thank you for the work you do.

My time at the CRC intersected with some of the most significant challenges the organization has seen in its history, tied to various natural and conflict-related catastrophes, so I say the following with every conviction in the world: The non-profit sector plays a fundamental role across our country, doing some of the most important work of all, often with far less resources than they might need.

As we conduct this review of the Lobbying Act, I'd like to offer you the opportunity to speak to the importance of that work, as well as the importance of striking the balance between transparency mechanisms while ensuring that unintended consequences do not end up disproportionately impacting them.

**Jodene Baker:** Thank you for your question and for your previous work in the sector.

The non-profit sector really is the connective tissue between what Canadians are experiencing in their everyday lives and the government, so having that line of communication between charities and non-profits and the government is essential to a healthy and functioning democracy. We support transparency, so we believe that if there are charities and non-profits engaging in sustained lobbying activities, that should be registered and reported on.

However, if you get to the tipping point at which there is the burden of reporting, you risk both the burden of work—which means those staff at charities and non-profits have less time to put towards the actual delivery of programs and services—and a reluctance to even engage with government, which means that government is now missing important information to inform its program and policy design.

**Fares Al Soud:** That's a fantastic answer.

Your brief touches on this to some extent, so I'd like to ask you this question: How do you believe the Lobbying Act could introduce more proportionate reporting approaches for smaller organizations?

**Jodene Baker:** The first point is maintaining a distinction between sustained lobbying and occasional engagement. On maintaining a threshold, our recommendation would be to go back to the 32 hours. Also, this would go over to the commissioner's office around clarity on what activities do and do not count. We've been seeing some confusion over the last several months around activities such as preparation for meetings.

We've heard a lot of references to work related to grants and contributions, so more plain language guidance and perhaps an online tool specifically for charities and non-profits would help them navigate the regulation and compliance environment more efficiently.

**Fares Al Soud:** The sector will often see collective advocacy efforts. In your brief, you note in recommendation three the need to "Clarify the treatment of coalition and sector-wide advocacy".

Could you speak to this a little more?

• (1710)

**Jodene Baker:** Yes.

Because so many charities and non-profits are small and do not have the capacity to hire full-time government relations staff, we rely on strength in numbers. Imagine Canada, for example, often plays a backbone role in coalition work, in which we'll do a lot of the coordinating and organizing, such as a lobby day.

We see uncertainty and nervousness right now in the non-profit sector around which of those coalition activities require registration or are required to be counted in the tracking towards the threshold for lobbying. With the reduction in the number of hours from 32 to eight, there's more attentiveness and more attention being paid to it because there's a recognition that the number might be met more quickly than it has been in the past. Our recommendation is about a need clarity around how coalition activities are tracked in lobbying and what is included and not included in it.

**Fares Al Soud:** Thank you, Ms. Baker.

Mr. Larkin, I'll turn to you now. Before this committee, we've had the opportunity to hear from federal and provincial lobbying commissioners, legal experts and academics. It's also important that we get to hear from someone who has practical, on-the-ground experience and an understanding of how the act works in practice.

I have a big question for you: What's working well, what isn't and needs reform, and what suggestions would you like to put forward to this committee?

**Kyle Larkin:** That's a great question. Thank you for it.

What's working well is the lobby registry. I have registered in every single province in Canada, so I can compare the federal registry to the systems that I've used at the provincial level. I can tell you that some at the provincial level, such as the one in Saskatchewan, are absolutely fantastic. Others need some work; they need a new web developer.

The federal one is very accessible by lobbyists; it's accessible by the public, and it's accessible by public office holders. It's a very easy tool to find out who is lobbying whom and who's lobbying for what. The transparency through the system now is at the right level in terms of showcasing the subject matters you're lobbying for, who you've lobbied, when you've lobbied them and what you've lobbied them on. It also includes government funding and other aspects, so that is working really well.

The main element that I think is concerning is the interpretation of different things in the Lobbying Act. I touched on that in my opening remarks, because things are interpreted by different people in different ways. The Lobbying Act, in the section with the "significant part of the duties", for example, has been interpreted by commissioner after commissioner as being 32 hours. The newer-ish commissioner has now interpreted that as eight hours despite no evidence showing that there's been shadow lobbying, negative lobbying or anything that led from 32 hours to eight hours. I question the interpretation there.

The second piece I question is the interpretation of the hospitality level. That has been interpreted as \$40 since the Lobbyists' Code of Conduct was renewed in 2023, and it hasn't been updated since then. If we want to continue holding parliamentary receptions hosted by not-for-profit associations that support your parliamentary roles, your committee roles and your roles in the House of Commons, we need to ensure that level meets inflation and is increased. I know many of you in the room attend and enjoy these receptions, as they are a great opportunity for you to connect with Canadians in Ottawa instead of having to go across the country in an attempt to connect with these Canadians. Forty dollars was great in 2023, but it needs to be updated in 2026.

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

Thank you, Mr. Al Soud.

[*Translation*]

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

**Rhéal Éloi Fortin:** Thank you, Mr. Chair.

Thank you, Mr. Larkin and Ms. Baker.

Ms. Baker, I'll address you first.

The commissioner recommends disclosing all non-governmental sources of funding, including foreign sources of funding. I'd like you to tell us about that.

Does this seem appropriate to you? Is that a good idea?

[*English*]

**Jodene Baker:** Thank you for the question.

This isn't an issue that we've considered in our submission, so I don't have the experience to speculate on that today, especially speaking on behalf of an organization. It's something I'd certainly be willing to look into with some of our members and others across the sector. I can provide an answer to you at a later date.

[Translation]

**Rhéal Éloi Fortin:** I just want to make sure I clearly understand your answer.

Your organization receives no funding other than from the government. Your only client is the government. Is that accurate?

[English]

**Jodene Baker:** No. Imagine Canada does receive donations from foundations—for example, grants from donations. I'm not sure that I could speak in terms of changes to the Lobbying Act as it relates to the entire sector.

• (1715)

[Translation]

**Rhéal Éloi Fortin:** Okay.

You don't know if it would be a good idea to require disclosing those funding sources. Is that what you're telling me?

[English]

**Jodene Baker:** Charities already disclose their funding sources with their reporting through the Income Tax Act, so I think I may not be understanding the question that you're asking.

Could you please rephrase that for me?

[Translation]

**Rhéal Éloi Fortin:** I'm simply saying that recommendation 8 of the commissioner's report calls for the disclosure of all non-government sources of funding. This concerns funding that lobbying organizations or private lobbyists, regardless, receive from sources other than the government, which includes foreign funding sources, among others.

This has been raising some concern for a few years. I imagine you're aware of the issue of foreign interference, including in the electoral process, which would make us a bit more concerned about those issues. Perhaps the commissioner's recommendation could protect us against some of this interference.

I don't want to put you on the spot. If you don't have an opinion on that, that's fine, I'll move on to something else.

[English]

**Jodene Baker:** At this point, I would like to think some more on that topic.

[Translation]

**Rhéal Éloi Fortin:** Thank you.

Mr. Larkin, I have the same question for you regarding the commissioner's recommendation 8. In your opinion, is it a good idea to require the disclosure of non-government sources of funding?

[English]

**Kyle Larkin:** I'm sorry, Mr. Fortin. I can't comment either. I've never worked with a not-for-profit association that's received funding from international organizations or from other means.

[Translation]

**Rhéal Éloi Fortin:** In your case, you're at the Canadian Meat Council. I assume you don't have any clients other than government agencies, is that right?

[English]

**Kyle Larkin:** In the association I work for currently, the main dues are from the members. We receive some government funding to do different types of programming.

The associations I've worked for before were similar, in which the lion's share was membership dues, with a very small portion of government grants to enact different programs that the government was looking to accomplish.

[Translation]

**Rhéal Éloi Fortin:** Do you think that registration by default is a good idea?

In your opinion, should we stick to the previous threshold of 32 hours or the current threshold of 8 hours? How do you view that?

[English]

**Kyle Larkin:** Registration by default is extremely concerning. I would flow into that needing to put in communications reports by default, as well as changing from the oral and arranged, which is currently the case, to the need for any instance of communications with any designated public office holder to be registered.

That's what we've seen in British Columbia. They have had to change some of their rules because things have gotten so onerous. If someone put out a Facebook post that said, "Premier David Eby, you need to do this", you would need to put in a communications report for that Facebook post. If I sent you a meeting request to say, "Mr. Fortin, can you meet me on X date?" and you missed the email—you didn't even respond to the email—there would need to be a communications report behind that.

Both of those things play into each other, but registration by default is extremely concerning, especially when you look at not-for-profit associations that represent individuals or small and medium-sized enterprises across Canada. If those individuals are advocating on behalf of their individual business, registering by default would mean that most Canadians who liaise with their member of Parliament for one issue or another would need to register.

[Translation]

**Rhéal Éloi Fortin:** In your opinion, could the commissioner do more to help non-profit organizations, among others, meet their obligations under the Lobbying Act?

[English]

**Kyle Larkin:** To be completely fair to the Office of the Commissioner of Lobbying, they already do that. I would give them thanks for doing that. They're always open to answering questions. I've worked with many different associations that haven't understood one part or another of the Lobbying Act or the Lobbyists' Code of Conduct, and any time we reach out to the office, they always come back to us with a good answer.

[Translation]

**Rhéal Éloi Fortin:** The commissioner is requesting a broader range of sanctions as part of recommendation 17 of the report.

The commissioner recommends, among other things, mandatory training measures, monetary penalties and temporary prohibitions on lobbying in cases of violations of the Lobbying Act. What's your opinion on that? Is it useful for the commissioner to have more powers regarding sanctions?

• (1720)

[English]

**The Chair:** I need a very quick response.

**Kyle Larkin:** I would say that the tools the lobbying commissioner has right now are sufficient in terms of being able to loop in the RCMP and to levy fines and greater penalties than that.

[Translation]

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

[English]

We're starting the second round.

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

**Michael Cooper:** I'm going to direct my questions to Mr. Larkin.

I take your point, but I'm going to push back a little on your submissions with respect to the commissioner's recommendation around communications, whether they be oral, written or pre-arranged.

At the end of your testimony, you suggested that this could result in having to issue or file a report upon there being any communication with a public office holder, such as running into a public office holder at an airport lounge or on the street. When I look at the act in terms of what constitutes lobbying, it relates to a communication with respect to "the development of any legislative proposal", "the introduction of any bill or resolution in either House", "the making or amendment of any regulation", "the development or amendment of any policy or program", "the awarding of any grant, contribution or other financial benefit" or "the awarding of any contract". That seems very different, in substance, from simply running into a member of Parliament or a senator and saying hello at an airport lounge.

**Kyle Larkin:** That's a great question, Mr. Cooper. Thank you for the question.

I'd say two things to that. First of all, in the section you read of the Lobbying Act, that is definitely correct. I would say that really influences what a registrable activity is and what requires not-for-profit associations to register. Having worked in the consulting world and worked with many different associations, the question we always got was, should I register? Our answer, 99% of the time, was yes, you should register.

The other issue, though, is when and if a communications report is required. I, as a professional lobbyist, am at a reception, and I run into five members of Parliament. I want to talk to them and ask, "How's this act going? How's this bill going? Have you heard about

this regulation? Have you heard about this issue?" Quick, 30-second conversations like that at a reception over a beer or a cocktail would now require a communications report.

The same would go for social media posts. If an association puts out a post that says, "Prime Minister Carney, you need to do X, Y or Z", it now requires a communications report. It really opens Pandora's box for communications reports, which I think is extremely concerning. As I said, British Columbia has already opened that Pandora's box. It's not an area I would recommend the federal law go into.

**Michael Cooper:** Your recommendation is to leave it as is.

**Kyle Larkin:** I believe that—

**Michael Cooper:** I take your point, up to a point. It seems to me that, for many circumstances in which communications are happening, it goes to the heart of what constitutes lobbying under the act when, for technical reasons, there is no legal requirement to file a report or to register. That is what has concerned the lobbying commissioner. What is your response to those activities beyond a very brief interaction with a member that are not all that substantive in moving any kind of needle?

**Kyle Larkin:** It's a great question. There needs to be a line created. That line, for years now, has been created on oral and arranged communication, for the right reasons.

If I set up a meeting with you, Mr. Cooper, and I lobby you on X, Y or Z, there's a formal agenda. We've both agreed to participate in the activity of my lobbying you or advocating on behalf of a different industry or different professionals. I put in a communications report, and the commissioner could call your office and ask, "Hey, did Mr. Cooper meet with Mr. Larkin on June 1, 2026, to discuss X, Y or Z?" Your staff or you would have notes that we did meet, and you can confirm that. The commissioner does spot checks like that with public office holders.

If we eliminate the need for oral and arranged communication, all of a sudden, not only is there a plethora of extra communications reports coming into the office, but designated public office holders now would also need to recall every interaction they've had with a lobbyist at Tim Hortons, a reception, the airport, etc., in which that individual brought up a bill, a regulation, some kind of program or something else. That's where I find there's an issue in which things grow.

• (1725)

**Michael Cooper:** I take it from your answer that your position is, with respect to the reporting requirements, to maintain the status quo. Do not make a change is your recommendation.

**Kyle Larkin:** Exactly. Oral and arranged communication works the best because that's when real, formal lobbying and the actual act of lobbying happens.

**Michael Cooper:** Thank you.

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

[Translation]

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

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

I was surprised to see that you were one of the witnesses we were receiving today, given that you usually appear before the Standing Committee on International Trade. Since you're involved in lobbying, I believe you're well positioned to speak about the review of the Lobbying Act. Still, I was surprised to see your name, but I'm glad that you're here and able to talk about it.

Have you been doing this for a long time?

[English]

**Kyle Larkin:** I've been a lobbyist for 10-plus years, and it's an industry I'm extremely passionate about. I used to work on Parliament Hill for a few members of Parliament, receiving lobbying on the other side. I wanted to get into this profession, and I've enjoyed it ever since.

[Translation]

**Linda Lapointe:** We won't be talking about pork and beef today. Okay.

I know you briefly mentioned your perspective earlier, but do you think the 10-day filing deadline proposed by the Lobbying Commissioner is appropriate? Just before your appearance today, we received Ms. Sabourin, who is still in the room, as well as Mr. Shore, and both of them instead advocated for a 30-day filing deadline. Do you believe that a 30-day period is the most appropriate benchmark to give registered individuals enough time to conduct thorough and thoughtful assessments, and that it would help avoid the risk of inadvertent non-compliance?

[English]

**Kyle Larkin:** Yes, I think so.

I've seen with former clients that life sometimes gets in the way of things. You lose a loved one; you go on vacation, or something happens in your life. You had a lobbying meeting on the Friday and then you're out of the office for the next three weeks because something unfortunate happened.

It's important to provide as much flexibility to lobbyists as possible while also ensuring that the act, the code and the way lobbyists are treated are still transparent, because transparency and accountability are paramount for the profession. It already has a negative connotation in the public sphere. We need to ensure that Canadians know that we're as accountable and as transparent as possible.

Allowing as much flexibility as possible is good.

[Translation]

**Linda Lapointe:** Thank you. I understand what you mean; it can be very difficult to meet the 10-day deadline given the uncertainties of life.

As a member of the Canadian Meat Council, can you tell us to what extent industry associations help provide the government with the expertise needed to develop good public policies?

[English]

**Kyle Larkin:** That's a great question.

I've had the pleasure of working with provincial and national not-for-profit associations for about 10 years now, in many different industries, from farming to meat, intellectual property, construction, chemistry and all over the board. The role they all play here in Ottawa with parliamentarians, and even in provincial legislatures, is really to be a bastion of information.

You folks know that you do not have the time to meet with 100,000 farmers, 20,000 auto workers, 50,000 people who work in our forestry sector or whatever it may be. That's why not-for-profit associations exist. It's so that you can meet with one individual or a few individuals who represent that industry. They can provide you with a general idea of the issues the industry is facing, what works well and what doesn't work well in terms of bills, acts, regulations or programs, etc.

Their role is fundamental to Canadian parliamentary democracy in terms of shaping various policies and legislation. They represent Canadians and Canadian businesses that otherwise wouldn't be represented here in Ottawa.

[Translation]

**Linda Lapointe:** Thank you. That's very interesting. Before entering politics, I worked as a treasurer at the Association des détaillants en alimentation du Québec. It took me back to my beginnings.

Based on your experience, does the current framework allow for effective dialogue between public decision-makers and actors in the strategic economic sector?

[English]

**Kyle Larkin:** Yes, I think that the Lobbying Act right now fills the purpose that Parliament, the House of Commons and the Senate intended it to, but as I said earlier, there's always an issue in terms of interpretation of the Lobbying Act, which is the role of the commissioner.

From my previous experience, I find that the parliamentary oversight on the interpretations isn't fully understood, so interpretations can happen that really impact the profession day to day without any recourse from this committee, from the House of Commons or from our elected body here in Canada.

That's always been a concern. One area in which the Lobbying Act could be improved is the five-year lobby ban. Looking internationally, what do other countries have as a lobbying ban? You're a designated public office holder, and you want to get into lobbying. How much time do you have as a cool-off period?

In Canada, it's five years. The average internationally is much lower than that. If you take an average of all our OECD or G7 partners, you're looking at four years. We're one year above. That's why I said in my testimony that we have one of the most onerous lobbying acts in the world. What I've seen in my career is that it really prevents a lot of young individuals from getting into lobbying or even from getting into a minister's office or into some designated public office position.

• (1730)

[Translation]

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

[English]

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

[Translation]

Thank you, Ms. Lapointe.

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

**Rhéal Éloi Fortin:** Thank you.

Mr. Larkin, we've learned that Yukon has added the concept of "directing mind" to the definition of "lobbyist." This definition therefore includes individuals, self-employed workers and directing minds.

I'm wondering about something. In your opinion, is this a useful concept? Is this something we should replicate in the Lobbying Act here or would it not change anything?

[English]

**Kyle Larkin:** I haven't heard that proposal before. Even though I've lobbied in every single province in Canada, I haven't lobbied in the territories.

I've never been registered in the Yukon, but we see that there's a similar system, from my understanding, in Alberta, in which you have an account manager and then all the lobbyists who fall under that.

At the federal level, we see that already for in-house organizations. The senior-most officer—myself, for example, at the association I work at right now—is the registered individual, and under that name are all of those at the association who lobby on behalf of the organization.

At the federal level, the way that in-house registrations are encapsulated and built is the right direction to go. I think it would be quite onerous for each individual in an association to have to create their own lobby registry when we're all advocating on behalf of one association and for one set of issues.

[Translation]

**Rhéal Éloi Fortin:** I have another question, which I don't think I've asked you, but my memory might be playing tricks on me. In your opinion, should members of a board of directors be considered lobbyists or not? Should their obligations be treated differently?

[English]

**Kyle Larkin:** Most not-for-profit associations don't pay their board of directors, because they don't have money to pay their

board of directors. Most of the individuals on the boards I've worked with in the past are volunteers. They're volunteering their time because they're passionate about their industry. They're passionate about growing their industry and ensuring that their industry is successful. I do not think that those individuals should need to register. They lobby on a very infrequent basis.

If we have a lobby day in Ottawa, for example, to bring the board of directors in, and they meet with 20 members of Parliament in one day, that's maybe the limit of the advocacy or the lobbying work that they do in one year. I don't think that those individuals should have to register. They are volunteers. It opens a Pandora's box. If we start to look at volunteers as professional lobbyists, how does that apply to the coffee shop in your constituency or the small business in other constituencies, etc.? We start to go down a slippery slope, in my opinion.

[Translation]

**Rhéal Éloi Fortin:** You say that volunteers are people who are passionate. They represent the organization that they manage simply because they're passionate about the organization's mission. However, it is a form of compensation. Actually, that's not the right word, but they derive a kind of advantage from it.

Isn't it important to make public any involvement with the government, whether that person is a volunteer or an employee? If there's a difference, I'll let you explain it to me.

In my mind, initially, take the Canadian Meat Council, for example; if someone from the council intervenes with the Minister of Finance, whether it's the board director, an independent lobbyist, or a volunteer, that's still lobbying. Should it not be treated the same way, in your opinion?

[English]

**Kyle Larkin:** There needs to remain—and there currently is—a distinction between professional lobbyists who are paid and volunteers on boards of directors, who could be day-to-day farmers, nurses, engineers or teachers; you name the profession. I still believe very fundamentally that there needs to be a distinction between those two types of individuals.

For those who are professional lobbyists, as I have been over the past 10-plus years, every single day is about lobbying. Every single day is looking at what's happening in the House of Commons and what's happening at these committees. Okay, we need to meet with these members of Parliament on this issue. We need to meet with these ministers or ministers' offices on this issue. Every day as a lobbyist, you're thinking about lobbying. You're thinking about how you can influence the Government of Canada to go one way or another on a policy or a program that impacts 100,000 or 50,000 Canadians. That's the day-to-day life of a lobbyist.

In the day-to-day life of individuals who volunteer on boards of directors, they may meet four times a year. One of those meetings is here in Ottawa, and they meet with a few members of Parliament. Otherwise, they're tilling their fields; they're nursing patients, or they're teaching children. They're doing their actual job. Just because they're volunteers on a board of directors, that doesn't mean they should be required to register.

• (1735)

[Translation]

**Rhéal Éloi Fortin:** Similarly, with regard to consultant lobbyists versus in-house lobbyists, should we impose the same obligations on both? Are there distinctions to be made, once again?

**Kyle Larkin:** Are you talking about consultant lobbyists?

**Rhéal Éloi Fortin:** Yes. I'm talking, for example, about a consultant lobbying firm that has several clients and is lobbying the government. They are full-time lobbyists, as you say. That's all they do, but they do it for various clients. Versus an in-house lobbyist who works for a company and does the same kind of lobbying but has only one client, their employer.

Should we distinguish between the two situations? Should the obligations be the same for both?

[English]

**Kyle Larkin:** I've been on both. I've been a consultant lobbyist, and I've been an in-house lobbyist. I would say that the registration details and the registration requirements right now are very similar, and I would keep what is currently built.

**The Chair:** Okay, thank you.

[Translation]

Thank you, Mr. Fortin.

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

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

From the outset, I would like to clarify that lobbying is important. As I have often said here, we, the members of Parliament, don't know everything, and we obviously need to have people who inform us about the different industries. The best people to do this are those who represent these industries and work with them every day.

We also talked about our SMEs. In Quebec, the vast majority of businesses, or 99%, are SMEs; in Canada, it's 98%. These are people who have other things to do than come chat with us. They need to work. We're clear about that.

Earlier, you said something that really stuck with me. You said that we needed more transparency and better accountability, and that your lobbying profession had a somewhat bad reputation. People view it somewhat negatively.

Don't you think, then, that there should be as much transparency as possible given that people are losing trust in the work that you do? People say that you're trying to give yourself an advantage. It seems to me that anything we can do to improve your reputation, ultimately, should be part of the equation, since your work is important.

[English]

**Kyle Larkin:** I think there are two answers to your question. I don't think that further regulation necessarily equals a more positive outlook of the lobbying profession. What we continue to see on social media, media, TV shows or movies will continue to happen. We'll continue to have shows like *House of Cards*, which depicts a lobbyist in a very negative light—someone who is really bending rules and doing other unlawful activities.

To answer the question you posed, as I said at the start of my testimony, lobbying in Canada is already one of the most regulated professions, not only within our country but also even internationally. I touched on the lobbying ban, the five versus four years. When you go through the lobby registry, you can see the subject matters. You can see who was lobbied on what date and on what subject. I believe there is a great amount of transparency and accountability that the current act and code have right now.

[Translation]

**Gabriel Hardy:** Do you think that the Commissioner of Lobbying's recommendations focus on what is already working well or is she trying to address the problems of the former structure that she has seen over time? I think the old structure dates back to 2012, so it goes back quite a while. She's able to see new ways of operating and to say which mistakes could have been prevented, precisely by having a somewhat broader coverage.

I get the impression that what you're saying is that everything should stay as it is. If it's effective and going well, it's not a problem. However, I think that what the commissioner is trying to do is to prevent problems that have occurred over the past 12, 13 or 14 years from happening again.

Do you think that's what she is trying to do or does she just want to give herself more powers?

[English]

**Kyle Larkin:** Yes and no. As I said earlier, to my knowledge there is no case that led from the 32-hour interpretation of the Lobbying Act to an eight-hour interpretation of the Lobbying Act. What I see nationally is, really, a race among commissioners as to who can make it the furthest on regulations and law. British Columbia went the furthest. I think the federal law is trying to catch up to that. That doesn't mean that the law and regulations they passed in British Columbia are correct.

In my opinion, those are overburdensome for both public office holders and lobbyists, as well as for small and medium-sized enterprises in that province. I see it as a bit of a race among them as to who can make it the farthest.

• (1740)

[*Translation*]

**Gabriel Hardy:** I agree with you: We want to make things simple and efficient. No matter what a government oversees, it should be simple and effective. Most of the time, the government should get out of the way to let people make money, follow their life mission, and work hard without being forced to fill out endless paperwork. We're all in agreement on that.

However, I sometimes get the impression that the argument comes back to people having other things to do with their time. Now, if their goal, ultimately, is to lobby and influence the government to change decisions, it doesn't matter whether these people work full-time, part-time or as volunteers. Whether their time is paid or not, the goal is the same.

Don't you think we should still cover these activities?

[*English*]

**Kyle Larkin:** I totally agree with you. I think that paid professional lobbyists should have to register, especially when they're engaging in lobbying activities. I disagree a bit with the question on the volunteerism side of things, especially for a volunteer board of directors. They are just individuals who are passionate about their industry, who likely got involved in their provincial association and then in their national association. All of a sudden, they find themselves in Ottawa and thrown into a meeting with a member of Parliament.

[*Translation*]

**Gabriel Hardy:** I may be playing devil's advocate here, but I wonder, if the goal is the same, what difference does it make whether or not someone is being paid?

[*English*]

**Kyle Larkin:** I would say that volunteer board members, volunteer directors on boards of directors, are very much spokespersons for the association, while paid lobbyists think of every different angle, in which "You can change legislation here or there" or "Maybe this member of Parliament will be a champion. Maybe this senator will be a champion." They think about these things on a day-to-day basis. Board directors, folks who just fly into Ottawa, are really there just as spokespersons: "This is what's impacting my industry, and this is what the Government of Canada could potentially do to help us."

[*Translation*]

**Gabriel Hardy:** Then, you think—

Is my speaking time already over, Mr. Chair? It goes by quickly.

Thank you.

**The Chair:** Yes, it's already done. That was your third turn.

[*English*]

I know you're passionate. I love your passion. You're a little over time every time, but that's okay.

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

**Chris Malette (Bay of Quinte, Lib.):** Thank you, Chair. My first question is for Dr. Baker, and then I will have another question for Mr. Larkin.

Dr. Baker, first off, thank you very much for all you've done and continue to do on behalf of non-profits and charities. It's a field that I'm quite familiar with, having been involved in journalism for three decades and having chronicled the amazing work done by those agencies.

We've heard a lot of discussion today regarding the "significant part of the duties" threshold. In your estimation, Dr. Baker, have non-profits and charities reported difficulties in complying with the lobbying commissioner's recent changes in this regard?

**Jodene Baker:** I don't think this is about difficulty in following compliance. What it gets to is that piece around what are we focusing transparency requirements on and whether it is on sustained significant lobbying versus occasional interactions. With the lowering to eight hours, charities and non-profits are becoming more and more concerned about what activities fall under that.

I've heard reference today to running into an MP while you're out and about. There were comments around how, if you are asking for a change in policy or programs, your goal is then lobbying, your goal is change. In the charitable sector, when many EDs or staff encounter an MP, they get asked by that MP, "Tell me what you're seeing on the ground" or "Tell me what's going on." Their response might naturally include things that start to reference how this program might need to change or how it would be helpful if this policy had an amendment. I don't know if you characterize that as a sustained lobbying effort or if, as I mentioned in my statement, that is a normal part of a charity fulfilling its mission.

• (1745)

**Chris Malette:** Okay.

Further to that, when the lobbying commissioner changed that interpretation of the "significant part of the duties" threshold from 32 to eight, do you know whether any consultations or engagement were made with non-profits, charities or small businesses to assess...?

**Jodene Baker:** Not to my knowledge.

**Chris Malette:** You hadn't heard. I would take it that you're one to know if there had been any such consultation.

**Jodene Baker:** Yes. We were not aware of any.

**Chris Malette:** All right. Thank you.

My next question is for Mr. Larkin.

Witnesses before this committee, Mr. Larkin, have described the B.C. lobbying act as the gold standard. However, based on your testimony today, it sounds as though you have some areas of concern, given your experience. Could you please highlight some of the challenges or issues you've encountered with the B.C. lobbying act that we should consider as a committee?

**Kyle Larkin:** It's a gold standard for some but certainly not the gold standard for most. Having been a lobbyist in B.C. in years past—I'm not currently a lobbyist in B.C., for the record—I found it quite onerous representing various associations in that province. As I said, most communications—not just oral and arranged—require communications reports in the province. Sending out a tweet that says “Minister X, please do X”, or sending out a meeting request that never receives a response...all of those types of items require a communications report. When I was a consultant lobbyist sending out meeting requests to, let's say, 50 different MLAs in British Columbia, I thought that having to put in a communication report for all 50—despite my receiving a response on only five of them—was a step too far. It's not that it prevented transparency; I think that it gets in the way of transparency.

If we have too many communications reports for the public, the media and parliamentarians to look through, then we get past the level of transparency at which there's so much paperwork in front of individuals that they give up on looking through the paperwork. That's where the B.C. registry and requirements went to, and I would really warn parliamentarians here not to go in that direction.

**Chris Malette:** Finally, I know you've touched on this to some extent, but could you explain to this committee why you believe a distinction between in-house and consultant lobbyists is necessary or not?

**Kyle Larkin:** I do think it's necessary. The role of an in-house lobbyist is certainly different from one as a consultant lobbyist. As a consultant lobbyist, you have clients who you're lobbying for on a regular basis. With in-house registrations, you may be a registered association, but you may lobby only on a one-off basis, maybe once a month or once every now and then. You're still a registered entity. You have the list of employees on your registration listed as to who may participate in those lobbying activities. This is versus a consultant lobbyist registration, in which your role as a consultant is very much understanding the politics of the day and how things operate in the House of Commons or in the other chamber, as well as really

advising clients and connecting clients with designated public office holders.

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

Ms. Baker, I saw you nodding your head there. I'm sure Mr. Malette would like to give you the opportunity to respond to that last question. Even though we are over time, I'm going to give you an opportunity, because I saw that you wanted to be engaged.

Go ahead.

**Jodene Baker:** Thank you. I appreciate that.

Charities and non-profits are in-house. Even then, it's often not one dedicated staff member. It's very distinct. It's being done, often off the side of the desk, by the ED, by the fundraiser, by the program manager. That's when we really get into that challenge of the eight-hour threshold.

Do you want to make sure we have the clarity that the eight hours applies across anyone in the organization? That's the in-house distinction. The organization registers, and anyone on staff who is working...to meet that. That is when the eight hours starts to become quite limiting: when that ED goes to a consultation, when a staff member plans for a meeting, when someone is having a conversation around a grant.

It's just to reiterate that there is that distinction between the sustained lobbying that paid consultants do and the more incidental lobbying that some of those smaller charities and non-profits engage in.

● (1750)

**The Chair:** Thank you, Ms. Baker and Mr. Larkin, for being here and for providing the committee with some valuable input.

I'm going to adjourn the meeting.

Thank you.





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