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

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**EVIDENCE**

**Thursday, May 16, 2019**

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**Chair**

**Mr. Bob Zimmer**



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

Thursday, May 16, 2019

• (1545)

[English]

**The Chair (Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC)):** We'll call the meeting to order. This is the Standing Committee on Access to Information, Privacy and Ethics, meeting 150.

Pursuant to Standing Order 81(4), we are considering the main estimates 2019-20, vote 1 under Office of the Commissioner of Lobbying, vote 1 under the Office of the Conflict of Interest and Ethics Commissioner, vote 1 under the Office of the Senate Ethics Officer and votes 1, 5, 10 and 15 under the Offices of the Information and Privacy Commissioners of Canada, referred to the committee on Thursday, April 11, 2019.

With us today we have, from the Office of the Conflict of Interest and Ethics Commissioner, Mr. Mario Dion. With the commissioner, we have Sandy Tremblay, director of corporate management.

In the second hour, we're going to have the Office of the Commissioner of Lobbying. With us will be Nancy Bélanger, Commissioner of Lobbying, and Charles Dutrisac, director of finance and chief financial officer.

Mr. Dion, it's good to see you. You have 10 minutes.

**Mr. Mario Dion (Conflict of Interest and Ethics Commissioner, Office of the Conflict of Interest and Ethics Commissioner):** Thank you, Chair.

[Translation]

Mr. Chair and honourable members of the Committee, first of all I would like to thank you for inviting me to appear before you today as the Committee considers my Office's budgetary submission for the 2019-2020 Main Estimates.

As the Chair said, with me is Sandy Tremblay, our Director of Corporate Management.

As you know, the purpose of my appearance today is to discuss the current budgetary requirements of the Office. For context, I will begin by reviewing some of the projects and activities we undertook last year, as well as some of the activities planned for this fiscal year.

I will start with our mission, because it is key; it is the basis of everything we do. The Office established a mission a little more than a year ago, and it describes what we do.

Our Office provides independent, rigorous and consistent direction and advice to Members of Parliament and federal public office holders. That is the first thing. Second, it conducts investigations. And third, where necessary, it makes use of appropriate sanctions in order to ensure full compliance with the Conflict of Interest Code for Members of the House of Commons and the Conflict of Interest Act.

Last year, we implemented a rolling three-year strategic plan to guide our projects and activities in support of our mission. It identified three key priorities, those being to improve communications and outreach, to modernize technology and information management structures, and to maintain operational excellence. It also identified how we would achieve them.

One key priority is to build and improve communications and outreach processes to help Members and public office holders understand and meet their obligations under the Code and the Act.

Education and outreach have been a key focus of my approach as Commissioner for a year and a half now. We strive to ensure that Members and public office holders are fully aware of their obligations. As for the methods used to do that, I intend to go beyond the traditional classroom approach and instead leverage new media technology for presentations and other educational uses.

We looked at all of the educational materials that our Office has issued over the past 12 years, in fact since it was established, to explain how the rules of the Code and the Act apply. The goal was to simplify that material and make it a more effective source of information for Members and public office holders.

Last year, we revised and updated 12 of those documents, condensing their content into seven new information notices that explain various requirements of the Act. This year, we will focus on modernizing and simplifying the instruments that relate to the code governing the conduct of members.

Our new educational tools included two webinars about gifts that I hosted with my colleague the Lobbying Commissioner, who will be appearing immediately after me. We adopted a more proactive approach with our use of Twitter to communicate directly with Members and public office holders. We also produced a few short videos to provide additional channels to reach our stakeholders.

• (1550)

[English]

That was it on the communications and outreach side of things.

A second priority in our strategic plan was to modernize technology and information management structures. Last November we launched a new version of our case management system. All the information from our old system was migrated to the new one. Our upgraded information technology infrastructure is compatible with existing systems and allows the office to explore new technology options for delivering our mandate. We are still dealing with technical and procedural issues but I am confident that they will be resolved by the end of this fiscal year.

We're also presently working on the development of a new website that will make it a more effective source of information for members of Parliament and public office holders. It will be mobile-friendly, which is not the case now, so that it better reaches our busy stakeholders on the device platforms available today. We're planning to launch our new website before the October 2019 election.

Our third key priority identified in our strategic plan is to maintain operational excellence with a focus on our people and on the tools we have at our disposal. In my first year I took steps to ensure that our office invested in employee training and professional development, and provided the tools and equipment employees needed to perform their jobs. I also acted to ensure that we offered a respectful, diverse and inclusive workplace.

I was asked last year whether I'd be making recommendations in my annual reports to strengthen the regimes that we administer. At this time last year, with only a few months of experience, I did not feel ready to do so in the annual reports. I did express the hope last year that the committee would invite me to present my thoughts on possible amendments last fall. Otherwise, I would include something in this year's annual reports.

Indeed that is what we'll do shortly. Next month, June, the office will be tabling its two annual reports: one under the act and one under the code. We have drafted some potential amendments that would strengthen the operation of the act in the event that there is another review of the legislation, and we will include some of those key points in our annual report under the act.

Our strategic plan also provides my organization with a guiding document. It's used to align our priorities as we deliver on our mission to provide independent, rigorous and consistent direction and advice, and I will report on our achievements under the strategic plan in future annual reports to Parliament.

Investigations continues to be an area where there is a lot of interest on the part of the public and parliamentarians. We've been very active in relation to investigations. In 2018-19, we issued eight investigation reports: five under the act and three under the code. There are currently four matters that I have yet to report on, and our investigation team must balance confidentiality, integrity and procedural fairness with work that is very complex and time sensitive.

[Translation]

Our Office conducts its operations in support of its mission with a total of 49 full-time positions. The Advisory and Compliance Division accounts for over one-third of our staff resources. This total is reflective of their daily interactions with those individuals-over 3,000 who fall under the Act or Code. Those interactions form the

majority of the work the Office undertakes in compliance, accounting for over 2,000 calls or inquiries last year.

The remainder of the Office falls into three broad categories: corporate services, which Ms. Tremblay directs, communications, directed by Ms. Rushworth, and investigations and legal services. A daily demonstration of rigour, professionalism and guidance on compliance matters is what we are aiming for.

I have complete confidence in the quality of work and the integrity of all members of my senior management team and indeed in all the Office staff.

[English]

Unless there are unexpected increases in the demands on our resources, I expect our office will be able to implement its mission in this upcoming fiscal year with a budget of \$7.1 million. It represents a slight increase of 4% from the last fiscal year. The base budget has been unchanged in the 12 years of existence of the office. This is the first actual increase of 4%, and it's needed this year to enable our office to prepare for the election while continuing to ensure operational excellence.

There has traditionally been a significant increase in the workload whenever there is a general election, and we wanted to be ready and to prepare for it. Election readiness is a key focus of our activity already at this point in time. We've started to hire term employees to help with the increased workload. We're also updating letters and information kits for, potentially, new members of Parliament, for people who, in the future, will be joining offices, ministerial offices, and so on and so forth. All of these elements flow from our strategic plan and will enable the office to better serve its stakeholders in a busy election year.

As part of this planning we always have a reserve. We have \$100,000 that we do not allocate in order to face, in a nimble way, important changes and what the needs would be.

I am confident that we'll be able, with this budget that is before you, to operate efficiently, effectively and also economically in carrying out our mission.

Mr. Chair, this concludes my opening statement. I'll now be happy to discuss any questions the committee may have. Thank you.

• (1555)

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

Just for the sake of the committee, too, we did have an amended agenda. The agenda before you is incorrect. We're going until 4:15 p.m. It gives us enough time. I'm going to try to get us through the first four questioners—Ms. Fortier, Mr. Kent, Mr. Cullen and Mr. Erskine-Smith—and then we'll move to the next commissioner. That's all the time we have. Just to clarify again, the agenda is amended. It will take us to about 4:20 p.m., or so. Thanks.

Go ahead, Madam Fortier.

[Translation]

**Mrs. Mona Fortier (Ottawa—Vanier, Lib.):** Thank you very much.

Mr. Dion and Ms. Tremblay, thank you for being here today.

We know you work very hard. You had a chance to prepare a presentation, and I would like to ask you a few questions about the challenges your office is facing. I understand the strategic planning and your priorities. Would you please tell us about your current challenges and the steps you're taking to address them?

**Mr. Mario Dion:** We're still facing a challenge associated with timelines, as I mentioned earlier. By that I mean we are required provide our services on a timely basis. We have service standards regarding the first contact we make, and that always creates pressure.

We also have service standards for responding to media representatives and members of the public who communicate with us. We are always under pressure, even if no service standards or timeframes are prescribed by the act when we investigate a matter. We're always under pressure to do things punctually, promptly, so that our report is relevant when it becomes available. That's one of our challenges, but we always have to operate with a sense that things have to move, and move quickly.

It has to be done in a consistent manner: we have to provide similar answers from one case to the next where the facts are the same. I think members and public office holders appreciate a bit of predictability. So we need to have tools to ensure that the advice we give is consistent.

We also have to have a professional team. By that I mean that the workplace must be stimulating. The only resource we have is the workers, the professionals who provide our services. We want to retain them because the learning curve is quite steep. Things must be done rigorously. Consistency and rigour aren't entirely the same thing. We try to be rigorous in everything we do.

**Mrs. Mona Fortier:** If my understanding is correct, you're currently managing all that pressure, and nothing will prevent you from carrying out your mandate.

**Mr. Mario Dion:** That's been true to date, except where our workload has increased and become unmanageable. In the current state of affairs, however, we're dealing with all the aspects I mentioned without too much difficulty. It works.

**Mrs. Mona Fortier:** Since I'm sharing my speaking time with my colleague, I'm going to ask you one final question.

At the end of your presentation, you mentioned that there will be an election soon. We're all aware it's coming. What impact is that having on your workload? Is it happening in the short term? Could you tell us about your election-related workload?

**Mr. Mario Dion:** It will really start happening after October 21, depending on the election results. There will necessarily be new members. How many? No one knows. We'll have to contact the new members within three days of confirmation of their election. That adds to our workload.

We'll also have to do some outreach work with the people who've been elected for the first time and who don't know much about the

Conflict of Interest Code for Members. We'll have to familiarize them with the code.

As I said earlier, if changes are ever made to the composition of the cabinet, or another party forms the next government, there will potentially be hundreds of new employees in the ministers' offices, and they'll also be public office holders within the meaning of the act.

That's what our workload consists of. We're preparing to deal with hundreds of people who'll be newly subject to the act on the morning of October 22.

• (1600)

**Mrs. Mona Fortier:** Thank you.

I'm going to give the rest of my speaking time to my colleague Mr. Saini.

**Mr. Raj Saini (Kitchener Centre, Lib.):** Good afternoon, Mr. Dion and Ms. Tremblay. I have a question for you.

[English]

I read with great interest that last month you signed a memorandum of understanding with the Office of the Commissioner of Lobbying to do education and outreach, which I think is an excellent idea. I think that by combining this activity, the more outreach and education you do, especially for MPs, the more dramatically you will reduce the questions and some of the investigations that you may undertake.

Is there an efficiency subset to this process? The more you educate and the more outreach you're doing, the more you should see the number of questions and cases drop.

**Mr. Mario Dion:** There is. In the long term, I am convinced that this will produce a better adherence to the code and the act. Therefore, it will produce less work for us in terms of having to order things or investigate things, but it's not our objective. I think the objective is based on the desire to make sure that we put into the hands of the people who are governed by the code and the act the necessary knowledge so that they can actually ensure that they abide by these things on an ongoing basis. That's the goal.

**Mr. Raj Saini:** Have you developed any programs so far with the Office of the Commissioner of Lobbying?

**Mr. Mario Dion:** Yes. We did a webinar, one in French and one in English, a few months ago. About 130 people attended the webinars. We were focusing on the area of overlap between the Lobbying Act, the Conflict of Interest Act and the code for members of the House of Commons.

We were happy with the registration, and we intend to repeat the experience in the coming year.

**Mr. Raj Saini:** Now that you've developed these programs, do you think that the collaboration between your office and the Office of the Commissioner of Lobbying will result in more enhanced information and more enhanced tools for new MPs after the next election?

**Mr. Mario Dion:** I am convinced. It's only a question of the degree, but we will have a much better...both qualitatively and in terms of the supports that we'll be using. We'll use technology. We'll communicate in a way that's consistent with the 21st century and not only with words on paper, with legalese on paper. We're trying to move to plain language and real-time access, 24-7, wherever you may be on the planet.

**Mr. Raj Saini:** I noticed that in your strategic plan for 2018 to 2021, the second point is to modernize technology and information management structures.

Are you talking about just upgrading the technology from one generation to the next generation, or are you talking about a wholesale change in the software and the technology itself?

**Mr. Mario Dion:** We're talking about upgrading, essentially, at this point, vis-à-vis the case management system, but we are slowly starting to explore other possibilities, for instance, using AI in terms of carrying out our mandate.

We have a wealth of information. We do not essentially use the information to the maximum extent that we could use it in order to prevent or identify potential conflicts of interest. We're trying to inform ourselves about AI and whether it could be put to use in future years in any way to carry out our mission. That's an example of an additional technological measure that we're looking at.

**Mr. Raj Saini:** Thank you very much.

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

Up next for seven minutes is Mr. Kent.

**Hon. Peter Kent (Thornhill, CPC):** Thank you, Chair.

Thank you, Commissioner, and Ms. Tremblay, for appearing before committee today.

Commissioner, it's good to have you with us again. I hope your health issues have been resolved.

I'd like to ask questions starting with the four matters that are still currently under investigation.

When you began the investigation into the allegations that Prime Minister Trudeau or staff in his office unduly pressured the former attorney general, Jody Wilson-Raybould, to intervene in a criminal prosecution of the Quebec company SNC-Lavalin, you said you believed that the grounds for the investigation would be a possible violation of section 9.

In carrying out that investigation—I know you haven't reported yet, and we must be discreet in our questions—was there more than one member or office holder involved?

• (1605)

**Mr. Mario Dion:** Of course, as the member has pointed out, I am quite limited in what I can share with the committee, or anyone else for that matter, in relation to an ongoing investigation. When we launched it on our own volition under section 45 of the act back in February, the focus was on the Prime Minister, but the member is right that there are several other public officer holders who are being interviewed, or will be interviewed, to essentially review the facts that were largely reported in the public domain. Political aides who allegedly also played a role have been or will be interviewed too.

**Hon. Peter Kent:** The former clerk of the Privy Council said, and this was some months ago now, and this is a quote, "I think the Ethics Commissioner could get to the bottom of this fairly quickly."

Will you be able to advise the committee as to whether you will be able to report before the House rises in June?

**Mr. Mario Dion:** In fact, I can inform the committee this afternoon that there will not be a report by mid-June. I expect the House to rise in mid-June or in the third week of June, and we will not have a report. I can assure you of that.

**Hon. Peter Kent:** What about before October 21?

**Mr. Mario Dion:** We are working hard to produce a report within the next few months.

**Hon. Peter Kent:** With regard to the other three matters, one of them, I assume, is member Vandenberg. The other two matters are of what nature, sir? Please refresh—

**Mr. Mario Dion:** According to our research, they are not currently in the public domain. One of them is not in the public domain, but the report will be issued in a couple of weeks, so you'll find out two weeks from now what the third matter is. The fourth matter is the situation involving MP Grewal, and that is in the public domain.

**Hon. Peter Kent:** Right.

Jumping back just a bit now to the allegations regarding the Prime Minister or others in his office or in other ministerial offices, has the Prime Minister been co-operative? I recall that for your predecessor, in the investigation of the illegal vacation on the Aga Khan's island, it took some months for the Prime Minister to make himself available for conversations. Has he been more available in this situation?

**Mr. Mario Dion:** I think it's fair to say that we are very pleased with both the speed and the extent of the co-operation at this point in time.

**Hon. Peter Kent:** Okay, thank you.

Moving now to the discussion earlier of the work you've been doing with the lobbying commissioner and the webinars, I think the webinars were very helpful, very informative. Surely you're aware of the Federal Court's direction to the current lobbying commissioner to reopen the investigation of the other side of the Trudeau report with regard to the illegal gift, on one hand, accepted by the Prime Minister and the fact that the lobbying commissioner's predecessor found nothing wrong with the lobbying side of that relationship.

Have you had a chance to talk with the new lobbying commissioner about the fact that this is exactly the sort of situation where if wrongdoing is found on one side of an officer of a Parliament and a lobbyist, there must be wrongdoing on the other side?

**Mr. Mario Dion:** First of all, I think I would like to use this occasion, Mr. Chair, to point out that the lobbying commissioner and I never discuss, of course, any ongoing investigation we may be carrying out. It's a bit premature to conclude what the result of the new investigation into the Aga Khan she will be launching will be, but I understand the member's question. I spoke about an overlap. There are rules in the code concerning lobbyists concerning gifts they make to either members of Parliament or public office holders.

There are rules in the act and in the code. There is an obvious connection between these provisions. The lobbying commissioner and I are simply trying to explain to our constituents, if you wish, or the stakeholders, our interpretation of these rules and how they... Our interpretations are not inconsistent, by the way. They are quite consistent, if not completely consistent. We're trying to emphasize to people that it's actually possible to respect both sets of rules at the same time and, as the member pointed out, it's actually possible to violate both sets of rules at the same time.

• (1610)

**Hon. Peter Kent:** Would you think a more explicit definition of “gift or benefit” would be helpful? I'm thinking back now to the Supreme Court judgment written by Madam Justice L'Heureux-Dubé, in which she had a number of very precise definitions that I don't believe are actually written into either your act or the Lobbying Act.

**Mr. Mario Dion:** I hesitate to answer this question on the spur of the moment. The definition of “gift” is quite extensive in our act and in the code as well. It's any advantage, any benefit received by a member, but I would like to take this one under advisement, if the chair agrees, because it's tough. I do not recall the judgment that the member's referring to as well.

**Hon. Peter Kent:** Thank you, Commissioner.

**The Chair:** Thank you, Commissioner and Mr. Kent.

Next up for seven minutes, we have a visitor.

Welcome back, Mr. Cullen. Go ahead.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** A visitor, that sounds so “stranger in the House” and somehow intimidating.

Commissioner, it's nice to see you. I'm glad you have returned and I hope your health is well.

**Mr. Mario Dion:** It's very well.

**Mr. Nathan Cullen:** You have important work to do on behalf of Canadians, but we are people too and I'm glad to see you back and on the job.

**Mr. Mario Dion:** Thank you very much.

**Mr. Nathan Cullen:** I had some similar questions as to the outstanding reports. I guess three out of the four have been identified. We will wait with bated breath to find out what the fourth one was.

I have one small question. Has your senior counsel had to recuse herself—I believe her name is Ms. Richard—from one of the ongoing investigations?

**Mr. Mario Dion:** Yes.

**Mr. Nathan Cullen:** Can you remind me of section 9? This was the focus of the report and the potential violation that your office detailed when—

**Mr. Mario Dion:** I have it right in front of me. I will quickly read it. It says, “No public office holder shall use his or her position as a public office holder to seek to influence a decision of another person” so as to further the private interests of somebody in his family “or to improperly further another person's private interests.”

That's the section. It's about using your position to seek to influence a decision in order to improperly further another person's private interests. That's the focus of our investigation in the Trudeau matter.

**Mr. Nathan Cullen:** Right, because in that matter of Trudeau, the question of inappropriate pressure has been sometimes at the heart of other conversations. Section 9 doesn't really deal with that aspect or any interpretation of what is inappropriate. It's simply the seeking to influence. Is that right?

**Mr. Mario Dion:** That's right.

**Mr. Nathan Cullen:** Okay.

Can you explain something? Some Canadians have asked me about dealing with ethics and violations of the ethics act under a scenario in which someone, say Mr. Erskine-Smith, received a lovely painting from somebody who was seeking to influence him and it was deemed by your office to be inappropriate.

Would a normal recourse be for an MP in that position to return the gift that was deemed inappropriate or in violation of the ethics act?

**Mr. Mario Dion:** That's right. That would be the normal recourse. Most of the time we suggest that people do that and they are doing that—returning it.

**Mr. Nathan Cullen:** I would never suggest that Mr. Erskine-Smith would ever even receive such a thing, but let's go further.

If somebody having dealings with the government were then to offer travel and it had some monetary value, expensive travel as was the case with the Aga Khan, I'm not understanding why... There is no return of the gift because you can't. It's an experience, a trip, but certainly there's the value of the gift if the office holder had gone out and simply purchased that gift, purchased that travel, which would have been more appropriate, rather than receiving a gift.

Why do we not have within the act the notion that, as in the case of the painting that was received illegally, for a gift in the form of a sponsored trip that was also deemed to be inappropriate or illegal, the value of that trip would also have to be compensated for?

Am I making myself clear? I know it may be a too commonsensical kind of approach, but what's the difference?

**Mr. Mario Dion:** First of all, I would like to complete my earlier answer by saying that we only intervene when the gift is actually disclosed. There are several disclosures each month, but I'm convinced there could be gifts that are not always disclosed. Of course, we cannot do anything if they are not being disclosed.

If disclosed, we suggest that the gift be returned. Sometimes we suggest that the gift be reimbursed as well when it's not actually possible to return it because it was a show or a public event that has already taken place.

I have no power to order. We simply provide advice to people who disclose a gift. In the example of a trip for instance, the advice may be given that somebody should reimburse the cost of the trip, but I don't have any tools in the act to actually force the execution of my advice.

•(1615)

**Mr. Nathan Cullen:** In the first example I used, if an MP were to receive a painting or some gift that you can foresee, you can advise them that they should return the gift if it was received inappropriately. You can't order it. Is that correct?

**Mr. Mario Dion:** That's right.

**Mr. Nathan Cullen:** Did you at any point advise Mr. Trudeau that he should compensate for the travel that was sponsored and that was deemed to be unethical or illegal?

**Mr. Mario Dion:** I did not. I do not know if my predecessor did, because this matter was finished prior to my assuming the duties on January 9, 2018, so I—

**Mr. Nathan Cullen:** For Canadians—

**Mr. Mario Dion:** Quite frankly, I did not raise—

**Mr. Nathan Cullen:** You can understand where Canadians get confused. If something was given illegally or unethically, say in the form of a trip, it just would seem to make common sense that if it was done inappropriately, whether it was disclosed or not, but it was eventually found out... What's the difference between a \$10,000 sponsored trip or someone just giving you \$10,000 to take a trip? If somebody handed a politician an envelope with \$10,000 in it— heaven forbid—to try to win some influence with them, and then they use that money to take their family on vacation, what's the difference? Under the code, is there any difference between those two scenarios?

**Mr. Mario Dion:** I would prefer not to try to hypothesize on those situations, but I guess you know what the prohibitions are. It's not giving the gift that might be prohibited. It's receiving the gift, accepting the gift. That's what the code and the act governs. It's the acceptance of a gift.

Once you've accepted a gift, you've done something that is only partly reversible. We provide advice as to how to reverse the situation. Sometimes it's not possible to reverse the situation.

**Mr. Nathan Cullen:** Yes.

**Mr. Mario Dion:** We do not have the power to order any specific action on the part of the office holder who has accepted a gift that he or she should not have accepted.

**Mr. Nathan Cullen:** Understood.

Again, I go back to your timeline on the current investigation. I think you responded to a colleague's question that it would not be by mid-June but within the next few months. That places it sometime within the summer range, give or take. I know you can't be specific with the date and you said you have some outstanding interviews to conduct.

**Mr. Mario Dion:** Yes, we still have some interviews to conduct. There can always be a number of surprise elements, if you wish. We want to also produce a report that is at least of the same quality as previous reports have been. It does take time, but I am confident that within the next few months we will complete this report, barring something completely unforeseen.

**Mr. Nathan Cullen:** You said you were getting ready for the election. Is there any particular area, in terms of the act or the code, that you foresee being a focal point for your work as we go into the election cycle?

**Mr. Mario Dion:** No, there's nothing in particular. We know what the prevalent problems are and we will assume that in the future, it will be quite similar to what it is now. The issue of gifts is always number one on the list.

**Mr. Nathan Cullen:** Okay.

**Mr. Mario Dion:** We also have the issue of the initial declarations, the time frame in which they should be returned. We will review our forms, as well, with this goal of their being in plain language, user-friendly as much as possible, including for the use of technology.

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

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

Last up is Mr. Erskine-Smith for seven minutes.

**Mr. Nathaniel Erskine-Smith (Beaches—East York, Lib.):** Thanks very much.

Based on the information we have, there are 49 full-time positions. About a third are advisory and compliance. What are the other two-thirds of the positions? What are they for?

**Mr. Mario Dion:** It's more than one-third. In fact, 18 are advisory and compliance out of the 49. We have 11 in corporate services, which deals with HR, IM and IT, finance, all the obligations we have as a public sector entity that has a number of laws it has to abide with.

**Mr. Nathaniel Erskine-Smith:** How many are in corporate and HR?

**Mr. Mario Dion:** There are 11 FTEs. We have eight in outreach and communications, media relations and so on and so forth. We have eight in legal and investigations.

•(1620)

**Mr. Nathaniel Erskine-Smith:** Okay. Am I right, then? You had 2,000 inquiries and calls in the last year, and would that be the 18 people who are dealing with that?

**Mr. Mario Dion:** That's right.

**Mr. Nathaniel Erskine-Smith:** That would be less than 100—

**Mr. Mario Dion:** I'm sorry; it's less than the 18. We have eight advisers. Of the 18, eight are professional advisers. We also have staff who are of a more clerical nature to make sure the annual reviews, for instance, go out on time—

**Mr. Nathaniel Erskine-Smith:** I see.

**Mr. Mario Dion:** —and for all the mechanics, if you wish, of both the act and the code.

**Mr. Nathaniel Erskine-Smith:** Okay. I'm just trying to wrap my head around the caseload. The caseload seems to me.... If you have eight people plus some legal counsel who might get involved in some of these where it gets escalated, you have a little over 200 inquiries, calls, per employee. That seems like an incredibly modest amount. Just having practised law previously, if you told me I had 200 calls and inquiries a year to deal with, I would say, you mean I don't have 10 times that amount?

Given we're dealing with estimates today, it doesn't seem to me that each individual has the fullest of loads, but maybe I have that wrong.



**Mr. Mario Dion:** I think, Mr. Chairman, that the member raised the same issue last year.

I can assure you that nobody is twiddling their thumbs. There are some very complex matters when sometimes a public office holder makes a call about an issue, and sometimes it will take weeks or months to resolve the issue. Some of them are very complex. They're not all simple, and they require some follow-up.

There are several instances, as you pointed out, when legal advisers are consulted because there is a new or somewhat complex legal matter that arises.

**Mr. Nathaniel Erskine-Smith:** Thanks very much.

**Mr. Mario Dion:** That's the caseload and that's the number of employees, and I guess you'll have to take my word for it.

**Mr. Nathaniel Erskine-Smith:** That's fair. That's why you're here.

Every time you're here, and every time the lobbying commissioner is here.... I see that 18 employees are doing the core work, and there are supporting employees otherwise who do outreach, communications and HR. Every single time both offices are here before me, it seems there's massive duplication for small offices in HR, and there's so much coordination otherwise that is useful and necessary for the offices.

Are you of the view that it would make sense to combine the offices?

**Mr. Mario Dion:** The mandates are quite different. The group that we've added is different. It's conceivable that they could be merged. I have never really addressed my mind to it.

**Mr. Nathaniel Erskine-Smith:** Just on HR and outreach alone, there are probably significant savings, no?

**Mr. Mario Dion:** I was an ADM of corporate services a long time ago and of course there could be economies of scale. It's obvious.

**Mr. Nathaniel Erskine-Smith:** Thanks very much. I appreciate that.

**Mr. Mario Dion:** Thank you.

**Mr. Nathaniel Erskine-Smith:** In your view, do you have a sufficient mandate to do your job? I know part of the question that we're speaking about here with the estimates is about resources. Do you have the resources in your current mandate? As you approach different investigations over a not insignificant time in your office, do you feel that you have the appropriate mandate?

**Mr. Mario Dion:** I wish I had more authority to recommend something as an investigation is completed. All I have under the act is the power to analyze the facts and share that analysis with the Prime Minister. I do not have the power to even recommend anything under the act.

I wish I had that power because I think it could make a difference in the effectiveness, if you wish, of the process. In the code, the situation is different because there's an explicit power to recommend a sanction. I wish I had the same authority under the act.

**Mr. Nathaniel Erskine-Smith:** I appreciate that. Where you would make a finding of impropriety, you would make a recommendation to cure that in some fashion. Is that the idea?

**Mr. Mario Dion:** That includes some measures possibly to make sure it doesn't happen again within government, as I did in my former mandate as the public sector integrity commissioner. I've done that on a few occasions because I had the latitude to do that under the statute. I don't in this one.

**Mr. Nathaniel Erskine-Smith:** You would only make comments like that, the idea would be, when some improper conduct has been done.

**Mr. Mario Dion:** Of course. Even if a contravention is not found, you can still have observed something that would cause you to make a recommendation. It's still possible.

**Mr. Nathaniel Erskine-Smith:** I've not had many dealings with your office, probably thankfully. I haven't received many paintings. I don't think I've received any paintings. In fact, it's funny Mr. Cullen suggested that example. If my parents were watching, they would say, "Oh no, our son's not cultured enough to receive paintings."

I have had one dealing with your office, and I returned the gift on your advice, but I disagreed with your advice. I think it continues to be wrong at law, and I've talked to some of my colleagues who have, in identical instances, received different advice from your office, which is of concern to me. I appreciate you have different employees and different decisions will be made and, of course, you won't make the perfect or right decision all the time. I think most of the time you will, but mistakes happen to the best of us.

When a mistake does happen, and a member of Parliament disagrees with the interpretation or a cabinet minister disagrees with the interpretation, do they have any recourse?

• (1625)

**Mr. Mario Dion:** Under the act there is a very narrow window for judicial review. Under the code there is no recourse outside of the House of Commons. Of course, the member has the possibility of raising it within the House of Commons and using processes within the House of Commons.

**Mr. Nathaniel Erskine-Smith:** To that end, if you issue a report outside of sitting weeks and there's something wrong in that report, there wouldn't be that same recourse.

**Mr. Mario Dion:** If I issue a report under the code, I can only do so when the House is sitting.

**Mr. Nathaniel Erskine-Smith:** Okay.

**Mr. Mario Dion:** It says that I shall "report to the Speaker, who shall present the report to the House when it next sits." I can send it to the Speaker. It's tabled in the House as soon as possible, and there is a right on the part of the member whose conduct has been examined in the report to ask to speak after question period for up to 20 minutes to explain his or her situation.

**Mr. Nathaniel Erskine-Smith:** Fair enough. Thanks very much. I appreciate it.

**The Chair:** As mentioned, Commissioner, we wish you good health from our committee and we would like to see you again soon. Thanks for appearing today.

**Mr. Mario Dion:** Thank you for the good wishes, Mr. Chair. It was a pleasure.

**The Chair:** We'll suspend until we have the other commissioner come in.

•(1625)

\_\_\_\_\_ (Pause) \_\_\_\_\_

•(1625)

**The Chair:** I call the meeting back to order.

I won't go over what I read before, but we welcome, from the Office of the Commissioner of Lobbying, Nancy Bélanger, the Commissioner; and Charles Dutrisac, Director of Finance and Chief Financial Officer.

I apologize to everybody. We had votes that shortened our time even more than we had already shortened it.

Go ahead, Ms. Bélanger, for 10 minutes.

•(1630)

[Translation]

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

I would like to start by acknowledging that we are meeting today on the traditional territory of the Algonquin nation.

I am very pleased to have the opportunity to discuss with you the Main Estimates, our accomplishments of the past year and our ongoing priorities. I am joined by Charles Dutrisac, Director of Finance and Chief Financial Officer.

[English]

It has been an extremely busy year for us. Just this week, we moved to a new location, designed as an activity-based workplace. This move was a demanding endeavour and would not have been possible without the incredible dedication of members of my team and the professional expertise of employees of Public Services and Procurement Canada and Shared Services Canada. I sincerely thank them for their commitment in ensuring the success of this project.

To mark this success, we are planning an open house in June, so you can soon expect an invitation to visit our new office.

[Translation]

The Lobbying Act mandates that I maintain our Registry of Lobbyists, ensure compliance with the Act and the Lobbyists' Code of Conduct and foster awareness of both the Act and the Code. To carry out this mandate, we developed last year a three-year strategic plan that included four key results areas. I will set out some of our accomplishments and current priorities for each of them.

The first key result is A Modern Lobbyists Registration system. The Registry enables transparency by giving Canadians access to information about federal lobbying activities. On any given day, there are about 5,500 active lobbyists registered. This past year, lobbyists used our system to report details of more than 27,000 communications with designated public office holders.

To make it easier and faster for lobbyists to register, we have streamlined the registration process for new registrants. In the next year, we will improve the system to make it more user- and mobile-friendly for the registrant. This will assist in information becoming public more quickly.

We will also continue to benefit from the recommendations following the evaluation of our client services. Overall, the evaluation concluded that our approach with clients is effective and contributes to increasing compliance. Some recommendations related to the Registry and outreach activities will need to be assessed.

[English]

The second key area is effective compliance and enforcement activities. I have streamlined the investigation process to address allegations of non-compliance while continuing to ensure that decisions are fair and impartial and meet the necessary procedural fairness requirements.

Allegations of non-compliance are now dealt with in two steps. First, a preliminary assessment is undertaken to evaluate the nature of the alleged contravention, to obtain initial information and determine whether the subject matter falls within my mandate. Following this assessment, and when necessary to ensure compliance with either the act or the code, an investigation is commenced. In the last year, 21 preliminary assessments were closed, of which four led to investigations. There are currently 11 ongoing preliminary assessments.

With respect to investigations, I recently tabled a report to Parliament related to sponsored travel provided by 19 different corporations and organizations. I also suspended and referred three investigations to the RCMP, as I had reasonable grounds to believe that an offence had occurred under the act. Thirteen other investigations were ceased, and as of today there are a total of 15 investigations in our active caseload.

Finally, with respect to the five-year prohibition on lobbying, we are developing an online tool to simplify applications for exemptions by former designated public office holders.

•(1635)

[Translation]

The third area is an Enhanced Outreach and Communications for Canadians.

This past year, we provided 70 presentations to lobbyists, public office holders and other stakeholders in addition to the webinars offered in cooperation with the Conflict of Interest and Ethics Commissioner. We also updated our guidance on the rules pertaining to the code.

The priorities for this year will include updating and redesigning our website to make it easier for visitors to find information. We will also use the data on information requests that we receive to analyze needs. That will enable us to develop targeted communication products and tools .

I will continue to develop recommendations for the next statutory review of the Act to enhance the federal framework for lobbying.

[English]

Our last but certainly not least key area is an exceptional workplace. It is important to me that the employees of my office feel valued, understand the importance of their work and that they be proud of working at the Office of the Commissioner of Lobbying.

The results of the public service employee survey certainly indicate that we are in the right direction to be an employer of choice. When it comes to employee satisfaction with their workplace, the 2018 survey results placed the office among the top five of all federal departments and agencies.

We implemented and will continue to support our mental health strategy. We are also creating a career development program tailored to the reality of a small office.

The office delivers on its mandate through the invaluable work of 27 dedicated employees.

The 2019-20 main estimates for the office are about \$4.8 million. With the exception of \$350,000 dedicated to the relocation simply for this year, this is essentially the same amount since the creation of the previous office in 2005. Personnel costs represent about 70% of the expenditures, so \$3.4 million. The remaining \$1.1 million operating budget is used to acquire program support and corporate services, including HR, finance, IT and contracting services, as well as to cover miscellaneous costs. Fifty-five per cent of the \$1.1 million is to obtain services from other government institutions. This approach provides access to a wide range of expertise in a cost-effective manner.

Looking ahead, I have concerns about the current budget envelope. Our fiscal reality is attempting to operate with a budget established in 2005. The amount of \$4.5 million may have been sufficient at that time, but today it means there is practically no flexibility to reallocate financial resources, hire additional human resources or to make the necessary investments in systems with today's price tags.

The registry is a statutory requirement and is vital for transparency. Constant investments are required to ensure that the registry remains up to date with evolving IT standards and to enhance the accessibility of the information.

The work that is being performed by the office has also evolved in complexity, litigiousness and level of scrutiny.

I am therefore studying the cost implications and will make the necessary funding requests in the fall to ensure that we can adequately meet our mandate.

[*Translation*]

The Lobbying Act continues to be an important and relevant piece of legislation. Ultimately, it is essential to me that the work of the Office is done in such a way as to provide value-for-money to Canadians and to improve the efficiency and effectiveness of our operations.

I want to end by recognizing the unwavering engagement and resolve of the employees of the Office who, more often than not, are asked to go well beyond what is required of their position. I so very much appreciate their input and support in assisting me to enhance the accessibility, transparency and accountability of the federal lobbying regime.

[*English*]

Mr. Chair and members of the committee, I thank you for your attention and welcome your questions.

• (1640)

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

We will start off with Mr. Graham, for seven minutes.

**Mr. David de Burgh Graham (Laurentides—Labelle, Lib.):** Thank you, Mr. Chair.

I'll get straight into it and I'll put it this way. I don't have a lot of patience for professional lobbyists. As far as I can tell, they bill clients based on how many meetings they get, multiplied by how many people are at them, rather than what they actually achieve at those meetings. I generally refuse to meet with them, unless they're from my riding or in my riding. Basically, if people have enough resources to tell me what to think, I probably don't want to hear from them.

Are you aware of how much professional lobbyists bill and are paid and does it matter for your purposes?

**Ms. Nancy Bélanger:** I do not know.

**Mr. David de Burgh Graham:** You have no idea how they're paid or what the pay structures are, and there's no impact.

**Ms. Nancy Bélanger:** No, and it is not a requirement of our current regime to ask how much lobbyists are being paid. It is a requirement in the U.S., and so it's quite a popular thing. In Canada it's not a requirement. Quite frankly, I have not seen the need for it so far.

**Mr. David de Burgh Graham:** When I was elected in 2015, your predecessor, Ms. Shepherd, gave me an introduction to your office at my MP orientation. I asked her a simple question: What is the difference between lobbying and influence peddling? She gave me the simple answer that influence peddling is illegal, which was partly what I was looking for.

In my experience, a lot of former MPs and staffers go on to become lobbyists. I guess it's better money for fewer hours. What is it they're selling? Is it the fact that they are well known and well respected, and if they call, everyone takes the call, and based on their connections and reputations they can therefore get more meetings? Are they offering process knowledge on how the House works and subject matter knowledge to policy-makers? One of those, I think, is influence peddling and one is lobbying. Where do you draw the line between the two?

**Ms. Nancy Bélanger:** That's an interesting question.

First of all, lobbying, as defined in the Lobbying Act, is considered a legitimate activity. Influence peddling is a different story. If you're a former designated public office holder, you're not allowed to lobby for five years, so with the scenario you have given me, I'm not sure where we'd draw the line with respect to the facts, either.

I can only apply the law as it is written, and it recognizes that lobbying is a legitimate activity. In fact, I appreciate your opinion, but I have also met a number of public office holders who don't share your opinion and who actually believe that lobbying is a legitimate activity, and professionals in government relations actually provide them with information they need to make the decisions that are in the public interest.

**Mr. David de Burgh Graham:** When they provide information, I find that useful. When they say, “You should do this because of who I am”, I find that less useful.

I'm wondering if you have any way of measuring if they're in compliance with the act, when it is still considered to be lobbying and when it ceases to be considered lobbying, regardless of the five-year cooling-off period. Not all of them were ministers or staff at that level.

**Ms. Nancy Bélanger:** What I can say is that under the code of conduct there are rules for which lobbyists are not entitled to put you, public office holders, in a situation where it puts you in a conflict of interest or demonstrates that it's preferential access or preferential treatment. If there is a previous relationship that exists for whatever reason, that would be improper. Beyond having fact-specific cases, I can't go beyond that.

**Mr. David de Burgh Graham:** Understood.

In what circumstances would you provide an exemption to the five-year cooling-off period?

**Ms. Nancy Bélanger:** The Lobbying Act provides that I can give an exemption for those who have been there for a very short period of time, who had administrative duties, possibly in an acting position for a very short period of time. In the last year we had 11 requests, and one that came from last year, so we had 12. Three withdrew. Of the nine requests, I granted four and declined five. The four were all because the individuals had been there for administrative support and/or were summer students, for example.

**Mr. David de Burgh Graham:** Understood.

I'd like to give the remaining time I have to Mr. Erskine-Smith. Thank you.

**The Chair:** You have three minutes.

**Mr. Nathaniel Erskine-Smith:** Thanks very much.

I take note of your concerns about the current budget envelope. We just had Mr. Dion here. He had no such concerns. I won't comment on the workload, but it does occur to me that combining the offices would.... You have complementary functions.

With the Information Commissioner, with which you have significant experience, to some extent there are complementary functions with the Privacy Commissioner, but oftentimes they are at odds, in the sense that sometimes access to information is at odds with privacy. They view their respective jurisdictions—and rightly, I think—as wanting to protect privacy if they're the Privacy Commissioner, and wanting to protect access to information if they're the Information Commissioner. In a way, I can understand not combining those offices, although there are probably efficiencies to be found.

In the case of the Commissioner of Lobbying and the Ethics Commissioner, I'm a bit baffled that they are not one office. What do you think about that?

• (1645)

**Ms. Nancy Bélanger:** For sure if there's consideration to join the two offices, there should be a study to look at whether or not there could be some efficiencies in costs. We have no one who does HR. Our server is held by OPC. We have the Canadian Human Rights

Commission, which offers us all its services and contracting in HR. We use the outside. I don't have enough people, 27, so we do have a contract.

**Mr. Nathaniel Erskine-Smith:** Yet the Ethics Commissioner is sitting there with HR and...?

**Ms. Nancy Bélanger:** I don't have that luxury.

I do believe there are cost efficiencies that could happen. Whether it's worth amalgamating, I don't know because I have not done the study.

**Mr. Nathaniel Erskine-Smith:** I see.

**Ms. Nancy Bélanger:** What I would recommend the committee do, if it's something that you are considering, is approach our provincial counterparts. Both information and privacy are joined in the provinces. On lobbying, my colleague in Ontario holds about seven hats. It might be interesting for you to speak to them.

The issue becomes institutional bias. How can you be requested something from the lobbyists, knowing possibly what a member of Parliament has disclosed to you? It's how you manage or create the walls to ensure that one set of information doesn't influence the other, although having the full picture sometimes might help.

**Mr. Nathaniel Erskine-Smith:** The last comment I will make is to encourage you to turn your attention to this, at the very least, if you haven't already.

In our democracy, we have very strict election finance rules. In part, I think the idea is that if someone donates to my campaign, to Mr. Kent's campaign or to Ms. Mathysen's campaign, and donates up to \$1,600, there's very little influence. It's a de minimis amount, in many ways, in contrast to what we see in other jurisdictions, including the United States.

I would say the extent to which they thereafter could exert influence on us in our roles as elected officials is nil, yet we start to see now parallel campaigns being run by third party organizations, very closely in parallel with political parties, and they receive significant sums of corporate dollars that are not in any way de minimis.

The extent to which those companies and individuals then can exert influence thereafter is of great concern to me. If you and your offices haven't turned your mind to that idea, I would encourage you to do so.

**Ms. Nancy Bélanger:** Thank you.

**The Chair:** Thank you. We have to move on.

Mr. Kent, you have seven minutes.

**Hon. Peter Kent:** Thank you, Chair.

Thank you, Commissioner, for appearing before us again.

As my colleague said, we had an interesting conversation with the Ethics Commissioner in the last hour. We talked to a certain extent about the enhanced outreach and the communications, the webinars and the meetings that have been going on with your offices. Commissioner Dion made it clear that you don't talk about specific cases.

However, with regard to the Federal Court order to you regarding a decision made, which I believe was termed a “reviewable error” of the previous commissioner, I asked the Ethics Commissioner how there could be a finding of wrongdoing and an illegal gift on one side of the equation when there seems to be a different application of the definition of “benefit or gift” on the other side.

What are your thoughts on that? Could you tell us whether you have proceeded to comply with the Federal Court order or whether you're waiting? We understand there may be a government appeal.

**Ms. Nancy Bélanger:** I can confirm that the appeal has been filed.

I will answer your question to the best of my ability, knowing that there is an appeal before the court.

**Hon. Peter Kent:** I understand.

**Ms. Nancy Bélanger:** First of all, I have the greatest respect for the Federal Court. I articulated there; I worked there, and I will always abide by a decision of a judge. You will never hear me criticize or comment on the decisions in a negative way. Therefore, I will abide by the decision of the Federal Court of Appeal.

In this particular decision, however, to clarify your point, I don't think the issue was on the different definition of a “gift”. It was whether the Aga Khan was subject to the lobbying rules in light of the fact that he is someone who does not get paid and therefore, that was the issue.

I will wait for the decision of the Federal Court of Appeal. I have not started. In my experience as a lawyer, I always await the 30-day appeal period before I start anything. I've always had that practice, so I will await the decision and I will abide by it.

● (1650)

**Hon. Peter Kent:** This is a hypothetical question, but one that is quite simple. Were you to actually launch an investigation, what type of timeline would you expect it to take? Would you start at the beginning or would you narrow it down to the question at hand?

**Ms. Nancy Bélanger:** People who have worked with me would know that I would likely start at the beginning. I would like to personally get to the bottom of the story. However, I would also take advantage of the fact that the facts are out there already, so I will use what is out there to advance it as quickly as possible.

I have also told my team that if and when we start this investigation—it wasn't an investigation, actually; the court has told us to start the review again because it was not at the stage of an investigation—I would likely do a report to Parliament on that, in order for everyone to understand what was my interpretation of the matter.

**Hon. Peter Kent:** With regard to the 15 investigations and the three investigations referred to the RCMP, there is a difference between your office and the Ethics Commissioner's office in terms of announcing investigations or referrals of incidents in the public domain.

Can you tell us anything about the three investigations referred to the RCMP?

**Ms. Nancy Bélanger:** I can't, and I don't confirm and I don't deny exactly for that reason: not to jeopardize any type of investigation that the RCMP will be doing.

It's a weird situation. The way our act is written, if it's an offence, in other words if it's unregistered lobbying or lobbying while prohibited, when I have reasonable grounds to believe that's happened, I have to suspend. I don't finish those investigations. They go to the RCMP. Very often it's possible that I don't even talk to the person who is alleged because it's all about self-incrimination, so I don't go there.

If I do investigations only under the code, those will lead to a report to Parliament, unless I cease them.

**Hon. Peter Kent:** There are two stories in the public domain relating with great probability to your office.

One of the unanswered questions in the SNC-Lavalin scandal is regarding the phone call from the former clerk of the Privy Council, now the chair of SNC-Lavalin, to the then clerk of the Privy Council, which lasted some 10 minutes. Was that, in your mind, and again just on the evidence that is in the public domain already, an offence under the act?

**Ms. Nancy Bélanger:** What's in the public domain probably doesn't include enough information for me to make a finding, and I will leave it at that for that particular file.

**Hon. Peter Kent:** Would it be improper to assume an investigation is under way?

**Ms. Nancy Bélanger:** I can't comment.

**Hon. Peter Kent:** The other case is the matter of a big dollar Liberal fundraising event at which an American citizen with an interest in lobbying the Prime Minister and the infrastructure minister was gifted a ticket to that event, either by a Liberal or by a lobbyist. Many people would think that would justify investigation.

**Ms. Nancy Bélanger:** Again, I can't comment.

**Hon. Peter Kent:** All right.

Coming back to Mr. Erskine-Smith's questions, I wonder if we could talk about merging some of the elements of the office with regard to investigation.

There was the investigation, the Trudeau report, for example, which involved both sides of a situation. Would there have been benefit there in the sharing of information of that fairly extensive and aggressive investigation while it was still being considered by your predecessor?

● (1655)

**Ms. Nancy Bélanger:** Obviously when it's a common issue and it's the flip side of the same issue, it would be interesting to do these interviews at the same time, but right now, we can't even talk to each other. Obviously he makes public that he investigates, so I'm aware of what he's doing—for most, or for some; I don't think he makes everything public—but he doesn't know what I'm seized of.

Interestingly, when the Privacy Commissioner issued a report a few weeks ago with the B.C. commissioner, the first thing I asked was, “How did you do this?” I guess there is a section in their respective legislation that allows them to do investigations jointly. It does exist. There's a precedent for it.

**Hon. Peter Kent:** One final question, would you recommend the same practice be followed in your case?

**Ms. Nancy Bélanger:** Certainly, if that is the will of Parliament, we will abide by that, yes.

**Hon. Peter Kent:** Thank you.

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

Next up for seven minutes is Ms. Mathysen.

**Ms. Irene Mathysen (London—Fanshawe, NDP):** Thank you, Mr. Chair.

Thank you for being here, Commissioner. It's lovely to have a chance to meet you.

I'm going to be following up with some questions, some of which will just be me thinking out loud, if you can't answer, but wherever you can answer, I would truly appreciate it.

Recently, your office issued a report on sponsored travel and unregistered lobbying that could be happening on these trips. I guess Captain Renault from *Casablanca* is one of those situations. At any rate, how would you monitor unregistered lobbying on these trips? How did you find that and how do you respond? Can you tell us?

**Ms. Nancy Bélanger:** The first thing I will clarify is that I did not find that there was some unregistered lobbying that occurred on these trips. This was extremely complex. It had been going on for a number of years, with 19 organizations, going back for a period of seven years.

The investigative team spoke to the heads of each of these organizations. We, as well, confirmed with members of Parliament whether or not lobbying had occurred on these trips. When it did, the organizations filled in their monthly communication report as they should, and when they didn't lobby, well then, they did not put in the monthly communication report.

How do I monitor? We investigate if there is an allegation. Otherwise it is the goodwill of lobbyists to put in their monthly communication report in the registry. And they do. There were 27,500 of them in the past year.

**Ms. Irene Mathysen:** That's a lot to investigate.

**Ms. Nancy Bélanger:** Yes.

**Ms. Irene Mathysen:** I understand your problems in regard to budgeting in that particular term.

The statutory review of the Lobbying Act is years overdue at this point. In your opinion, should Parliament direct this committee to have a review and examine the legislation as soon as possible?

**Ms. Nancy Bélanger:** That again is the will of Parliament to decide if the Lobbying Act needs to be reviewed. It works quite well, I think, although it has some issues that I would like to see resolved. I am prepared and I continue to get prepared to come before you if the review ever starts.

When I came the last time, I had four months under my belt in this position, and now I have about a year and a half. Every day there are situations that come up and I think, "My goodness, I wish that this could possibly be in the law."

As I move along, I adjust the recommendations that I will make if I'm invited to speak on them.

**Ms. Irene Mathysen:** Obviously, it would be a good thing if this committee were to invite you to speak since you have a number of issues that you could provide good, sound recommendations for.

**Ms. Nancy Bélanger:** Absolutely.

**Ms. Irene Mathysen:** Mr. Chair, I hope that that is duly noted. Thank you.

**The Chair:** Yes, got it.

**Ms. Irene Mathysen:** My colleague, Mr. Angus, requested an investigation about SNC-Lavalin's lobbying practices. Are you going to act on that request? When we saw information in that regard we saw numerous lobbying attempts, as it were. Did that raise any red flags with you? Are you able to go ahead on Mr. Angus' request?

**Ms. Nancy Bélanger:** I will repeat what I've said. I can't comment on whether there is an investigation or not.

I do want to reassure the committee that very often when I get letters, I know what's going on already. We're really on top of...we observe what's in the media. We listen to what's going on in the House. We're extremely proactive. We do not sit and wait to see what comes on our desk from members of the public, from members of Parliament or from senators.

That's really all I can comment on that.

• (1700)

**Ms. Irene Mathysen:** Now I'm into the thinking out loud. I'm interested in what you said in regard to the court's ruling on the Aga Khan. It seems to me that in regard to a benefit, the holiday may have been a benefit, but there was also the concern about the Aga Khan Foundation receiving funding. Is there not a benefit then to at least the Aga Khan through his foundation and wouldn't that raise some issues and cause a need to look?

**Ms. Nancy Bélanger:** Again, I think I will wait for the decision of the Court of Appeal to proceed.

What I can say to this committee is that if the decision remains, if the Court of Appeal does not overturn the Federal Court decision, it will mean that, yes, I will look at the matter again. It will also mean that the office will likely require resources, because it will mean that more people will be subject to the legislation. It will also mean that I may have to investigate a lot more files, so there might be some resource implications there.

Again, I will wait to see what the court says and I will abide by it.

**Ms. Irene Mathysen:** Thank you.

Very quickly, you talked about a mental health strategy. It seems to me that obviously, with all of the work your office does, your staff is under stress. I'm interested in the strategy. How are you going to cope with burnout and stress?

**Ms. Nancy Bélanger:** I personally am extremely demanding. I know that and I tell my staff that. But I also give them, every day, a big thank you. In the office I have a champion responsible for mental health. A committee sends us emails and sends us tools. We do activities. We have speakers. We very much accommodate people who we may feel are under stress.

We also do it with humour. I always tell people that we don't do heart surgery. What we do is extremely important. It's important for democracy. We take it extremely seriously. But at the end of the day, their health is primary to me and to them. Then we go about our day, and so far, so good.

**The Chair:** Next up is Mr. Erskine-Smith for seven minutes or less.

**Mr. Nathaniel Erskine-Smith:** I put my questions to the commissioner and I got the answers.

I will just say thanks for being here, and keep up the good work.

**Ms. Nancy Bélanger:** Thank you very much.

**The Chair:** Commissioner, that brings us to the end of our questions.

**Ms. Nancy Bélanger:** That was fast.

**The Chair:** Yes, it did go by fast. You weren't just dreaming; it did go fast.

**Ms. Nancy Bélanger:** Thank you very much.

**The Chair:** Thank you very much.

Before we suspend, we have to vote on the estimates.

OFFICE OF THE COMMISSIONER OF LOBBYING

Vote 1—Program expenditures.....\$4,406,633

(Vote 1 agreed to)

OFFICE OF THE CONFLICT OF INTEREST AND ETHICS COMMISSIONER

Vote 1—Program expenditures.....\$6,355,513

(Vote 1 agreed to)

OFFICE OF THE SENATE ETHICS OFFICER

Vote 1—Program expenditures.....\$1,231,278

(Vote 1 agreed to)

OFFICES OF THE INFORMATION AND PRIVACY COMMISSIONERS OF CANADA

Vote 1—Program expenditures—Office of the Information Commissioner of Canada.....\$10,209,556

Vote 5—Program expenditures—Office of the Privacy Commissioner of Canada.....\$21,968,802

Vote 10—Support for Access to Information—Office of the Information Commissioner of Canada.....\$3,032,615

Vote 15—Protecting the Privacy of Canadians—Office of the Privacy Commissioner of Canada.....\$5,100,000

(Votes 1, 5, 10 and 15 agreed to)

**The Chair:** Shall the chair report the main estimates 2019-20, less the amounts voted in interim supply, to the House?

**Some hon. members:** Agreed.

**The Chair:** Good. I will do that.

We'll now go into committee business.

*[Proceedings continue in camera]*







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