



P.O. Box 821, Stn. B, Ottawa K1P 5P9
Tel: 613-241-5179 Fax: 613-241-4758
Email: info@democracywatch.ca Internet: <http://democracywatch.ca>

A Weak Lapdog Unfit to be Reappointed

Analysis Commissioner of Lobbying Nancy Bélanger's Negligently Weak Enforcement Record from January 2018 to November 2024

(November 14, 2024)

1. Summary of Commissioner Bélanger's Negligently Weak Enforcement Record That Makes Her Unfit for Re-appointment

Commissioner of Lobbying Nancy Bélanger's (Commissioner Bélanger) first seven-year term in office [ends on December 29, 2024](#). Under subsection 4.1 of the *Lobbying Act (Act)*, Commissioner Bélanger may be reappointed by the Cabinet for a second seven-year term after consultation with the party leaders in the House of Commons and the Senate, and a vote of approval in the House and Senate.

The federal Cabinet has nominated Commissioner Bélanger for a second seven-year term, and the so-called House Ethics Committee, and the House, have approved the nomination.

The evidence on the public record shows that Commissioner Bélanger has let off 98% (894 out of 911) of the lobbyists she has caught violating the *Act* or the *Lobbyists' Code of Conduct (Code)*. As well, she gutted key rules in the *Code* in ways that allow for unethical lobbying.

In addition to this negligently weak enforcement record, which is summarized below and detailed in Parts 2-8 further below, Commissioner Bélanger has hid key details of her enforcement is currently violating the *Access to Information Act* by hiding her enforcement records in 9 key cases of violations of the *Lobbying Act*.

CONCLUSION: Senators reject Commissioner Belanger's reappointment

As a result of Commissioner Bélanger's negligently weak enforcement record since January 2018, Senators should not approve Commissioner Bélanger's re-appointment for another 7-year term. By approving Commissioner Bélanger being appointed for a second 7-year term, MPs have shown that they do not care at all about stopping secret, unethical lobbying of federal politicians and public officials. Senators should not join with MPs, but instead should reject Commissioner Bélanger's re-appointment.

(a) Key Facts and Figures re: Commissioner Bélanger's Negligently Weak Enforcement Record from January 2018 to November 2024

The following are the overall key facts and figures re: Commissioner Bélanger's negligently weak enforcement record from January 1, 2018 to November 5, 2024:

1. **In a clear attempt to hide her enforcement record, Commissioner Bélanger stopped updating the detailed Compliance Statistics webpage** first published by former Commissioner of Lobbying Karen Shepherd in 2012 after the House of Commons Standing Committee on Access to Information, Privacy and Ethics requested that she disclose the statistics. Commissioner Bélanger also deleted former Commissioner Sheppard's Compliance Statistics webpage from the Commissioner's website. However, the webpage is thankfully still available from the Internet archive website <https://web.archive.org> – [click here to see it](#).
2. **Commissioner Bélanger has been hiding the following details for most of her enforcement record since she January 2018** because she deleted the Compliance Statistics webpage from her website, and failed to update the statistics in most of her annual reports:
 - a. What the alleged violation was in each case reviewed or investigated;
 - b. When each compliance action began and was concluded, and the specific reason(s) why compliance action was ceased;
 - c. The sanction applied for each violation of the *Lobbying Act* or *Lobbyists' Code* for which a public ruling was not issued.
3. **Commissioner Bélanger has let off 98% (894 out of 911) of the lobbyists she has caught violating the Act or Code** with a secret ruling so the identity of the violating lobbyist was not made public.
4. **The RCMP has so far let off 81% (13 out of 16) of the lobbyists** whose cases Commissioner Bélanger referred to the RCMP because she concluded that the lobbyist had violated the *Act*.
5. **In addition, Commissioner Bélanger and the RCMP are both currently violating the Access to Information Act by hiding their investigation records** in 9 key cases of violations of the *Lobbying Act* that they both let go without any charges or penalties, likely including violations by lobbyists for Facebook, WE Charity, SNC-Lavalin and others that would have embarrassed the Trudeau Liberal Cabinet. [Click here](#) to see details.
6. **As well, Commissioner Bélanger let off two lobbyists who clearly violated the Code** by helping Finance Minister Chrystia Freeland win an election, and serving on her riding association executive, and then lobbying her office and department soon afterwards. [Click here](#) to see details.
7. **Commissioner Bélanger also gutted key rules in the Code in 2023 in ways that allow for rampant unethical lobbying.** [Click here](#) to see details.
8. **Commissioner Bélanger also used her power to grant 67 exemptions** to the (loophole-filled) 5-year prohibition on lobbying after leaving public office.
9. The following table shows the compliance enforcement statistics that are available from Commissioner Bélanger's annual reports and other publicly available evidence (with some estimates included):

Table 1
Summary Statistics of Commissioner of Lobbying Nancy Bélanger's
Negligently Weak Enforcement Record from January 1, 2018 to November 5, 2024

Fiscal Year	Compliance Files	Violations found (Investigation opened)	No violation found	Public ruling of violation after investigation	Referred to RCMP (charge)	Referred Back to Comm.	Ceased (vague reasons in Comm. reports)
2017-2018	~ 1,295	at least 90 (1)	~ 1,290	0 in 2018 (1 in 2017)	2 (1)	?	10
2018-2019	~ 1,502	at least 138 (4)	~ 1,364	0	1	?	13
2019-2020	~ 1,039	at least 126 (5)	~ 913	0	6	?	6
2020-2021	~ 1,246	At least 140 (6)	~ 1,106	0	3	?	4
2021-2022	~ 1,943	At least 239 (0)	~ 1,704	0	1	?	3
2022-2023	~ 1,584	At least 178 (3)	~ 1,406	0	1 (1)	6	5
2023-2024	~ 50	0	~ 50	1	2 (1)	6?	3
Totals	~ 8,659	911	~ 7,833	1	16	12	44

(b) Key Remaining Questions Because of Lack of Clear Information in Commissioner Bélanger's Annual Reports, and from the RCMP

The following are the key overall questions that Commissioner Bélanger's own annual reports do not answer about her negligently weak enforcement record since January 2018, and the questions are also unanswered because Commissioner Bélanger and the RCMP are currently violating the *Access to Information Act* by hiding key records about their enforcement records:

1. Since January 2018, exactly how many times in total has Commissioner Bélanger let a lobbyist off even though they were clearly violating the *Act* or *Code*?
2. What happened to the 12 cases that the Commissioner referred to the RCMP (after she concluded she had reason to believe the *Act* had been violated) that the RCMP referred back to the Commissioner? When were they referred to the RCMP? When did the RCMP start investigating? When did the RCMP complete the investigation? What happened in each investigation? How many were referred back to Commissioner Bélanger? What did Commissioner Bélanger do with each case referred back to her? When did she do each step in dealing with those cases? Has she made a final decision in each case about finding the lobbyist guilty of violating the *Code* (because violating the spirit of the *Act* is a violation of the *Code*)?
3. What is happening with the 4 cases referred to the RCMP by Commissioner Bélanger after she concluded she had reason to believe the *Act* had been violated? When were they referred to the RCMP? When did the RCMP start investigating? When will the RCMP complete each investigation?

(c) Key Overall Details re: Commissioner Bélanger’s Negligently Weak Enforcement Record from January 2018 to November 2024

When testifying before the House of Commons Standing Committee on Access to Information, Privacy and Ethics (“Ethics Committee”) on November 5, 2024, Commissioner Bélanger stated that, since taking office for her first term on January 1, 2018:

- She opened almost 170 compliance files.
- Out of the 170 files, only 25-30 preliminary assessments led to “full-blown investigations” into whether the *Act* or *Code* had been violated.
- She referred 16 investigations to the RCMP after concluding that there was a reasonable belief that the *Act* had been violated.
- The RCMP was still investigating 4 of those cases – but she did not say what happened with the other 12 cases.

According to information provided in Commissioner Bélanger’s 7 annual reports from 2018 to 2024, summarized below in Parts 2 to 8, and according to other information available on the public record, the following conclusions can be reached that answer some of the above questions, as follows:

1. According to [another media article](#) in spring 2023, a lobbyist was charged and prosecuted for violating the *Act*. According to a [statement issued by the RCMP in March 2024](#) (after an investigation prompted by [a media article](#)), another lobbyist was charged and prosecuted for violating the *Act*. It is reasonable to conclude that these are 2 cases out of the 12 cases referred by Commissioner Bélanger to the RCMP.

According to Commissioner Belanger’s testimony before the Ethics Committee on April 16, 2024, she had referred 15 cases to the RCMP as of that date, and the RCMP had returned 9 cases back to her, and the RCMP was still investigating 4 of the other cases.

<https://democracywatch.ca/commissioner-of-lobbying-hiding-rulings-on-nine-violations-by-lobbyists-after-ramp-let-lobbyists-off-the-hook/>

All of this means, as of November 5, 2024, it remains unclear what happened with a total of 12 cases referred to the RCMP.

There are several questions raised by Commissioner Bélanger's testimony before the Ethics Committee in April and November 2024, and only some of the answers are available in Commissioner Bélanger's 7 annual reports from 2018 to 2024. The questions are:

1. Why did Commissioner Bélanger not mention to the Ethics Committee that, through annual audits of hundreds of registrations, and thousands of communications in the Registry of Lobbyists, her office actually found 894 other violations of the *Act* and *Code* that she let off in secret?
2. Out of these 894 violations, how many warranted opening a preliminary assessment file?
3. What happened to the other 140-145 preliminary assessment files opened by Commissioner Bélanger?
4. Were Commissioner Bélanger's decisions to open only 25-30 investigations out of the 170 files reasonable, correct and justifiable or should more full investigations been undertaken?
5. What happened to the other 12 cases referred by Commissioner Bélanger to the RCMP after she concluded she had reason to believe the *Act* had been violated? When were they referred to the RCMP? When did the RCMP start investigating? When did the RCMP complete the investigation? What happened in each investigation? How many were referred back to Commissioner Bélanger? What did Commissioner Bélanger do with each case referred back to her? When did she do each step when dealing with those cases? Has she made a final decision in each case about finding the lobbyist guilty of violating the *Code* (because violating the spirit of the *Act* is a violation of the *Code*)?
6. What is happening with the 4 cases referred to the RCMP by Commissioner Bélanger after she concluded she had reason to believe the *Act* had been violated? When were they referred to the RCMP? When did the RCMP start investigating? When will the RCMP complete the investigation?

2. Excerpts from the “Compliance and Enforcement” section of the Commissioner of Lobbying’s [2017-2018 Annual Report](#)

(Karen Shepherd Commissioner from April 1, 2017 to December 31, 2018; Nancy Bélanger Commissioner from January 1, 2018 to March 31, 2018)

Administrative review files completed

Table 7 - Outcome of administrative review files closed in 2017-18

Administrative files closed, by outcome	Number Closed
Unfounded – no registrable communication	4
Unfounded – no meetings arranged	1
Unfounded – no improper influence	3
Unfounded – activity not performed for payment	1
Unfounded – not a significant part of duties	1
Unfounded – accurate information in registration	1
Unfounded – registered as required	1
Subtotal unfounded	12
Founded – education and monitoring	4
Founded – investigation opened	1
Subtotal founded	5
Ceased – Various reasons under subsection 10.4(1.1)	10
Total number of administrative review files closed in 2017-18	27

Investigations opened following an administrative review
1

Administrative reviews converted to investigations
35

Referrals to a peace officer in 2017-18
2

In September 2017, following the conviction of Mr. James Carroll for failing to register an undertaking to perform consultant lobbying on behalf of a client, then Commissioner Karen E. Shepherd prohibited him from engaging in registrable lobbying activity at the federal level for a period of nine months beginning July 26, 2017.

Compliance verifications

The following compliance verification activities were performed by the OCL in 2017-18:

- 1,112 monthly communication report verifications – to check the accuracy of the information submitted by lobbyists in monthly communication reports;
- 86 compliance assessments – to verify whether registrants who have been advised of a breach have become compliant with the Act during the subsequent 12 months;
- 94 compliance analyses – to review and compare information in the Registry with other sources to verify that it is complete and accurate; and
- 44 advisory letters sent following media monitoring – to monitor media reports, identify individuals, organizations, and corporations that may be lobbying, and verify their registration status.

Key Unanswered Questions in 2017-2018 Annual Report:

1. Did Commissioner Bélanger let off 4 lobbyists with only education and monitoring, or was it Commissioner Shepherd, or both (and if so, how many each)?
2. Why did Commissioner Shepherd or Commissioner Bélanger cease 10 investigations, and how many did each cease?
3. How many of the 1,112 communication reports audited were inaccurate? How many lobbyists in total were let off in secret by Commissioner Shepherd or Commissioner Bélanger even though they had filed an inaccurate report (which is a violation of both the *Act* and the *Code*)?
4. How many of the 86 lobbyists who violated the *Act*, but were let off and then monitored in 2017-2018 to ensure they were now complying with the *Act*, were still violating the *Act* and were let off in secret a second time by either Commissioner Shepherd or did Commissioner Bélanger, and how many did each let off in secret?
5. How many of the lobbyists who were subject to one of the 94 compliance analyses were still violating the *Act* by failing to register their lobbying accurately? How many did Commissioner Shepherd or did Commissioner Bélanger each let off in secret?
6. How many of the 44 lobbyists sent advisory letters after media monitoring were in violation of the *Act*? How many did Commissioner Shepherd or did Commissioner Bélanger each let off in secret?

3. Excerpts from the “Ensuring Compliance ” section of the Commissioner of Lobbying’s [2018-2019 Annual Report](#)

Targeted and proactive measures

Compliance verifications

To promote compliance with the Act, the Office conducts verifications of corporations and organizations that are, or may be, engaged in lobbying activities. In some cases, when they are not registered and may not be aware of the requirements of the Act, the Office sends advisory letters explaining the

obligations under the *Lobbying Act*. In other cases, corporations and organizations may be asked to correct or clarify inaccuracies in their registrations. In all cases, they are asked to confirm that they are compliant. This past year, 46 of these types of advisory letters were sent.

In addition, this past year, a targeted compliance analysis of the cannabis industry was conducted which involved a verification of 200 corporations and organizations. This led to 6 advisory letters being sent. One corporation registered, another was no longer in operation, and the remaining four did not meet the requirements for registration under the *Lobbying Act*.

Verifying accuracy of monthly communication reports

Each month, the Office takes a sample of new communication reports in the Registry and confirms with the listed designated public office holders that the information is correct. In 2018-19, the Office verified 1,256 communication reports. The majority (89.8%) of verified communication reports were confirmed to be accurate.

A small portion (2.9%) were "over reported", meaning that the report did not need to be submitted because there was no communication, the communication was not oral and arranged, or it was a duplicate entry.

Another portion (7.25%) were found to contain errors.

Investigations

Numbers at a glance

The Office completed 21 preliminary assessments. In 17 of these, the Commissioner determined that no further action was required and the preliminary assessment was closed. The reasons for closure included: the organization was strictly volunteer based, the practice that was under assessment had ceased, no communication report was required, or information in the registration was correct. Four (4) other preliminary assessments led to investigations.

In addition, the Commissioner ceased 13 investigations. The reasons for ceasing included: the practice under investigation had stopped, the communication was a request for information and therefore not lobbying, the Code did not apply because the person was not engaged in lobbying, and the information in the Registry was accurate.

1 referral to a peace officer in 2018-19

1 referral to a peace officer in early 2019-20

1 post-conviction lobbying prohibition applied by the Commissioner in 2018-19

Key Unanswered Questions in 2018-2019 Annual Report:

1. How many of the 46 lobbyists sent advisory letters after media monitoring were found to be in violation of the *Act*? How many did Commissioner Bélanger each let off in secret?
2. Why did Commissioner Bélanger let off in secret the lobbyists behind the 7.25% of communication reports that were inaccurate (91 out of 1,256

reports audited), given that filing an inaccurate communication report is a violation of the *Act*?

3. Of the 17 preliminary assessments that were closed, how many people violated the law but were let off in secret by Commissioner Bélanger because “the practice that was under assessment had ceased”?
4. Of the 13 investigations that were ceased, how many people violated the law but were let off in secret by Commissioner Bélanger because “the practice under investigation had stopped”?

4. Excerpts from the “Ensuring Compliance” section of the Commissioner of Lobbying’s [2019-2020 Annual Report](#)

Compliance activities

The team conducted 160 compliance activities in 2019-20, including referrals to the RCMP, investigations, preliminary assessments, compliance assessments and advisory letters, with 140 (87.5%) commenced as a result of monitoring by the Office.

As of March 2020, the Office had 32 investigation-related files open: eight suspended after referral to the RCMP, 14 preliminary assessments, and 10 ongoing investigations. Some of these files were carried over from previous years.

Compliance activities by the numbers for 2019-20

Activity		Total
Preliminary assessments initiated	<ul style="list-style-type: none"> • 10 due to external allegations • 5 resulting from internal activities 	15
Cases closed at the preliminary assessment stage		11
Investigations initiated		5
Investigations ceased		6
Investigations completed	<ul style="list-style-type: none"> • 19 – sponsored travel • 2 – in-house lobbyists 	21
Reports on Investigation	<ul style="list-style-type: none"> • Benjamin Bergen, Council of Canadian Innovators (March 2020) • Dana O’Born, Council of Canadian Innovators (March 2020) • Sponsored travel provided by lobbyists (April 2019) 	3
Files sent to the RCMP		6
Compliance assessments		109
Advisory letters		30

Verifications of monthly communication reports

In order to ensure the timely and accurate reporting by lobbyists as required by the *Lobbying Act*, the Office extracts a sample (5%) of new communication reports filed in the Registry of Lobbyists every month and asks the designated public office holders listed in them to confirm that the information submitted in the reports is complete and correct.

Verification outcomes

Accurate	777 (88.40%)
Inaccurate	76 (8.65%)
Includes a designated public office holder who did not participate	22 (2.50%)
Communication was not oral and arranged	2 (0.23%)
Designated public office holder unable to confirm	2 (0.23%)
Total	879

Key Unanswered Questions in the 2019-2020 Annual Report:

1. Why did Commissioner Bélanger close the 11 cases closed at the preliminary stage?
2. Why did Commissioner Bélanger cease the 6 investigations?
3. How many of the lobbyists who were subject to one of the 109 compliance assessments were still violating the *Act* by failing to register their lobbying accurately? How many did Commissioner Bélanger let off in secret?
4. How many of the 30 lobbyists sent advisory letters after media monitoring were violating the *Act*? How many did Commissioner Bélanger let off in secret?
5. Why did Commissioner Bélanger let off in secret the lobbyists who filed 90 inaccurate communication reports, given filing an inaccurate report is a violation of the *Act* and the *Code*?

5. Excerpts from the “Ensuring Compliance” section of the Commissioner of Lobbying’s [2020-2021 Annual Report](#)

Compliance activities

The Compliance Directorate conducted a total of 135 activities related to the enforcement of the *Lobbying Act* and the Lobbyists' Code of Conduct in 2020-21.

Compliance Directorate initiated 28 preliminary assessments in 2020-21, with 40% of these commencing as a result of monitoring by the Office. This almost doubled the number of preliminary assessments from the previous fiscal year when the Office initiated a total of 15. Six preliminary assessments proceeded to the investigation stage, while twelve were closed.

As of March 31, 2021, the Office had 39 investigation-related files open: 10 suspended after referral to the RCMP, 24 ongoing preliminary assessments, and 5 ongoing investigations. Some of these files were carried over from previous years.

Compliance Directorate initiated 28 preliminary assessments in 2020-21, with 40% of these commencing as a result of monitoring by the Office. This almost doubled the number of preliminary assessments from the previous fiscal year when the Office initiated a total of 15. Six preliminary assessments proceeded to the investigation stage, while twelve were closed.

As of March 31, 2021, the Office had 39 investigation-related files open: 10 suspended after referral to the RCMP, 24 ongoing preliminary assessments, and 5 ongoing investigations. Some of these files were carried over from previous years.

Compliance activities by the numbers for 2020-21

Activity		Total
Preliminary assessments initiated	<ul style="list-style-type: none"> • 17 due to external allegations • 11 resulting from internal monitoring 	28
Cases closed at the preliminary assessment stage as an investigation was not necessary to ensure compliance with the <i>Lobbying Act</i>	<ul style="list-style-type: none"> • 6 registration/reporting not required • 2 lobbyists accurately registered/reported as required • 1 no jurisdiction to investigate • 1 registration error corrected • 1 insufficient evidence in anonymous referral • 1 following a Supreme Court of Canada decision 	12
Investigations initiated		6
Investigations ceased		4
Report on Investigation	Five-year prohibition, David MacNaughton, Palantir Canada (March 2021)	1
Files sent to the RCMP		3
Compliance assessments		72
Advisory letters		26

Monthly communication report verification

To ensure that monthly communication reports are accurate and complete, the Office verifies a 5% sample of all reports submitted every month with the designated public office holders mentioned in them. The *Lobbying Act* requires designated public office holders to participate in this verification.

The Office uses a completely digital verification process that allows designated public office holders to verify the reports quickly and easily from their desks – or even their kitchen tables.

The Office verified 1,250 monthly communication reports in 2020-21, up 42.2% from 879 in the previous fiscal year. The average in 2020-21 was 104 verifications per month. In previous years, the usual average of monthly communications reports verified fell somewhere between 50 and 70 per month.

Accurate	1,111
Inaccurate	87
Did not communicate	47
Not a registrable communication	1
Unable to verify	4

Key Unanswered Questions in 2020-2021 Annual Report

1. The Commissioner initiated 28 preliminary assessments. The summary statement in the report excerpted above says “Six preliminary assessments proceeded to the investigation stage, while twelve were closed” – for a total of 18. What happened to the other 10 files? The chart excerpted above says 1 report was issued and 3 files were sent to the RCMP, so including those 4 the total goes up to 22. That still leaves the question of what happened to the other 6 files?
2. How many of the lobbyists who were subject to one of the 72 compliance assessments were still violating the *Act* by failing to register their lobbying accurately? How many did Commissioner Bélanger let off in secret?
3. How many of the 36 lobbyists sent advisory letters after media monitoring were violating the *Act*? How many did Commissioner Bélanger let off in secret?
4. What Supreme Court of Canada decision provided the reason for the Commissioner to close a preliminary assessment of a case?
5. Why did Commissioner Bélanger let off in secret the lobbyists who filed 134 inaccurate communication reports, given filing an inaccurate report is a violation of the *Act* and the *Code*?

6. Excerpts from the “Ensuring Compliance” section of the Commissioner of Lobbying’s [2021-2022 Annual Report](#)

Compliance Directorate

The Compliance Directorate began 2021-22 with 24 ongoing files at the preliminary assessment stage of an investigation and initiated 22 during the year. Fourteen files were closed at the preliminary assessment stage and 1 investigation was pursued. At the beginning of this financial exercise, the Office carried forward 5 investigations from previous years. During the year, they were

all finalized as indicated in the box below, including 1 where the Commissioner referred the matter to the Royal Canadian Mounted Police as she had reasonable grounds to believe an offense occurred under the *Lobbying Act*. As of March 31, 2022, 31 files were at the preliminary assessment stage while 1 was an ongoing investigation.

In addition to investigation efforts, the Office initiates compliance assessments to address late filings of registrations and late reporting of monthly communications. Follow-ups are conducted after one year of regular monitoring to ensure continued compliance. The number of compliance assessments increased from 72 in 2020-21 to 90 in 2021-22.

Compliance statistics

Investigation activities	Description	Total
Preliminary assessments initiated	<ul style="list-style-type: none"> 8 from external referrals 14 from internal activities 	22
Cases closed at the preliminary assessment stage	<ul style="list-style-type: none"> 7 no evidence of registrable lobbying 3 no evidence that 5-year prohibition contravened 2 registration/reporting not required 1 insufficient evidence of a breach under the Lobbyists' Code of Conduct 1 no jurisdiction to investigate 	14
Active investigations		1
Investigations ceased		3
Investigation reports tabled	<ul style="list-style-type: none"> Mark Aldridge, president & CEO, MCAP Commercial LP 1 file referred to the RCMP in 2021-22 	1
Suspended files	<ul style="list-style-type: none"> 10 suspended files from previous years 	11

Communication report verification

In past years, the Office verified the accuracy and completeness of a 5% sampling of all communication reports submitted by lobbyists each month. In September 2021, the Office launched a six-month pilot project and increased the sampling of monthly communication reports verifications to 10%.

The goal of this pilot project was to determine if the proportion of accurate monthly communication reports would differ by increasing the sampling size. No significant difference was noticed in the accuracy rate. The Office decided to end the pilot project in March 2022 to focus on other compliance activities.

Accurate: 1,559

Inaccurate: 169

Did not communicate: 70
Unable to verify: 15
Total: 1,813

Key Unanswered Questions in the 2021-2022 Annual Report

1. The Commissioner initiated 22 preliminary assessments. The summary statement in the report excerpted above says “Fourteen files were closed at the preliminary assessment stage and 1 investigation was pursued” – for a total of 15. What happened to the other 7 files? The chart excerpted above says 1 file was sent to the RCMP, so including that the total goes up to 16. Even if that file sent to the RCMP was one of the preliminary assessment files, that still leaves the question of what happened to the other 6 files?
2. How many of the lobbyists who were subject to one of the 72 compliance assessments were still violating the *Act* by failing to register their lobbying accurately? How many did Commissioner Bélanger let off in secret?
3. Why did Commissioner Bélanger let off in secret the lobbyists who filed 239 inaccurate communication reports, given filing an inaccurate report is a violation of the *Act* and the *Code*?

7. Excerpts from the “Ensuring Compliance” section of the Commissioner of Lobbying’s [2022-2023 Annual Report](#)

Compliance Directorate

The Compliance Directorate ensures that registrants, lobbyists, and former designated public office holders meet their obligations by conducting activities to enforce the *Lobbying Act* and the *Lobbyists’ Code of Conduct*.

The Compliance Directorate began 2022-23 with 31 files at the preliminary assessment stage of an investigation and 1 investigation. Thirty (30) preliminary assessments were initiated during the year, an increase of 27% over 2021-22. A total of 27 files were closed at the preliminary assessment stage while 3 investigations were pursued.

During the year, the Commissioner referred 1 investigation to the Royal Canadian Mounted Police (RCMP) as she had reasonable grounds to believe an offense occurred under the *Lobbying Act*.

When the Commissioner refers a file to the RCMP, she must suspend her investigation. If the referral does not result in a charge or conviction, the Commissioner may decide to cease the investigation or continue to investigate and report to Parliament. Following the RCMP’s decision not to pursue 6 referrals, the Commissioner ceased 5 of those investigations as there was no compliance rationale to continue them due to changes in circumstances and the amount of time passed since the underlying events took place. As of March 31st, 2023, no decision had been made with respect to the sixth referred

investigation returned to the Office. At the end of March 2023, 31 files were at the preliminary assessment stage while 4 were ongoing investigations. In addition to investigation efforts, the Office conducts compliance assessments to address the late filing of registrations and communication reports. Regular monitoring is conducted for a period of 1 year to ensure continued compliance. In 2022-23, we monitored 44 lobbyists.

Compliance statistics

Investigation activities	Description	Total
Preliminary assessments initiated	<ul style="list-style-type: none"> 17 from external referrals 13 from internal activities 	30
Cases closed at the preliminary assessment stage	<ul style="list-style-type: none"> 16 no evidence of registrable lobbying or reporting required 6 no evidence that significant part of duties was met 2 no evidence of a breach under the <i>Lobbyists' Code of Conduct</i> 3 no jurisdiction to investigate 	27
Investigations ceased		5
Investigations referred to the RCMP in 2022-23		1
Cases as of March 31, 2023	<ul style="list-style-type: none"> 31 preliminary assessments 4 investigations 	35

Charge laid under the *Lobbying Act*

On September 8, 2022, the RCMP formally charged Andrew Burns under [section 14\(1\) of the Lobbying Act](#) resulting from unregistered lobbying activities he allegedly conducted on behalf of Marine Land Canada Inc., in relation to Bill S-203. This charge follows a referral by the Commissioner of Lobbying in late 2018.

When the Commissioner has reason to believe that an offence has been committed under the *Lobbying Act*, she must suspend her investigation and refer the matter to a peace officer such as the RCMP, which then conducts its own investigation.

Communication report verification

To ensure accurate reporting by lobbyists, the Office extracts a sample (5%) of new communication reports filed in the Registry of Lobbyists every month and asks the designated public office holders named in them to confirm whether the information submitted in the reports is complete and accurate.

By the end of 2022-23, designated public office holders named in 1,510 communication reports reviewed the information and confirmed that 1,329 reports or 88% were complete and accurate.

The noticeable difference in the total number of verified communication reports between this fiscal year (1,510) and the previous one (1,813) is explained by a 6-month pilot project undertaken in 2021-22 which saw the sampling size

increase to 10%. As there was no significant impact on the compliance rate, the pilot was abandoned that same year to focus on other compliance activities.

Accurate: 1,329
Inaccurate: 128
Did not communicate: 50
Unable to verify: 3
Total: 1,510

Key Unanswered Questions in the 2022-2023 Annual Report

1. How many of the lobbyists who were subject to one of the 44 compliance assessments were still violating the *Act* by failing to register their lobbying accurately? How many did Commissioner Bélanger let off in secret?
2. Why did Commissioner Bélanger let off in secret the lobbyists who filed 178 inaccurate communication reports, given filing an inaccurate report is a violation of the *Act* and the *Code*?

8. Excerpts from the “Ensuring Compliance” section of the Commissioner of Lobbying’s [2023-2024 Annual Report](#)

Compliance

The Compliance Directorate ensures that registrants, lobbyists, and former designated public office holders meet their obligations by conducting a variety of activities to enforce the *Lobbying Act* and the *Lobbyists’ Code of Conduct*. In addition to 37 compliance files carried over from the previous year, which included 4 ongoing investigations, the Office initiated 16 preliminary assessments during the 2023-24 fiscal year. The Commissioner closed 14 files at the preliminary assessment stage and opened 2 investigations.

During the year, the Commissioner referred 2 investigations to the Royal Canadian Mounted Police (RCMP) as she had reasonable grounds to believe an offense occurred under the *Lobbying Act*. When the Commissioner refers a file to the RCMP, she must suspend her investigation.

In 2023-24, the RCMP laid charges in one case that was referred by the Commissioner and returned 1 file without laying charges. As of March 31, 2024, the Commissioner had ceased 3 investigations, one of which was the file regarding Andrew Burns, due to the disposition of the matter.

On March 31, 2024, there were 32 files at the preliminary assessment stage, 1 ongoing investigation and 6 suspended files. Early in April 2024, the Commissioner ceased 2 additional files, leaving 4 files suspended, one of which was suspended pursuant to subsection 10.4(8) of the *Lobbying Act* because the Commissioner became aware of an ongoing parallel investigation on the same subject matter.

In addition to investigation efforts, the Office conducts compliance assessments to address late filings of registrations and late filings of communication reports. Regular monitoring is conducted for a period of 1 year to ensure continued compliance. In 2023-24, 26 lobbyists were monitored.

Further to the coming into force of the updated *Lobbyists' Code of Conduct*, the Office also sent 8 letters to registered lobbyists to ensure compliance with the hospitality rules of the updated Code.

Compliance statistics

Investigation activities	Description	Total
Preliminary assessments initiated	<ul style="list-style-type: none"> 8 from external referrals 8 from internal monitoring 6 no evidence of registrable lobbying 2 insufficient evidence that significant part of duties was met 	16
Cases closed at the preliminary assessment stage	<ul style="list-style-type: none"> 4 no evidence of missing or incorrect information in a registration 1 investigation not necessary to ensure compliance under the <i>Lobbyists' Code of Conduct</i> 1 combined with another ongoing preliminary assessment 	14
Investigations ceased		3
Investigations referred to the RCMP in 2023-24		2
Cases as of March 31, 2024	<ul style="list-style-type: none"> 32 at the preliminary assessment stage 1 ongoing investigation 	33
Investigation reports tabled	<ul style="list-style-type: none"> Investigation report – Dan Lovell 	1

Key Unanswered Questions in the 2023-2024 Annual Report

1. How many of the lobbyists who were subject to one of the 26 compliance assessments were still violating the *Act* by failing to register their lobbying accurately? How many did Commissioner Bélanger let off in secret?
2. Why did Commissioner Bélanger cease the 2 investigations other than the investigation into Andrew Burns (who was charged, signed a peace bond, and then was let off by the RCMP)?
3. Why didn't Commissioner Bélanger find Andrew Burns in violation of the *Code*, given that not complying with the spirit of the *Act* was, at the time, a violation of the *Code*?
4. Why did Commissioner Bélanger stop auditing communication reports, given filing an inaccurate report is a violation of the *Act* and the *Code*?