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Suggested Witnesses, and Key Questions for these Witnesses, for the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (March 23, 2024)

The following list of witnesses, and list of key questions Democracy Watch proposes to ask each witness, is suggested to the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (“Foreign Interference Commission”), Commissioner Justice Marie-Josée Hogue, Commission Counsel, the Commission’s Research Council and Senior Policy Advisers and staff, to ensure that it is made clear during its Stage 1 Factual Phase that there are significant gaps in several federal laws that make it legal to secretly and unethically interfere in Canadian politics, especially given that enforcement of many of the laws is not effective, let alone completely effective.

The answer to all the “Is it true...” questions listed below is “Yes that is true”. While this means the answers to those questions are already known, the witnesses listed below must be called to testify to answer the “Is it true...” questions so that the record of the Factual Phase contains the answers to these questions concerning the gaps in several federal laws.

The gaps mean these foreign interference activities are unregulated, and most can be conducted in secret. No government agency or official has any power to track, monitor, investigate, prosecute or penalize many unethical and undemocratic foreign interference activities that are allowed to be done in secret.

As a result, it is, in fact, impossible to determine the extent and effects of foreign interference and influence activities during the 2019 and 2021 federal elections. It is also impossible to determine the extent and effects of such activities before those elections, between them, and since, and will remain impossible as long as the gaps in the laws exist and enforcement remains ineffective.

Detailed information concerning the answers to all the “Is it true...” questions listed below in sections 5-8 can be found in Chapters 3 and 4 of the PhD thesis of Democracy Watch’s Co-founder Duff Conacher. [Click here](#) to go to the University of Ottawa’s uO Research site where the thesis can be downloaded in PDF format. [Click here](#) to see a summary of the gaps in federal laws.

1. Canada Border Services Agency (CBSA)

- a) Is it true that a diplomat from another country can bring any amount of cash into Canada without being inspected?
- b) If someone other than a diplomat crosses the border into Canada, what is threshold in terms of the dollar value that triggers the legal requirement that the person disclose the amount of cash they are carrying with them?
- c) What is CBSA's estimate of the number of times annually that people illegally bring cash into Canada above the required disclosure amount without disclosing it?

2. Financial Transactions and Reports Analysis Centre of Canada (FINTRAC)

- a) Is it true that non-residents and non-citizens of Canada can open multiple financial institution accounts in Canada?
- b) Is it true that a diplomat from another country could distribute an unlimited amount of cash to anyone in Canada without being traced by a financial institution or FINTRAC?
- c) Is it true that a non-resident or non-citizen of Canada could withdraw from a financial institution and distribute any amount less than \$10,000 without being reported by a financial institution to FINTRAC?
- d) How many transactions of amounts of less than \$10,000 could a non-resident or non-citizen do at any one financial institution before the institution would be required to flag the transactions as suspicious and report them to FINTRAC?
- e) In its definition of a "suspicious pattern" of transactions, does FINTRAC's system track and take into account the total number of transactions by a non-resident, non-citizen or citizen of Canada if the person uses multiple financial institution accounts for the transactions?
- f) What is FINTRAC's estimate of the number of illegal money transactions that are being caught by financial institutions (including money services businesses) that operate in Canada annually compared to the total number of illegal transactions that are occurring?
- g) What is FINTRAC'S estimate of the number illegal money transactions that are being caught by Canada's financial institutions (including money services businesses) and reported to FINTRAC annually compared to the total number of illegal transactions that are being caught by those institutions? In other words, what is FINTRAC's estimate of the number of transactions that financial institutions are failing to report?
- h) What is FINTRAC'S estimate of the number illegal money transactions that are being caught by Canada's real estate industry and reported to FINTRAC annually compared to the total number of illegal transactions that are being caught by the industry? In other words, what is FINTRAC's estimate of the number of transactions that real estate agencies and companies are failing to report?

- i) What is FINTRAC's estimate of the number illegal money transactions that are being caught by other institutions required to report transactions and reported to FINTRAC annually compared to the total number of illegal transactions that are being caught by those institutions? In other words, what is FINTRAC's estimate of the number of transactions that these other institutions are failing to report?
- j) Of the total number of illegal money transactions reported to FINTRAC annually, how many does FINTRAC refer to law enforcement agencies?
- k) Of the total number of illegal money transactions referred by FINTRAC to law enforcement agencies annually, how many are prosecuted, and how many result in convictions?
- l) How many unannounced inspections/audits of Canadian financial institutions (including money services businesses) does FINTRAC conduct annually?
- m) Of the total number of financial institutions FINTRAC finds annually operating illegally in some way, how many does FINTRAC penalize?
- n) Of the total number of financial institutions penalized by FINTRAC, how many of the penalties are equal to or higher than the amount of revenue the institution made through the illegal operation?
- o) Is it true that lawyers are exempt, under the [Proceeds of Crime \(Money Laundering\) and Terrorist Financing Act \(PCMLTFA\)](#), from the requirement to report their clients' suspicious transactions to FINTRAC?
- p) Is it true that, under section 43 of the *PCMLTFA*, the Director of FINTRAC is appointed by the ruling political party federal Cabinet alone (no consultation with the opposition parties is required, nor is an independent, merit-based search for qualified candidates required)?
- q) Is it true that, under sections 42-43 of the *PCMLTFA*, the Director of FINTRAC serves at the pleasure of the ruling party Cabinet (i.e. they can be fired by the Cabinet at any time for any reason) and the Minister of Public Safety and Emergency Preparedness can control the direction of FINTRAC?

3. RCMP Commissioner or RCMP representative(s)

- a) Do you have an anti-foreign interference division?
- b) How many officers work full-time in that division, and how many part-time?
- c) Given attempting to corrupt Canadian politicians is a main form of foreign interference, do you have an anti-Canadian-public-sector corruption division?
- d) How many officers work full-time in that division, and how many part-time?
- e) How many complaints about foreign interference does the RCMP receive each year, and what are the totals over the past 10 years, broken down by number of complaints about interference in nomination contests, elections, by-elections or political party leadership contests, complaints about harassment or threats to members of the diaspora of any country, and other types of complaints?
- f) How many investigations into complaints about foreign interference does the RCMP complete each year, by type of interference?
- g) How many people have been prosecuted in the past 10 years for foreign interference, by type of interference? How many have been convicted?

- h) How many complaints about Canadian public-sector corruption do you receive each year, and what are the totals over the past 10 years, broken down by types of corruption?
- i) How many investigations into complaints about Canadian public-sector corruption does the RCMP complete each year?
- j) How many people have been prosecuted in the past 10 years for public- sector corruption, by type of corruption?
- k) Is it true that, under Canadian laws, it is unclear when a person elected in a federal election becomes an “official” as defined in section 118 of the *Criminal Code* (the section that defines “official” as it applies in the anti-bribery and anti-corruption provisions in sections 119-125 of the *Code*)?
- l) Is it true that under subsections 5(1), 6(3) and 6.1(1) of the [RCMP Act](#), the RCMP Commissioner and Deputy Commissioner and the Commanding Officer of each Division of the RCMP are all appointed by the ruling political party federal Cabinet alone (no consultation with the opposition parties is required, nor is an independent, merit-based search for qualified candidates required)?
- m) Is it true that under subsections 5(1), 6(3) and 6.1(1) of the *RCMP Act* the RCMP Commissioner and Deputy Commissioner and the Commanding Officer of each Division of the RCMP all serve at the pleasure of the ruling party Cabinet (i.e. they can be fired by the Cabinet at any time for any reason)?
- n) Is it true that several police forces across Canada do fundraising for their foundations or other causes they support, and anyone (including foreign agents) could donate (for example [to the Toronto Police Service](#)), and that the police forces give top donors special access to their chief, such as at the [Toronto Police Chief's annual gala](#)?
- o) Is it true that several police officer associations across Canada also raise funds from the public, such as the [National Police Federation](#) and the [Ontario Police Officers' Association](#), and that anyone (including agents of foreign governments and entities) can donate?
- p) Is it true that the RCMP sells promotional products through [The Mountie Shop](#) and [Gadar Promotions](#)? Where does revenue from that Shop go? What companies supply the shop, and are any of them foreign companies or foreign companies that operate in Canada?

4. Critical Election Incident Protocol Panel representative(s)

- a) Is it true that the members of the Critical Election Incident Protocol Panel were all chosen by, and serve at the pleasure of, the Prime Minister and the federal Cabinet?
- b) Is it true that the Trudeau Liberals' Cabinet Directive for the Protocol has the following measures?
 - i. The Protocol is not legally binding on the Panel, and there are no penalties if the Panel violates any part of the Protocol;
 - ii. The section 6.0 process sets as the threshold for informing the public of interference that the interference essentially must threaten the ability of the entire national election to be free and fair;

- iii. Even if the Panel decides (by consensus) that the interference meets the threshold, the section 5.0 process does not set any deadline by which the Panel is required to inform anyone of the interference;
- iv. The section 9.0 Assessment also does not set any deadline by which a so-called “independent” report is required to be released about the effectiveness of the Protocol at “addressing threats” during the previous election.
- v. The section 9.0 Assessment is done by whomever the ruling party Cabinet chooses, so the assessor is not independent in any way

5. Commissioner of Canada Elections (CCE) and Chief Electoral Officer (CEO) of Elections Canada

i. Rules and enforcement for federal nomination contests

- a) Is it true that the federal [Canada Elections Act](#) (S.C. 2000, c. 9) (*CEA*) does not contain any regulations concerning nomination contests other than concerning the registration of contestants, contributions and loans to contestants, a spending limit, and disclosure of contributions and loans and filing an audited financial statement by contestants a few months after the contest?
- b) Is it true that, other than the regulations in the *CEA* summarized above, federal political parties and electoral district associations (EDAs) run federal nomination contests according to whatever rules they decide to use for the contests?
- c) Is it true that, other than the regulations in the *CEA* summarized above, federal political parties and electoral district associations (EDAs) enforce their own rules for federal nomination contests according to whatever enforcement process they decide to use?
- d) Is it true that the *CEA* does not regulate any of the activities (other than contributions or loans of money, property, use of property or services made directly to contestants) of individuals, business, unions or other types of organizations (known as “third parties”) aimed at influencing federal nomination contests?
- e) Is it true that a foreign-government or foreign-business or entity-funded third party could spend an unlimited amount of money in secret on third-party activities in support of a federal nomination contestant, without being required to disclose under the *CEA* or any other federal law the source of the money or how or on what the money was spent?
- f) Is it true that, under the *CEA*, a foreign-government or foreign-business or entity-funded third party, including lobbyists and lobby groups, are allowed to collude with a federal nomination contestant in secret?
- g) Is it true that there is no provision in the *CEA* that prohibits non-citizens or non-residents from voting in a federal nomination contest?
- h) Is it true that, under the *CEA*, nomination contestants choose their own financial agent and auditor and that only the auditor’s financial statement is disclosed to the CEO, not detailed cost and revenue receipts?

- i) What does the CCE do when it receives a complaint about, or in some other way becomes aware of, any of the above activities listed in (b) to (g)?
- j) What does the CEO/Elections Canada do when it receives a complaint about, or in some other way becomes aware of, any of the above activities listed in (b) to (g)?

ii. Rules and enforcement for federal party leadership contests

- a) Is it true that the federal *CEA* does not contain any regulations concerning federal political party leadership contests other than concerning the registration of contestants, contributions and loans to contestants, and disclosure of contributions and loans and filing of an audited financial statement by contestants a few months after the contest?
- b) Is it true that, other than the regulations in the *CEA* summarized above, federal political parties (EDAs) run federal party leadership contests according to whatever rules they decide to use for the contests, including setting whatever entry fee or spending limit they want?
- c) Is it true that, other than the regulations in the *CEA* summarized above, federal political parties enforce their own rules for federal party leadership contests according to whatever enforcement process they decide to use?
- d) Is it true that the *CEA* does not regulate any of the activities (other than contributions or loans of money, property, use of property or services made directly to contestants) of third parties aimed at influencing federal political party leadership contests?
- e) Is it true that a foreign-government or foreign-business or entity-funded third party could spend an unlimited amount of money in secret on third-party activities in support of a federal party leadership contestant, without being required under the *CEA* or any other federal law to disclose the source of the money or how or on what the money was spent?
- f) Is it true that, under the *CEA*, a foreign-government or foreign-business or entity-funded third party, including lobbyists and lobby groups, are allowed to collude with a federal party leadership contestant in secret?
- g) Is it true that there is no provision in the *CEA* that prohibits non-citizens or non-residents from voting in a federal party leadership contest?
- h) Is it true that, under the *CEA*, party leadership contestants choose their own financial agent and auditor and that only the auditor's financial statement is disclosed to the CEO, not detailed cost and revenue receipts?
- i) What does the CCE do when it receives a complaint about, or in some other way becomes aware of, any of the above activities listed in (b) to (g)?
- j) What does the CEO/Elections Canada do when it receives a complaint about, or in some other way becomes aware of, any of the above activities listed in (b) to (g)?

iii. Rules and enforcement for third-party spending

- a) Is it true that, under the *CEA*, a third party organization can raise funds from any source (including foreign governments, foreign entities, and foreign individuals)

for the organization's general activities and then, when a pre-election or election campaign period occurs, transfer those funds into its campaign account and, after the election, hide the actual source of those funds and disclose it only as "own funds"?

- b) Is it true that, under the CEA, an organization that accepts donations can raise funds from any source (including foreign governments, foreign entities, and foreign individuals) and then funnel those funds to another organization that then uses the funds for third-party activities, and the third-party organization only has to disclose the first organization as the donor, not the original donors of the funds? (NOTE: [click here](#) to see an example of this funneling from the 2019 federal election that the CCE ruled was legal. The funneling resulted in one organization posting an online ad that was [removed by Facebook because it contained excessively violent content](#)).
- c) Is it true that a third party that is a business that is owned or controlled by a foreign-government (essentially a state-controlled business) or is owned or controlled by the foreign business is allowed to spend money on advertising and other third-party activities to influence federal policy-making processes and federal elections?
- d) Is it true that there is no limit on third-party spending between federal elections, except for a two-month pre-election period when a fixed date election is occurring?
- e) Is it true that the limit for spending by a third party on advertising and other activities during the federal pre-election period (when a fixed date election is occurring, as in 2025) is more than \$1 million?
- f) Is it true that the limit for spending by a third party on advertising and other activities during the federal election campaign period, [if an election occurs in 2024](#), will be about \$620,000 nationally and about \$5,000 in any electoral district?
- g) Is it true that the pre-election period and election campaign period spending limits for third parties are the same whether the third party is a wealthy individual, a person with a low income, an organization with only a few voters as members, a business with only a few shareholders, or an organization with thousands or tens of thousands of members?
- h) Is it true that the cost of producing an image or video that is posted online or on social media is not required to be counted by a third party as part of its advertising spending that is covered by the spending limit, and that the CEO has recommended that these costs be counted towards the total of a third party's ad spending?
- i) Is it true that the costs for a third party of paying individuals and entities to like or share images or videos that the third party has posted online or on social media are not required to be counted by as part of its advertising spending that is covered by the spending limit?
- j) Is it true that, disclosure of all contributions is only required months after voting day so, when they vote, voters have no idea who is bankrolling nomination contestants in their contests, and candidates and parties in elections and by-elections?

iv. Rules and enforcement for misinformation and disinformation

- a) Is it true that the *CEA* only prohibits false statements about some aspects of a federal political party leader, party official or election candidate? (NOTE: [Click here](#) to see summary of how limited the provision in the *CEA*, and how it allows most false claims, and [click here](#) to see details).
- b) Is it true that the *CEA*, because of an incorrect interpretation by the CCE in a [March 2018 decision](#), only prohibits a false claim by a politician that fraudulently misleads voters (when, in fact, unlike in B.C.'s election law, fraud is not required to be proven under the provision in the *CEA*)?

v. Rules and enforcement for contributions

- c) Is it true that, under the *CEA*, the annual federal limit on contributions to each federal party is \$1,725 in 2024?
- d) Is it true that the annual federal combined total limit on contributions to the EDAs (and, during an election year, also contestants and candidates) of each federal party is \$1,725 in 2024?
- e) Is it true that, under the *CEA*, a Canadian citizen or permanent resident is allowed to give those amounts to each federal party, and each federal party's EDAs etc., annually and, therefore, for the 5 main parties, the actual combined total limit on contributions by individuals is \$17,250?
- f) Is it true that someone could hold a fundraising event for a contestant, candidate, EDA or party, with 100 guests each donating the maximum amount allowed, and under the *CEA* the identity of that person is not required to be registered by anyone or any entity or disclosed publicly?
- g) Is it true that someone could distribute a fundraising appeal by mail, email or some other means for a contestant, candidate, EDA or party, to 100 people who each donate the maximum amount allowed, and under the *CEA* the identity of that person is not required to be to be registered by anyone or any entity or disclosed publicly?
- h) Is it true that, under the *CEA*, anyone can contribute up to \$200 annually to a federal party, EDA, nomination contestant, election candidate, party leadership contestant or third party and their identity will not be disclosed publicly?
- i) Is it true that a large majority of voters donate at most only \$75 annually to any federal party?
- j) Is it true that, under the *CEA*, volunteer labour is not counted as a contribution, and so is unlimited and also not required to be tracked or disclosed, and so a Canadian citizen or permanent resident who is an agent of a foreign government or entity or is sponsored by a foreign government or entity could provide secret, unlimited volunteer support to a nomination contestant, EDA, election candidate, political party or party leadership contestant?
- k) Is it true that anyone and any entity (including a foreigner or a foreign-government or foreign-entity funded Canadian citizen, permanent resident or entity) can pay an unlimited amount of expenses of a nomination contestant, election candidate or party leadership contestant (including the contestant or candidate) for childcare, care for a person with a mental or physical disability, and assistance for themselves if they have a disability, and for any litigation

expenses, as long as the expenses are in addition to the contestant or candidates' usual expenses (in other words, the expenses are incurred because the contestant or candidate is participating in a contest or campaign)?

- l) Is it true that, under the *CEA*, the expense payments listed above in (k) are not counted as a contribution?
- m) Is it true that the expense payments listed above in (k) are not counted toward the limits on expenses set in the *CEA* for nomination contestants and election candidates?
- n) Is it true that, by decision of Elections Canada (i.e. not by a specific statutory provision in the *CEA*), anyone and any entity (including a foreigner or a foreign-government or foreign-entity funded Canadian citizen, permanent resident or entity) can pay an unlimited amount of other personal expenses (dry cleaning, personal grooming etc.) of a nomination contestant or leadership contestant, and up to \$200 for an election candidate?
- o) Is it true that, under the *CEA*, the expense payments referred to above in (n) are not counted as a contribution?
- p) Is it true that the expense payments listed above in (n) are not counted toward the limits on expenses set in the *CEA* for contestants and candidates?
- q) Is it true that, under the *CEA*, anyone and any entity (including a foreigner or a foreign-government or foreign-entity funded Canadian citizen, permanent resident or entity) can pay up to \$5,000 to compensate an election candidate's representatives at polling stations?
- r) Is it true that, under the *CEA*, the compensation payment referred to above in (q) is not counted as a contribution?
- s) Is it true that, by decision of Elections Canada (i.e. not in the *CEA* as a statutory provision), a celebrity (including a foreign-government or foreign-entity funded Canadian citizen or permanent resident who is a celebrity) who usually charges for public appearances can appear at a nomination or leadership contest or candidate or party campaign event for free and, unlike every other contributor or supplier, it is not counted as a contribution or an expense? (NOTE: Only their costs of travelling to the event are counted as a contribution (or as an expense if the campaign pays the costs).
- t) Is it true that, other than for party leadership contestants who are required to disclose donors regularly leading up to the contest voting day, disclosure of contributions is only required months after voting day so, when they vote, voters have no idea who is bankrolling nomination contestants in their contests, and candidates and parties in elections and by-elections?

vi. Rules and enforcement for loans

- a) Is it true that, under the *CEA*, an authorized foreign bank is permitted to make a loan of an unlimited amount to a federal political party?
- b) Is it true that, under the *CEA*, a business, including a foreign-owned or controlled business, can provide a product or service worth an unlimited amount to a political party, EDA, nomination contestant, candidate or party leadership contestant, and they do not have to pay the bill for three years?
- c) Is it true that, under the *CEA*, the annual federal limit on loans by individuals to each federal party is \$1,725 in 2024?

- d) Is it true that, under the *CEA*, the annual federal combined total limit on loans by individuals to the EDAs (and, during an election year, also contestants and candidates) of each federal party is \$1,725 in 2024?
- e) Is it true that, under the *CEA*, a Canadian citizen or permanent resident is allowed to loan those amounts to each federal party, and each federal party's EDAs etc., annually and, therefore, for the 5 main parties, the actual combined total annual limit on loans by individuals is \$17,250?
- f) Is it true that, other than for party leadership contestants who are required to disclose loans regularly leading up to the contest voting day, disclosure of loans is only required months after voting day so, when they vote, voters have no idea who is bankrolling nomination contestants in their contests, and candidates and parties in elections and by-elections?

vii. Rules and enforcement for staff and volunteers

- a) Is it true that, under the *CEA*, political parties, EDAs, nomination contestants, election candidates and political party leadership contestants are not required to register or disclose to anyone or any entity the identities of their staff and volunteers (other than being required to disclose the identities of their head agent, financial agent and auditor to the CEO, with only the identity of the auditors for parties disclosed publicly)?

viii. Enforcement generally

- a) Did your predecessors in the positions of the CCE and the CEO investigate the situation in 2015 and 2016 when [donors from B.C.](#), some of whom were formerly connected to China's government, donated large amounts to a riding in Ontario and to Prime Minister Trudeau's riding in Quebec? If so, what were the results of the investigation? If not, will you investigate that situation now for possible illegal funneling of contributions? And will you issue a public ruling on the results of that investigation?
- b) Are you CCE investigating the allegations that during the 2019 election [at least 11 Liberal and Conservative candidates received funds and support](#) from a network of third-party interest groups and individuals based in Canada, and that a network of groups and individuals received a [total of about \\$250,000 from a Toronto-based organization](#) coordinated by a Toronto businessman, and China's government Consulate in Toronto was [the source of the funds and directed the distribution](#) of the funds?
- c) Are you CCE investigating the allegations that in September 2019 someone [arranged and paid for bussing Chinese international students with fake addresses](#) into an electoral district to vote in a nomination contest?
- d) Is it true that, under the *CEA*, nomination contestants, EDAs, election candidates, parties and party leadership contestants choose their own financial agent and auditor and that only the auditor's financial statement is disclosed to the CEO, not detailed cost and revenue receipts (though nomination contestants, election candidates and leadership contestants are all required to submit some supporting documents)?

- e) Is it true that, under the *CEA*, you CEO are nominated through a process controlled entirely by the ruling political party Cabinet, a process that is not required to include consultation with opposition parties nor an independent, merit-based search for qualified candidates?
- f) Is it true that, while a majority of the House of Commons is required to pass a resolution confirming your appointment as CEO, that if the ruling party has a majority in the House that resolution will very likely be approved?
- g) Is it true that you then chose the Commissioner of Canada Elections (CCE) using any process you want?

6. Commissioner of Lobbying

- a) Is it true that the federal [*Lobbying Act*](#) (R.S.C., 1985, c. 44 (4th Supp.)) does not require lobbying (which is defined as communicating with public office holders “in respect of” various legislative, spending, program, tax and subsidy initiatives) to be registered and publicly disclosed in the searchable, online Registry of Lobbyists (i.e. secret lobbying is allowed):
 - i. If the lobbying is done by someone who is not specifically paid for the lobbying activities (i.e. can someone arrange a contract with a client that specifically pays them only to provide strategic advice to a client, and then could lobby for that client for free without registering or disclosing their lobbying activities because they were not paid for those activities)?;
 - ii. If the lobbying is done by a person employed by a business who lobbies less than 20% of their work time?;
 - iii. If the lobbying is done by a member of the board of directors of a business or other organization who is only paid for their expenses?
 - iv. If the lobbying involves communication with a public office holder with respect to the office holder’s enforcement, interpretation or application of any Act of Parliament or regulation that applies to the person or entity doing the lobbying?
 - v. If the lobbying is in respect of a federal tax credit?
- b) Is it true that the rules in the federal [*Lobbyists’ Code of Conduct*](#) (*Lobbyists’ Code*) only apply to lobbyists who are required to be registered under the *Lobbying Act* and does not apply to lobbyists who are not required to register?
- c) Is it true that a lobbyist registered under the *Lobbying Act* could hold a fundraising event for a federal party or EDA of a Member of Parliament (MP) or nomination or party leadership contestant and raise an unlimited amount of money and, under the *Lobbying Act* and *Lobbyists’ Code*, the identity of the lobbyist is not required to be registered by anyone or any entity or disclosed publicly?
- d) Is it true that a lobbyist registered under the *Lobbying Act* could undertake other fundraising activities by email, mail or in person for a federal party or EDA of a Member of Parliament (MP) or nomination or party leadership contestant and raise an unlimited amount of money and, under the *Lobbying Act* and *Lobbyists’ Code*, the identity of the lobbyist is not required to be registered by anyone or any entity or disclosed publicly?

- e) Is it true that a lobbyist registered under the *Lobbying Act* could be a staff person or volunteer for a federal party or EDA of a Member of Parliament (MP) or nomination or party leadership contestant and, under the *Lobbying Act* and *Lobbyists' Code*, the identity of the lobbyist is not required to be registered by anyone or any entity or disclosed publicly?
- f) Is it true that, under the *Lobbyists' Code*, a registered lobbyist can fundraise or be involved in campaign activities for a federal political party or MP or the MP's EDA on a half-time basis (20 hours a week) and, at the same time, lobby the party's leader or the MP twice a week for a few hours;
- g) Is it true that, under the *Lobbyists' Code*, a registered lobbyist can fundraise an unlimited amount of money for a federal political party or MP or the MP's EDA, and only be required to refrain from lobbying the party leader or MP for, at most, one year;
- h) Is it true that, under the *Lobbyists' Code*, a registered lobbyist can fundraise or be involved in campaign activities for a federal political party or MP or the MP's EDA 24 hours a week, including working directly with the party leader or MP three times a week for about 8 hours total, and only be required to refrain from lobbying the party leader or MP for one year;
- i) Is it true that, under the *Lobbyists' Code*, a registered lobbyist can fundraise or be involved in campaign activities for a federal political party or MP or the MP's EDA full-time, and only be required to refrain from lobbying the party leader or MP for two years;
- j) Is it true that, under the *Lobbyists' Code*, you as Commissioner of Lobbying can reduce the time period during which a lobbyist is required to refrain from lobbying a politician or public office holder in secret without disclosing the reduction publicly?
- k) Is it true that, under subsection 4.1(1) of the [Lobbying Act](#), the Commissioner of Lobbying is chosen by the ruling political party federal Cabinet (only courtesy consultation with the opposition parties is required, and an independent, merit-based search for qualified candidates is not required)
- l) Is it true that, under subsection 4.1(3) the *Lobbying Act*, Cabinet may have full, unrestricted power to re-appoint the Commissioner for as many terms as it wants and, under subsection 4.1(4), the Cabinet alone appoints an Interim Commissioner for as many 6-month terms it wants (if the Commissioner is incapacitated or leaves office during their term)?
- m) Is it true that, under subsection 10.4(1.1) of the *Lobbying Act*, the Commissioner is allowed to bury an investigation of alleged wrongdoing and let the person off in secret (with no public disclosure of their decision required), even if the person clearly violated the *Act* or the *Lobbyists' Code*?
- n) Is it true that the Commissioner has no power to penalize anyone who violates the *Lobbying Act* or the *Lobbyists' Code*?

7. Conflict of Interest and Ethics Commissioner

- a) Is it true that, under Canadian federal laws, it is unclear when exactly a person elected in a federal election becomes an “official” as defined in section 118 of the *Criminal Code* (the section that defines “official” as it applies in the anti-bribery and other anti-corruption provisions in sections 119-125 of the *Code*), and unclear when exactly an elected person becomes an MP who is covered by the [Conflict of Interest Code for Members of the House of Commons](#) (“MP Code”)?
- b) Is it true that the federal [Conflict of Interest Act](#) (S.C. 2006, c. 9, s. 2) (COI) allows Cabinet ministers, their staff, and top government officials to have secret investments in businesses, including foreign-owned or controlled businesses, and including foreign-state controlled businesses, as long as the investments are put into a trust?
- c) Is it true that the COI allows Cabinet ministers, their staff, and top government officials to [profit from decisions](#) in which they participate?
- d) Is it true that, under the COI, anyone or any business or other entity can give a gift worth up to \$500 annually to a Cabinet minister, their staff, and/or top government officials and their identity will not be disclosed publicly?
- e) Is it true that the [Conflict of Interest Code for Members of the House of Commons](#) (“MP Code”) has [10 significant gaps](#) that allow MPs to be dishonest, and to have secret investments (including in foreign companies) and secret jobs (including at foreign companies and organizations and at foreign-government owned or controlled entities that operate in Canada), and to profit from decisions in which they participate?
- f) Is it true that there are no ethics rules or code that applies to the staff of MPs?
- g) Is it true that, under the *MP Code*, anyone or any business or other entity can give a gift worth up to \$200 annually to an MP and their identity will not be disclosed publicly?
- h) Is it true that, in 2022-2023, MPs added a new loophole to the *MP Code* that allows anyone to give to an MP the “benefit” of sponsoring an intern in their office, and that this allows lobby groups, including foreign-government or foreign-business or entity-funded groups, to place interns as spies in MP offices?
- i) Is it true that, under subsection 81(1) of the [Parliament of Canada Act](#), the Conflict of Interest and Ethics Commissioner is chosen by the ruling political party federal Cabinet (only courtesy consultation with the opposition parties is required, and an independent, merit-based search for qualified candidates is not required)?
- j) Is it true that, under subsection 81(3) the *Parliament of Canada Act*, Cabinet may have full, unrestricted power to re-appoint the Commissioner for as many terms as it wants and, under subsection 82(2), the Cabinet alone appoints an Interim Commissioner for as many 6-month terms it wants (if the Commissioner is incapacitated or leaves office during their term)?
- k) Is it true that, under subsection 45(2) of the COI, the Commissioner is allowed to bury an investigation of alleged wrongdoing and let the person off in secret, even if they have clearly violated the COI?
- l) Is it true that the Commissioner has no power to penalize anyone who violates the COI (other than a maximum fine of \$500 for failing to file accurate financial statements on time) or the *MP Code*?

8. Senate Ethics Officer

- a) Is it true that, under Canadian federal laws, it is unclear when exactly a person who has been announced by the Prime Minister as a Senator becomes an “official” as defined in section 118 of the *Criminal Code* (the section that defines “official” as it applies in the anti-bribery and other anti-corruption provisions in sections 119-125 of the *Code*), and unclear when exactly that person becomes a Senator and is covered by the *Ethics and Conflict of Interest Code for Senators* (“*Senator Code*”)?
- b) Is it true that, under the *Senator Code*, Senators are allowed to profit from decisions in which they participate?
- c) Is it true that, under the *Senator Code*, anyone or any business or other entity can give a gift worth up to \$200 annually to a Senator and their identity will not be disclosed publicly?
- d) Is it true that there are no ethics rules or code that applies to the staff of Senators?
- e) Is it true that, under subsection 20.1(1) of the [Parliament of Canada Act](#), the Senate Ethics Officer is chosen by the ruling political party federal Cabinet (only courtesy consultation with the Senate opposition parties is required, and an independent, merit-based search for qualified candidates is not required)?
- f) Is it true that, under subsection 20.2(1) the *Parliament of Canada Act*, Cabinet may have full, unrestricted power to re-appoint the Officer for as many terms as it wants and, under subsection 20.2(2), the Cabinet alone appoints an Interim Officer for as many 6-month terms it wants (if the Officer is incapacitated or leaves office during their term)?
- g) Is it true that, under the [Senate inquiry process](#), the Officer is allowed to bury an investigation of alleged wrongdoing and let the person off in secret, even if they have clearly violated the *Senator Code*?
- h) Is it true that the Officer has no power to penalize anyone who violates the *Senator Code*?