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Turning Weak Lapdogs into Effective Watchdogs

How Weak and Ineffective Enforcement Facilitates Secret, Unethical and Undemocratic Foreign Interference in Politics Across Canada, and How to Strengthen Enforcement

Policy Paper Submitted to the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions

(October 2024)

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1 Summary of How Weak and Ineffective Enforcement Facilitates Secret, Unethical and Undemocratic Foreign Interference

There are significant loopholes and flaws in several federal Canadian laws (and provincial and territorial laws) that have made it legal to date to secretly, unethically and undemocratically interfere in Canadian politics, especially given that enforcement of many of the laws is ineffective. The loopholes are in the elections, political finance, lobbying, ethics, anti-money laundering and border security laws, including loopholes that allow for anonymous, secret online disinformation and misinformation campaigns.

Even in the areas covered by rules, enforcement entities lack independence and resources, and are ineffective, delayed and unaccountable, all of which makes it unlikely that violations of the rules will be prevented, caught or penalized. This policy paper sets out details concerning significant weaknesses in anti-foreign interference enforcement entities that the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (the "Inquiry") should address during the Policy Phase because they have been largely ignored during the Factual Phases, and this paper also sets out proposals for key changes to strengthen enforcement that the Inquiry should strongly recommend in its final report in December 2024, including calling on all federal parties to work together to make the changes as soon as possible, and definitely before the next federal election.

Given how weak and ineffective enforcement is of all of Canada's key anti-foreign interference laws, it is impossible to determine the extent and effects of foreign interference and influence activities in the past and now – before and during and between the 2019 and 2021 federal elections. This will remain impossible as long as enforcement remains weak and ineffective.

The enforcement entities lack independence, and are ineffective, underfunded, slow to act, secretive and largely unaccountable, and many are subject to political interference by the ruling party Cabinet which chooses them all through secretive, partisan processes, and most serve at the Cabinet's pleasure.

Under recently enacted Bill C-70, a very weak, ruling-party Cabinet controlled enforcement system will be established, with no requirement that enforcement will be effective, well-resourced, transparent, timely or accountable. Democracy Watch submitted to the Inquiry in mid-September a document entitled "Response to the *Preparatory Document on the Policy Aspect of the Public Inquiry into Foreign Interference*" ("Democracy Watch Response") that sets out the gaps left by Bill C-70. Click here to see Democracy Watch's full submission to the House of Commons on

Bill C-70, and click here to see a summary of the submission.[1] And to see analyses of Bill C-70 from three law firms that make similar points about the loopholes in the Bill and weak enforcement system, click here and click here and click here.

Foreign interference activities will only be effectively prevented if changes are made to all of Canada's key democracy laws to prohibit and penalize all secretive, undemocratic and unethical ways of interfering in and influencing political processes across Canada, and if changes are made to ensure the enforcement of all these laws is fully independent, effective, well-resourced, transparent, timely and accountable.

As in so many areas of public policy, an ounce of prevention in the area of foreign interference is worth a pound of cure. If loopholes are left open or flaws left uncorrected in any law that foreign governments, entities and individuals can exploit to have secret, undemocratic or unethical influence over contestants, candidates, riding associations, party leaders, politicians, and public officials, those loopholes and flaws will likely be exploited. And if enforcement is tainted by political influence and is ineffective, secretive, underfunded, delayed and unaccountable, they will likely be exploited more.

Even if all the loopholes are closed and all the flaws corrected, if the enforcement system is ineffective then likely violators will be let off the hook. A weak enforcement agency that lacks funding and resources will likely only catch a foreign agent violating a law years after they have influenced a political process, and then the agency will likely keep the violation secret, and likely no penalty will be imposed.

There is extensive evidence that weak, secretive enforcement results in violators being let off the hook from the weak, secretive enforcement records over the past two decades by the federal Conflict of Interest and Ethics Commissioner, Commissioner of Lobbying, RCMP and Commissioner of Canada Elections and Elections Canada, as detailed below and summarized in sections 2, 3, 7 and 11 of Democracy Watch's Response submitted to the Inquiry in mid-September.

Part 2 of this policy paper sets out how anti-foreign interference enforcement is ineffective, underfunded, secretive, delayed and unaccountable. Part 3 sets out key changes needed to strengthen enforcement of all anti-foreign interference rules to make it independent, effective, well-resourced, transparent, timely and accountable.

[1] NOTE: Because Bill C-70 was rushed through Parliament, little time was provided to analyze it. As a result, please disregard point #B1 in the submission on Bill C-70 as it was made due to a misreading of one of the Bill's provisions.

2 How Weak and Ineffective Enforcement in Many Key Areas Facilitates Secret, Unethical and Undemocratic Foreign Interference

As the Supreme Court has established in several rulings from *Valente* on, law enforcement entities and systems must meet the standard of the public perceiving that it appears to be, and is, fully independent and impartial, and transparency is key to ensuring the public's confidence in the integrity of law enforcement. If these standards are not fulfilled, then the legitimacy of enforcement actions will be significantly undermined, and defiance, not compliance, will result.

One only has to view the recent history of the enforcement of political/democracy laws in the U.S., which has elected, partisan sheriffs, attorneys general and judges, to see how a system that even appears to lack independence from politicians allows many to question whether enforcement actions are motivated by partisanship instead of by the evidence and the law (i.e. to question whether there is a rule of law).

In violation of the independence, impartiality and transparency principles, the following enforcement officials, who all play key roles in monitoring, overseeing, and preventing foreign interference, all lack functional independence from the ruling party Cabinet because they are chosen by the ruling party Cabinet through secretive, partisan processes, and serve at the pleasure of Cabinet so they can be removed from their position at any time for any reasons, as set out in Democracy Watch's final submission to the Inquiry last April after the Stage 1 Factual Phase of the Inquiry (click here):

a) All members of the Critical Election Incident Protocol Panel;
b) Clerk of the PCO;
c) RCMP Commissioner and Deputy Commissioner, and the Commanding Officer of each Division of the RCMP;
d) Director of CSIS;
e) Chief of the Communications Security Establishment ("CSE");
f) President and Executive VP of Canada Border Services Agency, and;
g) Director of Financial Transactions and Reports Analysis Centre of Canada.

While other key anti-foreign interference watchdogs serve fixed terms, they are also all chosen through secretive, partisan, Cabinet-controlled processes that allows the Cabinet to install weak functionaries in these positions instead of strong watchdogs. The federal Chief Electoral Officer, Ethics Commissioner, Commissioner of Lobbying, Senate Ethics Officer and Public Sector Integrity Commissioner, all of whom also play key roles in monitoring, overseeing, and preventing foreign interference, have fixed terms in office but are all chosen by the ruling party Cabinet.

The Federal Court of Appeal ruled unanimously that the Cabinet is biased when choosing watchdogs that enforce laws that apply to government and politician actions and decisions (Click here for details).

The governing party Cabinet is required to consult with opposition party leaders before making their final choice of some of these watchdogs but essentially forces its choice on the opposition. As the appointment process for the Ethics Commissioner and Commissioner of Lobbying in 2016-2017 showed, the Cabinet's definition of "consultation" is to hide and mislead opposition leaders about how many qualified candidates there are, and then send them one candidate's name and tell them that is the person being appointed a week later (Click here for details). The current Ethics Commissioner Konrad von Finckenstein was also chosen through a secretive, partisan, Cabinet-controlled process (Click here for details).

Under subsection 4.1(1) of the federal *Lobbying Act* (R.S.C., 1985, c. 44 (4th Supp.)), the Commissioner of Lobbying is chosen by the ruling political party federal Cabinet through a secretive, partisan process (only courtesy consultation with the opposition parties is required, and an independent, merit-based search for qualified candidates is not required). Under subsection 81(1) of the *Parliament of Canada Act*, the 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). 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).

Under recently enacted Bill C-70, the new Foreign Influence Transparency Commissioner will also be chosen through a secretive, partisan, ruling party Cabinet-controlled process.

All of these officers and commissioners, except the Chief Electoral Officer who only serves one term, can also be re-appointed to further terms in office by the Cabinet alone. This gives all of them the incentive towards the end of each term to enforce the law in a way that pleases the Cabinet so that they will be re-appointed. None of them should be permitted to serve more than one term in office. Under subsection 4.1(3) of 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). 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). 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).

The federal government's Critical Election Incident Public Protocol Panel is also not independent as it is made up of public servants who were chosen by, and serve at the pleasure of, the Prime Minister. Also, the Cabinet Directive for the Protocol has several flaws, as follows:

1. It is not legally binding on the Panel, and there are no penalties if the Panel violates any part of the Protocol;
2. The section 6.0 process sets a much-too-high threshold for informing the public of interference (the interference essentially must threaten the ability of the entire national election to be free and fair – instead, the threshold should be any threat to the election in any electoral district);
3. 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;
4. 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, and;
5. The section 9.0 Assessment is done by whomever the ruling party Cabinet chooses, so the assessor is not independent in any way. After the 2021 federal election, the Trudeau Cabinet chose Morris Rosenberg, former head of the Trudeau Foundation when the Foundation received a $200,000 donation from two China-connected businessmen, to do the assessment.

If the Panel members are not all replaced by individuals who are fully independent of the government and all political parties, and who are chosen through a process that does not involve politicians from any party, and if the flaws in the Protocol are not corrected, then the Panel will continue failing to publicize and confront foreign interference instead of reporting it publicly and taking actions to stop it. The Panel should also be re-named the "Critical Political Process Incident Public Protocol Panel" and it should operate all of the time, not just during elections.

The government of Canada unfortunately continues to be committed to having partisan, Cabinet-controlled or influenced watchdogs over key areas of democratic governance, and continues to fail to recognize how much this undermines the legitimacy of all of these enforcement entities.

Under current Bill C-63 before the House of Commons which, if enacted, will prohibits specific online harms, the watchdog established will also be a partisan, ruling-party Cabinet-controlled lapdog. The Bill proposes that the five members of

the Digital Safety Commission (ss. 12-13), and the Digital Safety Ombudsperson (s. 29), and the CEO of the Digital Safety Office (s. 42) all be appointed by the federal Cabinet alone (no consultation with the opposition parties is required, nor is an independent, merit-based search for qualified candidates required). Bill C-63 also proposes that the CEO of the Digital Safety Office will serve at the pleasure of the Cabinet (s. 44 -- i.e. the CEO can be fired at any time for any reason). The RCMP will enforce some of the measures in the Bill, but 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 of which head up the police force that enforces the anti-hate *Criminal Code* provisions in Bill C-63, are also all appointed by the federal Cabinet alone (no consultation with the opposition parties is required, nor is an independent, merit-based search for qualified candidates required) and all of them also serve at the pleasure of Cabinet (i.e. can be fired at any time for any reason). The Canadian Human Rights Commission will enforce the anti-discrimination/anti-hate provisions in Bill C-63. Under the *Canadian Human Rights Act* (*CHRA*), the members of the Canadian Human Rights Commission (ss. 26(1)) and Tribunal (ss. 48.1(1) and 48.2(1)) are also all appointed by the federal Cabinet alone (no consultation with the opposition parties is required, nor is an independent, merit-based search for qualified candidates required).

Under current Bill C-27 which, if enacted, will regulate online privacy, artificial intelligence and data operations, the enforcement entity established for artificial intelligence will be even more partisan and political, as it will be simply a Cabinet minister.

None of the anti-foreign interference enforcement entities are required to conduct regular, unannounced inspections or audits, which is a basic law enforcement 101 activity.

All of the anti-foreign interference enforcement entities are allowed to make secret rulings, so they can act in ways that inhibit the public from being able to tell whether they are actually enforcing the law or enforcing it improperly. Under subsection 10.4(1.1) of the federal *Lobbying Act*, the Commissioner of Lobbying has significant leeway to essentially 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*. Under subsection 45(2) of the federal *Conflict of Interest Act* (*COIA* – S.C. 2006, c. 9, s. 2), and section 27 of the *Conflict of Interest Code for Members of the House of Commons* ("*MP Code*"), the federal Ethics Commissioner has leeway to essentially bury an investigation of alleged wrongdoing and let the person off in secret, even if they have clearly violated the *COIA* or *MP Code*. Under the Senate inquiry process for the *Ethics and Conflict of Interest Code for Senators* ("*Senator Code*"), the Senate Ethics Officer has leeway to essentially bury an investigation of alleged wrongdoing and let the person off in secret, even if they have clearly violated the *Senator Code*.

There are many examples of various commissioners burying dozens and even hundreds of their rulings on alleged violations:

- the Commissioner of Lobbying and RCMP from 2008 to 2017 made almost 90 secret rulings that let off more than 100 lobbyists even though they violated the federal lobbying law or lobbyists' code (Click here for details);
- the Ethics Commissioner from 2007 to 2017 made more than 200 secret rulings that let off an unknown number of federal politicians and senior government officials who violated ethics laws, and public rulings that let off more than 85 federal politicians and senior government officials for clear violations of the federal ethics laws (Click here and click here for details);
- the current Ethics Commissioner buried eight 8 complaints, and gutted 3 key ethics rules, in his first 6 months as commissioner (Click here for details);
- the Commissioner of Canada Elections (CCE) and Chief Electoral Officer (CEO) of Elections Canada kept secret how they dealt with more than 3,000 complaints filed with them between 1997 and 2011 about violations of the *Canada Elections Act* (*CEA*), and tried to deny an *Access to Information Act* request for the records concerning how they addressed the complaints because the records may make the Commissioner look bad (Click here for details), and;
- Most recently, the Commissioner of Lobbying and RCMP have buried the rulings on nine situations in which the Commissioner had concluded that lobbyists violated the *Lobbying Act*, during this year when the Commissioner is up for reappointment by the ruling party Cabinet (Click here to see details).

In addition to regularly making secret rulings, these enforcement agencies are enforcing loophole-filled laws, with limited resources and long delays in any enforcement action, and they are unaccountable if they decide to bury an investigation. As the Federal Court of Appeal has ruled, a decision by a watchdog to end an investigation cannot be reviewed by the courts, no matter how unjustifiable the decision was (Click here for details).

Due to loopholes in Bill C-70, the following secret foreign interference and influence activities will continue to be legal, and foreign agents will not be required to register and disclose them in the Foreign Influence Registry (FIR) whenever it is actually established because these activities are not specifically mentioned or covered by the provisions in the new *Foreign Influence Transparency and Accountability Act* (S.C. 2024, c. 16, s. 113):

1. Activities to interfere in political party leadership contests;

2. Communications with nomination and party leadership contestants who are not MPs or Cabinet ministers, and election candidates who are not ministers;
3. Communications with people who have been elected as MPs or appointed as Senators but have not yet taken office;
4. Communications with territorial politicians and public officials, and provincial and municipal government appointees;
5. Communications with judges and lieutenant governors;
6. A foreign agent using a lobbyist as a "proxy" for their influence activities (many changes are needed to lobbying laws across Canada to prevent this), and;
7. A foreign agent using staff, volunteers, friends, family and associates of contestants, candidates and parties as a "proxy" for their activities.

As well, another major loophole left open by the provisions in Bill C-70 is that a foreign agent in Canada is allowed to have a secret arrangement with a foreign business, organization or individual, not controlled by a foreign government, to interfere in Canadian politics.

This means foreign organizations and/or individuals can fund, oversee and direct the activities of foreign agents in Canada, and the foreign agents would not be required to register or disclose their arrangements or activities. It would be naïve to assume that foreign governments and entities they control will not create front networks of proxy intermediaries (whether businesses, organizations or individuals) that they do not seem to control or direct to exploit this loophole.

The U.S. *Foreign Agents Registry Act* (*FARA*) does not have this loophole – anyone or any entity that has an arrangement with any foreign incorporated or established entity to interfere in U.S. politics is required to register in the U.S. Democracy Watch's full submission on Bill C-70 linked above, in point #B.14, calls for such arrangements with all foreign businesses to be required to be registered in Canada, with all activities disclosed, to match the U.S. requirements.

As well, Bill C-70 gives the federal Cabinet dangerously broad discretion to:

1. Exclude foreign interference arrangements from the list of prohibited activities that are also required to be disclosed;
2. Exclude public officials from the list of people foreign agents are required to disclose if they communicate with them;
3. Limit the amount of information required to be disclosed in the FIR and to not require regular updates;
4. Decide when the provisions that establish the FIT Commissioner and the FIR will come into force, and be extended to provincial, municipal and Indigenous politicians and public officials and, if amended, also

territorial politicians and public officials (there are no deadlines in the Bill).

Political parties also control and operate both nomination contests and party leadership contests and, as long as they do this, they have very little incentive to disclose and deal with any foreign interference activities that are discovered because disclosure would embarrass the party. This is especially serious for party leadership contests because if a foreign interest captures a party leader they will essentially capture the operations of the entire party, including its decisions and actions in policy-making and parliamentary processes. Elections Canada should be operating these contests in the same way it runs elections and by-elections. Click here to see the PhD thesis of Democracy Watch's Co-founder Duff Conacher, which details in Chapter 6, sections 6.3 and 6.4 how to ensure fair contests run by Elections Canada.

As well, contestants, candidates, EDAs, parties and third parties are allowed to choose their own auditors for their expenses, which allows them to choose a "friendly" auditor who may not bring a high level of scrutiny to bear on questionable expenses. Click here to see the PhD thesis of Democracy Watch's Co-founder Duff Conacher, which details in Chapter 3, sections 3.22 to 3.25 and 3.29 the flaws that allow for this self-enforcement, and details in Chapter 6, sections 6.9, 6.10 and 6.14 how to correct these flaws.

Another key enforcement measure is to ensure that it is a violation to attempt or conspire to violate any provision in any of Canada's key democracy laws.

As well, all penalties should be increased to a level that will actually discourage violations, which means the cost of the penalty multiplied by the chance of getting caught must be greater than the gain from the violation. Penalties should also be on a sliding scale that increases to match the wealth of the violator. Currently, the Commissioner of Lobbying has no power to penalize anyone who violates the *Lobbying Act* or the *Lobbyists' Code*, and the Commissioner has called for this power for the past 15 years. The Ethics Commissioner has no power to penalize anyone who violates the key ethics rules in the *COIA* (and only a fine of maximum $500 for failing to file accurate financial statements on time) or in the *MP Code*. The Senate Ethics Officer also has no power to penalize anyone who violates the *Senator Code*.

Another key effective enforcement measure is to prohibit police forces from fundraising or selling products. Because donations from foreign agents and other relationships can easily cause conflicts of interest that undermine fair, effective law enforcement actions, police forces should be prohibited:

1. from doing fundraising for their foundations or other causes they support (for example to the Toronto Police Service);

2. from giving top donors special access to their chief, such as happens at the Toronto Police Chief's annual gala;
3. from raising funds from the public, such as the National Police Federation and the Ontario Police Officers' Association do, and;
4. the RCMP should be possibly also be prohibited from selling promotional products through The Mountie Shop and Gadar Promotions because of the difficulty of tracking where the revenue goes and whether any of foreign companies supply the shop.

As well, a new, fully independent, effective, transparent and accountable anti-foreign interference, anti-corruption and anti-money laundering police force should be established. As detailed above, the RCMP and FINTRAC lack independence from the ruling party Cabinet, and the RCMP was ineffective, secretive and very slow in investigating the SNC-Lavalin and Aga Khan scandals, and has also been very secretive and slow in enforcing the federal lobbying law (Click here to see details) and anti-money laundering law, and FINTRAC also has a weak enforcement record.

Finally, people who blow the whistle on wrongdoing in Canada, including on foreign interference activities, are not protected when blow the whistle, and are also not protected from retaliation after they report wrongdoing. An international report on whistleblower protection ranked Canada last out of 62 countries that were evaluated. Click here to see details.

While private member Bill C-290, which will correct some of the flaws in the federal whistleblower protection system, has been passed by the House of Commons and is at first reading in the Senate, even if it is enacted Canada's system will still be far from meeting best-practice standards.

The Public Sector Integrity Commissioner, like most of the other heads of the key federal democratic good government enforcement agencies, is also handpicked through a secretive, partisan, Cabinet-controlled process.

A key step in effective enforcement to prevent foreign interference is to establish a best-practice whistleblower protection system that protects anyone who blows the whistle on violations of any of the laws that apply, including empowering enforcement agencies for these laws to pay for a lawyer to advise whistleblowers of their rights, to reward whistleblowers if their claims are proven, and to protect them from retaliation and penalize anyone who retaliates against them. Click here to see details.

3 How to Ensure Strong, Effective Enforcement of All Anti-Foreign Interference Laws

Part 2 above how partisan, political, under-resourced, secretive, delayed and unaccountable enforcement of key laws makes it easy for foreign governments, entities and individuals to violate all the laws (loophole-filled as they are) that prohibit interfering in and influencing elections and political policy-making processes across Canada. Listed below are key changes needed to make enforcement of all anti-foreign interference laws independent, well-resourced, transparent, timely and accountable:

1. Establish clear rules in all areas with no loopholes, all prohibiting attempted violations, and a general anti-avoidance clause that applies to all rules (with public guidelines explaining details of rules, including case studies, in all major languages of the jurisdiction).
2. Require public disclosure of key information from everyone and any entity covered by the rules needed to show that they are complying with the rules.
3. Require leading actions by top officials in any organization covered by the rules (including public commitments to upholding the spirit of the rules, and public directives that everyone in the organization uphold the rules);
4. Require extensive training by the agency/agencies of everyone involved in the system, and everyone covered by the rules.
5. Require public awareness initiatives by the agency/agencies to raise the public's understanding of the rules, and expectations of compliance with the rules.
6. Ensure that the watchdog and investigations agency or agencies are fully independent by requiring that the heads and senior officials be appointed through a process that is fully independent from the government and any interested party, and merit-based and public, and that they have security of tenure for a fixed term, with no opportunity for reappointment, and that they have control of the agency's/agencies' budget and staff hirings and human resources, and office and agency operations.
7. Specifically, Elections Canada should be operating and overseeing nomination contests and political party leadership contests in the same way it runs elections and by-elections. Click here to see the PhD thesis of Democracy Watch's Co-founder Duff Conacher, which details in Chapter 6, sections 6.3 and 6.4 how to ensure fair contests run by Elections Canada.
8. Also specifically, contestants, candidates, EDAs, parties and third parties should be prohibited from choosing their own auditors for their expenses, which allows them to choose a "friendly" auditor who may not bring a high level of scrutiny to bear on questionable expenses. Instead, Elections Canada should have an audit division do all of this auditing. Click here to

see the PhD thesis of Democracy Watch's Co-founder Duff Conacher, which details in Chapter 3, sections 3.22 to 3.25 and 3.29 the flaws that allow for this self-enforcement, and details in Chapter 6, sections 6.9, 6.10 and 6.14 how to correct these flaws.

9. Also specifically, a new, fully independent anti-corruption and anti-foreign interference police force must be established to replace the RCMP and FINTRAC, both of which are too much under the control of the ruling party Cabinet and have very weak enforcement records.
10. Require the head and top officials of the agency/agencies to commit publicly that they will only make merit-based hirings and promotions, with a fully independent review and appeal process available for complaints concerning non-merit based decisions, to ensure all staff have the expertise and professionalism to complete the job tasks to the highest standards.
11. Ensure that the enforcement agency/agencies, and its head and all staff, are covered by strong integrity rules (that they all commit publicly to comply with) that require honesty and prohibit acting and/or participating in decisions when in an appearance of a conflict of interest, with a fully independent entity available to review complaints and appeals concerning violations of the transparency rules, with the full power to penalize violators.
12. Require that the enforcement agency/agencies, and its head and all staff, are covered by strong transparency rules (that they all commit publicly to comply with) that apply to all operations and spending, other than protecting the integrity of ongoing investigations, with a fully independent entity available to review complaints and appeals concerning violations of the transparency rules, with the full power to penalize violators.
13. Ensure full investigative and inspection powers for the law enforcement agency/agencies, with a broadly defined obstruction of justice prohibition;
14. Ensure adequate funding and resources for the agency/agencies, granted directly by Parliament based on an estimate by the Auditor General of the funding needed, to ensure that all enforcement actions can be completed in a timely manner (including, during election campaign periods, before election day) and a requirement to spend public funds effectively and efficiently.
15. Require that the agency conduct regular inspections and audits.
16. Require that the agency/agencies conduct an investigation of every alleged violation of the rules (whether the agency receives a complaint or becomes aware in any other way of a situation that raises a reasonable belief that an investigation is needed to ensure compliance).
17. Require that the agency issue a public report/ruling on each investigation and inspection/audit as soon as it is completed (no matter whether the legislature/government is open/operating at that time).

18. Require that the agency/agencies issue reports/rulings on investigations and inspections/audits in a timely manner.
19. Ensure full power for the agency/agencies to penalize violations, and require them to penalize every violation.
20. Allow an unlimited (or, at least, significantly extended) period of time ("limitation period") for the agency/agencies to investigate, rule on and penalize violations (so that hiding a violation for years does not allow violators to escape accountability).
21. Ensure a clear right of appeal set out in the statute for anyone to apply for judicial review of a ruling/decision by the enforcement agency/agencies within three months after the ruling/decision.
22. Establish an effective whistleblower protection system for reporting violations of any of the laws.
23. Establish an effective witness protection system for reporting violations of any of the laws.
24. Establish an effective victim protection and compensation system for violations of any of the laws.
25. Ensure a right for citizens to undertake direct enforcement action through a private prosecution process, with only the court allowed to decide that the prosecution has no merit and cannot proceed.
26. Establish a rule that a citizen or citizen group shall be paid their legal costs by the government and/or election agency if they file an appeal or judicial review application or enforcement action and are successful, and shall not be ordered to pay the costs of the government or other parties if they lose a judicial review application concerning a statutory or regulatory provision that has not been previously interpreted by the courts (i.e. for losses in public interest litigation lawsuits).
27. Establish financial support, granted by an organization that is independent of the government and the enforcement agency/agencies, for non-governmental organizations to assist with public awareness initiatives and enforcement actions by citizens.
28. Establish effective penalties for all violations, ensuring that the cost of the penalty multiplied by the chance of getting caught is greater than the gain from the violation. Penalties should also be on a sliding scale that increases to match the wealth of the violator.

If all of the above changes are not made, enforcement will remain tainted by political influence, or under-funded, secretive, delayed or unaccountable (as the enforcement agency that will be established under Bill C-70 will likely be), and it will continue to be easy for foreign governments, entities and individuals to violate anti-foreign interference laws.