Commission of Inquiry Into Certain Allegations Respecting Business and Financial Dealings Between Karlheinz Schreiber and the Right Honourable Brian Mulroney

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FINAL SUBMISSION OF DEMOCRACY WATCH FOR THE PART II: POLICY REVIEW OF THE COMMISSION OF INQUIRY

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PART I
INTRODUCTION

Democracy Watch's June 2009 submission to the Commission contains detailed analysis and recommendations for closing the dozens of loopholes in various federal government ethics and openness laws and codes, and strengthening enforcement agencies and enforcement actions (and a full summary of the submission was filed with the Commission on June 16th).

As a result, this final submission will not repeat the content of the earlier submission, but instead provides a summary of Democracy Watch's responses to the claims and recommendations other people made in their testimony and submissions to the Commission during the Part II Policy Review.

PART II
RESPONSES TO PART II TESTIMONY AND FINAL SUBMISSIONS

A. Response to Issue of Culture of Ethics vs. Ethics Rules and Enforcement, and Overall Purpose of Ethics System

Everyone who testified on this issue essentially said that it government ethics/openness culture vs. ethics/openness rules is a false dichotomy (and, therefore, strong rules and enforcement are needed to foster a strong government ethics/openness culture, as is leadership within government and training). This is not surprising given that studies of the effects of laws and law enforcement in many areas show that it is not possible to isolate the development of a law compliant culture from the laws that play a role in establishing the standards that are observed within a cultural environment.

Everyone also testified that an ethics rules and enforcement system have multiple purposes, and that while they will not stop all violations nor restore full public trust in government (mainly because violations will still occur), strong rules and enforcement will discourage most people from violating the rules, and will encourage public trust.

Therefore, Democracy Watch's conclusion concerning this overall policy issue is that the Commission must recommend strengthening the rules and enforcement in all areas which have been identified through Part II, and also recommend strengthening ethics education, as this will likely have all positive effects on compliance, development of an ethics culture and public trust.

B. Response to Claims that Current Rules and Enforcement are Adequate, or Go Too Far

Of the three researchers contracted by the Commission to write background papers for the Part II Policy Review, only Lori Turnbull claimed that the current Canadian federal government ethics and openness laws, codes, rules and enforcement are adequate, or in some cases go too far. And of the 15 or so people total who testified before the Commission during Part II, only Mel Cappe, Joe Clark and David Mitchell made the same argument as Ms.Turnbull.

However, none of these four witnesses offered any evidence that any current federal laws etc. are adequate, let alone go too far, and none of them named even one rule that supposedly goes too far, nor did any of them name any person who supposedly had been discouraged from entering a public service position because of the current rules (in particular, the changed and new rules contained in the 2006 *Federal Accountability Act*).

In fact, the one witness in the best position to know the reality of the mindset of those entering into service in the federal government, Penny Collenette, who served as Director of Appointments in the Prime Minister's Office for four years, stated very clearly before the Commission that she had never seen any evidence that effective ethical requirements discouraged any qualified person from applying for a position in the public service.

In addition, in its submission Democracy Watch detailed dozens of loopholes and many cases of vagueness in the federal government's ethics and openness laws (as did Gregory Levine in his research paper, and even Ms.Turnbull acknowledged some of these loopholes in her paper), citing the specific provisions of each law/code. Democracy Watch also cited several recent cases (including court cases) that show clearly that the current laws, and enforcement systems, are dangerously inadequate.

And everyone who testified before the Commission highlighted the problem that unclear rules with technical loopholes cause for people in federal politics, as they are paralyzed by not knowing clearly what actions and decisions are legal.

To give the Commission another perspective on how serious the loopholes and vagueness of federal ethics and openness rules are, and how much they undermine the prevention of conflicts of interest and excessive secrecy in the federal government (let alone undermine the development and maintenance of a culture of ethics and openness), set out below are 20 unethical and/or secretive "scenarios" all of which are currently legal under federal ethics and openness laws (and below the 20 unethical, but legal, situations are listed 10 key flaws in the federal government's ethics and openness enforcement systems).

1. 20 Unethical and/or Secretive Actions and Situations That Are Still Legal in Federal Politics

1. **Everyone in government can lie to voters about almost anything with no penalty in many cases:** Although the Conservatives established through the *Federal Accountability Act* (FAA) the new Parliamentary Budget Officer (PBO) to help ensure truth in government budgeting, the FAA also eliminated from the *Conflict of Interest Act* the one rule that required Cabinet ministers, their staff and appointees to be truthful in their public statements. The *Conflict of Interest Code for Members of the House of Commons* (*MPs Code*) contains such an honesty rule, but in June 2008 MPs changed the MPs Code to ensure that the federal Ethics Commissioner cannot enforce that rule. Even if the PBO concludes that the Finance Minister and/or his department officials have lied about the government budget numbers, the PBO has no power to penalize anyone.

2. **Cabinet ministers, their staff, and Cabinet appointees (including deputy ministers) and MPs and Senators can make policy decisions in areas in which they have financial interests:** Finance Minister Flaherty or his staff or deputy minister can own $1 million of shares in a bank and make decisions about changes to the *Bank Act*; Industry Minister Tony Clement can own $1 million of shares in any corporation and make decisions about changes to the *Canada Business Corporations Act*. Why is this allowed? Because Prime Minister Harper broke his 2006 election promise to remove the loophole Paul Martin added to federal ethics rules on the first day he became Prime Minister in December 2003. The loophole means that the *Conflict of Interest Act* does not apply to any decisions that address issues of general application or that affect a broad range of people or corporations or organizations, even though 99% of the decisions of Cabinet ministers and their staff and appointees are these type of decisions. In other words, the *Conflict of Interest Act* only applies to 1% of the things that the most powerful people in government do and decide. The same loophole exists in the *MPs Code* and the *Conflict of Interest Code for Senators* (*Senators Code*).

3. **Lobbyists can work for Cabinet ministers:** The Royal Bank of Canada (RBC) could hire a Mr. X in Ottawa as a part-time employee lobbyist (as long as Mr. X worked one day per week average for RBC or any other for-profit corporation, he would not have to register as a lobbyist under the federal *Lobbying Act* nor comply with Rule 8 of the *Lobbyists Code of Conduct*), and since he is not legally a lobbyist, Finance Minister Jim Flaherty could then hire Mr. X as a ministerial adviser (as long as Mr. X worked less than 15 hours per week for Minister Flaherty, the federal *Conflict of Interest Act* would not apply to him, nor to his relationship to the Minister);

4. **Lobbyists can work for all MPs (including opposition party leaders):** Anyone working as a part-time employee lobbyist one day per week average for any for-profit corporation does have to register as a lobbyist under the federal *Lobbying Act* nor comply with Rule 8 of the *Lobbyists Code of Conduct* and therefore it is legal for them to work for any MP (including opposition party leaders like Liberal leader Michael Ignatieff and the Liberals' opposition critics who could become Prime Minister or a Cabinet minister within a couple of months (given the current minority government could fall at any time leading to an election);

5. **Some Cabinet appointees don't have any ethics rules:** In a ridiculous decision last year, federal Conflict of Interest and Ethics Commissioner Mary Dawson decided that the *Conflict of Interest Act* only applies to people appointed by the entire Cabinet. As a result, people appointed by one Cabinet minister do not have to comply with any government ethics rules;

6. **Documents the public has a clear right to see can be hidden for years, or for decades:** Because of loopholes in the federal *Access to Information Act*, and the lack of an effective enforcement agency (the Information Commissioner has no enforcement powers, and inadequate resources) documents that could be made public without harming anything except the political fortunes of the ruling party and government in power can now be hidden for years, and in some cases for decades. For example, any document produced by their staff and containing advice to Prime Minister Stephen Harper and Attorney General of Canada Rob Nicholson about how to respond to documents sent to them by Karlheinz Schreiber could be hidden for years under the much-abused "Cabinet confidence" exemption in the *Act*;

7. **Part-time lobbyists for for-profit corporations, and unpaid lobbyists, can lobby in secret:** If a person works for a for-profit corporation and lobbies less than one day per week, or is not paid for their lobbying activities, they are not required to disclose their lobbying activities under the *Lobbying Act*;

8. **Part-time and junior ministerial staff and "employment exchange program" staff can lobby their Minister the day after they leave:** Ms. Y could work as a part-time ministerial adviser or junior staff member for Minister Flaherty's office and then leave and be hired by TD-Canada Trust and lobby Mr. Flaherty the next day (as long as Ms. Y worked less than 15 hours per week for Minister Flaherty, or as a junior staff member, the one-year "cooling-off" period in the federal *Conflict of Interest Act* would not apply to her nor would the five-year prohibition on being a registered lobbyist under the *Lobbying Act*). Ms. Y could also work for TD Canada Trust, and then participate in the employment exchange program that the federal government maintains with big businesses, taking a position in Minister Flaherty's office, and when she left she could lobby Minister Flaherty the next day for TD Canada Trust;

9. **Staff of MPs and Senators don't have any ethics rules:** The *Conflict of Interest Code for Members of the House of Commons* (*MPs Code*) and *Conflict of Interest Code for Senators* (*Senators Code*) do not apply to the staff of MPs and Senators, which allows MPs and Senators to have their staff do things that their code prohibits them from doing themselves;

10. **Cabinet ministers, their staff, and Cabinet appointees (including deputy ministers) can leave and lobby part-time the next day (with only a few restrictions on who they can lobby):** As long as a former Cabinet minister or the others listed work only as a part-time employee lobbyist for a for-profit corporation that they did not have direct and significant official dealings with during their last year in office, they can begin lobbying the day after they leave office (they are only prohibited (Cabinet ministers for two years, others for one year) from lobbying their former Cabinet colleagues and from lobbying government institutions they had direct and significant official dealings with during their last year in office (NOTE: the Ethics Commissioner has not defined what "direct and significant official dealings" means);

11. **MPs, Senators and their staff can lobby the government and their former colleagues the day after they leave:** The *MPs Code* and *Senators Code* do not contain a "cooling-off" period, and therefore an MP or Senator or their staff could work on an issue, with close contact and a close relationship with the responsible Cabinet minister(s) and ministerial staff, and/or heads of the responsible government institution, and/or opposition party leader/critic, and then leave and lobby those same people the next day for any corporation or interest group;

12. **A lobbyist can become a Cabinet minister responsible for the issues they lobbied about the day after they are elected:** President Obama has imposed a two-year ban on any former lobbyist in his administration dealing with any matter that they formerly lobbied on, but there is no such restriction in the federal Canadian government. For example, Gordon O'Connor in 2006 became Minister of Defence less than two years after he was a lobbyist for defence industry companies, and David Emerson in 2004 became Minister of Industry and dealt with forestry issues only a

couple of months after he was a CEO lobbyist for a forestry company;

13. **Cabinet ministers can lobby anyone part-time two years after they leave:** Minister of Public Safety Minister Peter Van Loan could leave office and, only two years later, lobby his former Cabinet colleagues on behalf of a few different for-profit corporations as a part-time, in-house employee lobbyist (as long as he lobbied on average only one day per week for each corporation, he would not have to register under the *Lobbying Act* and therefore would not be subject to the *Act*'s five-year "cooling-off" period);

14. **All Ministerial staff and Cabinet appointees (including Deputy Ministers) can lobby anyone part-time one year after they leave:** Any ministerial staff person or Cabinet appointee could leave office and, only one year later, lobby their former colleagues on behalf of a few different for-profit corporations as a part-time, in-house employee lobbyist (as long as they lobbied on average only one day per week for each corporation, they would not have to register under the *Lobbying Act* and therefore would not be subject to the *Act*'s five-year "cooling-off" period);

15. **All of the above loopholes also exist in some form for all public servants:** *The Values and Ethics Code for the Public Service* contains very similar loopholes as the *Conflict of Interest Act*, the *MPs Code* and the *Senators Code*, and as a result all public servants can act in these same clearly unethical ways;

16. **Lobbyists can give MPs and Senators the gift of unlimited "sponsored travel":** This loophole in the *MPs Code* and *Senators Code* means that MPs and Senators can go on junkets paid for by lobbyists, and then come back and make decisions that affect those lobbyists;

17. **Anyone can give an unlimited secret gift of money, property or services to any nomination race or non-MP political party leadership candidate:** As a result, even before they become an election candidate a person can be bought off, and while and MP who is a candidate in the leadership race of a political party is prohibited from accepting such gifts, someone who is not an MP who is running in the same race can legally be bought off in secret;

18. **Political parties and riding associations can maintain secret trust funds for defeated or retiring MPs, and any senator or political staffperson:** The Canada Elections Act only prohibits secret trust funds that benefit a sitting MP, but do not prohibit a party or riding association from have a secret fund that is given to a defeated or retiring MP, or any sitting senator, or any political staffer;

19. **Anyone can give a secret, unlimited loan to any Cabinet minister, their staff, Cabinet appointee, MP or senator:** While donations and gifts are limited and must be disclosed (other than the loopholes identified above), loans are unlimited and unrestricted which means lobbyists can easily provide loans to the public officials they are lobbying as an unethical, but legal, means of influence the officials, and;

20. **It seems, because of lack of effective enforcement and/or vague laws, that MPs can be given appointments, money, property or services by other political parties in return for switching parties in between elections:** According to all available evidence,.in the past six years, Belinda Stronach, David Emerson and Wajid

Khan all switched parties when they were MPs and were given some sort of benefit or appointment by the Prime Minister, who also appointed John Harvard as Lieutenant Governor of Manitoba in return for giving up his seat in Parliament, and Chuck Cadman and others claimed he was offered financial compensation of some sort if he had become a Conservative MP or voted with the Conservatives, while Gurmant Grewal and others claimed he was offered some sort of reward if he had become a Liberal MP. None of the people involved in these actions have been found to have violated any ethics law or code.

2. 10 Key Flaws in Federal Ethics and Openness Enforcement Systems

In addition, the 10 key flaws in the current federal government ethics and openness enforcement systems set out below essentially mean important measures in the ethics and openness laws are not enforced effectively at all, and that the lines these measures draw are not at all clear:

1. **The Ethics Commissioner and Senate Ethics Officer ignore complaints about general unethical behaviour and conflicts of interest, and can refuse to rule on any complaints filed by the public:** Because of vague rules, it is not clear that the Commissioner or Officer will investigate complaints about general unethical behaviour and conflicts of interest (they have indicated that they will only investigate financial wrongdoing). And no matter how clear the evidence presented in a complaint is, if it is filed by the public the Commissioner and Officer are not clearly required to investigate the complaint, and so they can just choose to ignore it and have done so in a few cases;

2. **Cabinet ministers, their staff, and Cabinet appointees (including deputy ministers) are not required to report to the Ethics Commissioner about their work activities after they leave office:** As a result, a Prime Minister could still easily keep secret the work they do after they leave office, as former Prime Minister Brian Mulroney did;

3. **The Ethics Commissioner and the Senate Ethics Officer do not audit anyone covered by federal ethics rules:** Even though federal Conflict of Interest and Ethics Commissioner Mary Dawson's mandate is to prevent conflicts of interest and administer and enforce the *Conflict of Interest Act* and *MPs Code*, she has stated publicly that she believes she does not have the power or mandate to audit anyone's financial statements or activities in office or after they leave office. As a result, even though Revenue Canada and many other government enforcement agencies regularly audit Canadians to make sure they are complying with the law, the Ethics Commissioner simply trusts that Cabinet ministers, their staff. Cabinet appointees and MPs are following all the rules all the time. And even though the Senate Ethics Officer has similar powers and mandate as the Ethics Commissioner, he also does no audits to ensure compliance with the *Senators Code*. As well, the bank accounts of Canadian public officials are not tracked for suspicious transactions, as required by Canada's ratification of the *UN Convention Against Corruption*;

4. **The Commissioner of Lobbying does not audit anyone covered by the *Lobbying Act*:** Not just lobbyists are covered by the *Act*, but so are some public office holders during the five-year ban on being a registered lobbyist after leaving office (loophole-filled as that so-called ban is);

5. **No one effectively enforces any of the rules in the *Values and Ethics Code for the Public Service*, let alone conducts regular audits:** This complete lack of enforcement and auditing was the main reason Paul Champagne was so easily able to embezzle more than $150 million from the Department of National Defence over an almost 10-year period without being detected.

6. **Because the Ethics Commissioner, Senate Ethics Officer and Elections Canada do not conduct audits, anyone including lobbyists can easily give a Cabinet minister, their staff, a Cabinet appointee (including a deputy minister), an MP or a Senator or their staff, or any public servant money, property or services in secret, as Karlheinz Schreiber gave former Prime Minister Brian Mulroney money and services in secret;**

7. **The Senate Ethics Officer has no independence:** The Officer is under the direction of a committee of senators, and cannot investigate nor rule on any senator's actions without the approval of the committee, and the senator can then appeal the ruling to the committee;

8. **The Ethics Commissioner can make secret rulings:** The *Conflict of Interest Act* and *MPs Code* both allow the Ethics Commissioner to make secret rulings through giving advice in response to a request from a Cabinet minister, ministerial staff, Cabinet appointee or MP. In addition, the information considered by the Ethics Commissioner during investigations is also secret. As a result, the public has no idea whether the Ethics Commissioner may have made a blatant error in interpreting and applying ethics rules, or ignored important evidence, and thereby allowed a public official to do something that is clearly unethical and prohibited. In addition, by failing to issue guidelines, interpretation bulletins and (as the Senate Ethics Officer has done) to issue summaries of advice given for the key measures in the *Act* and *Code*, the Ethics Commissioner has made it much more difficult for public office holders, the media and the public to know exactly what lines the *Act* and *Code* draw, and what actions cross those lines in violation of the *Act* or *Code*;

9. **There are no penalties for violating conflict of interest rules:** Neither the *Conflict of Interest Act*, nor the *MPs Code* or *Senators Code*, nor the *Value and Ethics Code for the Public Service*, contains penalties for making decisions or acting while in a conflict of interest (and, as noted above, the conflict of interest rules in the *Act* and codes only apply to 1% of what public officials do). As a result, even if by some remote chance someone is caught violating the *Act* or codes, they will likely continue in their position, and;

10. **Political staff are not protected if they blow the whistle on wrongdoing, and the overall whistleblower protection system is flawed:** As a result, the people most likely to see wrongdoing by politicians are not protected from retaliation at all, or effectively, if they report the wrongdoing.

The above loopholes and flaws make it clear that the current federal ethics and openness laws are far from adequate, and don't even come close to "going too far".

Democracy Watch's initial submission to the Commission in June details the changes needed to each relevant law in order to close the loopholes that make legal the 20 unethical actions

and situations set out above, and to correct the 10 key flaws in the federal government's ethics and openness enforcement systems.

Again, there is no evidence before the Commission, and frankly no evidence at all, that making these changes will discourage any qualified person from entering the public service.

What is more likely, actually, is that these changes will encourage qualified people to enter the federal public service because the changes will discourage people who plan to try to profit privately from entering the public service, and make it much more clear what is expected of those in public service, and therefore will make it less likely that the reputations of good people will be tarnished by the behaviour of others in the public service, or by baseless allegations or innuendo.

In other words, making the rules clear without any technical loopholes, and strengthening enforcement, will make the life of everyone in federal politics easier because they will know what they can and can't do, and they will have more certainty that their colleagues are also following the rules.

Therefore, if the Commissioner at all takes seriously the goal of making policy changes that will preventing policy-makers in the federal government from acting unethically or excessively secretly, he must recommend strongly, and in detail, that the changes set out in Democracy Watch's initial submission to the Commission be made as soon as possible.

C. Response to Proposal for an Advisory Committee on Post-Employment Activities

The U.K. ethics enforcement agencies includes an advisory committee that plays a review role concerning the post-public service activities of public office holders (both Cabinet ministers and senior public servants), and the Commission heard testimony on July 28 from Ms. Sue Gray of the secretariat office that oversees the advisory committee.

Democracy Watch's position is that the U.K. advisory committee model is flawed in several ways, as follows:

- the advisory committee has inadequate structural independence from the Prime Minister's office;
- information considered by the advisory committee is kept secret;
- if the former public office holder does not take a job, the fact that they were offered or considered the job is kept secret;
- if the advisory committee advises that a former public office holder cannot take a job, but the public office holder takes the job, there are no penalties that the advisory committee, or any other entity, can impose on the public office holder;
- the advisory committee undertakes no audits of the activities of public office holders to determine whether they are doing work during their "cooling-off" period that is prohibited under the ethics rules, and;
- neither the former public office holder, nor any member of the public, can appeal to the courts a ruling by the advisory committee.

As a result of these flaws, Democracy Watch's position is that the U.K. post-employment advisory committee model should not be established in the federal Canadian government (or any

other Canadian government).

Instead, the following changes must be made to the federal Canadian government's post-employment rule enforcement system:

- as set out in Recommendations 16 to 18 in Democracy Watch's initial June 2009 submission to the Commission, public office holders must be required to report to the Ethics Commissioner if they seek any kind of outside employment or receive offers of any kind of outside employment;

- as set out in Recommendations 19 and 20 in Democracy Watch's initial submission, public office holders should be prohibited from working with any entity with which they had significant official dealings during their last four years in office, and the prohibition should be from two to three years depending on the decision-making power of the office holder (and similar prohibitions should be enacted for MPs, senators, their staff and public servants);

- as set out in Recommendation 21 in Democracy Watch's initial submission, public office holders should be required to disclose to the Ethics Commissioner an annual statement of their assets and liabilities throughout their "cooling-off" period (and a cooling-off period should be established for MPs, senators, their staff and public servants on a sliding scale depending on their decision-making power, and they should also be required to disclose to the Commissioner an annual financial statement during this period);

- **New Recommendation 21(a)** -- Former public office holders (and former MPs, senators, their staff and public servants) should all be required to report during their respective cooling-off periods to the Ethics Commissioner if they seek any kind of employment or receive offers of any kind of outside employment, so that the Commissioner can conduct a review to determine whether the employment complies with ethics rules and requirements;

- as set out in Recommendations 32, 40 and 47 in Democracy Watch's initial submission, the Ethics Commissioner, Senate Ethics Officer and Public Sector Integrity Commissioner must be required to conduct random audits of the financial statements and activities of public office holders, MPs, senators, their staff and public servants, not only while they are in office but also during their respective post-employment "cooling-off" periods, and the Commissioner of Lobbying must also be required to conduct random audits, and, as required by the Canadian government's ratification of the *UN Convention Against Corruption*, the bank accounts of these people must be tracked for suspicious transactions while they are in office and during their cooling-off periods;

- as set out in Recommendations 31, 34, 39, 42 and 43 of Democracy Watch's initial submission, the Ethics Commissioner, Senate Ethics Officer, Public Sector Integrity Commissioner and Commissioner of Lobbying must be required to examine and issue a public ruling in response to every request/complaint filed with them (even if only to dismiss it as frivolous or vexatious or bad faith);

- as set out in Recommendation 35 of Democracy Watch's initial submission, the Ethics Commissioner, Senate Ethics Officer and Public Sector Integrity Commissioner must be given the power to penalize violators of their respective ethics laws and codes, including during their respective "cooling-off" periods;

- as set out in Recommendation 37 of Democracy Watch's initial submission, judicial review applications must be allowed of any legal errors made in the decisions of the Ethics Commissioner, Senate Ethics Officer and Commissioner of Lobbying, and;
- if the Commissioner believes that these new responsibilities of the federal Ethics Commissioner, Senate Ethics Officer, Public Sector Integrity Commissioner and Commissioner of Lobbying will mean that they will not have the capacity to undertake timely and effective enforcement actions and decisions (and similarly believes that Democracy Watch's recommended increased powers and role for the federal Information Commissioner will have a similar effect), the Commissioner should recommend that these commissioners all be changed into three-person commissions (and this change will also have the benefit (as in Canada's courts of appeal and in the Canadian Judicial Council, and the U,K, post-employment advisory committee model) of formally ensuring that different perspectives are taken into account in the enforcement of the federal government's key good government laws and codes.

PART III
CONCLUSION: IF THE SYSTEM IS NOT CLEANED UP, SCANDALOUS ACTIVITIES WILL CONTINUE TO OCCUR REGULARLY

The 20 unethical and/or secretive, but still legal, actions and situations in federal politics set out above, and the 10 flaws in the federal government's ethics and openness enforcement systems, make clear the problem of the many ways in which federal government decision-making and policy-making processes can be corrupted, and Democracy Watch's initial submission to the Commission set out solutions that are consistent with the rules and enforcement systems used in many areas of society to ensure people in federal politics act honestly, ethically, openly and representatively, and prevent waste.

As with the Gomery Commission of Inquiry, this Commission is examining one series of events that reveal systemic problems with Canada's good government enforcement system.

Therefore, Democracy Watch urges the Commissioner to consider fully the interconnections between business and financial dealings and communications among lobbyists and federal public officials and the federal government's overall ethics, lobbying, political finance, and open government rules and enforcement systems (interconnections hopefully made clear in this final submission and in Democracy Watch's initial submission).

Democracy Watch's position is that the loopholes and flaws in these systems must be addressed in the Commissioner's policy recommendations because the series of events being examined by the Commission, as with all other similar past series of events, are directly or indirectly a result of these systemic loopholes and flaws.

In other words, the federal good government enforcement system is the scandal, and until the loopholes are closed and flaws are corrected in the system, similar series of events will, unfortunately, continue to occur all too frequently, with predictable damage to the public trust.