



BACKGROUND PAPER

APPOINTMENT OF OFFICERS OF PARLIAMENT

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Appointment of Officers of Parliament
(Background Paper)

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APPOINTMENT OF OFFICERS OF PARLIAMENT

1 INTRODUCTION

Officers of Parliament are responsible directly to Parliament rather than to the government or a federal minister. This emphasizes their independence from the government of the day. They carry out duties assigned by statute and report to one or both chambers of Parliament.

There are nine officers of Parliament: 1) the Auditor General of Canada; 2) the Chief Electoral Officer of Canada; 3) the Commissioner of Official Languages; 4) the Information Commissioner of Canada; 5) the Privacy Commissioner of Canada; 6) the Conflict of Interest and Ethics Commissioner; 7) the Commissioner of Lobbying of Canada; 8) the Public Sector Integrity Commissioner of Canada; and 9) the Parliamentary Budget Officer.

According to the *Language Skills Act*, passed in 2013 and subsequently modified, all officers of Parliament must, at the time of their appointment, be able to speak and understand clearly both official languages.¹

Federally, there is no statutory definition of what constitutes a parliamentary officer. However, the role and function of these officers are distinct from those of other positions such as the Clerk of either house, the Sergeant-at-Arms, the Law Clerk and Parliamentary Counsel or the Parliamentary Librarian. The latter officials assist Parliament in procedural and administrative matters, whereas officers of Parliament support Parliament in its accountability and scrutiny functions, and in carrying out other tasks.

The Privy Council Office makes a distinction by referring to the officers of Parliament described in this document as “agents of Parliament,” and the others as “officers of Parliament.” Other bodies, such as the Canadian Human Rights Commission and the Public Service Commission, are occasionally considered in the same category as the “agents of Parliament” because they have a degree of independence and perform a similar “watchdog” function, and because their members are appointed or ratified by the House of Commons or Parliament. This document looks at the nine parliamentary officer positions listed above.

2 AUDITOR GENERAL OF CANADA

2.1 APPOINTMENT

The Auditor General of Canada is appointed by the Governor in Council by commission under the Great Seal, after consultation with the leader of every recognized party in the Senate and the House of Commons and after approval of the appointment by resolution of the Senate and the House of Commons. The incumbent holds office for a 10-year term.² The position was created in 1878.

2.2 ROLE

The Auditor General plays an important role in the process of government accountability to Parliament by conducting independent audits of federal government operations and reporting their findings to the House of Commons. The Auditor General verifies the accounting methods and accuracy of the financial statements of the government, and determines whether public funds were used efficiently and for the purposes intended by Parliament. The Auditor General appears regularly before parliamentary committees, particularly the Public Accounts Committee.

2.3 REPORTS

In addition to an annual report to the House of Commons, the Auditor General can produce up to three other reports during the year, pursuant to an amendment made to the *Auditor General Act* in 1994.³

Current Auditor General of Canada:
Sylvain Ricard
(appointment: 28 September 2019 to 27 March 2020)

[Office of the Auditor General of Canada website](#)

[Recent reports](#)

Enabling statutes
[Auditor General Act](#)
[Financial Administration Act](#)

3 CHIEF ELECTORAL OFFICER OF CANADA

3.1 APPOINTMENT

The Chief Electoral Officer of Canada (CEO) is appointed by a resolution of the House of Commons. The incumbent holds office for a non-renewable 10-year term.⁴ The position was created in 1920.

3.2 ROLE

The CEO administers federal elections and referendums in Canada. The office is also responsible for the registration of political parties, the maintenance of the National Register of Electors, and the enforcement of the *Canada Elections Act*. The CEO appears regularly before parliamentary committees, particularly the House of Commons Standing Committee on Procedure and House Affairs.

3.3 REPORTS

The statutory reports of the CEO, presented to the House of Commons, describe the administration of general elections or by-elections and report on the activities of Elections Canada since the previous report. The official voting results are published as soon as possible after a general election. For by-elections, one report is presented at the end of the year and sets out the results of all by-elections in that year. All registered political parties must submit audited financial statements of revenues and expenses to the CEO.

Current Chief Electoral Officer of Canada
Stéphane Perrault
(appointment: 8 June 2018 to 7 June 2028)

[Elections Canada website](#)

Recent reports
[Elections Canada's Official Reports](#)
[Political Entity Financial Returns \(search tool\)](#)

Enabling statutes
[Canada Elections Act](#)
[Referendum Act](#)

4 COMMISSIONER OF OFFICIAL LANGUAGES

4.1 APPOINTMENT

The Commissioner of Official Languages is appointed by the Governor in Council by commission under the Great Seal, after consultation with the leader of every recognized party in the Senate and the House of Commons and after approval of the appointment by resolution of the Senate and the House of Commons. The incumbent holds office for a seven-year term.⁵ The position was created in 1970.

4.2 ROLE

The Commissioner of Official Languages' role is to ensure compliance with the *Official Languages Act*, which provides that, in federal institutions, both English and French are to be used as the languages of work and of communications with, and services to, the public. The Commissioner investigates complaints, conducts audits and studies to measure the compliance of federal institutions, and makes recommendations. The Office of the Commissioner of Official Languages also shares responsibilities with the Department of Canadian Heritage for the advancement of English and French minority communities across Canada.

4.3 REPORTS

The Commissioner of Official Languages tables an annual report to Parliament and individual reports on various studies. The Commissioner appears before parliamentary committees, particularly the Standing Senate Committee on Official Languages and the House of Commons Standing Committee on Official Languages.⁶

Current Commissioner of Official Languages
Raymond Th  berge
(appointment: 29 January 2018 to 28 January 2025)

[Office of the Commissioner of Official Languages website](#)

[Recent reports](#)

Enabling statute
[Official Languages Act](#)

5 INFORMATION COMMISSIONER OF CANADA

5.1 APPOINTMENT

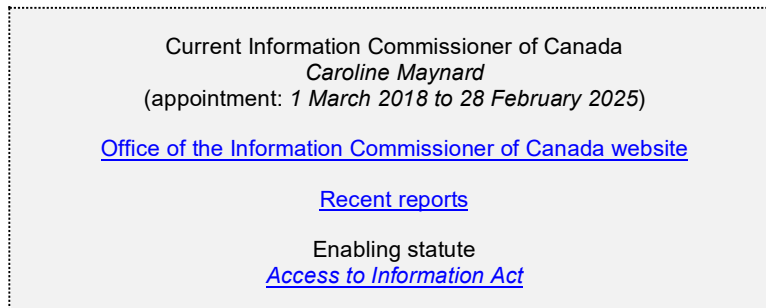
The Information Commissioner of Canada is appointed by the Governor in Council by commission under the Great Seal, after consultation with the leader of every recognized party in the Senate and the House of Commons and after approval of the appointment by resolution of the Senate and the House of Commons. The incumbent holds office for a seven-year term.⁷ The position was created in 1983.

5.2 ROLE

The Information Commissioner investigates complaints from people who believe they have been denied rights under the *Access to Information Act* and makes recommendations to government institutions.

5.3 REPORTS

The Information Commissioner tables an annual report to Parliament, as well as periodic report cards on individual departments.



6 PRIVACY COMMISSIONER OF CANADA

6.1 APPOINTMENT

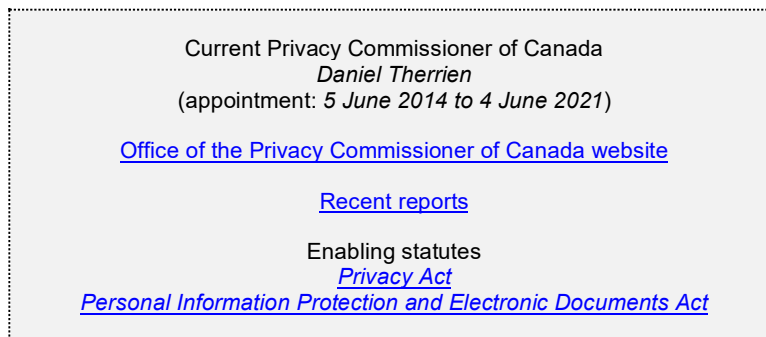
The Privacy Commissioner of Canada is appointed by the Governor in Council by commission under the Great Seal, after consultation with the leader of every recognized party in the Senate and the House of Commons and after approval of the appointment by resolution of the Senate and the House of Commons. The incumbent holds office for a seven-year term.⁸ The position was created in 1983.

6.2 ROLE

The Privacy Commissioner monitors compliance with the *Privacy Act* and investigates complaints from individuals who believe that the federal government has not responded adequately to their request for access to personal information concerning them or that a federal agency is collecting information in a manner that does not comply with the *Privacy Act*. The Privacy Commissioner is also responsible for complaints relating to the collection, disclosure, use and protection of personal information in the private sector under the *Personal Information Protection and Electronic Documents Act*.⁹ Under this Act, the Commissioner also has a mandate to promote privacy rights.

6.3 REPORTS

The Privacy Commissioner submits an annual report to the Senate and the House of Commons under each of the above statutes. The Commissioner may also table special reports to Parliament.



7 CONFLICT OF INTEREST AND ETHICS COMMISSIONER

7.1 APPOINTMENT

The Conflict of Interest and Ethics Commissioner is appointed by the Governor in Council by commission under the Great Seal, after consultation with the leader of every recognized party in the House of Commons and after approval of the appointment by resolution of the House. The incumbent holds office for a seven-year term.¹⁰

Under the *Parliament of Canada Act*, the Conflict of Interest and Ethics Commissioner must be:

- a former judge of a superior court in Canada or of any other court whose members are appointed under an Act of the legislature of a province;
- a former member of a federal or provincial board, commission or tribunal who has demonstrated expertise in at least one of the following areas:
 - conflicts of interest;
 - financial arrangements;
 - professional regulation and discipline; or
 - ethics; or
- a former Senate Ethics Officer or former Ethics Commissioner.¹¹

The position was created in 2007 and replaced that of the Ethics Commissioner.

7.2 ROLE

The Conflict of Interest and Ethics Commissioner provides confidential advice to the prime minister and to public office holders on all matters pertaining to the implementation of the *Conflict of Interest Act*. In addition, the Commissioner may, at the request of a parliamentarian or on their own initiative, investigate any alleged breach of the Act by a public office holder. The Commissioner may, in the course of an investigation, consider information provided by the public that is conveyed to

the Commissioner by a parliamentarian. Under the *Parliament of Canada Act*, the incumbent also performs the duties and functions assigned by the House of Commons in order to govern the conduct of its members in carrying out the duties and functions of their office as members of that House, under the general direction of any committee of the House of Commons designated for that purpose.

7.3 REPORTS

The Conflict of Interest and Ethics Commissioner submits an annual report to the House of Commons on their activities under the *Conflict of Interest Act*,¹² as well as an annual report on their activities under the *Parliament of Canada Act*.¹³

Current Conflict of Interest and Ethics Commissioner
Mario Dion
(appointment: 9 January 2018 to 8 January 2025)

[Office of the Conflict of Interest and Ethics Commissioner website](#)

[Recent reports](#)

Enabling statutes
[Parliament of Canada Act](#)
[Conflict of Interest Act](#)

8 COMMISSIONER OF LOBBYING OF CANADA

8.1 APPOINTMENT

The Commissioner of Lobbying of Canada is appointed by the Governor in Council by commission under the Great Seal, after consultation with the leader of every recognized party in the Senate and the House of Commons and after approval of the appointment by resolution of the Senate and the House of Commons. The incumbent holds office for a seven-year term.¹⁴ This position replaced that of the former Registrar of Lobbyists.

8.2 ROLE

The Commissioner of Lobbying is responsible for promoting an understanding of, acceptance of and compliance with the *Lobbying Act*. To this end, the Commissioner has a public education mandate, particularly with respect to lobbyists, their clients and public office holders. The Commissioner must also conduct investigations where there is reason to believe that this is necessary in order to ensure compliance with the *Lobbying Act*. The Act also stipulates that the Commissioner must report to Parliament on their findings and conclusions after conducting an investigation.

8.3 REPORTS

In addition to reports presented after the completion of an investigation, the Commissioner of Lobbying must table an annual report to Parliament. The Commissioner may also submit special reports on any matter within their mandate.

Current Commissioner of Lobbying of Canada
Nancy Bélanger
(appointment: 30 December 2017 to 29 December 2024)

[Office of the Commissioner of Lobbying of Canada website](#)

[Recent reports](#)

Enabling statute
[Lobbying Act](#)

9 PUBLIC SECTOR INTEGRITY COMMISSIONER OF CANADA

9.1 APPOINTMENT

The Public Sector Integrity Commissioner of Canada is appointed by the Governor in Council by commission under the Great Seal, after consultation with the leader of every recognized party in the Senate and the House of Commons and after approval of the appointment by resolution of the Senate and the House of Commons. The incumbent holds office for a seven-year term.¹⁵ This position was created in 2007.

9.2 ROLE

The Public Sector Integrity Commissioner receives and investigates disclosures of wrongdoing and makes recommendations based on their findings. The incumbent is also responsible for hearing the complaints of public servants who have suffered reprisals as a result of reporting a wrongdoing. The Commissioner may conduct investigations and attempt to bring about a settlement between the parties through conciliation, but does not have the power to enforce a settlement. If there is no settlement, the Commissioner may decide to refer the matter to an independent body – the Public Servants Disclosure Protection Tribunal. The Commissioner must report to Parliament on their findings and conclusions when they deem that an allegation of wrongdoing or reprisal is well founded.

9.3 REPORTS

In addition to reports presented after the completion of an investigation, the Public Sector Integrity Commissioner must table an annual report to Parliament. The Commissioner may also submit special reports on any matter within their mandate.¹⁶

Current Public Sector Integrity Commissioner of Canada
Joe Friday
(appointment: 27 March 2015 to 26 March 2022)

[Office of the Public Sector Integrity Commissioner
of Canada website](#)

[Recent reports](#)

Enabling statute
[Public Servants Disclosure Protection Act](#)

10 PARLIAMENTARY BUDGET OFFICER

10.1 APPOINTMENT

This position was created in 2006. However, the Parliamentary Budget Officer (PBO) did not become an officer of Parliament until 2017, when an amendment to this effect was made to the *Parliament of Canada Act*. The PBO was previously an official with the Library of Parliament.

The PBO is appointed by the Governor in Council, by commission under the Great Seal, after consultation with the member of the Senate occupying the position of Leader of the Government in the Senate, the member of the Senate occupying the position of Leader of the Opposition in the Senate, the leader of every caucus and recognized group in the Senate, and the leader of every recognized party in the House of Commons, and after approval of the appointment by resolution of the Senate and the House of Commons. The incumbent holds office for a seven-year term.¹⁷

According to the *Parliament of Canada Act*, the PBO must have demonstrated experience and expertise in federal or provincial budgeting.

10.2 ROLE

The PBO is responsible for providing analysis to the Senate and the House of Commons on the government estimates and on matters of particular significance relating to the nation's finances or economy (which must be listed in the PBO's annual work plan). The PBO provides analysis primarily on the budget and the estimates.

At the request of a committee, a senator or a member of the House of Commons, the PBO estimates the financial cost of any proposal that relates to matters within Parliament's jurisdiction. The incumbent may also carry out analyses on the nation's finances or economy or on the estimates at the behest of certain committees identified in the *Parliament of Canada Act*.

Before a general election, the PBO estimates, at the request of a political party or an independent member of the House of Commons, the financial cost of any election campaign proposal that the party or member is considering making.

The PBO's analyses are conducted for the purpose of raising the quality of parliamentary debate and promoting greater budget transparency.

10.3 REPORTS

The PBO submits reports produced at the request of a committee to the chair of that committee one business day before the report is released to the public. The PBO submits reports produced at the request of a parliamentarian to the parliamentarian one business day before the report is released to the public.

Any report analyzing a measure proposed as part of an election campaign is submitted to the requester and is made public as soon as possible after the requester publicly announces the proposal.

All other reports are submitted to the Speakers of both houses one business day before they are made public.

In addition to reports submitted in response to a request, the PBO presents an annual report to the Speakers of the Senate and the House of Commons.

Before the beginning of each fiscal year, the PBO submits an annual work plan containing a list of matters relating to the nation's finances or economy that the PBO intends to bring to the attention of Parliament.¹⁸

Current Parliamentary Budget Officer
Yves Giroux
(appointment: 3 September 2018 to 2 September 2025)

[Office of the Parliamentary Budget Officer website](#)

[Recent reports](#)

Enabling statute
[Parliament of Canada Act](#)

NOTES

1. [Language Skills Act](#), S.C. 2013, c. 36, s. 2.
2. [Auditor General Act](#), R.S.C. 1985, c. A-17. Section 17 of *An Act to implement certain provisions of the 2011 budget as updated on June 6, 2011* amended section 3 of the *Auditor General Act* to repeal the provision for mandatory retirement of the Auditor General at the age of 65. See [An Act to implement certain provisions of the 2011 budget as updated on June 6, 2011](#), S.C. 2011, c. 15, s. 17.

3. See *Auditor General Act*, s. 7(1). See also Richard Domingue and Michelle Salvail, [The Management and Control of Public Finances in Canada](#), Publication no. BP-297E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, January 1998.
4. [Canada Elections Act](#), S.C. 2000, c. 9, s. 13. Section 3 of the *Fair Elections Act*, which received Royal Assent on 19 June 2014, replaced the retirement age of 65 for the Chief Electoral Officer with a 10-year term. See [An Act to amend the Canada Elections Act and other Acts and to make consequential amendments to certain Acts](#) [short title: *Fair Elections Act*], 2nd Session, 41st Parliament, S.C. 2014, c. 12.
5. [Official Languages Act](#), R.S.C. 1985, c. 31 (4th Supp.), s. 49.
6. See also Marie-Ève Hudon, [Official Languages in Canada: Federal Policy](#), Publication no. 2011-70-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 18 January 2016.
7. [Access to Information Act](#), R.S.C. 1985, c. A-1, s. 54.
8. [Privacy Act](#), R.S.C. 1985, c. P-21, s. 53.
9. [Personal Information Protection and Electronic Documents Act](#), S.C. 2000, c. 5.
10. [Parliament of Canada Act](#), R.S.C. 1985, c. P-1, s. 81.
11. *Ibid.*, s. 81(2).
12. [Conflict of Interest Act](#), S.C. 2006, c. 9, s. 2.
13. See also Alexandra Savoie and Maxime-Olivier Thibodeau, [Conflict of Interest at the Federal Level: Legislative Framework](#), Publication no. 2010-92-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 25 January 2018.
14. [Lobbying Act](#), R.S.C. 1985, c. 44 (4th Supp.), s. 4.1.
15. [Public Servants Disclosure Protection Act](#), S.C. 2005, c. 46, s. 39.
16. See also Chloé Forget and Élise Hurtubise-Loranger, [Federal Public Sector Whistleblowing](#), Publication no. 2008-63-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 5 November 2015.
17. *Parliament of Canada Act*, s. 79.1.
18. See also Alex Smith, [The Parliamentary Financial Cycle](#), Publication no. 2015-41-E, Parliamentary Information and Research Service, Library of Parliament, Ottawa, 27 January 2016.