



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Procedure and House Affairs

PROC • NUMBER 069 • 2nd SESSION • 41st PARLIAMENT

EVIDENCE

Thursday, February 19, 2015

—
Chair

Mr. Joe Preston

Standing Committee on Procedure and House Affairs

Thursday, February 19, 2015

• (1125)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): I'll call us to order.

We can go ahead and get started. I apologize for the delay.

Madam Dawson, it's great to have you here today. We'll attempt to spend as much time with you as we possibly can. I know you have an opening statement, and I'd love for you to go ahead. Take your time, and we'll ask questions of you afterwards.

Ms. Mary Dawson (Conflict of Interest and Ethics Commissioner, Office of the Conflict of Interest and Ethics Commissioner): Terrific.

First of all, I should introduce my colleagues here. I have Sherry Perreault on my left. She's policy and communications. I have Lyne Robinson-Dalpe on my immediate right, and she looks after compliance and advisory. And on my far right is Martine Richard, who is general counsel and looks after investigations.

So, I will start.

[Translation]

Mr. Chair, I would like to thank the committee for giving me this opportunity to contribute to its review of the Conflict of Interest Code for Members of the House of Commons.

My experience in administering the code since 2007 has enabled me to identify a number of areas for improvement. These are discussed in the written submission that I have provided to the committee and address a range of subjects, including rules of conduct, administering the code and managing investigations. I have also included, in relation to inquiries and administering the code, some draft language.

[English]

I do not have time in my opening remarks to touch on all my recommendations. Instead, I will focus on those that relate to three key areas, namely gifts and sponsored travel, administering the code, and inquiries.

I've found that the code's gift provisions are still not clearly understood despite my ongoing efforts to educate members about them, and that gifts and other benefits are not consistently reported. Many members mistakenly believe that gifts and other benefits valued at less than \$500 are automatically acceptable. In fact, all gifts, regardless of value, are subject to the code's acceptability test, which prohibits members from accepting any gift that could

reasonably be seen to have been given to influence them. I've concluded that the best way to remedy these issues would be to require members to disclose and publicly declare a great many more gifts. I therefore recommend significantly lowering the threshold for public declaration from its current level of \$500. A lower threshold would result in more frequent reporting of gifts and other benefits. This would help ensure transparency about what gifts members received and from whom. It would also result in more communication between members and my office, so my staff and I can better assist them in ensuring that the gifts they are offered meet the code's acceptability test.

Invitations to meetings, receptions, and information sessions at which meals or refreshments are offered can be a particular challenge in ensuring compliance with the code's gift rules. Members may not consider them to be gifts, or may believe they constitute customary hospitality and are thus exempted from the acceptability test. I've always applied the gift rules to such invitations. I believe, however, that they are a special category of gift and that this should be reflected in the code. I recommend that the code explicitly exclude from the gift rules attendance at any reception or event to which all members—and that has to be all members—are invited. Invitations to individual members, committees or caucuses would not fall within this exception, nor would any gifts other than the modest meals or refreshments received at the events that I was speaking of.

I also recommend that an acceptability test for sponsored travel be included in the code. As I note in my submission, it's a paradox that a gift from an organization seeking to influence a member would not be acceptable, but an expensive trip sponsored by the same organization would be permitted without any question. I've also noted some other challenges relating to sponsored travel, including ensuring that the source of third party funding for any trip is disclosed. I can go into that in more detail if you don't follow that.

I make several recommendations with respect to the administration of the code. The code does not currently impose deadlines for completing the initial compliance process or the annual review. I recommend establishing a 120-day deadline for completing the initial compliance process, and a 30-day deadline for completing the annual review process. I'm also seeking authority to issue guidelines and standard forms under the code without having to obtain the approval of the House of Commons. The approval requirement has in the past caused significant delay, and I believe it also limits the independence of my office. In this connection, I've included within my written submission a proposed inquiry request form.

•(1130)

To ensure that all members fulfill their reporting obligations in a timely way, I ask the committee to consider what sanctions, including public reporting, could be made available for failure to meet reporting deadlines.

Inquiries are an important means of helping ensure compliance and my inquiry reports also serve as valuable educational tools. Some of my recommendations, therefore, seek to improve my ability to manage investigations.

My recommended amendments would permit me to make public my reasons for not proceeding to an inquiry after a preliminary review when the allegation that prompted the review is in the public domain and making my reasons public is in the public interest.

They would require members who request an inquiry to refrain from commenting publicly on the matter until I've confirmed that my office has received the request and I have notified the member who's the subject of it. They would help me obtain the information I need to carry out my investigative role by giving me express power to summon witnesses and compel documents. It would also require that I'd be given direct access to any documents requested from the House of Commons.

Other recommendations include broadening the prohibition against furthering private interests to include relatives and friends, authorizing the commissioner to produce a single annual report on the administration of the Conflict of Interest Act and the code, and harmonizing the two regimes to ensure consistency of language and process.

Finally, I've also recommended that the House of Commons consider implementing a separate code of conduct that addresses both the partisan and personal conduct of members and their staff. I believe there's a need to address the ethical aspects of politicians' partisan behaviour. I also note that the House is exploring means of regulating the personal conduct of members and it may be an opportune time to consider both issues at the same time.

[*Translation*]

My recommendations are the result of a comprehensive and critical assessment of the code, based on my nearly eight years of administering it. I hope that the committee will carefully consider these amendments and, after its study, see fit to recommend that the House of Commons adopt them.

Mr. Chair, I will now be happy to answer the committee's questions.

•(1135)

[*English*]

The Chair: Thank you very much.

Mr. Reid, for seven minutes.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you, Mr. Chair.

Thank you, Commissioner, for being here and for putting up, as unfortunately so many of our witnesses have to do, with the fact that our proceedings get interrupted by votes. That's something that

unfortunately cuts short some very fulsome testimony, and I regret that.

I wanted to concentrate on section 14 of the code. You had made some recommendations on how to deal with the code. I wanted to run another possibility by you and ask your thoughts on it.

Recently, in November of last year, you sent out a notification to members titled "Acceptability of gifts offered in conjunction with lobby days". I'll quote from what you say there. You quote from section 14 of the code in your comments. You say:

You may be offered gifts or benefits in conjunction with lobby days. I remind you that you are prohibited under the Conflict of Interest Code for Members of the House of Commons from accepting a gift that might reasonably be seen to have been given to influence you. An acceptability test is set out in subsection 14(1) of the Members' Code:

You then quote it.

Neither a Member nor any member of a Member's family shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office.

Subsequent to that, you sent out a memo in December reminding people and saying that "Accepting gifts offered by people or organizations seeking to lobby you is prohibited under the Conflict of Interest Code for Members of the House of Commons. You must refuse such gifts. If you have already accepted them, you must return them immediately. Please review again the advisory opinion...", which I just quoted.

This was in relation to some stuff that had been sent to members from the Canadian Health Food Association. They have a list of products here. I can table the list, but aside from a \$10-off coupon at Kardish health stores they are all things that I can't regard as being reasonably regarded as gifts: a bunch of fish oil capsules, the October 2015 issue of Alive Publishing, some Bio-K+ probiotic capsules, etc.

By the time your memo had come to me at my office, I'd thrown all this stuff in the garbage, making it impossible to return it, thereby, I suppose, putting me in conflict with the code. But in all seriousness, I don't want to be in a situation where I have to, when I get unsolicited mail, be under a moral obligation to hunt down the person who sent it to me and send it back to them.

My question is, is there anything that would preclude you, as the code is written, in your opinion, from saying you must return it or dispose of it? Then perhaps you could have a form that we sign saying we just got rid of it. Ultimately, would that be acceptable or do we have to reword the code to allow something like that to happen?

Ms. Mary Dawson: No, I'm sure I could set up some kind of a system like that.

The point I was trying to make there was, it's the people who give you the gifts who should understand these rules as well, so by returning them, they get the message.

I've had a number of circumstances now. There was a charitable organization three or four years ago that gave big fancy baskets at Christmastime, and darn it all, they shouldn't. They shouldn't be spending their charitable money on that to begin with. But secondly, the gifts are sometimes worth from \$50 to \$100. We checked the value of those pills, for example, that whoever it was gave you, and they were over \$100 in value. They're not cheap to buy in the drug stores. I'm just horrified that people would sort of waste resources that way to begin with.

Mr. Scott Reid: In all fairness to the members, the value if you went out and bought them might be that, but the value to someone who doesn't want them is very low.

Ms. Mary Dawson: And maybe we could talk about... But then it means every member has got to—because it went to every member, I understand—write me some kind of a submission saying they threw them away.

That's okay with me. We can certainly consider that.

• (1140)

Mr. Scott Reid: But that's less onerous from a member's point of view than saving the thing while you try to figure out what the ethics commissioner is going to say about it and trying to guess what things will be considered.

Ms. Mary Dawson: Already the returning of it is a mechanism we put in because, in theory, if you accepted the gift without realizing it, you could be found to have contravened right on the spot. We say no, if you consult with us in good time, this is how to get rid of it.

That's a suggestion worth considering if people are interested in handling it that way.

Mr. Scott Reid: Okay.

I have only about two minutes left.

The other thing I'm working with here is something that could reasonably be considered to have been given to influence the member. The problem here is that someone might say they can't reasonably believe that Scott Reid would change his actions based on the value of this package of pills that he's not likely to use. But you're saying that not my motive but the motive of those who sent it is the problem.

Some kind of interpretation, essentially going from a subjective description to an objective description of “here is what makes it objectively crossing the line” in terms of the motivation of the person who sent it to me would be very helpful. In the same way, we need a nice clear definition of how much an actual gift is. If it's \$500, that might be the wrong number, but it is a number we can all work with. Some kind of an interpretation to that extent would be helpful.

Ms. Mary Dawson: I have a problem with guidelines for this committee, because I have to pass my guidelines through the committee in order to make them. I can tell you that there is a guideline that's perfectly good to consult for the act at the moment, and the rules are very similar.

I lay out all sorts of guidelines regarding how to decide. I say things like a pen that's handed out or some little thing that's not worth very much is fine. There is a whole set of rules there. I've done

my best to identify some guidelines for that, but as I said, I'm prevented from establishing guidelines unless they're approved through this committee.

The Chair: Thank you, Mr. Reid. We'll stop there.

Mr. Angus, welcome to committee today. You're up for seven minutes.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you, Mr. Chair.

Thank you, Madam Dawson.

Carrying on our conversation regarding the conflict of interest guidelines that we had for public office holders, I see some carry-overs and some differences.

I'm interested in your recommendation 19:

That the Code be amended to give the Commissioner explicit power to summon any witness or compel any document necessary in the course of his or her investigative role, and that the Commissioner be given direct access to any document requested from the House of Commons.

Do you not have those powers now?

Ms. Mary Dawson: I have them under the act, but I don't have them under the code.

In fact, with respect to summoning witnesses, it's actually never been necessary, even under the act, for me to do that. People have always cooperated when I've asked them, and they've always given me the documents when I've asked. But I just think it should be a provision in the code as well as in the act.

With respect to direct access to any document requested from the House of Commons, I issued a report a couple of years ago in which I itemized the problem I had. In order to get the documents—the members' documents—that are in the custody of the House, I have to go through the bureaucracy in the House.

What was decided in that case was that the person who was the subject of the investigation was given the documents to give to me; in other words, they wouldn't give them directly to me, so they could withdraw any of them or do anything they wanted with them on the way to me. Of course when I'm investigating, I'm trying to get outside sources.

In that particular case, I was actually getting similar documents or the same documents from other sources, and I knew that I was receiving documents that I did not receive but that were supposed to have been found by the House. That's what I'm trying to cure there.

Mr. Charlie Angus: Okay, good. I was concerned, because it made it seem that compliance was voluntary, but I think being able to obtain documents when you need them and in an appropriate manner is a very reasonable recommendation.

I notice in recommendations 1 and 2 you identified “furthering the private interest of relatives or friends”. This seems to be a bit of a change.

I remember some of the other cases of public office holders we've dealt with. In the case of Nigel Wright and Barrick, for example, he was the godfather of Anthony Munk's son and he had been lobbied, but it was found that since it wasn't furthering his own personal financial interest, there was a gap.

Have you clarified then, for MPs, how friends and the private interests of relatives or friends are being identified? How would you define "friend"?

• (1145)

Ms. Mary Dawson: First of all that doesn't sound familiar, because this is the code I'm dealing with here, and of course Nigel Wright was under the act, so it was covered.

Mr. Charlie Angus: But what I'm asking here is that when these issues have come up before, it seems to me you've taken the position that it wasn't furthering their own personal financial interests, and therefore there was no breach.

Ms. Mary Dawson: Only in the case of the code.

Mr. Charlie Angus: In the code, but in the case of the act?

Ms. Mary Dawson: In the case of the act? No, no, I never took that position.

Mr. Charlie Angus: So code, act.

Do you believe that, overall, people should not be able to further the financial interests of a relative or friend, that it has to be as explicit as can be?

Ms. Mary Dawson: Right.

Mr. Charlie Angus: I'm interested in the issue of gifts because we've talked about this with public office holders and the issue of personal interest. You don't have anything defining fundraising.

Is fundraising part of personal interest?

Ms. Mary Dawson: I've got a separate recommendation on fundraising. No, I wouldn't deal with it under the personal interest concept.

Mr. Charlie Angus: Right.

Ms. Mary Dawson: I have recommended that a fundraising provision, similar to the one in the act, be put in the code. In my discussion, I point out that the conflicts wouldn't arise as often for a member, as a member of the government.

Mr. Charlie Angus: Yes, definitely.

Ms. Mary Dawson: But it's still worth considering. If you're sitting on a committee and studying some sort of a subject, and the person who has an interest in the subject...

Mr. Charlie Angus: No, I think that would help us all.

On the issue of fundraising, there are many complicated areas of how you end up receiving funds, whether someone directly comes to you, someone donates, you're not necessarily aware, and you find out six months later they donated. Having a clarification of rules would certainly help.

The issue of gifts, I find, often causes....Have you defined a financial figure? For example, an MP might be asked to go to four events on a Saturday night. It's \$100 for each of them. Personally, I never thought that I was being lobbied, I thought that was my job.

Are you saying that if I go to the Heart and Stroke gala, and I don't buy my ticket, that I'm....

Ms. Mary Dawson: What I'm saying is that if somebody who has an interest in getting something from you buys you a ticket, that's where you've got a problem. If some random person who hasn't got any common interest—

Mr. Charlie Angus: So, someone buys me tickets to a hockey game, and they work for telecom, then that would be a question of them offering me a gift. I get that.

Ms. Mary Dawson: And we would have to look to see if you had some kind of a connection with telecom.

Mr. Charlie Angus: But going to gala events in your riding, which is part of your Saturday duties as an MP—

Ms. Mary Dawson: That's a different thing.

Mr. Charlie Angus: That's a different thing.

Ms. Mary Dawson: I've always said that you've got lots of obligations, all sort of random events in your riding, and that's fine.

Mr. Charlie Angus: The issue of friend. I know the Lobbying Commissioner's come forward with a recommendation about defining the role of friend. Do you feel that there needs to be a clarification on friend?

Ms. Mary Dawson: I actually don't feel a need of a definition because I've sort of sorted out what I think a friend is. I don't object to there being a definition. I would have no problem.

I know there's an amendment in the Senate at the moment. It's related to friends, but it's not the same issue.

Mr. Charlie Angus: For example, someone comes to me who I've known since school. He's interested in a project and I think it's a good project. I'm doing my role as an MP, but if I'm promoting in any way a financial interest, from someone who comes to me, who's close to me, that would be a different—

Ms. Mary Dawson: If they can benefit financially it does. Yes.

The Chair: Thank you very much, Mr. Angus.

Mr. Lamoureux, for seven minutes.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Thank you, Mr. Chair. Ms. Dawson, great to see you.

I do have some questions related more to the processing. Perhaps I could get a better sense of numbers from your office.

How often do you actually get requests, that come to your office to look at members of parliament in particular, dealing with conflict of interest or issues related to your office, issues that you need to at least look into?

• (1150)

Ms. Mary Dawson: Often enough. Do we have the statistics, Martine?

We get many more requests under the act than under the code to begin with. Usually, it's public office holders who are under the most scrutiny.

How many have we had?

Ms. Martine Richard (General Counsel and Acting Director, Reports and Investigations, Office of the Conflict of Interest and Ethics Commissioner): There have been 41 this year.

Ms. Mary Dawson: But that's combined, act and code.

Ms. Martine Richard: That's combining the act and the code.

Ms. Mary Dawson: Under the code, we don't get that many.

Ms. Martine Richard: Under the code, this year, eight. And just for information purposes, last year, under the code, 15.

Mr. Kevin Lamoureux: Those are just individual members where you've received a request to look into and investigate.

How does that represent the last half-dozen years? Is there an increase in the number of requests that are coming in?

Ms. Mary Dawson: It took a little while for people to notice. After about two years I got a number of requests, and then it gradually declined. These are not big numbers to begin with, so it's hard to say.

The combination requests are in the order of 40. They have been the same right through from 2010. But under the code I have seen a bit of a decline.

Mr. Kevin Lamoureux: Right.

When you look into these, can you give a guesstimate of the percentage for which you feel there is merit to the claim, those for which you actually do a thorough investigation?

Ms. Mary Dawson: I would say it is somewhere between 25% to 35%.

I have to say this: sometimes the complaints are made in the open, which is why I have that other recommendation, and it's purely political.

Mr. Kevin Lamoureux: And that's what I wanted to get to. When you look at the numbers, what percentage of them would originate from another member or from a caucus issuing the concern that someone might be in conflict?

Ms. Mary Dawson: It's always from another member.

Mr. Kevin Lamoureux: Oh, it's always from other members.

So there are no situations in which you get Joe Public coming forward and saying—?

Ms. Mary Dawson: Oh, yes. There are situations in which, if Joe Public comes forward, I'll listen because I have the right to self-initiate a complaint.

Mr. Kevin Lamoureux: Yes, but those are very rare, are they?

Ms. Mary Dawson: No, I actually self-initiate more than I do the complaint-based ones.

Mr. Kevin Lamoureux: Is that right?

Typically, if someone complains about something, the complaint obviously has a fairly significant impact on the individual being complained about. How long does it usually take for you to do an initial go-over to see whether there is in fact any merit to it? And if you find that there's really no merit, how long does it typically take from the time you're notified to the time in which you could somewhat vindicate...?

Ms. Mary Dawson: Under the code there is a requirement that I do a preliminary review of 30 days. I'm allowed 30 days, and in that 30 days I notify the person complained about concerning the problem and I listen to what they have to say. I may do a little other peripheral asking around, but not much. Then, at the end of the 30 days, I determine whether it's a legitimate complaint and then I proceed to the investigation.

Mr. Kevin Lamoureux: What you're asking for now by way of a different approach is that if a member of Parliament were to say, "I have an issue with another member of Parliament and I would like you to investigate"... What are your expectations, if you were to get what you wanted, of the MP who is making those allegations?

Ms. Mary Dawson: I wish he wouldn't call the press in before I have even received the complaint. I also wish he would give us a little bit of time too to let the poor guy who is complained about know that a complaint has come in. It's a matter of a day or two, and then I would let them know.

That's the nub of my recommendation there.

Mr. Kevin Lamoureux: In essence, the MP can still go to the media, but prior to going to the media—

Ms. Mary Dawson: —he should at least give the other guy a chance to know that it was coming.

Mr. Kevin Lamoureux: Right.

And that's the form of the recommendation that you're putting forward.

Ms. Mary Dawson: That's what it is, yes.

Mr. Kevin Lamoureux: Okay.

I also want to comment on recommendation number 23—your final one—in which you're talking about implementation of a code of conduct.

Do you already have something in mind? Is there some other legislature or parliament that actually has a code of conduct that you're thinking of?

Ms. Mary Dawson: I don't have a specific code of conduct in mind. There are studies going on, as we mention in this submission. There's a Commonwealth organization doing a bit of studying, and they're gathering together information on codes. I haven't done a specific study on that.

• (1155)

Mr. Kevin Lamoureux: Right offhand, do we have some other government that currently has something like this, such as the U.K.'s?

Ms. Mary Dawson: I don't think we have at the moment, as far as I'm aware, they're just thinking about it.

Ms. Sherry Perreault (Director, Policy, Research and Communications, Office of the Conflict of Interest and Ethics Commissioner): A couple of jurisdictions have put in place codes of conduct that incorporate the gamut of obligations, including conflict of interest as well as personal behaviour.

The Commonwealth Parliamentary Association is looking at a variety of different jurisdictions for examples of this, and they have developed draft benchmarks for good governance, specifically looking at codes of conduct.

In those draft benchmarks, they have put the recommendation that every jurisdiction have, for example, rules around declaration of assets and rules around declaration of private interests. They also have in place what they call etiquette standards, and these include behaviour around attendance in the House of Commons, harassment issues, personal conduct, partisan behaviour, and so on.

That particular association has gone some way, and they're just in the process now of consulting on those benchmarks.

Mr. Kevin Lamoureux: As of right now, we're not necessarily aware of any country that has incorporated—

Ms. Sherry Perreault: We would have to look into that and get back to the committee.

Mr. Kevin Lamoureux: There would be some benefit. From a personal point of view, I'd be interested in something of that nature being possibly provided to the chair.

Ms. Mary Dawson: We're not necessarily proposing that we look after some of those matters, but these matters need to be addressed.

Mr. Kevin Lamoureux: Yes.

My last comment, because I know it is somewhat—

The Chair: Your last comment is beyond your time.

Mr. Kevin Lamoureux: Thank you for coming.

The Chair: We'll go to Mr. Richards, for four minutes, please.

Mr. Blake Richards (Wild Rose, CPC): Thank you very much.

I have several questions. I hope I have time for most of them.

The first one is in relation to service standards from your office with regard to responses on requests for rulings and things like that. I have to be honest. I've read through your report. I'm not as familiar with the act or the code as you are, so I want to get some sense as to what is currently in there, if anything, in relation to service standards in terms of length of time your office would be required to respond to a request for a ruling. This is very important in light of the fact that in your report you're suggesting some recommendations here that would add some very specific deadlines to complete review processes for members. You're suggesting significant lowering of the threshold for reporting of gifts, significant expansion of what constitutes a gift. There are several things in there that obviously could impact a member's ability to meet what you're requiring of them without there being some service standards in your direction.

I'm wondering what's currently in the code—

Ms. Mary Dawson: There's nothing in the code on service standards, but we're very cognizant of that issue and we have our own internal service standards, which are really quite vigorous.

Lyne, do you want to add some detail on that?

Mr. Blake Richards: Maybe just before you do that, could you comment on why not have a recommendation in here? It would be good, especially in light of looking to significantly expand the responsibilities of members to report—

Ms. Mary Dawson: We probably don't because we don't think there's a problem. We think we are pretty responsive pretty quickly.

Mr. Blake Richards: Okay, well I guess I would—

Ms. Mary Dawson: I wouldn't have an objection to there being something in there.

Mr. Blake Richards: I guess I would say that you indicate in here that you've spoken to a number of members in doing your review. Certainly one of the things I often hear is there is sometimes a lack of consistency in some of the rulings. A concrete timeline, especially when you're talking about someone being able to attend a reception or an event.... I'm a little bit unclear certainly, from listening today and reading this, on what my requirements would be in terms of what I can attend and what I can't. In many cases, to be safe, a member would want to request a ruling of some kind.

It would be important that you consider what that might look like. We should maybe consider a recommendation there. Have you any thoughts on what that might look like?

Ms. Mary Dawson: It would look like what we have for the act. My guidelines for the act cover the gamut there.

I really would ask you, if you know of inconsistent readings you think you're getting, tell me. We're quite careful about consistency. I've heard it said on occasion that we're inconsistent but I never get any examples.

Mr. Blake Richards: I will mention that I've heard that and I would assume you would have heard that in your review—

Ms. Mary Dawson: Yes, but I don't get examples.

Mr. Blake Richards: Obviously the idea of a service standard, of some kind of a timeline being built in—if members are expected to meet a certain timeline, it would be helpful for them to have an indication, especially when we're talking about events and receptions. Sometimes we might get an invitation a week or two prior, and to be able to know they can get a ruling in time, I would ask that you consider that—

• (1200)

Ms. Mary Dawson: I could make a guideline that's very similar to the act when I bring it to the committee, which is the present situation, but what I'm asking is that I don't have to. That's one of my recommendations.

Mr. Blake Richards: Do I have some time?

The Chair: You have 30 seconds.

Mr. Blake Richards: Okay. I don't even know how I'd start with 30 seconds.

In relation to the events, the receptions, I'm still a little unclear. Could you maybe try to clarify for us what the barrier is to determine whether someone is able to attend an event? Do they have to be the speaker at the event? What determines whether it's a gift or whether it's a party or your duties as a member?

Ms. Mary Dawson: That's one of the indices. If you're going to be a speaker or you have some formal function, then it's fine for you to attend the event. If you're invited to attend an event, which quite often will be a gala or something, and if that ticket is paid for—and it could be quite an expensive ticket—by a company that's looking for something from you, then you shouldn't accept it. You should be on your notice, whatever the value of the thing, as soon as somebody who is looking for something from you wants to give you something—I would stay away from it.

The Chair: Thank you.

We'll go to Monsieur Dusseault, for four minutes, please.

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Thank you, Mr. Chair.

Madam Commissioner, thank you for being here.

Recommendation 16 relates to sanctions for failures to meet deadlines for certain forms.

Are sanctions currently imposed on members when they breach the code, or is a report simply released to let the public know?

Ms. Mary Dawson: There are no sanctions at the present time. When I appeared before this committee previously, you were told that you did not have the power to establish sanctions to be imposed on another member. That issue must therefore be resolved here, in the House, by the members, not by me. I would at least like it to be made public when someone is unable to obtain documents within the required time.

Mr. Pierre-Luc Dusseault: Thank you.

I understand that an internal discussion will have to take place before you are given this power. However, you did say that this power was important for you.

You referred earlier to recommendations 17 and 18 of your report.

Could you confirm whether my impression is correct or could you comment on this? Should recommendation 17 be applied and you do not find reason for an inquiry into the subject of a complaint that was submitted to you, you would have the right to comment publicly. As I understand it, you do not currently have the power to do so.

If recommendation 17 is accepted, would recommendation 18 really be necessary?

In fact, you said earlier that members who file a complaint would not have the right to comment on it before the member who is the subject of the complaint is notified of the situation. However, if you have the power to comment when there is no inquiry, is it really necessary to prevent a member from doing so for a few days after a complaint was submitted to you? I think it might discourage members from making pointless complaints or complaints that are not based on a detailed file.

Ms. Mary Dawson: It is a question of time. According to the code, discussion is absolutely prohibited. Absolute confidentiality is required, and there are very few exceptions. It is a matter of at least being able to comment when there is misunderstanding within the public.

Recommendation 18 is intended to simply prevent a member from making comments right away in public when others, including myself, know nothing about the situation. The motivation behind this action is often political.

• (1205)

[*English*]

The Chair: Thank you.

[*Translation*]

Ms. Mary Dawson: In many cases, the complaints are not founded.

[*English*]

The Chair: I'll go to Mr. Reid for four minutes.

Mr. Scott Reid: I just had one question relating to what my colleague Mr. Richards was saying.

You say in the event of a role at an event, that essentially serves as your demonstration that it was not a gift. Many of us are invited to an event, and the role we have is simply that they ask us to come and bring greetings from the Government of Canada.

Is that sufficient in your mind to qualify as a role in the event, or is it insufficient? That is a very frequent occurrence.

Ms. Mary Dawson: That's probably in your riding.

Mr. Scott Reid: Normally it is, not always; it may be in a surrounding riding. There was a time when I was the only—

The Chair: Mr. Reid, I'm going to have to interrupt you. We have bells.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): On a point of order, Mr. Chair, it's obviously up to the will of the committee, but since we're only a few steps away from the House of Commons, if you want to stay for another 10 minutes or so, certainly from our side we're willing to do so. But it depends on what the committee wants.

The Chair: Mr. Reid is the last one in this round. Should we finish this or do another round after?

Mr. Charlie Angus: Let's finish that round.

The Chair: Thank you.

Mr. Reid, go ahead.

And I thank you for your help, Mr. Lukiwski.

Mr. Scott Reid: It's in your riding, but it can be sometimes in the region, or it could be because—this would happen frequently not to me but to other people—you are the only member of Parliament who is a member of a certain ethnic group, or for that kind of reason.

Ms. Mary Dawson: Yes, and that would normally be fine. We're not silly about this, but you have to have some kind of a function.

Mr. Scott Reid: That's helpful, because it now becomes a nice, clear... We like red lines. It's like playing tennis—the ball is in or it's out. You might wish the line were a little farther this way. But the point is that I know it was in or out.

Ms. Mary Dawson: The thing to do is to give us a quick call, and we'll give you a quick answer.

Mr. Scott Reid: That's true.

Seeing I have the floor here, that I send stuff to your office all the time, and you, or whoever you have assigned to me, are very good at getting back to me in a timely fashion, I appreciate that.

Ms. Mary Dawson: Thank you.

The Chair: I thank you all.

There was a conversation on recommendation 23 about codes of conduct. I know the Commonwealth is currently going through it, but could you get back to us if you know of any other government entity that has what you're looking for here, rather than our reinventing the wheel?

Ms. Sherry Perreault: If I could just add quickly, my understanding is that the U.K. has something in place.

The Chair: I thought so too.

Ms. Sherry Perreault: We'll certainly look into that. It's based on the Nolan principles of good governance. We can look into that and get back to the committee. Absolutely.

The Chair: That would be helpful, rather than our taking that recommendation from scratch.

Ms. Mary Dawson: We'll send what we think will be useful to you.

The Chair: We won't say it was enforced, but there was one there, yes.

I thank you all for coming today and helping us get started with this.

The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>