



House of Commons
CANADA

Standing Committee on Access to Information, Privacy and Ethics

ETHI • NUMBER 027 • 2nd SESSION • 39th PARLIAMENT

EVIDENCE

Thursday, April 10, 2008

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Chair

Mr. Paul Szabo

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• (1535)

[English]

The Chair (Mr. Paul Szabo (Mississauga South, Lib.)): Good afternoon, colleagues. Today I want to welcome the Conflict of Interest and Ethics Commissioner, Mary Dawson, and also the Deputy Commissioner, Simon Coakeley, and also Denise Benoit, who is the director of corporate management. Welcome to you.

It's been a while since we've had an opportunity, Commissioner, to share some time with you, and we have an opportunity now to, first of all, deal with our responsibilities with regard to the estimates, and I'm pretty sure that flowing from that the members will want to engage with you a little bit on where we left off before the little disruption we had since the last time we saw you.

So without further ado, I want to turn the floor over to you to address us with regard to your estimates first.

[Translation]

Ms. Mary Elizabeth Dawson (Commissioner, Office of the Conflict of Interest and Ethics Commissioner): Thank you for the opportunity to meet with you today to discuss the 2008-2009 Main Estimates for my Office.

First, I would like to introduce two of my officials who are here with me: Ms. Denise Benoit, Director of Corporate Management, and Mr. Simon Coakeley, Deputy Commissioner.

Before commenting on the new fiscal year, I would like to say a few words about the fiscal year that ended on March 31.

[English]

As you know, the Conflict of Interest Act came into force on July 9, 2007. I was appointed to the position of Conflict of Interest and Ethics Commissioner on the same date. I inherited an office that had been in existence for a number of years, initially as part of Industry Canada and since May 2004 as part of the Parliament of Canada.

Not only is the Conflict of Interest Act new, but the Conflict of Interest Code for Members of the House of Commons was also revised last June by the Standing Committee on Procedure and House Affairs to take into account the creation of the new office and to adjust some of its provisions based on MPs' experience with the first version of the code.

This means that 2007-08 was very much a transition year for the office on a number of fronts. The transition work will continue into 2008-09. The office's mandate has been expanded in a number of areas—for example, I am now able to conduct examinations into alleged breaches of the act by a much larger group of people than

was the case in the past. Previously, only ministers, ministers of state, and parliamentary secretaries could be the subject of an examination. Under the new act, all current and former public office holders could be the subject of an examination.

In addition, the move from a prime ministerial code—the Conflict of Interest and Post-Employment Code of 2006—to an act of Parliament on conflict of interest requires a more rigorous approach. As I mentioned during my appearance before your committee last November, it's imperative that I apply both the new act and the revised MP code consistently and that I'm clear in the advice I give.

As we begin to apply and interpret the new act, we've often found a need to review the office's position on certain issues that were developed under the old code for public office holders, to ensure they're still appropriate. Furthermore, minor wording changes can have a significant impact on the interpretation. On some issues, guidelines will have to be developed and communicated, adjustments will need to be made to enforcement mechanisms, and staff training needs to be undertaken.

There's also been a fairly significant degree of staff turnover in the office, especially at senior levels, as is often the case when an organization goes through a period of uncertainty and undergoes a major transformation. Several key positions remain to be staffed. Meanwhile, we've hired a few term employees to fill in our immediate needs.

Prior to my arrival, the office had done a considerable amount of work to prepare for the coming into force of the Conflict of Interest Act, and staff in the office and officials at the Treasury Board Secretariat made a number of assumptions about the amount of work and about the resources required for implementing the new act. So in addition to inheriting the staff of the former office, I also inherited the 2007-08 main estimates, which were established by my predecessor in the fall of 2006 under the former regime.

Shortly after my arrival in July 2007, my office submitted a request through the supplementary estimates process for an additional \$627,000 for 2007-08. Again, this amount was primarily based on assumptions made before the real impact of the new legislation was clearly known. As months progressed, it became evident that some of the predicted activities, including staffing, would have to wait until I had a better appreciation of the office's work and priorities.

[Translation]

Therefore, I should indicate to you that, in all likelihood, when I table my upcoming Annual Reports, I will be reporting a lapse of slightly less than \$1 million for 2007-2008.

[English]

For the 2008-09 fiscal year, the office has been allocated \$7.1 million in the main estimates in order to complete the transition to the requirements of the new act and the revised MP code. The ongoing transition work will require additional resources, but it's still too early in our process to determine our final ongoing requirements.

[Translation]

I will briefly describe the main areas of our activities and explain why there is a need for increase resources.

[English]

The single largest item of expenditure is for salaries and employee benefits. We're projecting an expenditure of \$4.5 million in salaries and slightly less than \$1 million in employee benefits. The main reason for the growth in the salary envelope is the additional workload brought on by the new act and a decision I made early in my mandate to create a small in-house legal services group; while many of the staff in the office have some legal training, the new act makes it critical, I believe, to have a dedicated legal services unit to guide us in interpreting the act.

As part of Parliament we must have independent legal advice, and of course we cannot seek the services of the Department of Justice. As well, given the nature of the MP code, the provisions of the act that are applicable to ministers and parliamentary secretaries, and the independence of my office, it wouldn't be appropriate to ask the parliamentary law clerk and his officials to provide my office with the type of legal opinion I'll be seeking.

Finally, while there are a number of very good law firms here in the national capital region that would be willing and able to provide this sort of service for a fee, I believe it really is a wiser use of taxpayers' dollars to develop the expertise on the day-to-day issues in-house and only resort to the private bar in exceptional circumstances.

As we move forward with the continuation of our transition, and particularly with the staffing of several key positions in the office, we are adopting a prudent approach in shaping the organization. Assessment and review of the structure and the resource expenditures is ongoing. We want to make sure they reflect the most effective way for us to deliver on our mandate.

In the non-salary envelope, the office has memoranda of understanding with other entities in Parliament and with Public Works and Government Services Canada in an amount totalling \$650,000. These MOUs are all in the corporate services area and allow us to benefit on a cost-recovery basis from the expertise that already exists here in Parliament. The major areas covered by these MOUs are information technology services provided to us by the House of Commons and financial services provided to us by the Library of Parliament.

I'd like to express my appreciation to our colleagues in Parliament for the assistance they've given us in these areas. It would have cost us considerably more to develop and maintain the necessary expertise within the office.

The rest of our non-salary envelope, just over \$1 million, is for normal day-to-day operating costs of the office, such as telephones, security, office equipment rental and purchase, books, periodicals, travel, supplies, and training and development of staff, as well as for a number of special projects we need to undertake in the upcoming year to complete the transition work in the office.

In this regard, we need to redesign our website to improve the information that's available to clients and members of the public, upgrade our online public registry for public office holders, implement a new online public registry for members of Parliament, and begin the redesign of our internal case management system.

Work has already begun in each of these areas and will continue at least through this fiscal year.

• (1540)

[Translation]

As I mentioned, this past year has been a transitional year for the Office, and there are continuing challenges to be met to create an efficient and well-functioning organization. I am confident that, with our dedicated staff, we will make good progress towards that goal in 2008-2009.

We will be pleased to answer your questions. Thank you.

[English]

The Chair: Thank you kindly.

We have lots of interest here.

We have, in this order, Mr. Pearson, Mr. Nadeau, Mr. Martin, and Mr. Wallace.

Please go ahead, Mr. Pearson.

Mr. Glen Pearson (London North Centre, Lib.): Thank you, Mr. Chair.

It's nice to see you again. I remember that when you were last here, you had just been thrown into the hot water and you were trying to work your way through the understanding of it.

The Chair: Excuse me.

Yes, Mr. Hiebert.

Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC): Thank you, Mr. Chair. I thought it was the tradition of this committee, or at least we had adopted the rule, such that each party would go in an order for a period of time. Is that not the approach we're taking?

The Chair: Yes, it is, and I filled out the form and that's the form I'm using.

Mr. Russ Hiebert: Thank you.

The Chair: Thank you.

Carry on, Mr. Pearson.

Mr. Glen Pearson: I'm sure you've been on a learning curve, as we all have been on this. When you were before us you said you were about to undertake an organizational change—the challenge that was in front of you about strategic, legal, and communication strategies. I guess at estimates time we would want to know as a committee the changes you have been able to make and put in place.

Could you comment on the successes of those, or the difficulties you face?

Ms. Mary Elizabeth Dawson: I think the most important and the first change we made was to bring in our legal services unit, and it's pretty well complete now. We have four people who belong to that unit, and they've been fully occupied and working very well.

We also have our new director of corporate services here—Denise—who's also wonderful.

What else have we got? We have gaps. We have to replace our director of operations, who left a couple of months ago, and that's a major challenge for us to get the right person in that job because that's effectively much of the backbone of the office. We also have not filled the strategy and planning position yet. Part of what I'm thinking about right now is just exactly what levels those ought to be and how to distribute the weight in the various parts.

As far as I'm concerned, with the legal services there, with my deputy commissioner in place, and with my corporate person in place, I'm getting there. But we have a way to go yet.

• (1545)

Mr. Glen Pearson: Your main success and your main frustration...?

Ms. Mary Elizabeth Dawson: In staffing.

Mr. Glen Pearson: It's restructuring. It's staffing.

Ms. Mary Elizabeth Dawson: Yes. It takes time.

Mr. Glen Pearson: Also when you were here you talked about how you wanted to develop a communications strategy that just didn't involve people who were affected by the act. You talked about a broader public strategy. Do you remember that? I remember your actually asking this committee if perhaps we could be of assistance to you. I wonder how far you've come along on that. Are there ways we could further assist it? Indeed we can.

Ms. Mary Elizabeth Dawson: I'm finding I'm spending quite a bit of my time sorting out the appropriate interpretation of the substance of the act. So I'm somewhat loath to get it out too early, to say too much, until I have a really good feel for the limits of some of the provisions in the act.

However, having said that, I have been out making presentations to, for example, the session organized by the Library of Parliament some months back. My officers, on a regular basis, go out and meet with individual clients. As far as the public itself goes, there have been one or two occasions, but not a lot yet.

I think the main vehicle for reaching the public, of course, is the website, and there are two things that have been an issue in getting that up and going. I had left some of the material from the previous regime up there for a couple of months, and I gradually came to realize that most of it was not quite there, particularly in light of the

changes in the act. So I effectively stripped that website a couple of months ago.

There are two things I need to do to get it restocked, and one is to get the structure of the website settled. We've worked on that, and I think we're pretty close to going on that. In fact, we've changed the structure already, and we have a few things up on the website, but we're working, one at a time, on some of the major subject areas.

The first one that will go up under the act is gifts, and I'm hoping to get that up within the next week or two. We had some staff issues on our telecommunications things too. So I'm hoping to get that out in the next week or two.

With respect to the MPs' code, unfortunately I can't put anything up in the way of guidelines at all because the guidelines have to be approved by the procedures committee, and we're trying to get our forms approved at this stage. Then we'll move on to our substance.

Mr. Glen Pearson: I understand.

Finally, when you were here I remember your also saying that recruitment and retention of employees was a problem in the past. Do you remember that as well? I wonder how you've made out with that in the time since you've been doing that.

Ms. Mary Elizabeth Dawson: A mixed bag. A number of employees left from the previous administration who have been very good, and I have to say, on the record, that I have really appreciated their help.

I have managed, as I said, to recruit some competent people, such as my deputy commissioner and my director of communications, but it is a slow process. I have lost some personnel. I lost a number of them. Of course, the deputy commissioner, immediately before I came in, had left and the head of operations left a couple of months ago.

It's easier now for people to find jobs in the public service. There's been a change in regulations, so there is more opportunity for people to move out as well as in. So I'm advancing, but it's going to take me another six months to get it 100% staffed, I think, with my permanent staff.

As I mentioned, I have several people on short terms who are highly competent, who are helping me until I get that permanent staff in.

Mr. Glen Pearson: Thank you, Commissioner.

Thank you, Mr. Chair.

The Chair: Thank you. We'll move on now to Monsieur Nadeau.

[Translation]

Mr. Richard Nadeau (Gatineau, BQ): Mr. Chairman, there are a few things that are coming back to memory. There was a slogan at the University of Ottawa: "Have a coke with Coakeley".

Do you remember that, Mr. Coakeley? We have recognized one another. In fact, we have not seen each other for a long time.

That said, good afternoon Commissioner and Ms. Benoit.

Since Bill C-2 was passed, we have been moving from an old system towards a new one, towards a new way of functioning. Is that why the budgets are different and the structure is different?

• (1550)

Ms. Mary Elizabeth Dawson: Are you asking what the differences are between then and now?

Mr. Richard Nadeau: Yes.

Ms. Mary Elizabeth Dawson: Yes, I believe we are in the midst of structural change. However, the Office is not that different from what it was before.

Mr. Richard Nadeau: I see. It is similar. But there are still some differences for example your appointment to the position, and other things. You have talked about departure and recruitment, which are all parts of the big picture.

You have a litigation department, attorneys to do the work, and you work with lawyers in private practice.

Do you deal with lawyers in private practice? I see Ms. Benoit shaking her head.

Ms. Denise Benoit (Director, Corporate Management, Office of the Conflict of Interest and Ethics Commissioner): We no longer do.

Mr. Richard Nadeau: You no longer do. So only lawyers that are actually with the Office are there to do the work.

You mentioned three types of reports but—and this is part of what is on my mind—I don't see an annual report. Are you not required to submit an annual report?

Ms. Mary Elizabeth Dawson: Yes, we are.

Mr. Richard Nadeau: In the course of your duties, do you believe that it is important to submit an annual report—to the committee, for example, because you do still report to the House of Commons—an annual report on how you operate and how things could be improved. In other words, the annual report would be different from the three reports you are required to submit.

Ms. Mary Elizabeth Dawson: I am not sure I have understood your question properly.

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Perhaps you could use the interpretation system, which is available.

Ms. Mary Elizabeth Dawson: I did understand your question, but—

Mr. Richard Nadeau: You are required to submit three reports.

Ms. Mary Elizabeth Dawson: Yes.

Mr. Richard Nadeau: However, you are not required to table a general annual report in the House of Commons.

Ms. Mary Elizabeth Dawson: Yes, two of the three reports.

Mrs. Carole Lavallée: You really should make use of the interpretation.

Mr. Richard Nadeau: There is one report on members sponsored travel, the sponsored Travel List, one on the application of the MP Code, and one on the application of the Conflict of Interest Act.

Those are the three reports you are obliged by law to table in the House of Commons.

As Commissioner, you have an overview on the task with which you have been charged, and it would be to your benefit if you tabled a report on aspects that need to be improved, things that need to be rethought, considerations flowing from the other three reports—which are still very specific and touch on profoundly ethical and very well ordered considerations. From an administrative management standpoint, it could be useful to indicate the problems you face, and the solutions you might suggest, somewhat like the Official Languages Commissioner does, for instance.

Ms. Mary Elizabeth Dawson: I believe that is exactly what I will be doing in my two annual reports, one of which will be on the Code and one of which will be on the Act. That is why I failed to understand what you meant.

We do not need to table a third annual report, because I hope to say everything I have to say in the two annual reports I will already be tabling. There will be more to say each year, but I do know that this year, I will be making observations and comments.

Mr. Richard Nadeau: Observations and comments, but within those frameworks. Those frameworks are therefore not as rigid as they seem to be here, on the sheet of paper before us.

I have a question that may be out of order. If it is, Mr. Chairman, you will of course tell me.

We are talking about the ethics committee, and an ethics commissioner, so I will go straight to the heart of one specific issue: the sponsorship scandal.

I will give you very clear and specific example. We know that funds were misappropriated, and processes not properly applied. One political party in particular was involved, but we will not name that party. At issue is a great deal of money which must be returned to taxpayers in Quebec and Canada.

Could the Ethics Commissioner take action and say that a certain amount of money—say, x million dollars—is due? Can the Ethics Commissioner state that measures must be taken to have the money returned to Canadian taxpayers?

In the case of actions that are unethical, would that be part of your mandate?

• (1555)

Ms. Mary Elizabeth Dawson: In a word, no, I don't think so. My mandate generally covers issues relating to conflict of interest. It is a fairly narrow mandate.

Mr. Richard Nadeau: So the word “ethics”, which is part of your title, is there to...

Ms. Mary Elizabeth Dawson: That is an interesting point, because the word “ethics” almost never appears in the Act, except in my title and with my name. It is mentioned only in the Act of Parliament, which states that I may advise the Prime Minister when he asks for such advice on a range of limited issues, and also on ethics.

Mr. Richard Nadeau: Because we know that the prime minister of the day may be a member of the party which is in the wrong at that point.

Ms. Mary Elizabeth Dawson: Yes.

Mr. Richard Nadeau: You provide good and wise advice, and the prime minister then does with it what he wishes, I presume.

Ms. Mary Elizabeth Dawson: Yes, but that constitutes only a very small part of my work.

Mr. Richard Nadeau: I see.

Ms. Mary Elizabeth Dawson: In general, I submit my reports to Parliament.

Mr. Richard Nadeau: Thank you, Mr. Chairman.

[*English*]

The Chair: Mr. Martin, please.

Mr. Pat Martin (Winnipeg Centre, NDP): Thank you, Mr. Chair.

Thank you, Ms. Dawson.

I for one am very happy that the office is up and running. We looked forward to the idea of a truly independent ethics commissioner for years, and this is the realization of all the hard work that went into this.

I'm always a little critical when we spend so much time on the nuts and bolts estimates of what are really small budgets. For the Ethics Commissioner, the Privacy Commissioner, and the Access to Information Commissioner, we're talking about seven, eight, nine, ten or eleven million dollars. We spend as much time on this as we do on Heritage Canada's multi-billion-dollar estimates. It is rather absurd.

I'm not going to ask you any questions about paperclips or stationery or any of those costs here, but I am interested to know whether the volume of activity, in your experience to date, is showing an escalation trend that might make it necessary to revisit the size and scale of your operation stemming from the new act, the conflict of interest rules now being codified in an act of Parliament.

I suppose the question is whether you anticipate a volume of activity, in that now under the new act all current and former public officer holders could be the subject of an examination. I'd ask you to expand on how you see the current and former office holders, how far back you see that going, and whether you sense that it will cause a spike in activity.

Ms. Mary Elizabeth Dawson: It hasn't to date. Mind you, I've only been in the job for nine months. Inquiries or examinations are part of the work of our office, but it's only a small part of that work. A large part of the work of our office is administering the annual reports and answering inquiries from the general public. We get an enormous number of inquiries generally, and most of them are misguided to our office, but we respond to them, giving advice to various members or public officer holders. We spend a lot of time on day-to-day advisory work.

Mr. Pat Martin: What sort of advice is it for individual members? I've never found a need to phone the office of the Ethics Commissioner. What sorts of inquiries would you get from members?

Ms. Mary Elizabeth Dawson: It's things such as, "Should I accept this gift?", or "Should I accept this invitation to speak here?", or "Is it a problem that I'm a member of this board?"—things like that.

Mr. Pat Martin: So there are still question marks about that, are there, in the minds of people?

Ms. Mary Elizabeth Dawson: Yes, and those are the things I'm hoping to get guidelines on, gradually. But as I say, I want them to be right; I don't want to have false starts with my guidelines.

Mr. Pat Martin: Is there a way to minimize inquiries from the general public that are misdirected? How are they finding you? Is there not some single window they could go to that would send them to the right place?

Ms. Mary Elizabeth Dawson: There doesn't seem to be. I'm, in a way, a single window for a number of people. But in fact we have different systems, so that if a question comes in that obviously shouldn't have been directed to our office, we will, within a couple of days.... There's a certain portion of my staff who will either say there's no way this should have come in, or if we can, we'll help them and say, maybe this should have gone to the Privacy Commissioner, or maybe it should have gone somewhere else. That's a portion of our work, and it only occupies one or two people.

But for the slightly more complex questions that come in, we try to provide answers.

● (1600)

Mr. Pat Martin: You're helping put in place the guidelines on gifts. What about larger questions such as inducements? Is that in the category of something the Ethics Commissioner would get into?

Ms. Mary Elizabeth Dawson: An inducement might well be a gift. If somebody gives you \$100 to do something, it's an inducement, but it's also a gift.

By using the word "inducement", you're suggesting there's something wrong with it, that there probably is a conflict situation, but....

Mr. Pat Martin: Yes. I guess what I'm getting at is that we've always been frustrated with previous ethics commissioners. They never found anything wrong with anything that anybody ever did. It wouldn't matter how many complaints you'd bury them with, there was never anything wrong with anything that any public office holder ever did. Those would be the findings. Maybe that was because of the structure of their office—that they weren't independent. But I'm hoping you'll be able to find the difference between right and wrong. If the public office holder doesn't know it, maybe they could come to you and ask and you'll be able to tell them, because that's been an endless irritation.

I've filed a lot of complaints with ethics commissioners about floor crossers who are offered inducements to cross the floor. I guess that's what I'm getting at with inducements. We need some help in defining the right and wrong associated with.... To offer a member of Parliament some kind of inducement to do something, to do anything, surely violates some code of conduct or the MPs' code. Would that be what those would fall under?

Ms. Mary Elizabeth Dawson: Yes, it would be the MPs' code for that.

Mr. Pat Martin: And we'd still come to you with those grievances and complaints?

Ms. Mary Elizabeth Dawson: Yes, although—

Mr. Pat Martin: Has anybody filed a complaint on the Cadman affair?

Ms. Mary Elizabeth Dawson: No.

There are very few things I can talk about when it comes to my—

Mr. Pat Martin: Oh, I understand. I wouldn't press. I'm just curious.

Could you give an idea of the volume of active files you might have going currently involving MPs and people around Parliament? Is it 5, or is it 50, or is it 500?

Ms. Mary Elizabeth Dawson: It depends on what kinds of active files you're talking about. All our MPs have an active file in a sense, so we have three hundred and whatever it is.

Mr. Pat Martin: I mean complaints, I guess.

Ms. Mary Elizabeth Dawson: We don't get a huge number of complaints.

Mr. Pat Martin: I would like to think so.

Ms. Mary Elizabeth Dawson: It's a double-edged sword. You don't want to have a situation where everybody's doing bad things that need to come in complaints to you.

Mr. Pat Martin: No, absolutely.

Ms. Mary Elizabeth Dawson: And hopefully the act—

Mr. Pat Martin: —acts as a deterrent.

Ms. Mary Elizabeth Dawson: Yes. The act or the code is the code you're supposed to follow.

In my experience, MPs are pretty honourable people, generally.

An hon. member: That's not a bad thing to say

Some hon. members: Oh, oh!

The Chair: On that note, we'll move to Mr. Wallace.

Mr. Mike Wallace (Burlington, CPC): Thank you for coming, Commissioner.

I disagree with Mr. Martin on one thing. Whether on heritage or whatever committee I was on, I would be actively looking at what the estimates were, no matter how big or small they were.

I have some specific questions, but I appreciate your providing a more detailed outline of where the costs are than what is in the estimates book, where it is a couple of lines.

But let me start there, very quickly. I'll try to make these succinct.

You're asking on the operations side, not including capital spending, in round numbers for about a 38% to 40% increase. Isn't that right? In the budget that's presented to us, we have a new line called "inquiries"—it's new in that it wasn't there last year—and there isn't any money for communications or policy.

Is that a change in how you're structuring your budget? Or have you moved that money into a bigger pot? What have you done with it?

Ms. Mary Elizabeth Dawson: I'm going to let my new and wonderful corporate director take some of these detailed questions.

Mr. Mike Wallace: I don't care who answers them.

Ms. Denise Benoit: The budget, the way it is presented, is based on the program activity architecture, which each organization has to develop. In it we have to identify our main activities. When the office went through the process last year, they determined that there were two main activities for the organization. They were our operations compliance and inquiries.

• (1605)

Mr. Mike Wallace: When you came to see us in November, you talked about there being a communications issue in terms of making sure people understood what you were about. Have that money and that activity been lumped into that increase?

Ms. Denise Benoit: Exactly. It is distributed between those two main activities, just as corporate services and any other activities would be.

Mr. Mike Wallace: So when you were looking for this increase, and you said in your presentation it was mostly for salaries—it's a 40% increase or 38%, whatever it is—how many bodies is that actually?

Ms. Denise Benoit: It's for 50 positions.

Mr. Mike Wallace: It's for 50 positions.

Ms. Denise Benoit: We have 50 in total.

The last number of years have been pretty unusual, let's say, on the salary side. As an example, for 2007-08 we actually spent less on salary dollars than we did the year before.

Mr. Mike Wallace: That's because you had vacancies.

Ms. Denise Benoit: We had vacancies. And when we finally decided to go ahead with our legal shop, that only took place at the end of the fiscal year. So obviously they only used a quarter of the salary.

Mr. Mike Wallace: In your presentation, I think it was in November, you said that Parliament had allocated you \$3 million extra, but you only used in supplementary estimates (A) \$675,000 of it. So is that \$3 million added to the \$7 million that I see today?

Ms. Denise Benoit: Part of it is, because the base budget was \$5.1 million. So the \$3 million was added to the \$5.1 million.

Mr. Mike Wallace: How did the \$3 million happen? Did somebody allocate that? How did that happen? Did TB send that to you or give you a note on that saying you had \$3 million extra? How did that happen?

Ms. Denise Benoit: I think there were just assumptions made by the people who were at the office at that time in discussions with Treasury Board. So they put \$3 million into the fiscal framework. That's how much they estimated the increase to be with the change in mandate. That would be the impact of the new mandate.

Mr. Mike Wallace: So to spend the \$7 million that you're asking for, you need to be fully staffed?

Ms. Denise Benoit: Absolutely.

Mr. Mike Wallace: Right. Is that 50 positions filled?

Ms. Denise Benoit: It's 50 positions filled at maximum salary.

Mr. Mike Wallace: And what are the chances of that happening?

Ms. Mary Elizabeth Dawson: Nil. I mean, we're into the year already.

Mr. Mike Wallace: So why are you asking for that kind of money if you actually don't think you can spend it?

Ms. Denise Benoit: That was asked for last fiscal year. Just to explain, when that request was made for the main estimates last August, at that point that was their best prediction.

Mr. Mike Wallace: So when you came back for the supplementary estimates last time, for the \$675,000, what was that spent on?

Ms. Denise Benoit: Actually, as Madam Dawson mentioned, we'll probably lapse that money.

Mr. Mike Wallace: Lapse means you don't use it.

Ms. Denise Benoit: We won't use it.

Mr. Mike Wallace: So you asked for it but didn't use it.

Ms. Denise Benoit: Exactly.

Mr. Mike Wallace: But it's still built into this year's budget. Is that correct?

Ms. Denise Benoit: It is.

Mr. Mike Wallace: So based on what you've just told me, I should not expect to see a supplementary estimate (A) or (B) from you then. Is that correct?

Ms. Denise Benoit: Absolutely. That is a correct conclusion.

Mr. Mike Wallace: I have a fundamental disagreement with supplementary estimates (A) and (B) to begin with. So you're confident that what you're asking for today is what you'll need for the year, and maybe you've added a little mush room just in case?

Ms. Denise Benoit: We're confident that we're not going to come back and ask for additional funding.

Mr. Mike Wallace: All right. Now, from a budgetary....

Oh, sorry. Yes, sir.

Mr. Simon Coakeley (Deputy Commissioner, Office of the Conflict of Interest and Ethics Commissioner): If I could just put a caveat on that last comment, though, that's assuming steady state. As Mr. Martin was asking earlier, if there were more requests for inquiries, those could, depending on the nature of an inquiry, be more expensive. If we were to be swamped with 20 tomorrow, that dynamic would change.

Mr. Mike Wallace: But if something unique came forward, you'd come back to see us.

Mr. Simon Coakeley: Yes.

Mr. Mike Wallace: Just so I'm understanding this, you are a commissioner of Parliament. Your approval that we're seeing today—other than us, who else sees it to approve it before it gets printed in the blue book?

Ms. Mary Elizabeth Dawson: Normally we would consult with Treasury Board before we—

Mr. Mike Wallace: Have you done that this year?

Ms. Mary Elizabeth Dawson: Yes.

Mr. Mike Wallace: So the TB has seen it?

Mr. Simon Coakeley: And the Speaker has.

Ms. Mary Elizabeth Dawson: And the Speaker has, of course.

Mr. Mike Wallace: And the Speaker has.

Okay, so it's gone through that process; it gets printed and it comes to us, and technically we could change it if we made the recommendation to change that, right?

All right. So we're looking at 50 bodies. How many bodies do we have hired right now?

Ms. Denise Benoit: There were 45 as of March 31.

Mr. Mike Wallace: So the additional five is not a huge amount.

And I agree, I don't mind spending more money if we have beefed up the ethics side.

My final question—and I might come back—is this. Are you strictly for the House and for senior bureaucrats, or whatever, but not for the Senate? Is that correct?

• (1610)

Ms. Mary Elizabeth Dawson: That's right.

Mr. Mike Wallace: I know you've only been there nine months, but is there an efficiency to having it all under one roof, other than having two ethics commissioners?

Ms. Mary Elizabeth Dawson: Do you mean for the Senate and the House?

Mr. Mike Wallace: Right.

Could you give that some thought before you come to see us the next time?

Ms. Mary Elizabeth Dawson: Yes. I think there could be an efficiency there.

Mr. Mike Wallace: Thank you very much.

The Chair: We'll go to Mr. Thibault, please.

Hon. Robert Thibault (West Nova, Lib.): To help, Mr. Wallace, if you see supplementary (A)s and (B)s at committees, I don't think you have to point to the bureaucrats for that. I think you have to look at the ministers and cabinet, because generally their biggest programs have been added, or budgetary changes....

Mr. Mike Wallace: That still has to be justified, though, Mr. Thibault.

Hon. Robert Thibault: Absolutely.

In your field of action, what's the definition of public office holder? Is a public office holder different from an MP, or does it include MP?

Ms. Mary Elizabeth Dawson: Public office holder has a big, long definition—it's about two-thirds of a page long—but fundamentally, it includes the ministers and ministers of state or parliamentary secretaries. Those people are also under the MP code, so they're double-dosed.

Hon. Robert Thibault: So you would be covering public office holders and MPs.

Ms. Mary Elizabeth Dawson: Yes, but the public office holders are a huge group compared to the MPs.

Hon. Robert Thibault: That's what I needed. There's a distinction in your act and in the code between MPs and public office holders.

Ms. Mary Elizabeth Dawson: Yes, but some are both.

Hon. Robert Thibault: Yes, and the same code applies. But there's a distinction between them.

Ms. Mary Elizabeth Dawson: Definitely. In fact, one is a piece of legislation and one is a code applied to the different groups.

Hon. Robert Thibault: I was looking at your process for doing your budget. I think Mike covered a lot of it.

You're an officer of Parliament. It means you don't answer to anybody but Parliament.

Ms. Mary Elizabeth Dawson: That's right.

Hon. Robert Thibault: On the budgeting and administrative side, do you go through the umbrella of the House of Commons—the Speaker, the Sergeant-at-Arms, and so on?

Ms. Mary Elizabeth Dawson: I go through the Speaker.

Hon. Robert Thibault: You go through the Speaker.

Ms. Mary Elizabeth Dawson: Yes.

Hon. Robert Thibault: If you're drafting your budget and looking at your financial forecast for the year, you would get it approved by the Speaker before going to Treasury Board. Would it be a submission by the Speaker to Treasury Board that would include...?

Ms. Mary Elizabeth Dawson: No, we don't go to Treasury Board. What I'm saying is that in practice, we consult with Treasury Board, but our practice is correctly to go to the Speaker. Then I think it goes over to Treasury Board, but nothing happens there, I don't think.

Ms. Denise Benoit: It doesn't get challenged at that point.

Hon. Robert Thibault: It doesn't get challenged. It is just so they can budget for it. They can forecast for it or comment.

The Chair: If I may, there has been for some time an ad hoc committee that all officers of Parliament have been on in the past to review matters as they relate to Treasury Board discussions. Sometimes there are disputes on various matters, and those have been one of the tools. But effectively, it is under the auspices of the Speaker, so it's not like Mr. Milliken is sitting there.

Mr. Coakeley wants to jump in here.

Mr. Simon Coakeley: If I could, Mr. Chair, we are actually not subject to that process. There's a provision in the Parliament of Canada Act that designates that the Speaker is the appropriate minister for the purposes of the Financial Administration Act. It also indicates that once the Speaker has signed off on the estimates, they are sent to the President of the Treasury Board to be included in the estimates. At the moment, we are not a participant in the committee process you've described that applies to other officers of Parliament. Because we are part of the parliamentary entity, we are not subject to other ministers, as those organizations are. They each have appropriate ministers.

The Chair: Do you understand that it's the ad hoc committee that has representations from each of the parties that was started as a pilot project?

Mr. Simon Coakeley: That's correct. But we have not been part of that process.

The Chair: The other commissioners have been.

Ms. Mary Elizabeth Dawson: Yes.

The Chair: Yes, okay.

Carry on, you have five minutes left.

Hon. Robert Thibault: That clarifies it. So you would be different. We've heard in the past the complaint that it would be questionable whether the Auditor General has absolute autonomy and independence because the office depends on government for budgeting. But you don't depend on government. Cabinet can't influence your budgeting efforts, nor can the opposition parties. You deal solely with the Speaker to forecast what you will need.

• (1615)

Ms. Mary Elizabeth Dawson: That's right.

Hon. Robert Thibault: In your opening statement you suggested that until now, you've been using a lot of contract work, a lot of law firms and things like that, to do the work while understaffed.

Ms. Mary Elizabeth Dawson: There were no law firms.

Hon. Robert Thibault: No law firms, just contractual lawyers.

Ms. Mary Elizabeth Dawson: No. I've hired two or three people over the course of the past year for six-month periods or something, who I know and trust and who are competent, because there's a lot of very important work that I have to do in this first year to get myself up and running, and I'm not fully staffed.

Hon. Robert Thibault: So you've been doing it that way.

I recognize that it's early and it's difficult to tell what the evolution of this thing will be, but from what you're seeing now and where it's going, do you see it becoming a 100-person organization, remaining as a 50-person operation, or going down to 25? Where do you see the long-term stability area of the office?

Ms. Mary Elizabeth Dawson: Do you mean with respect to my staff?

Hon. Robert Thibault: Yes.

Ms. Mary Elizabeth Dawson: I'm hoping to get 100% of them.

Hon. Robert Thibault: Yes, but what is 100% in the future? Do you see this as an organization that will keep growing, or do you see the number you have now being what the office will need over the next 10 years?

Ms. Mary Elizabeth Dawson: I think it's probably a pretty good guess of what we'll need. In fact, it's possible that in a year or two we'll find that we don't need the full 50. On the other hand, we may find that there's a sudden escalation of inquiries. Each inquiry takes quite a bit of time and effort, and brain power, so the number of inquiries we have to deal with is probably the single most significant factor that might affect our staffing and our budget.

Hon. Robert Thibault: The report is solely your responsibility on an inquiry, with consultation or with advice.

Ms. Mary Elizabeth Dawson: Right.

Hon. Robert Thibault: An officer would do the same for the Senate, right?

Ms. Mary Elizabeth Dawson: Yes, except I don't think the Senate has had an inquiry in years, if ever, frankly.

Hon. Robert Thibault: But that was a big bone of contention when your office was set up, that the Senate should have their own commissioner—right?

Ms. Mary Elizabeth Dawson: Right.

Hon. Robert Thibault: Is it conceivable or is it in practice, or what would we do as far as the research side of it is concerned? Regarding the decision or the recommendation of the report drafted by the commissioner, perhaps they have a good argument that theirs should be different from the House of Commons, or whatever, whether you agree with it or not. But as far as the back-room stuff is concerned, the research being done and all that, for the independent commissioner to come to that recommendation, can the same staff do both, or would you be doing both?

Ms. Mary Elizabeth Dawson: Is this the annual report and the inquiry reports? I'm not sure which reports—

Hon. Robert Thibault: I'm talking about the individual inquiries that may be carried out during the year. If the Senate wants their independent commissioner, would that commissioner have to duplicate your staff, or would your staff be supplying that service to the commissioner?

Ms. Mary Elizabeth Dawson: At the moment, we're totally separate.

Hon. Robert Thibault: Totally separate.

Ms. Mary Elizabeth Dawson: Yes. We have nothing to do with the Senate.

The Chair: Mr. Tilson, please.

Mr. David Tilson (Dufferin—Caledon, CPC): Thank you, Mr. Chairman, and thank you, Commissioner.

I'd like to ask a question with respect to your indicating that you're going to be claiming a little over \$1 million for inquiries from the 2008-09 estimates. I'd like to ask you a specific question, and I'm going to be talking a lot about my colleague, Mr. Thibault.

As you know, this committee dealt with what is known as the Mulroney-Schreiber affair. At that time, at the beginning of the hearing—

Mr. Lloyd St. Amand (Brant, Lib.): On a point of order, Mr. Chair, I think, with respect, before Mr. Tilson goes much further, he's laying out a premise for some question ultimately to be asked of Ms. Dawson. From the tenor and content of the preamble, I don't think it's anything the commissioner would be able to answer in any event.

Mr. Russ Hiebert: How would you know?

The Chair: May I seek some indication from the commissioner, if there is a question referred to you with regard to a member and there's a file and you have knowledge, and so on, and this is a matter that's ongoing, regardless of who the member is, would you be able to discuss it with us here?

Ms. Mary Elizabeth Dawson: The only thing I can do with respect to an inquiry is if somebody asks me whether a preliminary inquiry has been started, or whether an inquiry has been taken, or whether a request for an inquiry has been given. I am allowed to answer those three questions and that's it.

• (1620)

The Chair: Do you want to debate this point of order, or do you want me to rule on it?

Mr. Russ Hiebert: I want to suggest that I think Mr. St. Amand has jumped the gun. I think we should give my colleague an opportunity to complete his thought, so that we can actually... There's no ruling necessary at this point, so let's see what he has to say.

The Chair: Well, I think there is.

Mr. David Tilson: Mr. Chairman, I haven't asked my question yet.

The Chair: I understand that, but he has made a point of order, and we...

Let me just say that I think we have the benefit of some input from the commissioner, which shall be taken into account. I think members should be careful to respect the situation.

You probably can get the answer you need by using a hypothetical maybe, rather than a particular case.

Mr. David Tilson: Well, Mr. Chairman, there may be something that precludes the commissioner from speaking about this case, but there's absolutely nothing that precludes me from speaking about this case.

I hope you have stopped the clock for all of these shenanigans.

I have the right to talk about this case, and I intend to talk about this case. There's nothing in any legislation that precludes me from talking about this case. So I'd like to continue.

The Chair: I will remind you, Mr. Tilson, that when this matter came up twice before during previous hearings, I did make rulings with regard to members' rights, that allegations against members are not grounds for saying they're in a conflict of interest. I said so simply because everybody could have a lawsuit posed against them at any time and the entire committee would be disqualified from participating in these hearings. Allegations are one thing—

Mr. David Tilson: I'm not asking you to rule on this particular matter—

The Chair: Excuse me, I'm just pointing out—

Mr. David Tilson: This has nothing to do with what you're talking about.

The Chair: I'm sorry, but I'm trying to explain it to you.

Mr. David Tilson: Well, I don't need an explanation. I have every right to talk about it.

You're interrupting my presentation.

The Chair: Order, please.

The clock is not going, Mr. Tilson. You'll have your time. Okay?

I just want to be sure. I think the committee should be aware of a little bit of history, and let's be careful in how we deal with these things. I don't want to—

Mr. David Tilson: Well, Mr. Chairman, you can give your interpretation—

The Chair: Excuse me, I've got the floor.

Mr. David Tilson: I have the floor.

The Chair: Excuse me, I'm the chair!

Behave yourself.

Mr. David Tilson: Mr. Chairman, you behave yourself!

The Chair: Now.

Mr. David Tilson: No need to talk to me like that.

The Chair: Behave yourself. I have the floor. I'm the chair.

Mr. David Tilson: Just calm down, Mr. Chairman. Calm yourself.

The Chair: Exactly.

And the wink over there, is that another one of your...?

Anyway, Ms. Dawson, I really appreciate your thoughts. You did give some indication earlier about the facility you would have to discuss anything. I think you were quite clear on that, so I have no concern about your receiving these questions.

But with regard to members' rights, I simply want everybody who happens to be listening to this to understand that there has been a matter come up with regard to an allegation. It has been ruled on by the committee, and the committee upheld the ruling of the chair, that in that particular case the member, in fact, was not in a position of conflict of interest and should not be excluded from participating in our hearings.

Mr. Tilson, you've only used 42 seconds of your five minutes. Carry on.

Mr. David Tilson: Madam Commissioner, the committee, as you know, proceeded with what is known as the Mulroney-Schreiber hearings, and at the beginning of the hearings I raised a point of order. I suggested that Mr. Thibault should recuse himself because the former Prime Minister had instituted a lawsuit of substantial amount against him, and because of that I felt he had a conflict of interest.

What the chair has related to you is true, and he.... Probably no one on this committee has the jurisdiction to tell Mr. Thibault to recuse himself. You may be the only one who has the right to suggest that, which is why on November 27 I wrote to you requesting an inquiry.

I did that because Mr. Thibault appeared to have the lead with respect to the Liberal caucus. He clearly appeared to have some influence with respect to the opposition. He participated in debates. He voted on motions. He asked questions. He was even able to cross-examine Mr. Mulroney during the hearings. He even asked questions in the House and still does to this day. This week he asked a question.

The whole purpose of my request was that I thought it was inappropriate that Mr. Thibault continue being on this committee.

You then communicated with me on January 10, indicating that you felt an inquiry was warranted. I might add that you were a tad late, but that's all right. It was the Christmas season and I accept that.

I then had a very strange telephone call from one of your investigators on January 21, who said, "We can't proceed without the statement of claim". I thought that was very strange because he's the

investigator and I'm the complainant. However, I happened to have a copy of the statement of claim, and I sent it to him. I sent it to him by e-mail, fax, and courier on January 24.

Then there was a very strange thing that happened on February 5. I had a letter addressed to Mr. Thibault, and it came to my office. We opened it because we assumed it was for me, but it wasn't for me. It was for Mr. Thibault from you. I did read the letter, and we called you, and of course it shouldn't have been sent to my office. It should have been sent to Mr. Thibault, so we duly sent it back.

I then telephoned. I won't give the names of your investigators, but I called one of your investigators—and I may be using the wrong terminology—saying, "You know, the hearings are over. We're now about to get into the report stage. My whole purpose of going on this thing was to ask for your assistance as to whether or not Mr. Thibault should participate in these hearings", and I was going to be very upset if you waited until after the report was made. This person said, "Oh, yes. It's going to happen."

Then the report to the House with respect to the chair was made on April 2, and still nothing. It's about four and a half months that this has proceeded.

I have three questions for you. In subsection 27(7), the words "due dispatch" are used. I'd like to know what you interpret the words "due dispatch" to mean.

Secondly, how long should an inquiry of this nature take?

And finally, when are you going to give your report on this matter?

● (1625)

The Chair: Unfortunately, Mr. Tilson has used up all his five minutes, but I will give you an opportunity to make some brief response.

Ms. Mary Elizabeth Dawson: Well, as I said—

Hon. Robert Thibault: On a point of order, Mr. Chair.

The Chair: Okay.

Hon. Robert Thibault: On a point of order. I will be very brief.

The Chair: Let me hear from Mr. Thibault.

Hon. Robert Thibault: I just want all the committee to know that Madame Dawson has expressed to me her regrets for that letter that had been sent to Mr. Tilson. I have accepted those.

The Chair: Okay. Thank you.

Ms. Dawson.

Ms. Mary Elizabeth Dawson: Now this is difficult to deal with, so I'll deal with it generally. I cannot comment on any inquiry that I am undertaking in any way, shape, or form, or make any comments about that.

Mr. David Tilson: I appreciate that.

Ms. Mary Elizabeth Dawson: There are some time requirements that are necessary to follow in the code. One receives a request. One very shortly, within a day or two, gives the person complained against a copy of the request. That person is then allowed 30 working days to respond. Then there's a seven-day period for a preliminary....

A voice: [*Inaudible—Editor*]

Ms. Mary Elizabeth Dawson: It is ten working days to receive the response. So there's a built-in time lag there of about a month and a half, which comes to about two months when you consider weekends and holidays and things. We were in a holiday period.

That's the first observation. There's no way an inquiry could be turned around in less than about two months, allowing time for the person complained against to input and time for me to consider whether it was a reasonable thing to inquire into.

Laying that aside, there are different levels of difficulty in the matters raised in inquiries. It's very important that a person in my position not put out a decision on a question raised without giving it good consideration, because whatever decision comes out of an inquiry will be a guidepost for future behaviour.

I think there is absolutely nothing unusual about a three- or four-month lag on a decision on an inquiry.

•(1630)

The Chair: Thank you very much.

Madame Lavallée, please.

[*Translation*]

Mrs. Carole Lavallée: Thank you, Mr. Chair.

Good afternoon, Ms. Dawson, Mr. Coakeley and Ms. Benoit.

You have said a great deal about your Estimates, and that is natural since that is why you are appearing here. You have also told us about the administrative problems you are facing. At present, ethics is indeed a challenge, et and will remain one for dozens of years to come. I would like to know what challenges you are currently facing as Ethics Commissioner. I don't mean administrative challenges, but challenges relating to ethics.

The purpose of the Codes of Ethics is to restore, establish or maintain the confidence of Canadians in their elected officials. Almost every code of ethics on earth begins in similar terms.

In Canada, as in Quebec, statistics show that people's confidence in elected officials is lower than it has never been. Only used car salesmen score in the same range. That makes me wonder about Mr. Van Kesteren—he used to sell cars and now he is a member of Parliament. He is the only one among us for whom things may somewhat improved with regard to the confidence people have in him. But however many jokes we may make in passing, it remains that the issue of confidence is a serious a significant challenge.

Can you tell us how, as an Ethics Commissioner, we could find ways to restore the confidence of Canadians in their elected officials?

Ms. Mary Elizabeth Dawson: That is an incredibly broad question. I can answer a very small part of it. My role is to interpret and to administer the Act and the Code. Many factors contribute to the public perception of Parliamentarians, but I can control only a very small number of those factors.

All I can do is clearly state what the rules are, and help members when they ask for advice on actions they should take or should not take. With regard to my office, I would say that we are always ready

to discuss issues with members and explain whether they can take certain actions, and whether some actions are in fact a good idea.

I cannot solve that problem myself. Last week, I took part in a conference on that very theme. No one had an answer to it.

As I have already said, I believe that, for the most part, members are altruistic. In my view, it is unfair that they should have that reputation. It is a real shame. That is all I can say.

•(1635)

Mrs. Carole Lavallée: Does your authority allow you solely to respond to complaints, or can you take the initiatives and make statements on some given situations?

Ms. Mary Elizabeth Dawson: Generally, I have the authority to make an opinion I have given someone public. I can include anything on the Website with a view to giving opinions.

As I said, the problem regarding members is that I need approval from the Standing Committee on Procedure and House Affairs before posting an opinion on the Website.

Mrs. Carole Lavallée: Forgive me, but I will make my question more specific because my time is limited.

I would like to know if you can take the initiative, and launch an investigation or process of reflection on a given issue.

Ms. Mary Elizabeth Dawson: Yes, I can.

Mrs. Carole Lavallée: Of course I do have a follow up question on that.

In the case of Mr. Mulroney, could you have or should you have made a public statement indicating whether Mr. Mulroney had breached the Code of Ethics applicable at the time?

Ms. Mary Elizabeth Dawson: No, because that does not come under my authority.

Mrs. Carole Lavallée: But you have said that former public office holders do come under your authority.

Mr. Simon Coakeley: The Commissioner's authority to conduct an investigation on former public office holders is described in the transition provisions of the Federal Accountability Act.

Mrs. Carole Lavallée: The title in French is *Loi fédérale sur la responsabilité*.

Mr. Simon Coakeley: Thank you.

The commissioner has the power to investigate cases involving people subject to the Conflict of Interest and Post-Employment Code for public office holders.

This document is almost certainly the one that preceded the 2004 version. It is not clear, and I should also add that we did not focus on the question of whether the previous code that was in effect had the same status as this one.

The broader mandate also extends to those individuals who came under this code.

Mrs. Carole Lavallée: With respect to...

The Chair: We are at six minutes and thirty seconds.

Mrs. Carole Lavallée: You are very hard on me!

[English]

The Chair: Mr. Hiebert will have to get six and a half minutes as well, I suppose.

Mr. Hiebert, please.

Mr. Russ Hiebert: Thank you, Mr. Chair. I was counting on every one of those six minutes and 30 seconds of time, because I have to leave the balance of my time, when I'm finished my questions, for my colleague, Mr. Van Kesteren.

Madam, could you tell us what is the average length of time for an inquiry?

Ms. Mary Elizabeth Dawson: I haven't had enough inquiries to tell you that, but it's apparent to me that they probably need two to three months at an absolute minimum.

Mr. Russ Hiebert: Okay. That's the minimum, but what's the average? Certainly the office has been in place long enough and you've seen enough cases that you could say, this one took this long.... If you were to add them all up and divide by the number of inquiries, what do you think would be the average length of time it takes to deal with one inquiry?

Maybe your assistants can help you.

Ms. Mary Elizabeth Dawson: It's really very difficult to say because I have not issued any reports yet of inquiries that I've been asked to undertake. So I really haven't gotten enough to say.

If you look at the previous administrations, not all that many inquiries and examinations took place. So the jury is still out as to how many I will be getting.

Mr. Russ Hiebert: Do you know historically how much time it's taken this office to respond?

Ms. Mary Elizabeth Dawson: I would say in the order of two to three months, perhaps.

Mr. Simon Coakeley: I'm sorry, I'm not sure either.

Mr. Russ Hiebert: Do you have a target estimate? I'm thinking, just as an example, of how some agencies or professional organizations know what their averages are, and then they shoot for a particular period of time as a target, in terms of saying they hope to complete an examination or a study or whatever within x period of time.

Do you have a target in terms of what you're shooting for?

Ms. Mary Elizabeth Dawson: Every inquiry is extremely different. Some are relatively easy; some are relatively complex. Some involve a lot of digging to get the facts; for some you have the facts right off the top. Some are very complex in the legal assessment and others are not that complex. They're very different, each one.

• (1640)

Mr. Russ Hiebert: But do you have a target? I know this matter is complex; you've made that abundantly clear. Do you have a target, yes or no?

Ms. Mary Elizabeth Dawson: No.

Mr. Russ Hiebert: Okay, that's fine.

You mentioned you've lost some personnel. It seems from your comment that you lost them to the public service, but I was

wondering if you could clarify for us. Were you losing employees to the public or the private sector, or both, or what percentage to each?

Ms. Mary Elizabeth Dawson: To the public sector or the private sector?

Mr. Russ Hiebert: Yes.

Ms. Mary Elizabeth Dawson: To the public sector.

Mr. Russ Hiebert: So you're not being poached by private firms?

Ms. Mary Elizabeth Dawson: No.

Mr. Russ Hiebert: I see.

You said the maximum number of positions would be 50. How many of those positions are currently filled?

Ms. Mary Elizabeth Dawson: It is 45.

Mr. Russ Hiebert: It's 45, so you're looking at five vacancies. Okay.

Could you give me some indication as to how much money lapsed from your last budget?

Ms. Mary Elizabeth Dawson: None. This is my first budget. The previous budget was under somebody else, and none was lapsed.

Mr. Russ Hiebert: So you used the very last dollar of the money that was provided to you?

Ms. Mary Elizabeth Dawson: I didn't, but the previous administration did.

Mr. Russ Hiebert: The previous administration did. There's nothing left over?

Ms. Denise Benoit: As Ms. Dawson mentioned, for 2007-08, we forecast a lapse of around \$1 million.

Mr. Russ Hiebert: And did that occur?

Ms. Denise Benoit: It will occur. The numbers are not yet final, but it will be around that amount.

Mr. Russ Hiebert: Oh, I see. So you've given yourself a substantial margin. Do you expect that, all things considered, you might end up with a \$1 million lapse next year?

Ms. Mary Elizabeth Dawson: We might. We don't know how quickly we're going to be able to staff. We don't know how many inquiries we're going to have. That's the biggest imponderable.

Mr. Russ Hiebert: Sure, and that leads to my next question.

How many inquiries have you budgeted for?

Ms. Mary Elizabeth Dawson: We haven't budgeted for a specific number. We've picked a reasonable number based on previous expectations.

Mr. Russ Hiebert: What's the reasonable number?

Ms. Mary Elizabeth Dawson: I really don't know. There's no way I can tell, because it's up to MPs and—

Mr. Russ Hiebert: But you have a budget, and you said you've budgeted a reasonable number. What's the reasonable number?

Ms. Denise Benoit: If I may, the budget wasn't based on the number of inquiries. Indirectly, it was, but it was about setting up an internal legal shop. It was about having sufficient resources to deal with requests.

Mr. Russ Hiebert: So you have no guesstimate as to how many inquiries you're going to have over the next year?

Ms. Mary Elizabeth Dawson: No.

Mr. Russ Hiebert: None.

Ms. Mary Elizabeth Dawson: No, I have no way of knowing. All I can—

Mr. Russ Hiebert: You have no way of knowing, but do you have a guesstimate? Certainly, you could look at—

Ms. Mary Elizabeth Dawson: Yes, my guess would be three or four, but I don't know.

Mr. Russ Hiebert: Okay. Mr. Coakeley said the budget might change depending on the number of inquiries. Based on that comment, are you suggesting that if you have more than three or four inquiries you might need additional funding?

Ms. Mary Elizabeth Dawson: I might, but I might not. It might be that they can be handled by my legal branch, by my advisors, and if it doesn't involve travel.... If all of a sudden I had an inquiry that involved a whole bunch of travel out to B.C. all the time or something, it might mount up.

Mr. Russ Hiebert: Thank you, Ms. Dawson.

I hope if I'm still on this committee next year, based on the experience you've had, you'll have a better idea as to how many inquiries to expect.

But I want to share the balance of my time with my colleague.

The Chair: No, there is no time.

Mr. Russ Hiebert: You just indicated I had a minute. Please give a minute to my colleague. You just told me that—

The Chair: Okay, a New York minute.

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): I do have a question, but I want to make a statement. I apologize for the outburst. Sometimes we get kind of intense.

The question is this. In the past, there was no requirement for the former commissioner, whom you replaced, to set forth the cost of an inquiry. Will you in the future? Will we be able to know how much money was spent on an inquiry?

Ms. Mary Elizabeth Dawson: Yes. I see no reason why not.

Mr. Dave Van Kesteren: Okay. That was my question.

Thank you, Mr. Chair.

The Chair: We now have Mr. St. Amand.

Mr. Lloyd St. Amand: Thank you, Mr. Chair.

Ms. Dawson or Ms. Benoit or Mr. Coakeley, following up on Mr. Hiebert's line of questions, since taking office, Ms. Dawson, how many inquiries have you conducted or are you in the process of conducting?

• (1645)

Ms. Mary Elizabeth Dawson: I have conducted two.

Mr. Lloyd St. Amand: I presume the fact that you've done two, so to speak, over nine months triggers your answer that in a calendar year you'll likely do three or four.

In terms of not only your time but your staff time generally, how much time is consumed by inquiries relative to everything else you do—field complaints, advise MPs?

Ms. Mary Elizabeth Dawson: It is 5% to 10%.

Mr. Lloyd St. Amand: That is spent dealing with inquiries.

Ms. Mary Elizabeth Dawson: Yes, I would say so. There can be intense periods where some people are spending their whole day, but when you consider that you have 45 staff, only six or seven of your staff would ever be involved in the inquiry, at most, so I would say 5% or 10%.

Mr. Lloyd St. Amand: With respect to a complaint initiated against a member of Parliament, when you receive, or when your office receives, information that a particular member is being sued, I take it as a matter of integrity that before you can start anything, before you can even think about investigating the complaint, you need to see the document, the statement of claim that actually initiated the lawsuit.

Ms. Mary Elizabeth Dawson: Yes. Most inquiries don't necessarily relate to lawsuits, of course, but a statement of claim would be a fairly central aspect to a lawsuit, yes.

Mr. Lloyd St. Amand: There is no other way to start a lawsuit except by way of a statement of claim, so that would be the minimum starting point for you, to receive the statement of claim, proof positive that a particular member has been sued, and you move on from there.

Ms. Mary Elizabeth Dawson: That would be a very good idea, yes.

Mr. Lloyd St. Amand: If I may, with respect to the estimates, to some extent this has been alluded to already, but I see that the information component of the estimates has been doubled compared with last year, and double compared with even the year before that. What will actually cause the information component of the estimates to be doubled?

Ms. Mary Elizabeth Dawson: It is largely website and computer related, but maybe my assistant could respond.

Ms. Denise Benoit: With the establishment of our legal section there is a requirement for periodicals and books that we weren't investing in before. That's a major contribution, and also printing because we're going to get into more outreach material. There also may be a requirement for more printing costs.

Mr. Lloyd St. Amand: On the decision you took, Ms. Dawson, to develop an in-house legal team as opposed to contracting out, were you advised to do that, or have you in a previous career done something like that? What triggered that decision?

Ms. Mary Elizabeth Dawson: I can't imagine not having your own legal staff. I've always had my own legal staff. I've always been a lawyer. It did not make sense to me not to have my own legal staff.

There are day-to-day legal questions you have to answer or deal with that have nothing to do with inquiries. Even for that purpose, one needs a legal staff, especially when we have moved from a code to an act. That entered it squarely into the legal domain.

Mr. Lloyd St. Amand: I appreciate that the delivery of good service is paramount. I understand that. But in terms of cost savings, is it fair to say that for the immediate and for the short term, there will be no cost savings as you develop your legal team, but the cost savings will be realized in years to come?

Ms. Mary Elizabeth Dawson: I would hope so, but even if there weren't cost savings, I would say it was a prudent and essential move.

Mr. Lloyd St. Amand: Thank you, Mr. Chair.

The Chair: I want to suspend for a moment, so don't move.

• _____ (Pause) _____

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• (1650)

The Chair: I apologize, gentlemen. There was something I really had to take care of, and it's taken care of.

I have no more speakers. Is there anyone else who wants to ask any questions of Ms. Dawson at this time?

If not, Mrs. Dawson, is there anything final you would like to say to the committee with regard to the discussions we've had? Is there anything your colleagues would like to clarify before we move on to a little bit of other committee business?

Ms. Mary Elizabeth Dawson: I don't think so. I simply thank you for hearing me out, and I do hope we will work constructively together as the months go by.

Thank you very much.

The Chair: Thank you.

We appreciate it, and we certainly will look forward to having you again.

You are now excused.

Colleagues, I just want to advise the committee that with regard to the privacy work, I did consult with the Privacy Commissioner about the propriety of having Heather Black before us. She gave us a glowing credential CV background. She is very enthusiastic and highly recommends her, so there's—

Mr. Mike Wallace: There's no problem.

The Chair: —no problem.

We will send to you a proposal of what's happening over the next three or four meetings. We have good work. We're going to be in a better position after we hear from Ms. Black and from the Privacy Commissioner herself as to putting a little more focus to the areas we will be dealing with.

If there are no further matters, we will inform you and give you an update on what's happening, but it looks like we're good until the 29th already.

Thank you.

We're adjourned.

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

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

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