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# Standing Committee on Access to Information, Privacy and Ethics

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**Monday, April 20, 2009**

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**Chair**

**Mr. Paul Szabo**

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## Standing Committee on Access to Information, Privacy and Ethics

Monday, April 20, 2009

• (1535)

[English]

**The Chair (Mr. Paul Szabo (Mississauga South, Lib.)):** Order. This is the 14th meeting of the Standing Committee on Access to Information, Privacy and Ethics.

Our orders of the day, pursuant to Standing Order 81(4), are the main estimates 2009-10, vote 15 under Parliament, referred to the committee on Thursday, February 26, 2009.

Our witness today with regard to vote 15 is Commissioner Mary Dawson, from the Office of the Conflict of Interest and Ethics Commissioner.

Welcome, Ms. Dawson. Again, it's very good to see you. You have some colleagues with you. I hope you will introduce them to us. You have some opening comments for us, and I know the committee has questions for you.

Without further ado, welcome, and please proceed.

[Translation]

**Ms. Mary Dawson (Commissioner, Office of the Conflict of Interest and Ethics Commissioner):** Thank you, Mr. Chair.

[English]

When we met last month on March 2, I gave you a brief overview of the role of my office. In the interim, I forwarded to you a response to the committee's question on how Canada treats sponsored travel for members of Parliament in relation to other jurisdictions. I hope you found the information useful.

[Translation]

I would like to introduce the officials sitting at the table with me today: Denise Benoit, Director, Corporate Management, and Lyne Robinson-Dalpe, Assistant Commissioner, Advisory and Compliance.

As you know, I was appointed on July 7, 2007, the same day that the new Conflict of Interest Act for public office holders came into effect. I am responsible for administering the Conflict of Interest Act as well as the Conflict of Interest Code for members of the House of Commons.

[English]

When I appeared before this committee this time last year, I referred to my first months in the role of commissioner as a period of transition and learning. Upon my arrival, I faced immediate capacity challenges as I set out to administer a new piece of legislation, a code that had just been substantially revised, and a new mandate for the

role of Commissioner of Conflict of Interest and Ethics. In very short order, we needed to be able to communicate clear information to those covered by the act and the MP code to provide fair and consistent interpretations and to develop the internal systems that would allow us to meet the compliance deadlines set out in both the act and the MP code.

In contrast to the first seven months in the position, I would characterize the past year as one of consolidation and strengthening of the foundation. I'm pleased to report that we've achieved the priorities I set for the office in the past year and that we remain committed to ensuring that public office holders are well supported in meeting their obligations. Better and more information is now available to public office holders and the public, our procedures and systems are becoming more efficient, and backlogs and time lags in managing files have been all but eliminated.

I'd like to spend a few minutes explaining the work of my office over the past year, as I believe it provides an important context for understanding the financial forecast for this fiscal year. Whether it's in the management of compliance or in the provision of advice, my focus as commissioner has been, and continues to be, on communication and prevention. In addition to providing one-on-one service to MPs and public office holders, my office has undertaken a variety of activities to ensure that everyone affected by either the MP code or the Conflict of Interest Act for public office holders is aware of and understands their obligations.

We redesigned our corporate website to make it more user friendly. We issued guidelines on gifts and reimbursements relating to trusts. We also issued information notices addressing issues of general interest relating to political activities, as well as post-employment and its links to the Lobbying Act. We also issued a notice clarifying how new tax-free savings accounts, introduced in January 2009, relate to compliance requirements for public office holders.

Over the course of the year, my staff and I met with various groups of public office holders, including heads and members of federal boards and tribunals, and ministers and their staff, to discuss the application of the act to their situations. These sessions are of particular importance for ministers' offices not only because of the relatively frequent changes in staff, but also because of their need to inform potential employees of their obligations under the act. In late November 2008, shortly after the last general election, I did an orientation session for new MPs on their obligations under the MP code. Throughout the year we continued to communicate new information related to the code to MPs through the use of the communiqué e-mail service, such as to announce the newly approved forms for making disclosures and when the registry was made available on our website.

With regard to public awareness and understanding, I accepted a number of opportunities to speak publicly about my role in an effort to increase the overall awareness of the ethics regime for public office holders and MPs. In addition, we improved the public registry for public office holders and MPs to make it more accessible and comprehensible to the general public. As of the end of March, the electronic registry for MPs is also operational, so Canadians now have immediate and convenient access to all the public declarations not only of public office holders, including ministers and parliamentary secretaries, but also of members of Parliament.

Much of our work is operational in nature. We provide ongoing confidential advice to all 308 members of Parliament, as well as to some thousand reporting public office holders, on initial compliance measures relating to assets and liabilities, on outside activities, gifts, invitations to events, post-employment obligations, and other areas where there could be a potential conflict of interest. We also manage a public registry for the necessary public declarations required under the act and under the code.

This past election year created additional workload in that compliance measures had to be completely reviewed or newly established simultaneously for all members of Parliament, as well as for all new cabinet ministers, ministers of state, parliamentary secretaries, and their respective staff. Our advisers have been providing effective and timely services in this regard within the specified timelines.

• (1540)

I'm also pleased to report that in the last year we achieved a notable reduction—and in some cases a complete elimination—of backlogs in various operational areas, particularly in the area of annual reviews of information contained in the confidential reports of reporting public office holders. This has been achieved with new tracking tools, new reporting systems, and more consistent data entry.

The reduction in backlog also allowed us last November to introduce the administrative monetary penalty scheme, as required by the Conflict of Interest Act. As part of the implementation process, we established a system of warning notices in relation to some of the disclosure deadlines outlined in the act. These warning notices have been very effective in promoting compliance. In fact, I haven't had to issue any notices of violation, and we continue to have

excellent cooperation from reporting public office holders in meeting the initial compliance deadlines.

An important aspect of my mandate is to conduct investigations and make reports on allegations that a member or a public office holder has breached his or her obligations under the MP code or the act, as the case may be. Since last April I considered a total of eight requests from members of Parliament to carry out investigations. Six were related to the MP code, and two requests were related to public office holders under the act.

Between April 1, 2008, and March 31, 2009, I reported findings on four investigations. One investigation that I began in this past fiscal year is still ongoing.

In the cases where I decide not to proceed with an investigation, the decision is based on my assessment of whether the alleged contravention relates clearly to provisions of the MP code or the act and whether there is enough information to provide reasonable grounds to believe the breach may have occurred. The MP code sets out a strict process that includes a specific period of time for the respondent to present me with his or her perspective before I take a decision. There are no deadlines under the act, but I attempt to follow a similar process under the act as well.

The reasons for a decision not to proceed are shared with the parties concerned, but I cannot make them public.

Last year I considered whether to pursue, on my own initiative, a number of requests from members of the general public to undertake investigations of members and public office holders. While I have no obligation to act on requests from anyone other than members of Parliament—and this was recently confirmed in a Federal Court of Appeal decision in a challenge launched by Democracy Watch—I feel that it's important to consider these requests carefully if there appears to be a potential issue that's within my mandate. Under both the act and the MP code, I have the power to self-initiate investigations where I have reason to believe that either has been breached. Requests from the public are reviewed to see whether there is enough sound information to support the allegation. Most allegations from the public do not meet that test.

Only in one instance this year did I choose to self-initiate an investigation under the act on the basis of information provided by someone other than an MP or a senator. That examination, as I mentioned earlier, is still ongoing.

As I mentioned during my appearance before this committee on March 2, 2009, I made a number of organizational changes last year to better reflect the needs of the office and make better use of our human and financial resources. I may still need to make a few more modifications in the operations, but I feel we are close to having the kind of structure that will best support the mandate of the office now.

As part of our organizational changes, the office completed a full review of all job descriptions at every level, ensuring that the classifications were sound and well aligned throughout the organization. We also updated our internal policies for good financial and human resources management.

I've been fortunate in retaining a number of employees from the previous Ethics Commissioner; however, staff turnover remains a challenge for my office. Although we were successful in bringing in new employees through various means, including competitive processes and Interchange Canada assignments, we continue to lose employees to the federal public service, which offers more career advancement opportunities. I believe this is typical for small organizations such as my office.

• (1545)

We are finding that competitions for positions as compliance advisers are more successful when open to the public, but this results in longer staffing processes. As of March 31, I had a total of eight vacant positions, representing 17% of our workforce. This, along with the fact that a number of positions were staffed late in the year, explains the budget lapse of approximately \$900,000 in my salary envelope. I'm still confident that my full salary budget of \$4.5 million is required to support my organization structure once all the positions are staffed.

An important portion of my non-salary budget of \$1.8 million is spent covering the cost of administrative services received under MOUs from the House of Commons, the Library of Parliament, and Public Works and Government Services Canada. The balance is used for normal operating costs, as well as the costs of investigations under the MP code and the act. It includes a reserve to cover such potential situations as an abnormally high demand for inquiries or examinations and to cover special projects.

As I've said before, I'm very impressed with the dedication to the public interest that I've seen on the part of public officials, whether elected or appointed. A continuing priority for me in this new fiscal year will be to support and facilitate their compliance with the code and the act through continued education and outreach efforts. We're in the process of developing a strategic communications and outreach plan to ensure that we focus our educational activities on the needs of those subject to the code and the act as well as on the public at large and other stakeholders. We will continue to enhance and improve the information on the act and the code found on our website.

We attempt to keep in touch with other jurisdictions in relation to their conflict of interest regimes to learn about each other's practices and issues. This outreach includes the Canadian Conflict of Interest Network, which is a federal-provincial group; the OECD's expert group on conflict of interest; and the Council on Governmental Ethics Laws, COGEL, which is a U.S.-based organization of government practitioners in ethics, including conflict of interest.

As you may be aware, I am currently working with a recently established subcommittee of the Standing Committee on Procedure and House Affairs on the rules relating to gifts for members. We have already established guidelines for public office holders; these guidelines can be found on our website.

In my upcoming annual report on the Conflict of Interest Act, I intend to refer to some of the challenges I have faced in interpreting and applying the act. My annual report will automatically be referred to your committee for review, so I look forward to further discussions on that with you.

In conclusion, I'd like to say that I think we have really strengthened the foundations of the office in the past year. While we still face some challenges with staffing that have meant that we have not fully used our salary budget this past year, we have developed a good team and are meeting the demands that have been placed before us so far.

[Translation]

While there are still improvements to be made, and no doubt new challenges that will arise, I feel that we have a sound organization with which to undertake them.

Thank you for your attention. I would be pleased to answer any questions you may have.

[English]

Thank you. I'd be happy to answer questions.

**The Chair:** Thank you very much.

I'm going to exercise some chairman's discretion because it might help us in our discussion. Did you bring with you information about the actual expenditures in the last two complete fiscal years?

**Ms. Mary Dawson:** Yes, we have some. Denise Benoit has some information.

**The Chair:** About two-thirds of your budget is for human resources direct costs, under the line "personnel". In the 2007-08 year, personnel cost was \$3.6 million. Can you tell me what the actual cost was?

**Ms. Mary Dawson:** Can I turn that over to you, Denise?

• (1550)

**Ms. Denise Benoit (Director, Corporate Management, Office of the Conflict of Interest and Ethics Commissioner):** Absolutely.

Although the expenditures for this fiscal year are still not final, what we have—

**The Chair:** I'm talking about 2007-08.

**Ms. Denise Benoit:** Oh, you meant for 2007-08. I'm sorry. I do have that information.

The actual cost for 2007-08 was \$3.9 million, and that included the employee benefits plan.

**The Chair:** I believe this would as well.

So you were 10% over in 2007-08. Now, what are your actual costs for 2008-09?

**Ms. Denise Benoit:** Although we are waiting for the final numbers to come in, we are expecting to lapse \$900,000. I think what we would spend would be \$3.6 million, plus the—

**The Chair:** Is it \$4.4 million?

**Ms. Mary Dawson:** Right now we have \$3.3 million of expenditures and we're expecting another \$300,000, so that's \$3.6 million. If we add the employee benefits plan to that, which is \$800,000, we're at \$4.4 million—but that doesn't make sense, because we're lapsing \$900,000, so it's \$4.5 million.

**The Chair:** Okay, it's \$4.4 million or \$4.5 million.

For the last fiscal year, 2008-09, you mentioned that you're currently expecting a 17% shortfall in your human resources complement.

**Ms. Mary Dawson:** Yes.

**The Chair:** Given how quickly people can get trained and on side, etc., how much of that do you expect could be dealt with in the upcoming fiscal year?

**Ms. Mary Dawson:** We have now had some competitions, and there are four who will shortly come on strength.

Can you add to that, Denise?

**Ms. Denise Benoit:** That's pretty much it. These employees are actually starting in the coming week, so at least four will come in shortly.

**Ms. Mary Dawson:** It's a full complement.

**The Chair:** Then we would expect some lapse, since you are already behind.

Go ahead, Mr. Wrzesnewskyj, please.

**Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.):** Thank you, Chair.

Welcome once again, Commissioner.

Judging by the number of tanned MPs after this two-week break, and just as all MPs enjoy to travel.... When we read the Conflict of Interest Act, subsection 11(1) states:

No public office holder or member of his or her family shall accept any gift or other advantage, including from a trust, that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function.

A second part talks about forfeiture. You're not allowed to accept gifts of over \$1,000 in value.

It also lists exceptions, and there are three types. One deals with the Canada Elections Act, so that would be donations during election campaigns. Family and friends are excepted, and also something that is a normal expression of courtesy or protocol. However, we allow unlimited acceptance of gifts of travel for MPs.

There seems to be a disconnect between the two. I believe the act has valid concerns that it addresses in section 11. It sets a very clear limit and it provides exceptions. Travel isn't one of those exceptions. You can't accept any gifts over \$1,000, and it references why we should not accept gifts of over \$1,000. It says it could be used to influence public office holders in their exercise of official power.

Now, when I check your report, I see that in one case one MP accepted almost \$30,000 of trips. All we list are MPs; from what I can tell, we don't list the family members, spouses, and children who sometimes go on these trips. There just seems to be a gaping hole in how we approach this.

Do you have any comments?

• (1555)

**Ms. Mary Dawson:** The drafters of the code, who are the MPs, chose to allow sponsored travel. The only comment I can make is that at least it has to be disclosed. I find disclosure is very important

in any kind of a conflict of interest regime. At least you can see what the MPs are doing in the annual disclosure.

It's true, there's quite a difference between the code and the act. As a matter of fact, as you have seen—I think it was you who requested the sponsored travel information—none of the provinces have a specific provision for sponsored travel. It just falls into the gift provisions. Frankly, I don't know what the background of the policy for that was, because we're not privy to the discussions that led to the development of the code.

**Mr. Borys Wrzesnewskyj:** For you as the commissioner, this seems to be a problematic area, especially when you take a look at other jurisdictions that have covered this off. You tend to report within the parameters of what's asked of you—the numbers, etc. Other commissioners often in their reports will also provide recommendations and policy recommendations. You're considered the Ethics Commissioner, and people turn towards you not just to provide the raw numbers, and raw numbers based on self-reporting, but we and the public we all serve look to you to provide policy recommendations.

How much time and effort does your department expend—and we're looking at your budget—on policy review, on other jurisdictions, and in situations like the one I've mentioned in providing recommendations to committee so that we can become more ethical in the way we conduct ourselves?

**Ms. Mary Dawson:** That's an increasing priority. I have to say that in the first year I came into office my entire effort had to be put to getting the office staffed up and to make sure the mechanisms we had in there for information were accurate.

The other thing about the first year in your mandate is that it's probably not the year to come out very quickly with all sorts of objections to the materials you're administering. In my annual reports that are coming up in a couple of months, you'll see more in the way of at least observations on problems in the act. As I mentioned, I'm currently working with the procedures committee. They've established a subcommittee, and I'm looking at improvements on the gift provisions in there.

We're well aware of the benefits of making observations. Of course, we're the ones who see the instances, but there are lots of different things you have to set in place before you start suggesting what should change. We're at that turning point now, I think.

**Mr. Borys Wrzesnewskyj:** Perhaps in the next year we might see some recommendations in regards to policy and changes.

**Ms. Mary Dawson:** Yes, I think you probably will.

**Mr. Borys Wrzesnewskyj:** Would one of those areas perhaps be sponsored travel of family members, etc.? Family members and relatives are referenced in other parts of the act, but it seems that's not an area that we pay heed to right now.

**Ms. Mary Dawson:** It's one that I have not, to date, spent a lot of time on, because there are so many other important areas that I deal with. But I'll take your suggestion. Certainly the work you requested actually has just shown the breadth of the different approaches in sponsored travel. Yes, we'll do some thinking on that, although with the MP code, unlike the act, it is the MPs who have created that code for themselves. But I can make observations.

The first year I had more to say on the act than the code. But we'll see. I will definitely think about these things.

•(1600)

**Mr. Borys Wrzesnewskyj:** Thank you.

**The Chair:** With regard to the broad statement that it is the MPs, there is a standing order that requires a debate in the House on the Standing Orders—and the MP code is included in the Standing Orders as an appendix—to happen within the first 60 sitting days of the first session of a Parliament. It didn't happen in the last 39th Parliament; it was negotiated away for other reasons. It didn't happen in this Parliament because we didn't hit 60 sitting days in the current Parliament; we prorogued and had a second session. The MPs didn't get a chance to have any input into amendments to the Standing Orders or to the MP code. Maybe that should be one of your recommendations. If the MP code is going to be important, it should get scrutiny in every Parliament, regardless of the timing. It really is important.

I thought I'd raise that. It is a problem.

*Madame Thi Lac, s'il vous plaît.*

[Translation]

**Mrs. Ève-Mary Thāi Thi Lac (Saint-Hyacinthe—Bagot, BQ):** Thank you, Ms. Dawson. I have a few questions for you. First off, you spoke about funds that accumulated over the last fiscal year.

How will those funds be allocated over the next fiscal year? If you were to provide a breakdown of the funds that were...

**Ms. Mary Dawson:** I will ask my assistant to answer that question.

**Ms. Denise Benoit:** As indicated earlier, salaries represent the largest item of our \$7.1 million budget. In fact, the full salary budget amounts to \$4.5 million. That leaves us with a non-salary budget of \$1.8 million, an important portion of which is spent covering the cost of administrative services received under the various MOUs. When you add up the amounts under all the MOUs, the total comes out to between \$700,000 and \$800,000. Therefore, the amount that is left over and does not cover salaries is used to pay for normal operating expenses, for example, for equipment, systems and trips, although members of our organization travel very little.

In sum, no money is carried forward to the next fiscal year.

**Mrs. Ève-Mary Thāi Thi Lac:** You indicated that information from public office holders and MPs had been updated as a consequence of the last election.

How often must MPs and public office holders update the information they have sent you in between election campaigns?

[English]

**Ms. Mary Dawson:** We have a requirement for an annual review of the declarations that public office holders have made, and the MPs as well, so once a year we send a letter to MPs. In that letter, we remind them of their obligations and ask them to update their information. That's one area where we've made an enormous improvement over this past year, because when I came into the office I found that some of those annual reviews had lagged for two or three years, and we're now completely up to date. I'm quite proud of that, as a matter of fact.

[Translation]

**Mrs. Ève-Mary Thāi Thi Lac:** You said that there were no deadlines for you to submit your reports. However, do you have any data on the duration of the investigations you have conducted during your mandate?

[English]

**Ms. Mary Dawson:** Each of the investigations takes a different length of time. There's no standard amount of time. We did an average of the four that we did, and we found that the average was about five and a half months, I believe.

As for the cost, we support our investigations almost entirely internally. We don't resort to outside lawyers, so it's quite a bit less expensive than if we were getting outside lawyers. The model we've developed for an average, because we knew we'd be asked this question, said that it was about \$24,000 for the average investigation, I think, but there are enormous differences between each investigation.

•(1605)

[Translation]

**Mrs. Ève-Mary Thāi Thi Lac:** You also said that you could pursue, on your own initiative, requests from members of the general public to undertake investigations. However, you have an obligation to act on all requests from members of Parliament.

Do you have any statistics on the number of requests from the general public that led to an investigation and those that did not?

**Ms. Mary Dawson:** I do not recall the exact number, but there have been very few.

[English]

I think we had between six and eight direct requests from the public to carry out investigations.

[Translation]

**Mrs. Ève-Mary Thāi Thi Lac:** How many requests led to an investigation and how many did not?

**Ms. Mary Dawson:** We have recently initiated such an investigation.

**Mrs. Ève-Mary Thāi Thi Lac:** Out of the six to eight requests that were made, a single one led to an investigation.

**Ms. Mary Dawson:** We considered six or eight requests, but we decided that in only one instance was it worthwhile to initiate an investigation.

**Mrs. Ève-Mary Thāi Thi Lac:** You also said that the requests made by elected representatives must be studied. Is the plaintiff informed of the conclusions of an investigation into the complaint, or is only the party informed?

**Ms. Mary Dawson:** The plaintiff is always kept informed as well.

**Mrs. Ève-Mary Thāi Thi Lac:** You said that between six and eight requests made by someone from outside the public service were considered. How many requests have you received in total?

**Ms. Mary Dawson:** It's difficult to say because only between six and eight of the requests required an investigation. However, some of the complaints we receive from the public were not specific at all. So we estimated that only between six and eight requests were legitimate.

**Mrs. Ève-Mary Th   Thi Lac:** In your presentation, you said that you received several requests from the public and that you had to check back in many of those cases to see if the allegations were founded, but that most of them did not contain enough supporting evidence.

Is there any way you can inform the public on how to present a request with supporting evidence, or do you reject them arbitrarily? Do you contact the person whose request might be rejected to ask them for additional information, or is the request simply rejected?

[English]

**Ms. Mary Dawson:** We have to keep information that's given to us confidential. We don't want to destroy anybody's reputation, so we're very careful not to suggest there's a problem if we don't have sufficient evidence. As soon as we begin an investigation, under the act and the code we are not permitted to disclose anything about it except the fact that there is an investigation. We're very careful not to put out personal information unless we've actually had an investigation and found a conclusion.

I don't know if that answers your question completely.

[Translation]

**Mrs. Ève-Mary Th   Thi Lac:** What I'm asking specifically is, when a member of the public asks you to investigate, but you find that person's request does not provide sufficient evidence, do you contact the person and ask for additional information? As you know, sometimes it's difficult to include all the information on a form.

•(1610)

**Ms. Mary Dawson:** We did receive a couple of requests which did not provide enough information. So we contacted the people and asked for more details. We had a good relationship with the plaintiffs. This happened three or four times last year.

[English]

**The Chair:** Thank you.

Mr. Siksay, please.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Thank you, Chair.

Thank you for coming back with your colleagues, Commissioner Dawson.

In your report today you talked about achieving a notable reduction and in some cases elimination of backlogs in various operational areas. Can you say a bit more about that? Are there still backlogs in some areas? Which areas would they be? In which areas were they eliminated? Please expand on that a bit for us.

**Ms. Mary Dawson:** I think we've done virtually everything we can do now with the backlogs. Basically, there are a number of different deadlines in the act and the code. In the act, there's a 60-day deadline to get your statements in. We're not getting them within the 60 days now only if, for some reason, we aren't told about the new person in the job. As soon as we find out about them, we

immediately send a letter. Normally we find out within 10 days or something, and a letter goes out. We're paying a lot of attention to going back. We now have a 30-day check with them if they haven't contacted us, and then a 50-day check with them.

As I said, much of this developed in the context of trying to get a sufficiently regulated system that was rigorous enough that we could start to consider imposing penalties, because we didn't feel we could impose penalties until we'd given people a chance to make sure they knew they had an obligation.

The 60-day deadline is virtually always met now, because we give them the 50-day warning. I think only in one or two cases have we sent them the first stage of an actual penalty imposition. Then they immediately rush in and do it. With the 120-day deadline it's a little more difficult, because sometimes there are very complicated cases that we have to deal with, particularly, for example, with people who have estates to deal with. Technically they have to divest, and there are delays in completing the complicated situations. I forget the number now. Is it 38? That's the number that comes to my mind: 38 out of 1,000 that have not met the 120-day deadline. So we're doing very well, even on the 120-day one. Those are two.

There are other deadlines that are more difficult to deal with, for example, for gifts. You're supposed to report a gift within 30 days. We don't get an awful lot of gifts reported, and that's a difficult one. Our system is like the tax system, only the tax system sort of finds it somehow, one way or another. With gifts being reported, there's really no way we can find out if somebody's getting a gift unless we hear about it somehow. Every so often you see something in the press, and you then contact the person. So I have no way of knowing the extent to which people have failed to disclose their gifts.

There's another one telling us whether they have a firm offer of employment, and they have to do that within seven days, I believe. I think probably we're getting most of those, because we find out when they've left.

Recusals are another one. How the heck do we know if they don't tell us that they should have recused, unless we see in the press or we hear about it from somebody else? Those are the sorts of things on which we might get a request for an investigation, for example.

Is that good?

**Mr. Bill Siksay:** Sure, that's helpful.

**Ms. Mary Dawson:** Annual reviews is another one. They're supposed to respond within a certain length of time for those too.

That's the panoply, I think.

•(1615)

**Mr. Bill Siksay:** Where are the eight staffing vacancies? Do they address the issue of backlogs and timing? What work isn't being done that those eight people would do if they were hired on?



**Ms. Mary Dawson:** People would be working less overtime and pulling their hair out a little bit less. That's one thing. It has really been quite a stressful last six months, because there were two sets of reports that surrounded the fact that there was an election, not only on the MP level but on the ministerial staff level. We put in a lot of effort, and that's why the research work maybe hasn't been as much as we would have hoped for. This year was a particularly difficult operational year, and I'm hoping that next year we can move....

The four people we're expecting to come in soon are all in the area of compliance. As for the other four, can you remember, Denise?

**Ms. Denise Benoit:** Two more are in compliance still. There's one in corporate and one in communications and policies.

**Mr. Bill Siksay:** In your report today you mentioned again that there was a reserve in case there was an abnormally high demand for inquiries or examinations. Is it a large reserve? Can you tell us a bit about the reserve and the size and whether you've ever had to dip into it?

**Ms. Mary Dawson:** The reserve is \$550,000. As I say, only in one case—in this fiscal year, not last fiscal year—have we actually taken a trip in connection with an investigation. But it could happen that we need to do a certain amount of travel. It depends on the investigation. It could be more complex than anything we've done so far.

So that's the sort of thing we want to cover. Denise can give you some of the other reasons for the reserve.

**Ms. Denise Benoit:** We use part of it for system development. We invested some money in our website. That's why we're not lapsing the full amount of the reserve. On the O and M side, we're lapsing \$300,000. We did use part of the reserve for IT development.

**Mr. Bill Siksay:** Okay.

You haven't had to levy the administrative monetary penalties at this point. If you did, though, where would that penalty money go?

**Ms. Mary Dawson:** It would go to the CRF, I assume. We don't get to pocket it.

**Mr. Bill Siksay:** So there's not an income line for it in your budget.

**Ms. Mary Dawson:** No, no.

**The Chair:** One more question, Mr. Siksay.

**Mr. Bill Siksay:** I have just one quick question—or maybe it's not a quick question.

As an officer of Parliament, you are involved in a different budgetary process than are other levels of government. I wonder if you have any reflections on that process, on how it works or on how well it works. Do you have any reflections that you can offer us on that?

**Ms. Mary Dawson:** It's probably a little bit easier for us than the other agents of Parliament. Basically, we just submit it to the Speaker, the Speaker submits it to the Treasury Board president, and then you as a committee examine it. That's about the top and bottom of it.

**Mr. Bill Siksay:** Has the Speaker always automatically forwarded it on?

**Ms. Mary Dawson:** So far.

**Mr. Bill Siksay:** Okay.

Thank you, Chair.

**The Chair:** I have a feeling the Speaker doesn't do a very rigorous review of your—

**Ms. Mary Dawson:** I can't comment on that.

**The Chair:** You are one of the literally independent officers of Parliament.

**Ms. Mary Dawson:** That's right.

**The Chair:** More so than the others, I would think.

**Ms. Mary Dawson:** That's right. We're unusual in that sense.

**The Chair:** No, you're not unusual, you're unique.

**Voices:** Oh, oh!

**Ms. Mary Dawson:** We're part of Parliament, actually.

**The Chair:** Yes.

Mr. Dreeshen, please.

**Mr. Earl Dreeshen (Red Deer, CPC):** Thank you.

I'd like to welcome all of our committee colleagues back here from the break.

I'd also like to particularly welcome you back, Ms. Dawson. Thank you for your presentation. Speaking as a new MP, I think you did a great job in helping with the orientation. I know I certainly appreciated that.

I'd like to ask a question particularly on your investigations. I'm wondering whether you feel there are any barriers that you have to deal with. Perhaps you could enlighten me on that, please.

**Ms. Mary Dawson:** The only fly in the ointment, I guess, would be if a person who is being investigated in a particular case drags their feet in giving information. That could slow the investigation down. Generally speaking, though, we've had very good luck with carrying on the cases. People are always compliant, and we get the information we ask for.

I can't think of any real snags in the process.

• (1620)

**Mr. Earl Dreeshen:** So you have the freedom to investigate pretty well anything that you feel is warranted?

**Ms. Mary Dawson:** Yes. For example, we've never had to resort to a court order, which we can do if we need to. It has been fine.

**Mr. Earl Dreeshen:** I went through the summary, and you spoke of the dollars associated with the Senate and the House of Commons. I'm curious; it seems there are some different rules associated with the Senate, where the investigation goes through committee.

I'm looking at the text of the Senate code, and it says that the conflict of interest officer must get the advice of the Senate conflict of interest committee before notifying the proper authorities "if there are reasonable grounds to believe that the Senator has committed offences under the law of Canada's provinces or territories". It's not really the same type of thing we have in the House of Commons, right?

**Ms. Mary Dawson:** Not at all. No, there's nothing like that.

**Mr. Earl Dreeshen:** And it's better to have it that way?

**Ms. Mary Dawson:** Probably. I really don't know if there has ever been an investigation in the Senate.

Was there one investigation in the Senate, or has there never been one...?

I haven't observed experience with the Senate's investigations.

**Mr. Earl Dreeshen:** I suppose the other part, and again because we want to discuss as much as we can about the estimates....

It was established in 2007. Have your office's financial needs changed from those of the previous Office of the Ethics Commissioner?

**Ms. Mary Dawson:** Yes, I think they have. But I'll let Denise Benoit respond to that. We have a few more responsibilities than the previous office did.

**Mr. Earl Dreeshen:** I appreciate that.

**Ms. Denise Benoit:** The appropriations have gone up. There was some money set aside, because when the act came into effect there was an extended mandate. There was up to \$3 million made available to our office to increase our budget if we needed it. We never got the full amount.

But I do have something here. When we first started, our budget was \$5.8 million, and that was for 2007-08. It went up to \$7.1 million last year, and we're still at \$7.1 million.

**The Chair:** Colleagues, do you want to do a follow-up on any of that?

I think we have lots of time for everyone, so perhaps we should move on.

Madam Simson.

**Mrs. Michelle Simson (Scarborough Southwest, Lib.):** Thank you, Chair.

And thank you, Ms. Dawson, for appearing again.

I'm particularly interested in what you had to say with respect to the challenges you face being a small office. How are you going to address that going forward?

I don't see any substantive change in terms of maintaining employees. Your statement says that you continue to lose them through the back door; you can attract them, but you're losing them. It would seem that it's a constant rollover, so how is it that you will not be in the same position of leaving money in the salary envelope this year?

**Ms. Mary Dawson:** All we can do is the best we can do—make it as nice a place to work as we can.

It's actually quite an interesting place to work, but we have to keep struggling. I recognize that it's going to be a constant problem. We have to address mechanisms for continuing to staff.

**Mrs. Michelle Simson:** As of March 31 there were eight vacant positions, of which you've essentially filled four. My concern—and maybe this is a little naive—is that I am sitting in the House every

day hearing about massive unemployment and here we can't fill these positions.

I'm curious. You said that most of the positions that were vacant were compliance positions but that overall everybody is fairly compliant. I don't know if you can divulge it, but can you give me an approximate salary range for a compliance officer—just a range?

• (1625)

**Ms. Mary Dawson:** It's \$80,000, I'm told.

**Mrs. Michelle Simson:** And we can't fill those jobs?

**Ms. Mary Dawson:** Yes, but they need certain skills, of course.

**Mrs. Michelle Simson:** No, no, I know.

Forgive me again, but could you explain what you really mean by “We are finding that competitions for the position of compliance advisors are more successful when opened to the public, but this results in longer staffing processes”. Can you elaborate on that?

**Ms. Mary Dawson:** It's interesting that you raise that question. Just this afternoon I was discussing with my staff that we put an open competition out recently for two of those positions. There were public who applied, but we ended up staffing both positions from within the public service. So I'm wondering if that very sentence is as true as I thought it was when I did it a day or two ago. That seemed to be the common understanding, but I'm not sure that sentence is a hundred per cent true. It's interesting that we put it out to the general public and ended up getting two from the public service.

**Ms. Denise Benoit:** We opened it originally to the public service and didn't qualify anyone. Then we opened it to the public and the two people who got the job were public servants.

**Ms. Mary Dawson:** I don't know what happened there, but inherently, going to the general public takes a longer time.

Denise, maybe you can explain why.

**Ms. Denise Benoit:** Well, of course, we get many more applications.

**Ms. Mary Dawson:** Yes. It's the number.

**Ms. Denise Benoit:** Exactly.

**Ms. Mary Dawson:** You have to weed through a whole bunch of applications rather than a smaller number.

**Ms. Denise Benoit:** If I may add to that, two of the vacant positions we're staffing are new positions. There was a lot of effort spent on developing the organizational structure, so now we've reached a point where we're ready to staff.

**Mrs. Michelle Simson:** You did mention, when you touched on it just briefly, that now there would be less pulling out of your hair and less overtime. Are these positions paid overtime? As well, for the compliance officer, because you're understaffed...? So the \$80,000 range is basically the base salary and that has nothing to do with benefits. On average, what would have been the overtime paid?

**Ms. Mary Dawson:** Do you know, Denise?

**Ms. Denise Benoit:** Very few people actually ask for the overtime; they usually take it in time. We have a very small budget for overtime.

**Mrs. Michelle Simson:** But wouldn't that result...? I always chuckle when I hear that they take it in time, because they're actually getting paid but without having to pay any tax. So it's \$80,000, but I still don't understand how it won't continue to be an ongoing problem.

**Ms. Mary Dawson:** I think the staffing issue will continue to be an ongoing problem. I've come to accept that, but I think we have an office that's a lot stronger now than when we came in, and my hope is that we will have reached a certain level of stability. My hope is that it will slow down a bit, but all I can do is deal with what I have.

**Mrs. Michelle Simson:** So a compliance officer basically is responsible for what, following up on delinquent reporting?

**Ms. Mary Dawson:** No. Actually, they do two main things. Each compliance officer has a certain number of individuals assigned to them as the people they look after. They spend quite a bit of time with some of those people, trying to figure out what to do about holdings that they may have to put in trust or whether they can take part in certain outside activities. They spend a lot of time advising them, both in connection with their declaration each year, but also with a lot of calls for general advice, particularly from those who call about gifts and things like that. The area of gifts is a very misunderstood and difficult area.

They spend their time advising, primarily, and then writing up justifications. A number of things have to come to me for final decisions, so they'll put out the facts, and we keep everything documented. That's what they spend their time on.

• (1630)

**Mrs. Michelle Simson:** Thank you.

**The Chair:** Ms. Block.

**Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC):** Thank you. That was a little quicker than I thought.

Hello, Ms. Dawson. It's good to see you again.

I would like to follow up a little on what my colleague was asking in terms of the Senate. I'm very interested in the differences between the House of Commons and the Senate in regard to the processes of addressing alleged conflicts of interest. Do you feel that your ability to do your job would be negatively affected if you had to receive the approval of a committee of the House before you could proceed with an investigation?

**Ms. Mary Dawson:** Yes.

**Mrs. Kelly Block:** I have a follow-up question to that. Do you think the current Senate model would be an appropriate model for the House of Commons conflict of interest code?

**Ms. Mary Dawson:** No. I think it's hard enough the way it is now. I wouldn't want any more impediments.

**Mrs. Kelly Block:** Okay. Thank you very much.

[Translation]

**The Chair:** Mr. Lessard.

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Thank you, Mr. Chairman.

I would also like to thank Ms. Dawson, Ms. Benoit and Ms. Robinson-Dalpe. I find you have accomplished a remarkable amount of work since you arrived. Of course, this happened at a distance, you yourselves said that it was a huge job to consolidate and reorganize the office since you received your mandate.

My first question is on the budget and on the budget process. You said—and this is the rule, of course—that you present your budget to the Speaker and not to the Treasury Board Secretariat. Does the Speaker conduct a critical analysis of the budget?

[English]

**Ms. Mary Dawson:** I don't think so, but I really have no way of knowing.

[Translation]

**Mr. Yves Lessard:** I want to make sure I understand. One would be tempted to think that because you present the budget to the Speaker, he has a say in the matter. Does he tell you what he thinks about the budget and how you choose to spend the money? Does he study the budget?

**Ms. Mary Dawson:** I don't think so, but I don't know for sure.

**Ms. Denise Benoit:** Under the Parliament of Canada Act, at least given the way it is written, our budget depends on the main estimates. That's all. It must be included in the main estimates because the money ultimately comes from the Consolidated Revenue Fund. Whatever the case may be, the role of Treasury Board is not to contest the budget.

**Mr. Yves Lessard:** I don't want to embarrass you by asking that question. I'm trying to understand why you have to go through the Speaker to deal with the Treasury Board Secretariat.

**Ms. Denise Benoit:** I think that the objective is to make the distinction between the two existing processes and not to be included in the applied process within the public service or in the case of those who are part of central administration. In our case, this is not the normal process. Instead, it is as if a side door was used to add this to the document.

**Mr. Yves Lessard:** Yes, I am well aware that we want to distinguish between the roles. If you had to submit this budget to the Treasury Board Secretariat, questions would have been asked and an analysis done.

Am I mistaken then, in supposing that by putting it to the Speaker, you are addressing a more neutral entity even if it is for the purpose of analysis?

[English]

**Ms. Mary Dawson:** It's given to the Speaker because we are administering something for the House of Commons. I don't think it would be acceptable for the House of Commons to be subjected to the overview of somebody in the executive branch. We manage both the MP code and the act for public office holders. I think that's the fundamental reason.

[Translation]

**Mr. Yves Lessard:** I am well aware of that, Ms. Dawson, but why does the Speaker not do a critical assessment of the budget, since he is the one who must receive it on behalf of the House? It basically means that he has to assume that responsibility from the House, correct? It may not be up to you to clarify this issue, but it seems that there's something about this that isn't clear.

• (1635)

**Ms. Denise Benoit:** Based on the way that it's being presented, it is submitted to him only to ensure its inclusion in the budget.

**Mr. Yves Lessard:** So you feel that this is a formality.

**Ms. Denise Benoit:** Quite so.

**Mr. Yves Lessard:** This is automatically done to make your decisions official.

With regard to the priorities that you set, how did you make your budget decisions? I'd like you to speak to us in particular about the final choices that you made.

[English]

**Ms. Mary Dawson:** I'll turn that one over to Denise.

[Translation]

**Ms. Denise Benoit:** What is important is administering our legislative mandate. As you noted, we maintain the same budget. When it was increased during the first year, it was really to ensure that we could pay all the salaries and cover the organizational chart.

As I told you, our budget is quite small. It is \$1.8 million, not including salaries. Once the expenses associated with the memorandums of agreement and the organizational services have been made, very little is left. We determine how much we need based on our planning and by determining the needs with each director. We are talking here about normal office needs.

**Mr. Yves Lessard:** Does the Treasury Board have the power to approve your budget? Based on what I'm told, your decisions are final. I won't make any comments, but I am somewhat surprised nonetheless. With regard to management of staff, I understand that my colleagues have asked questions about this. In fact the Office of the Ethics Commissioner had the same problems as you previously. There was significant staff turnover. From the outside this doesn't seem to be related to promotion but rather a problem with the working conditions or the nature of the job itself. Have you asked yourself that question? Have you assessed the situation? From having worked in labour relations, I believe—and perhaps this is a bias due to my former occupation—that generally people don't stay for two specific reasons: working conditions or the nature of a job. Did you look at these two factors and, if so, what conclusions did you draw?

[English]

**Ms. Mary Dawson:** When I took on the job as Ethics Commissioner, I think there was a fair bit of unhappiness in the office because they had drifted for a number of months without a leader, or with an acting leader, because there was a period of time before I was appointed. So I think there was probably a larger proportion of people leaving during that period than there would usually be. There was an unsettled period of a good six months, really. So that's part of the problem. That was about two years ago.

But the other issue is a systemic one that I think applies to most small organizations, which is that there simply aren't a lot of promotion opportunities for people who want to move forward, because there aren't that many positions to move forward into. So it's quite natural that after some years in our organization, if there's not a position open for them to move up to, they'll look outside.

I think there are those two reasons.

[Translation]

**Mr. Yves Lessard:** I understand your answer, but it surprises me somewhat. It seems to me that even in a small organization someone who is doing a good job and who stands out can also benefit from positions elsewhere in the public service.

I don't want to insist on this because we have talked about it enough, but this remains a mystery to us. I understand that staff turnover is a challenge. You have a lot of work to do. We have talked a lot about the issue of gifts and all that. What is your major challenge in terms of priorities—it might not be major—in order to help guide the committee and the House in terms of what you see happening next? What challenge will you have to deal with over the next two or three years?

• (1640)

[English]

**Ms. Mary Dawson:** I think the biggest problem is making sure we cover those areas that we have no way of finding out about. I'm still struggling with what we do about that.

But I think the main thing we can do is continue to publicize the requirements and continue to make ourselves available to explain the requirements to people. One of the challenges will be continuing to find venues to speak to people. We've taken a lot of initiatives in sending out written communication, much more so than was done before I came into the office, I think.

There is also an inherent challenge in interpreting both the code and the act. Some of the sections are not easy, and every case has its own facts, so the interest and the challenge in the job for the advisers is in making sure that they find consistent advice and good answers for the many different kinds of circumstances that are presented to them.

We will be exploring some areas of particular difficulty in our annual reports this year, which will be out in another month or two. Obviously the most difficult area is that concerning gifts. Beyond that, there are some decisions we have to make surrounding what outside activities people can participate in. That's another one that takes a fair bit of time.

Can you think of any others, Lyne?

**Mrs. Lyne Robinson-Dalpe (Assistant Commissioner, Compliance and Advice, Office of the Conflict of Interest and Ethics Commissioner):** I would say employment offers.

**Ms. Mary Dawson:** There is the question of employment offers, sometimes, and post-employment issues. They're all intellectually challenging decisions that have to be taken on how to interpret the breadth of the act and to decide just where to go.

**The Chair:** *Merci, monsieur.*

On this, so there is no confusion, this committee is currently reviewing your estimates and has the authority to approve them or recommend their reduction as well. So there is some scrutiny, Ms. Dawson, and you're doing it right now.

Mr. Saxton, please.

**Mr. Andrew Saxton (North Vancouver, CPC):** Thank you, Mr. Chair.

Madam Commissioner, thank you for coming today. I'd like to repeat what my colleagues have said about the orientation for new MPs. I thought it was very helpful. I'd also like to add that your staff has been extremely helpful, and I appreciate that. Thank you again.

It would seem reasonable that people in public office in Canada—and by people in public office I mean in both houses of Parliament—should be held to the same ethical standards. Would you agree with this?

**Ms. Mary Dawson:** I don't think I can comment on that. A decision was taken by members and by senators as to how the situation would work, and there it is. I walked into a given situation and I don't think I have any choice as to how it ends.

**Mr. Andrew Saxton:** Right. Certainly the Canadian people would expect no less when it comes to ethical standards. Wouldn't you agree?

**Ms. Mary Dawson:** Yes, I would think ethical standards are ethical standards and they should be applied to everybody. Actually, my understanding is that the Senate code had some amendments over the last year that made it quite a lot more similar to the MP code than it was before.

**Mr. Andrew Saxton:** I think the main difference is that the Senate Ethics Officer has to go through significantly more steps to get to an inquiry stage. They have to request permission from a committee, for example, before they can go to an inquiry. In your case, do you think this would impede your independence if you had to do the same?

**Ms. Mary Dawson:** Yes, I do.

**Mr. Andrew Saxton:** Okay.

Some senators appear to believe their code is superior to what we have in the House of Commons. If it is superior, do you think we should adopt it?

**Ms. Mary Dawson:** No, I think we're fine with our code. The MP code could probably stand some improvement too, but no. In fact, they've adopted a lot of the stuff that was in your code. I would suggest maybe it's going in that direction rather than the other.

• (1645)

**Mr. Andrew Saxton:** That would suggest that perhaps our code is superior to their code in some areas.

**Ms. Mary Dawson:** I won't offer an opinion on that.

**Mr. Andrew Saxton:** Do you think the Senate should reform its code?

**Ms. Mary Dawson:** I think they just did. Frankly, I haven't studied the current form of the Senate code to pick out issues.

**The Chair:** I hesitate to interrupt, but I think we should be careful about talking about the other place, because we don't have

jurisdiction. The Senate is one of the elements of Parliament. Let's be careful not to go places where we can be quoted.

**Mr. Andrew Saxton:** That's fine with me.

Madam Commissioner, I thank you very much for your answers.

**The Chair:** Thank you, Mr. Saxton.

I have Mr. Siksay, Mr. Wrzesnewskij, and then Mr. Dechert. Unless there are any other members who have questions, we'll finish there. I should also indicate that because Mr. Poilievre is out of the country he's unable to be here to move his motion. We'll carry it forward, meeting to meeting under committee business, to be dealt with when it's appropriate to deal with it.

Mr. Siksay, go ahead, please.

**Mr. Bill Siksay:** Thank you, Mr. Chair.

Ms. Dawson, Ms. Simson was asking questions about the vacancies. Just out of curiosity, I'm wondering if you can tell us what skills you're looking for in compliance officers. What are the requirements of that position?

**Ms. Mary Dawson:** Well, people must have good analytical capacity, good interpersonal relations, good written expression. Those are the main ones.

**Mr. Bill Siksay:** Is there a particular experience level or education level?

**Ms. Mary Dawson:** Yes, some financial experience. We have to deal with trusts and financial information.

**Mr. Bill Siksay:** Is there a typical place where people come from to do that job? Do they come out of the financial sector? Do they come out of a law background? Where do the folks who do that come from?

**Ms. Mary Dawson:** I think it's varied.

Lyne, can you help?

**Mrs. Lyne Robinson-Dalpé:** Many of them have a law background, because of the research, the act, and the way we have to analyze and review the information. It's very similar to what a lawyer is used to doing.

**Mr. Bill Siksay:** You mentioned the difficulty of being a small organization and losing folks to the public service. Have other small organizations that relate in the same way to the public service...? Have you ever gotten together to talk about the staffing issues that you might have in common and how you deal with it?

**Ms. Mary Dawson:** I don't know that we've gotten together for that purpose, but certainly I think it's very common. I certainly shared with my colleagues, my parallel organizations, similar problems everywhere.

**Mr. Bill Siksay:** It's very familiar to me, as someone who worked for the NDP as a staff person for a member of Parliament for many years, that the only way I could get a promotion was to run for office. When you describe the situation, I know small organizations on the political side of the House face some of the same issues.

I wanted to ask about the website. You've launched some new initiatives, I think since you were here last time, to put registry and other things on the website and tried to improve access and ease of access. Have you had any feedback from the public about the changes you've made there?

**Ms. Mary Dawson:** We had quite a few MPs finish up their files as soon as the thing went up on the website. I don't know what the numbers are, but a lot has gone up in the last couple of weeks.

I think what we have is well received, and I'm happy with it.

**Mr. Bill Siksay:** Have you noticed any increase in hits on the website or greater use of the website, or anything that you know of like that?

**Ms. Mary Dawson:** We're yet to get into a system of tracking that.

**Mr. Bill Siksay:** Okay, my next question was going to be on what sort of method you have for evaluating those changes and their effectiveness. I guess you're putting that—

**Ms. Mary Dawson:** Yes, that's on our list to do.

**Mr. Bill Siksay:** Thank you.

**The Chair:** Mr. Wrzesnewskyj, please.

**Mr. Borys Wrzesnewskyj:** Madam Dawson, you have approximately 2,700 public office holders you oversee, approximately 400-odd MPs, so about 3,100 people you are tracking. In a pool of 3,100 people, it's hard to imagine that everyone would be absolutely honest. Now, parliamentarians obviously are under the glare of publicity, so that's quite a motivator. There are a lot of people who move in the corridors of power who aren't seen, yet we're dependent upon self-reporting, upon people's personal integrity and honesty.

You referenced the tax system—I thought it was quite interesting—and you said that the tax system finds it somehow, in terms of reporting and then if people aren't properly reporting. That's an audit function. Have you ever entertained the thought of auditing some of the public office holders? Perhaps that's a change that would be helpful. Obviously the penalties were helpful in getting people to report on time. Unless there is a whistle-blower out there who sees things going really wrong, usually by then the Auditor General catches things when it reaches that scale.

• (1650)

**Ms. Mary Dawson:** If you don't know what to—

**Mr. Borys Wrzesnewskyj:** I just find it disturbing that you are reporting but you don't have an audit function. You're toothless in a lot of ways. It's all self-reporting.

**Ms. Mary Dawson:** Values and ethics are more about culture. It's a different sort of scheme from income tax. The reason the income tax people get their information is that when somebody has a job there are T4 slips or there is information that goes to the employer. We don't have anything like that, of course. We're not talking about financial money that is flowing to people; we're talking about values.

The other thing about it is—

**Mr. Borys Wrzesnewskyj:** There's a cash world out there, and that's not really measurable in a lot of ways in various industries. There is a reason that, as wonderful a country as Canada is, in most cases when there is oversight there is the ability to audit. Yet your

department doesn't have that. Don't you feel that is an oversight that should be addressed?

**Ms. Mary Dawson:** I'm not sure how to address it. We can certainly continue to think about it, but I'm not aware of any system anywhere in the world that has an audit function attached to this kind of role.

The problem is that it's the whole realm of their human activity. It's not focused on one aspect of their activity, and it's hard to audit everything about everybody.

**Mr. Borys Wrzesnewskyj:** It's the spot auditing and the ability to do that. The threat out there of not knowing can be a tremendous motivator.

**Ms. Mary Dawson:** But you see that people don't keep records of what they've done. Usually an auditor goes in and looks at records, but nobody is keeping records about who they had a gift from.

**Mr. Borys Wrzesnewskyj:** I'm sure there are calendars.

**Ms. Mary Dawson:** I'm not sure there is room there. I'd be interested in reading anything on it, but it doesn't come to my mind that it would be very feasible.

**Mr. Borys Wrzesnewskyj:** Having come from public accounts, I think that usually when things go terribly wrong they sometimes end up in public accounts and with the RCMP. If someone just audited some of the calendars of activity that deputy commissioners were engaged in—golf weekends, being flown about, etc.—the ability to go in and do that sort of auditing could have stopped things well in advance before it really spun out of control within that department.

**Ms. Mary Dawson:** Perhaps, but the amount of staff we'd need to do complete audits on all the public office holders would be prohibitive.

**The Chair:** Mr. Dechert.

**Mr. Bob Dechert (Mississauga—Erindale, CPC):** Thank you.

Ms. Dawson, I have a couple of questions about your staffing and the budget amount in connection with it. Am I reading this correctly? Your budget sets out a list of 47 positions in your office at the moment.

• (1655)

**Ms. Mary Dawson:** Right.

**Mr. Bob Dechert:** I believe Mr. Wrzesnewskyj mentioned that you're responsible for 2,700 public office holders. I think he said 400 MPs.

**Ms. Mary Dawson:** The number is 308.

**Mr. Bob Dechert:** So you have approximately 3,000 people you're responsible for. I noticed that you have a total salary line of \$5,280,000 for 2009-10. So if my math is correct, your average salary is in excess of \$100,000. Can you take us through the salary ranges for the various positions?

**Ms. Mary Dawson:** Yes.

**Ms. Denise Benoit:** That average, the budget of \$5.3 million, includes the employee benefits plan.

**Mr. Bob Dechert:** I see. It's total salary and benefits.

**Ms. Denise Benoit:** Our advisers are probably our largest group, and their salary range is from \$64,000 to \$79,000.

**Mr. Bob Dechert:** And the value of the benefits, what would the average of that be?

**Ms. Denise Benoit:** It's usually 17% of the salary expenditure.

**Mr. Bob Dechert:** I'm referring to your report where you mention that you provide ongoing confidential advice to 308 members of Parliament and 1,000 reported public office holders. That's 1,300 people. Who are the others?

**Ms. Mary Dawson:** Actually, there are two types of public office holders: the plain old public office holders and the reporting public office holders. The reporting public office holders are full-time. Generally speaking, the distinction is full-time or part-time, and the full-times have the reporting obligations. The public office holders have to comply with the general values rules. Most of our time is spent on reporting public office holders. So that's the difference.

**Mr. Bob Dechert:** So in respect of the reporting public office holders, you have approximately 28 people you're responsible for per staff member. I'm just trying to get a handle on what these people do.

Legal services are close to my heart, as I was formerly a member of the legal profession in private practice. Are the four people in legal services all lawyers?

**Ms. Mary Dawson:** One is a support staff, and there's one paralegal.

**Mr. Bob Dechert:** You have three lawyers in your legal department, and on your budget you have a line item for professional services of \$1.5 million. Is that lawyers' time, or is that outside legal services or other services?

**Ms. Mary Dawson:** That's other things. What are they, Denise?

**Ms. Denise Benoit:** A big chunk of it is a memorandum of understanding for corporate services, and the other types that we have are often HR related. So it's our communications that we go out for, not lawyers.

**Mr. Bob Dechert:** Communications consultants and that sort of thing.

**Ms. Denise Benoit:** Exactly.

**Mr. Bob Dechert:** I have one other question related to the questions that Mr. Saxton was mentioning earlier. You mentioned that the Senate code has some items adopted from the House of Commons code. I wonder if the House of Commons code has taken anything from the Senate code?

**Ms. Mary Dawson:** I don't know how they originated, but they're closer together than they were, with the last Senate amendments. There are codes out there in the general world, and I'm sure that they both looked at them too. I don't know, because you do these things in camera.

**Mr. Bob Dechert:** Thank you.

**The Chair:** Mr. Lessard had a follow-up question, and I think Mr. Wrzesnewskyj also did, and then there's a vote.

Mr. Lessard.

[Translation]

Do you have a question, Mr. Lessard?

**Mr. Yves Lessard:** I have two questions.

[English]

**The Chair:** *Deux*, okay. You'll owe me one.

[Translation]

**Mr. Yves Lessard:** I understand that you award professional contract services to outsiders. Have I understood correctly?

[English]

**Ms. Mary Dawson:** Yes.

[Translation]

**Mr. Yves Lessard:** What were they?

**Ms. Denise Benoit:** One of the largest contracts granted this year was to examine all the job descriptions and the organizational structure. This contract was related to human resources. There were also contracts regarding communications. We had to use the services of an outside lawyer, with regard to the legal proceedings by Democracy Watch.

• (1700)

**Mr. Yves Lessard:** I understand that these external services are included in the "Professional and Special Services" item, for which there is a \$1.5 million envelope. What proportion of that amount do outside contracts that you award represent?

**Ms. Denise Benoit:** There is generally a \$1.5 million budget for this item. After deducting the \$700,000 for corporate services from that amount, we are talking about very small contracts. There is even a commissionaire contract. If we put all these contracts together they represent no more than \$200,000.

**Mr. Yves Lessard:** So external contracts represent \$200,000.

**Ms. Denise Benoit:** Exactly. In addition to our corporate services, of course there are the information technology and financial services that we get from the House of Commons and the Library of Parliament.

**Mr. Yves Lessard:** They are not set out in the budget.

**Ms. Denise Benoit:** They are included in that amount.

**Mr. Yves Lessard:** Very well. Thank you very much.

[English]

**The Chair:** Thank you.

Mr. Wrzesnewskyj.

**Mr. Borys Wrzesnewskyj:** Thank you.

When we take a look at your budget and we divide it among the approximately 3,100 people you provide oversight for—and let's keep in mind that people self-report—it comes out to about \$2,300 per person. That seems like a lot of money, a lot of resources per person to provide these reports, especially, as I said, considering it's self-reporting. Could you provide us with a breakdown? What portion of that budget is for special investigations? How much have you budgeted for investigations of the sort you've referenced and how much is just for regular ongoing operations? I didn't see it in the tables here broken down in that manner.

I'd like to go back to this business of sponsored travel and the—

**The Chair:** Before you get there, I want to be sure there's clarity about what's being asked for. In the current budget we're not anticipating any investigations, are we, other than anything that's going on now?

**Ms. Mary Dawson:** We have one investigation going now, but who knows?

**The Chair:** Yes, it's indiscriminate. So when you budget, I think you'd have to be guessing about allocation of resources.

**Ms. Mary Dawson:** That's right. We would assume that because we had four this year, maybe there'll be four next year, but who knows?

**The Chair:** Most of the work you're doing in the coming year, as I understand it, is substantively going to be continuing to educate and inform and to receive and process documents that are filed, which is normal course of business. I think what Mr. Wrzesnewskyj is after are things that are not normal course of business.

Would that be a fair reflection?

**Mr. Borys Wrzesnewskyj:** There are two items here. It's costing the public purse \$2,300 per person for the 3,100 people you provide oversight for. Most of that work is self-reporting, because you don't have an audit function. So people like MPs provide the information to you. You set deadlines and say there are going to be penalties, but \$2,300 seems like a lot for the number of people and what's entailed in terms of the actual work.

Then the second part of it is this. What would the cost be and what can you project and give us a sense of what would be the cost for special investigations? If you went back the last five years, there would be on average a certain number of investigations that have cost a certain amount. What is the contingency? What can we expect potentially? I know you can't arrive at an exact number, but it'd be tremendously helpful to know what your office has budgeted for that sort of contingency.

• (1705)

**Ms. Mary Dawson:** When the new act came into force, there was wider scope for people to be investigated. There will be more investigations than there were before the act. We did a schematic sort of exercise and we came up with a figure of \$24,000 per investigation. As I said, there's a big range of possibilities on how extensive an investigation needs to be. We've not yet done one where we had to do any kind of travel, for example. That's the only figure we can really come up with. We've had them cost as much as \$40,000 and as little as \$13,000 or \$14,000.

On the other comment about self-reporting and what work there is to do, most of the work that's done is discussion with the individuals who have self-reported. You take a look at what they've given you, and then you have to investigate around the information you have to make sure they've given you the right aspects and you've asked the right questions. The compliance officers spend quite a bit of time with a great many of the people under the act and the code working out things like, for example, what they call Chinese walls—if they have unusual circumstances and they have to be careful not to put themselves into a conflict situation. The stuff just doesn't come in and get put in a file somewhere. If there's anything unusual about the

information that comes in, we spend quite a bit of time with the individual. It isn't just dropping it into the bucket.

**Mr. Borys Wrzesnewskyj:** There's a second question I wanted to get at. MPs are excluded under the regulations of the act for travel. Does the code also exclude family members—for instance, family members of public office holders?

**Ms. Mary Dawson:** They have to report the family members in the sponsor travel report under the code.

**Mr. Borys Wrzesnewskyj:** But that's not reported in your report on MPs?

**Ms. Mary Dawson:** Yes, it is.

**Mr. Borys Wrzesnewskyj:** Okay. So that's within that number.

Have any public office holders requested your approval in the last two years to accept travel by chartered or private aircraft?

**Ms. Mary Dawson:** We'd have to put a public report out on that. We haven't had any reports.

**The Chair:** Mr. Hiebert, please.

**Mr. Russ Hiebert (South Surrey—White Rock—Cloverdale, CPC):** Just to follow up on that last question, what do you mean by a public report on private air travel?

**Ms. Mary Dawson:** There's a requirement in the act that they make a report that is made public, and we've not had any to make public.

**Mr. Russ Hiebert:** Following up on the line of questions about the number of staff and the number of people you're responsible for, I understand there are legal services, corporate management, communication. How many people are dedicated simply to monitoring or receiving the self-reported statements from these 3,000-odd individuals?

**Ms. Mary Dawson:** It's a little under half our staff. It's about 18 or something.

What's your complement, Lyne?

**Mrs. Lyne Robinson-Dalpé:** Seventeen.

**Ms. Mary Dawson:** As I say, they're advising, discussing, and processing, for example, trusts. They're not just receiving stuff. There are about seventeen people.

**Mr. Russ Hiebert:** If you break it down, there are fewer than 200, about 150 people. Is that how you allocate things? You just take the alphabet, break it down, and say, "Here are 3,000; you get the first 150 people, and you get the next"?

**Ms. Mary Dawson:** We've established a new system as of this year whereby we're using a portfolio system. What we try to do is have officers work with people in the same organization. For example, the Immigration and Refugee Appeal Board has lots of members, something in the order of 200. We divided the group into two. One set of officers would deal with that particular group, so if there were any idiosyncrasies of that particular group, there would be an efficient way of dealing with it. We use a portfolio system.

• (1710)

**Mr. Russ Hiebert:** And of those 14, how many would be assigned to members of Parliament?

**Ms. Mary Dawson:** How many, Lyne?



**Mrs. Lyne Robinson-Dalpé:** Two are full-time on members of Parliament.

I'd just like to clarify that when we look at the 17 staff component, only eight of those 17 are advisers currently, looking at files and working with public office holders to develop some mechanisms.

**Mr. Russ Hiebert:** What do the other nine do?

**Mrs. Lyne Robinson-Dalpé:** We have a lot of administrative work following up, annual review letters. A lot of letters go back and forth, so a lot of support staff, people monitoring those reporting functions.

**Mr. Russ Hiebert:** Okay, so of the eight, two handle the MPs and six handle the 2,600 others.

**Mrs. Lyne Robinson-Dalpé:** Currently, yes

**Ms. Mary Dawson:** This is before we get our four extra staff, so there would be a total of 12, I guess. Is that correct, Lyne?

**Mr. Russ Hiebert:** My colleague is asking me what the other administrative people do if there is a total of 47 employees and eight do the advisory work and nine support them?

**Mrs. Lyne Robinson-Dalpé:** There are two managers for each unit. So there's the social portfolio and then there's the operational portfolio. They both have a manager. Four advisers within those groups report to a manager. There is also an expert adviser who works on very complex and specific files. Then we have more junior staff working on sending out letters, making changes to letters, and following up. All the annual review processes are administered by the lower-level staff where it's just correspondence that needs to be printed out and sent to the clients.

**Mr. Russ Hiebert:** Fair enough.

**The Chair:** You're probably a microcosm of every other department where you have your own administrative and operational components.

I think we've covered some good ground here. I know Mr. Wrzesnewskyj had a couple of questions for you, and I wonder if you could speak to the commissioner just to ensure there's clarification of any other necessary information. Okay?

Now that we have conducted our review, we have an opportunity to consider vote 15, which is in the amount of \$7,105,000 for the Office of the Conflict of Interest and Ethics Commissioner. I will pose the question: shall vote 15 carry?

OFFICE OF THE CONFLICT OF INTEREST AND ETHICS COMMISSIONER  
Vote 15—Program expenditures.....\$7,105,000

(Vote 15 agreed to)

**The Chair:** Shall I report the main estimates to the House?

**Some hon. members:** Agreed.

**The Chair:** Just so members know, at Wednesday's meeting Mr. Christian Whelan, who is a lawyer in the office of the Ombudsman of New Brunswick, will be here on access to information. He'll be giving us more information, and he'll be with us about an hour to an hour and a half.

Ministers are busy. To get these tidied off, we will have the public safety minister, Mr. Van Loan. We're still trying to get a date.

We will have the Public Sector Integrity Commissioner appear before us.

These are still subject to change, so I'm not going to circulate this. There is one thing we need to do, if it's okay with members, on relatively short notice. We had started to go through the process on the 10 recommendations or suggestions for consideration. We went through it briefly, and we felt we wanted to hear from the minister on this. The minister came back and said he'd have nothing more to add to his testimony from the last time he was before us. We have no further witnesses, so we are at the point where we should maybe go down the 10 again and find out whether or not there is a consensus on whether we take a position on those, so that when we have our meeting with the Privacy Commissioner before we issue a report to the House, we will at least have had an opportunity to find out how we want to approach those 10 points.

I'd ask members to give me a little latitude here. Please have a look at them. I will give you as much notice as possible, depending on whether or not we have a free half an hour or an hour in a meeting to be able to quickly go through them and see where we are, so that when we finally get the Privacy Commissioner here we can tidy that one up.

We will be doing access to information substantively. I don't believe Mr. Poilievre is here on Wednesday either, so his item will be carried forward until next Monday.

Madam Commissioner and colleagues Ms. Benoit and Ms. Robinson-Dalpé, thank you kindly for answering all of the questions the members had, going every which way. It's good to keep in touch with you, and of course, as always, we'd like you to consider us your partner. Please keep us informed of issues and continue to make sure that we're in a position to help you whenever possible as well.

Thank you kindly to all.

We are adjourned.





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