



House of Commons  
CANADA

# **Standing Committee on Procedure and House Affairs**

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**EVIDENCE**

**Tuesday, October 5, 2010**

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**Chair**

**Mr. Joe Preston**



## Standing Committee on Procedure and House Affairs

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•(1100)

[*English*]

**The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)):** We'll call the meeting to order. As I look up, I see an old friend, and that's great.

This is the twenty-third meeting of the Standing Committee on Procedure and House Affairs. Pursuant to Standing Order 32(5) and the motion adopted by this committee on Thursday, September 30, 2010, we have a report of the Conflict of Interest and Ethics Commissioner's activities in relation to the Conflict of Interest Code for Members of the House of Commons, as referred to the committee on Wednesday, July 21, 2010.

All that means is that you've sent us a report and we want to hear from you and hear what you've done.

Madam Dawson, it's great to have you here again. I'll let you give an opening statement and introduce the people who are with you. Then we will certainly have the committee ask you some questions afterwards.

I apologize ahead of time—and I do this for all witnesses—but this committee takes place from eleven to one o'clock, and therefore some of the members will be eating in front of you, as it's their only way to get sustenance for the afternoon. I apologize ahead of time for that.

I also apologize for the fact that we have a bit of committee business to do right at the end of our meeting, so we may break about five minutes early just so we can get that committee business completed today.

With that, Madam Dawson, it's great to have you here again. Please give us your report.

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

I have with me Lyne Robinson-Dalpe, the assistant commissioner, advisory and compliance, and Nancy Bélanger, head of our legal advisory services.

[*Translation*]

Mr. Chair, I would like to thank the committee for inviting me to appear before you today.

I would also like to take this opportunity to personally welcome your new members. My office has enjoyed a productive relationship

with the committee, and I look forward to continuing to work together effectively in the coming weeks and months.

In the next 10 minutes or so, I am going to summarize some of the highlights of my 2009-2010 annual report on the Conflict of Interest Code for Members of the House of Commons. My remarks will include reference to my inquiry reports, in which I raised several issues that I would like to bring to your attention today.

Then, I will briefly review our proposals for amendments to the code that are currently before the committee.

•(1105)

[*English*]

As noted in my annual report, in the last year my office has acted on a number of fronts to improve our administration of the code, including in the areas of advisory and compliance, and outreach and communications. We have also conducted a number of inquiries. We improved our compliance processes, implementing a system of reminders to help members meet the code's disclosure and reporting deadlines. We upgraded our electronic case management system so our advisors can give members more timely advice and guidance. We're in the process of adding annual review dates to our online public registry—in fact, I think they are all up there now—in order to further encourage respect of compliance deadlines and to enhance transparency.

In keeping with the code's requirements, we're also making all supporting documents related to sponsored travel available in the registry. These measures were complemented by ongoing research and communications activities, which in the 2009-10 fiscal year included several presentations to parliamentary caucuses and members' staff, and an information session held as part of the Library of Parliament's seminar series.

The last year has been particularly busy in terms of inquiries under both the code and the Conflict of Interest Act. My office has released the findings of three inquiries under the code. In these recent reports I've also commented, where appropriate, on several issues reflecting broader ethical concerns that could raise questions about the integrity of elected public officials and governing institutions.

In April I reported on my inquiry under the code into allegations that 60 members had used partisan or personal identifiers on ceremonial cheques or other props in connection with federal funding announcements. I found that enhancing political profiles is a partisan political interest and not a private interest within the meaning of the code, and that the code, as written, does not cover partisan political interests. I concluded, however, that the practice of using partisan or personal identifiers in announcing government initiatives was inappropriate because it has the potential to diminish public confidence in the integrity of members and the governing institutions they represent.

The distinction between personal and political interests was the focus of my other two inquiry reports, which raised issues of fundraising and lobbying as well. In May I reported on my inquiry under the code into the activities of the Hon. Lisa Raitt, member of Parliament for Halton, in connection with a political fundraising event organized by the Halton Conservative Association.

In September I issued a report on my inquiry into the activities of Mr. Rick Dykstra, member of Parliament for St. Catharines, in connection with a political fundraising event organized for the benefit of the St. Catharines electoral district association and held in the owners' suite at the Rogers Centre in Toronto.

In both reports I pointed out the need for effective fundraising guidelines in relation to political fundraising events for members of Parliament. In the Dykstra report, I reiterated the recommendation that I made in the Raitt report that consideration should be given to amending the code to possibly include prohibitions against solicitation of funds, broader recusal obligations, and provisions for establishment of conflict of interest screens.

I've had the privilege of working with the committee to bring about a number of amendments to the Conflict of Interest Code for Members of the House of Commons, and I'm grateful for the assistance you continue to provide in ensuring its effective administration.

I was pleased to see that many of the amendments I proposed last year to the code's gift provisions were adopted by the House of Commons in June 2009. The changes to the gift rules will no doubt help members respect those rules more consistently. In my annual report, however, I noted that gifts and benefits from a riding association or a political party or services from a volunteer working on behalf of a member are no longer covered by the code at all. While such gifts would not usually place a member in a conflict of interest, I am concerned that the changes reduce transparency by removing them from the disclosure requirements and that lobbyists could gain access to members by volunteering for them.

A perennial challenge I have with respect to the gift rules is the tendency of members to think that the \$500 gift value threshold relates to acceptability. It does not; it relates to disclosure. I don't know how many times I have to say that. I find myself taking every opportunity to remind members that the value of a gift or other benefit does not determine whether or not it may be accepted. The conflict of interest test applies no matter what the value of the gift is. So I'll continue to make that message, I think.

●(1110)

In March 2010, I submitted to the committee for its consideration two sets of proposed amendments to the Conflict of Interest Code for Members of the House of Commons in response to the invitation you issued to me in October 2009 as part of your ongoing review of the code. Some of the changes I suggested are technical in nature and relate to the code's disclosure and public reporting requirements. Among other things, they would establish distinct disclosure processes for annual reviews and the re-election of members. Their purpose is to ensure that the code reflects the way it's being administered, and they are, as I say, technical amendments.

The other changes I have suggested relate to the inquiry process and raise more substantive issues. For example, I've proposed that the commissioner be allowed to make public the reasons for not pursuing an inquiry where the matter is already in the public domain. I've also proposed that the commissioner's power to summon witnesses and compel their testimony be made explicit in the code. That power is explicit in the Conflict of Interest Act. I believe I probably already have this inherent power, but I've not yet had to use it. I would be pleased if the committee would proceed with these amendments as expeditiously as possible. I will gladly discuss them with you at any time.

Since submitting my proposed amendments in March, I have identified one other amendment in connection with inquiries that I would like to see adopted. Because of the different procedural requirements for releasing reports under the code and the Conflict of Interest Act, it could be problematic when the House of Commons is sitting for me to produce a joint report for parallel investigations under the two regimes. I would hope to make it clear that I can produce a single joint report whether or not the House is sitting; you may have noticed that I did issue one when it wasn't sitting. I have a proposed amendment that I could add to the package that I submitted to you last year in relation to inquiries.

I've identified in the Raitt and Dykstra reports a few other areas where amendments might be considered, and I'd be pleased to pursue these as well with the committee at an appropriate time.

I'm also seeking House approval of a new inquiry request form, which was included in the March package, that would help streamline and expedite the inquiry process. The issue of having to obtain the committee's approval of our forms and guidelines under section 30 of the code is one that I've raised before and that continues to concern me. Under the Conflict of Interest Act I can issue forms and guidelines without further approvals—indeed, I issued a request for examination form this spring that is similar to the one I have before you for the code—but I'm prevented from doing so under the code.

Because of the potential delays involved in seeking and obtaining formal approval, we've been using other tools at our disposal—namely, advisory opinions and communiqués—in order to communicate with members in a timely manner, but we cannot proceed with the guidelines without specific approval of this committee. Perhaps the committee could take this opportunity to consider whether it still feels there is the need for this approval requirement.

[Translation]

Mr. Chair, I appreciate the committee taking the time to review my 2009-2010 annual report on the Conflict of Interest Code for Members of the House of Commons, and to examine the issues raised in it.

I am happy to answer any questions you may have.

[English]

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

We will go to questions.

You mentioned in your opening comments that there are a couple of other pieces of information, other amendments you've written, that you may want to share with this committee. Please do so through the clerk and we'll use them when we look at the rest of the report.

**Ms. Mary Dawson:** Terrific. There's one that relates to the inquiry area in particular that might just slip into the ones you already have.

**The Chair:** You slip anything in there, we're bound to look at it.

Ms. Ratansi, you're up first today.

We're going to go to seven-minute rounds. We're fairly flexible, but if we're flexible one way it will require others to be flexible another way, so...

**Ms. Yasmin Ratansi (Don Valley East, Lib.):** I'll try to maintain my time.

Welcome. I'm one of the new members on this committee, so you will have to pardon me if I sometimes ask questions that may not be along the same lines.

I have a question concerning Mr. Nigel Wright, one of the incoming staff of the Prime Minister. It has been reported that you have given him the green light.

Can you expand on that? What do you mean by giving him the green light? What documents would you have reviewed? Being an auditor, those things come to my mind. What is the audit trail you did to ensure this potential employee has met your requirements?

• (1115)

**Ms. Mary Dawson:** First of all, I can't discuss individual cases. Everything that's brought to me for advice or for compliance is done in confidence. I can tell you in a general way what we do when people come for advice or come to comply with the requirements of the act.

It was not my statement, the one you quoted there.

**Ms. Yasmin Ratansi:** Fair enough.

**Ms. Mary Dawson:** We have certainly met with Mr. Wright, as we have very frequently with people who are about to be appointed. We always communicate to people who are actually appointed.

I might note as well, of course, that Mr. Wright is under the act and not the code, and it's the code that I'm here to discuss. He's a reporting public office holder and not a member of Parliament...

which is the document that we're discussing here today. But I can, if you want, tell you a little bit about what we do.

When there's a new reporting public office holder, there's a requirement that lots of information be given to our office within 60 days....

Actually, no, there's no deadline. In the act there's a deadline, but in the code there are no deadlines, so I get confused when I'm talking about it.

At any rate, with an MP we would always send out a letter as soon as an election is held, and we would solicit a lot of information, which is set out in the code. When that information comes in, we take a look at it and see whether there are any issues that we want to discuss. And then there are measures that could be taken, such as sometimes under the act....

The problem is that I don't know whether you want me to talk about the code or the act. Under the code, there are not a lot of requirements.

**Ms. Yasmin Ratansi:** It's whatever applies to Mr. Wright.

As I told you, I'm a new member to this committee, and therefore I will seek your guidance as to how we can do things properly.

**Ms. Mary Dawson:** Right. Okay, I'll move to the act.

Under the act, there is a deadline for receiving this material of 60 days. Once we've received it, there are another 60 days that we spend, if necessary, going over any details in order to make some arrangements. Sometimes holdings may have to be put into trust if there's a potential conflict. Sometimes there are conflict of interest screens established. Sometimes the public office holder is advised of being careful about recusal situations.

Then a portion of the material and information that we're given is ultimately made public in a disclosure summary that appears on our website, but it does not contain all the information that we've received. It's a summary of that information.

So that's the process.

**Ms. Yasmin Ratansi:** Okay. So help me understand something else, then.

Mr. Wright's company has stated that "Nigel will start work in Ottawa at the end of October and will return to Onex in 18 to 24 months to resume his leadership of the Aerospace and Defence and Energy verticals".

Were you aware of these things, and aware that within his job at the Prime Minister's Office—you talked about recusal—he would have to recuse himself from discussions around health care, for example, or discussions around defence, or discussions around a lot of things that Onex has its tentacles in? Did you go through that process, or were you aware of it?

**Ms. Mary Dawson:** Yes. We can't comment on individual cases, as I said, but we certainly would have been aware of Mr. Wright's situation when he came to consult us. And certainly there's been enough press about it that we're aware of anything that's in the press.

**Ms. Yasmin Ratansi:** Okay.

You talked about the public office holder, and I have paragraph 15 (1)(c) of the Conflict of Interest Act, which states that “No reporting public office holder shall continue as, or become, a director or officer in a corporation or an organization”.

Mr. Wright seems to have frozen his involvement, but it doesn't seem to be clear-cut as to where he's going to go with that position. What advice would you give us, or what advice would you give him? I know you can't talk about individual cases, but for us to understand whether we are following due process and that the offices are following due process, could you help me?

• (1120)

**Ms. Mary Dawson:** Well, I'll give you the general rules.

When a new public office holder, or a “reporting” public officer holder—there is a distinction—comes in, we ask for information. It's required that we be given information on holdings, activities, outside activities. So we would expect a full disclosure of all outside activities.

There are prohibitions in the act. If, for example, one is a director of a corporation, one must relieve oneself of that directorship when one becomes a public office holder—again, a reporting public office holder; a lot of these rules don't apply to a plain public office holder, which is why I keep making the distinction. Anybody who is full time, generally speaking, is a reporting public office holder, although there are some exceptions to that.

So the very first thing we do when we examine the holdings or the situation of a reporting public office holder is we discuss the divestment of those responsibilities as well as the divestment of certain types of holdings. That's exactly the sort of thing we'd be working on in that period.

**Ms. Yasmin Ratansi:** I have just a little—

**The Chair:** Thank you, Ms. Ratansi. Your time is up.

Mr. Reid, you're up next.

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

Maybe you can help me with something that my colleague Mr. Hoback and I were discussing as you went through your report. You mentioned a second time, in your comments, the term “conflict of interest screen”. What is a conflict of interest screen?

**Ms. Mary Dawson:** It is an arrangement whereby some sort of arrangement is put between the individual and the business in which he's operating—in other words, in somebody's office or whatever—so that files that relate to something where there is a potential conflict would not be shown to that person, generally. There'd be a screen basically between that person and whatever might create a conflict situation.

We have some of those up on our website reported now. They are in a sense an alternative to the recusal mechanism. If you have the screen, you would not normally need a recusal unless it hits you suddenly, unexpectedly, from somewhere.

**Mr. Scott Reid:** A screen that relates to an individual office holder: would that be part of the public disclosure associated with that individual, or would it be done confidentially?

**Ms. Mary Dawson:** It could be done either way. I have the authority, under section 29 of the act, to make it public if I feel that it is appropriate. These things are becoming of such public interest generally that I'm increasingly making them public.

**Mr. Scott Reid:** So someone could go to your website and find examples of ones that already exist.

**Ms. Mary Dawson:** Yes, you could. That's right.

**Mr. Scott Reid:** Okay.

With regard to your website, you mentioned Mr. Wright's information. The part that's disclosable would go up on the website. Is that up yet?

**Ms. Mary Dawson:** No. He's not even been appointed yet.

**Mr. Scott Reid:** Okay. So it would only happen when...

**Ms. Mary Dawson:** Well, it would happen when the arrangements were sorted out. As I said, there are 60 days to get the information. In certain cases, though, we have discussions with people before they're appointed, in preparation to see whether they really can stand all the rules or whatever, and so they know what they're getting into.

Then there's this period of another 60 days, because the deadline for getting the summary up on the website is 120 days. So during that second 60-day period...and it doesn't necessarily have to take that long, but during the period when we iron out the details and get the documentation in place, and get the divestitures made and the trusts set up or whatever, that's what happens then. And then it would go up on the website.

So it's quite possible that it wouldn't be up on the website for 120 days. In certain cases, I'm sure, people might want to get it up sooner.

**Mr. Scott Reid:** Okay.

I have just one last question. Just to be clear, there's nothing in legislation or a conflict of interest code that prohibits an individual from becoming an office holder while on leave of absence from a corporation, is there?

**Ms. Mary Dawson:** No, there isn't. The only thing is that if somebody's on leave of absence, we're aware of the fact that they're going back, and there is a provision in the code that requires that you can't have direct or significant dealings with somebody that you're going to go and work with after you finish your job. In those kinds of cases, we would be particularly vigilant to assist that person to find mechanisms, such as conflict of interest screens, to avoid dealing with somebody they knew they wanted to work with afterwards.

That happens quite frequently; we're consulted when people are about to leave their positions.

• (1125)

**Mr. Scott Reid:** Thank you very much.

**The Chair:** Mr. Reid, you have about three minutes left.

**Mr. Scott Reid:** Oh, is that right? I put my watch out here and I had the idea that I was actually out of time, but if I have three more minutes, I will ask another question.

Without naming any names, can you advise us as to whether there have been other public office holders who have worked for the government while on leave of absence from corporations in circumstances roughly similar to the one Mr. Wright is in?

**Ms. Mary Dawson:** Yes, there are some instances. Maybe Lyne could fill you in.

**Ms. Lyne Robinson-Dalpé (Assistant Commissioner, Advisory and Compliance, Office of the Conflict of Interest and Ethics Commissioner):** Again, without naming any particulars, yes, there are some people who come into public office to become reporting public office holders and who are on leave of absence from their home organizations. I can't say much more, unfortunately.

**Mr. Scott Reid:** I'm just guessing. As a matter of history, there were the famous dollar-a-year men from back in the day, in the golden age of the Ottawa mandarin, who in many cases would have been people on leaves of absence of some sort or another, during the forties and fifties and so on.

**Ms. Mary Dawson:** I don't know that the same rules would have applied at that time, but in any event.... And the dollar-a-day person probably wouldn't have been a reporting public office holder, I don't know.... It would just depend on the circumstances.

**Mr. Scott Reid:** Sure. Thank you very much.

**The Chair:** Mr. Lukiwski, do you want to take the last minute and a half of his time?

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** Further to what Mr. Reid was talking about, Ms. Dawson—and thank you for being here—if there have been public office holders who have worked for previous governments while on leave of absence—and there's nothing particularly wrong with that—what safeguards and rules would have been in place to apply to such an arrangement?

You talked about the screens that we've put up. But what other mechanisms might be put in place to ensure that all compliance with your code—and the act, I should say in this case—is being met?

**Ms. Mary Dawson:** Well, for example, any holdings, any sort of publicly available shares and things like that, have to be divested. That's an absolute rule. Those are measures that are quite often taken and are reflected on the website when done. Basically, there are the conflict screens, the advice on recusal, the divestment, and of course getting out of activities you're not allowed to be involved in under section 15.

**Mr. Tom Lukiwski:** Are you comfortable...? I assume these arrangements and the safeguards that currently exist with an individual like Mr. Wright or others in his position.... I assume that you're comfortable with these arrangements, that they're appropriate, and that there's nothing more that needs to be done in order to sort of protect the public integrity and the taxpayers.

**The Chair:** Give a fairly quick answer, please. Mr. Lukiwski is out of time. He can have more later.

**Ms. Mary Dawson:** Yes, I think generally they work quite well.

**The Chair:** That's great.

Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Thank you, Mr. Chair.

Ms. Dawson, I had previously been a member of the committee and I am now here again. I am also the chief political organizer for my party. A week ago, I asked you for an opinion. The name of one of my MPs was drawn by the Insurance Brokers Association of Canada. She was given 50 policy coverages that she could give to an organization in her riding. The policies were intended to help accident victims, especially victims of fire. The names of five members were drawn. I asked for your opinion, and you said, among other things, that the Insurance Brokers Association of Canada is an organization registered as a lobbyist. You wrote me the following:

Therefore, given the IBAC's role and its relationship with MPs, the provided policy coverages [...], even when awarded through a draw, could reasonably lead one to believe that they were provided with the purpose of influencing the member in the fulfilment of her public duty. For those reasons, our office believes that [member's name] cannot accept this donation on behalf of a non-profit organization in her riding.

I take no issue with this opinion. However, I read the Dykstra report, which states that MP Dykstra asked Ms. Bonnell for access to the Rogers Centre suite. Ms. Bonnell is a registered lobbyist. You said so yourself. In your conclusion, you said that you could not intervene because a fundraising activity was involved. It appears to me that if my MP were to give those policies away as part of her fundraising activity, it would be legal. Something's off about that, and I'm having a hard time accepting it. I can accept the letter that you wrote me regarding my MP and the fact that she cannot receive policy coverages from a lobbyist and then give them to an organization in her riding, but I am having trouble accepting your report conclusions. You said that Mr. Dykstra, who spoke with Ms. Bonnell, a registered lobbyist, in order to get a Rogers suite, had the right to do that because it was related to a fundraising activity. Unless you tell me that my MP could give those coverages away as part of a fundraising activity, there is something here I don't understand. This actually doesn't come under your jurisdiction. I am just trying to understand.

● (1130)

**Ms. Mary Dawson:** The difference lies in the fact that the person in question paid to use the Rogers Centre.

[*English*]

I find that the cases are quite different because full market value was paid for the use of those premises. The premises were available to others, so it wasn't a special arrangement.

[*Translation*]

**Mr. Mario Laframboise:** Rogers has its suite, which is not available. You actually said that it is not available to the general public. I don't want there to be two different scenarios: one for the Conservatives and another one for the Bloc Québécois members. That's what I'm worried about. If that were the case, Ms. Dawson, I would have a lot of trouble accepting your finding. However, that is the feeling I get from the letters you have written me if I compare them to the reports you have written about Conservatives.

**Ms. Mary Dawson:** Those are all multi-layered issues. We have to analyze a situation very carefully before we determine in which category it falls.

[*English*]

Do you have anything to add, Nancy?

[*Translation*]

**Ms. Nancy Bélanger (General Counsel, Office of the Conflict of Interest and Ethics Commissioner):** Good morning. The commissioner shares your concern about those suites possibly being available only to a certain group of individuals. That's why we launched the investigation. However, we quickly realized that that location was rather popular and that people had access to it if they followed the necessary steps. Access to the suite was not really discriminatory. In addition, our investigation was intended to determine whether Mr. Dykstra had received a gift. If we focus on the terminology, the words used, we realize that he did not receive a gift. The cost of the suite and the food consumed were paid in full at the price anyone else would have paid. We did our homework and looked into the matter. There was simply no gift involved. That's why the code was not breached in this case. I don't know if this helps you at all.

**Mr. Mario Laframboise:** That will help me. The letter I sent you mentions the four other MPs whose names were drawn and the fact that there are others who received coverages in previous years.

Will you follow up on this and deal with the people who have not contacted you? MPs have received coverages and benefits in the past, as you say. People are breaking the law. What are you going to do if they are Conservatives? I just want to make sure that you also come down on Conservatives and not just Quebecers.

**Mrs. Lyne Robinson-Dalpé:** You can rest assured. Following your request, we contacted whips from other political parties to let them know it was unacceptable for their members to receive coverages.

• (1135)

**Mr. Mario Laframboise:** To get back to the Dykstra affair, you say that a fundraising activity was involved. If it had not been a fundraising event, something might have been amiss. Am I right?

**Ms. Nancy Bélanger:** I'm not sure what you're hinting at. Usually, in the case of a fundraising activity, the riding association handles everything. All the funds and all the contributions go directly to that constituency. In addition, the Conflict of Interest Code for Members of the House of Commons contains a provision stating that any benefits a person receives directly from his or her constituency are excluded from the definition of advantages and benefits. Basically, since the event was organized by the riding association, it was not really subject to the code.

What you are perhaps referring to may be related to the act. Pursuant to the act, Mr. Dykstra, as parliamentary secretary, cannot solicit funds that could give rise to a conflict of interest. However, the code doesn't deal with that. Because he solicited funds while serving as parliamentary secretary, we had to check whether his actions gave rise to a conflict of interest, and we concluded that was not the case.

**The Chair:** Thank you.

[*English*]

Mr. Siksay, welcome. It's your turn.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Thank you, Chair. It's good to be here, although I'm very surprised to be here this morning as well. I do apologize; because I came in late I may be covering ground that other people have covered, and I'm not as prepared as I'd like to be.

Commissioner, in your statement today and in some of the reports that you've mentioned, you've talked about the possibility of needing new fundraising guidelines both for members of Parliament and for cabinet ministers and parliamentary secretaries. In your statement this morning, you've listed some of the things that you think might be covered. I wonder if you could expand on those this morning and tell us in more detail about what you think might be appropriate.

**Ms. Mary Dawson:** I've pointed out in my observations in the Dykstra report what my colleague was just mentioning. There is a rule against fundraising in the act for reporting public office holders, which includes ministers and parliamentary secretaries, but there's no similar rule in the code. It's for consideration as to whether members want those kinds of rules, but certainly it does create perceptions of conflicts, potentially.

There's a number of approaches one could take, from an absolute prohibition against fundraising on the part of any members to perhaps a prohibition against fundraising for members who are also ministers and parliamentary secretaries, because sometimes it's very difficult to figure out whether they're behaving as a minister, or a parliamentary secretary, or a member. It would certainly simplify the rule if it just applied to ministers whenever they're operating, whether as a member or as a minister, for example, or a parliamentary secretary. It's in that area that I thought some thought could be given to this.

**Mr. Bill Siksay:** Do you know of other jurisdictions that have those kinds of prohibitions against fundraising for elected officials?

**Ms. Mary Dawson:** Do you know what? I'm not sure. I probably did know at one time, but I've forgotten.

Does anybody remember?

Generally speaking, I think our regimes are quite stringent as compared to most. I would bet that there would be some other jurisdictions that have those fundraising regimes, but I've forgotten.

**Mr. Bill Siksay:** In both the Raitt report and the Dykstra report, I believe you mentioned that there were new guidelines being prepared or that the government or the Prime Minister's Office had promulgated something, but it hadn't been made public yet. Can you say more about that or what the circumstances are there?

**Ms. Mary Dawson:** What I can say is that I mentioned in the Raitt report that I had been given a copy of guidelines that had been given to ministers by the Prime Minister, and I went on to say, why not make them public?

That's the top and bottom of it, I think.

**Mr. Bill Siksay:** There hasn't been any response to your suggestion that those guidelines be made public?



**Ms. Mary Dawson:** Actually, I think I saw something in the press yesterday about that. It was just in my report; I didn't send a letter. But it's an observation: I thought, why not make them public?

• (1140)

**Mr. Bill Siksay:** Madam Dawson, a number of times you have raised the whole question of your mandate and the fact that ethics doesn't appear anywhere in anything that deals with your job other than the job title, and that this often puts you in a bind, with the expectations that arise from it. Has anybody bitten on something that would clear up that problem or would take that pressure off you? I'm sure you feel it as a pressure, because everybody expects you to do something, but sometimes, you say, it just isn't in your mandate.

How can we fix that problem?

**Ms. Mary Dawson:** I'm trying to fix it by making clear what my mandate is.

The other thing I'm trying to do is this. In my later inquiry and examination reports I go on to make some observations and make clear that it's not the assessment under the code or the act that I'm making, and it doesn't bear necessarily on whether the person has contravened one of those vehicles. But I will go on and make observations if things are potentially problematic or put members in a bad light.

**Mr. Bill Siksay:** So you're pushing at that definition by making those observations, which go beyond. I suspect you push until you get push-back on those kinds of things. Would it be helpful to drop the word "ethics" from your job title?

**Ms. Mary Dawson:** I don't really care.

**Mr. Bill Siksay:** Okay. So you think that's a dynamic that's always going to be there in that position, and that there will be that expectation, or...?

**Ms. Mary Dawson:** Yes. I mean, it was described in those kind of terms. Conflict of interest is an ethical issue, and "ethics" seems to be more readily understood by people than "conflict of interest". The problem is that ethics is a very broad field, and certainly the aspects that I have to deal with are not the whole range of ethical issues.

**Mr. Bill Siksay:** I'm just struggling, because I know you raise it regularly, and so I suspect it is something you struggle with constantly.

**Ms. Mary Dawson:** I think it's part of my method of making people understand where my mandate begins and ends.

**Mr. Bill Siksay:** Okay.

Thank you, Chair.

**The Chair:** Ms. Foote, you're up.

**Ms. Judy Foote (Random—Burin—St. George's, Lib.):** Thank you.

Welcome, Mrs. Dawson. It's good to have you back.

**The Chair:** I'm sorry; I forgot to mention that we're into five-minute rounds.

**Ms. Judy Foote:** Well, welcome anyway.

I want to go back to the conflict of interest screen. I'm curious about how specific those screens are.

With respect to Mr. Wright, I'm wondering, because of his involvement with Onex, whether that is something that would be up on the screen. Onex is the parent company of Raytheon Canada, which we know is a defence and aerospace company that actively lobbies the government on defence and aerospace issues, including multi-million dollar defence procurement files such as the Arctic offshore patrol ships, fixed-wing search and rescue, joint supply ships, new fighter aircraft, and other programs, so—

**The Chair:** Let me interrupt just for a second.

Madam Dawson has a couple of times told us that she can't speak about individual files. Many of the members have done a very good job of asking questions that have to do with her code and the act to get to those questions. I'm going to ask the member to please try to make the question about the act or the code rather than about a thing or a person.

**Ms. Judy Foote:** Well, then, let me put it to you this way, Ms. Dawson. If an aerospace executive were in that position and were going to take leave to work in the Prime Minister's Office, would all of these details be up on the conflict of interest screen?

**Ms. Mary Dawson:** We'd certainly have mentioned whatever entity was the problem in the screen.

Here is an example. In my Raitt report, I have as one of my schedules a compliance measure that Lisa Raitt put in place, which you could look at any time. It mentions the Cement Association of Canada; it mentions the individuals.

They're not great big, long documents, usually. They only need to be a paragraph or two, but they mention where the problem is.

**Ms. Judy Foote:** Okay. In this case, when you've identified where issues could be, or previous employment that the individual had, when you say you give advice on recusal, would you advise this aerospace industry former employee to, in fact, recuse himself from any issues that would have to do with the aerospace industry?

**Ms. Mary Dawson:** Yes, if necessary, but generally the conflict of interest screen should make those situations not arise. If somehow somebody neglected to exercise the screen, then they should rush in and recuse themselves. So there are two mechanisms of achieving the same thing.

• (1145)

**Ms. Judy Foote:** In terms of giving advice, that's certainly something that you would do? You would advise individuals to recuse themselves from any files—

**Ms. Mary Dawson:** No. We wouldn't know about it. If a recusal situation came up, they have an obligation to recuse themselves and to tell us, under the act.

**Ms. Judy Foote:** Okay.

Now, I know, obviously, the chair has mentioned that we're not going to talk about specific individuals and cases. Could the individuals who are being hired to work in the Prime Minister's Office choose to release information of their own accord? If it's information that you're privy to, and that you can't release, is that information that they could choose to release of their own accord?

**Ms. Mary Dawson:** Yes, definitely. It's their privilege and I'd love to have them release stuff sometimes, particularly when we've not proceeded with an investigation, for example, and we'd like the reasons to be out. We're quite fulsome in our explanation to the individuals as to why. To date, people don't tend to release those letters, but I'd be perfectly happy if they did.

**Ms. Judy Foote:** Just one more question about this former aerospace employee and his involvement with his employer for a determinate period of time. Do you believe that this practice is in keeping with the letter and spirit of the act?

**Ms. Mary Dawson:** Sorry, my colleague was whispering and I missed the thrust of that.

**Ms. Judy Foote:** Okay. I'm going back to this aerospace industry executive who's now frozen his involvement with his employer for a certain period of time. Do you believe that this practice is in keeping with the letter and spirit of the act?

**Ms. Mary Dawson:** It depends on what they're talking about. There should be no situation where there's a conflict created. That's the guiding principle. There should be no business operational activity going on.

I've said this before in some of my previous reports. The objectives of the act—and there are five objectives—encourage experienced and competent people to seek and accept public office. I've said on other occasions that this may brush up against some of the onerous rules of divestment with which people have to comply.

So there's a balance; there's always a balance here. Certainly, there have been on occasion instances where people have not accepted public office because of the stringency of the rules.

**The Chair:** Thank you.

Mr. Lukiwski for five minutes.

**Mr. Tom Lukiwski:** Thank you, Mr. Chair.

I have a couple of different questions here. The first is one that I had written your office about last year, and it concerned another member of Parliament. I asked your office to investigate an e-mail that went out from that member's parliamentary account relating to a fundraising activity. Your response to me was that this particular instance did not fall under your jurisdiction, but rather fell under the jurisdiction of the Board of Internal Economy.

Could you clarify, when you're using parliamentary resources, what does fall under your purview and what falls under the jurisdiction of the Board of Internal Economy? I think there's a lot of confusion among members. If they think that something has been done inappropriately, what should they write you about and what should they refer to the BOIE?

**Ms. Mary Dawson:** I'm actually happy you asked that question, because we've actually communicated with the Board of Internal Economy and have never had a response on those issues.

The pivotal section in the code is section 6, and it simply says:

Nothing in this Code affects the jurisdiction of the Board of Internal Economy of the House of Commons to determine the propriety of the use of any funds, goods, services or premises made available to Members for carrying out their parliamentary duties and functions.

So it's kind of saying “hands off” if the Board of Internal Economy has jurisdiction over the use of resources in the House. But, you know, we have no specific information from the Board of Internal Economy as to where they think their jurisdiction ends.

• (1150)

**Mr. Tom Lukiwski:** In other words—I think it's quite clear, but just so that I am absolutely crystal clear about this—if any member used their parliamentary e-mail account to solicit funds from whomever, that wouldn't be an issue with you? You wouldn't be able to deal with that? It would have to be BOIE?

**Ms. Mary Dawson:** I'm not sure. I think there may be circumstances in which we should have a mandate, and it's something I'd love to sort out.

But no, I don't say that I have no jurisdiction, if there is an obvious conflict issue there. But if there is not an obvious conflict issue, certainly it's the Board of Internal Economy.

**Mr. Tom Lukiwski:** All right. Thank you for that.

Let me ask you, how long have both the Conflict of Interest Act and the code been in effect?

**Ms. Mary Dawson:** The act has been in effect since July 9, 2007, when I started, and the code has been in effect since 2004.

**Mr. Tom Lukiwski:** Let me ask you a question. This is going back a little bit—to my Liberal colleagues, this isn't anything I'm trying to get overly partisan on—but back in the 1990s, Paul Martin was at the time finance minister and was still, I believe, and I stand to be corrected, an owner or at least operating director of Canada Steamship Lines. At that point in time, of course, he was as finance minister responsible for or heavily involved with tax regulation, tax rules, and the like, and there was a lot of controversy about his steamship line not being compelled to pay Canadian taxes because they were registered outside Canada.

If that situation occurred today, wherein there was a public office holder in that situation, would he or she be allowed to operate similarly to Mr. Martin back in the 1990s, or would the act prevent that person from having the same business interests?

**Ms. Mary Dawson:** I think, without being up to date on exactly what the situation was, the act would probably prevent it.

**Mr. Tom Lukiwski:** In other words, the act that was brought in a few years ago really has put a good safeguard process in place for activities such as that.

**Ms. Mary Dawson:** Right. The rule is that you can't engage in employment and you also can't manage or operate a business. As soon as you become a reporting public office holder—

**The Chair:** Excuse me, I have a point of order.

Yes.

**Ms. Yasmin Ratansi:** Did I hear correctly that we're not supposed to mention names, or am I...?

**The Chair:** I didn't say we shouldn't mention names. I said that we were talking about the act and the code and to see that the questions ask about that.

**Ms. Yasmin Ratansi:** Fine. I just wanted clarification about that.

**The Chair:** While I have the floor, let me note that there have been a few side meetings taking place. You all know that your chair has a bit of a hearing problem, and when that happens I don't get to hear the witness as well as I could. So just try to keep those to a minimum.

Let's go back to your answer, please.

**Ms. Mary Dawson:** I think I have finished.

**Some hon. members:** Oh, oh!

**The Chair:** Thank you.

**Mr. Tom Lukiwski:** I have nothing more, sir.

**The Chair:** Great. We are done with Mr. Lukiwski.

Mr. Laframboise is next.

[*Translation*]

**Mr. Mario Laframboise:** I just want to finish up the debate on the Dykstra affair.

Ms. Bélanger, I take issue with the explanation you gave me. In the report, you state the following:

Although the owner's suite is not generally available to the public in the sense that it is not explicitly advertised along with the other luxury suites listed on the Rogers Centre website, it is often rented out to third parties, including businesses and non-profit organizations, who can obtain access by requesting use of the owner's suite through contacts that they may have with Rogers.

Therefore, the suite is not available.

Imagine! You're saying that someone using his contacts with Rogers and Mr. Dykstra using his contacts with a lobbyist is not an issue! It's not something that's available to the general public. It's as if one of my MPs wanted to use the Montreal Canadiens' suite, which is the most beautiful suite at the Bell Centre and belongs to the owner. If that person told me this, I would hit the ceiling. I would tell them that it's not right, that they can't do that, and that, even if they paid \$3,000 for it, no one has that privilege.

In addition, you say that the suite isn't available, that it's not advertised on the website and that there's no problem, but if we have contacts with Rogers, we can perhaps get it, whether we are ministers, parliamentary secretaries, MPs or anyone else, there is no problem.

Oddly enough, I'm still under the same impression: if the case had involved one of my MPs, the report would have had a different outcome than it did for a Conservative member. To be honest, I have a lot of trouble accepting that. The suite is not available to everyone, and contacts are necessary. I take issue with an MP having ties to a lobbyist.

As for my MP we discussed earlier, she gives the policies to a non-profit organization; she doesn't keep them. However, Mr. Dykstra keeps the money because it's not only for his constituency, but also for his political fundraising. I take issue with that. Don't you feel something's wrong with that picture?

•(1155)

**Ms. Nancy Bélanger:** I don't know how I'm supposed to answer that. Rules are rules as they are written. Dealing with lobbyists is perhaps not right, but it's not covered in the code. We only looked into whether Mr. Dykstra had received a gift.

If you're telling me that the mere fact of having a conversation is a gift and is unacceptable, the code needs to be amended.

**Mr. Mario Laframboise:** No, access to the suite is a gift, madam. It's access to the suite. It's not something that just anyone can get.

**Ms. Nancy Bélanger:** Yes, but he paid for the suite, just like all the other non-profit organizations.

**Mr. Mario Laframboise:** But the suite is not available. You said so yourself.

**Ms. Nancy Bélanger:** It is available to organizations.

**Mr. Mario Laframboise:** Contacts with Rogers are needed to get the suite. A contact is needed. Madam, when we talk about contacts in politics, we're talking about political contacts. I'm sorry, but when MPs use their position to establish political contacts, I feel that we have a problem. Otherwise, are you perhaps telling me that we need to amend the legislation.

In your report, you say that political fundraising was involved, and that's not covered under the code.

So basically, if it is done for political fundraising, there's no problem, we're in the clear. However, if we do it to help a non-profit organization, like my colleague, it's not right. We're not supposed to help a non-profit organization, we're supposed to do it for political fundraising. I am having a lot of trouble accepting this.

[*English*]

**Ms. Mary Dawson:** I'll just add one little thought.

I accept that fundraising and lobbyists need guidelines, which is what I have said in my observations in those reports. But we have to go to the strict letter of the code and the act when we're deciding whether somebody has contravened them. That's why I go on in my observations to comment on where I think there are gaps and where more work needs to be done to develop some guidelines or rules. It is a dicey area.

**The Chair:** You have two minutes to finish.

[*Translation*]

**Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ):** Thank you, Ms. Dawson. My question is rather specific, since I did sit on the Subcommittee on Gifts.

On page 9 of your report, you mention that volunteer services have been removed from the definition of "benefit." Unless I've misunderstood, you are suggesting that, had they not been removed, your analysis of the case involving the MP for Halton would have perhaps been different.

Could you explain to me how removing volunteer services has changed the analysis of the MP's case?

**Ms. Nancy Bélanger:** As part of the discussions it held about changes to the definition of gifts, the committee talked about the fact that volunteering should be removed from the definition since you trust volunteers, which is totally natural and acceptable.

We had some doubts, in the Dykstra case and in the Raitt case, as to whether the MPs, as a committee, had really looked into the possibility of a lobbyist also being a volunteer. I don't think that would have necessarily changed the finding in the Raitt case, since Ms. Raitt was not even aware of the fact that the lobbyist was involved in her campaign or in the event.

However, that did make us consider removing lobbyists from the volunteer services exclusion. An MP should perhaps not accept volunteer services from a lobbyist, since a conflict of interest is rather obvious in that case.

**Mrs. Claude DeBellefeuille:** Is that on your list of changes to the next code?

**Ms. Nancy Bélanger:** Yes, possibly.

**Mrs. Claude DeBellefeuille:** Thank you.

[English]

**The Chair:** Madame DeBellefeuille, your time is up.

Mr. Siksay.

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

Madam Dawson, if I'd been better prepared I would know the answer to the beginning question. You investigate complaints from members of Parliament and can self-initiate investigations. What happens with complaints or issues that are raised by the public? You say you've had communications from the public, e-mail and telephone calls. What happens to that information? Can that lead to an investigation when someone from the public contacts you?

**Ms. Mary Dawson:** It could lead to an investigation. We look at letters that come in from the public, and if there seems to be something really untoward there we will ask around and see what we can find out about it a little bit. But it can't just be suppositions. There has to be some foundation that there's something there. You can't just say "I don't trust this guy" and we'll do an investigation.

But we do take them seriously. We take a look, and if there's something that looks like it ought to be looked into we have, on occasion, for example, gone to the individual complained against and said "Look, this has been raised. What can you say about it?" Or we'll look elsewhere. That's when you can use the self-initiation.

• (1200)

**Mr. Bill Siksay:** In those cases, do you communicate back to the person from the public who made the original complaint, and let them know?

**Ms. Mary Dawson:** Yes, we always communicate back, and we'll explain why we didn't do anything more.

**Mr. Bill Siksay:** Right. Is there any aspect of public complaints that raises a problem? Should it be expanded? Is there a limitation on it? It strikes me that it's different if it's initiated from within the institution and something that you choose to initiate. Is there a need for some kind of public complaints mechanism that's more formal?

**Ms. Mary Dawson:** I don't think there's a crying need, frankly. The public can go to their MP and complain about something. They can come to me. Both of us will look at whatever that complaint is.

I'm not sure it's necessary to have the public able to make a complaint.

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

**The Chair:** Thank you.

Mr. Cuzner. It's good to have you here today, by the way.

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Thank you very much. It's a guest spot, a guest appearance.

Thank you very much, Ms. Dawson, for being here today.

This is just to wrap up what one my colleagues had been asking before. I recall that when we were doing the study on gifts and the whole issue around acceptance of gifts, you cautioned the committee at that time about not just a conflict taking place but the perception of a conflict, and making sure there was no perception of conflict.

To use the hypothetical case that my colleague referred to, if somebody was leaving an industry, an industry that does billions of dollars of business with the Government of Canada, and that individual was leaving that business and assuming the top political staffing position in the country, knowing full well that they were going to go back to that industry in subsequent months, do you not see...? You know, if we're wanting to hold the trust and faith of the people of Canada, can you understand that the people of Canada are asking if we're leaving the dogs in charge of the meat here? So it's the perception around it as well.

Are you confident that the safeguards are there to protect the perception of conflict of interest?

**Ms. Mary Dawson:** Well, there's the letter of the law and then there's the perception. The basic rule is every public office holder shall arrange his or her public affairs in a manner that will prevent the public office holder from being in a conflict of interest. That's not a perception; that's an actual conflict of interest. So that's the fundamental rule. I can't remember off the top of my head where the perception comes in here in the rules.

You know, there's a question of whether it's prohibited and then there's a secondary question of whether it will create such flak that it's a problem, or whether it just smells.

Are we talking about the code here? We're talking about the act, I guess.

There are rules here that are pretty good. As I said before, it's one of the more rigorous pieces of legislation when you compare it to other countries'. These rules are not bad. They're quite effective.

It's a personal choice as to what situations one wants to put oneself in. It may not be caught by the rules that are in the act or the code, but there's a personal choice to be made as to whether one wants to do something.

**Mr. Rodger Cuzner:** The rules can only go so far in guarding the perception there.

**Ms. Mary Dawson:** Yes. I mean, if you had rules that prevented everything, you wouldn't be able to move.

**Mr. Rodger Cuzner:** Yes.

I'll just shift gears here. In June you opened an investigation into the former Minister of Public Works, Minister Paradis, investigating the privileged access granted to Rahim Jaffer and his company.

How is the report coming along? How's the investigation coming along? Can you update us on that? When can we anticipate a report? Are you getting full and open help from those being investigated?

• (1205)

**Ms. Mary Dawson:** I have express provisions that prohibit me from saying anything at all about any investigation I've launched, aside from the fact that I have launched it. The next time I can talk about it is in my report, which I try to make nice and fulsome. In the meantime, I can't talk about it at all.

**Mr. Rodger Cuzner:** Are you able to share with us how deep you're allowed to go? Will you be reaching in and maybe investigating some political staffers, for example? Would you be able to share with us how deep you're going there?

**Ms. Mary Dawson:** With political staffers?

**Mr. Rodger Cuzner:** Yes.

**Ms. Mary Dawson:** I don't know what you're referring to, but my report, when I get to the report, will set out what I did and what I found.

**Mr. Rodger Cuzner:** Okay. When do we anticipate having that?

**Ms. Mary Dawson:** It's hard to say. It depends very much on the cooperation we get with the various availabilities of witnesses. It takes time. I would say not before several months.

**Mr. Rodger Cuzner:** Okay. So—

**The Chair:** Mr. Cuzner, you're on a roll, but it's five minutes.

**Mr. Rodger Cuzner:** Oh, is it?

**The Chair:** Yes.

**Voices:** Oh, oh!

**The Chair:** I know how time flies when you're having fun.

Mr. Albrecht.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Thank you, Mr. Chair.

Thank you, Ms. Dawson, for being with us today.

In the interests of actually referring to your report, which I think this committee was charged with today—

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

**Voices:** Oh, oh!

**Mr. Harold Albrecht:** —I would like to refer to page 14 of your report, where you talk about the forms. At the top of the page, you're talking about a couple of different ways in which an inquiry could be initiated: a request by a member or the House of Commons could compel you to do an investigation. Earlier, you pointed out that you could do it on your own initiative as well.

Further down in that same section, you talk about the fact that you have this form under the act and that you've also produced one for under the code. You're awaiting our instruction on this. I'm certainly open to that.

Prior to that, on page 13, you state in the middle paragraph, "There were five instances where Members of the House of Commons raised concerns with me about possible contraventions...." I guess my concern is that if we have this form that is mandated, that we need to use, many of us around this table are not lawyers. We're not legal experts and we don't know the code inside out.

But as you indicated earlier, if something doesn't pass the smell test in our operation within our constituency or here on the Hill, I guess I would hope that we would still have the opportunity as individual members simply to say, "Here's a concern we have, and we have no idea whether it's a problem or not, but could you please give us your advice?"

Are you still open to those kinds of inquiries without the formal inquiry label attached to it?

**Ms. Mary Dawson:** Yes, of course. The purpose of the form is to help people focus on what it is they need to tell me to make it a legitimate request. There are certain requirements in the code. The whole idea behind developing forms was so that it would help the member who wanted to make a complaint pull together the material that we need to have.

**Mr. Harold Albrecht:** I think that's good. My concern on the other side of that question is that many of us may simply be paralyzed in even submitting a request because we don't know what section of the code or other legal considerations it refers to. So I'm glad to hear that you're still open to us simply leaving something on your desk and saying, "Would you check into this, formally or informally?"

**Ms. Mary Dawson:** We're available for consultation.

**The Chair:** Okay.

Mr. Hoback, you're finishing off that side.

**Mr. Randy Hoback (Prince Albert, CPC):** Yes. I'm just curious, what is the process for handling or determining what's a nuisance complaint and what's a legitimate complaint against a member or a public office holder? What do you use for a guideline or for criteria to say "yes, this is worth investigating" or "no, this is just somebody trying to raise a ruckus for no reason at all"?

**Ms. Mary Dawson:** Well, basically, the rules are set out there in both the code and the act. We have to know what it is you think they've done wrong. In other words, identify the section in the code or the act that you think has been contravened.

Now, maybe people have a little bit of difficulty figuring out which section, and they can talk to us about that, but the basic rule is that there have to be reasonable grounds shown to us that some offence has been committed. You can't just say that this guy rode his bike down the street or something and therefore you want to lodge a complaint. There has to be something that has some connection with some of the rules in the code or the act.

•(1210)

**Mr. Randy Hoback:** Let me follow up on that, then. If you're seeing a scenario where somebody is pursuing somebody, what is the protection for that member who's being pursued?

**Ms. Mary Dawson:** Well, in some of my suggested amendments to the inquiry section, I'm proposing some additional protections, particularly in the area of public release. Sometimes we've had the situation where a complaint has been lodged against a person, but before I've even received the complaint, the person who has made the complaint is out there telling the press that I'm investigating. I think there need to be some strictures around blackening other people's names when nothing has even been done.

As you'll see in the proposals I've made, there's a number of suggestions there.

**The Chair:** Thank you.

Madame DeBellefeuille.

[*Translation*]

**Mrs. Claude DeBellefeuille:** I have one last little question.

We encourage people to call your office when in doubt. As whips, Mario and I are spreading the word that it's always wiser to call and ask for an opinion. I read your report, and something was not completely clear to me. When I call you, not to ask for a written opinion but rather to simply discuss a matter, I take note of your answer, the date we spoke on and everything else, but I have no proof that I spoke with you.

What kind of record do you keep of the telephone calls you receive from MPs or the individual e-mails they send you even if they do not necessarily ask for a legal opinion, but only for your personal opinion, like in the example Mario brought up earlier? For instance, if issues were raised on the subject, could the fact that our conversation took place and that you remember what you said be considered proof?

**Ms. Lyne Robinson-Dalpe:** It's very important for our office to keep a record of all the conversations with our clients, with MPs. Every advisor you speak with on a regular basis must make a note in your file for future reference following each conversation. If ever you wanted to go back and really make sure that there was follow up to such and such a matter, you would realize that, in 99% of cases, there would be a note in the file confirming the conversation.

**Mrs. Claude DeBellefeuille:** You said that you were contacted many times. More than 300 telephone calls and e-mails were received by your office. Does that mean that there are 300 notes in MPs' files that can be consulted and used as references?

**Ms. Lyne Robinson-Dalpe:** Exactly.

**Mrs. Claude DeBellefeuille:** Ms. Dawson, if we encourage our MPs to err on the side of caution by calling you, do you think that your team and the financial and human resources support available to you can handle the increase in the number of consultation calls to your office?

**Ms. Mary Dawson:** I think so. There is a balance between having enough staff to do something and "coherence"... Is that the right word?

**Ms. Nancy Bélanger:** Consistency.

**Ms. Mary Dawson:** Yes, the coherence of the opinions. If there are too many people who issue opinions, then coherence can become a problem. I think that we have a good many people who do that.

**Mrs. Claude DeBellefeuille:** A sufficient number of people on your staff.

**Ms. Mary Dawson:** Yes, I think so.

**Mrs. Claude DeBellefeuille:** Thank you.

[*English*]

**The Chair:** Mr. Proulx, nice to have you here. You're up.

[*Translation*]

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Good day, Ms. Dawson, Ms. Bélanger and Ms. Robinson-Dalpe. I hope you didn't think I wouldn't put in an appearance. I wanted to be here for the second hour. Welcome to the committee.

It is a pleasure, as always, Ms. Dawson to engage in a discussion with you. In your letter, you specifically stated that you would be looking into Mr. Paradis' conduct.

As part of your investigation, will you also be reviewing the conduct of other people implicated in this affair? I'm thinking, for example, about former ministerial staffers such as Mr. Sébastien Togneri and Ms. Sandy White who ordered officials at Public Works and Government Services Canada to quietly expedite consideration of Mr. Jaffer's proposal.

•(1215)

**Ms. Mary Dawson:** We reviewed everything and determined that there was sufficient cause to examine Mr. Paradis' conduct. There was not enough information or evidence to warrant a review of other staffers' conduct.

**Mr. Marcel Proulx:** Let me just understand. You are speaking softly, but you are telling me that you do not have enough information to investigate the conduct of other individuals. Is that what you're saying?

**Ms. Mary Dawson:** Yes.

**Mr. Marcel Proulx:** Exactly what would you need? Details of Mr. Paradis' role in this affair were disclosed to the Standing Committee on Government Operations and Estimates. Among other things, the committee was informed that Mr. Paradis was told of this via e-mail. However, the committee has no real way of verifying whether the information was retained or not. In fact, some information seems to have vanished, as if by magic.

As an investigator, do you have the authority to examine other e-mails that may have been exchanged between Mr. Paradis, the exonerated staffers and Mr. Jaffer?

**Ms. Mary Dawson:** Yes.

**Mr. Marcel Proulx:** And will you be doing that?

**Ms. Mary Dawson:** I cannot comment on an ongoing investigation.

**Mr. Marcel Proulx:** But that is what you have just done. In answer to the previous question, you stated that there was insufficient evidence or cause to pursue your investigation.

**Ms. Mary Dawson:** In the case of the other staffers, but we had sufficient—

[English]

**The Chair:** Mr. Proulx, I know you have just recently joined us, but we have already covered that today. We are attempting to talk about the act and the code here today and not about specific cases.

Madam Dawson has shared with us that she can't speak on individual cases here today.

**Mr. Marcel Proulx:** She just did, Mr. Chair.

**The Chair:** Well, and if she did—I recognize that she may be trying to correct it—she cannot.

**Mr. Marcel Proulx:** Okay, could we let her finish her answer?

**The Chair:** Yes, but let's ask questions pertaining to situations in the act and the code.

**Mr. Marcel Proulx:** So she can complete her answer?

**The Chair:** If she wishes.

I've heard this answer a fair bit today, but go ahead.

**Ms. Mary Dawson:** I can't comment on an investigation that I'm in the middle of. All I can say is that I'm doing an investigation.

If there are other suspicions about other people, then I look at what the suspicions are and see if there are reasonable grounds to commence an investigation, which I can do either by a complaint or on my own initiative. Obviously I had enough to at least proceed to an investigation with respect to Mr. Paradis.

I've said the one thing I'm allowed to say, which is that I have commenced an investigation, and that's all I'm permitted to talk about. Okay?

**Mr. Marcel Proulx:** That's fine. I appreciate your help. Even though the chair wanted you not to answer, I appreciate your answer.

Thank you, Mr. Chair.

**The Chair:** It's good to see the cooperation is still there.

Mr. Lukiwski.

**Mr. Tom Lukiwski:** Thanks, Chair.

Ms. Dawson, I want to talk a little bit about, for lack of a better term, the “harmonization” of the code and the act. I know that a lot of people are confused. The code, of course, applies to all 308 members of Parliament. The act really refers to public office holders, specifically your post-employment conditions and things like that.

We recently made regulatory changes to suggest that all members be under the act now, including members of the OLO staff.

Could I have clarification, please?

**Ms. Mary Dawson:** No, one mustn't confuse the lobbyist act with my act. The things that are going on relate to the lobbyist act.

**Mr. Tom Lukiwski:** Let me go back to harmonization then.

Would you recommend any kind of harmonization between the code and the act that might make functions within your office a little easier, a little more streamlined? Or is it a necessity that there has to be that distinction between the act and the code?

● (1220)

**Ms. Mary Dawson:** I think in some cases there has to be a distinction. One controversial one might be, should an MP be allowed to participate in other outside activities while he's an MP? I think most MPs would probably say yes. The code is developed by MPs for themselves. There may be some who would say, no, you shouldn't be allowed to do anything except be an MP. That's a controversial issue, perhaps, but it's one that you can understand, because your longevity is perhaps less certain than certain public office holders—not yours particularly.

**Mr. Tom Lukiwski:** Oh, oh! Thank you for that.

**Ms. Mary Dawson:** On the other hand, there are lessons to be learned from one to the other. Usually it is from the act to the code, because the act is more stringent. Some of the proposals that we made with respect to the gift provisions that were changed, for example, had some inspiration from how much better the act seemed to be working than the code. Similarly, in some of the proposals that we've made that are before the committee, we've taken a look at the act and improved the code. But I think there are some areas that are legitimately different, some areas that are questionably different, and some areas that could be more similar.

**Mr. Tom Lukiwski:** Just so that I'm comfortable with or understand your answer, you are comfortable with the distinction and with operating under both a code and an act, or do you think there could be some better harmonization of the two?

I know you have suggested some amendments to the code for our consideration, but on a more macro-level view, do you think there should be a closer alignment between the act and the code so that there might eventually be one act/code with the distinction contained within of public office holders?

**Ms. Mary Dawson:** Yes, it might be possible to have one instrument with different rules for different people. But MPs are quite different from some of the public office holders in what the rules ought to be.

Definitely, it's not the easiest thing in the world to be administering the code and the act simultaneously. As you can see, from time to time I forget which one I'm talking about.

**Mr. Tom Lukiwski:** I guess that's what I'm getting at, not so much from the perspective of a member of Parliament or a public office holder but from your office's perspective. Would it make your lives a little easier if there were more of a harmonization between the code and the act?

**Ms. Mary Dawson:** It might make my life easier, but I'm not sure people would be happy with the rules.

I'll tell you what would be easier: if I could do just one report sometimes instead of two. I'm forever having to do two of things. I'm trying to find ways, with these more recent amendments that I'm suggesting, so that I can always issue a joint report and not look like I'm in contempt of Parliament for not following the exact procedure.

At any rate, it would be a lot easier, in cases where it's the same matter under both the code and the act, either for an investigation or indeed for my annual.... I have two annual reports I have to rush out at exactly the same time in June. But that's another question. We're coping. Actually, I'm gradually using techniques where significant portions of both reports are the same.

**Mr. Tom Lukiwski:** I have a final question on that, then. Would you be prepared to make recommendations to this committee on that matter? I know we've talked several times before about the frustration you have on two reports rather than one.

Would you be prepared at some time in the future to make specific recommendations to this committee on how we could streamline that to assist you in your office?

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

Now, there are two issues. One is the investigations, and I have one ready to send you for the investigations, joint reports, but we could also look at sending you one for the annual reports.

**The Chair:** Thank you.

**Ms. Mary Dawson:** I would just add—I knew there was a problem there, but I'd forgotten what it was—that it's under the Parliament of Canada Act. So it would require an amendment to the Parliament of Canada Act.

**Mr. Tom Lukiwski:** All right. Thank you.

**The Chair:** Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise:** I always come back to the Dykstra case, because I want to understand. I have the code here in front of me and subsection 10(1) states the following: “A Member shall not use information obtained in his or her position as a Member that is not generally available to the public to further the Member's private interests or those of a member of his or her family, or to improperly further another person's or entity's private interests.”

The idea of holding a fundraising event appears to have originated during a conversation between Mr. Dykstra and Ms. Bonnell at a downtown Ottawa restaurant in early spring 2009. Mr. Dykstra and Ms. Bonnell happened to bump into each other while they dined at the restaurant. Your report was clear, the suite was not available, it was not advertised as being available on the website and the member used information obtained in his position as a member. He met with Ms. Bonnell, a lobbyist, and asked her—it doesn't matter who brought the subject up—if the suite was available. The information was obtained in the course of his position as an MP. In light of subsection 10(1), I have a bit of a problem with your finding.

Regarding the Dykstra ruling, did you examine subsection 10(1) which stipulates that a member shall not use information that he or she has obtained? This was, after all, information obtained in his position as a member. He met with a registered lobbyist in a restaurant and inquired—it doesn't matter who raised the issue—whether the suite was available. Your finding does not sit well with me because it will surely be viewed as a precedent. You cannot reverse your findings. What this means is that anyone will be able to hold a fundraising event in a suite at the Bell Centre, in the owner's suite that is not available.

●(1225)

[*English*]

**The Chair:** Monsieur Laframboise, I have a point of order.

Mr. Hoback.

**Mr. Randy Hoback:** On a point of order, I guess I would simply remind the member why we're here today—not to talk about specific cases but to look at the code itself.

**The Chair:** I'm going to give a little leeway here, because that is in the report. We're asking questions about the report, so I have to give a little leeway there.

Monsieur Laframboise.

[*Translation*]

**Mr. Mario Laframboise:** When you conducted your investigation, did you look at subsection 10(1)?

**Ms. Nancy Bélanger:** Let me begin by saying no. Subsection 10(1) was not at issue when we received the complaint. Even if it had been, I doubt that subsection 10(1) is relevant to the information that was obtained in a restaurant. According to the provision, “a Member shall not use information obtained in his position as a Member”. As a rule, suites are not available to the public, but the evidence shows that many charitable organizations had used the suite. Wait, just let me finish.

More importantly, we have to look at the second part of subsection 19(1). Did receiving the information further the member's private interests or those of a member of his or her family? No family member was involved in this matter. Did the information improperly further another person's or entity's private interests? These questions were addressed within the framework of section 8, which we also examined. We considered whether there had been a conflict of interest of some kind. That is the test as far as conflicts of interest go. We determined that there was no such conflict of interest. As for private interests, you have to look at how this expression is defined in the code. The definition specifically refers to a person acquiring a financial interest.

**Mr. Mario Laframboise:** I think that we do have some connection, all things considered, to our riding association. I'm all for you're trying to absolve Mr. Dykstra any way you can, but if you did not review the case on the basis of subsection 10(1), then as I understand it, a new complaint could be filed pursuant to subsection 10(1) and the matter investigated anew.



Based on the personal information he obtained, he was, after all, able to gain access to a suite that no one, except for a handful of people associated with Rogers, had access to. I won't reread the part that says you need to have dealings with Rogers in order to rent this suite. Take, for instance, the suite belonging to the owner of the Montreal Canadiens which is located right above the ice, a suite that obviously everyone would like to rent. The team's website does not advertise that this suite can be rented. Do you understand what I'm saying? It is the same thing in the case of Rogers. I get that. However, you're telling me that this event was not connected with his duties as a member and I'm telling you that when he leaves his riding and goes to Ottawa, he's working for his constituents, as I see it. If he met with a lobbyist in a restaurant or elsewhere, I have to wonder about subsection 10(1). You say that you didn't look at this provision as part of your investigation. Fine. You didn't. End of story.

**Ms. Nancy Bélanger:** Just let me be clear about one thing. I repeat, we did consider the second part of subsection 10(1) in our analysis. We also looked at whether the information was used to improperly further the interests of another person or entity.

[English]

**The Chair:** You have about 30 seconds, if you want to take it. No?

Anybody?

**An hon. member:** What, to take 30 seconds?

**The Chair:** No, to ask a round of questions.

**Ms. Yasmin Ratansi:** I have a question.

**The Chair:** All right.

**Ms. Yasmin Ratansi:** Oh, thank you, Mr. Chair.

Ms. Dawson, you've had an illustrious career. You're very well respected in your field. I'm trying to get my head around certain things, so you'll have to excuse me if I ask questions that.... You can always tell me if they are not relevant.

I look at what you have presented, and you say that some of the guidelines are stringent. But do you have sanction powers? I do not know whether you have sanction any powers.

Your title includes the word "ethics", but the word "ethics" is not used anywhere in the code. The expectations have been raised because the minister has said that now that this code is there, everything will be fine and Canadians will be able to ensure that there's no unethical behaviour.

I'm trying to figure out how you balance confidentiality with transparency. How are we able to communicate to our constituents that, yes, this is happening and that we have these checks and balances in place.

I'll bring a case that I had in front of me at OGGO, and that was Madam Guergis's case. We did not know who said what to whom, yet we were told that it was your report that made her be demoted from cabinet.

Maybe you can't say anything, but help me understand how we alleviate that confusion.

•(1230)

**Ms. Mary Dawson:** Confidentiality is very important when it involves an individual. When I'm talking about transparency, I try to make my processes and my activities as transparent as I possibly can.

With respect to Ms. Guergis, I have confirmed that there is an investigation ongoing, at the request of one of the members of the New Democratic Party—Ms. Davies, I think. And really, there's no more I can say about the other request.

Certainly, I try very hard not to, and in fact don't, divulge confidences or advice that we've given. But by the same token, I am a believer in transparency. I will say as much as I possibly can, that I want to say, in my reports. And as I said before, I've done what I can in my investigations to make observations, even if they're not specific to the actual question of whether there was a contravention.

I guess, as you say, I'm trying to balance transparency with confidentiality. The system wouldn't work if people, when they're looking for advice, couldn't trust that what they have told me in confidence would be kept confidential.

**Ms. Yasmin Ratansi:** I appreciate that. We are trying to get.... Well, I'm trying to get—I shouldn't say "we", because I'm sure other members have been here long enough—my head around this thing. The accountant in me likes to do its debits and credits. I did a gap analysis of what you can or can't do, and you have no sanctions.

So if I were a minister and I were to make the statement that Madam Dawson had this under her belt, you could not say yes or no, deny it, or say anything, because I, as a minister, gave it to you and you would have no reason to say anything. Are you that confined by stuff?

**Ms. Mary Dawson:** It depends on the question, I think. I'd have to look at each problem that was being raised with me.

I don't think I can answer that question generally.

**Ms. Yasmin Ratansi:** Fine. No problem.

Coming back to Ms. Guergis, we had asked about the Wright Tech issue. Did you have a report on Ms. Guergis and Wright Tech? Are you planning to release a report?

**Ms. Mary Dawson:** Yes. I've undertaken an investigation on that matter and it's ongoing.

**Ms. Yasmin Ratansi:** And everybody has cooperated? You said somewhere that you can't force witnesses. Are there some changes in the code that you'd like to make?

**Ms. Mary Dawson:** I can't comment on an investigation that's ongoing.

•(1235)

**Ms. Yasmin Ratansi:** No, no, sorry, I'm just asking a general question. You have asked that changes be made to the code. Would one of the things be that you would like witnesses to come before you to give their undying attention and tell the truth and nothing but? And I know you're not a court of law.

**Ms. Mary Dawson:** Generally speaking, I don't have a problem with witnesses. They're very forthcoming. I don't have a problem.

There is an issue in the code that's not 100% clear as to whether I have subpoena power. That's one of the proposals I will be bringing, where it's made clear that I do have the power to subpoena.

But aside from that, generally speaking, the witnesses are very cooperative. And the person complained against is very cooperative, generally speaking.

**Ms. Yasmin Ratansi:** Thank you.

**The Chair:** Thank you.

Mr. Weston.

**Mr. Rodney Weston (Saint John, CPC):** Thank you, Mr. Chair.

Ms. Dawson, I'm very new to this committee, and it's a pleasure to be here today to hear you bring forward comments on your report here.

I have a couple of questions and they're following along the same line as Madam Ratansi's comments around confidentiality.

In your report you do speak quite lengthily about confidentiality, and in that section you do express some frustration, I guess, to say the least. One of the statements you make that kind of jumped out at me was "This situation may sometimes lead the public and Members to surmise that I do not take requests seriously..." That kind of troubles me, I guess, to be very frank with you, the statements you make, that members might not take your requests seriously.

I guess where I'm going with this, and it's following up with some of your earlier responses around certain instances, is how do you feel? Surely you're not suggesting here that releasing information would go anywhere towards making people feel better-served by your role. And I apologize if I seem to be leading here, but I'm trying to grasp how you feel you could rectify the situation to give better confidence to the members, and the public for that matter, and still respect the confidentiality that's expected of you by the individuals in question if there is a complaint or an investigation undertaken by you.

I'll use myself, for example, as a member of Parliament. If you undertook an investigation of some situation regarding me and some information were to come out, you referred to information that's already in the public domain, but that doesn't necessarily mean the information that's in the public domain is correct. The information that you deal with is actual factual information. I guess I'm a little perplexed at this point in time by the comments, by the statement, and what you feel would be a better situation for you, as a commissioner, to be in.

**Ms. Mary Dawson:** Well, the gap that troubled me was when I don't proceed with an investigation. Somebody has rushed out to the press and said, "Okay, I've just filed a complaint against somebody with the Information Commissioner against this foul deed that somebody else did", and I get the request, and maybe there are no reasonable grounds at all given to me. I can never say anything. When I don't proceed with an investigation, I can never say there were no reasonable grounds. I can never say it wasn't within my mandate.

Those are simple statements that could be given to counter the implication that somebody was a real bad guy but that I didn't do anything about it. It's a very small hole, but I think it's one hole that

needs a little bit more room for me to be able to say something to counter—and I always couch it with it has to be in the public domain. In other words, I wouldn't rush out to say something if it wasn't in the public domain. It's to counter false statements or misleading statements that are being made. And of course I would use my discretion as to whether to do this. It would just be when I thought it was necessary.

It's a small piece, but I can make a report when I've proceeded with an investigation, I can make a report when I discontinue an investigation, but I can't make any kind of comment publicly when I don't proceed with an investigation, and sometimes it would be helpful to be able to make that comment.

**Mr. Rodney Weston:** And I'm not disagreeing with you, I'm just asking you to elaborate on it.

• (1240)

**Ms. Mary Dawson:** Yes, so that's the area.

**Mr. Rodney Weston:** Because as no doubt you're aware, just the.... For instance, if Mr. Proulx made a complaint to you about me, just the very instance that it's in the public domain that he made that complaint, people would sometimes automatically assume that I'm guilty of something that's gone before your eyes here, some sort of investigation that's undertaken, for you to determine that.

So I appreciate where you're coming from and I would look forward to some suggestions, if you want to make some recommendations. Your whole role is all about confidentiality and transparency, and to try to balance those, I don't envy you that task at all. So I certainly would like to see some sort of a recommendation brought forward that we could do something to rectify a situation from both ends of the spectrum.

**Mr. Marcel Proulx:** You seem to be a nice guy.

**Voices:** Oh, oh!

**Mr. Rodney Weston:** I have just one other question.

**The Chair:** No, your time is up.

**Ms. Mary Dawson:** Can I just respond, though?

**The Chair:** You may finish, sure.

**Ms. Mary Dawson:** It's already in the package that I tabled in March.

**Mr. Rodney Weston:** Thank you.

**The Chair:** Which you as a member of this committee will be seized with shortly.

**Mr. Rodney Weston:** Yes.

**The Chair:** Madame DeBellefeuille, you're on.

[*Translation*]

**Mrs. Claude DeBellefeuille:** Thank you, Mr. Chair.

I've read both of your reports, Ms. Dawson. I want to share with you my initial reaction to them. I believe that in order to constitute a breach of the code, the conduct in question must be very serious. In my opinion, the cases that you examined were serious. You found, however, that no breach of the code or of the act occurred. I was surprised by most of your findings. On reading your report, one cannot come to the conclusion that the members in question behaved in a way that is above reproach. For each of your findings, for instance, in the case of the use of the Conservative Party logo on ceremonial cheques, you added that you were unable to find that there was in fact a conflict of interest because the definition may be unclear.

For each case that you examined, there seemed to be elements lacking in the code or in the act to allow you to carry out your analysis fully. As an MP, I'm shocked by this. I know that our code has not been around long, in fact, only since 2007. The act has been around somewhat longer, however. I'm wondering if either the code or the act needs to be amended, to avoid such serious incidents in the future as the presentation to a municipality or to a company of a cheque bearing the logo of the party in office. How is it that this practice which, in my view, is partisan, is not prohibited under the code or act?

Everyone knows that the money at the government's disposal really belongs to the taxpayers. Right now, the party in power forms the government. Eventually, another party will take over the reins. To my mind this is a very serious breach, so I have to believe that our code and our act must be worthless. I found it quite frustrating to read that the problem stemmed quite simply from the fact that the term "private interests" is not defined clearly enough to give you enough leverage or to allow you to reach a different conclusion. Does the package of amendments that you have recommended for the code include provisions that down the road, will help you deliver stronger rulings in cases such as the use of partisan identifiers on cheques?

**Ms. Mary Dawson:** No. I examined a few elements of the code and of the act.

[English]

I'll go to English; it's easier for me.

I try to expose deficiencies in the code or the act, or problems in my.... I've taken the approach now of having observations as well as an analysis. I think that there are a lot of areas in which if members want to enhance the code or the act, they can. I've tried to shed light on areas that need further thought.

It's not up to me to make up the rules if it's not covered in the code or in the act, but I do try to expose where there are problems. In fact, when I had the discussion of the cheques in the cheques report, very shortly thereafter it was a practice that was discontinued. So it has its effect, but I can't read something into the act or the code that isn't there. I can point out what isn't covered.

I don't know what else to say. One of the big issues is what is a private interest? It's fairly narrowly circumscribed in the code at the moment.

You know, I'm commenting, I'm putting the light on things, but I can't find that there has been a contravention if there hasn't

technically been a contravention. I feel that in those cases where I did not find a contravention, there wasn't one, technically, but I try to go on to say, for example, "But this is not a good practice, and perhaps there should be some amendments."

•(1245)

**The Chair:** Sorry, Madame, but we are nearing the end.

Monsieur Proulx, you're up for maybe two to three minutes.

**Mr. Marcel Proulx:** Ms. Dawson, we'll do this quickly.

You were saying, Ms. Dawson, that you were finding that witnesses were forthcoming. I'm referring you to your investigation in the report into the doings of MP Rick Dykstra.

In your report, you wrote that it took almost three months for Mr. Dykstra to comply with your request for a list of the fundraiser's invitees. You wrote that Conservative Party lawyer Arthur Hamilton hid the extent of Mr. Dykstra's role as an organizer of the fundraiser. You wrote that it was "inappropriate" for Mr. Dykstra to be present during interviews with other players in the case.

Is that what you call forthcoming?

**Ms. Mary Dawson:** No, I said generally.

**Mr. Marcel Proulx:** I see. So in this case you didn't find him forthcoming?

**Ms. Mary Dawson:** I felt strongly enough that I made comment in the report.

[Translation]

**Mr. Marcel Proulx:** Ms. Bélanger, could you define the word "entity" for me? I am asking, further to a question from my colleague Mr. Laframboise. In the second part of this provision, it is noted that the information obtained must not be used to further an entity's interests.

Should a riding association not be considered an entity?

**Ms. Nancy Bélanger:** Absolutely.

What we looked at first in our analysis was whether or not the information obtained was used to improperly further the entity's private interests.

But you are quite right. The riding association would be considered an entity.

**Mr. Marcel Proulx:** Do you not think the riding association, an entity, improperly benefited from this contact with a lobbyist for fundraising purposes?

**Ms. Nancy Bélanger:** The report is final. I will not comment any further on the matter.

**Mr. Marcel Proulx:** Thank you, Madam.

**Ms. Nancy Bélanger:** Thank you.

[English]

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

Mr. Albrecht, quickly.

**Mr. Harold Albrecht:** Thank you, Mr. Chair.

I have two quick comments.

First of all, you pointed out in your opening statement today, as well as in your report, the process improvements that you've included. One of those is reminders to members. May I say personally that I appreciate those reminders? Because too often time goes on and suddenly you don't realize the time has elapsed.

Are there other processes to be improved similar to that which you're envisioning?

**Ms. Mary Dawson:** None come to mind at the moment. There probably are.

Go ahead, Lyne.

**Ms. Lyne Robinson-Dalpe:** Basically, over the next year we'll focus a little more on outreach, on informing members of their obligations and being more visible in your day-to-day life.

**Mr. Harold Albrecht:** That reminds me of the local police services: we are visible....

**Voices:** Oh, oh!

**Mr. Harold Albrecht:** They reduced the fear factor—

**Mr. Marcel Proulx:** What do you have against that?

**Mr. Harold Albrecht:** Nothing.

I have one other quick question on the statement regarding sponsored travel that is filed on your website. I understand that recently you've decided to include supporting documents on that as well. Is that something that's required under the code or is this simply a change that you've initiated?

**Ms. Mary Dawson:** No. I think it's required.

**Mr. Harold Albrecht:** Okay. Could you just give us an example of some of those supporting documents? What are you actually referring to? I know it's receipts and so on, but....

**Mrs. Lyne Robinson-Dalpe:** It means documents for transportation and accommodation: hotel bills and your flight. Other than that, for your gifts you receive you don't have to demonstrate what the value is. For other miscellaneous expenses, you don't have to provide supporting documents, but subsection 15(2) of the code is very explicit that "supporting documents for transportation and accommodation" are required.

• (1250)

**Mr. Harold Albrecht:** Thank you.

Thank you, Mr. Chair.

**The Chair:** Thank you.

I have no one else on the list.

I would like to thank Madam Dawson and her—

**Mr. Marcel Proulx:** [*Inaudible—Editor*]...no wonder we're not on the list, Mr. Chair.

**The Chair:** It's amazing how this works when you do it...

I'd like to thank Madam Dawson and her guests for coming here today and answering all of our questions on the conflict of interest code and also many other questions. We thank them for coming and excuse them from the rest of today's meeting.

We have a small amount of committee business to deal with if we can, please. It is the practice....

Let's suspend for a minute.

• (1250)

(Pause)

• (1255)

**The Chair:** We'll call this back to order, please. We have a small amount of committee business to do. It is the standard practice of this committee to do committee business in camera. Is that the will of the committee?

**Mr. Marcel Proulx:** We don't need to....

**An hon. member:** [*Inaudible—Editor*]

**The Chair:** We have a small amount of committee business to do. It's our standard practice to do that committee business in camera rather than in public, so I'm asking the will of the committee....

**An hon. member:** Let's do that.

**The Chair:** Let's go in camera, then.

**An hon. member:** Sure.

[*Proceedings continue in camera*]







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