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Chair

Mr. Joe Preston

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• (1110)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): This is the 80th meeting of the Standing Committee on Procedure and House Affairs. We're here, pursuant to Standing Order 108(3)(a)(viii), in a review of the Conflict of Interest Code for Members of the House of Commons.

We have with us today one of my favourite witnesses. We're always happy to have former Speaker Milliken here with us to share his knowledge, as he does and will. We know that will happen.

Speaker, you don't have an opening statement today, so we'll go directly to questions, if someone on the government side would tell me who's going first.

Mr. Dave MacKenzie (Oxford, CPC): We're worried. We don't know what he's going to say.

The Chair: Mr. Lukiwski isn't with us today to guide them through this, so Mr. MacKenzie is going to start.

Mr. MacKenzie, we have seven minutes for you. Go ahead, please.

Mr. Dave MacKenzie: I don't think I'll need the full seven minutes. I know that the Speaker is very succinct in his answers.

My question is this, Mr. Speaker. You held that role for a number of years, and in that position I'm sure you received a number of gifts, in your travels and when folks came here. Would you have reported the gifts you received to the Office of the Ethics Commissioner?

Hon. Peter Milliken (Former Speaker of the House of Commons, As an Individual): I think so. My staff looked after that stuff mostly. Was there a restriction? Did the gift not have to be of more than \$500 value before you had to report it? I think that was the case.

Mr. Dave MacKenzie: Go ahead. I like your answers.

Hon. Peter Milliken: I remember, certainly, that if it was over that much, you had to do a report. Whether it was to that office or to somebody else, I don't know, but I certainly was aware of that issue. I remember, when it happened once, that I had to make a report because of information I found out at the duty-free shop on my way out of the country. I saw in the liquor store there something I had received and I saw the price on it. That's how I knew; otherwise I wouldn't have had the faintest idea.

It's an issue, I'd say, but I thought the limit was \$500 and so if it was less than \$500 you didn't have to report. And if you did, my staff looked after that reporting.

Mr. Dave MacKenzie: I concur with everything you said, because I think the answer to my next question is a more critical one. Would receiving any of those gifts have changed your view or your role, or if you had been in the position, which I know you were frequently in, of breaking a tie, would it have influenced you in how you voted?

Hon. Peter Milliken: Well, those gifts wouldn't have, because of course these were received during visits to speakers in other countries normally, so the gifts were coming from the speaker or some other official in that country whom you met. They didn't normally have much impact on Canadian law in that sense. That was the bulk of the kinds of gifts we're talking about.

I did get some at events here in Ottawa on occasion too, but I wouldn't say that I ever felt that a gift affected my inclination to support or not support any particular bill that was before the House, if I had any say in it.

Mr. Dave MacKenzie: This is one of the issues we're wrestling with. It could be a token gift. It could be a meal. It could be some small gift left behind when you have been to events. Sometimes it's not even when you've met people. We might receive an unsolicited package, and we don't even necessarily know which organization sent it to us. It might be a variety of sample products. If we are looking at it from the point of view of the Conflict of Interest and Ethics Commissioner, does it seem logical to you, given your role here during the time you spent in this place, that that kind of thing would influence members of this House in the delivery of their duties?

• (1115)

Hon. Peter Milliken: I don't think so.

As an example, I remember that you would get invited to a lunch or a dinner or a reception organized by some lobby group or some corporation that is promoting its work or some point of policy that it's pressing the government to act on or something like that. That sometimes happens. You'd get invited to those things, and you'd go, but I don't feel that they influenced my view on the issue, unless something was put out by way of a talk or documents that were given out on that issue. But going to a reception or a lunch, where it's mostly social, I don't think has much impact on the way you think about an issue. It never seemed to for me. I don't know why there would be an argument that this is a gift that needs to be dealt with in some other way because it might influence your decision.

The limit of \$500 makes sense, because if somebody is giving you something worth that much or more, it's fair enough, in my view, that the public hear about the fact that you have received such a gift, because it may be perceived as something that was given to you to influence you and to, in effect, buy your support for a certain cause or issue.

If it's less than that—or maybe that figure is bad, but I think it's a reasonable one—and if it's something that a lot of MPs are being given, then I don't see that it has much influence on public policy. That's my view. I just didn't see it as something that affected members that way.

As I recall, in discussions with members even before I was Speaker, I never heard them say they had gone to such-and-such a party and were now going to vote for something because of what happened there.

If you went to a committee hearing and the person who had hosted the party was at the committee and gave an article that was compelling, you might be influenced, but it wasn't the social event that did it; it was the argument in evidence and testimony that was persuasive, in my view. That's what I always seemed to hear.

Mr. Dave MacKenzie: I think a number of people believe the same thing you do or something along those lines. You spent a number of years in the House both as the Speaker and not as the Speaker, and so you have had the opportunity to see the view from different seats.

It would seem logical, to me anyway, that if you were looking to influence somebody, those small things would not mean anything. Currently election spending limits and donation limits are \$1,500. It would seem that we accept that the \$1,500 is not enough to curry favour, then small amounts in bags with a bunch of samples would likewise not be. I can't think that I'm going to buy more chocolate bars because there was one in a box, or whatever—

The Chair: I beg to differ.

Some hon. members: Oh, oh!

Mr. Dave MacKenzie: You've already had enough. You're not getting any more.

We used to have the Halloween bags of candy. There was probably a good dollar value in there, but other than for staff to have an opportunity to get chocolate bars or whatever the case may be—and not all staff, Colin....

I think we sometimes get ourselves into a position in which we're in a race to the bottom, and we make some of these things pretty onerous on the members here. I'm not blaming anybody, but I think sometimes we have people making decisions or interpreting the situation who haven't had the opportunity to sit in this House and know what's expected of a member of Parliament. There are events in your riding that you'll go to when you might rather be somewhere else and likely would be except for the fact that you're a member of Parliament. Getting a gift there is not like getting a gift. Typically it's a token gift, I think.

Hon. Peter Milliken: And even if it's not, even if it's some fancy book or a fancy bottle of wine or whatever the gift may be, I think it's really important that, if it is going to be declared, you do it

because it's worth more than a certain amount. Making that figure very low will make it very time-consuming and difficult—not because you have to fill out forms but because you have to figure out what the thing is worth. If somebody gives you a bottle of wine, how do you know what it's worth? As I say, I found out on one of my trips when I was going through the duty-free. I had no idea it was worth that much money.

If you get a box of chocolates or whatever, you have no idea what the price is. It might be from some very fancy chocolatier and be very expensive. I've noticed some differences in prices of chocolates at different places. You wonder how you are supposed to declare these, if you don't know what the value is. They're not going to tell you, "This is a \$150 box of chocolates. Enjoy it." They aren't going to say that. It's just there for you as you walk out, and everyone who is there is getting one.

I think it's important to have a declaration for stuff that is very valuable, but I think it's reasonable to have the limit set quite high, just to avoid the inconvenience of going to get appraisals of all this stuff. It would be ridiculous for members to have to go to that expense, rather than saying, "I can't take this. I'm sorry, you're going to have to keep it." People like to give these kinds of gifts, and I don't know what's wrong with it, because they're not trying to buy your vote; they're just having a party. They might not give you a gift, but they might give you free food or free wine at the party. Who knows what wine they're giving you? You don't know whether it's expensive or not.

• (1120)

The Chair: Thank you.

Madame Latendresse.

I gave Mr. MacKenzie quite a bit of extra time there.

[*Translation*]

Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP): Thank you very much, Mr. Milliken, for being here today.

First of all, I imagine you received a copy of Ms. Dawson's recommendations.

Hon. Peter Milliken: I saw them, but I haven't read the whole document.

Ms. Alexandrine Latendresse: In fact, I was wondering if you had specific or general recommendations to make to the committee. Do you think that some changes to the Conflict of Interest Code for Members of the House of Commons could be beneficial?

Hon. Peter Milliken: In my opinion, big changes aren't needed. In fact, I don't know why it would be necessary.

As I have already mentioned, rules were already in place when I was Speaker of the House, and I'm certain that they haven't changed since.

Asking members to submit documents stating the value of gifts they have received is challenging. As I have already said, determining the value of small gifts they have received and that they have to report is not easy. The people who gave those things could perhaps do so. Another person might have bought similar things to give to other members.

I don't support the recommendation that members report such small gifts. Regarding high-value gifts, I think that should be done, but how can we determine what that is?

For example, when we go to a restaurant, we don't know the amount that was paid. Do we have to mention that it is mandatory for us to report the cost of the evening and that it is essential to know the amount that was paid for the meal? In my opinion, it is not necessary.

It is the same thing with embassies. I received a lot of invitations from embassies from other countries in Canada when I was Speaker of the House of Commons. There were meals and receptions all the time. Why should I have had to report the amount or the value of such meals?

They weren't hosted to try to convince me to do something for another country. Some mentioned some problems they had with Canada so I would talk about them with the minister, or something like that, but that is all.

However, it is not up to me to decide whether to change the rules.

Ms. Alexandrine Latendresse: Here is what we have understood on the thinking behind Ms. Dawson's proposal to reduce the amount for mandatory reporting. Officially, according to the current code, members are supposed to report all gifts they receive, no matter their value. According to what is written here, it is only when the value is \$500 or more that we are required to do so.

Normally, even if the amount is less than \$500, we have to report it if there's the possibility of a conflict of interest or undue influence. I do agree with you that having that obligation for too low an amount can be problematic. In fact, as has already been mentioned, it is possible to not know the value of a gift and to not have had the opportunity to know.

However, I think it is possible to reduce this amount to maintain a sort of balance. For the general public, a \$500 gift is a lot. Personally, as a member of Parliament, I would not be very comfortable with receiving a \$400 or \$500 gift and not having to report it. In any case, we don't necessarily have to decide that we have to refuse it. We would just have to report that we received a gift and ensure that the person responsible for conflicts of interest is aware and can verify that it is acceptable.

Do you have an idea of what could constitute a reasonable and balanced limit? The idea is not necessarily to report something that is worth \$5, \$10 or even \$50, but I think that \$500 is rather high.

• (1125)

Hon. Peter Milliken: In my opinion, you need to consider the formula that was applied in the past. When did we start to consider gifts of \$500? I am not an expert in this field, but if this formula and this amount have been applied for a long time—and I believe that that's the case, although I'm not sure—it would be better not to change the amount at this time.

If that amount was set 25 years ago, \$500 is worth much less now. Over the years, I do not believe that we had any problems involving MPs who received gifts of that scope. Since we almost never had problems, why should you have to declare every small gift now? We're talking about small gifts, but I don't know what the value

should be. Regardless of what it is, I wonder why it should be less than \$500 when \$500 was acceptable 25 years ago.

Ms. Alexandrine Latendresse: It's perhaps because the ethics rules have evolved over time, among other things.

Hon. Peter Milliken: Perhaps, but I don't think that it's necessary to tighten the rules all that much in this area. In fact, it will not require the MP to make a decision on a issue related to what was proposed during a reception or a meal.

Ms. Alexandrine Latendresse: One of the possible changes would be to allow citizens who witnessed something to write directly to the Ethics Commissioner so that she could launch an inquiry.

Hon. Peter Milliken: Why, to declare...?

Ms. Alexandrine Latendresse: It would be so that the Ethics Commissioner could launch an inquiry. Presently, only members of Parliament or the commissioner herself can launch an inquiry if ethics are not respected.

Do you think that the general public could also contribute to this by writing directly to the commissioner so that she could launch an inquiry, if necessary?

Hon. Peter Milliken: If she decides to do so, this decision is up to her. That being said, members of a committee like this one or other MPs could certainly share anything that they consider to be a problem with her. She could then launch an inquiry. This issue concerns her, and it's not necessarily the case for the others. It may be the case for some, but regardless, if she receives the information and decides that an inquiry should be carried out, she can do so now.

• (1130)

[English]

The Chair: Monsieur Lamoureux, seven minutes from you, please, or for you, or with you, or however.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): Thank you, Mr. Chairperson.

It's always a pleasure to see you here, Mr. Milliken.

I do have a couple of thoughts that maybe we can try to develop further.

On the issue of evolving and where we're going from here, I know we talked a lot about the whole issue of proactive disclosure, as an example, and how things have changed over the last couple of years on that particular file. There seems to be an appetite from the public to ensure that there's a higher sense of accountability, transparency, and so forth. I think in good part that's what's driving the need for parliamentarians to look at this. When I compare us to other levels of government, we're actually doing pretty well, and I think that's worth noting.

Having said that, I'm interested in your role as the chair of the Board of Internal Economy. I suspect that you might have been approached—I don't know, because I've never been on the Board of Internal Economy—and you might have had some disgruntled members of Parliament who were upset with regard to things they were not able to claim, or with things of that nature.

Can you provide us any information with regard to that sort of rapport with MPs about how they are spending their money and maybe feeling frustrated because of things being denied or because of appeals? Can you provide us with any information at all on that?

Hon. Peter Milliken: Well, I won't go into detail, because anything we got was confidential, but yes, a member submits a claim for expenses, as you all do. I don't anymore, but I did. You put in this claim, and the officials of the board and the staff of the board examine these claims and decide whether they're allowed or not, in accordance with the rules of the board.

Sometimes a member was very annoyed with the ruling from the staff person because they disallowed a particular claim and the expense was not permitted. The member would come to the board. The member would ask to appear and would come and argue that he or she should be allowed to make this claim because blah, blah, blah. The board would hear the claim and make a decision.

Mr. Kevin Lamoureux: Were there occasions when the board agreed with the member and allowed that claim to proceed?

Hon. Peter Milliken: It may have happened once or twice, but it was pretty rare. Usually the person doing the enforcing was very knowledgeable about the rules and practices of the board, so they were almost always correct. I think there might have been one or two cases in the years I sat on the board where we did allow the member's appeal and say yes, okay, in this case we will let it go because we're satisfied that it's not improper for this reason.

Mr. Kevin Lamoureux: Do you feel that it was a mechanism such that members of Parliament at least would have appreciated having the opportunity to go before the board to make their case?

Hon. Peter Milliken: Yes, and I think it was important that we allowed that. Some members get themselves into difficulty with things that go on. I won't tell you the details, but I remember a case where a member had to pay back a whole lot of money. The board said that the member had to pay back the money. The member had made a big mistake and obviously hadn't read the rules in the manual, and the person who had allowed the claim, for quite a number of years, in fact, hadn't realized certain facts that were evident in the document, because all the facts weren't there. A mistake had been made, and the member had to pay for it.

Yes, you could say the member was at fault because he hadn't read the rules, but on the other hand, the officer didn't realize who was who on the claim form either. There was a mix-up and it led to real difficulty, and the member had to pay back a whole lot of money.

But the board heard the appeal and had the discussion with the member. I wouldn't call it a happy discussion, but it did happen, and the reason for it was made very clear.

Mr. Kevin Lamoureux: Mr. Fraser, the commissioner from B.C., came and made a presentation to us. He talked about how he welcomed participation from the party apparatus in terms of the caucus. I believe it was the party whips.

Because you've worked in an all-party atmosphere where there is a sense of cooperation, could I get your insight? Do you feel that there would be any benefit to encouraging the commissioner to meet jointly, not individually, with the caucus chairs, for example, or with the party whips of all three parties just to review and have that

informal discussion? Do you see any value to something of that nature?

• (1135)

Hon. Peter Milliken: Possibly, or with the board; the board does make a lot of the rules governing members' pay and benefits and all that sort of thing. They might at some point be interested in forcing declarations, if you like, from members as part of the bylaws of the House on gifts or something. The board does have all-party representation there, so it would be a useful group, in that sense, that they could talk to.

Mr. Kevin Lamoureux: One of the examples he made reference to was the fact that someone was actually quite upset with the decision he had made. Ultimately it was passed off to another commissioner in another jurisdiction just to provide input.

Is there any value whatsoever in providing a member of Parliament the opportunity to appeal? How do you provide that sort of an opportunity? Maybe it's to the caucus chairs, or the party whips, so that they can raise it in that general discussion.

Hon. Peter Milliken: Do you mean the decision of the commissioner?

Mr. Kevin Lamoureux: Yes. Let's say the commissioner makes a decision saying, no, you can't accept x because it would appear to be a conflict. In camera a lot of MPs came forward indicating situations that had arisen in which they weren't necessarily comfortable with the ultimate decision. But there is no appeal, per se.

Hon. Peter Milliken: Right. I can see where you might want an appeal, or at least in some cases you'd think there might be some reasonable disagreement as to whether or not disallowing a gift because it apparently creates a conflict is something that might be argued about. I can see that, especially if it's a fairly small one.

I can see why there might be some desire for an appeal on it, but I haven't heard of any problems with this issue, at least with these issues at the national level. When I was here, I don't remember hearing particular complaints or anything from the commissioner, and certainly not from members about what the commissioner was doing. It was fairly low-key and non-controversial, as far as I'm aware. But I don't pretend to be an expert in this area.

Mr. Kevin Lamoureux: You have some first-hand experience in terms of working with independent officers of Parliament. If you reflect on those types of discussions, do you think they could be intimidated by having informal joint meetings with House leadership, whether it's the caucus chairs or party whips or something of that nature?

Hon. Peter Milliken: Do you mean on an annual basis or something?

Mr. Kevin Lamoureux: I mean on an annual informal basis.

Hon. Peter Milliken: No, I don't know why that would be difficult for them. I think they'd probably enjoy it.

I did have an annual lunch or dinner with the group of them when I was Speaker. I think that's about the extent of my involvement with them. But sure, I can understand why it might be useful to meet with people who are dealing with members and who are advising members on stuff like this, because members sometimes go to the whip and say, "Hey, is it okay that I keep this gift that I was given by so-and-so?" when it's a big issue that they're talking about in our party or whatever. I can see why it might be useful.

The Chair: Thank you, Mr. Lamoureux.

Mr. Reid, you have four minutes, please.

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

First of all, I'm very glad to have you here, and I'm glad the bells aren't ringing. Thank you for your persistence in coming back here, notwithstanding the impediments we have thrown in your way.

Mr. Lamoureux's questions caused us to drift a little bit away from the MP code of conduct and into the operations of the Board of Internal Economy, but it makes me think of something that is worth stating. In dealing with the Board of Internal Economy, there have been issues that have arisen that I've had to ask questions about. In fact, when you were Speaker, I remember sending a number of these questions through you. You passed them on. Also, in dealing with the commissioner and her interpretations of the MP code of conduct, the thing that is most beneficial is having nice clear lines and being told that you're either inside or outside the line. You may be close to the line, but you're either inside or outside, and that clarifies the matter.

Because as uncomfortable as it may be to have to pay back some expenses that you thought were okay, it is a great deal better to have that decided by a board and then to just get on with business than it is to have that decided as the result of a public embarrassment, which has the same financial result but a whole series of other problems, which as elected people we all understand. I just throw that out as an observation.

I want to ask you this question, though, relating to the problem of clear lines. I'm turning now to the conflict of interest code that is in the appendix to the Standing Orders. I think you're the only person in this room other than me who was actually in Parliament when this came into effect under the Chrétien government.

I have the sense that the drafters of this code made what amounts to a drafting error. That is to say, they took items that should have been in a sort of preamble, such as "whereas we want to seek the highest levels of conduct for members of Parliament, therefore the following apply", and they included these sorts of preambular statements, which were grandiose and aspirational but also undefined, as operational parts of the code.

I'll give you an example from subsection 14(1): Neither a Member nor any member of a Member's family shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office.

There's no definition of value, so any number—right down to zero, presumably—counts. Later on, under one of the subsections of this particular part of the code, we see that you have to disclose only

if the gift is valued at \$500 or more. You can see the obvious incompatibility of those parts.

I'm just wondering, because you oversaw the operation of this for some time, whether I am the only one to identify this. Or was this a problem you saw arising during your tenure as Speaker?

• (1140)

Hon. Peter Milliken: I don't remember it being a problem. I didn't hear about it.

As I say, I was aware of the limit on gifts over \$500, which you had to declare. To me, that was not that unreasonable. If a gift is worth that much money, you should—

Mr. Scott Reid: No, it's the other way around. I certainly think we can all agree that \$500 is, if anything, a high limit. The question is, if we have a situation in which we're not supposed to receive a gift at all, but we're not required to declare it unless it hits this larger amount. The basis on which you accept or reject is the motivation of some third party that gave it to you, not your own potential passing of some objective standard.

Hon. Peter Milliken: I must say I was unaware of this restriction on receiving gifts, because it was something that was always happening. Before I was Speaker, I'd go to a reception and it was free. There were sometimes two or three in one evening. Free food was offered at the receptions. There were nibbles; you'd eat stuff, and you might eat enough that you didn't have to go for dinner. This sort of thing goes on big time in Ottawa, and I was unaware that you weren't supposed to receive this kind of gift. I thought it was just standard practice that happened in this city, in Parliament. People want to get parliamentarians out to talk to them, to try to persuade them to look at some issue and deal with it in a different way or to do something about it to fix the problem, or whatever. They do it over a social thing, and they might give you a little booklet or something at the end that sets out their position, or a bundle of papers that set out their position. How much are those worth? I haven't the faintest idea. I wouldn't think much. Often I'd go home, skim through them, and chuck them.

You get all kinds of things like that, and they come to your office and leave you a package of paper stuff, and sometimes now discs with things on them. In my view, that's not something you need to have appraised and then declare as a gift. To me, it's fair enough that people want to give you something to remind you of what they did or remind you that you were at their event or that they want you to read something about what they're doing. I don't know why you'd have to declare that or why you'd have to worry about the value of it, unless it was over \$500 or some fairly high figure. Then you would have to declare it, because you'd be getting something that presumably you could sell or otherwise dispose of, unless it was a hugely expensive meal or reception you'd gone to.

The Chair: Mr. Scott.

Mr. Craig Scott (Toronto—Danforth, NDP): I'll pass.

The Chair: Madame Latendresse.

• (1145)

[Translation]

Ms. Alexandrine Latendresse: I have a question about the recommendations made by Commissioner Dawson to regulate partisan conduct. I think that, in general, this could be quite difficult to do. Do you believe that it would be possible or necessary to establish a particular provision in this respect in an ethics code like the one that we are currently assessing?

Hon. Peter Milliken: I don't know why she proposed something like this. In my opinion, these statements are not really partisan, unless the whips issue a directive to all MPs to declare or not declare that they attended certain events, or anything else.

If the basic amount for declarations is \$500, in my opinion, there would be no partisan component because the amount is normally obvious and everyone must declare that. It's possible that one party realizes the value of a gift and another hasn't understood it. That could seem a bit partisan, but if that's the case, there would need to be an indication that everyone else must file the same declaration, because they have received the same gift.

Ms. Alexandrine Latendresse: I would like to clarify one thing. In fact, it was not a recommendation about gifts or declaring gifts that are received. Rather, it was about a possible change to the code of conduct in general, to manage MPs' behaviour, and to try to avoid having MPs act in an overly partisan manner in some situations.

It was supported by certain witnesses who appeared before us. Others said that it wasn't necessary to do that or that it would be too complicated or that partisanship was really an intrinsic part of our parliamentary system.

Since you are a former Speaker of the House, who is obliged to be neutral, I think it would be interesting to have your opinion on that.

Hon. Peter Milliken: I'm surprised that such a problem existed. I hadn't realized that. The rules apply to all members from all parties. This proposal aims to strengthen the rules that are applied to everyone, not only to one party.

I'm a little bit surprised that there is this partisanship. An MP might know something that was done to an MP from another party. Maybe there is partisanship because he indicated to the commissioner that it was another party who arranged things rather than another MP. I don't know.

In my opinion, the position is not a partisan one and the work is not done in a partisan fashion either. The idea is to determine if the declarations are correct and if the rules are applied fairly to all MPs. In my opinion, the system is working quite well in that respect.

Ms. Alexandrine Latendresse: I'm finished.

[English]

The Chair: Mr. MacKenzie.

Mr. Dave MacKenzie: Mr. Speaker, when you sit here and listen to the questions, sometimes I'm sure it begs the question, "How did we get here?" It seems we developed a code of conduct and now we want to build on it. But I don't know that any of us have heard of problems with the existing code of conduct. Sometimes I think we create our own problems when we add something that may not have needed to be there.

One of the things you maybe heard today is that the "public" wants. You've been out of this House for three and a half years, or a little longer than that now. Have you heard the public clamouring for more openness from members of Parliament, in what they do and what their personal life is?

Hon. Peter Milliken: No.

Mr. Dave MacKenzie: Do you know of any other body that must list all of their assets and debts in excess of \$10,000 in a public document?

• (1150)

Hon. Peter Milliken: No—but then I don't enquire about that. I certainly haven't had to do it anywhere else.

Mr. Dave MacKenzie: My suggestion to you is that members of Parliament are open about a great deal of things in a more open fashion by legislation than most other bodies are. I don't know whether or not the judiciary are in that position, but many of us in this place have no direct influence on what occurs with respect to commerce. We may have collectively, but not on an individual basis. I think sometimes we get ourselves thinking too deep into some of these issues.

In your comments with respect to the \$500 and that being brought in, I think it was more like 12 or 14 years ago. Instead of it going down, maybe we should be looking at it moving up. It's because we get "introverted" into this whole thing that we think, well, we have to get lower and lower. Maybe that's not the real answer. If we haven't had problems, I'm not sure what we're trying to fix.

I look at you as having been non-partisan in the time I was here. You were elected in that role by all parties. Even when your party wasn't government, you were still elected as the Speaker. You've had the opportunity to see things from a broad view. The dealings you talked about with the Board of Internal Economy would be totally different in this scenario, and yet it might have been a conflict situation or been detrimental to the code of conduct. But it's not in this: it's in dealing with the Board of Internal Economy.

After all that time you sat there, and having had four years away from it to ponder it—I'm sure you spend every day thinking about it

Voices: Oh, oh!

Mr. Dave MacKenzie: —would you have suggestions that we might look at, or would you suggest that maybe leaving well enough alone is the answer?

Hon. Peter Milliken: I'd certainly say that leaving well enough alone is the answer. I thought the system worked fairly well. There were almost no complaints or big issues that I recall when this was brought in and went into operation in the House. I thought the reporting system seemed to work quite well. Of course, I have no knowledge of the details of it, but to me it was fair and equitable. I presume that if a member didn't report something that they should have, they would hear about it, and it then got reported.

I think the system works quite well. I think the public frankly doesn't need all this information, because for the receptions that members are invited to, and the big meals and dinners that there's a big crowd at, there are more than just MPs there. There are usually some media people, so they can be aware of who has attended. If they wanted to make a list, they could do it.

I don't think the organizers of the event are worried about keeping secret the list of those who attended. That's certainly my impression. It's a fairly public thing. You're given a name tag. The name tags are all sitting there at the beginning of the event. If somebody is really determined to find out who went, they can go and look and at least find the list of people who accepted an invitation, because their names are on the tags. As to whether or not they show up, who knows?

But it's not a secret sort of networking thing. It's quite public, in my experience. When I'd go to an event, I'd normally run into colleagues from other parties at it. You could have a chat and mix and mingle. Sometimes you didn't even speak to one of the lobby people, if you can call them "lobby people", the people who were the hosts organizing the event and trying to get members onside for something, if that was the purpose of it. You shook their hand at the door, and then you were just talking with other MPs for most of the evening. You might hear a speech, but that's it.

I just don't think it's something the public should be worried about. Yes, people like to lobby members, but members of the public can come and have an appointment in your office and meet with you and tell you what they think about something. Do we say that's bad? No. It happens in constituency offices all the time. Members of the public get upset about some issue and they come to see their MP and talk about it, or they talk to the staff. It may or may not have any impact on what you do in terms of your voting on the bill in question or pushing the matter with the minister or whatever, but they get their point across. It makes their day. If they leave a package of something for you, such as a book to read on the subject, is that a gift that you then have to declare because they want you to read this book?

As I say, I think having the stuff... We give things away too when they're there: papers, *Hansards*, and all kinds of stuff that we give out. Does that count as a gift? Is that something we should be putting in as an expense? I don't think so.

We're in a public relations work environment, where you have to deal with people with differing views. You're going to meet them in different places and different circumstances. Some of these will be absolutely free of cost because they'll be in your office—aside from the rent, and you're not worried about that expense—and at other times it'll be at a reception or a bar where somebody's going to pick up a meal, or a lunch, or a beer or whatever. I don't think that's something we need to worry about reporting to the public, to be honest, because other people in other jobs are doing exactly the same thing, and they're not making those reports.

I think as members of Parliament we give away a lot of information in terms of our personal financial situation, and of course all the expenses of the office are monitored by the board, and our salary is public. I feel that the House does a very good job of putting out what's necessary for the public on these matters.

•(1155)

The Chair: Mr. Richards.

Mr. Blake Richards (Wild Rose, CPC): I have a couple of quick questions, mostly to just follow up on some of the stuff you've already had a chance to address. I think you've made fairly clear your position on the idea of gifts and reporting and some of these receptions and things like that.

I want to get a sense, because, obviously, in your role as Speaker, in some of the delegations you've been part of and things like that, you may have received more gifts than a typical member of Parliament might. Obviously, there has been some discussion about the appropriate reporting level for those gifts. Currently, as you know, it is \$500 and there's been some discussion about lowering that. You've cautioned against making that too low, simply because of the administrative burden doing that would likely put on both members and the administration.

I'm trying to get a sense, and I know it wasn't something that you had to think about often. You mentioned the one instance in which you didn't see something, and you were surprised that it was over that amount. What would you say would be the average value of a gift you might have received in that regard? Do you think that lowering the level to \$200 or \$250 would then create a higher burden?

Right now with the level at \$500, as you say, it probably would be something that you wouldn't have to give as much thought to, because not a lot of gifts you would receive would be of that value. But if it were at \$200, all of a sudden the administrative burden would change in terms of trying to determine the value of a gift, because many dinners can have a ticket price of that value, or if you're talking about a bottle of wine or a book or a painting, that dollar figure could be a little closer to what might be typical.

I'm trying to get a sense of the typical value of something you might have received and whether you think having the value at \$200 rather than \$500 would create a far bigger administrative burden or not make a lot of difference.

Hon. Peter Milliken: I'm sorry, I just don't know, because I never had appraisals done on these things. As I said, for this bottle of wine, I saw the price in the duty-free store and it was \$497 in the local dollars, so I figured it had to be worth more than \$500 in Canada if you had to pay that much to get it from there to Canada along with the markups we put on these things and taxes, so I had the bottle of wine declared.

I had no idea that the wine would be worth that much. I've received other bottles of liquor, lots of them, and I assume they weren't worth more than \$500, because I've not heard of scotches selling for more than \$500, at least not a few years ago. I know the prices have gone up for some or for vodka—

Mr. Blake Richards: I'm sorry to interrupt. Obviously, you indicated that you didn't often feel the need to check whether something had a value over the \$500 barrier. Would you more often have felt the need to check whether some of the gifts you received had a value of more than \$200 or \$250?

•(1200)

Hon. Peter Milliken: I probably would. I don't know what liquor prices are like. I don't go in and buy all that much hard liquor, so I'm not familiar with the prices.

But I'm sure the prices of some of these scotches now, from what I've been reading in the catalogues, are very significant. A lot of the gifts were that, but then there were other things you received like a little sculpture or a silver bowl or a clay thing. How much do those cost? I haven't the faintest idea and you'd have to go to the country where the thing was given to you to get the cost, really, because if you were bringing it home you would declare it at the value of the purchase price in that country.

When I was Speaker, I don't think I had to declare official gifts at the border. The staff had some way of saying these were official gifts, and that was that. We didn't know what the value was and we never had to find that out. How would you say to the donor, "How much does this cost? I have to tell somebody"? It's a real issue. So I'm not sure what the values were for a lot of these things. Just looking at them, I'm assuming they weren't more than \$500. My staff may have done some investigating on their own while we were there, just to make sure, but I'm not totally aware of that, and I just don't remember if we had other declarations.

I'm sorry, I'm not in a good position to help you with it, but, certainly, in my view, if the figure were lower, you'd have to do a lot more appraisals. You don't expect people to be giving you gifts that are worth that much either. I was shocked that this bottle of wine was that expensive.

Mr. Blake Richards: Thank you. That was very helpful.

The Chair: Mr. Christopherson, maybe you can finish this off.

Mr. David Christopherson (Hamilton Centre, NDP): Thanks very much, Mr. Speaker, for being here. It's always enlightening to have you here, not only as a Speaker but also as a student of Parliament and history.

Of course, you know better than most that our form of democracy is one of representative democracy. Therefore, it always seems to me that when we're talking about these kinds of things, the one player who's missing at the table is the public. The concern is that this can look awfully clubby to non-politicians, to the public, who say, "Isn't it convenient that the members of the club get to write the rules for the club, decide what benefits the club can have, and then decide all the procedures for confirming them?" From the outside looking in, it tends to look a little different. Then, of course, there's the commissioner's perspective, which is unique because of the expertise and the properly narrow focus of their concerns. Then there are the members of Parliament themselves.

In terms of process, can you give us any suggestions on how we might involve the public? This is recognizing that there isn't an obvious body, that I can think of, to which someone can go and ask that somebody be sent. Given that we're the ones who are elected to be the representatives of the public here, it's not straightforward as to how we would cover that off. It seems to me that it's critically important that at some point there be that perspective in developing this. Beyond just passing judgment at the end of the day on what

we've concluded, could there actually be some input, some opportunity, for that public view from the outside looking in?

Given all your experience, do you have any thoughts on how we might be able to cover off that critical perspective? At the end of the day, that's the perspective that matters the most. Does the public believe that their elected representatives are creating proper rules and adhering to the rules, and that those rules reflect the priorities of the public and not just of the members of the club?

I'd like your thoughts on that, sir.

Hon. Peter Milliken: Well, you could do that, but it might be useful for members, or candidates for election, to have meetings with members of their parties locally to discuss how the House operates in terms of reporting members' expenses, reporting members' salaries, reporting gifts that members receive, and all that sort of stuff. Have somebody do a presentation on how this is handled, how it's done, and see if they're happy with it. The trouble is that we get a view from the media, who go after one issue.

A bunch of members went on a cruise, let's say.

An hon. member: A cruise?

Hon. Peter Milliken: I'm just making this up. The cruise was on the St. Lawrence Seaway and it was an overnight thing. They were on this vessel, and they were treated to dinner and breakfast. It has to be worth more than \$200, let's say. Maybe it's worth \$500. Do they declare it as a gift? Do they have to declare it as a gift?

This kind of stuff could be discussed at a meeting like that. If changes in the rules are needed because some opportunity like that is given or a gift like that is given, then sure, maybe the public should have some knowledge of it. Maybe it should be declared if it isn't already required to be declared. It's that kind of discussion, I think, that could happen on this and should continue to happen.

All I'm saying is that I don't think you need to lower the value to \$200, \$100, or \$30 for declaration purposes. It's stuff like that. I don't think the public is that concerned about little gifts that various organizations give to members in the form of maybe a book, maybe a paper, maybe a meal, maybe a reception, maybe a bottle of wine, maybe a photograph album, or whatever it might be. I think we need to say that there are rules in place and that members can't accept a gift of more than x without declaring it, so the public hears that they got that.

I think most members of the public would say, "That's fine by me. I don't want to hear that you went to a reception and had a glass of wine and a piece of cheese and spoke to the people there".

•(1205)

Mr. David Christopherson: Well, it depends on the temperature of the cheese.

Voices: Oh, oh!

Hon. Peter Milliken: True, too true.

Mr. David Christopherson: Thanks, Chair.

The Chair: Speaker Milliken, it's always great to have you here as a guest. As usual, you've left us with maybe more questions than answers, but that's what you're good at, so it's fantastic. Thank you.

Hon. Peter Milliken: Thank you for having me.

The Chair: I'd love to find the day when this committee got all the answers it needed at the end of the day and just had to write them down on paper, but that's not how it works. You know that because you've been in this chair too. We thank you for coming. I'm certain that this committee will have you here again to take the expertise out of your brain whenever we can. Thank you.

Hon. Peter Milliken: Thank you very much.

The Chair: We'll suspend for a couple of minutes and go in camera.

[Proceedings continue in camera]

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