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# Standing Committee on Procedure and House Affairs

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Chair: The Honourable Bardish Chagger





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• (1100)

[*English*]

**The Chair (Hon. Bardish Chagger (Waterloo, Lib.)):** Good morning. I call this meeting to order.

Welcome to meeting number seven of the House of Commons Standing Committee on Procedure and House Affairs.

The committee is meeting today to continue our review of the conflict of interest code for members.

I would like to remind all participants that no screenshots or photos of your screen are permitted. Given the ongoing pandemic situation, all those attending the meeting in person should be adhering to the public health guidelines. There is no one who is joining us here for the first time, so I will not go onto the details so that I can ensure that we can maximize our time with our guests.

I will ask that all comments and responses be made through the chair. The more that happens, the less I will interrupt, and then we can maximize our time here together.

We have our Clerk, Mr. Charles Robert, as well as our Law Clerk, Mr. Philippe Dufresne, joining us today.

Combined, you will have 10 minutes for your opening comments, so I will pass the floor now to you.

[*Translation*]

Welcome to the Standing Committee on Procedure and House Affairs.

**Mr. Charles Robert (Clerk of the House of Commons):** Thank you, Madam Chair.

I'm here today accompanied by Philippe Dufresne, law clerk and parliamentary counsel, to contribute to your committee's review of the conflict of interest code for members.

The House of Commons, as part of its parliamentary privileges, possesses the exclusive right to regulate its own internal affairs. The House's right to discipline its own members for misconduct is closely related to this right and to its authority to maintain the attendance and service of its members.

The conduct of members is regulated in part by the conflict of interest code for members in appendix 1 to the Standing Order of the House. The code has been adopted by the House as an exercise of its exclusive right to govern its internal affairs, as I said.

As well, the Conflict of Interest and Ethics Commissioner carries his functions within the institution of the House of Commons. He

enjoys the privileges and immunities of the House and its members when carrying out his duties under the code and the Parliament of Canada Act.

[*English*]

If the commissioner, following an inquiry under the members' code, concludes that a member has deliberately contravened the conflict of interest obligations set down in the code, the commissioner may recommend appropriate sanctions. The member is then subject to the disciplinary powers of the House, if the House chooses to take action.

The House administration has reviewed the code and we have identified a few procedural and legal elements in it that could be examined and addressed by this committee as part of its comprehensive review.

I will now turn it over to my colleague Philippe Dufresne, who will walk the committee through the House administration's specific recommendations and observations.

• (1105)

[*Translation*]

**Mr. Philippe Dufresne (Law Clerk and Parliamentary Counsel, House of Commons):** Thank you, Madam Chair and committee members.

As law clerk and parliamentary counsel to the House of Commons, I'm pleased to be here with the committee members to answer their questions about today's topic.

As the clerk of the House of Commons said, the House administration reviewed the code and identified a few procedural and legal elements that could be examined and addressed by this committee as part of its review.

First, section 28 of the conflict of interest code for members addresses the treatment of a commissioner's inquiry report in the House of Commons.

It's understood that the elements in this section continue to apply notwithstanding a prorogation or dissolution of Parliament. This can raise some questions regarding the timelines set out in the code. Consider in particular the right to make a statement within 10 sitting days of the tabling of an inquiry report and the timeline of 30 sitting days to dispose of the commissioner's report in the chamber.

The committee may want to consider whether these timelines should start anew in a new Parliament. This would provide a member who's the object of a report the opportunity to make a statement in the House to the members who will ultimately vote on the report, not the members of the previous Parliament.

Another related issue is whether and how the provisions of the code could be adjusted to deal with an inquiry report when the member involved is no longer a member at the time that the report is considered in the House. An example would be if the member has stepped down or hasn't been re-elected following a dissolution.

It should be noted that there are provisions for this issue in the code of conduct for members of the House of Commons: sexual harassment between members.

[*English*]

Second, there might be an interest in clarifying the process that applies to the House's debates on a commissioner's inquiry report. The code provides that in the case of a report that has found a contravention, the debate on the report is limited to two hours and each member may speak only once and for a maximum of 10 minutes. However, where a commissioner's inquiry report has found no breach of the code, there's no similar time limit, and the code does not address members' participation in the debate, which can have the perhaps unintended consequence of resulting in a longer debate. The committee may wish to look into this issue to assess whether there are good reasons to treat these types of reports differently in the chamber.

Another issue that this committee may wish to look at is the effect of the House's concurrence in a commissioner's inquiry report that contains recommendations. As set out in the code, the commissioner may recommend appropriate sanctions, in his inquiry report, if he finds that a member has contravened the code. The commissioner may also include general recommendations regarding the code itself.

To avoid the risk of ambiguity as to whether the commissioner's recommendations in a report automatically become orders of the House following concurrence in a report, the committee may wish to examine whether provisions around the effects of adopting of a commissioner's report ought be clarified.

[*Translation*]

Finally, sections 31 and 31.1 of the code suggest that documents received by the commissioner in the pursuit of his mandate under the code, including as part of an inquiry, may be subject to production following a court order.

Given that the mandate of the commissioner is rooted in parliamentary privilege and the commissioner enjoys the same privileges of the House in carrying out his duties and functions under the code, the commissioner's documents wouldn't be compellable by courts. These provisions in the code could raise questions about whether the House intended to limit its privileges in this area.

It should be noted that the proceedings of a committee or the Board of Internal Economy examining the conduct of a member are exempted, as parliamentary proceedings, from disclosure to a court or other body and couldn't be used as evidence due to parliamentary

privilege. The same should arguably apply to the commissioner's proceedings. If the committee wishes to address this issue, it may want to know the commissioner's perspective and relevant experience.

[*English*]

Regarding another matter, in October 2018, the commissioner published an advisory opinion on the provision of intern services to members by third parties free of charge. In his opinion, the commissioner stated that interns provided to members free of charge by a third party "are not volunteers" under the conflict of interest code because they receive a stipend or are paid by the organization that placed them. Therefore, the commissioner found that such services constitute a "benefit" under the code, a service or property that is provided without charge or at less than its commercial value, other than a service provided by a volunteer.

● (1110)

In sum the commissioner found that it was not acceptable for members to benefit from the services of interns provided to them free of charge by a third party if: the organization placing the intern is registered to lobby the House; or the member has or may have official dealings with the organization placing the intern now or in the future.

The commissioner added that even if it is acceptable for members to accept the services of interns provided by third party organizations free of charge, they are still required to "report the benefit within 60 days after the start of the internship".

At its meeting of December 6, 2018, the Board of Internal Economy considered the commissioner's advisory opinion. In a letter to the commissioner dated December 21, 2018, I indicated that in my opinion the provision of interns by the parliamentary internship program is consistent with the code in accordance with the commissioner's advisory opinion, provided that the members using such interns are not likely to have official dealings with the organization and they report the service within 60 days after the start of the internship. I confirmed that the House of Commons would therefore continue to work with and support the parliamentary internship program in its mandate.

Given its review, the committee might wish to consider the issue of whether and to what extent the provision of interns to members of Parliament free of charge, as had existed prior to October 2018, ought to be permissible under the code.

Additionally, at his appearance before the committee last week, Commissioner Dion presented six recommendations for possible amendments to the code. While we have no specific comments on the recommendations, we're happy to answer any questions on any implications they might have for members.

Thank you to the committee for the invitation. We're happy to answer any questions you might have.

**The Chair:** That's excellent. Thank you so much for those opening comments.

I will just remind everyone that within this chamber the verification officer will turn on and off our mikes, and anyone participating online will take care of their own mikes.

We will now enter round one, six-minute rounds, starting with Mr. Barrett, followed by Mr. Turnbull.

[*Translation*]

Mr. Therrien will be next, followed by Ms. Blaney.

[*English*]

You have six minutes on the topic of the review of the conflict of interest code for members of Parliament.

Mr. Barrett, the floor is yours.

**Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC):** Thanks very much, Madam Chair.

Through you to our witnesses, my thanks to them for appearing today to help us as we work on our review of the code.

Through you, Madam Chair, you mentioned, Mr. Dufresne, that you reviewed the recommendations made by the commissioner last week and didn't have specific recommendations. I'm not sure if you had the opportunity to also observe or review the transcript of our meeting. There was a great deal of discussion on two items in particular, and I'm just wondering if, through the chair, you could give us your interpretation or recommendation.

One is with respect to the definition of "family". There was a great deal of discussion on the definition of family. If it's extending to first cousins, for example, or to nieces and nephews, we can see that the further you extrapolate, the more challenges that will present for members even in wanting to comply with the spirit of the code and being unable to do so. Also, I think one of the members raised this for their brother; they're not comfortable seeking their brother to disclose their financial dealings or personal interests. By virtue of that, it would be hard to say that the dealings of their brother would impact their ability to do their job. Obviously, more clarity is needed there. Certainly, it needs to be clear.

The other item that I'm wondering if you wanted to speak to if you have a moment is the question of the threshold. There was talk of a threshold of \$30 or \$50, or of \$170 for a painting or up to \$200, as to whether it is acceptable or it is not. The context was that of gifts from people who lobby us or in having a ticket to an event or food at a reception. I think it's really important that we have robust rules that ensure the integrity of members and their ability to discharge their duty as parliamentarians, but we need to set members up for success, as people who want to comply with the spirit of the rules and want to be transparent. We don't just want to catch people out. I think that's important.

On the question of the threshold for gifts, and also on the question of family, I would be interested in your advice to the committee, through the chair, based on our discussions to this point.

**Mr. Philippe Dufresne:** Sure. Thank you.

Through you, Madam Chair, on the issue overall, some of the comments and other remarks that we would make are that in considering any recommendation or any potential change, I think it's important to consider the roles of the members, the nature of the role of members and the implication and impacts of any given increase in obligations and follow-ups that would be required. What will it mean? Will it be practicable? Will it be justified in terms of the concern that it is meant to address?

In terms of the definition of "family members", the commissioner indicated that the goal was, as I understand it, in part to harmonize with the definition that the Board of Internal Economy has adopted. I think it's important to look at the purpose and the impact of the definition. The Board of Internal Economy's by-law for members is dealing with different things, the same as the Conflict of Interest Act is in dealing with ministers. The board has adopted a broad definition of "immediate family" for the purpose of indicating with whom a member may not contract and who a member may not hire. The obligation is on the member.

In terms of the code, there are other obligations, as you indicated, in terms of disclosure—disclosing the financial assets and so on. A broad definition like that would have different impacts and broader impacts. I understand the commissioner's recommendation, though, to be only with respect to furthering a person's interests. If this committee decides to adopt it, they would have to make sure that it's not expanding that for purposes that would go beyond the needs.

In terms of the gift rule, I think the weighing that you would do as a committee is in establishing: Is this justified? What kind of onus will this put on members in terms of assessing the value? Is it going to be manageable? Is going to be resulting in an obligation that is so great that it is higher than needed?

● (1115)

**Mr. Michael Barrett:** I appreciate the response very much. I think we have to take a look at what the reality in 2022 is of some of what we face. I'm sure that as costs have gone up and there's a lot of talk about inflation, a visit to a reception by a lobbyist could trip you up, and whether or not a sandwich at a reception is something that a reasonable person would deem unacceptable is certainly problematic.

On the point with respect to the employment of family members, obviously that's something.... If you didn't know that someone was your sibling, there would need to be a reasonableness test applied to that, of course, but harmonizing those recommendations is important, as is understanding that in the act there is a higher threshold for ministers and designated public office holders than there is for members. I think that distinction is important.

I appreciate your comments on that.

Thank you, Madam Chair.

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

Now we will pass the floor to Mr. Turnbull for six minutes.

**Mr. Ryan Turnbull (Whitby, Lib.):** Thank you, Madam Chair.

Thank you to both witnesses for being here today. It's a pleasure to hear from you, as always.

I have numerous questions, as always. I want to start with this one. It relates to section 27 of the current code, "Request for an inquiry". I see a challenge here. One of my concerns that's come up throughout the last Parliament and continues within this Parliament is that the conflict of interest code seems to be at least vulnerable to being used for political purposes from time to time.

Subsection 27(1) stipulates that a member can request an inquiry. That inquiry has to have some "reasonable grounds" for contravention of the code. When you look at subsection 27(2.1), "No public comment", it really stipulates that members who have filed for an inquiry or have made a complaint about another member cannot make public comment, but it's really only until 14 days have elapsed.

In fact, although the Ethics Commissioner needs to look at whether or not a complaint or inquiry is merited, whether or not it is reasonable, this allows members of Parliament to, if they so wish, go out into the media and claim that they've made a complaint when there is no reasonable grounds to justify the complaint. This opens up the code, I believe, to being used for political purposes, which is not the spirit of a conflict of interest code. That does not enhance public trust.

I wonder, Mr. Dufresne, whether you think there could be some adjustments made there to prevent the code from being used for political purposes.

**Mr. Philippe Dufresne:** I don't have a specific recommendation on that point. I think this is the balancing that the code needs to achieve and that this committee needs to achieve and consider in terms of having a process—a process that's accessible, a process where there's no chilling effect on the raising of issues—but at the same time understanding the context in which this is taking place with members of Parliament in a very public sphere, with public reputations. What would be the impact of the mere filing of a complaint?

Now, the code does provide that, at the end of the day, there can be some filings in terms of whether a complaint is frivolous or vexatious, so there may be some remedy there in terms of findings at the end of the day. But that is the challenge in terms of whether and to what extent you will be limiting the ability of members to speak.

• (1120)

**Mr. Ryan Turnbull:** Just to follow up on that, Mr. Dufresne, I want to ask you, through the chair, if this is regular practice within the law. If you make an accusation of someone being in contravention of something, or having broken the law in a legal case, you're not able to go out, I assume, and amplify that message, when you're in a court proceeding, when someone has not been convicted of a crime.

In this case, I guess I'm thinking about how we protect a person's reputation from being wrongfully damaged based on a false complaint.

**Mr. Philippe Dufresne:** There are often some public discussions about issues that are raised in court proceedings and the parties. There is the *sub judice* principle, where one ought not to be arguing the case in public, but obviously there is a freedom of expression and the ability to speak.

In terms of the question of what can be done by the code or by the House, I think one way is outreach—which was perhaps one of the commissioner's recommendations as well—and having a good understanding of what it means to have a complaint made and raised. It doesn't mean that it's substantiated. There's a process to look at it.

So perhaps have a better understanding that the mere making of an allegation shouldn't be taken as establishing it, but rather that it's there and it will be treated and when it's resolved you have the outcome.

**Mr. Ryan Turnbull:** I guess my concern is that members of Parliament can be essentially tried in the court of public opinion and their reputations can be severely damaged for a wrongful claim that's made against them. That's my concern. To me, increasing the threshold here to perhaps once a report is completed would help to protect against that kind of behaviour. We have seen some of that, from my perspective.

Would you say that this would help, or are there other ways in which we could tighten up that section of the code?

**Mr. Philippe Dufresne:** The committee can decide to recommend changes to the code. Those would go into that direction and would indicate the House's expectation of its members when they're making complaints.

**Mr. Ryan Turnbull:** Mr. Robert, thank you for being here.

With all your years of experience, I just want to ask you about the overall code in terms of its spirit.

I've studied ethics for many years, and I happen to think that perhaps members of Parliament don't always understand the guiding principles that are inherent within the code. I wonder if you think the code is overly compliance-based or maybe, like me, suspect that we could enhance the guiding principles of the code so as to hopefully build moral judgment among members of Parliament.

**Mr. Charles Robert:** It's an interesting question. Thank you for asking it.

Madam Chair, I would say, really, the purpose of the code is, in some sense, largely reputational. We put this in place at the insistence, basically, of a public that is increasingly skeptical about the behaviour of parliamentarians. This is a way to, in some sense, respond to that.

It is hard to be sure we're going to be successful. A lot of it really depends—and with respect to the question you were asking of Mr. Dufresne—on voluntary compliance. These are meant to be guideposts to at least establish the minimum boundaries we should observe to better ensure the overall reputation of Parliament itself, not just of the individual members. That's really, I think, the objective of this code. Our success will be measured, really, in our assessment of how, in general terms, the code responds to the public's expectations.

• (1125)

**The Chair:** Thank you.

[*Translation*]

I'll now give the floor to Mr. Therrien.

You have six minutes.

**Mr. Alain Therrien (La Prairie, BQ):** Thank you, Madam Chair.

I want to thank both our witnesses for coming to enhance our knowledge.

When we spoke to the Ethics Commissioner—I found grey areas in terms of defining family, friends, and so on—I asked him whether he was under any significant pressure to make a decision. He had to eliminate these grey areas in very concrete situations and decide how to strictly enforce the code.

I was struck by his response. He said that the pressure wasn't on him, but on the members. In other words, we must have an impeccable work ethic. I think that all my colleagues here know that we're under a great deal of pressure to ensure that we do our jobs properly.

For example, you spoke earlier about internships. I could probably recruit a university student, and this internship would be part of their study program. My first instinct would be to check with the commissioner to make sure that I was following the rules.

Would you advise me to do that? Would you advise members to check with the commissioner to make sure that they don't get caught up in anything and end up in an awkward situation? In the event of an uncertain situation, would you advise members to meet with the commissioner to ensure that they act appropriately?

**Mr. Philippe Dufresne:** I think that the commissioner made this recommendation when he appeared before your committee. He said that, when in doubt, you could contact him for a preliminary opinion. This would basically provide some protection for you afterwards. You could first say that you checked with the commissioner and that you were monitoring the situation. You could then say that you received the imprimatur of the commissioner or that the commissioner told you that you had acted appropriately. I think that this approach is good when in doubt.

Now, if any doubts are more systemic or persistent because of the code itself, it might be worthwhile to ask for some clarifications regarding the code. That way, members wouldn't always need to go looking for piecemeal advice and this would confirm that the point has been made.

When we spoke earlier about interns, the issue that arose was whether the use of an intern wasn't more of a benefit to the intern. Perhaps this aspect should be addressed differently in the code. That issue was raised.

**Mr. Alain Therrien:** In terms of grey areas, I identified a few. My colleagues referred to them earlier.

I looked at the definitions of “family” and “friend,” the activities that we can do and the sources of the gifts. I asked the Ethics Com-

missioner many questions about the last item and I'm still not convinced that I've understood all the sources.

We're allowed gifts under \$30. However, there may be times when the total value of the gifts exceeds that amount, even if the gifts are from different people, but from the same source.

I honestly don't think that this type of situation would happen to me. That said, imagine that a member has a definition in mind when they think of someone whom they don't necessarily consider a friend or a family member. I think that Mr. Barrett was talking about this earlier. Imagine that the definition provided by the Ethics Commissioner shows that the person is considered a friend or family member and the member's reputation is tarnished.

Has there ever been a case where ambiguity in the definitions has resulted in disciplinary action against a member, even if that member didn't act in bad faith?

• (1130)

**Mr. Philippe Dufresne:** The commissioner is the one who could answer that question. He could check his records to see if he has ever dealt with this kind of situation.

I think there are more specific requirements in the code. For example, one cannot in any way favour one's personal interests or those of a family member. On the other hand, one cannot unduly favour the interests of any other person. The meaning of the term “unduly” is more flexible and therefore leaves more room for ambiguity.

In the case of very specific definitions such as for “family”, the approach to take is to ensure that you are comfortable with and understand these definitions.

In the case of the term “unduly”, one should first rely on one's own judgment, and if in doubt, consult the commissioner's office, stating that one believes one understands that meaning well, but prefers to know the commissioner's opinion for the sake of caution.

**Mr. Alain Therrien:** As far as the definition of “friend” is concerned, I think it has been added.

Do you think this is a good idea, and should we better define what a friend is in the conflict of interest code for MPs?

**Mr. Philippe Dufresne:** The notion of friend in the Conflict of Interest Act is something that refers to public office holders, including ministers and appointees. To my knowledge, the definition is not in the act but this is done as part of the commissioner's analysis on the facts.

In your question, you asked whether the same requirement should apply in the context of MPs' work, whether the requirement level that applies to ministers is necessary for MPs, given the context in which MPs carry out their role. Or is the more general notion of “unduly” sufficient for these purposes?

Certainly, when comparing the two, it can be seen that in the act the bar is set higher for ministers, as the definition explicitly includes friends.

**Mr. Alain Therrien:** I understand.

**The Chair:** Thank you, Mr. Therrien and Mr. Dufresne.

**Mr. Alain Therrien:** Thank you, Madam Chair.

**The Chair:** Ms. Blaney, you have the floor for six minutes.

[English]

**Ms. Rachel Blaney (North Island—Powell River, NDP):** Thank you, Madam Chair. I appreciate this opportunity.

Through the chair, I'd like to thank both of you for being here today and sharing this with us.

One of the things that I don't know we spend enough time doing, as parliamentarians, is having public discussions about the way we govern ourselves, the rules that are put into place and how they are followed and how important those things are to our democracy.

I really appreciate what some have said about the idea of public trust and how we continue to use the structures that we have in place to engender public trust across the country. That is always something that I'm very interested in talking about.

I have a philosophical question in a sense, Madam Chair, but I'm looking at some of the things we're going through right now. We have processes. Are those processes clear enough to the rest of Canadians? Are there ways whereby we could do better?

There are two different parts. There's this internal part and there's the commissioner's part, but there's an intersection. I wonder if I could have that moment of conversation in the context of public trust, Madam Chair.

**Mr. Charles Robert:** I think really it's a question of outreach that Parliament perhaps could engage in to explain more clearly the ethical boundaries that guide you. It could more openly explain your role in terms of what you do as a representative of your riding and of your political party, and how you, in some sense, expose yourself to the standards that have been put in place.

Years ago you would never have reported your expenses. Now you do, largely because you want to make sure that your electors and the general public can trust that you are spending the moneys that are allocated to you for your parliamentary business.

We are going through an incremental development whereby members seek to demonstrate more and more that the work they are doing is in fact fully in accord with ethical standards and representative standards. This engagement and having a review allows you to see where we are and how it measures up to expectations.

• (1135)

**Ms. Rachel Blaney:** Thank you for that.

One thing said earlier was that some of these are voluntary compliances and some are structures put into place and finding that sort of space in-between....

Thank you so much for this presentation. This is not how my brain normally works, so I apologize in advance if my questions are.... I trust that the members here will clarify.

In one of the points, there was talk about avoiding the risk of ambiguity. It was talking about the commissioner's recommendations, the report automatically becoming orders of the House following a concurrence report, and whether the provisions around the effect of the adoption of the commissioner's report in the House ought to be clarified.

I'm really interested in that. Can you talk about what that ambiguity could be? What could we put forward as a recommendation that might clarify that ambiguity?

**Mr. Philippe Dufresne:** Thank you.

I think this is a situation where, if there's been a breach, the commissioner's inquiry may have an individual recommendation in terms of an apology or correction or whatnot. In the same report, there can also be a recommendation that the code be amended because now an issue has been identified that warrants that.

If the House is adopting that recommendation or that report from the commissioner, is the House in fact deciding to change the code? Should that be done automatically by the House adopting the code or should the House want to send it here for discussion?

It's really to clarify that. Is it as simple as saying that you endorse the code and, therefore, whatever is in there becomes an order of the House or are there procedural mechanisms that ought to be there?

To your earlier question, I just want to point out that in the very first section in the code—the purposes section—one of the first ones is to “maintain and enhance public confidence and trust in the integrity of members”. That's exactly what you're referring to and, absolutely, outreach and information go to that.

**Ms. Rachel Blaney:** Thank you for that answer.

Right now I just want to clarify this, as there isn't a clear process. If a report comes from the commissioner and it has recommendations for change, what has happened in the past? Is it just something that sort of slides by and doesn't really attach itself to anything or does it actually have a process?

**Mr. Philippe Dufresne:** There is a process for that report to be debated, voted on, adopted and concurred in by the House.

What we're raising is whether that concurrence will always result in the full adoption of all the recommendations. What if the House wants to adopt some, but not all?

We're just flagging that so that if the committee feels this is something that would benefit from clarification, there may be procedural amendments that would just make that clear. If there are code changes, for example, should it be treated differently?

**Ms. Rachel Blaney:** Okay, that's really good. It makes sense to me that we would do more study before that actually gets.... Okay.

Thank you.



I believe that's my time, Madam Chair. I really appreciate it.

**The Chair:** You know your time very well. Thank you, that's excellent.

Before we enter round two, I'm going to give a friendly reminder that comments are addressed through the chair. As two great, strong people of the House, you know how that works. I'm here just trying to maintain some order, as you do, but it's just a part-time gig.

Round two for this committee will be Mr. Vis, followed by Mr. Maloney, Monsieur Therrien, Madam Blaney, Mr. Duncan and Mr. Fergus.

Mr. Vis, the floor is yours for five minutes.

**Mr. Brad Vis (Mission—Matsqui—Fraser Canyon, CPC):** Thank you, Madam Chair.

Thank you to Mr. Robert and Mr. Dufresne for being here today.

I have two specific questions. The first is in line with some of the previous questions about the spirit and application of the code.

Mr. Robert, you mentioned earlier that we're incrementally looking at how we apply this code, how we conduct ourselves as public officials in our communities and what the public expects of us. Under the code, there are very strict provisions about reporting income below and above a \$10,000 threshold.

Are we going to a place under this code where...? This is a case that could come up quite regularly. Say a member has passive income from investment properties exceeding \$10,000. In the public's eye, the public may view that member as being in a conflict of interest with the spirit of the code if they were to vote on any changes to laws related to the taxation of property, capital gains, the appreciation of assets, etc.

Are we going to a place where members may be recusing themselves from certain votes in the House of Commons to be in compliance with the code? I reference this point because it's a common practice at the municipal order of government in Canada.

**The Chair:** Through the chair.

**Mr. Brad Vis:** Through you, Madam Chair.

• (1140)

**Mr. Charles Robert:** Madam Chair, I think the issue might be better answered or supplemented by a comment by Mr. Dufresne because, in fact, it's a legal question in the main.

From my point of view, I would be tempted to say that, from looking at what they do at Westminster, you admit that you have maybe an interest, basically because of a prior career that you had before you were elected a member. You simply say that you want everybody to know that you were formerly the head of a company or the head of a union of one kind or another, so they can at least understand the framework that might inspire your comments, and this is where I think Mr. Dufresne would be more helpful.

The idea of reporting your income streams is a private issue between you and the commissioner. It is not something that is, in fact, public knowledge.

**Mr. Philippe Dufresne:** Thank you, Madam Chair.

There are obligations in the code, as was indicated, for reporting sources of income, and that is.... With the commissioner, there is a publication of that information. I don't believe that the specific amount is listed, but the general sources of income are.

Then on the notion of voting on matters of general interest, general changes versus the private personal interest, there is that distinction. In situations where it gets close, I think this is one where it would be worthwhile to seek advice and ask if you are here advancing constituents' interest or general evolution of the law? Is this something where I can have such a direct benefit that it's a different type of situation? If you get close to that line, it's a good idea to seek advice.

**Mr. Brad Vis:** Thank you, Mr. Dufresne, through you, Madam Chair.

Madam Chair, the spirit of my question again is: How does the public perceive us as members of Parliament? That's the basis behind that.

I was very interested, Madam Chair, in the opening testimony of Mr. Dufresne when he referenced the parliamentary internship programme. Let's address the elephant in the room. I'm a former parliamentary intern. I am the token Tory in the program, and I'm very proud to be so. It was one of the best experiences of my life.

It is a unique program. It is the only legislative program in the House of Commons run by the Canadian Political Science Association, but let's not forget that it's funded by some of the biggest organizations that lobby Parliament Hill.

I think that's a good thing, because it gives young people.... Well, I'm still young, but it was 12 years ago or so that I was in the program, and it gave me one of the biggest steps up in my life. When I heard the second point in the opening remarks that the member has or may have official dealings with the organization placing the intern now or in the future, I would be remiss if I didn't raise this point, because it almost seems as if I'm in some type of conflict of interest with the parliamentary internship program, given my past dealings with the Canadian Political Science Association, the social sciences and humanities organization that funds part of the funding through the Political Science Association and all of the requisite organizations that put funds into the pockets of interns.

I would love some clarification on that, both for personal and existential reasons, Madam Chair. Thank you so much.

**The Chair:** We might have a headline out of this committee. If at any time members choose to go in camera, let me know.

I am going to pass the floor now over to Mr. Maloney. Perhaps we can get a comment on that after.

Mr. Maloney, you have five minutes.

• (1145)

**Mr. James Maloney (Etobicoke—Lakeshore, Lib.):** Thank you, Madam Chair.

As you know, I'm not a regular member of this committee. I'm pleased to be here to discuss this very important topic. I only wish I had been here when the commissioner appeared before the committee on this issue.

Through you, I have a number of questions. I thank both of our witnesses for being here today and for what they contribute to Parliament as a whole.

Mr. Robert, I'm glad that you mentioned that Parliament has the exclusive right to regulate its own internal affairs, because in my view, many of these six recommendations are an overreach and intended to usurp that rule. However, I will leave that there.

The focus of my questions is this: I view the office of the integrity commissioner as being there to help members of Parliament. Unfortunately, as Mr. Turnbull suggested earlier, it has been weaponized politically and we've seen that time and time again.

As you quite rightly point out, the purpose of the code is largely reputational. I want to address this "protect" versus "prosecute".

Do you agree with me, first of all, that the job of the integrity commissioner and that office is to help members of Parliament?

**Mr. Charles Robert:** If Mr. Maloney is asking me, I would say definitely yes. That's the reason it was put in place and that's why you're supporting it by this exercise.

**Mr. James Maloney:** Thank you.

Let me ask you a question. One of the members mentioned earlier that when reports are tabled in the House of Commons, often on commissioner's reports there might be a concurrence motion, for example.

Let me give you a hypothetical. In a scenario where there is a report from the commissioner and he makes recommendations saying to apologize to the House of Commons and the individual who's the subject matter of the report does so, and then subsequent to that the House of Commons overwhelmingly votes to reject that report, do you think there should be an obligation on the commissioner to then apologize to the member or respond to that in anyway?

**The Chair:** Through the chair....

**Mr. James Maloney:** That's through the chair.

**Mr. Philippe Dufresne:** Through you, Madam Chair, I think the commissioner fulfills his functions under the auspices of the House, and this committee and ultimately the House have authority to make recommendations and requests. Therefore, it would be up to the House to decide what's appropriate in a given circumstance.

**Mr. James Maloney:** Thank you.

Through you, Madam Chair, would you agree with me that given the context where we're saying this is largely reputational, the absence of such a provision does have a negative reputational impact on members of Parliament in that scenario?

**Mr. Philippe Dufresne:** I think there is the ability in the code to make certain findings about whether a given matter is frivolous. There is the ability in the code for the House to draw conclusions and make any changes it wishes to make in terms of the code or its application. I would leave it at that, but the clerk might....

**Mr. James Maloney:** Okay.

**The Chair:** The clerk would like to comment, if that's okay.

**Mr. James Maloney:** Of course, Madam Chair.

**Mr. Charles Robert:** The operating assumption always has to be that the commissioner is acting in good faith. I would assume that he or she would not have prompted the inquiry, that it would have been stimulated from an outside source, and there are obligations that the commissioner must fulfill in order to carry out the responsibilities assigned to that office.

That has to be borne in mind even if in the end the findings are rejected by the House. The findings could be rejected for all sorts of reasons that do not necessarily attach to the report itself, so that has to be borne in mind when issues like this are brought forward.

**Mr. James Maloney:** Thank you.

Good faith very much forms the basis of this discussion.

**Mr. Brad Vis:** On a point of order, Madam Chair, there is major feedback.

**Mr. James Maloney:** Madam Chair, I'm hearing it too.

**The Chair:** We will check.

Mr. Maloney, are you still hearing it?

**Mr. James Maloney:** I only hear it when I'm talking, although I'm not hearing it right now.

Let me continue and if it—

• (1150)

**The Chair:** That would be great, because we're running out of time.

**Mr. James Maloney:** Okay. Maybe this is my last question.

Given that good faith forms a big part of this discussion and one of the recommendations is further education to be provided by the commissioner, here's a hypothetical question. If a member of Parliament, in answering questions on his initial disclosure statement, were to say that he wasn't sure how to answer that question and the response he received was, "Well, just answer it", do you think that would be an example of good faith?

**The Chair:** This is the last answer.

**Mr. Philippe Dufresne:** If one is not satisfied with the answer that one receives, I would follow up with a request for more clarification, I suppose.

**Mr. James Maloney:** What if you did that multiple times and the answered continued to be, "Just answer the question"?

**The Chair:** We have run out of time, unfortunately, Mr. Maloney. We look forward to your coming back and visiting us at PROC again. Thank you for being here with us today.

[Translation]

Mr. Therrien, you have the floor for two and a half minutes.

**Mr. Alain Therrien:** Madam Chair, I'm getting some feedback.

As a result of reports that found a conflict of interest, I imagine there were some debates in the House.

How many were there?

**Mr. Philippe Dufresne:** Unfortunately, we do not have this quantitative detail. It may be information that we could provide to the committee, or through the commissioner. There have been a few, but I don't have the exact number.

**Mr. Alain Therrien:** Madam Chair, since I'm going to ask my questions in quick succession, could we ask the witnesses, when they don't have an answer—which I don't hold against them at all—to provide the answer in writing later on, in the near future?

**The Chair:** Yes.

**Mr. Alain Therrien:** All right.

If the witnesses think I'm going too fast, they can just ask me to slow down. I don't think that's very complicated.

Firstly, how often has a report that found a conflict of interest prompted the House to debate the issue? In those cases where a conflict of interest was found, what consequences were applied? Were they those recommended by the commissioner?

How many times has a report that concluded there was no conflict of interest led to a debate in the House? In those cases, there is no time limit on discussions in the House, is that right?

**Mr. Philippe Dufresne:** That's right.

**Mr. Alain Therrien:** All right.

Finally, did these debates last more than two hours? Did people take the time to properly unpack the issue to understand the causes or to understand the reasons why the conclusion was reached that there had been no conflict of interest?

When it comes to what activities we are and are not allowed to do outside of our work, is there a way to sort that out?

What would help us distinguish between things we can do and things we shouldn't do? Is there a trick to making sure we don't cross that line?

**The Chair:** We'll let the witnesses respond, but, first, can you tell me if you're still hearing feedback?

**Mr. Alain Therrien:** Yes, I'm still hearing feedback.

● (1155)

Could the witness answer my last question?

**The Chair:** Yes, he can answer now.

**Mr. Alain Therrien:** Perfect.

**Mr. Philippe Dufresne:** Madam Chair, in relation to the question about external activities and guidelines as to what can or cannot be done, the code refers to guiding principles and objectives. I invite you to consult them regarding avoiding the appearance of conflict of interest and encouraging confidence in the system.

The rules of conduct in sections 8 to 10 of the code make it clear that a member may not engage in any activity that might further

their personal interests or those of members of their family, or improperly further those of any other person or entity.

I think that is the spirit of the rule about holding another job or office. There is no prohibition at the moment. Section 7 states that there is nothing to prevent a member of Parliament from engaging in other activities, unless they are a parliamentary secretary or minister, according to the law.

So that possibility is there. One of the commissioner's recommendations is perhaps to limit that. So it will be up to you to determine whether you want to go in that direction or whether you are comfortable with the general principle.

**Mr. Alain Therrien:** All right.

**The Chair:** Mr. Therrien, you don't have any more time.

**Mr. Alain Therrien:** Thank you, Madam Chair.

I thank the witnesses for appearing before the committee.

**The Chair:** We can't accept gifts, but your words are very welcome.

Ms. Blaney, you have two and a half minutes.

[English]

**Ms. Rachel Blaney:** Thank you, Madam Chair. It's good that we're always generous with kind words.

I have a couple more questions and they're more around clarity.

There is a section of the report we've received today, Madam Chair, that talks about how to deal with a member who is no longer a member at the time the report is considered. I thought that was very interesting.

One of the statements in there is that this issue is addressed under the "Code of Conduct for Members of the House of Commons: Sexual Harassment between Members". It just seems interesting to me. I just want to get clarity that it is addressed in that piece but that in the other parts it's not addressed at all.

**Mr. Philippe Dufresne:** That's right, Chair.

In the code of conduct, in terms of conflict of interest, even if you're a former member, you can still have a report debated about you, if the complaint was against you and you can have a finding of the House as a former member, and that's happened.

In terms of the code of conduct for sexual harassment, it's explicitly provided that if the respondent to a complaint is no longer a member, then the matter will stop. You won't have an order of the House about condemning a former member. If you are still a member, yes, you're under the authority of the House, but if you're not, in the code for sexual harassment, it will stop.

That's a question for this committee. Is this an approach that you want to adopt for conflict of interest, or would you want to change the approach in the code on sexual harassment and say that we want to keep that? But certainly, the more recent sexual harassment code has said that for a former member, it will be off limits.

**Ms. Rachel Blaney:** That's really interesting.

Another question I have is around the debate. I just need this clarified. When you talk about the unintended consequence being perhaps a longer debate, can you just clarify that for me? I would have had to read it more often to try to understand, but in what context does that happen, and where is the breakdown that we might need to look at?

**Mr. Philippe Dufresne:** Madam Chair, what we found interesting is that in the code it specifically says that in the situation where you have a complaint that was upheld or substantiated, you have a maximum of two hours for the debate, but otherwise, you don't.

We wanted to ask whether there was a policy reason why a rejected complaint should be debated for longer than a substantiated complaint. We flagged that for your consideration.

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

Mr. Duncan, we will move to you.

**Mr. Eric Duncan (Stormont—Dundas—South Glengarry, CPC):** Thank you, Madam Chair.

Thank you, both, for being here today. I'll echo what many of the questions have been about the internships. I think this is something we need to address as a committee.

I wasn't a member of any internship program, but I started on the Hill as a staff member when I was 18 or 19 years old. But I know the value of these internship programs. I think you said it really well when, yes, there could be a benefit to the member. More importantly is the benefit to that intern of having that political experience and getting their foot in the door. I don't think we can lose sight of this. I look forward to continuing the conversation and trying to get to a reasonable ground on that.

Mr. Vis made some very good points about the parliamentary internship program. We have those witnesses in, and how that program is structured financially.

Madam Chair, I want to open a bit of a can of worms here if I can with Mr. Dufresne on something that was actually addressed. I know this has been a conversation at different times, and the commissioner has raised this. It's around the idea of letters of support and where the line is.

The analyst did a great job in the summaries of talking about this. I'll just read it quickly. It says that "Mr. Dion suggested that the Committee could examine the issue of acceptability of letters of support." He indicated that many members have contacted his office to get advice or to ask about it. Currently the Code makes no mention of letters of support. However, section 9 states:

A member shall not use his or her position as a member to influence a decision of another person so as to further the member's private interest or those of a member of his or her family, or to improperly further another person's or entity's private interest.

Actually, I think I'll put Mr. Barrett on the spot. I think he goes to the commissioner very often to ask about these letters of support. Where there is an asterisk here or where I think it requires clarification is immigration cases or case files in our constituency office. I wonder about your thoughts from a legal perspective are on this. I read that to say that if somebody comes in and has a problem with

CRA or their bank deposit or child tax credit, we can go in and advocate and get that resolved. But if I think of an immigration case where there's a letter of support to say that I vouch for this person, X or Y, and I read about improperly furthering another person's private interest—in this case to gain Canadian citizenship or something along those lines—I think it's a very big grey area right now. So there's casework and then there are individual letters of support for certain individuals. Have you put any thought into where there may be a line or a legal aspect of where our casework starts and where advocacy or advancement of a private interest starts?

Sorry if I opened a can of worms, but that's the one that needs to be addressed.

● (1200)

**Mr. Philippe Dufresne:** I think what I would say is this is the way to look at the code and to identify these issues. This is a situation where the code says you can't do it if it's improper. I think that's really the issue: Is it proper or improper to do a certain thing as a member? I think the more you're at the general level in saying that you're advocating for the proper functioning of a department program, etc.... I think the concern that the code is flagging is if it appears that you're favouring a given individual or organization more than another and there's no obvious reason for it. If there's a concern about whether that specific issue is because you're doing it all the time—with every single constituent who comes in, you will go and do that—and is that appropriate and whether it should be clarified in the code to make it more explicit so that it doesn't become a one-off every time....

**Mr. Eric Duncan:** I appreciate that. As a follow-up to that, when we look at draft recommendations, there may be a case for taking a look at perhaps recommending that the commissioner give some better or clearer guidelines on that casework. I think the same thing as well with infrastructure projects. Mr. Gerretsen said [*Inaudible—Editor*] start at the municipal level, and Mr. Barrett did as well. We get asked if we can you support this community centre funding or this road project we're submitting. Again, it's the same thing: If we're saying, well, I think this project will be best for my community versus not providing one to another municipality, where is that line drawn as well?

I don't have the answer on that today, but I do think it may be something for us to consider providing clarity on, because as we look at the definition of "family", you can concretely say whether or not that includes your second cousin twice removed. The issue of discussing friends, as I've mentioned before, is where we get into that.... A supporter of ours who volunteered or took a lawn sign in our campaign suddenly comes into our office to say, hey, I happen to have my cousin or my family looking to come here. Providing that letter starts to cause a grey area. I just think in the optics of it we need to be very clear of what is and what is not allowed in casework and that we know some of those differentiations.

I'll leave it at that.

**Mr. Charles Robert:** Madam Chair, I think the issue that Mr. Duncan raises has a lot to do with how you define your role, really, as a member of Parliament. The code of conduct is meant to guide you as to what might be seen to be acceptable from the public view in terms of behaviour. However, it should not really ever be seen as a vehicle that actually prevents you from doing your job, keeps you from doing it in terms of why you wanted to be a member of Parliament. If it goes that far, then it has really crossed a line that actually neutralizes you in your capacity to function as a member. You have your duties in Parliament and in the chamber, and in the committees and in your caucus, but you also have significantly important duties with respect to your electors. If you can't do the work for them, you might start asking yourself why you're here.

From that point of view, there has to be a dialogue with the commissioner so they fully and properly understand what the nature of your work is.

I don't want to end my comments without acknowledging Mr. Vis, who I knew when I was on the other side and met him as a parliamentary intern.

• (1205)

**The Chair:** I thank you for that. You seem to be one of the few people who understand our role as members of Parliament. I thank you for those comments and I thank Mr. Duncan.

The last round will go to Mr. Fergus, for a quick five minutes, please.

[*Translation*]

**Hon. Greg Fergus (Hull—Aylmer, Lib.):** Madam Chair, I would like to yield my time to Ms. May.

**The Chair:** That's very kind.

Ms. May, you have the floor.

[*English*]

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Thank you, Chair, for welcoming me to this table, and particularly, thank you, Greg, for giving me your time.

I'm going to try to do this concisely. This is a real-life example. It's not hypothetical, but I'll leave the name of the individual out. I will say, I think we have a loophole in our code of conduct.

I will also say, like Ryan, as somebody who studies ethics, although in the context of studying for a theology degree, there's the concept of ethics as a high calling to moral conduct and an aid to understanding of right and wrong, and then there are codes of conduct that I think lead us to looking at the black letter of a code and saying that which isn't specifically prohibited is allowed even if it offends a conscience.

Here's the fact set. A sitting member of Parliament was hired by a U.S. corporation that was in the process of suing the Government of Canada. As a sitting MP, he testified against our government in a secret chapter 11 NAFTA tribunal case where it wasn't known he was a witness until a couple years later when the NAFTA arbitration tribunal ruled that Canada lost, largely due to the evidence of this member of Parliament. The only arbitrator to vote against us losing was the Canadian law professor. Canada had to pay out \$8

million. The MP in question never disclosed how much income he obtained from doing this work. He was paid at his normal hourly rate for as much time as it took to do the work. I estimate that was at least \$100,000, but we don't know.

He remained a member of Parliament through all this. When he was reelected, I went to the deputy clerk at the time to ask if he was entitled to take his oath of allegiance as a member of Parliament, because it occurred to me that testifying against the Government of Canada violated the oath, and should he be allowed to take it a second time?

That was viewed to be a non-factual complaint. I also then went to the commissioner of ethics. I didn't publicize that I had filed a formal complaint, but I thought the facts here were offensive to the concept of serving your country and being a member of Parliament, to accept private work from a U.S. corporation suing Canada.

I think we have a big loophole. The commissioner ruled that, because of his previous work, this was fine as an MP and he was continuing to be a member of the bar and able to do other work. I wondered when I saw the denouement in the Palace of Westminster with various....

What was dealt with Boris Johnson was called the "sleaze" complaints. Would those members of Parliament in the Palace of Westminster actually violate anything in our code of conduct to take private work for which they were paid?

Have you any comment on this? Do we need to actually fix our code of conduct or be more rigorous in our oath as members of Parliament to be loyal to Canada only and not put our private interests ahead of Canada?

**Mr. Philippe Dufresne:** Through you, Madam Chair, I think the issue of work and paid work and conflict of interest is one that has in fact been raised by the commissioner.

Currently the code says with regard to activities outside of Parliament that unless you're a minister or a parliamentary secretary, you can do those activities. There is the broad, general prohibition of improperly furthering another person's interests, so you'd have to capture it here, but the commissioner did raise the question of whether there is paid work that, because you're remunerated and it's inconsistent or appears inconsistent with your duties as a member, should be dealt with by the code more explicitly.

These would be the types of considerations that you might want to turn your minds to.

**Ms. Elizabeth May:** I have some more time, amazingly enough.

Does it strike you that it's clear to members of Parliament—regardless of whether we're parliamentary secretaries, ministers or opposition members of Parliament as in my case—that we have to put the interests of Canada ahead of any personal interest as part of taking the oath as a member of Parliament?

• (1210)

**Mr. Charles Robert:** I would assume so, but again, it depends on how you look at the code and how you read it.

**Ms. Elizabeth May:** Does the oath convey something higher for our conduct than the code? As members of Parliament, we swear an allegiance or we solemnly affirm to be faithful and bear true allegiance—our oath says, “to her majesty the Queen”, but I think it's understood by members of Parliament that we're not specifically... We all love Queen Elizabeth II, but that's not who the oath is to. It's to Canada.

**Mr. Philippe Dufresne:** Both the oath and the principles of the code really recognize the public trust, the public commitment and the public interest that members are there to support and promote.

**The Chair:** That brings us to time.

I thank you for that conversation.

I would like to thank our visitors for coming and providing their insights.

If there are some questions you didn't get to but you would like to comment on, we would welcome your sharing that information with our committee. We're sure you'll be thinking about this invigorating conversation later on. As you do, please take notes and share them with us.

With that, have a good day.

We will suspend as we get to our next session.

• (1215) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1215)

**The Chair:** We are going to start with the second round.

I would like to thank our visitors joining us today.

We have the provincial conflict of interest commissioners from Ontario, Quebec and the Northwest Territories. We'll give each up to five minutes for their opening comments, and we'll just flow from one to the next.

[*Translation*]

We'll begin with the Integrity Commissioner of Ontario, to be followed by the Quebec Ethics Commissioner.

[*English*]

Last will be the commissioner for the Northwest Territories.

[*Translation*]

Welcome to you all.

You have the floor.

[*English*]

**Hon. J. David Wake (Commissioner, Office of the Integrity Commissioner of Ontario):** Thank you for inviting me here today.

In my opening statement, I'll provide you with a brief overview of certain features of the Members' Integrity Act, which is the Ontario legislation that sets out the ethical obligations for members of provincial Parliament. I will also comment briefly on some of the issues this committee will be considering in its review of the conflict of interest code. That said, I believe I can best assist you by

allowing members to ask me questions and providing Ontario's experience on the topics that are of interest to the committee.

First, I thought I should clarify that in Ontario, the Integrity Commissioner has the mandates and authority of three federal independent officers, including the Conflict of Interest and Ethics Commissioner, the Commissioner of Lobbying and the Public Sector Integrity Commissioner. I'm also the ethics executive for ministers' staff, as well as for the secretary of the cabinet. Having these multiple roles can be beneficial, because it provides me with an understanding of the ethical issues that elected officials face, as well as the ability to address them in other ways. For example, not only can I advise a member under the act whether he or she can accept an offered gift from a lobbyist, I can also advise a lobbyist not to offer that gift in the first place.

In Ontario, the Members' Integrity Act lays out the conflict of interest rules for elected members, as well as their annual financial disclosure requirements. The act also contains the requirements and restrictions for ministers. In many ways, the rules and requirements are similar to those federally, and the act provides that members can seek my advice on their ethical obligations and any conflict of interest matters. The number of inquiries I receive each year averages in excess of 300, all of which are responded to in writing so the member can rely on that advice. In the year following the 2018 provincial election in Ontario, I responded to more than 530 inquiries. This was due to the high number of new members who had been elected, all of whom attended a training session I conducted shortly after the election.

I note that Commissioner Dion has recommended mandatory training for newly elected MPs. While Ontario does not have mandatory training, there is a long-standing history of commissioners addressing newly elected members following an election. I find this serves as a helpful introduction to the commissioner, the office and the act. However, we also have another requirement that serves as a form of training. Similar to the requirement in the conflict of interest code, members of provincial Parliament have an annual requirement to provide the commissioner with a private disclosure statement of their assets and liabilities, along with that of their spouse and any minor children.

Along with this disclosure process, the act requires that each member meet with the commissioner to discuss the statement and their obligations under the act. Meeting individually with all 124 MPPs certainly takes time, but it allows me to ensure that their financial disclosure is in line with the requirements of the act. It also provides me the opportunity to discuss any conflict of interest situations they may be facing, or to remind them of specific rules under the act. I view this annual activity as a form of refresher training for members about their obligations, and I emphasize that I do this on a one-to-one basis.

Of course, training can be effective in many different formats, but I will say that in my experience, the key to carrying out such activities is to build trust between the ethics office and the elected members. This ensures that members feel comfortable contacting the office when they need advice.

I've reviewed the recommendations that Commissioner Dion has made for amending the code. While several of them are specific to the language of the code and the system in place for the House of Commons, I want to touch on two of them as they relate to the Ontario experience.

• (1220)

The first is recommendation number four regarding treating sponsored travel as a gift. This is the approach taken with Ontario's legislation, meaning that a member must seek my advice and determination on whether he or she can accept the offer of the trip.

**The Chair:** Mr. Wake, I thank you for your comments. We appreciate your written submission as well, but just to keep us on time, we will go to Madame Mignolet now.

[*Translation*]

Ms. Mignolet, you have five minutes.

**Ms. Ariane Mignolet (Ethics and Deontology Commissioner, National Assembly of Quebec):** Madam Chair, members of the committee and fellow commissioners, before I begin, I would like to thank the committee for its invitation to participate in this consultation. The exercise that you have recently embarked upon is of great importance for our democratic institutions if they are to be in tune with the reality in which they operate. As you have requested, I am here today to share my thoughts with you on the means by which parliamentarians' questions relating to their obligations under the code can be addressed in a non-partisan and independent manner. I will also speak on how parliamentarians can reconcile their private interests with their public duties and functions.

First of all, it seems obvious to me that the person responsible for applying the code of conduct for elected officials has a scope of independent action that is commensurate with the process of their appointment. In Quebec, the Ethics Commissioner is appointed by the national assembly, by two thirds of its members. This status allows the office holder to exercise public office in an independent and impartial manner. The appointment of the commissioner is different from that of other appointees, however, since it must be proposed jointly by the premier and the leader of the official opposition after consultation with the leaders of the other parties represented in the assembly. In making this choice, parliamentarians have demonstrated the exceptional and delicate nature of this unique position, and the importance of appointing a person in whom all members of the national assembly can have confidence.

The independence and impartiality of an institution such as the commissioner's position must also be embodied in the mechanisms to prevent conflicts of interest, real or apparent; they must deal with situations where the ethical obligations of elected representatives are not respected.

The Quebec code, by allowing the commissioner to give advice to MNAs, encourages MNAs to be proactive and transparent. In addition to being confidential, advice can only be requested by the member of the national assembly directly affected by a given situation. Moreover, the situation cannot be hypothetical; it must be based on concrete facts. These criteria undoubtedly contribute to preserving this tool from attempts at instrumentalization.

As for investigations, there are also mechanisms to ensure that the independence granted to the commissioner in the interpretation and application of the code's provisions is respected. For example, when a member of the national assembly requests an investigation, it must be focused and substantiated. The request must clearly set out the reasonable grounds for believing that another member of the national assembly has breached the code, including a statement of the facts and the evidence available, if any. A member cannot ask the commissioner to conduct blind audits to determine whether there is a basis for an investigation. In investigations undertaken at my initiative, I also adhere to this reasonable grounds standard.

In a parliamentary system now characterized by fixed-date elections, which suggests a sometimes more intense political dynamic at the end of the cycle, these criteria can act as safeguards. Moreover, the assembly, by virtue of the parliamentary privilege to discipline its members, reserves the right to adopt a sanction following a report finding a breach; however, the interpretation of the provisions of the Code of Ethics and Conduct of the Members of the National Assembly is the exclusive responsibility of the commissioner, who may also issue guidelines if they deem it appropriate.

As to how elected officials can reconcile their private interests with the exercise of their office, there is no easy answer. The difficulty lies in the fact that the rules must be applicable to all, while their interpretation must inevitably take into account the context and facts surrounding each situation. It is therefore necessary, in order to ensure a certain predictability of the rules, to find a balance in their assessment in light of particular circumstances, without proceeding only on a case-by-case basis. Moreover, the backgrounds from which elected representatives come are diverse, and the contexts in which their functions are exercised evolve rapidly. This notion of necessary applicability therefore makes review exercises like the one you are conducting extremely timely. In Quebec, the legislator also wanted such an exercise. The code in fact provides that the commissioner shall report every five years on its implementation and on the advisability of amending it.

But it is unrealistic to believe that these exercises can be held with such frequency that codes of ethics will succeed in providing an appropriate response to any situation every time, especially as they depend on a consensus between parliamentary groups. I am therefore of the opinion that office holders such as myself must be allowed a certain amount of leeway in the application of ethics rules, so that they reflect the values of society as much as they encourage compliance from the parliamentarians who must respect them.

Thank you.

• (1225)

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

[*English*]

Now we go to Mr. Jones, responsible for Northwest Territories and Yukon.

Mr. Jones, you have up to five minutes.

**Mr. David Phillip Jones (Yukon Conflict of Interest Commissioner, and Northwest Territories Integrity Commissioner, Yukon Legislative Assembly and Northwest Legislative Assembly):** Thank you, Madam Chair, for the privilege of participating in this panel.

As you've just noted, by separate appointments I am the conflict of interest commissioner in Yukon as well as the integrity commissioner of the Northwest Territories. The two are not connected. I just happen to hold both offices. In both cases, I am an officer of the respective legislative assembly. Each assembly has 19 members, which makes my scale of operations enormously smaller than Mr. Wake's, Madame Mignolet's or yours.

I live in Edmonton; I do not live in either territory, nor does the integrity commissioner of Nunavut live in Nunavut. We could not do so without our undoubtedly being in conflict of interest just by our daily lives.

I've been the conflict of interest commissioner for Yukon since 2002, for 20 years. The Yukon legislation applies to members, ministers, employees in the cabinet and caucus offices and deputy ministers. It came into force in May 1996. It has only occasionally been updated, notwithstanding various suggestions for doing so contained in my annual report. They don't have the political will to do what your committee is doing and required to do to review their code. It obviously seems to be meeting their needs.

Since July 2020, the Lobbyist Registration Act of Yukon has assigned certain functions to the commissioner, and I have to say that I have some concerns about adding functions to the commissioner, because the commissioner inherently is an officer of a legislative assembly, and a lot of the other functions are not necessarily of the same nature in kind and might not be privileged under parliamentary privilege.

I've seen the Northwest Territories conflict of interest commissioner title changed recently to integrity commissioner since 2014. The NWT legislation applies to members and ministers. By a separate appointment, I am the ethics counsellor for deputy ministers, but it's a separate appointment. There were amendments in 2019, so NWT has periodically reviewed its code, as you are doing.

In 2019, the assembly gave my office jurisdiction with respect to dealing with breaches of the members' code of conduct, which continues now from assembly to assembly; it doesn't die and have to be re-enacted. It can be amended by future assemblies, and the provisions of the code go beyond strict financial conflicts of interest.

The commissioner's role in dealing with complaints alleging breaches of the act, whether conflicts of interest or of the code, is as a gatekeeper to decide whether complaints should be dismissed on certain grounds or sent to a sole adjudicator for a formal inquiry and recommendation to the assembly. If there is a complaint in NWT, I have a role as gatekeeper, but I don't have a decision-making role in the ultimate merits of the complaint. I think the NWT and perhaps Nunavut are the only jurisdictions that separate those two functions.

In 2021, last year, the assembly accepted a report from a sole adjudicator, expelled a member and declared the seat vacant. That seat was just filled by a by-election on Tuesday of this week.

I've also acted as legal counsel for a number of conflict of interest commissioners across the country.

In my view, it's imperative that members recognize and live up to the standards they have put in place for themselves. In my experience in both jurisdictions, members overwhelmingly want to do this, and they're generally quick to seek advice in advance about what they do and to follow that advice. It is critical for all to recognize the importance of the applicable standards in order to maintain public confidence in the integrity of members.

However, it is extremely important that unfounded allegations of conflict of interest, even for that matter, founded ones, not become political weapons of choice. Politicizing the office is not helpful. This is not just by other members, it's by the press or by the public.

● (1230)

With respect to some of the comments in your previous session, NWT has a set of guidelines for letters of support that members might write on behalf of constituents or others. They're very clear that it does not prevent a member from doing their duties as a member representing their constituents, but that is very helpful, in my view. Yukon doesn't have similar guidelines.

**The Chair:** Thank you so much, Mr. Jones, for those comments. We look forward to hearing more from all of you.

We are now going to start our first round of six-minute questions.

We'll start with Mr. Barrett, then Mrs. Romanado, Mr. Therrien and Ms. Blaney.

It will most likely be our only round, so I'm giving you a heads-up that members might be asking questions we would like you to get back to us on, and we would appreciate any insights you would share.

**Mr. Michael Barrett:** To Mr. Duncan, Madam Chair.

**The Chair:** To Mr. Duncan.

**Mr. Eric Duncan:** Thank you, Madam Chair.

Thank you to our witnesses for being here and for your insights into your respective jurisdictions.

In the interest of time, I think it would be good for us to have in writing perhaps more of these detailed responses, but there are five areas that I'll try to get through in six minutes.



Some of the topics I think we've had a lot of questions or commentary on are externally paid interns. In your respective jurisdictions, do you have any sets of rules for members accepting the services of externally paid interns?

I'll start with Mr. Wake.

**The Chair:** Through the chair.

**Hon. J. David Wake:** Through the chair, Mr. Duncan, there is a legislative intern program where legislative interns are assigned to members. I speak to them every year. They come to my office, but I have no involvement with them beyond that.

**Mr. Eric Duncan:** And, Mr. Jones, what about in your jurisdictions?

**Mr. David Phillip Jones:** There aren't any legislative interns in either Yukon or the NWT.

[*Translation*]

**The Chair:** Ms. Mignolet, you have the floor.

**Ms. Ariane Mignolet:** In the National Assembly, we have interns from the Bonenfant Foundation, whose internship is similar to what you describe. However, the funding for these internships is through a foundation. So it's not really an issue on our side.

[*English*]

**Mr. Eric Duncan:** In the interest of time, and with the three witnesses here and your experience, I'll perhaps ask you to provide the answer in writing, and our clerk or analysts could follow up with your offices on a couple of other things on topics we've been talking about, one of them being the endorsement of other elected officials at other levels of government. Do you have rules or protocols regarding, for example, a provincial member endorsing a municipal candidate? If there are or if there are rules around the use of resources and your titles around that, that would be appreciated.

Another thing that would be helpful, I believe, in our deliberations would be around when your office starts to get involved in the acceptance and price points of gifts, not only the acceptability of a gift but the public disclosure of that. Do you have a minimum limit at which members would go for declaring or asking if a gift is appropriate or not, not only for public disclosure. At what point they should consult on the acceptability? It would be appreciated to have your written comments on that.

Another thing to ask about is the definition of "friends", which we've been struggling with. I would be interested in knowing what your definition of "family" is in your respective jurisdictions, but we're struggling with the concept of friends. I joke that I have a lot of friends, I feel, and a lot of people who think they're my friends, and I'm struggling with the.... The government benches are not agreeing right now with my population of friends. Do you have any definition of "friends"? Have you considered it? Whether you have or have not, perhaps provide some reasoning or experience you would have on that.

Finally, Madam Chair, through you, any information you could provide on letters of support for individual applications to government agencies, individual constituents or a request for a service from the government, if you have any advice and experience on

that topic, I think that would certainly guide us in our deliberations of the report.

Madam Chair, in the interest of time, I'll leave it at that.

• (1235)

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

Mr. Duncan does have a minute left.

Mr. Wake, would you like to comment really quickly?

**Hon. J. David Wake:** Going back to the legislative intern program, the one in Ontario is excellent. In fact, I've hired two of the legislative interns to my office to perform various functions.

Yes, I have information I can give you on all of the topics you've just outlined. We have guidelines for letters of support. With regard to "friends", I think that's a particularly problematic area to be introduced into the legislation. We've referred to it as "another person", and let it go at that.

**The Chair:** Thank you.

We look forward to sharing them.

Madame Mignolet.

[*Translation*]

**Ms. Ariane Mignolet:** Thank you, Madam Chair.

I, too, will gladly answer these questions in writing. We also have guidelines that deal with letters of support. Like Ontario, we do not have a definition of the word "friend". It is treated like the term "other person", but I would be happy to discuss this and the rules governing gifts. We will send you that information.

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

[*English*]

Mr. Jones, would you like to comment quickly?

**Mr. David Phillip Jones:** Yes. Both Yukon and NWT have a dollar limit for acceptable gifts. They must be publicly disclosed.

Secondly, neither legislation has a definition of friends. There are difficult issues about improperly forwarding the interests of a private person, but it has to be improper.

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

We'll now go to Mrs. Romanado, for six minutes.

**Mrs. Sherry Romanado (Longueuil—Charles-LeMoyne, Lib.):** Thank you very much, Madam Chair.

[*Translation*]

I thank the witnesses for appearing before us today.

[English]

Mr. Jones, you mentioned an issue that my colleague brought up in the previous panel with respect to politicizing complaints. In our code, we have stipulated that a member who requests that an inquiry be conducted shall make no public comments relating to the inquiry until the Commissioner confirms that the member who is the subject of the inquiry has received a copy of the complaint, or 14 days have elapsed following the receipt.

What are your thoughts with respect to the politicization of conflict of interest inquiries, whereby an MP can put forward an accusation or make request for an inquiry? It could be completely unfounded, but as you know, the job that we do is very much in the public domain and this could be spread through social media. The reputation of the member can then be tarnished.

Would you recommend that this provision be removed from our code?

**Mr. David Phillip Jones:** No, I recommend it be strengthened and that there be a prohibition against discussing it in the interim before the commissioner is able to deal with it. Several commissioners across the country have expressed dismay at the complainant going to the press immediately—often before the commissioners themselves have received the complaint.

As for the politicization by members being complained against, the example I'm particularly thinking of was the number of press conferences by their counsels, including their responses to the complaint at a time when I couldn't say anything about it, because it was still under investigation. That did not help the process.

I think strengthening the prohibition would be, in fact, helpful.

• (1240)

**Mrs. Sherry Romanado:** Thank you very much.

[Translation]

Ms. Mignolet, do you have a comment on this subject?

**Ms. Ariane Mignolet:** Thank you.

For our part, there is nothing in the Code of Ethics and Conduct of the Members of the National Assembly that prevents an elected official from speaking about an investigation request that they have submitted to the commissioner. Unlike the federal government, our code does not provide for a 15-day deadline for examining a request. I have recommended that this be the case. That said, I do think it is a good provision to add; it causes people to wait until the commissioner has had a chance to rule on an application and determine whether an investigation is required before people can talk about it.

**Mrs. Sherry Romanado:** Thank you.

[English]

I cede the rest of my time to MP Turnbull.

**Mr. Ryan Turnbull:** Thank you Mrs. Romanado, and Madam Chair.

Mr. Jones, you spoke about the separation between the complaint function and looking at whether a complaint was actually merited

or justified. The function is to investigate and make decisions or sort of adjudicate the complaint.

Could you speak to the merits of that separation? Consistent with Mrs. Romanado's comments and my earlier comments to our previous panel, that would be very helpful for us.

**Mr. David Phillip Jones:** Through you, Madam Chair, I think there actually are three distinct areas. One is the advisory function of the commissioner. I give advice on a quite regular basis to members who are concerned and want to be on the right side of things and who consult me before they do something. An ounce of prevention is worth a ton of cure. So that is one function.

A separate function is receiving and investigating complaints. Most commissioners across the country and I in Yukon have the ability, if we receive a complaint, to then investigate it, and that may cause some difficulties vis-à-vis the advisory function, which is private and confidential unless the member discloses it or says that they've consulted one of us. Quebec has a different system whereby it provides a separate adviser, and then there's the inquiry function, which I have in Yukon but I don't have in NWT, of separating the inquiry after I find that the gate is opened and there is something there, a preliminary matter. The difficulty with that, Yukon has found, is that it's quite expensive and it takes time. It provides a further independent look at it, but NWT's recent experience was that the inquiry—not me but the inquiry—cost over \$800,000.

**Mr. Ryan Turnbull:** Thank you, Mr. Jones. I appreciate that.

Mr. Wake, I'm going to go to you now. In terms of publishing guidelines, you spoken about mandatory training and how it wasn't required in Ontario but that you traditionally meet with new members and they are required to meet with you on annual disclosures. I'm just wondering whether you have the ability—and perhaps this could be a question that all could quickly answer with one word—or the power to publish guidelines for your members within the legislatures.

**The Chair:** Mr. Wake, go ahead.

**Hon. J. David Wake:** Through you, Madam Chair, yes, I do. That's not specified in the act, and I therefore take it that I'm not prohibited from publishing guidelines. I have published guidelines on all of the topics, including gifts and letters of support, and they're on our website. Members and their staff have frequently commented to me on how helpful they are.

[Translation]

**The Chair:** You have the floor, Ms. Mignolet.

**Ms. Ariane Mignolet:** Thank you, Madam Chair.

I do have the authority to issue and publish guidelines on topics that I consider relevant, because there are a lot of questions on that in particular.

In my case, it is expressly provided for in the Code of Ethics and Conduct of the Members of the National Assembly.

**The Chair:** Thank you, Ms. Mignolet.

[English]

Mr. Jones.

• (1245)

**Mr. David Phillip Jones:** Madam Chair, in neither the Yukon legislation nor the NWT legislation is there a specific reference to guidelines, but there's not a specific prohibition, so I'd be in the same situation as Mr. Wake. I would also point out that Ontario, Alberta and B.C. have very extensive guidelines, which I would refer the members to because they're very helpful.

**The Chair:** Thank you.

[*Translation*]

It is now Mr. Therrien's turn.

You have the floor for six minutes, Mr. Therrien.

**Mr. Alain Therrien:** Thank you, Madam Chair.

First of all, I would like to say hello to Mr. Wake and Mr. Jones and, in particular, to Ms. Mignolet, whom I used to work with at the Quebec National Assembly in another life.

My warmest greetings, Ms. Mignolet; my first question will be addressed to you.

With regard to your presentation, there is one specific thing that I would have liked to hear more about. I'll take the liberty of reading a bit of what you said:

Moreover, the situation cannot be hypothetical; it must be based on concrete facts. These criteria undoubtedly contribute to preserving this tool from attempts at instrumentalization.

I would like you to tell me more about the "attempts at instrumentalization".

**The Chair:** You have the floor, Ms. Mignolet.

**Ms. Ariane Mignolet:** Thank you, Madam Chair.

I think the preventative code process that has been put in place means that you cannot ask for advice on a situation that does not directly concern you or is purely hypothetical. Advice is confidential, obviously.

The objective is to give advice on a real situation. We are there to prevent conflicts of interest, to assist in reflection, and to help people adopt correct conduct in the circumstances.

The last thing we want, and this has been clearly thought out from the outset, is for people to be able to call the commissioner to try to find out how an opponent might behave, or because they have heard that a given person has some issue, which could lead to wanting to publish the case or cases in the media.

It's really to avoid that, and I think it's quite appropriate.

**Mr. Alain Therrien:** All right. Thank you, Ms. Mignolet.

I would like to ask Mr. Jones a question.

I was surprised to hear you say that you work for the Northwest Territories and for the Yukon, but that you live in Edmonton to avoid placing your personal life in a conflict of interest situation. I don't know where Mr. Wake lives, and I imagine that Ms. Mignolet lives near the National Assembly. You say that not living where you enforce conflict of interest decisions avoids conflicts of interest.

I would like you to explain that to me, because it surprised me.

**The Chair:** Comments must be addressed to the chair.

**Mr. Alain Therrien:** Yes. I apologize, Madam Chair.

[*English*]

**The Chair:** Mr. Jones.

**Mr. David Phillip Jones:** Madam Chair, you have to remember that the population of Yukon is about 30,000 people, the majority of whom live in Whitehorse. If I lived in Whitehorse, my daily life would undoubtedly take me into contact with people who are members of the legislative assembly or who have complaints.

Similarly, the NWT population is about the same or slightly more. It is a similar situation with Yellowknife.

The commissioners of Yukon have never lived in the territory while they were commissioners. The commissioners of NWT have almost always lived elsewhere.

It prevents me from being conflicted out, or to be perceived to be, just because of my daily life, where I go to this church or I do that, or whatever else.

Ontario is a big jurisdiction. Canada is a big jurisdiction. Ottawa is a big city, and so on.

[*Translation*]

**Mr. Alain Therrien:** Mr. Jones answered my question, which had no ill intent, very well. I was just curious. I am very satisfied with his answer and I now understand very well why his situation is as it is. I would like to thank him.

Thank you, Mr. Jones.

I have one last question and I would like to get a quick opinion from each of the witnesses. It concerns the definition of family. The Ethics Commissioner has decided to broaden that definition. Initially, this definition was restrictive in his opinion, and he decided to broaden it considerably. I would like to know your definition of a family, as well as your opinion on the broadening of the definition.

Please reply to me in turn.

• (1250)

**The Chair:** Ms. Mignolet, you have the floor.

**Ms. Ariane Mignolet:** Thank you.

In Quebec, the immediate family of an elected official is also defined quite restrictively. It is limited to the spouse, dependent children and dependent children of the spouse.

From our side, this does not seem to be a problem when it comes to the code, since the article provides that one cannot favour one's family members. The article refers to members of one's immediate family and to one's non-dependent children. In this context, the definition is already broad.

For the remainder, although other extended family members fall into the category of other persons, if an elected official has improperly favoured the interests of another person, the proximity test comes into play.

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

[*English*]

Mr. Jones.

**Mr. David Phillip Jones:** In both my territories, there is a definition of “family” that is limited to the nuclear family, including adopted children. It is dependent children, so it's a challenge when children become 24, 25 or 30. They're not family, but they might fall into the other broader categories of the code.

**The Chair:** Mr. Wake.

**Hon. J. David Wake:** Through you, Madam Chair, the definition of “family” in the Members' Integrity Act is the nuclear family, which is the spouse, minor children and any other adult who is related to the person or his or her spouse, shares a residence with the person and is primarily dependent on the person or spouse for financial support. That's the limit.

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

[*Translation*]

Thank you, Mr. Therrien.

Ms. Blaney, you have the floor for six minutes.

[*English*]

**Ms. Rachel Blaney:** Thank you, Madam Chair.

I'd like to thank all of the witnesses today for their interesting presentations.

There was some discussion earlier about recommendations and guidelines based on previous investigations or reflections. I'm just wondering, at the beginning of each of your parliaments or legislatures, does it get deleted? Is there a restart? When you make a guideline or something, does that continuously stay on, or do you have to dismiss that and start again after every election?

That's for all the members, Madam Chair.

**The Chair:** We'll start with Mr. Wake.

**Hon. J. David Wake:** Through you, Madam Chair, the simple answer is, no, they continue. They're not affected by an election. They don't change until they get changed.

**The Chair:** I apologize for the tech issues. I can tell that some people are hearing an echo.

Go ahead, Mr. Jones.

**Mr. David Phillip Jones:** No, the guidelines are constantly speaking, but as I mentioned earlier, the code of conduct in NWT has just been changed, or the legislative provisions have just been changed, to make it constantly speaking as well. It had to be renewed by each Parliament before, but that's not so anymore. The guidelines are constantly speaking.

**The Chair:** Thank you.

[*Translation*]

Ms. Mignolet, you have the floor.

**Ms. Ariane Mignolet:** From our side too, the guidelines remain until we choose or feel it necessary to change them.

[*English*]

**Ms. Rachel Blaney:** I'm waiting for the microphone to turn on, Madam Chair. You told me not to touch it. I am respecting that rule, which means I will pause.

Thank you, Madam Chair, for checking that out with me. I appreciate the folks who push the button that allows me to speak.

My next question is with regard to outside work and remuneration. There is some concern that when a member of Parliament, in this case, but a member of the different systems provincially and territorially have outside work, they can have an impact. I'm just wondering if you could share with us any sort of guidelines that you may or may not have and give us feedback on whether there's particular work that would be concerning versus other types of work.

I guess the last part of that question is this: Is there any consideration to work that you may have done previously to being elected as opposed to getting a new position or work after you are elected?

• (1255)

**The Chair:** Go ahead, Mr. Wake.

**Hon. J. David Wake:** There's no jurisdiction to deal with a situation after someone has left their elected office. With respect to work that they may have done beforehand, it may present itself in the form of a conflict in terms of relationships people have had and whether somebody is lobbying them for something. There's a whole wide spectrum of things that could come as a result of prior employment.

As I understand the recommendations, it's with respect to people not being able to work while they are an elected member of Parliament. We don't have that restriction in Ontario. It may come out...if somebody is working at something that may place them in a conflict, and we'll deal with that on a case-by-case basis, but there is nothing to prevent a member, other than a cabinet minister, from holding another occupation. Parliamentary assistants in Ontario are not in the same situation as cabinet ministers. They can hold outside employment as well. Very few do, but it's in the act.

**The Chair:** Go ahead, Mr. Jones.

**Mr. David Phillip Jones:** In both Yukon and the NWT, members are allowed to have outside interests but ministers may not—subject, however, to some discretion in NWT and the commissioner to allow certain things. Usually that's done for non-profit things and so on.

The previous work might create a need to insulate the member or the minister from certain things that they would otherwise do, because it might create a reasonable apprehension of conflict. In NWT and Yukon, there are provisions preventing former members from doing certain things for certain periods of time.

**The Chair:** Thank you.

[*Translation*]

You have the floor, Ms. Mignolet.

**Ms. Ariane Mignolet:** Thank you, Madam Chair.

As far as Quebec is concerned, there are provisions in the code that govern the holding of multiple offices. When we talk about the members of the executive council, we are talking about an exclusive function. They cannot hold other offices, but MNAs can, and this is regulated. The code provides for clear incompatibilities of function, such as another elective office, work within the government or in international organizations. There are already good guidelines, and certain relaxations are provided for, particularly in the education or health sectors. I could give you a written answer to tell you more, as my answer could be long.

With regard to previous occupations, some of them may indeed require that a protective measure be put in place to avoid conflicts of interest. In some cases, this may make the exercise of a particular duty as a minister or other more complex, but we do guide members in this regard.

[*English*]

**The Chair:** Thank you so much for the insights you have provided. Obviously, you are also interested in this area, and if you have any insights you would like to provide in writing, we would welcome them.

On behalf of all committee members, I do want to thank you for taking the time to join us today. It means a lot to us. If anything else comes up that you would like us to know, please do not hesitate to write to us.

With that, we hope that you and your loved ones keep well and safe.

Committee members, we'll see you in the House or around. Take care. Thank you.

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