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# Standing Committee on Procedure and House Affairs

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Chair: The Honourable Bardish Chagger





## Standing Committee on Procedure and House Affairs

Tuesday, February 15, 2022

• (1130)

[English]

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

Welcome to meeting number eight of the House of Commons Standing Committee on Procedure and House Affairs on the review of the conflict of interest and ethics code for members. The committee is meeting today to continue this work.

I would like to remind all participants that no screenshots or photos of your screen are permitted.

Before going into a couple more comments, I understand that Mr. Duncan might have a friendly suggestion.

Go ahead, Mr. Duncan.

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

May I suggest, in the interest of time, that our witnesses provide a 30- or 60-second introduction of themselves and their roles? We have their opening statements. Anything else they want to provide, they can provide in writing so that we can maximize our Q and A.

Thank you.

**The Chair:** Are there any concerns with proceeding in this way?

**Some hon. members:** Agreed.

**The Chair:** I'm seeing none.

Thank you for that kind suggestion.

I will remind members that we all know the public health guidelines. I understand that you've received them, so I'll take a nod to confirm that I don't need to share this.

[Translation]

When speaking, please speak slowly and clearly. When you are not speaking, your microphone should be on mute.

I would remind you that all comments by members and witnesses should be addressed through the chair.

I would now like to welcome our first witness panel: Shimon Koffler Fogel, Anne Dance and Paul Thomas. Each of them will address the committee before answering a series of questions.

Mr. Fogel, go ahead.

[English]

**Mr. Shimon Koffler Fogel (President and Chief Executive Officer, Centre for Israel and Jewish Affairs):** Madam Chair, thank you very much.

To act in good faith, I will limit my comments to the following.

We have submitted a number of different documents that we think are relevant to your committee's consideration, including some legal opinions that we have obtained over the last number of years. I think that really does accurately reflect our position.

I will say only this. We collectively have to be looking to every opportunity to excite and engage young people in the political process in public service. At a time when, increasingly, we're met with cynicism and disengagement, these kinds of programs are vital in providing a platform to excite, inspire and engage young people. We very much want to play our part in moving this objective forward.

Thank you.

**The Chair:** Thank you.

Dr. Anne Dance, you have the floor.

• (1135)

[Translation]

**Ms. Anne Dance (Former Director, Parliamentary Internship Programme, As an Individual):** Madam Chair, thank you for inviting me to share my opinion.

[English]

I submitted my opening statement, so I'll just summarize my recommendations.

First and most importantly, members reviewing the code should consider the impact of the advisory opinion on the accessibility of the Hill as a workplace. In my view, the advisory opinion has resulted in more unpaid people working for MPs. MPs have the right to staff their offices however they want; however, only a select group of people can afford to work for free and move from other regions of the country to do this.

Second, the current advisory opinion does nothing to address the numerous unpaid interns working on the Hill, many with advocacy aims. If the goal is to address conflicts of interest, perhaps this should be a consideration.

Third, members' staff should be offered training on these measures and on any new measures, including advisory opinions.

Fourth, there should be clearer and more transparent communication about the code and the advisory opinion.

Fifth, I recommend changing the language around paid interns. Characterizing young professionals as gifts is misleading and inappropriate, especially given the educational component of many internships.

Thanks so much.

**The Chair:** Thank you, Dr. Dance.

Go ahead, Dr. Paul Thomas.

[*Translation*]

**Dr. Paul Thomas (Director, Parliamentary Internship Programme):** Madam Chair, I want to thank the committee for inviting me to testify today.

[*English*]

I am Paul Thomas, and I have been the director of the parliamentary internship program since July 2020.

The parliamentary internship program is a unique educational initiative that's jointly delivered by the Canadian Political Science Association in partnership with the House of Commons. It's been operating since 1970. The structure was based on a report by the committee's predecessor back in 1969.

I would like to echo Dr. Dance's comments. The 2018 advisory committee had a number of impacts on the operation of internship programs. My three main points are as follows.

First, there should be a mechanism to ensure transparency in the operation of these programs, but the system created by the advisory opinion has primarily served to limit access to quality paid internship opportunities at Parliament, without necessarily achieving the desired gains in transparency.

Second, the mechanism for oversight established by the opinion is awkwardly structured and confusing for both MPs and those who operate internship initiatives.

Finally, access to internship experiences with MPs would be enhanced through the creation of a specific mechanism to ensure the transparency of internship programs rather than attempting to govern them through the existing provisions within the conflict of interest code.

I apologize to any members who read my prepared remarks and find typos therein; I thought it was for translation purposes only.

**The Chair:** Thank you so much, Dr. Thomas.

With that, we will start the first round of questions for members. They will be six-minute rounds. Please, members, keep them tight.

We'll start with Mr. Vis, followed by Ms. Sahota, Mr. Therrien and then Madam Blaney.

Mr. Vis, the floor is yours.

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

We touched upon this in the last meeting. Addressing the elephant in the room, I'm a parliamentary intern alumnus, and I'm very, very proud of this program. This program gave me and young Canadians across the country one of the biggest legs up we could ever hope for. It brought together diverse Canadians from all sorts of different backgrounds and geographical regions of this country, to learn and experience this place in a way that is unimaginable except through the parliamentary internship program.

I am here because of the parliamentary internship program and friendships with people like Anne Dance especially, and her brother, Mark, who was in the program with me.

I believe that the Conflict of Interest and Ethics Commissioner was wrong when he made this ruling. I'd like Anne Dance, if she could, to comment more extensively on the point she made—that young interns are not gifts.

Anne, can you elaborate on that point, please, and the significance of that?

**The Chair:** Ask the questions through the chair, Mr. Vis.

Dr. Dance.

**Ms. Anne Dance:** Madam Chair, I'd like to thank the member for that question and his comments.

I was an intern in 2008-09. I think there are two aspects to the problem of how troubling it is to have young people referred to as gifts. One is that when you're a young person working on the Hill—I think it has improved since 2008-09—there is innuendo and there are comments. When you're a young woman, there are comments around being a young person on the Hill. Fortunately, with the parliamentary internship program, there are agencies; there are options.

The interns choose the MPs. They interview the MPs and they choose who they want to work with. There's an understanding that should the MP not behave appropriately, they will not be chosen by another intern. Fortunately, that doesn't happen. There was a connotation around "intern", especially in 2008-09, that was particularly strong.

I also think it's not accurate or appropriate to refer to somebody as a gift to an MP. It's an exchange, a relationship between the intern and the member of Parliament and their staff. Often I find that the MPs say, "Oh, I learned all about this other region of the country because I had a chance to work with them. I'm an Alberta MP, and I got to work with somebody from Nova Scotia. Now I know a lot about Nova Scotia and I visited Nova Scotia."

I don't think it's accurate or appropriate, and it's misleading and troubling for people who are trying to gain this educational experience.

Thank you.

• (1140)

**Mr. Brad Vis:** Thank you, Dr. Dance. Thank you for your contributions to this program, and your expertise on Parliament as a workplace as well.

Dr. Thomas, you mentioned “limited access” and that the opinion of the conflict of interest commissioner did not achieve its desired gains. Can you please elaborate on that point?

**The Chair:** Mr. Vis—

**Mr. Brad Vis:** That's through you, Madam Chair.

**The Chair:** I would hope so.

Dr. Thomas.

**Dr. Paul Thomas:** Thank you, Madam Chair, and thank you to the honourable member for the question.

There are two points that I would make in this regard. If the goal is to increase transparency around who is placed with members of Parliament, using the existing mechanism of regulations on gifts creates two major problems.

The first is that the commissioner's opinion focused extensively on a juxtaposition between paid interns and unpaid volunteers, without considering that intermediate category that Dr. Dance touched upon, which is the unpaid intern, those who are systematically recruited and placed in specific MPs' offices but are unpaid. Even in the remarks to the committee, again, the commissioner's focus was on the salary paid. It creates a situation whereby certain organizations that might favour certain policy objectives could continue to place people with MPs despite this.

The second challenge is that organizations that are advocating can continue to provide paid interns, provided that they don't register to lobby. For example, GreenPAC is an organization that seeks to improve policy around the environment through the achievement of a greater proportion of environmental advocates in public office. It endorses candidates, but it does not register to lobby. It clearly has a public policy goal, but because it doesn't register, it's allowed to operate internship programs, whereas Equal Voice, which seeks to promote women in Parliament, cannot run an internship program because it does register to lobby.

You have these odd juxtapositions of transparency that are being placed through the use of the existing mechanism.

**Mr. Brad Vis:** Just quickly, Dr. Thomas, the parliamentary internship program has sponsors, many from the private sector, that work in conjunction with the Canadian Political Science Association. The Political Science Association is a non-partisan organization that has broad respect across this country. Do you believe it is appropriate for private sector companies to encourage youth participation in Canadian politics by working with such an organization?

**The Chair:** Through the chair, Dr. Thomas, with a quick answer.

I would just say to Mr. Vis that Mr. Barrett is a master at going through the chair, so he might have some pointers.

**Mr. Brad Vis:** Through the chair, thank you.

**Dr. Paul Thomas:** Thank you, Madam Chair.

Yes, I believe it is appropriate. I would point out that the Canadian Political Science Association has been there for the 52 years that the partnership has been set up. We also operate the same kind of program at the Ontario legislature.

Having an independent body that is accountable to a board ensures high academic standards. I would also point out that, in both cases, with the Ontario and the federal programs, this is implemented jointly with the host legislatures to ensure that quality control.

**The Chair:** Thank you, Dr. Thomas.

Ms. Sahota, you have six minutes.

**Ms. Ruby Sahota (Brampton North, Lib.):** Thank you, Madam Chair.

Thank you, through you, to the witnesses for their short but informative presentations and the statements they provided.

I wanted to ask all the panellists this, I guess. From what you've heard since this advisory was made public, to your knowledge, which programs have been affected and which have not? The PIP, as we know, has been able to continue; however, CIJA and a lot of other organizations have been impacted. Can you shed some light on how many internship programs have been affected?

• (1145)

**The Chair:** Go ahead, Dr. Dance.

**Ms. Anne Dance:** Thank you. I might defer to my colleagues here, in that when this advisory opinion came out, it certainly took effort to clarify it for the parliamentary internship program.

Yes, because it's operated by the CPSA, I have an email here from the commissioner's office confirming that it could continue to operate, but I'm afraid that it was the 50th anniversary year of the program, which I was so consumed with that I perhaps didn't pay as much attention as I could have.

I will defer to my colleagues.

**The Chair:** I have Dr. Thomas.

**Dr. Paul Thomas:** Thank you, Madam Chair.

One challenge with the existing system is that there is no registry of how many internship programs are in operation. As part of that 50th anniversary program that Dr. Dance mentioned, I did research and tried to prepare a history of how the programs have operated and how they spread.

At that time, I identified around 15 internship programs that were in operation. They could be divided into categories. Some were purely academic; some were run by advocacy organizations and some, like the parliamentary internship program or the Jaimie Anderson internship program, were operated by a specific external organization.

The number of internship opportunities has declined, so the Centre for Israel and Jewish Affairs program was shut down. There previously was a Canada-Poland youth internship program that ended. There was also the National Council on Canada-Arab Relations program that ended. Also, there was the parliamentary internship and mentoring program that was run by the Korean Canadian Scholarship Foundation, which has ended. Part of the trouble, though, is that I cannot attest that this was specifically due to this ruling. They were in operation and, so far as I know, are no longer continuing.

**The Chair:** I have Mr. Fogel.

**Mr. Shimon Koffler Fogel:** Madam Chair, I would add only that we suspended our program immediately upon receiving the ruling, as did other groups, such as the Ukrainian Canadian Congress and, as I think they call themselves, the Canada Tibet Committee. There were a number—as Dr. Thomas suggested—that pulled back, seeking clarification. Then there was an election, and then COVID hit, so addressing this in a sustained way became a challenge.

**Ms. Ruby Sahota:** Mr. Fogel, could you elaborate as to why this program was important for your youth? From the list I have so far, it seems to be a lot of different groups that represent ethnic minorities, other parts of the world or Canadian diasporas.

Why is a program like this important to your organization? Perhaps you could elaborate on behalf of others as well. They're not what you would typically think of in terms of the Boys and Girls Club or organizations that are there to promote opportunities for young people, but I understand—and I've had interns from some of these organizations—that you may have similar motives.

**The Chair:** Through the chair, Mr. Fogel.

**Mr. Shimon Koffler Fogel:** Thank you, Madam Chair.

In response, through the chair, let me just make a couple of observations. I think communities like ours, and there are many in Canada, feel an imperative to make a contribution to the country, to encourage and foster a sense of not just belonging but of meaningful contribution to the upbuilding of Canada through public service. It is not the most obvious path that people from marginalized or ethnic communities might choose. They don't necessarily have easy or equal access to some of the programs that would encourage that kind of engagement.

We feel that it reflects a core Jewish value to give back to community, not in a parochial sense but in a much broader, general sense. For us, the value of the program is not what we accrue directly by way of benefit to us. Rather, it's fostering a certain sense of commitment to Canada and to contributing to the public process.

• (1150)

**Ms. Ruby Sahota:** Thank you.

I have one more quick thing. Dr. Dance, you mentioned that this advisory may be making interns more vulnerable in the workplace. Can you elaborate on that?

**Ms. Anne Dance:** Madam Chair, I appreciate that question.

Very briefly, in theory everybody working on the Hill is covered by certain policies and procedures. In my experience, as the previous director and as an intern, volunteers tend to have fewer sup-

ports and less training. This isn't the case consistently, but often, if you're not paid, there is a certain lack of support. That's troubling.

Certainly, the Hill can be a challenging place for young people to work. The goal should be to ensure that as many people with as many supports as possible are on the Hill versus people without those supports.

**The Chair:** Thank you, Dr. Dance.

[*Translation*]

Mr. Therrien, you have six minutes.

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

I will begin by greeting the witnesses and thanking them for their presence.

A question comes to mind concerning the witnesses we heard from last week, Ariane Mignolet and David Wake. Ms. Mignolet is the ethics and deontology commissioner at the National Assembly of Quebec and Mr. Wake is the integrity commissioner of Ontario.

They both appeared to be saying that externally funded internships are not problematic. So we may wonder why it would be okay for the provinces and for Quebec, but not for Canada. I would ask the three witnesses to enlighten us on that, as we are apparently never too old to learn.

**The Chair:** We will begin with Mr. Fogel.

[*English*]

**Mr. Shimon Koffler Fogel:** Look, I'll invoke a comment of the late Herb Gray and say that I don't accept the premise of the question—not of the member who posed, through the chair, the question today, but the idea that at least the kind of internship we provide, which, we argue, fits into the category of a volunteer, as it's an unpaid internship, constitutes any kind of benefit or gift.

In fact, oftentimes what we hear back from the public office holder is that is it more work for them than the benefit they gain from it. Because it is completely disassociated from our own activities, we only facilitate the program. We make no demands of the intern. There are no expectations before, during or after. The benefit to the public office holder is at best minimal, and more often than not, not at all.

[*Translation*]

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

Mr. Thomas, we are listening.

[*English*]

**Dr. Paul Thomas:** Thank you, Madam Chair.

My apologies for replying in English. I'm using the translation feeds because I want to make sure I'm getting the nuance.

I would echo Mr. Koffler Fogel's remarks. The idea that interns are gifts misses the fact that the person being gifted, if I use that word, is a person who is gaining from this experience. There is a goal to it; it is not simply to sway the opinion of a member. There is also public value in having more people learn about how politics works. Again, I would echo Mr. Koffler Fogel's remarks that there is the workload on the member to conduct this activity.

What I would stress is that there is a consideration of lobbying that is not consistent with the way things have evolved. Recent changes in charity law have enabled more and more organizations to take part in government relations activities. Engaging in public policy enables them to speak out and to advance their goals through that mechanism. The Boys and Girls Club, which I believe Ms. Sahota mentioned, would not be allowed at present to offer an internship program, given that they are also registered to lobby. It's the same with the Assembly of First Nations and so on. I can have only 10 interns per year. That's all I have funding for. It's a very large and diverse country, so I hope we can find more opportunities.

• (1155)

**The Chair:** Thank you, Dr. Thomas.

Go ahead, Ms. Dance.

[*Translation*]

**Ms. Anne Dance:** Thank you, Madam Chair.

I thank the member for his question.

When I saw the commissioner's advisory opinion, I asked my colleagues in charge of programs in other provinces—be it at the National Assembly of Quebec or in Ontario—whether their legislative assembly had a similar rule. They told me it did not. I thought that was a bit strange because the parliamentary internship programme is very similar to its counterpart at the national assembly. Scholarship recipients work on research projects, travel and study other legislative assemblies.

The biggest portion of interns' work is done in members' offices, but they also work on their research projects. I tried to find out what percentage of their work is done in members' offices, for information. Of course, it is not 100%. So this rule is frankly somewhat difficult to understand. There is no similar rule in other provinces, and it does not apply to interns at provincial legislative assemblies.

**The Chair:** Thank you.

You have 40 seconds left, Mr. Therrien.

**Mr. Alain Therrien:** I will put a very quick question to Ms. Dance.

Unfortunately, they were unable to read their document systematically.

Ms. Dance, if there was a single thing to improve, a take-away message for us, what would it be?

**The Chair:** Ms. Dance, go ahead.

**Ms. Anne Dance:** First, interns are not gifts. It is not okay to view them as such.

Second, members, people who are considering this, must think of program and Hill accessibility for young people.

Thank you.

**Mr. Alain Therrien:** Thank you very much.

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

[*English*]

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

Through you, I want to thank all the witnesses for being here. I deeply apologize that the way we structured ourselves meant you didn't get to read out your statements. It is important, even if we can read them.

I'm really fascinated by this discussion, and I'm going to come first to Dr. Dance. It's always good to see her and I've enjoyed our time together. One of the things you said in your write-up for us is that, in your view, the advisory opinion resulted in more unpaid people working for MPs. There's that concern of making sure that people have the resources and protection when they're here in this very unusual work environment. Could you talk about the concerns that you have and how this doesn't really address it?

I will also probably come to Dr. Thomas after that, because one of the things that was really interesting to me was the talk about how there's no registry of intern programs. If we're going to make a recommendation, how do we move forward with one that's going to acknowledge how important it is to make sure that people who are working in this environment are protected and paid? That's absolutely essential. I have real problems with free labour when people are working their butts off for us. How can we capture what all those programs are and make a safe pathway so young people can...?

I've had two young people from the PIP and I've learned a lot from them. They've opened my eyes and helped me get amazing projects done. They bring such energy and engagement. We need to have more diverse voices in this place, and one of the ways to do that is to open the doors in this particular way.

Through the chair, if you can respond to all of that, I would really appreciate it.

**The Chair:** Ms. Dance.

**Ms. Anne Dance:** Thank you, Madam Chair.

There are a lot of things to say around unpaid labour on the Hill. One of the things I did when I was director was to try to widen the pool of applicants to the parliamentary internship program. We surveyed alumni from the last 10 years. We figured out where there were gaps, and we tried to really recruit and find ways to get more people to Ottawa.

One of the answers I found when I went to Saskatoon, to Regina, and when the interns did recruitment in different parts of Quebec that hadn't had good representation, was that people asked about the cost of living in Ottawa. They weren't saying things like, "Oh, I'm from Alberta; I don't speak French; how can I do that?"

We figured out solutions. We offered them free second-language training over the summer, but people were really worried about the cost of moving to Ottawa, and ours is a paid program. People who want to volunteer, who want to get that Hill experience, who maybe want to go into public policy or politics some day but really want to see what it's like in Ottawa, are just not able to do that. It's expensive.

When it comes to who gets to Ottawa, who gets these experiences, what I saw with the decrease overall in internships, paid internships, which anecdotally is my experience but it sounds as though Dr. Thomas and Dr. Fogel pointed to specific examples, is that there's still going to be the same demand in MP offices for that labour, for those people to come in and do work. It's great that people will do that, but they're probably going to be less representative of the country. There are probably going to be fewer people from the Prairies. We need to do more recruitment in the Prairies, always, but it's really expensive for them to think about doing that.

On paper, unpaid volunteers are still covered by all the measures on the Hill, but I've talked with colleagues who teach at universities in Ottawa; they have volunteers who go in, and there isn't necessarily the same support, the same advice, the same knowledge of the Hill to help steer them through the dynamics that they might encounter.

That's the first answer.

I think I answered both of your questions, but I appreciate them, through the chair.

• (1200)

**Ms. Rachel Blaney:** Thank you for that, Dr. Dance.

Dr. Thomas, I really appreciate the work you did in recognizing that there is no registry of intern programs and those pathways. I understand the commissioner is trying to measure outcomes from each office, and I agree we should not be calling brilliant young people “gifts”.

With this work that you've done in looking at the lack of registry for intern programs, do you have any recommendations about better pathways and different ways of using language as opposed to referring to a “gift” of a human being?

**Dr. Paul Thomas:** I would strongly suggest that Parliament would benefit from some sort of registry with regard to what internship programs are operating. This relates to Dr. Dance's comment that it would be helpful to ensure that interns have solid workplace experiences.

To give you a very practical example, I am usually in contact, like Dr. Dance before me, multiple times a year with people saying, “Oh, I need a reference from someone who has a parliamentary intern,” or the House of Commons administration itself saying, “We've been contacted by a parliamentary internship program; is it one of yours?” Because we are the largest and longest-running program, we have become in some ways the de facto keepers of that knowledge as to which other programs are there, but it is challenging because some will come, some will go, and the standards vary greatly.

There are also, at times, different extents of experiences promised that may or may not be delivered. There are American programs such as those at the University of Michigan and the University of Kentucky that place interns at Parliament.

What I would suggest as a potential model is what they do in the United Kingdom with their all-party caucus system. It isn't saying who should be involved but just that there needs to be a declaration that this exists. There needs to be some recognition that if you are claiming to be an internship program that places young people with MPs, there is a place where you have to declare and also say what the source of the funding is and what other activities you have. It would greatly promote the transparency without necessarily putting House of Commons officials into the position of being arbiters of what kind of program is beneficial.

**The Chair:** Thank you for that exchange.

Now we'll enter the second round. Because time is limited, we will go through the first four speakers of the second round, starting with Mr. Duncan for five minutes and Mr. Fergus for five minutes.

[*Translation*]

Mr. Therrien and Ms. Blaney will have two and a half minutes each.

Mr. Duncan, go ahead.

[*English*]

**Mr. Eric Duncan:** Madam Chair, I'm going to pass my time over to Mr. Morantz, if that's okay.

**Mr. Marty Morantz (Charleswood—St. James—Assiniboia—Headingley, CPC):** Thank you, Mr. Duncan and Madam Chair. All my comments will be through the chair.

As I'm listening to the conversation, I'm reminded of the saying that we hear a lot as parliamentarians, that we shouldn't let the perfect be the enemy of the good. It strikes me that that's exactly what's happened here. The Ethics Commissioner is of the opinion that the downside risk of the internship program outweighs the benefits of the program, and I respectfully disagree with that.

Mr. Fogel, one of the things I found interesting is in the Bélanger letter. The letter says:

[T]he Ethics Commissioner expressed his view that “any intern services provided to Members free of charge by a third party are benefits as defined in [paragraph 3(1)(b)] of the [Conflict of Interest Code for Members of the House of Commons]...”

Now, in the Gowling legal opinion that you obtained—you haven't looked at that—what they found was that the same section did not apply. It says in fact that the legal opinion found that CIJA's internship program did not place MPs in a conflict of interest under the code. Under that same section, paragraph 3(1)(b) defines a “benefit” as a “service or property, or the use of property or money that is provided without charge or...less than its commercial value”. But then in bold print in your submission, it says “other than a service provided by a volunteer working on behalf of a member”. You clarify in your remarks that the interns are not paid a salary, that they are reimbursed for living expenses.



I'm just wondering how we square that circle, because it seems to me if you take into consideration the Gowling opinion, it really is in stark contrast to the opinion of the Ethics Commissioner.

• (1205)

**The Chair:** Mr. Fogel.

**Mr. Shimon Koffler Fogel:** Madam Chair, I'll try to be very brief.

When it comes to the issue of volunteers, it was a predecessor committee of yours, PROC, some years back that excluded volunteer contributions from those things that could be understood as gifts or benefits to a public office holder. It wasn't Gowling's interpretation. It was the House of Commons committee itself that made that distinction.

If I'm trying to understand Mr. Dion's struggle, though, I think that it goes back to some comments that both Dr. Dance and Dr. Thomas made. It's the idea of somehow achieving a degree of transparency and accountability for what takes place on the Hill, so that there's an ability to track, monitor and evaluate. I would suggest if I could, Madam Chair, that there is actually a very easy fix to this. Much like is undertaken with respect to sponsor travel, which is exempt as well for its own compelling reasons, having the participating members register the volunteer, including identification of the source of sponsorship, and publish that every year would address the issue of transparency in a complete way.

**Mr. Marty Morantz:** Thank you. That was actually my next question, because I think the legal opinion is pretty clear. With the greatest respect to Mr. Dion, his interpretation is incorrect, and the benefits of this program far outweigh any risk of undue influence with respect to members of Parliament.

I'm not on this committee. I was asked to sub in five minutes before it started, so I'm learning as quickly as I can. I want to suggest that the committee consider taking up Mr. Fogel's suggestion to have a specific stream for sponsor interns. I think we could right this ship and start seeing the benefits of this program again.

CIJA interns are not just in the Jewish community. They're from the community at large. I know many people in my own community, not just in the Jewish community, have fabulous careers in politics and law and many other things. The benefits of this program need to be reinstated and protected as we go forward.

That's just a comment, Madam Chair. I don't have a further question. Thank you.

**The Chair:** That was excellent. We welcome you to sub in and be part of this committee any time. Thank you for your contribution.

Mr. Fergus, you have five minutes.

[*Translation*]

**Hon. Greg Fergus (Hull—Aylmer, Lib.):** I would like to thank our witnesses for their presentations today.

I must admit that I am especially interested in this issue. When I read the Ethics Commissioner's decision, I arranged to meet with him to express my disagreement, without talking about it with other

groups concerned, such as the parliamentary internship programme, the PIP, or the Centre for Israel and Jewish Affairs, or CIJA.

I think that the commissioner's interpretation is wrong and that it will take away from young Canadians the opportunity to have an extraordinary experience on Parliament Hill. Organizations such as the PIP and CIJA, among a number of others, are doing whatever they can to ensure that their interns are non-partisan. That is extremely important. Their interns are doing exceptional work. They are also not the only ones. There are many of them.

I don't usually reveal the content of my conversations, but the commissioner gave me some advice. According to him, since I am a member, I can have the legislation amended if I want and if I can convince my colleagues of my point of view.

What changes do our witnesses think we should make to the legislation to enable those kinds of clearly non-partisan activities that give young people an extraordinary experience?

• (1210)

**The Chair:** Mr. Fogel, as I know you have to leave in seven minutes, I will ask you to answer first.

[*English*]

**Mr. Shimon Koffler Fogel:** Through you, thank you to the member for his kind remarks.

If we go back to the core issue of transparency and accountability, we have our answer, as another member mentioned, about the path forward. Public office holders should receive, or we should craft, a handbook on internships for the benefit of all members of Parliament, so that they can be aware of the different issues—the separation between whether it's a registered lobbyist or it's another special interest group and their activities—and the expectations of the intern once she or he goes on the Hill. The issue of transparency is not a complicated procedure to enshrine and put into place.

With the rest of it, if it ain't broke, don't fix it. We've been running an internship program for 20 years, and PIP has been running much longer. They have worked wonderfully, with great outcomes. I can assure you that there is no benefit to us in terms of any kind of translated return from the MP. It's almost insulting to think that the provision of an opportunity for an intern is going to skew the normal engagement of public office holders with their constituencies.

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

We're quickly running out of time.

Dr. Thomas, go ahead. Then we will hear from Dr. Dance.

**Dr. Paul Thomas:** Thank you, Madam Chair.

I must confess that I am not a lawyer, but I think some clarity that the services of an intern participating in a non-partisan program would not be considered a gift would be helpful. There could be a separate space created in the conflict of interest code for such items.

Again, I cannot say that all programs have operated with equal effort to ensure that interns are not placed in awkward situations. There have been programs in the past, and I can provide further research to the committee, where interns were expected to advance particular interests.

• (1215)

**The Chair:** The committee would welcome those details as part of some of the information we consider.

Thank you, Dr. Thomas.

Go ahead, Dr. Dance.

[*Translation*]

**Ms. Anne Dance:** Thank you, Madam Chair.

I thank the member for his question.

I think rule clarity is important. Interns are not gifts.

For someone to be aware of all the parliamentary internship programs, they would need to have access to a registry similar to the one described by Mr. Thomas.

Clarity and training for assistants and members are very important. As members' assistants work a lot, I find it strange that they are not provided with training.

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

Mr. Therrien, the floor is yours for two and a half minutes.

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

I would like Mr. Thomas to clarify a very short paragraph. As he did not have time to finish his presentation, I will give him time to explain why he decided to add this paragraph.

He said, "Second, the mechanism for the oversight of internship programs established by the 2018 advisory opinion is awkwardly structured and confusing for both MPs and those operating internship initiatives."

I would like him to explain this in his own words and provide us with potential solutions.

[*English*]

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

**Dr. Paul Thomas:** Thank you, Madam Chair.

I included that because of specific experiences that our host MPs have had when they were not aware that such a requirement existed. An intern was placed with a member of Parliament, and the member of Parliament had read the conflict of interest code, which does not mention interns. The member was not aware that an advisory opinion had been issued, because the advisory opinions had been removed from the commissioner's website. The only way I could find the actual text of the advisory opinion was to go to the Internet archive and see what the website looked like in 2018.

We also have an additional challenge with the parliamentary internship program, given that it is delivered in partnership with the House of Commons. Often members assume, quite rightly, that perhaps we should not be covered in the same regard, given that we

have direct support. The interns are written into the members' by-law, so there is a bit of confusion as to how we are at the same time both an external and an internal program.

Greater clarity, at the very least just making it so the advisory opinion is available to members to read, would be a great first step. Then from there, having greater clarity as to their duties—I think Dr. Dance mentioned training—would be very helpful in this regard so that it's not reliant on the internship programs to educate MPs about it. Those who might want to create a program—I've been approached by several people—had no idea of this because they couldn't find it either, so people could inadvertently contravene the guidelines.

[*Translation*]

**The Chair:** You have 10 seconds left, Mr. Therrien.

**Mr. Alain Therrien:** How many people a year do you think have been unable to get an internship because of the rule implemented in 2018?

[*English*]

**Dr. Paul Thomas:** That is a precise number that I would not be able to give off the top of my head; however, I can say I believe the CIJA program welcomes several interns per year, and they have been inoperative since 2018. I believe, as was mentioned, that the Ukrainian program had three interns per year. The Tibetan program as well, I believe, had three interns per year.

It would be approaching 20 or more who have not been able to take part.

[*Translation*]

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

Ms. Blaney, go ahead for two and a half minutes.

[*English*]

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

I wonder if I could ask Mr. Fogel to just talk about the long-term impacts to his organization of not being able to have this program running. I understand that there used to be a stipend that was included, so I think that's another part that's important to talk about, as well as the accessibility of these types of internships for members of our country—young people who may not have access to the resources to be able to participate.

• (1220)

**Mr. Shimon Koffler Fogel:** Thank you, Madam Chair.

I'll respond briefly. For the record, let me first suggest, further to Dr. Thomas's comment... We organize 10 to 12 interns per year. Others, as he suggested, have different numbers. We were able to both recruit and fund the stipends for 10 to 12, depending on availability.

Through you, Madam Chair, let me say that our allowance for the individual interns really speaks to what Dr. Dance referenced earlier, which is ensuring a level playing field that everybody has access to across the country. We've had interns from all provinces and all regions, and it is an extraordinarily expensive undertaking when one considers that Ottawa's not home. They are coming specifically for this program, so it's not a long-term plan. It's not even schooling, where one can project for two, three or four years and make appropriate arrangements.

It wasn't compensation. It was an ability to ensure that everybody had equal access to the program, and they responded well to that.

However, I will conclude that, in addition, we have felt that it was part of our mandate to instill a sense of responsibility to community and to Canada within our own constituency, and the parliamentary internship program was a vital part of being able to translate that into something real.

**The Chair:** Thank you. That brings us to the end of our time.

On behalf of all committee members, I want to thank you, Mr. Koffler Fogel, Dr. Dance and Dr. Thomas, for joining us today. If you have any other information you'd like to submit for the committee to consider, please do not hesitate to submit that in writing directly to the clerk. We hope you have a great day, and thank you for your service.

We will suspend the committee now for about two minutes, because we don't have to do all the sound checks. They are ready, and we will start with the next panel at 12:25 on my clock, which currently reads 12:22.

Thank you.

• (1220)

(Pause)

• (1225)

**The Chair:** With that, we will start the second round. We will endeavour to end the meeting by 1 p.m., the normal time, so to our guests today, I would ask you to keep your introductory comments to 30 seconds, because we have received your submissions.

I would remind members that we will most likely get through only the first round of six minutes each for each party, to ensure that we respect everyone's time.

[*Translation*]

I would like to welcome our second witness panel: Kathryn Stone, Mary Dawson and Duff Conacher. The witnesses will address the committee before answering members' questions.

Mr. Conacher, go ahead.

[*English*]

**Mr. Duff Conacher (Co-Founder, Democracy Watch):** Thank you very much, Madam Chair.

Democracy Watch and the Government Ethics Coalition, which it coordinates and which is made up of 30 citizen organizations from across Canada, welcomes the opportunity to present to the committee during this long-overdue review of the code, with the hope that the committee will finally recommend key changes that

will make the code effective in preventing and prohibiting conflicts of interest and unethical gifts and favours.

Unfortunately, the previous times the committee has reviewed the code since it was enacted in 2004, it has either added more loopholes or done nothing to close loopholes or strengthen penalties and little to strengthen enforcement.

Democracy Watch will file a written submission with the committee soon, to give you all the details concerning its proposals for changes, which I will summarize, hopefully, today in the brief discussion we're having—but may not even have a chance to do that—and the reasons the changes need to be made. We'll also respond to the six recommendations of the Ethics Commissioner, some of which are flawed and which overall are much too weak.

As in all areas of law reform, the devil is in the details. I'm sure we'll not be able to cover all of the details today, but I'm happy to be invited back to testify again, to clarify or answer questions about any of the changes that Democracy Watch will recommend in its written submission.

Overall, the MP code needs to be strengthened in several significant ways, because it contains huge loopholes and flaws that in combination mean it really should be called the “almost impossible to be in a conflict of interest code for members of the House of Commons”—

**The Chair:** I thank you for your comments, but as you'll get to know, I try to run a really tight ship, and we welcome your submissions.

Madam Stone, we will go to you for brief introductory comments.

**Dr. Kathryn Stone (Commissioner, House of Commons, United Kingdom Parliament, Office of the Parliamentary Commissioner for Standards):** Thank you, Madam Chair. I'm honoured to be invited to be with you today.

Being elected brings enormous responsibility and huge privilege. It affords power and authority on those elected to change things for those who elected them. Using that power and authority for the greater good rather than personal gain is vital to preserve trust and confidence in the democratic process.

Perhaps all parliamentarians should be made to ask, “Why?” when they are offered something, and, “What are you expecting in return?” The code isn't simply a guide to work out who has done wrong; it must be an educative, informative document to enhance greater understanding of the expectations of what right looks like and what should happen. Standards matter, and how we reconcile our public and private lives matters too.

Thank you, Madam Chair.

**The Chair:** Ms. Dawson, welcome.

**Ms. Mary Dawson (Former Conflict of Interest and Ethics Commissioner of Canada, As an Individual):** Thank you very much, Madam Chair.

The first thing I want to say is about the opening statement that I gave to the translation people. I've made some changes to that, and I found an error in one of my comments, so I would like it understood that I would like to replace that, and I'll do that this afternoon.

I note that I was the Conflict of Interest and Ethics Commissioner for 10.5 years. I was appointed the first one under the Conflict of Interest Act in 2007. The responsibility of the commissioner is both the Conflict of Interest Act, which is public office holders, and members under the members' code.

First of all, I note that 10 of the 23 submissions I made in 2015 were accepted, so I appreciate that. I also note that three of the recommendations made by Mr. Dion repeat some of the ones that were rejected that I had made previously.

I have a few comments on some of the others. One of the other ones that Mr. Dion suggested, early mandatory training, is a very good suggestion. We did have a regular practice, anyway, of discussing obligations with new members, but I think the regular mandatory training would certainly focus properly on that.

I think I will stop now, because I've run out of time.

• (1230)

**The Chair:** Thank you so much for recognizing our limited time and jumping on those issues. We look forward to hearing more.

We will now enter our first and only round of questions from each of the parties, starting with Mr. Duncan and followed by Mr. Turnbull

[*Translation*]

Mr. Therrien and Ms. Blaney will then be up. Everyone will have six minutes.

Mr. Duncan, go ahead.

[*English*]

**Mr. Eric Duncan:** Thank you, Madam Chair, and through you, thank you to our witnesses.

Ms. Stone, I follow U.K. politics quite closely. I've been interested in one of the topics that our Ethics Commissioner has asked us to discuss and look at in our review, and that is extra employment income or other work by members of Parliament.

I understand that this quite an issue that you and the U.K. government are struggling with right now. Could you give us a background or perhaps a quick summary of the issue and where you see some of those conversations or new rules going regarding extra work by members of Parliament who are elected?

**Dr. Kathryn Stone:** Through you, Madam Chair, I'd like to say that those of you who have watched events in Westminster will note that we've experienced some turbulence of late, and that's probably an understatement. It's all linked to standards matters and behaviour around the registration of financial interest and additional roles in particular.

We are currently, as are you, in the process of reviewing our code of conduct and trying to establish whether, for example, it should be a limitation of ours that members of Parliament can work in other roles, or a limitation on the amount of money that can be earned.

The consensus seems to be falling around whether or not there is a conflict of interest. Of course these questions arise out of the case of Owen Paterson, MP, who was found by.... The committee agreed with my conclusion that he had been lobbying on behalf of an organization who paid him.

These questions are very live and very real for us at the moment. The conflict of interest point is very, very important. Of course, the line between what's acceptable, what isn't, what's public and what's private shifts and sways as we go through, but I'm sure it's a live interest for you too.

**Mr. Eric Duncan:** For sure. Thank you.

Just for context, of the 650 members of Parliament in the U.K., do you have an estimation on the number who make a supplemental income for work, hours or income? Do you have a certain number who've declared to you already? How many would have that?

**The Chair:** As a heads-up, if we just say "through the chair", I will stay quiet.

Ms. Stone.

**Dr. Kathryn Stone:** Through you, Madam Chair, we concluded recently that there are about 189 members of Parliament who have additional roles. Some of those roles include working in accident and emergency departments in hospitals, working as nurses or working as social care workers throughout the pandemic. Many other MPs have additional incomes, small amounts, that come from completion of surveys for public opinion polls, and so on.

Certainly it's something that we are looking at across the piece in the House of Commons to ensure that we address the conflict of interest point.

For me, if you earn more money and spend more time on an additional role, then being a member of Parliament becomes your secondary role rather than giving a primary consideration to the people who elected you to be a member of Parliament.

**Mr. Eric Duncan:** Could I ask the same question of Ms. Dawson, for her view? She outlines this in her submission, about needing to tackle this issue perhaps.

Is there any advice that you would have or say? I note here that you leave it to the assessment of the committee, but from your experience, are you finding that this a growing problem in Canada, with extra income by members of Parliament or other jobs they take?

**Ms. Mary Dawson:** I'm sorry. I missed your first question. Could you repeat it?

**Mr. Eric Duncan:** It's just to get your views from your experience and your time in the office. Were you finding this a growing problem for members of Parliament, having supplemental work and a growing conflict of interest in that work?

Any experience you have from your time as commissioner would be appreciated.

• (1235)

**Ms. Mary Dawson:** I'm not clear on what supplementary work you're talking about. I'm sorry.

**Mr. Eric Duncan:** It's if somebody would have extra income from another job—for example, they practised law on the side or were a real estate agent.

Did you have a lot of experience with that in your time, and do you see it as a growing problem?

**Ms. Mary Dawson:** I never had a huge amount of problem with that. The suggestion that Mr. Dion has made is that they have to get his approval before they....

They're effectively reversing the onus of proof there as to whether a member can be involved. That might create a problem for some members in certain circumstances if, to keep a job, you have to do it quickly or something, but I understand that one must be very careful that there are not conflicts with the time taken by the other outside activities.

I'm sorry. I missed that point the first time.

That's my general opinion.

**Mr. Eric Duncan:** Thank you.

Ms. Dawson, to you as well, I just want to have your view on the definition of “friends”. This is something we've struggled with in hearing and trying to define as best as possible or in as much detail as possible.

It's one thing to list family and family relations, and so forth; there are some complications with that. However, on friendships and the definition of friends, and what constitutes that and timetables, can I get your views in terms of trying to define that?

Is that possible? How do we get that balance between understanding where the issue comes from and the openness or the interpretation of that being a real challenge, perceived, legal or otherwise?

**Ms. Mary Dawson:** That's a fun question, because actually, early on in my time as commissioner, maybe the first couple of years, I had occasion in one of my reports to try to figure out whether somebody was a “friend” or not.

I submitted a general description of what a friend is and it included ideas like having mutual regard beyond mere association. There's a paragraph. You'll find it in one of my early judgments. The interesting thing about that is that it has been picked up across the country by various provinces, and I think the current office continues to use that as a general approach.

The other anecdote there perhaps with respect to friends is that I had one case, way back, where a person was going around saying he was a great friend of some other guy. The case turned on whether he was a friend. I actually found that he was only an acquaintance.

I think that definition is not a bad one. It seems to have stood the test of time in large measure and has been used, so it's worth digging that one up. I've forgotten. I can't quote it exactly.

**The Chair:** Thank you, Madam Dawson. If you have any details on the difference between a “friend” and an “acquaintance”, I'm sure the committee would welcome those definitions.

Mr. Turnbull, we'll go to you for six minutes.

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

Thanks to all of our witnesses for being here today. It's really great to hear your remarks. I did read over the things that were sent in advance. Although you didn't get time to lead with your opening remarks here on the panel, I can assure you that most of our members are probably reading them. Thank you for submitting those.

I will say off the top that I really appreciate Mr. Dion's recommendations. I definitely agree with mandatory training for new MPs and publishing guidelines. Those are really good recommendations. Some of the other ones I have some concerns with. That's not to say I'm not supportive; I just have a lot of questions. One of them is about the minimum threshold for gifts in a single year.

Ms. Stone, through the chair, I looked at the U.K. version of the code of conduct. I understand that in the U.K. it's 300 pounds. Our commissioner in this case is suggesting that we reduce the amount from \$200 Canadian to \$30. For the life of me, I just can't see how the difference between \$200 and \$30 will be the difference in terms of essentially influencing an MP's decision-making or behaviour.

Would you comment on that, Ms. Stone, through the chair?

• (1240)

**Dr. Kathryn Stone:** Through you, Madam Chair, I'd be very happy to respond.

The 300-pound limit was set so as to deliberately exclude gifts that are given by grateful constituents—bunches of flowers, boxes of chocolates, homemade cakes and so on. On many, many occasions, constituents will insist on a member of Parliament having a small token gift. It seems to us that it would be inappropriate to register those, because people would be constantly falling foul of the requirement to register a very small token gift. That's why the limit was set as it is.

Now, the interesting thing, of course, is that in the U.K. our ministers have a different requirement to register things. There are different levels of registration. One thing the committee on standards would like to do is streamline this so that there aren't two registers and different requirements for ministers and for members of Parliament.

Forgive me for being so candid, but I think it would be very challenging for members of your Parliament to be continually registering small token gifts of \$30. That seems to be a lot of work for very little return. The opportunities to influence the words or actions of a member of Parliament with a bottle of wine or a bunch of flowers seem quite small.

**Mr. Ryan Turnbull:** Thank you. I agree with your sentiment.

Ms. Dawson, maybe I could go to you on this. I know you said in your remarks, which I read through, that the general practice within your office, when you were the commissioner, was to consider \$30 gifts as being ones that would not have any influence over a member. I still have trouble understanding why \$30, why \$50—why no gifts at all? To me, on most of these things, the true test, is it not, is to...?

I mean, what is the actual likelihood of that influencing a member of Parliament's fulfillment of their duties? I don't see how \$30 versus \$50 versus \$200 would make that much of a difference, to be honest.

Could you comment on that, through the chair?

**Ms. Mary Dawson:** Yes. I mean, I think you've missed the point a bit here, although I'm not sure I agree with the necessity of actually expressing the \$30 as a minimum. What I said in my opening remarks, which weren't supposed to be divulged until later, but in any event... The reporting requirement is \$200. Those issues get looked at once they're reported. The \$30 is something the office has followed for many years in the sense that it was kind of a rule of thumb that if something was under \$30, it was probably not going to create a conflict of interest.

I think the desire on the part of Mr. Dion to put in the \$30 was partly to distinguish it from the rule of the \$200, which is a disclosure rule, so you can't confuse those rules. However, the fact of the matter is that in the decisions we made over the years, we said, for example, that if you went for an all-day meeting with somebody and they gave you a gift of a lunch—in other words, they served you lunch in the middle of it—that wasn't going to be a problem because it was normal etiquette and stuff.

The reason we were looking at \$30 in my time—and undoubtedly that practice has continued, but I don't know—was just as a guideline to people that of course if there's a legitimate reason for offering something to somebody, \$30 is a reasonable amount to consider reasonable—if that helps at all.

**Mr. Ryan Turnbull:** Well, I will just say thank you for your response, through you, Madam Chair. I still don't see how the rationale...where to draw the line exactly, but I understand that you consider that reasonable. I'm still not sure how the rest of us would determine that, and it may be slightly subjective, to be honest.

**Ms. Mary Dawson:** Yes.

Can I just add to that? The point is, I'm not sure that I support putting a rule into the code. I'd just say that it reflects a practice that we followed anyway of, at first blush, assuming that it was probably okay under \$30 when people worried about whether they could give somebody a lunch or something.

Anyway, I'm not sure, myself, that it needs to go into the code.

• (1245)

**Mr. Ryan Turnbull:** Thank you.

**The Chair:** Thank you, Madam Dawson.

Thank you, Mr. Turnbull.

[Translation]

Mr. Therrien, the floor is now yours for six minutes.

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

I would like to begin by greeting the witnesses who have come to share their thoughts with us.

My first question will be for Mr. Conacher.

Mr. Conacher did not speak for a long time, but he had the time to say that he has apparently noted many loopholes. He also talked about the important role of members and assistants.

I have two short questions for him.

First, what is the main loophole he sees in our ethics code?

Second, can he tell us more about the role of members and assistants?

[English]

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

**Mr. Duff Conacher:** Because of the number of technical terms and also because I need to practice my French, I will answer in English. I hope that's okay with you.

The definition of “private interests” is the huge loophole in subsections 3(2) and 3(3) of the code. Subsection 3(2) says that it's only financial interests that are covered. Subsection 3(3) says you cannot be in a conflict of interest if you're dealing with a matter “of general application” or dealing with something that applies to you as an MP in the same way it applies to other members of the public.

This allows MPs to participate in almost all decisions and actions, even when you have a secret financial conflict of interest and will profit secretly from the decision or action, or your family members or friends will profit from it. Friends should be covered in the code in terms of their private interests and you having to avoid conflicts of interest. The reason for this is that 95% of the decisions and actions that MPs are involved in are matters of general application. It's a huge loophole.

Secondly, the code doesn't even apply to MPs' staff, to answer your second question, so they can do the very few things on behalf of their MP that the code actually prohibits MPs from doing—and it's only very few. It's only 5% of your decisions and actions that are even covered by the code. Staff can then do those things for you that you're prohibited from doing, because they're not covered by the code. Staff should be covered by most of the key rules of the code.

There are many other loopholes in the code that I wish I had time to talk about that make it the “almost impossible to be in a conflict of interest code”.

[*Translation*]

**Mr. Alain Therrien:** I thank the witness for his answers.

I would like to put a question to Ms. Dawson about the \$30 amount. The amount was \$30 in 2015, and it is still \$30 in 2022. Yet you know as I do that there is inflation, which has recently increased. As an economist, I am wondering why that amount is still \$30 and whether it should be increased. That is my first question.

I would also like to ask her a second question.

We are talking about the same source. Shouldn't the source of the gift in question be better defined? The definition seems very broad, and that is problematic for us.

[*English*]

**Ms. Mary Dawson:** For some reason, I'm not on translation for the English, which I had asked for, but I think I understood the question. If that could be fixed, it would be good.

With respect to the \$30, I also tend to be nervous about putting that into the code, because it's going to change over time. What \$30 is today isn't what it will be in five years. I noted that at the time I was there, we used to think around \$30 was probably okay, but it wasn't a definite rule. It was just an approach in trying to decide whether something was really going to create a conflict of interest or be an improper gift.

That's my comment. I lost track of what your second question was.

• (1250)

[*Translation*]

**Mr. Alain Therrien:** I was talking about the source of the gifts. A number of gifts could be given. How is the source of those gifts defined?

[*English*]

**Ms. Mary Dawson:** One just has to use one's common sense to figure it out. I'm sorry. That's not defined, but normally you can figure out where the gift has come from. That would be a matter you'd have to establish if it were looked into more carefully.

I think this is something that has to be dealt with.

[*Translation*]

**Mr. Alain Therrien:** Ms. Stone, I would like to put a brief question to you.

In your Parliament, the number of members with more than one job is impressive, and it is very surprising. According to what you said, one of the fundamental issues is that members can have a dilemma as to the priority they should give their work.

Beyond that, can this situation cause another issue and, if so, which? You are struggling with that situation. What other problems may have been created in your Parliament by the carrying out of a second paid job?

[*English*]

**Dr. Kathryn Stone:** Madam Chair, there are a number of issues that arise from that.

One of them is the perception of constituents that the member of Parliament is not representing them fully, because their priority is with the role that is paying them more than their member of Parliament salary, and they're devoting more hours there than they are to their member of Parliament duties.

However, there is no job description for a member of Parliament. There is no set number of hours that a person must contribute to that. My colleagues who are members of Parliament would tell me that it is a 24-7, 365-day-a-year role; therefore, having additional roles on top of that must be quite complex and challenging.

Again, I would like to go back—if I may—to the purpose of the register. It's about whether the interests—second jobs, third jobs, gifts or hospitality—might reasonably be thought by others to influence the actions of a member of Parliament. It's that conflict of interest point that is so key to understanding the extent to which members of Parliament should and do get themselves involved in other roles. Some of them are very important public service roles. Some of them are roles that they have to undertake to maintain their continuing professional development. Others bring in large sums of money, acting on behalf of companies that benefit from their parliamentary knowledge, skill and experience.

[*Translation*]

**The Chair:** Thank you, Ms. Stone and Mr. Therrien.

Ms. Blaney, go ahead for six minutes.

[*English*]

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

Of course, as always through you, I would like to ask the witnesses questions and thank them all for their time. I really appreciate it.

Mr. Conacher, you talked a lot about huge loopholes, and you gave us one brief example. You also indicated that you're going to be getting us some information soon.

My first question to you—and I'll give you a couple of questions—is this: When is that information coming? I look forward to seeing it.

Second, you indicated you had some concerns with Mr. Dion's recommendations. I'm wondering if you could outline which ones are the most concerning to you.

**Mr. Duff Conacher:** Through you, Madam Chair, Democracy Watch's position is that we agree with Mr. Dion's six general recommendations and nine technical recommendations generally.

However, with regard to the recommendations on gifts, he has proposed that each lobbyist be allowed to give a \$30 gift annually to each MP. The way this is phrased—and it may be a mistake by the Ethics Commissioner—this means that a big business could have each of its lobbyists, as well as each of its board members and employees, buy a \$30 gift for each MP, which would add up to hundreds of dollars of gifts annually, likely mainly in the form of winning and dining.

Given that testing of tens of thousands of people around the world by psychologists in every country has shown that even small gifts and favours influence decisions, the current section 14 on gift rules should be changed instead to prohibit MPs and their staff from accepting any gifts or hospitality from anyone or any entity that has an interest in any federal government decision or action, or that communicates or will communicate with an MP or staff in respect of any of their decisions.

The second—

● (1255)

**Ms. Rachel Blaney:** On a point of order, I need to hear what the witness is saying, and people in this room are speaking.

I'll leave that to you, Madam Chair. I know you're not here to monitor that, but that is happening. Hopefully the witness can continue.

**The Chair:** This is your time, Ms. Blaney, so if that's what you would like, you're permitted that.

Please keep it quiet in the room.

**Mr. Duff Conacher:** Thank you.

With regard to recommendation 4 by the Ethics Commissioner on restricting sponsored travel, the Ethics Commissioner, at the end of his section, says that this would still allow an MP to be sponsored to travel to speak at a conference. That's a huge loophole. All of the lobby groups that are now giving MPs junket trips overseas—and their families and associates sometimes—which is all legal under the huge section 15 loophole, which never should have been in the code and is essentially a form of legalized bribery.... All it would mean is that those trips would turn into speaking events for MPs.

Section 15 should have been removed years ago. It should be removed now. It's a form of legalized bribery. The sponsored travel loophole, among many other loopholes, needs to be closed.

I will be making the written submission in the next couple of days that will give you all the details of the dozen or so key changes that Democracy Watch and the Government Ethics Coalition are recommending to turn the code into an actual conflict of interest code for members of the House of Commons, instead of what it is now, which is that it is almost impossible to be in a conflict of interest; it allows MPs and their staff to accept all sorts of unethical gifts and favours and essentially practice favour trading.

**Ms. Rachel Blaney:** Thank you so much for that testimony.

I'll go to Dr. Stone now.

One thing we are getting some recommendations from our current commissioner on is identifying clearly what “friends and fami-

ly” means, and of course the work that parliamentarians may take outside of the role.

There are two things on that. The first one, around “friends” specifically, is whether there are criteria on what that is. That seems like an odd thing to measure and may be unclear.

The second part is about work outside of parliamentary duties. I'm wondering whether there is any difference between having a position or a role prior to being elected and then if you added a role after you are elected.

Hopefully that is clear.

**Dr. Kathryn Stone:** To go to the second part of your question first, there is currently no distinction.

With respect to your first question about friends and the distinction between friends and others, it's really important and it goes back to—forgive me for sounding like a broken record—the interest that reasonably might be thought by others to influence the actions of a member of Parliament.

There's also a different, broader point I'd like to make in response to that question, which is that entering into public service means you put the public interest ahead of your own private interests. Thinking about the perception of the influence of friends or acquaintances is an important part of that. It's not something that I'm aware we consider specifically, although members do register under “miscellaneous” anything else that might be considered to influence their thoughts or actions, and we give advice on that frequently. The registrar of members' financial interests gives advice frequently to members of Parliament on those issues.

**Ms. Rachel Blaney:** My last question for you, Dr. Stone, is around the reality that there are gifts given, but there is a particular nuance, especially for some ethnic communities. How is that recognized in the work that you do?

**Dr. Kathryn Stone:** The gift relationship is very, very important. For many constituents, from a whole range of backgrounds, it's hugely important for them to be able to symbolically show their gratitude to members of Parliament, but again, how does that influence the actions of a member of Parliament?

All of us will have those complicated and sometimes awkward conversations; people may want to give us things and we may feel awkward about receiving them, but if we register it and are transparent about it.... Where people sincerely and genuinely want to express their thanks for something a member of Parliament has done for them in their role as a member of Parliament, I'm not confident that that becomes a conflict of interest. That becomes part of a gift relationship, and it is something that it would be extremely rude and discourteous to not accept from that constituent.



• (1300)

**The Chair:** Thank you for those comments. I also want to want to thank you for joining us from so far away at this time. It means a lot, within my culture as well, when it comes to accepting gifts, and sometimes it's very offensive to not do that. There are definitely a lot of dimensions to the conversation today.

To Mr. Conacher and Madam Dawson, thank you for taking the time.

To committee members, we have gone a minute or two over, but I think we've done well today.

I will just remind witnesses again that if you have any submissions, the clerk will be sending you an email so that we can stay tight on the timeline and do this very important work.

With that, I hope everyone keeps well and safe. I thank you for your time and attention, and I look forward to all of us doing this important work together. Take care.

The meeting is adjourned.

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