

Standing Committee on Access to Information, Privacy and Ethics

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Tuesday, November 20, 2007

Chair: Mr. Paul Szabo

The Chair: I'd like to introduce the Ethics Commissioner, Mary Elizabeth Dawson, the Privacy Commissioner, Ms. Jennifer Stoddart, and the Access to Information Commissioner, Mr. Robert Marleau, who, as agreed by the committee in the last meeting, have come before us. They are limited to five minutes to advise the committee of their particular priorities and recommend to the committee priorities for consideration by the committee and the steering committee for future business.

•(1120)

[English]

Commissioner Dawson is next, please, for five minutes.

Ms. Mary Elizabeth Dawson (Ethics Commissioner of Canada, Office of the Ethics Commissioner):
Thank you, Mr. Chair.

[Thank you for the invitation to appear before you today. I took office in July 2007, so this is my first appearance before your committee since my appointment. I look forward to working closely with the committee in the future.

I will begin by outlining the mandate of my office. The position of Conflict of Interest and Ethics Commissioner was created by amendments to the Parliament of Canada Act in the Federal Accountability Act. My office is an independent parliamentary entity reporting directly to Parliament. It replaces the former Office of the Ethics Commissioner that was created in May 2004.

Under the Parliament of Canada Act I'm responsible for administering conflict of interest regimes applicable to parts of both the legislative and the executive branches of the government. The Conflict of Interest Code for members of the House of Commons, drafted by the Standing Committee on Procedure and House Affairs and approved by the House of Commons, has been in effect since 2004 and was most recently amended in June 2007. Members of the Senate are subject to a separate conflict of interest code.

The Conflict of Interest Act, which was part of the Federal Accountability Act, came into force on July 9, 2007, the day I took office. It applies to some 3,000 senior officials known as public office-holders under the act. They include cabinet ministers, parliamentary secretaries, ministerial staff, etc. The largest group is the governor in council appointee group, with 2,400 people. Except for the most senior leadership positions, employees of the Public Service of Canada are not covered by the Conflict of Interest Act.

Public servants are subject to the Values and Ethics Code for the Public Service of Canada, issued as a policy of the government. Similarly, the judiciary is not covered by my act. Now I will say a few words about the priorities for the first year of my term. As with any new organization, I face many challenges in the realm of organization. However, I've already put into place a revised organizational structure that strengthens our strategic, legal, and communications capacity. In addition, I've established the following priorities for my first year in office based on my desire to meet my objectives of clarity, consistency, and common sense.

First there's the imperative of applying the new law for public office-holders and the MP code clearly and consistently. We're undertaking a detailed analysis of both of them to get better interpretive guidance for the staff in my office.

Second, my focus is on prevention. My office is always available to provide confidential individual advice to public office-holders and members of the House of Commons. We encourage them to seek that advice.

Third, one of the objectives of the act relates to encouraging competent people to seek and accept public office. While I must respect and work within the act, I intend to apply it with common sense and due consideration to the people who are bound by it.

Fourth, an ongoing priority is to provide clear information on the act and the code to the persons covered. For example, my office completed a first mail-out to all public office-holders, providing them with a copy of the act and a summary of the provisions.

As for members of the House of Commons, recent revisions to the code mandate the commissioner to undertake educational activities for members and the general public regarding the code and the role of the commissioner.

In that context, in the coming months I plan to put emphasis on educational activities aimed at not only the persons who are subject to the act and the MP code, but also the public at large, so they can better understand the mandate. I believe this is one area where your committee can help. We share a common objective of sustaining and enhancing, where possible, public confidence in our system of government and our public institutions. I'll be pleased to hear your suggestions on how we can together move forward on this.

Finally, I'm required to report annually on the act and the MP code. I intend to use these annual reports to highlight what appears to be working well, as well as problem areas. Let me briefly outline the budgetary process and level of resources, if I still have a bit of time.

The Parliament of Canada Act outlines the budgetary process for my office. Prior to each fiscal year my office prepares an estimate for the funds required. The estimate is considered by the Speaker of the House, who then submits it to the President of the Treasury Board, who in turn tables it in the House with the estimates of the government for the fiscal year.

Because of this provision in the Parliament of Canada Act, the budget of my office is not subject to the review of the panel that was created as a result of the recommendations of this committee to examine the budgets of the other entities that report to Parliament. However, your committee is responsible for reviewing the expenditures of my office and reporting them to the House of Commons.

●(1125)

Just a few words on the reporting requirements for my office.

The Parliament of Canada Act provides that by June 30 every year I submit two reports on the activities of my office for the previous fiscal year.

One report deals with the activities relating to the members of the House. That report is referred to the Standing Committee on Procedure and House Affairs. The second report relates to my activities concerning public office-holders under the Conflict of Interest Act. That's the report that's reviewed by your committee.

In addition, the MPs' code stipulates that I prepare an annual report on supported travel undertaken by the members, to be tabled in the House by January 31. That report goes to the Standing Committee on Procedure and House Affairs. I look forward to discussing my reports, expenditures, and other relevant issues with this committee once these documents have been tabled.

As I mentioned, the challenges of setting up a new organization are many. I am confident that with the help of the dedicated and experienced staff of the office, and with the guidance of the Standing Committee on Procedure and House Affairs and your committee, we are up to the task in meeting these challenges.

The Chair: Thank you very kindly.

●(1135)

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The Chair: I would like to move on now to Mr. Del Mastro, please.

Mr. Dean Del Mastro: Thank you, Mr. Chair. I promise I will get to a question. Ms. Dawson, I fought the last election on the Federal Accountability Act, largely, because I believed Parliament needed to be held to a higher ethical standard. I wanted Canadians to feel confidence in the federal Parliament. Your office is a

creation of the Federal Accountability Act, and I welcome it wholeheartedly. You made a number of statements about the reporting, and so forth, that you will be doing, the powers given to your office.

Just very quickly, is it your opinion that the creation of your office should provide Canadians more confidence in Parliament, that you will be able to report to them largely on Parliament, and that the Federal Accountability Act will be effective in assuring them that the House is held to a higher ethical standard?

Ms. Mary Elizabeth Dawson: I certainly hope so. My office will do everything they can to facilitate that. As I said, I was underlining particularly the preventative aspect of this. I'm hoping people will continue to come to my office, as they do in large numbers, and check on what they're thinking of doing. I think that's in fact probably the most effective use of the act.

Mr. Dean Del Mastro: Thank you very much. I appreciate that.
