



## Opening Statement before the House of Commons Standing Committee on Procedure and House Affairs

### Mary Dawson – Conflict of Interest and Ethics Commissioner

Ottawa, Ontario, February 18, 2016

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Mr. Chair and honourable members of the Committee, I am pleased to have this opportunity to appear before you, and I thank you for inviting me.

Accompanying me are members of my senior management team: Lyne Robinson-Dalpe, Director of Advisory and Compliance, Martine Richard, General Counsel and Director of Investigations, and Marie Danielle Vachon, Director of Policy, Research and Communications. My Director of Corporate Management, Denise Benoit, could not be here today.

I will briefly explain my role and mandate as Conflict of Interest and Ethics Commissioner, review my past interactions with the Committee, and outline my hopes and expectations for a productive relationship going forward.

#### ***Mandate and Activities***

As Conflict of Interest and Ethics Commissioner, I administer two conflict of interest regimes: the *Conflict of Interest Code for Members of the House of Commons* and the *Conflict of Interest Act* for public office holders. These two regimes seek to prevent conflicts from arising between the public duties of elected and appointed officials, and private interests.

The Members' Code and the Act have similar, but not identical, provisions. This can be confusing, particularly in the case of Members who are also ministers or parliamentary secretaries and therefore subject to both regimes. I have recommended that Parliament consider ways in which the Members' Code and Act might be harmonized, where possible, in order to ensure consistency of language and processes.

The Members' Code is part of the Standing Orders of the House of Commons, the permanent written rules under which the House regulates its proceedings. It includes rules on avoiding conflict of interest, processes for the confidential disclosure of information to the Commissioner, procedures for making Members' summary information and other statements public, an advisory role for the Commissioner, and a process for investigating alleged contraventions of the rules by Members.

My staff and I review confidential reports of assets, liabilities and activities, maintain a public registry of publicly declarable information, and investigate and report on cases of alleged non-compliance. Our primary goal is prevention, by assisting Members and public office holders to comply with the conflict of interest regimes.

An explicit educational role for the Commissioner is set out in section 32 of the Members' Code. My staff and I undertake a number of outreach activities to inform and educate Members about their obligations under the Members' Code and how to comply. We maintain regular contact with them and provide confidential advice on specific matters. We review with them, each year, their confidential disclosures and public declarations. We make formal presentations to party caucuses and prepare written materials such as backgrounders, fact sheets and advisory opinions.

In enforcing the Members' Code, I am empowered to conduct formal investigations, called inquiries. In my inquiry reports, I can recommend sanctions, but it is up to the House of Commons to decide if any measures should be taken against a Member for failure to comply with Members' Code. Those reports are made public without any approvals by Parliament or the government.

### ***Amendments to Members' Code***

The Members' Code has been amended a number of times since it was adopted by the House of Commons in April 2004.

In 2007, an interpretation section was added, the reporting deadline for gifts was extended to 60 days, and there were several changes to the disclosure statement provisions.

In 2008, an exemption was introduced as a result of an inquiry report so that Members would not be considered to be furthering their own private interests or those of another person if the matter in question consisted of being a party to a legal action relating to actions of the Member as an MP.

In 2009, the gift rules were amended.

Most recently, in 2015 the Code was amended in several areas. Among the changes, the disclosure threshold for gifts was lowered from \$500 to \$200, consistent with the threshold for public office holders, the threshold for reporting sponsored travel costs paid by third parties was set to \$200 as well, and deadlines were introduced for Members to sign their Disclosure Summary and complete the annual review process. All of these changes related to recommendations I had made during the last five-year review.

### ***Five-Year Reviews***

Section 33 of the Members' Code requires the Committee to conduct a comprehensive review of its provisions and operation every five years.

The amendments made to the Members' Code in 2007 resulted from the first five-year review.

The second review was launched in 2012. I provided the Committee with a written submission and appeared before it to discuss my recommendations in May of that year.

The Committee suspended its study soon afterwards, and began a new review in February 2015. I provided a new written submission at the Committee's request and again appeared before it.

In June 2015, the Committee presented to the House of Commons a report concluding that review. The House concurred in the report later that month, and the Committee's recommended amendments came into effect on October 20, the day after the federal election. They reflect, in whole or in part, 10 of the recommendations that I made to the Committee and I was delighted to see this.

I note that the Members' Code is generally working quite well. But I also note that I made 13 other recommendations, and I would be pleased to discuss them should the Committee choose to proceed with a comprehensive review of the Members' Code as recommended in the June report.

The House also concurred in a new form entitled *Request for an Inquiry*, which I had submitted to the Committee for approval in 2010. I had to do that because section 30 of the Members' Code requires that I obtain the Committee's approval for all forms and guidelines, and I felt it was very important that we have a form for Members to request an inquiry.

Generally, the approval requirement has hampered my efforts to help Members comply with their obligations. I cannot issue any guidelines or forms under the Members' Code, notably guidelines in relation to gifts, an area that appears to cause a lot of confusion and prompts many questions from Members.

In contrast, no approval of guidelines or forms is required under the *Conflict of Interest Act*. I have issued several guidelines under the Act, and public office holders have told me they appreciate having these tools.

I have raised this concern with the Committee in the past and asked it to consider whether there is really a need for the Committee to approve any guidelines and forms that I may develop under the Members' Code.

In the meantime, when the Members' Code was amended by the House of Commons last June, a number of consequential and editorial changes were required to reflect the amended language of the Code in the existing forms. Normally, I would have sought the Committee's approval of the revised forms, but the House rose very soon afterwards, then Parliament was dissolved in early August for the election.

### ***Relationship with the Committee***

The Committee is mandated under the Standing Orders of the House of Commons to review and report on all matters relating to the Members' Code, and it has sought my input in recommending amendments to the House of Commons.

I have appeared before the Committee since becoming Commissioner, although not very often.

In the early years of mandate, I was invited to discuss with the Committee two of my annual reports, but have not been given the opportunity to do so since 2010.

The only other occasions on which I was invited to interact with the Committee was in the context of the five-year review of the Members' Code initiated in 2012. I appeared a second time in 2015.

I look forward to a productive working relationship with the Committee. I must say I am encouraged by the fact that the Committee wished to meet with me so early in this new Parliament.

### ***Conclusion***

Mr. Chair, in closing, I wish to assure the Committee that I and my Office are available to provide any information that it may require about any matters related to the *Conflict of Interest Code for Members of the House of Commons*.

I thank the Committee again for inviting me to appear before you today. I will now be happy to answer any questions you may have.