



**Opening Statement before the House of Commons Standing Committee on Procedure and House Affairs on 2008-2009 Annual Report in respect of the *Conflict of Interest Code for Members of the House of Commons***

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

Ottawa, Ontario, October 6, 2009

---

Mr. Chair and members of the Committee, thank you for inviting me to appear before you today. I am pleased to have this opportunity to speak about my Annual Report with respect to the *Conflict of Interest Code for Members of the House of Commons* and about the work of my Office.

As I stated in my Annual Report, the past fiscal year has been a year of significant activity in administering the *Conflict of Interest Code for Members of the House of Commons*.

Following the October 14, 2008 election, 68 new Members became subject to the Code and my Office has assisted them in making the necessary arrangements to comply with it. This involved Members submitting detailed confidential disclosure statements to my Office. These were reviewed by advisors who discussed potential conflict of interest risks with them and outlined the steps they were required to take to comply with the Code.

My office also reviewed the compliance arrangements of all returning Members and, where necessary, has been working with them to update the arrangements they have made previously to comply with the Code.

To date 282 Members are in compliance with the Code.

Throughout their terms, Members must also file additional statements as needed. These are required in connection with the receipt of gifts, sponsored travel and material changes to information required to be provided. We work with Members to assist them in making the necessary arrangements.

In addition, we regularly receive phone calls, emails and letters from Members with questions on the application of the Code to specific situations. Responding to these requests for advice is among the most complex aspects of advisors' work, as most of the questions raised with my Office involve situations in which the application of the Code is not immediately apparent.

I'm particularly proud of the work done by advisors, and I believe it accounts in large measure for the infrequent need to conduct investigations.

In response to the 54<sup>th</sup> Report of the Standing Committee on Procedure and House Affairs of the 39<sup>th</sup> Parliament, my Office has undertaken a number of educational activities. Last November I participated in the Library of Parliament's training program for new Members. This spring my Office, in cooperation with party whips and caucus chairs, made presentations on the Code to Members' staff. This month, on Friday, October 23, I will offer an information session on the recent changes to the Code approved last June; it will be within the Library of parliament seminar series.

I have also taken advantage of a number of opportunities to speak publicly about my role in an effort to increase the overall awareness of the conflict of interest regimes both of Members of the House of Commons and of public office holders.

Other outreach activities included redesigning our website to make it more user-friendly. As well as being easier to navigate, it now hosts an on-line registry that provides the public with easy access to the information that Members are required to disclose publicly. This change responds to a request made by the Standing Committee on Procedure and House Affairs of the 39<sup>th</sup> Parliament in its 54<sup>th</sup> Report.

I worked closely with this Committee over the past year. I appeared before you on December 4, 2008 to outline some of the concerns I had with the provisions relating to gifts and other benefits, as well as other issues. I appeared before your subcommittee on gifts on several occasions and was pleased to see most of my comments and suggestions reflected in amendments to the Members' Code approved by the House of Commons on June 4<sup>th</sup>.

I note that the Committee has approved forms related to Members' disclosure requirements this past year, as well as some technical amendments to the Code that I suggested. I would like to thank the Committee for its attention to these matters.

In addition to reporting on the various activities I have just described, my Annual Report addresses some challenges I have encountered over the past year in administering the Code. I would be pleased to discuss any of them with you.

One issue I highlight in my report relates to my ability to comment on investigative work that does not lead to an inquiry.

The Code prevents me from making any public comment relating to a preliminary review or inquiry. The purpose of this prohibition is to prevent attention being drawn to allegations of wrongdoing unless and until the Commissioner has conducted an inquiry and issued a report on the matter. This reflects an important principle of procedural fairness and my Office takes care to ensure that investigative work is conducted in confidence.

There are, however, certain occasions where I believe it would be in the interest of Members for me to be able to communicate the results of a preliminary review. In particular, I have in mind cases where the allegations in question have been made public, either by the Member requesting the inquiry, through media reports, or in some other way.

It would often be instructive and serve the interests of transparency to make public some of my considerations in not taking the matter further. It would be helpful if I were permitted to make public my reasons for not proceeding with a request for an inquiry, where I believe that doing so would be in the public interest. The Committee might wish to consider this issue further.

Mr. Chair, I appreciate the Committee taking the time to review my report and examine these issues. I am happy to answer any questions you may have.