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Thursday, October 14, 2004

—
Chair

The Honourable Don Boudria

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• (1105)

[*English*]

The Chair (Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.)): The meeting will come to order.

Colleagues, as we all know, we have a witness appearing before our committee this morning.

We do have a routine motion or two left over from last week.

[*Translation*]

Does the committee wish to adopt these motions immediately, or does it want to wait? There is the motion concerning the Subcommittee on Private Members' Business. We are told that it is urgent that it be passed. We simply have to choose a government member to chair it. Do you wish to pass the motion? If we don't do this it could delay that group's work. The decision is up to you. There is also a motion concerning the transcripts of in camera sessions. I don't know if you want to discuss one of these motions, or not talk about them at all.

Ms. Picard.

Ms. Pauline Picard (Drummond, BQ): Mr. Chairman, Mr. Guimond, who was to chair the subcommittee, is not here because he has to undergo surgery. I would prefer that he be here when this motion is passed. He will be here next Tuesday.

The Chair: I have no problem with that. However, I don't want the members to complain because the private members' hour has been delayed or because its process has been affected in some way because of that. All that needs to be done is to nominate a government member.

Ms. Pauline Picard: The motion we have here is broader than that: that the Subcommittee on Private Members' Business be composed of one representative from each opposition party...

The Chair: Yes, but we don't nominate the other members of the subcommittee. They will be chosen later.

Ms. Pauline Picard: I don't understand.

The Chair: Let me explain what I mean. It says: that the Subcommittee on Private Members' Business be composed of one member from each opposition party and three members from the government party. Their names do not have to be provided this morning. The only name needed so that the subcommittee can be struck is that of the chair.

Ms. Pauline Picard: My problem is that it was during the last session that the procedure called for three government members. In the other subcommittees...

The Chair: I am told that there used to be four and that there are now three.

Ms. Pauline Picard: So, that makes six. There has to be an odd number of members.

The Chair: No, not necessarily.

Ms. Pauline Picard: My problem is with the issue of the three government members.

The Chair: In any case, if we aren't ready to pass the motion we can put it aside and come back to it later.

Ms. Pauline Picard: I'd like to have Mr. Guimond's opinion.

The Chair: Perfect.

[*English*]

The second thing I'd like to bring to the attention of the committee for possible future consideration, and I'll be brief, is that this committee does not have a limit, I believe, for the presentations by witnesses. We know sometimes that witnesses, when they appear, will give us a brief statement, but if we don't have any kind of rule on it, witnesses—I'm sure not the one this morning—in the future could make a presentation that lasts very long.

I've just come back from another committee—foreign affairs—and it has a rule that says the opening statement by a witness is 10 minutes, unless the committee decides otherwise. I'm just wondering whether this committee is interested in something like that, of course by consent every time. We can always change it if that's what we want, but if we're not giving any instruction to our witnesses, they automatically come here thinking there is no rule, because there isn't.

I don't know whether you're interested in something like that now or whether you want to think about it until the next meeting.

Mr. Reynolds.

Mr. John Reynolds (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): I have no problem with that as a guideline.

[*Translation*]

The Chair: Are there any comments?

[*English*]

Mr. John Reynolds: If a witness wants more time, they can always ask. We wouldn't impose it on our first witness because—

The Chair: Of course not.

There's another solution. We can adopt this at the end of this day so that it doesn't apply to the witness already before us, because of course that rule wasn't there when he was invited.

Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): The 10-minute rule seems good, but I would suggest that at each meeting where we are proposing or preparing for the next set of witnesses, we just review whether that is appropriate for that set of witnesses. It may be that there's someone who is going to make a presentation that demands more time. It would just allow them to have knowledge in advance of whether it's going to be 10 minutes or something else.

The Chair: What I'll do, with your permission, is bring this back at the end of this meeting, once we conclude with the witness, and see if we want to adopt it before we leave.

[*Translation*]

Mr. Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): I don't know if I should mention this at the beginning or at the end of the meeting, but I think that we should invite Mr. Kingsley before the committee.

• (1110)

The Chair: Please allow me to interrupt you. We have already put his name on our agenda. Following some informal representations by colleagues last week—and I want to thank them for that, as a matter of fact—and in light of the fact that Mr. Kingsley's report will be published next Tuesday, I believe, we have already invited him to appear on Tuesday of next week, which gives us a week. I invite the members to consult the document and to prepare themselves accordingly for the week to follow.

That said, we have before us this morning's witness, Dr. Shapiro, who is accompanied by Mr. Robert Benson, the Deputy Ethics Counsellor, and by Ms. Diane Champagne-Paul, Director, Members of Parliament's Code, whom I had the pleasure of meeting a few weeks ago when I filled out the form myself.

Doctor Shapiro, I now yield the floor to you for your opening statement. We will then have questions from members.

Mr. Bernard Shapiro (Ethics Commissioner, Office of the Ethics Commissioner): Thank you, Mr. Chairman.

I am pleased to be here today. My staff and I were looking forward to working with you in order to implement the objectives of the Conflict of Interest Code for Members of the House of Commons, as adopted by this committee on two occasions and approved by the House of Commons last April.

[*English*]

However, I should begin by sharing with you my understanding of the role of my office with particular respect to the conflict of interest code for members of the House of Commons. As I understand it, and your own views in this matter would of course be crucial, the role of my office is to administer, on a neutral basis, the code that the House has adopted and may of course change from time to time. The role of the House is to make the decisions as to whether to adopt the code in the first place, and if so, to determine what its content is. In other words, the code is your code. The carefully legislated independence of my office relates to its administration, not to its development. Needless to add, whether in the administration or in the development, I and my staff would be not only willing but happy to assist

the House and this particular committee in any way that seems to be helpful to you.

In some special sense, and I hope I'm not overreaching here, we need each other. I and my office need you to establish the continued legitimacy and ownership of the code. There would be no point and no value in the administration of a code with which the House does not identify. My office, however, can be of substantial value and assistance in sustaining in the minds of the members of the House, and more importantly in the minds of Canadian citizens, the credibility and integrity of their representatives and the parliamentary institutions of which they are a part. It is in this context that last week I submitted to this committee a proposal for the establishment of a subcommittee, or an informal working group if that seemed better—I don't really have a preference—to work with my staff. I hope this proposal will be well received. I believe we can, as I've already suggested, work effectively together.

Unfortunately, at this, the very first of our meetings together—I hope not the last—I will have to leave the committee at 12:30. Of course, you may be through with me before then, but I have to leave at 12:30 in order to deal with previous commitments. However, when I do leave, my colleagues will remain, and I can assure you, you will be in excellent hands.

Since my appointment in May 2004, in the absence of any House committee with whom we would normally have been working, but facing the legislative mandate, in particular the 60-day deadline with which you are familiar, I and my office prepared as best we could by focusing not only on our own experience and that of other jurisdictions, but more importantly on the code itself. The resulting disclosure statement with which you all seem now to be familiar was developed in this context. Its particular questions related not to some arbitrary preference of our office, but to the code that the House had, for whatever set of reasons, in fact adopted.

Thus in the week since the code has come into effect with the 38th Parliament, I have listened with enormous interest, not to say fascination, to members' views of their new obligations. Many common concerns have emerged and I would like to address some of them this morning.

What are some of the questions that normally get asked? No one has asked them in precisely these terms; I'm trying to characterize many questions in a brief summary. Some of the questions, for example, are as follows. Must the assets and liabilities, income, and private interests of family members be publicly disclosed? Why is there a requirement to provide the value of personal assets such as household goods, works of art, automobiles, bank deposits, etc.? We've heard about somebody's sofa, we've heard about someone's dog, we've heard a lot of different things over the past couple of weeks. Why is there a requirement to list credit card debts and publicly disclose debts greater than \$10,000?

A conflict of interest code need not in principle have these requirements, but the code presently in force requires in section 24 that all assets and liabilities referred to in a member's disclosure statement be disclosed. It seems us, and it seems to me, that credit card debts, household goods, etc., all come under the category of either assets or liabilities and therefore have to be listed in the disclosure summary.

In retrospect, however, I do believe that we could, for example, have limited our interest and credit card debts—again to use an example—to those that have been outstanding for more than six months so as to differentiate current expenditures from an actual debt. In addition, for example, the committee may wish to establish a threshold below which the value of such assets as household goods, etc., need not be reported. These and other changes in operating arrangements can easily be accommodated, and I look forward to working with the committee in these and related areas.

Another question frequently raised has been, must gifts and benefits received from local riding associations be disclosed confidentially, and if over \$500, disclosed publicly? It's a reasonable question, but the code itself makes no distinction at the moment. That might change, of course, but the code itself makes no distinction as to the source of the benefit. So the requirement for disclosure is clear from the code itself. If the committee, however, wishes to provide other guidelines by bringing forward a proposed change in the code, we would certainly be glad to discuss that with you and deal with whatever your policy preferences are.

•(1115)

In the same vein, we would very much like to discuss with you section 23(2) of the current code, which requires that disclosure summaries be made available for public inspection in my office during normal business hours.

Our own view in this area would be to follow the spirit of transparency in the code by allowing visitors to my office to make a copy of the disclosure summary. We could also make arrangements either to fax or to mail disclosure summaries on request. We do not wish, however, to proceed on our own in this area and we would seek the committee's guidance as to how you would prefer to proceed.

Two other questions have been frequently raised. First, is there an obligation to complete an entirely new disclosure statement each year? It is true that some readings of the code might suggest this obligation. Our understanding, however, is that this is not the case. Our office will provide each member a summary of the original disclosure statements and members will be asked only to indicate what material changes have occurred and which should therefore be added to the file.

This of course raises a second question, which is, what counts as a material change? On this issue we have been relying recently on the judgment of members. Perhaps, however, we can be guided by British Columbia's definition of material change as contained in its regulations pursuant to the Conflict of Interest Act for British Columbia. Their definition says it includes the acquisition or disposition in whole or in part of anything that had to be disclosed originally, except for items specifically excluded from public disclosure.

These of course are only a few of the many questions that we would like to consider with the committee, and we are certainly looking forward to learning which are the priority areas of concern from your point of view, and I think they're quite different.

Finally I would like to raise an issue that has not been raised by members in recent weeks but is something in which I think you may

have some interest, which is with respect to the costs associated with the setting up of trusts that may be required to be in compliance with the code. On this matter I have written to the Speaker as chair of the Board of Internal Economy and recommended that such costs be reimbursed from the House's budget. I have not had a response; that's just the request to the Board of Internal Economy.

Finally you will note that we have provided you each with a small information kit, which includes a copy of your conflict of interest code, a chart outlining the process we use for its review relative to disclosure requirements, a sample of the public summary statement just to give you some idea of what one might look like, and a proposed form that you would have to review to see if it's satisfactory for the disclosure of sponsored travel.

With respect to the code itself, we have also included for your consideration the official opposition's proposed revisions, submitted to my office by Mr. Reynolds, the House leader, as well as our very preliminary comments on these proposed changes, again just for your information so you can think about them if you wish.

[*Translation*]

Those few comments being made, Mr. Chairman, I would now like to begin our work with your committee, listen to you, hear your comments and answer your questions.

I thank you very much for your attention.

•(1120)

The Chair: Thank you very much, Doctor Shapiro, and we thank your colleagues as well.

We shall now proceed to our question period. Before we begin, would it be possible to know— is this a matter of public knowledge?—how many members have made a declaration and already submitted it to your office?

Mr. Bernard Shapiro: The last time I asked, there were about 80 members who had done so.

The Chair: And how many days are left to do that?

Mr. Bernard Shapiro: Members have until December 3rd.

The Chair: Fine. So they have until December 3rd, and 80 members have already submitted their forms, that is to say, almost a third.

Mr. Bernard Shapiro: Yes.

The Chair: Are all of the ministers automatically included in that group?

M. Bernard Shapiro: No.

The Chair: Not necessarily.

Mr. Bernard Shapiro: No.

The Chair: So there are some ministers who have not yet done this.

[*English*]

The first question is to the official opposition. Who would like to be first? Mr. Reynolds.

Mr. John Reynolds: Thank you very much for being here this morning.

In listening to the questions you received from our caucus and in talking to other parties, they all seem to be asking the same questions. Most members seem to think the questionnaire is too intrusive; it just goes too far. I'm wondering if we could have a committee of this group sit down with your people and look at that and have some discussions. Is that a possibility? Some people probably haven't filled it in yet, hoping it's going to change.

Mr. Bernard Shapiro: I understand. It's certainly a possibility. That depends on the committee rather than on me. We'd certainly be glad to sit down with you and talk about that and try to work out something that would be helpful.

I think the constraints are twofold. One is that December 3 is coming, so if we're going to do it we should do it soon, but that presumably can be done soon. I don't see why it would be a big issue. The other is that we do have to keep within the boundaries that the code itself outlines, but I can imagine several possibilities in that regard and we could work that out in another setting.

Mr. John Reynolds: Mr. Chairman, that's the only real question I had. Maybe when we're all finished these questions, the committee can decide if we want to do that. A member from each party could sit down with the commissioner and his staff to review this questionnaire to see if there's a possibility of doing it.

Mr. Bernard Shapiro: It is the case, as I've said to a number of groups, that I filled the form out myself, and you do get a sense of intrusiveness. On the other hand, I do want to emphasize to the committee that we do not audit these forms. We review them, we don't audit them. We assume that people are telling us the truth. We rely on the self-report system, which I think is appropriate, actually.

Mr. John Reynolds: I just think that most of us would like to be able to sit down and do it in half an hour, but right now it seems to be a day's work for some people. Do you have to hire somebody to come to your house? I have artwork and pictures signed by famous people from around the world, after 30 years of politics, and I don't have a clue what they're worth. I wouldn't declare them as assets if I were to go to the bank to borrow money, but I wouldn't want somebody to say I didn't declare an asset I had. Those are the types of things we want to look at to make sure we're doing this properly.

I think the Canadian public wants to know maybe what our assets are, what our liabilities are, and what shares we own in companies that either trade or don't trade. Really, that's about all they should know. I don't think anybody should know... Most members of Parliament who are buying airplane tickets and travelling have probably over \$10,000 a month on their credit cards at times. Usually you pay them every 30 days, and maybe one time you don't. Those are the kinds of things that are just too intrusive. I'd like to be able to look at that and ask, is that necessary? Can we shorten the form to make it a very easy procedure?

I'm like you; I got on the airplane and half an hour later I put it away. I left it for a later date and haven't gone back to it yet.

Mr. Bernard Shapiro: I did go back to it, but certainly we'd be glad to do that.

[Translation]

The Chair: Does someone from the Bloc have a question?

Mr. Laframboise.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): My question is simple. I spent 18 years at the municipal level, where we always filled out conflict of interest forms. This was normal, and the purpose of that procedure was to ensure that we were not in a conflict of interest position when we adopted zoning regulations, other regulations concerning property, and so on. However, we never had to indicate the value of our interests.

Yes, it is a good idea for people to declare their interests in public companies, properties, businesses, but I don't see why they have to declare the value of their interests in these. The provisions of the bill refer to the interests, but never to their value, except in the beginning of the code, where 2(a) refers to increasing or preserving "the value of the Member's assets" and where 2(b) mentions "the extinguishment or reduction in the amount of the Member's liabilities". Such provisions mean that you automatically have to go and check whether the value of the asset is increasing, or whether liability is decreasing. I have some trouble with that, because the population's wish is that we not make decisions to further our personal interests. I agree that we must disclose the names of the private companies in which we have interests, but I have a lot of trouble with disclosing the value of those assets.

As I was saying, at the municipal level, we don't disclose the value of our assets. The interests we may have are declared, but we don't mention their value. Of course, this makes me smile. You yourself made some comments on the value of movable assets, and so on. If you use the terms "assets and liabilities", that forces us to think like bankers and to list all of our assets on one side and all of our liabilities on the other, and that is how you have framed this. I wonder whether in everyone's interest you should not instead have focused only on the interests and not on their value.

• (1125)

[English]

Mr. Bernard Shapiro: I guess I could say a couple of things. I want to make my response as brief as possible.

We felt obliged by the code to list all assets and liabilities worth over \$10,000. We don't actually list, in the public summary, the value. We don't do that. However, the approach you're suggesting could certainly be one that we could consider and discuss. I'm quite anxious to...

As I said, I don't want to try to defend the code itself. This is not my responsibility. I'm trying to administer the code. If we have interpreted it in some way that is

[Translation]

in your opinion inappropriate, then that is something else and we should have a discussion amongst ourselves so that we can do something that is appropriate both for you and for us. I think that that is possible.

Mr. Mario Laframboise: I don't want my comments to be misinterpreted. I filled out the form and you received it. However, I examined it and I wondered, in light of my experience in another political milieu, why we were being asked for the value of our interests. That is the only question I have. Of course as I re-read the act, I understand that your intention is to track the ups and downs of assets and liabilities. So you need a figure to see whether ultimately we are getting richer or poorer as a result of our decisions. But the issue, as far as I'm concerned, is that we should never make political decisions when we have shares in a business. Whether you have one or 50,000 shares in Bombardier isn't really important. You should never have to make decisions involving a company in which you hold an interest.

My feeling is that the code focuses more on value than on issues involving interests as such. We must not use our position to increase our assets. I agree with you completely on that, but I still have some reservations.

The Chair: Before the witness answers, I would like to remind you that this isn't an administrative code. This is an act that we parliamentarians passed and which Mr. Shapiro is administering. So he cannot amend this act in that way. Such an amendment would have to be made by us, as parliamentarians. I don't want my colleagues to think that this is simply an administrative code. This is an act of Parliament passed in due and proper form by the two Houses in the previous Parliament, an act which Mr. Shapiro is responsible for administering today.

Mr. Shapiro.

Mr. Bernard Shapiro: That is a good clarification. I appreciate your comment. We'll have to think about that and see.

[English]

The Chair: Next questioner, Karen Redman.

Hon. Karen Redman (Kitchener Centre, Lib.): Thank you, Mr. Chair.

Mr. Shapiro, I have to tell you, it's nice to meet a man of your courage, who would take this on. As the chair has just pointed out, you didn't make this up, you're trying to comply with it. I appreciate it.

I just want to be really clear. You said that about 80 MPs have filled this out. We realize that the clock is ticking. Is there time, logistically and practically, to come up with something amended by that legislative due date so that members will not have to fill them out, or should we go ahead and tell members to fill them out to the best of their ability?

Mr. Bernard Shapiro: I'll say two things. My advice would be to fill them out as soon as you can so as to meet the legislative requirement. In terms of whether or not we could do anything between now and then, I think it is possible. I doubt it would be possible to do a wholesale revision of everything, but I can imagine that it would be possible, if we followed the suggestion we had from Mr. Reynolds a few minutes ago, to issue, for example, a small bulletin that said, in filling out the questionnaire, here are some things to keep in mind, or here are some ways to think about it that would make it simpler to fill out.

So I can imagine that. I don't want to prejudge the results of the meeting, but I certainly can imagine it.

• (1130)

Hon. Karen Redman: If I may, I'm going to pass on a couple of queries I've heard, just for clarification.

When people talk about their principal residence, is the assessed value that you see on the tax roll an appropriate thing to put down? When people ask about their household contents, can they put down what they're insured for? Those are the kinds of questions I was getting from members. They were asking, is this legitimate?

The other issue raised by some members is that obviously we all will do this with as much veracity as possible, but being that it's not notarized, it's everybody's best information and best attempt at that point in time. It's not like anyone is going to come in and audit Mr. Reynolds' pictures on his walls and tell him he forgot the Monet in the upstairs bathroom.

Mr. Bernard Shapiro: That's an impressive place to have a Monet, I have to say.

Hon. Karen Redman: I'm sure he has one there.

Mr. Bernard Shapiro: I would say that we rely on the judgment of members to be reasonable. It says on the form itself that if you want to report the insured value, that would be quite fine. Certainly we will accept your estimate of what the value is. As I say, we do not audit these forms. Our experience is that, as we expect, members do fill them out in a relatively useful and interesting way, with lots of integrity.

In that sense, anything that you feel is appropriate we will be glad to accept. We will not audit them.

The Chair: Thank you very much.

Monsieur Godin.

[Translation]

Mr. Yvon Godin: Thank you, Mr. Chairman.

I think, as someone said, that this isn't your code but ours. We created this bill and I, for one, am very proud of the code, even though there may be one or two things that could be changed. For instance, I was concerned especially about the part that mentions credit cards. The reason is simple: when we fill out the form, we may have purchased a couple of plane tickets for \$12,000, and this could be the balance on our credit card. If, for instance, we travel abroad, we report it on the form, but a month later we will have paid off the balance, another paycheque having come along.

How can we clear this up? Do we have to call whenever we travel to inform the office that our credit card balance is going to increase? I think that the solution consisting of handing it in six months later may be a problem. That is one of the things that needs to be looked at. I think that Mr. Reynolds' solution is the right one. Perhaps we should sit down together and do a quick review with an eye to changing one or two things only.

If my association gives me more than \$500, I have no problem with declaring that publicly. That is the purpose of the code, and we don't want things to be hidden. Those are the comments I wanted to make at this point.

I did have one question on children of more than 18 years of age, but the code is clear, as is the form: it refers to children under 18. I don't think there are any conflicts in this regard; that complies with the code.

That is all, Mr. Chairman.

Mr. Bernard Shapiro: I agree with everything he said. I think six months is a reasonable period of time.

Mr. Yvon Godin: I'm anxious to see how much Mr. Reynolds' paintings are worth.

Some hon. members: Oh, oh!

The Chair: I'm sure we're all curious about that, but in the meantime, I'll turn the floor over to Ms. Longfield.

[English]

Hon. Judi Longfield (Whitby—Oshawa, Lib.): I agree with Monsieur Godin's comments with respect to credit cards. It's often difficult. Today I was filling mine out and I thought, gee, I wish I'd gone to the bank and paid it right then. Anyway, if you had done it the day after it might have been different.

I want to know this. I filled it out, and it took considerably longer than the half hour that I thought it might, and then it took three days of listening to my husband talk about his having to fill it out; nevertheless, he's complied. I'm wondering now when I might see the disclosure summary and when we'll be required to sign it.

Mr. Bernard Shapiro: There are a couple of things I'd like to say. First of all, in terms of when, all I can say is as soon as possible. It will depend on the flow of paper into my office, but we are handling them as they come, in chronological order, so the ones that come in first will get responded to first. So we'll get back to you as soon as we possibly can.

I should point out that some cases are much more complicated than others because of the nature of the assets and liabilities, so it can be that something that comes in early will come out late. But in general we try to do it on a first come, first served basis. That we certainly intend to get back to you as soon as possible is all I can say, partly for reasons that we can't forecast the paperwork that's coming in and at what rate it will come in—I expect a deluge around the end of November—and partly because there are issues that have nothing to do in a sense with this committee, such as the setting up of the office so that it can hire people as an independent entity. That's taking a little more time than we thought it might. So there are those two unknowns that I have to deal with.

On the issue of the spouse, however, which you mentioned, you didn't ask a question, but it prompted a notion in my mind. We had decided—and it is a special reading of the code, and you may feel differently—that when we get information about spouses or partners or whatever, we are not going to treat that in the same way as we treat the members' information. We will use the information from the spouse not to list anything publicly at all, no matter what it is, but simply to advise the member whether any conflict of interest issue has arisen. So nothing from the spouse or partner file appears in the public summary or anything of that sort. Now, I suppose the code could be read to demand it, but we decided that wouldn't be really quite right.

There are some questions about whether you have a spouse or a conjoint or something who doesn't want to provide the information, and the code is clear about that as well. The member's obligation is to use his or her best efforts to obtain the information. If they can't, for whatever reason, well, they can't.

• (1135)

Hon. Judi Longfield: All right.

I have just one follow-up. Will those disclosures be available as they're posted or do you wait until everybody's are in before...? For example, if 80 have complied and technically 80 could be ready in two weeks, are they available for viewing before the rest?

Mr. Bernard Shapiro: We will certainly not wait until they're all in, but we're not going to do them one by one either, because it would mislead people too easily. So we'll wait until we have quite a number, then start to file, and then add to it gradually as they come in.

Hon. Judi Longfield: Thank you.

The Chair: Thank you very much.

Before we go to the next round, I'd like to ask a brief question of Dr. Shapiro.

Say we had this subcommittee and it met right away, maybe Monday or Tuesday, and we arrived at a quick conclusion. Is it conceivable that we could then publish an explanatory note that would be attached to the form—there's no time to redo the form—and it would be a kind of interpretive note to attach to it saying that when you say “credit card”, it really means that which you owe beyond six months or three months or whatever. I don't want to prejudice any work of the committee. I'm just establishing a possible modality here.

Is that thinkable?

Mr. Bernard Shapiro: Yes, it is, if the committee can make up its mind early—do it next week, let's say, or something close to that—and secondly, not make too many dramatic shifts so that the explanation itself could be longer than the form.

The Chair: In other words, if we had one meeting, and whatever we arrived at as a conclusion to assist you, we delivered that to you at the end of that meeting, that could be of assistance to you, Dr. Shapiro.

Mr. Bernard Shapiro: Yes. We just have to make sure it's translated so that we have it both *en français* and *en anglais*. That shouldn't be a big issue.

The Chair: I'm just establishing the concept here.

Hon. Judi Longfield: I have a follow-up on that.

You've already indicated that you have made a decision about spouses' declarations. It might be helpful for other members who are dealing with their spouses if we got that out immediately, because—

Mr. Bernard Shapiro: We would do it at the same time.

Hon. Judi Longfield: Yes, but if you can't do anything other than that, I think that would be very helpful.

The Chair: Let's try to have a meeting quickly, and we'll get to that later.

On the second round now, we'll start with Mr. Johnston.

Mr. Dale Johnston (Wetaskiwin, CPC): Thank you, Mr. Chairman, and thank you, Dr. Shapiro, for your presentation.

We all understand that you're the messenger and you're the person who has been charged with setting up this forum, and you have to comply with the code, but I'm wondering if the code is sufficiently vague that this subcommittee could make changes as to what we report or what we don't report.

I can certainly understand where you would want disclosure of what companies—publicly traded companies or otherwise—you had shares in to prevent such things as insider trading and acting on information that might be privileged to members of Parliament and nobody else, but for the life of me, I can't understand why the Canadian public would be interested in what kind of a car I or my wife drive, unless that vehicle was a gift, and then of course it would come under gifts over \$500. There are a lot of things in here that I just cannot see the logic in reporting, and I guess that's been stated over and over around this table and in all of our caucuses by a variety of people.

So if the committee doesn't come to a really quick conclusion as to how the form will be amended, I'm wondering if it would be possible even to extend the 60-day deadline. The clock is ticking. That is something the subcommittee might want to recognize too.

• (1140)

Mr. Bernard Shapiro: I think a lot depends not on whether some of these things are possible, but on how complex the issues are that arise and how complicated it is to make the actual decision about what the committee would prefer. So it's hard to forecast in advance.

Relative to the deadline, the code does give me the power to extend the deadline, and I would certainly consider it, depending on what reasons were being brought forward.

Mr. Dale Johnston: Just back to the conflict of interest—and that is actually what the code is called, “Conflict of Interest Code for Members of the House of Commons”—my intervention is all about things that could be possible conflicts, and there are many things asked for in the form for which I see no connection whatsoever with a conflict.

Mr. Bernard Shapiro: That's something I'd be glad to discuss. Obviously we had a different view when we created the form. That isn't to say we had the right view in each case—I don't want to make that claim—but we had a different view.

I focused a lot, I have to say, on the provision in the code that assets and liabilities all be listed, and this, to me, meant what it said. It didn't say all assets and liabilities, for example, that might become, either now or at some point in the future, a conflict of interest for the member in question. That would be a different drafting of the code. I won't comment on whether it would be better or worse; it would be different.

So whether or not one can do something in the short term to assist the appropriate completion of the form depends on how many complex shifts are required and whether we can focus on things that can, as you suggest, be thought of as interpretations of the language in the code, so that we're not talking about the code itself. I'm

certainly glad to think about those and to discuss them with the group.

The Chair: Mr. Johnston.

Mr. Dale Johnston: In some cases, a husband and wife own everything jointly. In that case, do you have to fill out two forms?

Mr. Bernard Shapiro: What I have been suggesting to people, and perhaps you have a different one, is not to fill out anything twice but to cross-reference. There's no use in putting it all in your form and then having it all repeated. One can, for example, attach a note to the spousal form with the name and date, or whatever, and say that all the information in the other one applies.

[*Translation*]

The Chair: Thank you very much.

Since no one from the government side has any questions, I'll turn the floor over to you, Mr. Laframboise.

Mr. Mario Laframboise: I wouldn't want anyone to take what I have to say the wrong way, Mr. Chairman. I'm very well aware of the fact that we voted in favour of the code. My concern is that the code is worded in such a way that the emphasis is more on values than on interests, in my estimation. Obviously, as you said yourself, you're the person who drew up the form. I'm convinced that I could take the same text and come up with quite a different form that would still comply with the code. Would you agree with that statement?

Mr. Bernard Shapiro: Certainly that is a possibility.

Mr. Mario Laframboise: The problem is that you put more, not less, into the form. I filled it out. When I read the code and look at the form, I feel that you put more emphasis on the value of goods and property than you did on interests. That bothers me somewhat, because there is a danger that persons might misinterpret the intent.

We'll see what we can do by way of amendments. [*Inaudible—Editor*]
—I don't understand why the restrictions are so stringent in the case of members, when the important thing is that they not be a party to decisions involving their interests or their businesses. The code is clear on that, but it also contains a reference to values. Let me say again that we can work on changes. You're saying that we can tackle this together.

Mr. Chairman, you seem to be saying that we could move quickly to revise the form. Is that correct?

• (1145)

The Chair: I for one would be willing to meet informally with a small group of members, say on Monday or in the very near future, depending on people's availability. Each party would be represented by one member. We could do something like that to further the process, but without circumventing the legislative process, because that we cannot do. If we want to do an end run around the legislative framework, we need to propose draft legislation and amend the act. Otherwise, Dr. Shapiro will be unable to do his job.

Would you care to say something further, Dr. Shapiro?

Mr. Bernard Shapiro: No, I have nothing further to add to that.

The Chair: Fine then.

[*English*]

Madam Redman, did you have another question?

Hon. Karen Redman: I have one short one.

Another issue that was raised, Dr. Shapiro, and I'll just put it forward, was exactly whose eyes read these and how this was stored. I understand we've already talked about what would be posted for public consumption, but there was some concern as to exactly who would have access in the processing of these. It's not my personal concern, but I put it forward because it is one that was raised with me.

Mr. Bernard Shapiro: I think it is incredibly important to maintain the confidentiality of the files. We've had the RCMP in to see the set-up, and we've set it up in accordance with their standards to make absolutely sure nothing can get out of the office.

In the end, just as we depend on the integrity of the members to fill out the form, I do have to depend on the integrity of my staff to not use the information except when it's appropriate. So far, we've not had any difficulty. So far, they've been very good, and I think that's something I owe to my predecessor, Mr. Wilson. However bad his press may have been, he was very good with that particular issue and maintained the confidentiality of the files.

So we will continue to guard that very carefully. It's not easy to access our offices on the 22nd floor at Slater. We welcome you there at any time, but not to see the files.

The Chair: Thank you.

We're back again to the other side. Mr. Casey, it's your turn.

Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, CPC): Thank you very much, and thank you for coming. Thank you for having a great attitude. It diffuses some of our concerns.

I wonder if some of the things you're asking for are contrary to the Privacy Act, such as who owes me money and who I owe money to, maybe family members or otherwise, or joint insurance policies. Am I allowed to give that information out to people I have no control over? Have you gone through that aspect of it?

Mr. Bernard Shapiro: The office is not in fact subject to the Privacy Act and it's not subject to the Access to Information Act either. The technical answer to your question is this is not an issue—

Mr. Bill Casey: Well, it is an issue.

Mr. Bernard Shapiro: I understand. It's not that I don't understand the question, but in terms of our ability to ask the question, we are unable to ask the question.

Mr. Bill Casey: So it isn't subject to the Privacy Act?

Mr. Bernard Shapiro: Right.

Mr. Bill Casey: No protection?

Mr. Bernard Shapiro: I'm not going to argue with you about the code itself.

Mr. Bill Casey: Okay.

I ask myself as I go through these things, why would they possibly want to know this information? Your form is written to comply with the code, but there's a lot of flexibility in the interpretation. For what possible reason would you want to know if my wife has life insurance?

Mr. Bernard Shapiro: It would depend, for example, on whether or not you were part of a committee dealing with the insurance industry. These kinds of things become important to think through.

The assets or the liabilities of a partner, or a wife in this particular case, are used simply in order to advise the member of where a conflict of interest might arise. That's all.

Mr. Bill Casey: If a member doesn't fill one of these in, what is the penalty?

Mr. Bernard Shapiro: I have no enforcement capacity whatever in my office for either this code or the code for the public office-holders. The only thing I can do is make my annual report indicating what the experience has been and who was in compliance with the code.

• (1150)

Mr. Bill Casey: Is the exemption from the Privacy Act in the legislation?

Mr. Bernard Shapiro: Yes.

Mr. Bill Casey: Amazing.

Thank you.

The Chair: It's Parliament. Parliament is not part of the Privacy Act.

Mr. Bill Casey: A lot of the people who are going to be involved with this information are not part of Parliament.

Mr. Bernard Shapiro: Well, in fact they are. One of the effects of the new legislation is to remove my office from the public service and make it a parliamentary entity.

Mr. Bill Casey: But the people about whom we are going to give personal information are not part of Parliament.

Mr. Bernard Shapiro: I understand what you mean. That is certainly true.

Mr. Bill Casey: This form requires us to give information on people who have no role in Parliament. I don't understand why they're exempt from the Privacy Act, but that's not your fault.

The Chair: Let's not blame Dr. Shapiro for our legislating.

Mr. Bernard Shapiro: I must say, I frequently hear, don't kill the messenger. But I do want to add that although people have said that over and over again, it's been incredibly valuable for me to listen to the message. It does tell me a lot about what's going on in the minds and the hearts of the people subject to the code, and that's incredibly important information.

[Translation]

The Chair: Thank you, Dr. Shapiro.

Go ahead, Ms. Picard.

Ms. Pauline Picard: Thank you, Mr. Chairman.

Dr. Shapiro, I believe you alluded to this earlier when members asked you why it was necessary to list the value of furniture, among other things.

How are we supposed to interpret this requirement? I realize that a code is in place, that members adopted legislation, but how are we supposed to interpret the requirement whereby I must declare the value of my living room furniture, for example?

There's another problem as well. I completed the form and it was not an easy task. There are a considerable number of questions to sift through. There's also the matter of one's savings or chequing account, the value of which fluctuates from one day to the next. What's up with that? Why do we need to disclose that information? The balance in one's chequing account is never quite accurate. Some cheques may have cleared the account and between the time I make my declaration and the following week, the balance can increase from \$500 to \$5,000.

Mr. Bernard Shapiro: Quite frankly, Madam, I think I made a mistake. It's inappropriate to ask a question like that. In my mind, I felt at the time that it was important to know the value of one's bathroom, because for some people, paintings, furniture and so forth are very important assets. However, ordinary items are an entirely different matter. I think we made a mistake and that we need to admit that we did.

Ms. Pauline Picard: I can understand why it would be important to have to declare valuable artwork for which a tax credit is being claimed. If I owned a priceless painting, I could understand that, but I fail to see why the value of my furniture should matter to you. I'm also thinking about how the public and our friends in the media are going to look at this. If a person net worth is X amount, it would be unfortunate if something bad were to happen to that person because of a form like this. Such considerations are private and should be of no interest to anyone.

Mr. Bernard Shapiro: Just let me say two things. We can take another look at the code. I really think we made a mistake, as I said earlier. However, this information is not disclosed to the public. No dollar value is given in the general disclosure summary that is made public. In any event, we can review the code and come up with a more appropriate form.

Ms. Pauline Picard: Thank you very much.

The Chair: Interest in setting up this type of subcommittee quickly seems to be mounting, if my take on the situation is correct. Let's continue with the questions, but I would like to set aside some time at the end of today's meeting to decide on a committee structure of some kind, so that participants can meet sometime in the next five or six days, if possible.

Mr. Reid.

• (1155)

[English]

Mr. Scott Reid: Thank you, Mr. Chairman.

There are many questions I'd like to ask, but I have three brief ones and then a more substantial one. My first few questions relate to my own attempts to fill this out.

For some things it is difficult to estimate the value without getting a formal estimate. Art objects, for example, are unlikely to be beyond a certain range of value and under a certain range of value. My question is whether in order to avoid the considerable difficulties involved in getting an assessment, one could get away with giving

you an accurate but not precise estimate by saying I'm certain it is in this range or the value is greater than x thousands of dollars.

Mr. Bernard Shapiro: I think that would be fine.

Mr. Scott Reid: That was the first one.

My second question has to do with pensions, which are mentioned on pages 4 and 10 of the form. Pension benefits are on page 4, to which one has an eligibility or entitlement, and RRSPs are on page 10.

There's another kind of pension, a locked-in retirement account. I have one. Someone who is in the public service and then leaves before a certain point in time can take out their pension benefits, as I did, and lock them in. That's not mentioned. So that's just something for the future.

Are you comfortable with someone adding a note on page 10 where you ask about RRSPs? You only put in notes when you answer yes to something. I would be answering no, but then I would put in an arrow and add a note saying that I have a locked-in retirement account.

Mr. Bernard Shapiro: That would be fine. We're quite happy to accept any way that you find is a reasonable way to communicate with us. If we have any problem understanding, we will call and ask for further information if we need it.

Mr. Scott Reid: Part of the reason I ask this question is because I regard the code as being poorly worded in one spot. Section 2 of the code says:

Given that service in Parliament is a public trust, the House of Commons recognizes and declares that Members are expected

c. to perform their official duties and functions and arrange their private affairs in a manner that bears the closest public scrutiny, an obligation that may not be fully discharged by simply acting within the law.

In other words, there's a fuzzy parameter as to where we're supposed to be. If it were nice and clear and said you had to be within the law and this code, that would be it. Where your compliance obligations stop is now unclear. If one doesn't want to get one's self in trouble, not necessarily with you but with our friends in the media, one now has to go well beyond whatever is stated in order to be absolutely certain. That's very difficult, and that's the reason I ask you these questions.

My longer question has to do with taking your sample disclosure summary and asking you which questions can be answered by yes or no. Also, which ones would in fact become public as yes/no responses and which of those questions would be responded to with more detailed information available to the public? Obviously, if you're answering the first one, it will either be a yes or a no: "My income, assets and liabilities referred to in my Disclosure Statement need not be disclosed in accordance with...." Am I right?

Mr. Bernard Shapiro: Taking a look at the disclosure summary, the typical disclosure summary would be a series of check marks in the boxes that apply. We never indicate the value of anything on a disclosure summary, because we don't think that's appropriate or helpful.

Mr. Scott Reid: Okay, but I have to sign, "...disclose: I lease a property located in", and then all the leases to which I hold a—

Mr. Bernard Shapiro: Right.

Mr. Scott Reid: They would be listed. All right. Does that include constituency offices?

Mr. Bernard Shapiro: I don't think so. You are not personally leasing the constituency office.

Mr. Scott Reid: Yes, you are. You sign the lease yourself.

Mr. Bernard Shapiro: If you are, then that would be included.

Mr. Scott Reid: There's always an escape clause tied to your....

After "I receive an income arising from a business or profession", there's a colon, so presumably we then list off all the businesses from which we—

Mr. Bernard Shapiro: No, all you have to do is say that you either do or don't. You wouldn't have to list all the different ones. It's listed in the actual confidential declaration, but not in the public summary.

• (1200)

Mr. Scott Reid: Even if I have several business interests?

Mr. Bernard Shapiro: Right. We would fill that out for you and send it to you, and then you would have to sign it to make sure it's correct before we would put it in the public summary file. You don't fill this out, we do that for you, on the basis of the information you've provided.

Mr. Scott Reid: On "I owe credit card debts on one or more cards", that would be yes or no as well?

Mr. Bernard Shapiro: They would all be yes or no.

Mr. Scott Reid: Okay.

The Chair: Mr. Reid, I think we have to be cautious not to get into so much detail at this meeting today. We're getting into the kind of detail I had, for instance. I believe I was the first MP to fill mine out. You fill out your form and then you sit down, in my case with Madame Champagne-Paul, and actually go through the form to see whether you did it right. If we get into that kind of detail this morning, it doesn't really sound like committee work.

Mr. Scott Reid: I'm willing to accept that. Actually, I think Dr. Shapiro has answered the question I had on each one through his more general responses.

May I ask just one more thing. Let's say, for the sake of argument, I'm sitting down here filling this out today, and let's say, for the sake of argument, I owe on my credit card. I submit that to you. You have, of course, a time lag before you get back to me. By the time you get back to me, I no longer owe any money on my credit card. Might I then say to you, I don't want to sign this, I want you to go back and alter it to remove that, and here's my credit card statement demonstrating that what was true a month ago is no longer true today?

Mr. Bernard Shapiro: Sure, that's the point of sending it to you, to ask for verification. You send it back.

Mr. Scott Reid: All right.

Thank you very much.

The Chair: I think we're illustrating more and more that perhaps some of these things can be fine-tuned by a subcommittee. I think I sense on the part of everyone that the particular short-term credit card balance, however defined, we can do at some other point. It

seems to be certainly one irritant that people have in common, particularly those who travel long distances to come here and who use their credit cards to actually get to Parliament.

Dr. Shapiro, on the constituency office issue, might I suggest that you revise your interpretation in terms of what you just told us about it? Each MP rents a constituency office—or in my case, three constituency offices—but it's not for our benefit. We don't conduct business there. It's paid for by the House of Commons. The interpretation that this is somehow a liability toward a member...

For instance, they always send me a little voting card to vote in the municipal election, because I'm a property tenant. I've refused to exercise it. As far as I'm concerned, it's the House of Commons that pays for it, so it's not mine.

Mr. Bernard Shapiro: That's a good point.

The Chair: At any rate, perhaps I can invite you to think about that a little bit more between now and the little meeting we're going to have.

[*Translation*]

Are there any further questions?

Mr. Johnston.

[*English*]

Mr. Dale Johnston: Thank you, Don. I have a really brief question. I think I know the answer to this, but I want to ask it anyway.

In section 13 it says, "A Member shall not participate in debate on or vote on a question in which he or she has a private interest". I think about all the members in the House who have agricultural interests and connections, and I think about the CAIS program, or ones similar. But under clarification 16(2) it says that if it's a general program that applies to everybody and not you in particular...

Am I interpreting that correctly?

Mr. Bernard Shapiro: I think you are. In fact, I know you are. That is the way it's interpreted. That is of specific interest to the Clerk of the House. When you have any question about whether or not an issue in which you're about to be engaged is a conflict of interest for you, it's the Clerk of the House with whom you should raise the issue.

In any case, the interpretation is correct.

Mr. Dale Johnston: It says in here that we must report any foreign travel. We used to report to the House the foreign travel not paid for by the consolidated revenue fund or by ourselves personally—third-party travel, in other words. Do we still report it to the House...or do we report it to you only?

Mr. Bernard Shapiro: That's right.

The Chair: That was Standing Order 26, and it was abolished.

Monsieur Godin.

[Translation]

Mr. Yvon Godin: Continuing on the same subject, a vote taken in the House of Commons may benefit a particular member, but that member is not the only one who benefits. Let me give you an extreme example. Mad cow disease has proved to be a major headache for farmers. The House of Commons is set to pass legislation to award each farmer \$100,000. An MP who also happens to be a farmer will receive \$100,000 if the bill is adopted. Must that MP abstain from voting?

•(1205)

Mr. Bernard Shapiro: It's a judgment call, a matter of always striking a balance between opposing interests. One must always be cautious. In my view, it would be inappropriate for an MP in this situation to actually vote.

The Chair: Are there any other questions?

Our clerk has prepared a draft motion that I would like to read to you, if you are ready to consider it at this time. The motion reads as follows:

[English]

That a subcommittee be appointed to review and make recommendations on the interpretation of the disclosure statement for members of the House of Commons with the office of the Ethics Commissioner; That the subcommittee consist of one representative from each party; That the subcommittee shall have all the powers of the committee except the power to report to the House of Commons; and That the subcommittee meet in camera.

That last part is deemed to be desirable as well, but it's up to you if you want to add it or not. Of course, the whole thing is up to you, but you may or may not want to add that tail section.

What is your wish?

Mr. Johnston, do you so move, as is?

Mr. Dale Johnston: Are you looking for a mover? So moved.

The Chair: Seconded by Madam Redman.

Is it the pleasure of the committee to adopt this?

(Motion agreed to)

The Chair: In order to do this as quickly as possible, would this committee be prepared to meet as early as, say, late in the day on Monday?

Mr. Dale Johnston: What would be the membership of the committee, Mr. Chairman?

The Chair: One from each party...

Mr. Dale Johnston: We're not going to name them at the moment?

The Chair: We could do that right now, or maybe the whip could do it.

Would you ask for someone to do it, Madam?

Hon. Karen Redman: Yes, Judi Longfield would do that.

The Chair: So Madam Longfield would be prepared to do it.

Mr. Dale Johnston: And Mr. Reynolds.

The Chair: Mr. Reynolds.

[Translation]

Mr. Laframboise, you have a great deal to contribute to the process. Are you prepared to do so?

Mr. Mario Laframboise: I would be happy to participate, but if ever I needed a substitute...

The Chair: Are you an associate member of the committee?

Mr. Mario Laframboise: That's the problem. I'm not certain about my status.

The Clerk: I'd have to verify that.

The Chair: You can become an associate member. I can table a report on a few minutes' notice. We can do that, because we are the Procedural and House Affairs committee.

Mr. Godin.

Mr. Yvon Godin: Does he have to be an associate member, Mr. Chairman? Substitution is allowed, provided the whip signs the necessary form.

The Chair: As a rule, one must be an associate member in order to serve on a subcommittee. Of course, the whips can amend the list of associate members virtually at a moment's notice. That can be done within a day. So then, should we add your name to the list?

Mr. Yvon Godin: Add my name?

The Chair: Yes.

Mr. Yvon Godin: Yes, by all means.

The Chair: Then perhaps the subcommittee could meet as early as Monday. In any event, I have quite enough to keep me occupied. Therefore, I'll ask subcommittee members to meet at the earliest opportunity. Since I'm not a member of this subcommittee...

First of all, we need to adopt the motion.

Ms. Picard.

Ms. Pauline Picard: Are you getting set to adjourn the meeting?

The Chair: No, I still have two items to attend to. I simply want to adopt this motion because I know that you will be bringing forward another one.

Is it your pleasure to adopt the motion?

(Motion agreed to)

The Chair: Before we formally conclude our meeting with the witness,

[English]

can I ask about two other things that were raised? What do you consider to be a gift from a riding association? To give you an example, if a riding association pays the rent on your constituency office, that's not for the member's benefit; the member doesn't take that home. Is that a benefit? Is that a gift?

It happens frequently that constituency associations, particularly when MPs' budgets are so meagre, actually subsidize. In fact a constituency association is subsidizing the government, as it were, in cases like that.

Secondly, if you have a material change... You've asked us to list our cars. All right. I just changed my car a few weeks ago—

An hon. member: A Mercedes?

The Chair: No, no. It's a Toyota, and the other one was a Toyota.

How soon are you supposed to report that material change? After all, a car is something of rather substantial value.

• (1210)

Mr. Bernard Shapiro: The answer to that is 30 days. The real question is how you define a material change. Once you've decided it's material, 30 days is when it's supposed to be reported.

What's material change? In responding to this kind of question at the various caucuses, I've suggested that that's a matter of judgment of the person involved.

In thinking about it further, I've thought of the idea I mentioned earlier today, which is to say we ought to have a rule—we've yet to formulate it, and perhaps it's something we could do with the committee at some stage as well—that if anything occurs that you would have reported had you completed the declaration at that moment, then it becomes a material change.

But I want to think about that further.

The Chair: Here's the proposition. If you have a very old car—say it's worth \$3,000—and you buy a new one that's worth \$40,000, obviously that's very material. Do you have a material change form that is issued to MPs so they can just say, here's an important material change, my 1995 Toyota is now a 2004, check it off, sign it, and send it in? Does that exist yet?

Mr. Bernard Shapiro: No, but it's an idea that we could easily do. It wouldn't be difficult to develop. Again, we would have to agree on what the definition of material is. That's the difficult issue.

[Translation]

The Chair: Mr. Godin.

Mr. Yvon Godin: On hearing these questions, others have come to mind. If, as you say, it comes down to the member's judgment, then I think each member will do as he or she pleases. I think it's a little too vague. The guidelines need to be a little more specific, otherwise some members will disclose certain assets, while others will not, and we won't know which way is up any more. We need something a little more specific. If some members receive money from their riding to cover office expenses, I want you to take that fact into consideration. There may be a problem there that needs to be resolved. If that's the case, it means the member is receiving more money than the public realizes. That's the purpose of this whole exercise. Our budget is public knowledge, but in a case like that, the public wouldn't know what this member's budget really was, because in reality, it would be higher than that of another colleague. The whole purpose of this exercise is to require disclosure.

The Chair: I want to thank Dr. Shapiro and his two associates, Mr. Benson and Ms. Champagne-Paul, for joining us today.

Now then, we have other business to attend to.

[English]

There are a few more things I want to get out of the way.

We tentatively put aside the issue of private members' business. There's also the issue of the in camera transcripts, because of course

we're accumulating information as we go along here. We were supposed to think about it and report today whether we want to have these materials kept for 30 years or destroyed at the end of the session. There are two schools of thought. One, it's archival information and should be kept; the other is that there was an understanding that it was in camera and therefore should not be kept. Please remember when you arrive at your decision that even cabinet documents, which are never seen, are seen after 30 years. That's a very high level of secrecy, but it's still made public 30 years later.

Have colleagues had a chance to think about this? If so, what is your wish? We can do whatever you like.

Mr. Johnston.

• (1215)

Mr. Dale Johnston: I would think that 30 years would be reasonable, Mr. Chairman.

Could I back up just a little bit?

The Chair: Okay.

Mr. Dale Johnston: I'm not quite clear on the subcommittee. Is the subcommittee going to report back to this committee? What is the purpose of our access, privacy, and ethics committee? I'm not quite clear what role they're going to play in all of this.

The Chair: I'm afraid I don't have the answer to that big question, but the subcommittee we've just established is a one-shot deal to see what we can do in the immediate term so that we don't damage the integrity of the forms, of the work that's being done, but at the same time we ensure that we're not asking members, and perhaps even more so their spouses, for needless information, information that was never thought of at the time we put this together or otherwise.

This is not, as you know, long term. It says here that the Ethics Commissioner shall submit any proposed rule changes in the administration of this code to the Standing Committee on Procedure and House Affairs. That's the longer thing. I imagine the Ethics Commissioner will probably do that kind of thing as part of his annual report and say that we're asking for things that are unreasonable, or we're not asking for things that we should be asking for, and so on. We could make use of the subcommittee more fully in that regard. What we're doing now is just a one-shot deal pursuant to the conversations we've had today. That's my take on it, if I can put it that way.

Mr. Dale Johnston: I understood that that's what we were doing, that this is a one-shot thing to try to simplify the form. Specifically, I'm asking what role do we see the new standing committee playing in this.

The Chair: Our researcher has information here that may be of use to us.

Please remember that there is a role to review and report on all matters referring to the conflict of interest code for members of the House of Commons. So presumably it would be upgrading the code, modifying it, improving it long term, and perhaps even those who are in breach of the code or alleged to have been...

Perhaps our researcher can assist us.

Mr. James Robertson (Committee Researcher): The House at this point has established a new committee on access to information, privacy, and ethics. In establishing that, they did not specifically set out the mandate of that committee. The Standing Orders currently in existence, and as Mr. Boudria has suggested, do include, under the mandate of this committee, the supervision of the conflict of interest code for MPs and the Ethics Commissioner. That may change down the road.

I think the disposition last week was that because this committee has some familiarity with the development of the code, it was easier to get it going with this committee even if it is subsequently transferred. I've also heard that the new committee may focus more on ethics within the public service rather than parliamentary ethics. That's an issue to be discussed by the members of this committee and the House leaders if they wish.

One of the things we have to do as a committee, within 20 sitting days from last Wednesday, is propose to the House the actual Standing Orders to implement the decisions that were adopted by the House last Wednesday, which included the establishment of the new committee. In that context, this committee may recommend that the ambit of the mandate of the new committee be set out in the Standing Orders.

The Chair: Is that good enough for this morning?

Please remember that this particular structure is a creation of our House leaders as part of their negotiations. We'll inspire ourselves about what it is they had in mind, because it's not this committee that created the other; it was in fact the negotiations that occurred just prior to the beginning of this Parliament.

• (1220)

[Translation]

Ms. Picard has been waiting patiently for quite a while. She has a motion, as does Ms. Redman, so I've been told. Perhaps they relate to the same thing.

Go ahead, Ms. Picard.

Ms. Pauline Picard: I move that we adopt the agreement on the committee rotation. I think we need to do that in order to get the committees up and running.

[English]

The Chair: I'll ask others.

Madam Redman, I've seen you circulate a document that appears to be similar or identical. Are we talking about the same thing here?

Hon. Karen Redman: I'm not in receipt of Ms. Picard's document, but I would think she is in receipt of ours, so if she can compare them to say they're the same....

[Translation]

Ms. Pauline Picard: It pertains to the same thing.

[English]

Hon. Karen Redman: The only thing I would add is if we adopt this schedule it will allow committees to be up and running, and they will be up and running once they have had the election of their chairs and vice-chairs. Agriculture and Finance and a few committees have,

so we will roll them out as those elections take place following the schedule.

The Chair: Just to alert members, Standing Order 115(4) mandates us to do precisely that which Madam Picard and Madam Redman are asking us to do.

We are going to have to check the committee names. They seem to use their former titles in some cases as opposed to the new ones. I don't think it changes the spirit of anything. At least the clerk has not noted that it does. It seems to work nonetheless.

[Translation]

Ms. Picard moves, seconded by Ms. Redman, that the committee schedule be adopted. Any comments?

Go ahead, Mr. Godin.

Mr. Yvon Godin: The Aboriginal Affairs, Northern Development and Natural Resources Committee is in Group 2.

The Chair: Do you have a copy of Ms. Picard's text?

Mr. Yvon Godin: I don't think this committee is in the right group.

The Chair: It is. I was referring to it earlier.

Mr. Yvon Godin: Fine then. I apologize.

The Chair: I should have specified the committee in question.

Aside from that, is everything else in order?

(Motion agreed to)

[English]

The Chair: I have some future business to go through with the committee, so don't escape before we do that.

Madam Longfield.

Hon. Judi Longfield: Given that, I'm going to suggest that the subcommittee that's going to look at the questionnaire...if we're going to do it on Monday, perhaps we could choose one of the slots that's not already thrown in for group one. So it would be 11 a.m. to 1 p.m. or 5:30 p.m. to 7:30 p.m., if we could come up with a consensus on which of those two time slots might work.

The Chair: There are only four of you there, so a quick phone call could settle it, but perhaps people could just nod that they'd prefer the 5:30 p.m. slot or the 11 a.m. slot, generally.

A voice: Mr. Reynolds isn't here.

Hon. Judi Longfield: Mr. Reynolds is the only one... Yvan, which one do you prefer for that little subcommittee to look at reviewing the privacy and conflict issue? Would that be 11 a.m. or 5:30 p.m. on Monday?

[Translation]

The Chair: Do you prefer 5:30 p.m. or 11 a.m.?

Mr. Yvon Godin: I prefer 11 a.m. But we're only talking about next Monday. There's a vote scheduled for the 18th.

[English]

Hon. Judi Longfield: Good.

The Chair: That is a general idea, but please confirm with all other members.

Our clerk can assist us in phoning around, but now at least he has some indication of what the preference is generally.

[*Translation*]

The committee will meet in camera next Tuesday to discuss future business. I draw your attention to tab 5 of the briefing book where you'll find questions suggested by our researcher. I'd ask you to review these questions to prepare for next Tuesday's meeting.

[*English*]

I also suggest that we might want to hear from the Clerk of the House next Thursday on the changes to the Standing Orders. We have free time next Thursday. We must report those by November 4, so we don't have much time left. I think we want to have Mr. Kingsley as soon as we can. Next Thursday, a week from today, appears to be not otherwise occupied. If you want we could ask our clerk to come next Thursday to address this subject. Is that all right?

Some hon. members: Agreed.

The Chair: The reason I'm not putting this to the committee when we deal with the agenda next Tuesday is it would only give us 48 hours to do it. So if there's agreement right now, we could ask the clerk to do that.

The chief electoral officer's report is going to be made available to us on October 19. Given the interest that was expressed to me by a number of colleagues, I've informally suggested to him through the clerk to appear as early as October 26, which is as soon as possible given the considerable interest on a number of issues. Many of you have mentioned the voters' list particularly. Is it your wish that we tell him now to appear on October 26?

• (1225)

Mr. Scott Reid: I'm just wondering how much time that would give us at that meeting. Would it be two hours?

The Chair: Yes. We could tell him right away to appear October 26 and October 28 if you want.

Mr. Scott Reid: I'm not sure we should be making that decision.

The Chair: Why don't we leave October 28 vacant just in case we need him back? How's that?

Mr. Scott Reid: I think that's a good idea.

The Chair: I had suggested to colleagues at the beginning that we might want to establish a rule generally, by unanimous consent—and we can always lift it—about how long the opening statements of our witnesses are. We do know that some of them have a tendency to last a long time. Is it your wish to have such a rule? I raised it at the beginning of this meeting. Does anyone have an opinion on it?

Mr. Dale Johnston: I think you can say quite a lot in 10 minutes. Usually presenters come with written text as well. If it is something that we think is of great import we can always extend the time. I think 10 minutes is good.

[*Translation*]

The Chair: Mr. Godin.

Mr. Yvon Godin: I agree, because it encourages our witnesses to be concise. It's similar to the situation we encounter during Question Period. If we were allocated three minutes, we would speak for three minutes. However, we're only given 35 seconds. This serves as a guideline for witnesses and keeps things moving at a good pace.

[*English*]

The Chair: Could we then have a motion that would say that witnesses be given 10 minutes for their opening statement? Is anyone willing to propose that?

Hon. Dominic LeBlanc (Beauséjour, Lib.): I so move.

[*Translation*]

The Chair: Thank you, Mr. LeBlanc.

(Motion agreed to)

The Chair: Thank you very much. Are there any other items of business that we should attend to before we adjourn? Remember that we have a meeting Tuesday to discuss future business.

The meeting is adjourned.

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