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# Standing Committee on Procedure and House Affairs

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**Thursday, December 4, 2008**

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**Chair**

**Mr. Joe Preston**

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•(1105)

[English]

**The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)):** I'd like to call our meeting to order. We have a reduced quorum, but we have what we need to hear witnesses.

A response to one of our questions about the report from Elections Canada's Chief Electoral Officer as to when his report may be finalized and sent to us is being distributed. That is for your records.

The meeting today is public, and we are here today to hear from the Ethics Commissioner.

We'll hear a statement from you and allow you to introduce your staff to us. I believe you have some information to share with us, so we'll carry on with that.

Thank you.

**Ms. Mary Elizabeth Dawson (Commissioner, Office of the Conflict of Interest and Ethics Commissioner):** Thank you very much.

[Translation]

Mr. Chairman, members of the committee, first of all, allow me to congratulate you on your election, or re-election, and on your appointment to this committee. Thank you for inviting me here today.

[English]

With me today are Catherine MacQuarrie, assistant commissioner responsible for policy and communications, and Gail Lidstone, a manager in our advisory and compliance section. Gail has special responsibility for the administration of the code for members of Parliament.

For those of you who are new and may not yet be familiar with my role and responsibilities, I thought I would start with a few quick words on that. I've been commissioner since July of 2007 when the Conflict of Interest Act came into force. At that time the position of the Commissioner of Conflict of Interest and Ethics was created as well. My mandate is twofold. I am responsible for the administration of the Conflict of Interest Act, which applies to all public office holders across the federal public sector, including ministers and their ministerial staff. I'm also mandated under the Parliament of Canada Act to support Parliament in governing the conduct of its members through the application of the conflict of interest code for members of the House of Commons. The code and the act are different regimes, although there are some basic similarities. Members of Parliament who are also ministers, ministers of state, or parliamen-

tary secretaries are subject to both the act and the code. Most Governor in Council appointees are also covered by the act.

The code was developed by members for members. It's been in place since 2004 and has been amended twice following reviews by this committee. I believe the regime under the code is generally going well. Members are complying with their key obligations to disclose their financial and other interests. Over the past year, we've received a good number of inquiries, both from members and to some extent from the public, and that suggests a growing awareness of the code. There remain some challenges, however, and I want to use my opening remarks today to review some of these with you. The matters I propose to raise are among those referred to in my annual report tabled in June of 2008. They were outlined in the briefing book I sent to the committee last week. You can find a copy of the report under tab 4 of your briefing book. I'd also be very pleased to hear about any matters relating to the code that the committee would like to raise, and to follow up with you in the most appropriate way.

My priority issues today, as outlined in part 1 of the briefing book, relate to section 30 of the code regarding forms. More specifically, I have two priorities relating to the forms: first is the approval of the disclosure forms, and second is the approval process for disclosure forms and procedural interpretive guidelines. If time allows, I'd also like to hear any advice you may have on educational activities as required under section 32 of the code and perhaps have a preliminary discussion on how to approach and work together on one of the more difficult interpretive areas in the code, namely gifts and other benefits.

I'll start with the forms. Following a review of the code in June of 2007 by the previous committee in the 39th Parliament, section 30 was amended to require that the commissioner submit all forms relating to the code to your committee for approval. They would then be reported to the House for its concurrence. Section 30 also specifies that the forms are to remain confidential until they're reported to the House. Currently, there are still no forms approved for confidential disclosure of assets and liabilities nor for any other declarations or statements required under the code. Indeed, as my annual report noted, there have been no forms approved since the code came into effect in 2004. Because I had to use some forms to administer the code, I sought advice from the previous chair of this committee as to whether to use the older versions of the forms or the versions that were approved by the subcommittee last winter, since neither was ever approved any further. I was advised to use the older versions, which I did. Because unapproved forms need to be kept confidential, this was awkward, but the older forms were at least already in the public domain when I took up office because they existed before the requirement for confidentiality was required.

In the second session of the last Parliament, my office worked very closely with this committee and their former subcommittee on the conflict of interest code to develop new forms. The subcommittee was chaired by Mr. Scott Reid, who, as you know, has returned as a member of this committee. As a result of these proceedings, the subcommittee approved five forms, which you have in your briefing book under tab 1. Unfortunately, events made it impossible for them to be approved by the standing committee and consequently to be reported to the House.

•(1110)

Considering the effort that's already gone into the development of these forms and the fact that we don't have any approved forms in place, I would ask the committee to consider adopting the draft forms that I have presented to you in my briefing book and to seek approval of the House at the earliest opportunity. That would be my very first priority, and I would really appreciate anything this committee could do in that regard.

My second priority for discussion today is directly related to the first one: the approval process outlined in section 30 that requires that both the standing committee and the House of Commons approve not only the forms but also any procedural or interpretive guidelines that I may develop. As for procedural or interpretive guidelines, my office has made no attempt yet to bring any guidelines forward in light of the difficulties that were faced with the forms, although we have done some preparatory thinking in the area of gifts.

The publication of guidelines will be very helpful in fulfilling my advisory and educational role. They're very often requested by members themselves. Such readily available information would enhance and strengthen the guidance to members and help inform the public at large.

I certainly appreciate the importance of, and truly welcome, the involvement and direction of the committee members in the development of forms and interpretive documents or guidelines for what is, after all, their own code. I continue to wonder, however,

what the most efficient process would be to get that involvement and direction, and what level of approval really needs to be necessary.

I have just a few more words. On the educational activities, while the issues I've already mentioned are my priorities for today, should time allow I'd also welcome the committee's suggestions with respect to my mandate to undertake educational activities for members and the public at large. Some of my previous and planned educational initiatives are outlined under tab 1C of the briefing book.

Just last Thursday, as part of a Library of Parliament follow-up orientation program for new members, I held a special information session on the members' conflict of interest code, with a particular focus on their immediate disclosure obligations. The session was attended by nineteen new members from all four parties, and in my view it went very well. There were many good questions. It resulted in several follow-up meetings with my office to deal with some individual issues.

Following the session, I posted the presentation on my website. It's also my intention to develop a set of frequently asked questions and answers using some of the questions raised by members last week along with others that we often receive. These would also be posted on my website.

So I continue to see education and outreach as major priorities for my office. I would be pleased to receive further suggestions from the committee on what other activities they'd wish to see.

Finally, I'd like to mention the challenges I'm having in interpreting section 14 of the code relating to gifts and other benefits. The committee might prefer to schedule some separate time for discussion of this one, but I would be prepared to begin it today, if you wish.

As I mentioned in my annual report, I've been asked for advice on a number of specific instances of gifts and benefits—expensive tickets to charitable galas, free memberships with golf courses, and prizes donated to caucus events by the private sector, to name a few concrete examples.

Subsection 14(1) of the code as written seems to be very broadly prohibitive of virtually any gift or benefit that's more than a modest token of hospitality or courtesy, regardless of whether there's a conflict of interest for the member. This is because it prohibits any gift that's related to the member's position other than those received as a normal expression of courtesy or protocol or within customary standards of hospitality that normally accompany the member's position. It's hard to imagine many gifts arriving that are not because of the member's position.

If that's indeed the case, then it would seem to rule out a great many activities that I imagine members of Parliament are currently invited to take part in free of charge because of their position as members. I'm thinking particularly of charitable galas in their ridings or free participation in conferences, again regardless of whether these activities pose a conflict of interest. Section 5 of the code states, however, that "A Member does not breach this Code if the Member's activity is one in which Members normally and properly engage on behalf of constituents." It's not clear how far this section cuts into the prohibition.

•(1115)

I do not have an immediate response for you to these questions. As I said, I think the matter of gifts and benefits is an important and substantive discussion the committee may wish to have on another occasion. I raise it today as an example of the kind of issue for which ongoing committee engagement in the code is both welcome and needed.

[*Translation*]

Again, thank you very much for having me here today. I will now gladly answer your questions.

[*English*]

**The Chair:** Thank you so much.

I'd like to ask the committee now for questions for the commissioner. If we could, I'd like to keep the first bit to the forms the commissioner has brought forward to us today. We'd really like to get through those and get those passed, or at least recommended, if we could.

Madam Dawson has also mentioned she'd like some information on educational activities. We could certainly share those with her too.

Is there anybody from your group that would like to ask questions first?

Madam Jennings.

**Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** I would just say that the briefing notes prepared by Michel Bédard were excellent, and with the statement Ms. Dawson has just given they have answered all of my questions.

Thank you.

**The Chair:** Fantastic.

Is there anyone from the government side with questions?

Monsieur Lauzon.

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Being new to the committee and new to this process, I sense a certain amount of frustration in getting these forms approved.

Even before we get into the forms, you mentioned...I don't know too much about this gift process either. I don't get offered very many free tickets to galas, actually. They usually look at me as a source for their fundraising. Maybe I represent the wrong riding or something. It's very interesting.

I'm not sure how your process works here, being new to the committee. I'm just trying to figure it out. You said the biggest challenge you have is getting forms approved. Why is that so difficult?

**Ms. Mary Elizabeth Dawson:** I think there's something about forms or anything in writing; people like to look at the exact details. When I tried to take the forms back on an earlier occasion there were many comments for improvements. The forms we're still using have some defects in them. It's just that people like to wordsmith these things, so it just took a number of meetings to get through it.

**Mr. Guy Lauzon:** You've been in your position since...?

**Ms. Mary Elizabeth Dawson:** Since July 2007, just over a year.

**Mr. Guy Lauzon:** And you still don't have appropriate forms? What are you using for forms now?

**Ms. Mary Elizabeth Dawson:** As I indicated, the problem goes back before my time. The previous commissioner was trying as well to get the forms approved. The new prohibition that came in at the same time I started basically was that you couldn't even disclose the forms; you couldn't make them public. He had been using the forms, although they weren't approved. But now I have the problem that I have these improved forms that I'm dying to have approved, but I can't use them because I'm not allowed to make them public under the amendment to the code. It's just a series of circumstances.

After I went through the subcommittee last year, right at that time there was some dispute in this committee and it never met again.

**Mr. Guy Lauzon:** I think my colleague Mr. Lukiwski might be able to clarify and help with our frustrations.

**The Chair:** Are you sharing your time then?

**Mr. Guy Lauzon:** Yes, he can have my time.

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** Thank you.

Good morning, Ms. Dawson. Thank you for being here. I apologize on behalf of Mr. Reid. I just went upstairs and had a quick conversation with Mr. Reid, who is unavoidably detained. He wishes he could be here. He did ask me to convey to not only yourself but to other members of the committee that the subcommittee that was examining the forms were unanimous in their decision that the forms submitted to you would be appropriate. In fact, the forms that you had then distributed as a package to all parliamentarians, in the subcommittee's view, were perfect, they were excellent, and they had no problems with them whatsoever. Unfortunately, Mr. Reid is the only remaining member of the subcommittee who sits on the current procedure and House affairs committee, and as I said, he was unavoidably detained today.

For your benefit and for the benefit of all the members, the subcommittee is extremely pleased with the forms that you have already submitted in draft form. Their recommendation to this committee would be that they accept them as presented.

•(1120)

**The Chair:** Madame DeBellefeuille.

[*Translation*]

**Mrs. Claude DeBellefeuille (Beauharnois—Salaberry, BQ):** Thank you, Mr. Chairman.

I want to thank my colleague opposite for his comments.

Most of us are new here and may not have necessarily received Mr. Reid's report. I would tend to trust the parliamentarians who have worked on this. According to Mr. Lukiwski, they are all of the same opinion. However, despite the subcommittee's report, you raise other questions in your report that you say you want to discuss with committee members. As I understand it, one of the issues is gifts. If I understand correctly, you feel that this would be an interesting topic to discuss with committee members. The rules about gifts are not always easy to interpret, even for Members. You, on the other hand, must interpret the rules on a daily basis.

Basically, you're asking us to work together to clarify the issue of gifts. Is that what you're suggesting?

**Ms. Mary Elizabeth Dawson:** It's a matter of deciding how they want to work with me, but that's precisely what I'm here to discuss. However, this is separate from the matter of the forms.

**Mrs. Claude DeBellefeuille:** Indeed. There are four or five points in your binder that we could discuss. I know we can dispense with the whole issue of forms, because there appears to be agreement on that score, but I think we can take the time to talk about gifts. Even when we do advise our Members, there are always grey areas. As you said, I think it would be a good idea to clarify the guidelines.

Is this really a problem? Do you ask yourself questions about the policy? As Commissioner, are you uncomfortable with some of your decisions where gifts are concerned?

**Ms. Mary Elizabeth Dawson:** I admit that I do have some trouble interpreting the rules as they are now drafted.

**Mrs. Claude DeBellefeuille:** Thank you.

[English]

**The Chair:** Monsieur Proulx.

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Thank you, Mr. Chair.

I have a question of interpretation. I want some information from the clerk. The fact that Mr. Lukiwski reported that Mr. Reid, who has been chairing the subcommittee, thinks that the forms are A-1 is one point. However, that particular subcommittee did not report back to the committee before the dissolution of the 39th Parliament. So where does this leave us standing? Do we have to get a report from a new subcommittee that would exist to our committee so that we could then present it to the House and afterwards confirm with Ms. Dawson that everything is A-1?

**The Chair:** That was a route that could have been taken, Monsieur Proulx. We chose to take the forms that Madam Dawson brought to us today, being substantially similar to the forms the subcommittee had also looked at, and we would look at them as a whole committee today under her report to us and maybe approve them that way. The clerk has prepared a recommendation that we then report to the House on those forms if the committee wishes.

**Mr. Marcel Proulx:** Yes, because it's unfortunate—

**The Chair:** Instead of having to restrike a subcommittee to report back, we felt we could take this step and go that way. We'll certainly do it the opposite way if the committee wishes to.

**Mr. Marcel Proulx:** Yes, because it's unfortunate that Mr. Reid... I'm not putting blame on Mr. Reid, but I'm saying that it's unfortunate. He was chairing that subcommittee, and, as Mr. Lukiwski was saying, he is the last on this particular committee.

It's unfortunate that we could not benefit from his advice or his comments.

I appreciate the fact that he says they were A-1, but knowing Mr. Reid, I'm sure he's got some—

**The Chair:** It would be a longer dissertation than just those...

• (1125)

**Mr. Marcel Proulx:** I didn't say that, Mr. Chair. Don't say that. You might want to say that, but I didn't. I respect Mr. Reid. He's an honourable member of Parliament.

It leaves us in sort of a bind.

**The Chair:** Well, we have two options to do, obviously.

**Mr. Marcel Proulx:** We can decide on that.

[Translation]

Good day and welcome to the committee, Ms. Dawson. I would also like to welcome your colleagues.

Our researchers have drawn up a fairly comprehensive report. According to this report, you are in the process of drafting guidelines on gifts.

[English]

It says you are developing guidelines on gifts and other benefits. Is there any possibility that you could hand them out in point form? Perhaps they are already in the binder, which I glanced through. Did you intend to give us, on a point-form basis, some guidelines that you wanted to discuss?

**Ms. Mary Elizabeth Dawson:** I haven't brought those to do for today. We probably don't have time to have a detailed discussion today on this subject. I'm asking that you consider having a detailed discussion. For that discussion, I could bring either point-form or draft guidelines or whatever you'd like to see.

**Mr. Marcel Proulx:** You are absolutely right in the sense that today is not the best of days to ask members of Parliament to discuss or concentrate attentively on these discussions.

Okay, thank you, Mr. Chair.

Merci, Madame.

**The Chair:** Mr. Albrecht.

**Mr. Harold Albrecht (Kitchener—Conestoga, CPC):** Thank you, Mr. Chair.

I also want to thank Ms. Dawson for her presentation.

I thought I heard during your presentation a comment about public office holders, and then you went on to describe them as ministers and staff.

**Ms. Mary Elizabeth Dawson:** Yes, I said ministers and staff.

**Mr. Harold Albrecht:** Does that not also include parliamentary secretaries?

**Ms. Mary Elizabeth Dawson:** Yes.

**Mr. Harold Albrecht:** Okay. I'm new to this committee. Could you give those of us around this table a bit of an umbrella view concerning who all this covers and who is not included?

**Ms. Mary Elizabeth Dawson:** It doesn't include members of Parliament. That's a different regime. It includes ministers, parliamentary secretaries, and all of the ministerial-exempt staff, but the largest group is Governor in Council appointees, which is a huge group of several thousand. That means deputy ministers and heads of boards.

**Mr. Harold Albrecht:** I just wanted to clarify that parliamentary secretaries are in fact included. You may have said that, and I missed it.

I would also just like to comment positively about your efforts at education and outreach. I think it is crucial that we continue to have those ongoing educational opportunities. I certainly forget some of these things, and if there were a periodic update, that would be helpful.

I would also concur with the idea of having you come to us with a prepared list of your recommendations for how we should deal with this problematic area of gifts.

Finally, Mr. Chair, if it's appropriate, I would move that we approve the forms that are here before us so that Ms. Dawson can get on with her work. Or is it premature to have a motion for that?

**The Chair:** I still have speakers on the list on forms, but I am at the will of the committee, of course. That's what I do.

Monsieur Guimond.

[*Translation*]

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** My questions are not about forms. You would like to deal immediately with this issue, but I have questions about other matters, specifically about gifts and travel.

[*English*]

**The Chair:** Does anybody have anything left on forms?

Mr. Lukiwski.

**Mr. Tom Lukiwski:** With due respect to my colleague Mr. Albrecht, I would suggest that since, as Marcel Proulx pointed out, Mr. Reid is the only remaining member of that subcommittee who still sits on the current committee, and even though I gave an accurate report, it might be wise, just for the comfort level of all here, if we waited to make a motion to approve the forms until Mr. Reid is here. If he could expand on what the committee looked at when determining what forms would be appropriate, he could give us that level of information. I'd feel a little more comfortable, personally, if I had even a verbal report from Mr. Reid. Then we could approve the forms.

If that's going to prove to cause too much of a delay, then maybe we could deal with it now, and I will bend to the will of the committee on that.

**The Chair:** Madame DeBellefeuille, do you have a point on that?

[*Translation*]

**Mrs. Claude DeBellefeuille:** Mr. Reid mentioned that the subcommittee report was unanimous. I think Ms. Dawson has been

waiting for these forms for a year and a half. Perhaps it would be unreasonable to put this matter off any longer, since things are quite hectic right now and we're preventing you from continuing your work.

We should behave like responsible individuals and move the adoption of the forms. That would allow Ms. Dawson to do her job and that would help Members abide by the rules. We're talking about forms here.

• (1130)

[*English*]

**The Chair:** Mr. Lukiwski.

**Mr. Tom Lukiwski:** I'm certainly agreeable to that.

I understand, according to one of my staff members, that prorogation has just been granted. Therefore, if we are able to deal with and approve the forms now, I'm all for that. Otherwise we'll be waiting another month and a half or something before we come back.

**The Chair:** I have no official notice that that is happening, so we can carry on.

**Mr. Tom Lukiwski:** Then perhaps if Mr. Albrecht wants to make the motion, whether we vote it up or down, at least we'll deal with it today.

**The Chair:** Is there unanimous consent to move to that motion? Great.

I'll call the question on the adoption of the forms.

(Motion agreed to)

**The Chair:** Let's not get too excited yet.

Shall I report this to the House? The House will still have to adopt this report in order for the forms to be official.

Those in favour of my reporting it to the House? Any opposed?

**Some hon. members:** Agreed.

**The Chair:** That's carried.

I'm happy to entertain discussion on the educational activities or on the gifts while we still have Madam Dawson here. I think we should start a speaking list for that.

Mr. Guimond, you were on the list, so carry on.

[*Translation*]

**Mr. Michel Guimond:** Considering that the committee could shut down fairly soon, I'd like to know if committee members would all agree to allow a photographer from a local newspaper in my riding to take two or three photos of the committee at work. That would be nice, since we are all still on good terms.

[*English*]

**The Chair:** It would need unanimous consent, but I would also like to respectfully ask the witnesses if it is all right with them too.

Do I have unanimous consent for Mr. Guimond's question of taking a couple of pictures for a local newspaper back in his riding? Would the witnesses be okay with that?

**Ms. Mary Elizabeth Dawson:** Certainly.

**The Chair:** All right.

Mr. Cuzner.

**Mr. Rodger Cuzner (Cape Breton—Canso, Lib.):** Regarding the request, was it the committee in action or the committee inaction? I don't mean to split hairs, but it was the interpretation.

[Translation]

**Mr. Michel Guimond:** I don't want to delay the proceedings unduly, all the more so since we may be shutting down very soon.

I'd like to know how you assess the monetary value of a gift. Suppose Air Canada officials invite me to attend a hockey game at the Corel Centre and give me two or four tickets to seats in the corporate box. It's important to understand that these tickets are not available for sale to the general public. In years past, before I was elected to the House, I received tickets like this and there was no price listed on the ticket. How do you assess the monetary value of a gift like this?

I have another question and it concerns contracts with the Government of Canada. I've already had lengthy discussions with your predecessor, Mr. Shapiro, about how to interpret the advertising Members do for companies. In my opinion, Members who do so put themselves in a compromising position. I recall that Judge Ruffo, a youth court justice in Quebec, was strongly reprimanded by the Conseil de la Magistrature for appearing in a VIA Rail ad. The judge was seen riding in total comfort in a VIA Rail train. We're talking about a judge. Was Judge Ruffo authorized to enter into a contract with VIA Rail?

It's no secret here that my question concerns the independent Member for Portneuf—Jacques-Cartier, Mr. André Arthur. This member has done some commercial advertising for Chrysler. As Members, are we authorized to advertise for one company at the expense of another? Can we use our position to extol the virtues of one product at the expense of another? Is this in keeping with our code of ethics?

• (1135)

**Ms. Mary Elizabeth Dawson:** I'll ask Gail Lidstone to answer that question.

**Ms. Gail Lidstone (Manager, Advisory, & Compliance, Office of the Conflict of Interest and Ethics Commissioner):** I will start by addressing the issue of VIA Rail contracts. Members may not enter into contracts with the federal government, unless the Commissioner finds that there is no conflict of interest. In the case of VIA Rail, it may or may not be acceptable, depending on the specific details of the contract.

As for private sector companies...

**Mr. Michel Guimond:** Excuse me for interrupting you. In other words, if, because of my duties as an MP, I regularly ride the train between Montreal and Ottawa and VIA Rail wants me to extol the virtues of train travel in a commercial, whether I'm paid or not for my services, as an MP, I'm not authorized to get involved because VIA Rail is Crown corporation. Did I understand you correctly?

**Ms. Gail Lidstone:** It may not be a good idea to enter into a contract, particularly if you are a member of the Standing Committee

on Transport, Infrastructure and Communities and VIA Rail officials could be summoned to testify .

**Mr. Michel Guimond:** I see. Take the case of Mr. Arthur, who served on the Standing Committee on Industry, Science and Technology and appeared in a commercial for Maison Chrysler Charlesbourg. I can send you copies of the commercial. It runs so often that I'm tired of seeing it.

**Ms. Gail Lidstone:** I'm not comfortable discussing the details of another Member's case, particularly in this forum.

In accordance with section 7 of the code, certain activities are sanctioned. For instance, a Member can engage in employment or in the practice of a profession or carry on a business. There are two other categories as well. I'm not trying to be vague, but as I said, it is important to take into account a number of factors.

**Mr. Michel Guimond:** You don't want to be vague, but you are in fact being vague.

**Ms. Gail Lidstone:** I admit it, but it's because your question concerns one Member in particular.

**Mr. Michel Guimond:** Let me put my question differently then. Can I do a commercial for an automobile dealership, whether or not I'm paid for my services? Can you answer that question with a simple yes or no?

**Ms. Gail Lidstone:** Are you a member of the Transport Committee?

**Mr. Michel Guimond:** No. I served on that committee for seven years, but I'm no longer a member. However, should we be looking at doing a commercial for an automobile dealership from a transportation standpoint, or from the standpoint of the automobile industry? Does that affect your question?

**Ms. Gail Lidstone:** No. You are correct in that it concerns the industry as well. I don't have the list of all of the committees handy. I'd have to do a bit of research. It is difficult to say whether that would be acceptable or not. It's always important to ask a number of questions.

**Ms. Mary Elizabeth Dawson:** The issues are always complex. We have to read every section of the code to determine exactly which provisions apply. It is very difficult to answer specific questions. We need some time to think about our answer.

• (1140)

**Mr. Michel Guimond:** Could you take that time? It's just that several companies want me to appear in their commercials because I have a very nice voice and I'm quite handsome. I have a list of requests, so I'd very much like an answer. In any event, committee members know that I'm a very modest person.

I'll wait just a moment, because when we crack jokes in French, we find that committee members burst out laughing 20 seconds after the fact, despite our highly qualified interpreters.

So then, I would appreciate it if you would submit this hypothetical case to the clerk. I appreciate that you cannot give me an answer right now, but I still would like one.

**Ms. Gail Lidstone:** I didn't have the chance to answer your question about gifts. With respect to tickets that are not available to the general public, that is something we must consider. Everyone would like to have tickets, especially tickets to VIP seating. Right now, there are no guidelines with respect to gifts. However, in the case of tickets with no set value that are not available to the general public, the office does not try to determine their real value. Rather, it considers that these tickets do have a value of some kind. Perhaps we cannot publicly state their value, but nevertheless, accepting the tickets might be unacceptable, if they are not offered to the public.

Again, I realize that my answer is vague and that I may not be answering your question, but it depends on any number of factors.

**Mr. Michel Guimond:** Thank you.

[English]

**The Chair:** Monsieur Proulx.

**Mr. Marcel Proulx:** Thank you, Mr. Chair.

Mrs. Dawson, I have a couple of questions that could very directly affect members of Parliament.

Can you comment on the ethics of offering members of Parliament incentives to switch sides, to switch from one party to another, particularly during a political crisis, but anytime, especially when those incentives are as large or as important as cabinet positions or Senate seats?

**Ms. Mary Elizabeth Dawson:** I wouldn't want to make a specific comment there.

**Mr. Marcel Proulx:** No, no, in general.

**Ms. Mary Elizabeth Dawson:** In general, there is a very difficult line to figure out between a political activity and a non-political activity. My office should not get too far into the realm of political activities. Frankly, it's a question we continue to struggle with as to just where that line is. That particular question would be a very difficult one to answer.

**Mr. Marcel Proulx:** I know that the line is very thin, but are there any limitations as to what can be offered by a prime minister or by his office or by his party in return for support from members? For example, would you tell me that half a dozen roses would be acceptable whereas a dozen would not be?

**Ms. Mary Elizabeth Dawson:** Roses are usually okay.

**Mr. Marcel Proulx:** There you go. Are there quantities on okay?

**Ms. Mary Elizabeth Dawson:** It's all a question of each specific case and the surrounding circumstances. They're questions I can't give you a quick answer to. Certainly half a dozen roses is generally fine; it's customary—even a dozen.

**Mr. Marcel Proulx:** What about if it's half a dozen roses every hour of every day of every week?

**Ms. Mary Elizabeth Dawson:** Precisely. And that's why there's a rule in the code that says cumulative gifts. If you get a whole bunch of gifts and they're cumulative, then it starts to be a problem. Similarly, with invitations out to dinner or something, there's a cumulative aspect to all those things.

**Mr. Marcel Proulx:** So you can't or you don't want to answer my question.

My next point was going to be that there are sanctions under the Criminal Code if the proof is done, etc. Do you think that there should be other sanctions, particularly strictly to members of Parliament or members of a political party, or do you find that the Criminal Code is sufficient?

• (1145)

**Ms. Mary Elizabeth Dawson:** Those are value judgments, and it really belongs to parliamentarians to make decisions on them. The problem I'm having with certain parts of this code is that there's very little guidance on just what parliamentarians want their rules to be. That's why I wanted to have the discussion at some point, particularly with respect to gifts. I could put out a bunch of similar problems like you're putting out, but it is a code written by members for members, as I said, and I have to take my guidance to some extent from the members on these questions.

**Mr. Marcel Proulx:** My last question, Mr. Chair, if you will allow me....

**The Chair:** Very quickly.

**Mr. Marcel Proulx:** I want to refer back to the Robert Thibault case—not that particular case, but in that direction, in that sense. Do you have any recommendations or any thoughts in regard to potential legislative changes or accommodations that could be made to prevent a member of Parliament from being sued or from being found guilty of contempt or from being found liable? Should there not be legislative changes so that MPs would be protected in this regard?

**Ms. Mary Elizabeth Dawson:** I think it would be very worth while considering that. It's not within my realm, of course, but it is a problem, and if it becomes an increasing problem.... I struggled with the Thibault case for a long time, putting out the report. As you know, I found technically that he had contravened the code in the sense that it was a private interest. Of course the reaction of the House was to amend the code slightly.

I personally feel that disclosure is the important thing. The issue there was disclosure and recusal in the House. Personally, I feel that disclosure is always a good idea. Recusal is not necessarily always a good idea. That's my take on this Thibault situation.

I would have no problem contemplating there being some rules in legislation to circumscribe libel suits with respect to MPs.

**Mr. Marcel Proulx:** In order to protect the MPs.

**Ms. Mary Elizabeth Dawson:** Sure. But again, that's not my bailiwick, and it would be a parliamentary decision.

**Mr. Marcel Proulx:** Thank you.

Thank you, Mr. Chair.

**The Chair:** Ms. Block.

**Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC):** Thank you.

As I'm listening to this discussion, I'm thinking what has always guided me in any work I've done is that if you have to ask the question, is this a conflict, that might be your answer right there.

The other thing I might suggest is this. Even though we are where we today and hearing what we've heard, would it be appropriate to form a subcommittee to take a look at some of the issues that Madam Dawson has brought forward today, rather than contemplating it as a large group?

**The Chair:** Is that a motion? Is that a request of the committee? I'd certainly take the guidance of the committee on that one.

**Mrs. Kelly Block:** I would make it a request.

**The Chair:** Okay.

**Mr. Marcel Proulx:** I'm sorry, Mr. Chair, I didn't hear that.

**The Chair:** Madam Dawson has asked us to look at the areas of gifts and a couple of other questions that she has for us. Ms. Block asked if striking a subcommittee would be a way that we could look at that and have that come back to this committee collectively to look at, rather than doing that work at the table.

**Mr. Marcel Proulx:** I certainly wouldn't have any objections as long as it's not run in the same way as the form subcommittee was run. I'm not saying it wasn't done properly, but it took so long that—

**The Chair:** Right. Well, that's another issue. We can only ask subcommittees to do their work.

Is it the will of the committee that we strike that subcommittee?

**Mr. Harold Albrecht:** Mr. Chair, I'm certainly not opposed to the idea. I'm just wondering if there would be value in having at least one session with Ms. Dawson and the entire committee to get her input and have a bit of a discussion prior to giving it off to the subcommittee. To me, that would perhaps use our time more effectively.

But I'm not opposed to it. If it's a motion, I'll go with it.

**An hon. member:** Was it a motion?

**The Chair:** A request.

• (1150)

**Mrs. Kelly Block:** I will make that motion.

**The Chair:** There you go, on the motion of striking a subcommittee to look at the Conflict of Interest Code for Members of the House of Commons, specifically in some of the areas Madam Dawson has asked for.

**Mr. Guy Lauzon:** I wonder if Mrs. Block would consider Mr. Albrecht's friendly amendment that the first meeting be in committee of the whole.

**Mr. Harold Albrecht:** I was thinking there may be value in having broader input prior to going off into this little subcommittee.

Maybe, Mr. Chair, through you, if Ms. Dawson prefers to go to the subcommittee directly, I'm certainly okay with that. I don't know if she'd like to speak to the issue.

**The Chair:** Really, what you're asking for is a separate proposal for the striking of a subcommittee.

Mr. Guimond.

[*Translation*]

**Mr. Michel Guimond:** Will we be setting up the same type of subcommittee as the one created to discuss forms? We haven't talked

about the makeup of this subcommittee. Will it have one representative per party?

[*English*]

**The Chair:** My next question is how we do membership.

[*Translation*]

**Mr. Michel Guimond:** That's right.

With all due respect, producing a report on forms was a long and arduous process for the previous committee. Could we decide right away when the report should be tabled? We would need to have one fairly soon. Let's give ourselves a few months and work on getting together.

Those are the two issues that I have on my mind. That being said, we agree on striking a subcommittee.

[*English*]

**The Chair:** I hear two amendments to the original motion. One is on membership and the other is on a date for return of the report. Are we okay with amending the motion to have both of those things in it? What would membership be?

[*Translation*]

**Mr. Michel Guimond:** I suggest that one Member per party serve on this subcommittee and that the chair be elected by the membership. In any case, the subcommittee will report back to the main committee. It would be more of a working subcommittee and all of us would be involved. Whether the members decide amongst themselves or whether...

[*English*]

**The Chair:** For a proposal on dates for return of the report?

[*Translation*]

**Mr. Michel Guimond:** I don't know and I'd like Ms. Dawson to give us her opinion on this. The report could be tabled immediately before the June recess. If we reconvene in late January and February, March and April go by, that's three months. However, I'm prepared to set a later date. If Ms. Dawson thinks it's possible, we could table the report by June 1 at the latest, or after three months.

[*English*]

**The Chair:** Is June 1 an appropriate date for all? Great.

Could I have you attempt to read out what we've just done? You're going to love doing this for the committee.

**The Clerk of the Committee (Mr. James M. Latimer):** Ms. Block moved that a subcommittee on the conflict of interest code for members of the House of Commons be created.

Mr. Guimond moved that the motion be amended by adding that the membership of the committee be one member of each party, and a subamendment was moved that the amendment be further amended by imposing a reporting deadline on the committee of June 1, 2009.

**The Chair:** Mr. Proulx, on the subamendment.

**Mr. Marcel Proulx:** Mr. Chair, I have a question. My understanding was that Ms. Block wanted a subcommittee strictly on gifts. The way we have prepared this it sounds like it is a wide open subcommittee on all of the code.

• (1155)

**The Chair:** We're adding the word "gifts".

**Mr. Marcel Proulx:** We want it strictly on gifts.

**The Chair:** The clerk has added "to study the issue of gifts".

**Mr. Marcel Proulx:** Perfect.

**The Chair:** The question is on the subamendment. Is there any discussion?

(Subamendment agreed to)

(Amendment agreed to)

(Motion as amended agreed to)

**The Chair:** Great. We have that done.

Do I have volunteers to sit on the committee? Please let us know. The whips can certainly tell us that. Thank you.

I'm sorry, Madam. We took some time there, but I think we've accomplished—

[*Translation*]

**Mr. Michel Guimond:** I'm prepared to submit a name. Mrs. DeBellefeuille will serve on the subcommittee on behalf of the Bloc Québécois.

[*English*]

**The Chair:** All right.

[*Translation*]

**Mr. Michel Guimond:** There will be two "bloc" representatives: one Member of the Bloc Québécois, and Ms. Kelly Block! We'll have a majority.

**Some hon. members:** Oh! Oh!

[*English*]

**The Chair:** Then our "Block" will be there too.

**Mr. Michel Guimond:** We have a new kid on the block.

**The Chair:** All right. The other names can be submitted to me or to the clerk and we'll get it done that way.

Are there further questions of Madam Dawson while we are here today?

Monsieur Guimond.

[*Translation*]

**Mr. Michel Guimond:** Mr. Chairman, I don't want to delay the meeting. I merely want some assurances that Ms. Dawson understands my request concerning a written notice.

Pursuant to section 26 of the code, must we request in writing that you provide us with a written answer? Section 26 begins with: "In response to a request in writing from a Member [...]". Must we put our request in writing?

**Ms. Gail Lidstone:** We would like Members to submit a request in writing.

**Mr. Michel Guimond:** Fine then.

Thank you, Mr. Chairman.

[*English*]

**The Chair:** Certainly.

Are there further questions? Seeing none, I'll entertain a motion to adjourn.

Thank you very much, Ms. Block.

Thank you for coming today.

**Ms. Mary Elizabeth Dawson:** Thank you very much.

**The Chair:** We've made a couple of steps forward. Let's see if we can actually finish it.

The meeting is adjourned.





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