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Chair

Mr. Joe Preston

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• (1105)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): I welcome all of the committee members back. I'm happy to have you all here today. We're in public today and have the Conflict of Interest and Ethics Commissioner with us today.

Pursuant to Standing Order 108(3)(a)(viii), we're discussing matters related to the conflict of interest code, specifically the annual report on the Conflict of Interest Act.

Madam Dawson, I believe you have an opening statement and that you'll introduce the guests you brought with you today, and then we'll go to questions.

Ms. Mary Dawson (Conflict of Interest and Ethics Commissioner, Office of the Conflict of Interest and Ethics Commissioner): Thank you, Mr. Speaker.

With me is Lyne Robinson-Dalpe, the assistant commissioner for compliance and advisory; and Mr. Eppo Maertens, the acting assistant commissioner for learning and communications, as we're now calling it.

[Translation]

Mr. Chair and members of the committee, thank you for inviting me to appear before you today. I am pleased to have this opportunity to speak about my annual report with respect to the Conflict of Interest Code for the members of the House of Commons and about the work of my office.

As I stated in my annual report, the past fiscal year has been a year of significant activity in administering the Conflict of Interest Code for members of the House of Commons.

[English]

Following the October 14, 2008, election, 68 new members became subject to the code, and my office has assisted them in making the necessary arrangements to comply with it. This involved members submitting detailed confidential disclosure statements to my office. They were reviewed by advisors who discussed potential conflict of interest risks with them and outlined the steps they were required to take to comply with the code. My office also reviewed the compliance arrangements of all returning members, and where necessary has been working with them to update the arrangements they made previously to comply with the code. To date, 284 members—we've just had two extra from yesterday, when we submitted this report—are in compliance with the code.

Throughout their terms, members must also file additional statements as needed. These are required in connection with the receipt of gifts, sponsored travel, and material changes to information required to be provided. We work with members to assist them in making the necessary arrangements. In addition, we regularly receive phone calls, e-mails, and letters from members with questions on the application of the code to specific situations. Responding to these requests for advice is among the most complex aspects of the advisors' work, as most of the questions raised with my office involve situations in which the application of the code is not immediately apparent. I'm particularly proud of the work done by my advisors, and I believe it accounts, in large measure, for the infrequent need to conduct investigations.

In response to the 54th report of the Standing Committee on Procedure and House Affairs of the 39th Parliament, my office has undertaken a number of educational activities. Last November I participated in the Library of Parliament's training program for new members. This spring my office, in cooperation with party whips and caucus chairs, made presentations on the code to members' staff. On Friday, October 23, I'll be offering an information session on the recent changes to the code approved last June, which were largely with respect to gifts. It will be in the Library of Parliament seminar series.

I have also taken advantage of a number of opportunities to speak publicly about my role in an effort to increase the overall awareness of the conflict of interest regimes, both of members of the House of Commons and of public office holders. Other outreach activities include redesigning our website to make it more user friendly. As well as being easier to navigate, it now hosts an online registry that provides the public with easy access to the information that members are required to disclose publicly. This change responds to a request made by the Standing Committee on Procedure and House Affairs of the 39th Parliament, again, in its 54th report.

I worked closely with this committee over the past year and appeared before you on December 4, 2008, to outline some of the concerns I had with the provisions relating to gifts and other benefits—as most of you will remember—as well as a few other issues. I appeared before your subcommittee on gifts on several occasions and was pleased to see that most of my comments and suggestions were reflected in the amendments to the members' code approved by the House of Commons on June 4. I note that the committee has approved forms related to members' disclosure requirements this past year, as well as some technical amendments to the code that I have suggested. I would like to thank the committee for its attention to all these matters.

In addition to reporting on the various activities I've just described, my annual report addresses some challenges I've encountered over the past year in administering the code, and I'd be pleased to discuss any of them with you. One issue I highlight in my report relates to my ability to comment on investigative work that does not lead to an inquiry. The code prevents me from making any public comment relating to a preliminary review or inquiry. The purpose of this prohibition is to prevent attention being drawn to allegations of wrongdoing unless and until the commissioner has conducted an inquiry and issued a report on the matter. This, of course, reflects the important principle of procedural fairness, and my office takes care to ensure that investigative work is conducted in confidence.

There are, however, certain occasions where I believe it would be in the interest of members for me to be able to communicate the results of a preliminary review. In particular, I have in mind cases where the allegations in question have been made public, either by the member requesting the inquiry, through media reports, or in some other way. It would often be instructive and serve the interests of transparency to make public some of my considerations in not taking the matter further. It would be helpful if I were permitted to make public my reasons for not proceeding with a request for an inquiry where I believe that doing so would be in the public interest.

The committee might wish to consider this issue further.

[*Translation*]

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

[*English*]

The Chair: Thank you very much, and that's what we'll do.

Madam Jennings will be going first.

Madam Dawson, I visited your website this morning—you mentioned it in your opening remarks—and found it very easy to navigate, so congratulations on how well that looks.

Madam Jennings.

• (1110)

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Thank you, Mr. Chairman.

Thank you, Commissioner.

Your report shows, and you have stated, that 284 members have complied with the code. Do you mean to say that they have filed their statutory statement?

Ms. Mary Dawson: Yes.

Hon. Marlene Jennings: There are 308 seats, 4 of which are vacant. The Prime Minister has actually just triggered by-elections in these four ridings. There are therefore 304 members duly elected or re-elected during the 2008 election. The election took place almost exactly one year ago, and 20 members have yet to fulfil their obligations.

Ms. Mary Dawson: Yes, and I'll tell you why. However, I will do so in English.

[*English*]

Some reports from members are more complicated than others, so sometimes it takes time to sort out the details of how they can comply with the code requirements.

In fact, I can give you the breakdown. There are two files in our office that we're sorting out how they should comply, and there are 18 that are outstanding. I can ask Madam Robinson-Dalpe to say more perhaps, but that basically means we're waiting for their final statement or for the approval of their final statement.

Hon. Marlene Jennings: There's a big difference between waiting for their final statement and waiting for your approval of their final statement.

Ms. Mary Dawson: I misspoke, actually. We're waiting for more information from them, or we're waiting for them to approve the final statement.

Hon. Marlene Jennings: In that case I would suggest this committee may wish to look into the possibility of tightening up the rules. We might want to look at the delay and possible penalty or whatever.

I think that's something this committee should be looking at. I don't think it's normal that 12 months after there's been an election, for instance, you still have 20 outstanding cases that are so complex, or the MPs are exhibiting a lack of diligence such that you're waiting for clarification statements from them...that one year isn't sufficient to sort it out.

Ms. Mary Dawson: It would seem to be a long time. I note, as well, that in the act, which we also administer, there is a 120-day deadline to complete their—

Hon. Marlene Jennings: There you go. That's a subject the committee can discuss further.

[*Translation*]

My second question has to do with your request for a potential amendment to the code which currently prohibits you from making public comments with respect to a preliminary review or inquiry. You noted some situations where you could at least publicly state your grounds for closing a file and not triggering an investigation.

In raising these questions, have you considered some restrictions? Do you have suggestions? If, for instance, a member's conduct is the subject of a complaint before the commissioner, must the member provide his authorization? Have you considered these options?

[*English*]

Ms. Mary Dawson: In a general way; we've not sat down and actually drafted out any proposals or anything. But maybe if there was the discretion to disclose the reasons why we did not proceed... always considering the public interest. There may be situations where one shouldn't do it.

I could add as well that generally those provisions on the inquiries are a little bit confused. We're working with them, and it's not a big problem—we've kind of determined how we're going to function with them—but if you were doing a study of the inquiry provisions, you might want to take a look at redrafting the body of some of them. For example, I think it's subsection 27(4) that gives me the power to self-initiate. It's a little bit unclear just what that power is and how it interrelates with the other rules.

So depending on how much or how little study you'd like to do on this, there would be a quick fix, probably, for the issue you raised, but it might be worth looking at the totality of the provision.

• (1115)

Hon. Marlene Jennings: But take the prohibition on the commissioner of any public commenting on investigations or a study of complaints to determine whether or not there are sufficient grounds to go forth with an investigation, etc. The heart of that prohibition is to preserve the rights of the MP whose conduct has become subject to a complaint, to ensure fairness in that.

Do you not think, at least as a first thought, that any discretionary power that this committee might decide to confer upon the commissioner to make public comment should be subject to prior approval of that MP?

Now, whether or not it works to the MP's favour, that would be the decision of the MP to make.

Ms. Mary Dawson: That's a good suggestion, I think.

As I say, I haven't thought through all the parameters, but that would probably be a good caveat.

Hon. Marlene Jennings: I would suggest that you think about it.

Ms. Mary Dawson: Yes.

The Chair: Great. Thank you.

Mr. Albrecht.

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

Thank you, Madam Dawson, for appearing today.

I notice in your report, at the top of page 2, that you comment on some of the significant changes we've made as a committee. As you point out, the changes were approved by the House of Commons in June. There was a change in the approved forms, which this committee approved. I think those were significant improvements.

But then I go back to the fourth-last paragraph of the first page of your comments today. You point out that a significant amount of the work of your advisors is taken up reviewing the complex aspects of some of the situations that come before you where, as you say, "the application of the Code is not immediately apparent".

I think that raises the question, in my mind at least...and I know we'll never be able to have a code that is so iron-clad that it will cover every single possible eventuality. I understand that. But does this reflect possibly the need on the part of this committee to schedule a periodic automatic review mechanism to address some of the things that possibly could be lumped together in a code, which would free up some of the advisors' time from going into all of the

individual possible scenarios? Perhaps once every two years or so we'd have an automatic review and you would bring those to us.

How would you respond to that?

Ms. Mary Dawson: That would be one possibility.

This committee was very open last year to dealing with problems as they came up. We dealt with the gift issues, for example. They were quite a problem.

If you put a limit on there of every two years, it might not be frequent enough, in some cases. On the other hand, you have a mandatory five-year review as well, I believe, which has to happen whether or not we've had the little ones in between. So I'm not sure you'd be gaining by having a mandatory two-year review.

The other comment to make is that it's not that the provisions maybe are faulty. It's that each individual situation is different. Sometimes it's not clear just how that provision would apply to the particular situation. That's where the difficulty in interpreting comes.

Mr. Harold Albrecht: Just to follow up, then, there's no commonality in those that would allow us to begin to lump some of them together and try to create a catch-all to address those issues.

Ms. Mary Dawson: There may be. The gifts are perfect examples. My sense was that people did not understand how draconian those rules were before you changed them, so that was a perfect example of where the problems did emerge. I'm quite prepared to raise those as we see a commonality. In fact, where I go out of my way to raise them is in my annual report.

• (1120)

Mr. Harold Albrecht: Okay, thank you.

If I could just change gears, on page 9 of your annual report, in the second last paragraph, you refer to outside activities, and you refer to public office holders here, of course—for example, calling on people who are practising a profession to disengage—and then you point out at the end that sometimes these outside activities are more difficult to discontinue than others. Could you give us a snapshot as to how long or what kinds of activities you're referring to there?

Ms. Mary Dawson: That would be participating in a business or being a director of a company or...there's a whole range. It could be as a volunteer in some philanthropic activity. It's anything that you're doing outside of being an MP.

Mr. Harold Albrecht: You said you have not set a specific deadline. But is there a guideline you would follow in terms of asking professional people to withdraw from those activities if they're public office holders?

Ms. Mary Dawson: Sorry, I was thinking code; we're in the act now.

Basically there are prohibitions against certain of their activity. So as soon as they become...if we're talking about MPs or a public office holder, they have to simply desist. They have the 60 days to tell me about it because that's the first report they have to make, and then they have 120 days to finish getting rid of whatever the problem is. Usually it would be a directorship, or something like that, or running a business. Sorry, I wasn't on your wavelength for the first answer; I was back in the code. But it would be the same activities.

Mr. Harold Albrecht: Just for clarification, if I have another few seconds, is the last sentence of that paragraph inaccurate? You said you had not set a specific deadline. So there is the 120-day deadline, then. Is that accurate?

Ms. Mary Dawson: There's an absolute...the act can't work perfectly, because there's an absolute prohibition against doing some of these things, but sometimes it takes people a little bit of time to extricate themselves from it. What I'm saying is often they can extricate themselves almost immediately, but sometimes it's not so easy. What I say is there's no absolute deadline. It depends on the circumstances how fast they can extricate themselves. In practice, they have the 120 days before the final disclosure statement has to be completed. People take different amounts of time to sort out their issues depending on how difficult or easy it is. Sometimes it's a little bit of a cushion for them to carry on a bit longer, but there's not an awful lot we can do about that. We work with them as best we can.

The Chair: Thank you.

Madame DeBellefeuille.

[Translation]

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

Ms. Dawson, I thank you for being here. I read your report with great interest. Having sat on the subcommittee on gifts, I'm particularly interested in the potential for keeping members informed so they may understand the amendments brought to the code, specifically with respect to gifts.

In your report, you say that you made a great deal of effort to meet with members before the amendments were made. I know that you have met with the various caucuses. Were you well received? Were there many members there? Were the caucuses interested in what you had to say? Do you believe that at this point caucuses are the appropriate venue for conveying the information?

Ms. Mary Dawson: I believe so.

[English]

I'm open to any suggestions as to where we could continue to explain these provisions. We have sent the letter. We are having a session at the end of this month. It's interesting. We've had more inquiries I think from MPs than we have in the past about gifts. Is that correct, Lyne? We haven't had an awful lot more declarations of gifts yet, but it's early in the session.

The other thing is, we really have no idea how many gifts are being received out there. It will be very interesting to see whether the number of declarations increases.

•(1125)

[Translation]

Mrs. Claude DeBellefeuille: I would imagine that you offer to provide information, and the challenge lies in measuring its impact. You did a first round last year. You've said that a number of sessions would be offered to members. I would sincerely advise you to get the various parties to organize groups, so that members can come together and ask more pointed questions or questions they might not feel like asking when all parties are combined, for a host of reasons.

Perhaps that would be more appropriate, if you can establish a schedule.

On behalf of the Bloc Québécois, I wanted to call you to ask you to free up some dates so that we may alert members to upcoming meetings, specifically on amendments regarding gifts. I think it is important for members to be well informed on this matter. Despite your public meetings and those of the library, would you be open to the idea of holding private sessions for each party?

Ms. Mary Dawson: We would be pleased to do so.

Mrs. Claude DeBellefeuille: Thank you.

Mrs. Lyne Robinson-Dalpe (Assistant Commissioner, Advisory and Compliance, Office of the Conflict of Interest and Ethics Commissioner): I would like to add one thing. The most recent sessions were a resounding success. Unfortunately, they were not with members but only with members' staff. They were very successful and a number of people attended. The Bloc Québécois was lucky because the presentation it received was right after the amendment on gifts was brought in. So, you benefited from a more up-to-date session, because, in fact, we could report on the amendments. It was very well received. During these sessions, there were requests for regular meetings to be held. That is something we will be starting up again with the—

Mrs. Claude DeBellefeuille: Generally it is a member's staff that manages invitations and accounting matters. It is important to train both the member and his or her staff, who are often called upon to get involved and handle all manner of documentation relating to gifts or who may... We are open, and you will certainly be receiving an invitation from us.

Because committee members have a better understanding of the code, I'd like to ask you a more specific question, Ms. Dawson. All members of Parliament have received an invitation from Rogers Communications company. This company films us and produces films for free that we can then broadcast on our community television stations and websites. Do you believe that having a communications company to which Parliament has granted a BlackBerry contract, among other things, offering us this service for free would be considered a gift? Should we require that Rogers assess and declare the value of this service? All 308 members have received the offer and recordings will begin on October 19.

I'm taking advantage of your appearance here to ask you this question. When we receive the Rogers clip as a gift, freely broadcast on community television, should that be declared or considered a gift?

Ms. Mary Dawson: We received some questions about this point. I will ask Lyne to respond.

Mrs. Lyne Robinson-Dalpe: We checked whether this free service fell under the definition of a "benefit", and that was the case. Further to that, we wondered whether such a gift could cause a conflict of interest for members. The answer was no.

The question was asked in relation to Remembrance Day. We were asked whether members could broadcast a public service announcement of a few minutes in acknowledgement of Remembrance Day. We thought that, given members' roles, it was a good decision. It remains an advantage for the member. We did ask Rogers whether it could determine the value of this advantage. If its service was worth less than \$500, no public disclosure statement was necessary. However, if Rogers were to offer something similar to the members over the Christmas season or on another occasion that were to be over \$500, a public statement would have to be made.

• (1130)

Mrs. Claude DeBellefeuille: I'm pleased to hear that because all 308 members have received the same invitation. Only a few of them have called you. It shows that not everyone has the reflex to do so. I would imagine that if it concerns everyone, you could send a note out to all indicating your decision. Perhaps it would facilitate members' disclosure statements.

In closing, Mr. Chairman—

[*English*]

The Chair: Excuse me, your time is complete. We will have another round.

Go ahead, Mr. Godin.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): I thank you for being here with us. Forgive me for being late. When you sit on two committees, one meeting ends at 11 and the next starts at 11. I don't know if anything can be done about this conflict which is not a conflict of interest but a scheduling conflict.

I'd like to get back to Ms. Jennings' question regarding the 20 members who did not comply within 120 days. I'm not asking you to repeat everything.

Could that be new members? More experienced members already know the procedure, but new members have a great deal to learn. Most recently we heard that a senator did not even want to vote because he was new. Can you imagine? Could it be that for new members 120 days is not enough?

Mrs. Lyne Robinson-Dalpé: On our website there is a status report. There is a list of all members and it states whether members are in compliance or not. So, you can take a look at the 20 names yourself. Among those that are not in compliance, there are five new members. These issues are indeed more complex for new members.

Mr. Yvon Godin: [*Editor's Note: Inaudible*]...more money for us. If that is all that is involved, there's no problem.

Some honourable members: Oh, oh!

Mrs. Lyne Robinson-Dalpé: I really cannot refer to specific cases. We have to work more with new members, to make sure that they comply with the code. In short, it has to do with five people. The list is on our website and you all have access to it.

Mr. Yvon Godin: Is the 120-day deadline reasonable or not?

Mrs. Lyne Robinson-Dalpé: Yes.

Mr. Yvon Godin: So members should be complying within 120 days.

Mrs. Lyne Robinson-Dalpé: The code does not refer to a 120-day deadline. It is only in the act. Members may therefore be non-compliant for an indeterminate period, because there is no specific deadline indicated in the code. However, under the act, public office holders have 120 days to comply. A 120-day deadline is reasonable in most cases to ensure the needs of public office holders are met.

Mr. Yvon Godin: Are you suggesting that we should ensure consistency between the code and the act?

Ms. Mary Dawson: That would be one option. It is up to you to decide.

Mr. Yvon Godin: I am interested in some of the questions prepared by our analyst. For instance, the difficulty in retaining staff. I don't know if the question has already been asked. Have there been any changes, progress?

Ms. Mary Dawson: I do not think this problem is specific to us. We are currently experiencing a great deal of change within our staff. Last year, I believe we lost 8 staff members and hired 10. That is a significant percentage of our complement. In my opinion, the problem affects everyone.

• (1135)

Mr. Yvon Godin: Could you tell the committee what proportion of your office's resources goes to administering the code and how much is devoted to other activities, such as the administration of the Conflict of Interest Act?

Ms. Mary Dawson: It is difficult to say, because each staff member does a variety of things. However, we could probably say that three or four individuals are responsible for the code.

Mrs. Lyne Robinson-Dalpé: It is difficult to say because all staff members work both on the code and on the act. So we cannot really give you specific figures as to how much work goes into the code. However, we can say that approximately 25% of the workload has to do with the code. The rest has to do with the act.

In our unit, we have approximately two full-time staff working on the code, representing a bit less than a quarter of the entire unit.

Mr. Yvon Godin: Thank you; I am done.

[*English*]

The Chair: Thank you.

We'll go to Mr. Proulx.

[*Translation*]

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

Good day, Ms. Dawson, Mr. Maertens and Ms. Robinson-Dalpé. Thank you for coming to see us this morning.

Before I ask my killer question, I want to go back to the point raised by Ms. DeBellefeuille. Perhaps there are only four, five or six MPs who asked for your advice, but maybe it is because the others had already said no. However, if they did not say no, do you not think it would be a good idea for you to write a note to MPs informing them of your decision and your interpretation?

That offer was made to all the MPs. I understand that it is not your job to forewarn MPs but I think that your role should be expanded to prevent problems and advise MPs of your decisions and interpretations.

Ms. Mary Dawson: Yes, that is a good idea. We are thinking along the same lines, for example with regard to donations. That is another example. We have to resolve a number of situations. It is sometimes difficult to make decisions.

Mr. Marcel Proulx: Yes, except that it is clear that it was sent to everyone. Everyone would need that memorandum, I think. That is one suggestion.

Mrs. Lyne Robinson-Dalpé: That is an excellent point. It is quite important to note that, when people call us, they do not necessarily indicate that the offer was extended to all the MPs. It will be essential, then, for both sides to exchange information, in order to be able to address those points.

If something concerns all the MPs, we need to know that. That way, we could send everyone the information.

Mr. Marcel Proulx: Good, thank you.

Ms. Dawson, on several occasions, we talked about the situation concerning MPs who do something else in addition to being MPs. If, tomorrow morning, I decided I wanted to get into radio and TV ads, for whomever, or if a TV or radio station asked me to host a show, what would you make of that? What would your interpretation of that be, pursuant to the conflict of interest code for members of Parliament?

Obviously, if I host a radio or TV show, I would find it very difficult to separate that role from my role as an MP; there would be partisanship, for and against my colleagues. Furthermore, there is the issue of remuneration.

How would you view this, under the code, Ms. Dawson?

● (1140)

Ms. Mary Dawson: Do you want to know how I would review the code?

[English]

Mr. Marcel Proulx: How would you look at a situation where I have offers to run a television show or a radio show, or I could decide to be an actor because of offers that have been made to represent soap companies or hair grooming products or cars or whatever? How would that fit into your interpretation of what we are allowed, what we are not allowed, and how we're supposed to declare this?

Ms. Mary Dawson: Well, under section 7 of the code, you are allowed expressly to engage in outside employment, or to carry on a business, or to do a variety of different things like that, as long as you're able to fulfill your obligations under the code. That's the exception. So this is an example of a kind of situation we'd have to look at very carefully to see whether, by engaging in a particular activity outside of your job as a member, it was interfering with your capacity to properly fulfill your obligations as a member.

Mr. Marcel Proulx: Ms. Dawson, do you consider voting in the House of Commons as part of our duty as an MP? If I decide that out

of 200 votes in a year, I only participate in 5 or 10, would you consider that a breach?

Ms. Mary Dawson: I would say so. If your outside employment prevented you from being able to do that, I'd probably say yes.

Mr. Marcel Proulx: Okay. Have you ever investigated or have you ever looked into such situations or situation?

Ms. Mary Dawson: No, I have not.

Mr. Marcel Proulx: You have not.

Ms. Mary Dawson: No.

Mr. Marcel Proulx: You will not look into it until you have a complaint, right?

Ms. Mary Dawson: That would be the case, yes.

Mr. Marcel Proulx: Thank you.

Ms. Mary Dawson: Yes, we'd have to have reasonable grounds to believe that. We do have the power of self-initiation, but we don't have a general audit function, so we rely generally on information coming to our attention in some way or form.

Mr. Marcel Proulx: In an official manner or in a—

Ms. Mary Dawson: Well, yes.

The easiest way is if a member officially sends us a letter and complains about some particular activity.

Mr. Marcel Proulx: I'm not blaming you, but I think there's a lack of initiative that could come from your office in looking at these situations. I don't want to label you as a police officer as far as MPs are concerned; however, if somebody were to make a prohibited left-hand turn in front of a police officer, he wouldn't need anybody to tell him, but would go after that particular person. I think you as commissioner, with the staff you have, the role you have, and the responsibilities you have, should be able to see what's happening and to monitor what's happening in the House of Commons. There are only 308 of us.

Ms. Mary Dawson: But there are 2,600 public office holders we also have to monitor.

Mr. Marcel Proulx: I see what you're saying.

Ms. Mary Dawson: The other problem, basically, is that if we don't know about something, there are so many possible things we could be looking for that it would be pretty hard to figure out what it was that we want to look for.

The other thing as well is that there's a role for the Board of Internal Economy with respect to members, and we're expressly prohibited from getting onto their turf. I would think that the situation you raise.... I'm not sure where the situation you raise would fall, and I'm sure there's an aspect of it that would fall on our office. If we knew about a specific case, we would certainly follow up.

● (1145)

Mr. Marcel Proulx: Thank you.

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thank you, Mr. Chair. Thank you, Ms. Dawson, for appearing here.

I'm wondering if your office had planned to submit to our committee, on a yearly basis, recommendations for either changes or improvements to the code or the act.

I'll give you one example that Mrs. Jennings broached earlier. This is something that you identify in your speaking notes. You are currently prohibited from making any public comment relating to a preliminary review or inquiry. It appears that you're almost recommending that you be allowed to do so in the cases where the preliminary review turns out to be groundless. I think that's a very good thing for you to be able to do, whether or not you need the permission of the aggrieved party.

To me that would make sense. It would help to keep members from making frivolous complaints against one another for purely political reasons. When an allegation is made against someone, and it's reported widely in the media or becomes part of the public domain, a lot of members of the public assume it to be true. In other words, you're considered guilty on the basis of a bare accusation. To protect the integrity of members, it would be a good idea for your office to be able to come out in the public and say that you have not pursued the allegation beyond a preliminary review because you found it to be without merit. I think that would be helpful to the aggrieved party. It would help protect reputations. That's only one example.

Since you raised it in your notes, do you believe it is a responsibility of your office to come before this committee on a regular basis with recommendations for our consideration? Or do you think it's something we should be undertaking ourselves?

Ms. Mary Dawson: Last year, when we did the study on gifts, that was one item that we picked out of a list of about four or five others. I don't think we raised this one in that list, but I'm raising it now and I'd be quite pleased to deal with it, either as part of a review of the whole inquiry section or as a separate issue. If the committee so requests, I'd be pleased to put together a submission on that particular issue.

These matters come to our attention gradually and become evident as problems gradually. But that one really did concern me in a couple of cases where there was a misapprehension of somebody's behaviour that obviously wasn't fair. It would be instructive to know the thinking behind not proceeding with it.

I should note that if I'm in the middle of an investigation I can desist from the investigation if I find, during the course of it, that it was frivolous or vexatious. Then I can actually state that publicly; I have some capacity to do that. On the broader question of my not proceeding when I realize there is nothing there, it would be nice to be able to explain why.

Mr. Tom Lukiwski: I agree with you 100%. It goes back to my broader question: do you believe it is a function of your office to bring forward on a regular basis elements of the code or the act that you've found to need amendments or improvements? I would like to see that. You would be far more conversant with both the code and the act than members of this committee. Even though it's our responsibility to review it on a regular basis, we don't. We just don't. It would be helpful to me and other members of the committee for you to come forward and point out an area that you want us to consider. Let us do our due diligence and our investigation. But I

think it would be helpful to this committee if you brought some of these items to our attention on a regular basis.

• (1150)

Ms. Mary Dawson: I'm not sure how else I can do it. I've put it in my annual report, and I've mentioned it in my speaking notes this morning and I'm saying orally, yes, that would be a good one to do. I'm not sure if there's any other mechanism for me to do it, aside from writing a letter to the chair, perhaps, but he already knows.

With respect to other things that we may find, I try to identify anything of significance in the annual report every year. So that is where the suggestions would be, and I know there's a five-year review coming up and there will probably be work around that. But the other thing is that when you put forward the proposals for the gift changes, we also came to you and said there were three or four other technical things that weren't killing us, but it would be kind of nice to get those cleaned up while you were at it, since you had to go to the House. You did that, and that was nice. So we got three or four of the technical oddities cleaned up then, too, and we're always prepared to do that. But we did a pretty good job of cleaning up the ones we'd noticed.

Mr. Tom Lukiwski: Are you satisfied, then, that if it's contained in your annual report and recommendations come on a yearly basis, that should be sufficient?

Ms. Mary Dawson: Not necessarily. If suddenly three months from now I see there's some sort of problem, I would perhaps write a letter to the chair and ask to raise it. You could let us know, too, anytime you wanted to. If there's anything you want to deal with, we're of course available as well.

The Chair: Madame DeBellefeuille or Monsieur Plamondon?

Monsieur Godin? Nothing.

Mr. Cuzner.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): Thank you very much.

In support of where Tom was going with his line of questioning, I take from your presentation as well that you're not able to either confirm or deny whether you're in the midst of an investigation of a person. Even if they make a public statement that they've referred a particular case to you, you're not able to comment.

Ms. Mary Dawson: It's just the opposite of that. The only thing I'm allowed to confirm or deny is whether I'm in a preliminary investigation or if I'm in an inquiry. Aside from that, I can't go any further, and that's what creates the problem. They'd never hear what happened if I just desist.

Mr. Rodger Cuzner: I agree that it should be something we should be able to look at.

Further to the question that you responded to with regard to the staffing, are those people staying with the public service or are they going to private industry?

Ms. Mary Dawson: A number of them have moved over to the public service. My office is part of Parliament, and there's actually a little bit of an issue there because the public service is a different employer, but in the last year or two the rules were changed, which allowed the same movement into the public service from here. So it's easier now for someone to get a job in the public service from my office.

Mrs. Lyne Robinson-Dalpé: And there has been an ongoing need in the public service as well for employees with backgrounds in values and ethics, for example, because all departments have created their own values and ethics organizations.

Mr. Rodger Cuzner: So they would be sought after.

Ms. Mary Dawson: Yes.

Mr. Rodger Cuzner: So there's some tampering going on.

Ms. Mary Dawson: But that's not necessarily a bad thing, because they've had some experience.

The Chair: Mr. Calandra.

Mr. Paul Calandra (Oak Ridges—Markham, CPC): From a new member's perspective, the transition is very difficult. I was elected on the 14th or the 15th, depending on when I was certified late that night, and it's not that I'm looking for any hero cookies, but I had a 10-day-old baby at home, and a new home that was delayed—I was living in a temporary residence at the time. I had to come to Ottawa, find a place to live, and attempt to find staff. My swearing-in happened to be scheduled at the same time that your briefing was taking place.

I'd been involved in provincial politics for a while, but I didn't actually think about you or your office until I received the form to fill out, and then—I have to be honest with you—there was so much on my desk at the time, and I still didn't have staff, and it was at the bottom of a pile. I think I received it towards the last couple of days, and in a complete panic—having just been elected I thought I was going to get into trouble already—I filled in the form and was a bit surprised by the questions that were in it.

I almost feel there should be a mandatory sit-down with new members of Parliament. It shouldn't necessarily be an option that you should come to our offices, meet with us and our staff. I think the 120 days might not necessarily be long enough, because sometimes it does take a while to get the staff and then bring them up to speed as well. So I wonder if you would consider, as part of your function with new members, a mandatory sign-off provision. I wonder if you also provide any information to Elections Canada so that candidates might know in advance what they'll be expected to comply with if they are successful.

• (1155)

Ms. Mary Dawson: The obligations are on our website, of course, and if you've thought of it, you could look at the website to find out what you have to do. Also, our letter out to each of the MPs does say that if you'd like to meet with us, please call and do meet with us.

I wouldn't object to a mandatory meeting with new members. It would be fine. It would be mandatory on the new members, I suppose, and therein lies the rub. I'm not sure all new members would find the time, but I'd be most pleased if they did. It's for this

committee to consider whether that's something they'd like to add to the code.

Lyne, did you want to add something?

Mrs. Lyne Robinson-Dalpé: There are also the briefing binders. I know they're quite thick. There is also information in there on the code with regard to MPs. And there's a cover letter from our office in that binder.

We've looked at different options to try to inform MPs as best we can. Definitely the two options that you're mentioning are some things we can look into.

Ms. Mary Dawson: And always remember that at any time, any member can phone and ask for a meeting in my office, either with me or an advisor. We always accommodate that.

Mr. Paul Calandra: I didn't even know... There was a washroom beside the whip's office, and I thought, "Wow, that's the busiest office in Parliament." I didn't even know it was actually a washroom for the first month that I was here. There was just so much information. You get so much piled on your desk that as a new member, your first thought is there's no way you're in contravention of any rules. Then the second thing is it gets filed way down on the list. It shouldn't, because it's very important. There are so many websites that you want to take a look at, because you want to hit the ground running, and sometimes, while it shouldn't, it does.

Ms. Mary Dawson: It's interesting because in the act, with the deadlines of 60 and 120 days, the penalty scheme led us to have a 30-day and a 50-day warning call, and actually that's something we could think of for MPs. We do it for the 60 days. So your office or you would have had a call at 30 days and 50 days reminding you that these things had to be filled out within 60 days. I don't know if you recall that, but there are some mechanisms.

The Chair: Madame DeBellefeuille.

[Translation]

Mrs. Claude DeBellefeuille: Thank you, Mr. Chair.

Ms. Dawson, I want to continue where Mr. Cuzner left off. You seem to be saying that your staff retention problems are normal, that they are true of the public service in general. I think it is quite serious when nearly 85% of your new employees quit their job.

Training your new staff members is a significant investment. They need to understand the ins and outs of the legislation and the code, which is no easy task. Training people to be experts in that field must be extremely difficult. I am quite concerned.

Do your employees only stay with you for so long before moving on because you do not pay as well? Is it a matter of money or the demands of the job? How can you explain the fact that 85% of your new employees leave? There must be a good reason; such turnover is not typical.

• (1200)

Mrs. Lyne Robinson-Dalpé: Eighty-five percent of our new employees are not leaving us. Turnover is as follows: eight staff members left, and there were ten new hires. The eight staff members who left were not new hires; they had been working for us for three or four years.

With regard to staffing, we recognize that we need to provide extensive training to new employees. We try to keep them as long as possible. In terms of recruitment, we now hire people one level below that of advisor, and train them for several years so they can become advisors. So, staff naturally move up the ranks within the organization, and this attracts young people and individuals who are extremely competent in this field but who do not necessarily have all the required knowledge, experience and skills. However, we can provide them with training over several years so they can gradually become advisors who can provide advice at the targeted levels.

Mrs. Claude DeBellefeuille: We want to give people the hope of rising...

Mrs. Lyne Robinson-Dalpé: ...of being promoted within the organization. In that context, we hope to keep them for four years, two of which they spend in training and two as professionals. Then, we want to continue to hire individuals at that level.

[English]

The Chair: Madam Jennings.

Hon. Marlene Jennings: Did I understand you correctly that the MPs who are in compliance and are not in compliance are on your website?

Ms. Mary Dawson: Yes.

Hon. Marlene Jennings: Where on the website do we find that? I just had an assistant try to find it but couldn't.

Mrs. Lyne Robinson-Dalpé: If you go on the public registries, you'll have two with the code and with the public office holders. You'll see that one is the public registry. At the bottom of the paragraph there's a status report. That's where you click, and it's going to give you a list such as this one here.

Hon. Marlene Jennings: Thank you.

The Chair: That's it?

Monsieur Lauzon.

[Translation]

Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC): Thank you, Mr. Chair.

Welcome, Ms. Dawson. You have undoubtedly answered this question, but how many employees do you have in total?

Ms. Mary Dawson: We have 40 employees.

Mr. Guy Lauzon: And you lost ten employees last year.

Ms. Mary Dawson: We hired ten individuals, and eight left.

Mr. Guy Lauzon: That is about 20%.

How many people visited your Web site?

Ms. Mary Dawson: I cannot answer that question.

Ms. Denise Benoit (Director, Corporate Management, Office of the Conflict of Interest and Ethics Commissioner): Since we have just launched our new Web site, we are not keeping those statistics at present. We will continue to upgrade the site and, no doubt, we will begin monitoring the numbers of hits our site gets and which pages are being consulted.

Mr. Guy Lauzon: Is it very popular?

Ms. Denise Benoit: I cannot answer that because there is no counter.

Mr. Guy Lauzon: When will there be?

Ms. Denise Benoit: At present, we have not made any decisions in that regard. That is not where we have focused our efforts over the first two years. We wanted to provide what we felt was essential information and that is what we have done, but we are not counting the number of hits our site is getting.

Mr. Guy Lauzon: How old is your Web site?

● (1205)

Ms. Denise Benoit: In the weeks following the creation of the office back in July 2007, there was a Web site with basic information. I would say that the new site, the new structure, is about a year old.

Mr. Guy Lauzon: Thank you.

[English]

The Chair: I have no one else on my speaking list, and we've done a very good job of answering questions about the annual report.

Madam Dawson, let me ask you a favour. I know we'd like to probably go a step or two further, if I can speak on behalf of the committee. Would it be possible for you to provide us with some fairly specific recommendations, and maybe even your answers to those recommendations? Sometimes we get the recommendation, and we're not the experts; you're doing the job. Maybe you could provide us with at least a teaser concerning how you think it could be solved or what changes need to happen.

Every year we find three or four of these things. We did a good job of cleaning up the question of gifts and some of those other technical things last time. If I could ask your indulgence to send us a letter on... I know you mentioned one or two fairly good-sized ones in your annual report, but if there are some other things in there, I think it may be best for the committee to handle them all at once, at least four or five at a time, instead of trying to do one-off kinds of meetings. Once you send us that letter, we may then have questions from you and could have you back to discuss those changes.

Committee, what do you think of that proposal?

Ms. Dawson, go ahead.

Ms. Mary Dawson: We could do anything like that. Certainly on the one proposal that we discussed in detail about giving out information, I'd be very pleased to pull something together quite quickly.

On the broader task of taking a look at the entire inquiry and the way it's drafted, we could suggest a redraft of it, if you want—

The Chair: This committee is always looking for more work, and we'd be happy to take it on, but it will of course be put in with the other stuff we're working on.

Ms. Mary Dawson: We're living with it and have more or less sorted out how we want to interpret it now.

But I certainly can give you the short list. As I said, I think you dealt with a lot of the little irritants last year, so I'm not sure we're going to come up with a very long list at this point. I took a look at the list of four or five items I raised last year and decided that most of them....

One of them was wondering whether it was really necessary to come here to get our guidelines and our forms approved, but you worked very well last year to approve the forms, finally, in a speedy way. With respect to guidelines, it's up to you whether you always want to vet the guidelines. We've not been able to do any guidelines, and I think one might ask whether we should do some guidelines on the gifts, for example. But I'd like to give six months or a year to see how it's working before I did some guidelines on that.

I'm not aware of anything else we necessarily need to do, but should we decide we want to do guidelines, we have to bring it through you. Anyway, I thought I'd let that one lie for a bit.

The other one I raised was the government contracts. It was a mystery to me what the heck you were looking for in the report. Nobody has ever told me, so that one has gone away. Unless you looked at that list and there was anything bothering you in it, I think we've now dealt with that report from the committee.

The Chair: From today we have also had some discussion on compliance deadlines for the code. It's specific in the act, but the code is not specific, and perhaps it's something we could look at also.

Ms. Mary Dawson: Okay. We'll look at those two items, and maybe not do a huge research on the inquiry right now, but we'll send you a couple.

The Chair: Great. We may very well, after discussing those, call you back to ask you some questions on them. I think that's truly the best way for this committee to handle that.

Ms. Mary Dawson: Perfect. So I'd say maybe in a month or a month and a half or so.

The Chair: That sounds right to me.

Committee, that concludes what we were working on today. On Thursday we have the Chief Electoral Officer to speak, mostly on H1N1 under the conditions of election and that type of issue.

I guess we will leave it until Thursday and will see you all then.

Is there anything else for the committee?

Since I see nothing, we're adjourned.

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