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Chair

Mr. Paul Szabo

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• (1140)

[English]

The Chair (Mr. Paul Szabo (Mississauga South, Lib.)): This is meeting nine of the Standing Committee on Access to Information, Privacy and Ethics. Our order of the day, pursuant to Standing Order 81(4), is the main estimates for 2010-2011, vote 15 under Parliament, referred to the committee on Wednesday, March 3, 2010.

Our witnesses this morning, from the Office of the Conflict of Interest and Ethics Commissioner, are Mary Dawson, who is the Conflict of Interest and Ethics Commissioner; Lyne Robinson-Dalpé, assistant commissioner, advisory and compliance; and Denise Benoit, director, corporate management.

Commissioner, with your colleagues, welcome to the committee. I apologize for the delay in starting the meeting, so we won't delay any further. I understand you have opening remarks, and we'll hear from you now.

[Translation]

Ms. Mary Dawson (Conflict of Interest and Ethics Commissioner): Mr. Chairman and members of the Committee, thank you for inviting me to appear before you today as you consider our budgetary submission for the 2010-11 Main Estimates.

[English]

I'm accompanied at the table by Lyne Robinson-Dalpé, assistant commissioner for advisory and compliance, and Denise Benoit, director of corporate management. They will assist me in answering your questions after my opening remarks.

I see there are a number of new members of this committee. For their benefit and to refresh the memory of the others, I will begin by providing a brief overview of the mandate and work of the Office of the Conflict of Interest and Ethics Commissioner. Then I will outline how our renewed budget will help us continue our work as the current fiscal year unfolds.

As most of you know, my office administers the conflict of interest code for members of the House of Commons and the Conflict of Interest Act for public office holders. These two regimes seek to ensure that public officials, whether elected or appointed, are not in a conflict of interest. I'm also mandated to provide confidential advice to the Prime Minister about conflict of interest and ethics issues.

My staff and I review confidential reports of assets, liabilities, and activities, maintain public registries of publicly declarable informa-

tion, and investigate and report on cases of alleged non-compliance. Our primary goal is prevention. Our focus is not on penalizing people for non-compliance, but on assisting them to comply with the code and the act.

Through the hard work of my staff, we have eliminated what was once a large backlog of members and public office holders who were not in compliance. In addition, in recent months we've been putting a great deal of effort into working on several high-profile investigations, and my intent is that my reports on these will be released in the near future.

For the last three years my office has been allocated annual funds of \$7.1 million. Although we lapsed a portion of funds in each of the previous two years, each year we lapse less funding as we move forward with the organization and staffing of my office. We're very close now to being fully staffed and expect to utilize most of our allocation for 2010-11.

Mindful of the budgetary constraints facing the government, my office has already implemented measures consistent with those required of departments and agencies. These include capping travel, conference, and hospitality expenditures, as well as limiting salary increases to 1.5%. Those increases will be absorbed within our existing budgetary envelope, as we're not seeking an increase to the \$7.1 million we were allocated in each of the last two fiscal years. Salaries and benefits account for the largest single component, some \$5.3 million of our budget.

In the years ahead, my office will continue to focus on helping members of the House of Commons and public office holders to comply with their obligations under the members code and the Conflict of Interest Act. Our advisors will continue to assist them in setting up arrangements involving trusts, which are quite unique in many cases, and advising on outside activities. These arrangements are subject to review each year. Our advisors will continue to respond to inquiries from those who are covered by the code or the act, and to take a number of other steps through meetings, correspondence, guidelines, and information notices to help members and public office holders understand how the code or the act applies to their specific situations.

We will pursue, as we have in the past, a wide range of communications, education, and outreach activities and initiatives. For example, my staff and I will continue to meet with ministerial staff, make additional presentations to party caucuses, and provide advisory opinions on issues of general application to members and public office holders. We will also continue to make improvements to the way we provide information to our clients, in particular, through our website.

We are taking steps to strengthen our ties with organizations in other jurisdictions. My office has a new coordination role in the Canadian Conflict of Interest Network, which includes federal, provincial, and territorial commissioners; and we're continuing our involvement with the U.S.-based Council on Governmental Ethics Laws, known as COGEL.

I hope to continue to work with Parliament and its committees to make improvements to the rules I'm administering, or make them more widely understood. For example, last year my office advised the Standing Committee on Procedure and House Affairs on possible amendments to the code relating to gifts and other benefits. This resulted in significant changes to the code. At the request of the committee, we have recently submitted proposals to it for improvements to the code in the areas of disclosures and inquiries.

As you can appreciate, there's an element of unpredictability associated with the operations of my office. In recent months we've been involved with a number of investigations, each of which must be given due process, and some of which have been quite complex. Of course, I have no way of anticipating how many investigations we will deal with from year to year or the amount of work each will involve.

Mr. Chair, I would like to conclude my opening remarks by restating my belief that our proposed budget for 2010-2011 will be sufficient for our needs as they currently stand. Within it, we will be able to sustain our efforts to ensure that members and public office holders meet their respective obligations under Canada's conflict of interest regimes.

• (1145)

[Translation]

Thank you once again for inviting me to come before the Committee to discuss the Main Estimates. I will now be happy to answer any questions you may have.

[English]

The Chair: Thank you, Commissioner.

I want to move directly to questions.

Ms. Foote, please.

Ms. Judy Foote (Random—Burin—St. George's, Lib.): Thank you.

And thank you, Mrs. Dawson, for appearing as a witnesses before the committee this morning.

I'm sure you understand why we would have questions about one of the high-profile cases that you just referenced. It's quoted in the media that the Prime Minister's Office did not give you anything worth investigating concerning a former cabinet minister. Yet the PM

has kicked that same cabinet minister out of cabinet and out of caucus because of what he considers to be serious allegations, which he referred not only to your office but also to the RCMP. Can you enlighten us as to the difference of opinion between you and the Prime Minister, given your actions and his?

Ms. Mary Dawson: I don't know that there's a difference of opinion.

I received a reference to the matter, a very brief reference, and it was not enough to constitute a request under my act. I looked into some of what I saw, and I did not have enough information to constitute reasonable grounds to proceed with an investigation at that time.

Ms. Judy Foote: May I ask what that reference was?

Ms. Mary Dawson: It was a reference, as I think has been indicated in the media, to this Mr. Snowdy, but there was very little else that I had to work on.

Ms. Judy Foote: Can I ask you then, if as a member of Parliament I came to you looking for advice because I wanted or was asked to write a letter in support of a company in which my husband had some financial dealings, what would your advice to me be?

Ms. Mary Dawson: I would have to look at the specifics of the circumstances and see whether there was anything special about that company. An MP traditionally writes letters of recommendation for people in the constituency, so I would simply look at the circumstances.

Ms. Judy Foote: If it involved my spouse, who had a financial interest in that company...

Ms. Mary Dawson: I'd probably talk to you about it.

Ms. Judy Foote: What would your advice be?

Ms. Mary Dawson: It would depend on what you told me when I phoned you to discuss the matter.

Ms. Judy Foote: Okay, this is what I'm telling you. As an MP, I've been asked to write a letter on behalf of a company in which my husband has a financial interest. What would your advice be in terms of my writing that letter?

Ms. Mary Dawson: I would probably advise against it.

Ms. Judy Foote: This is an issue that's garnered national interest. There's a lot in the media about this. Do you not feel that with all of the attention being given to this particular issue, it warrants an investigation by you, as a commissioner of conflict of interest?

Ms. Mary Dawson: I should direct you to the rules of the conflict of interest code—the code, not the act; the MPs' code.

There's a very specific set of conditions that have to lead up to an inquiry under the code. There are two ways of getting in an inquiry. It's an inquiry under the code, an examination under the act, and you always have to remember there's a difference. Under the code, the first thing that happens is, if I receive a request from a member, I have to determine whether that request contains reasonable grounds to suggest that somebody has not complied with the code. If I do think that's the case, I would then notify the person the complaint relates to, and the very first thing that happens is they have 30 days to get back to me to let me know what they have to say about the matter. When that's up, I have 15 days to look into it as best I can, and to decide under a preliminary investigation whether there are grounds to proceed to a formal inquiry. So no inquiry can take place under the code until about 45 days have elapsed.

During that 45 days, it would not be appropriate to comment on what I'm doing. My activities are confidential.

What confuses these things is that sometimes requests come in to me under both the code and the act. The act has a different set of rules entirely. Under the act, if a request with reasonable grounds has come in to me—we call it an examination under the act—the examination would commence with my notifying the relevant person.

•(1150)

Ms. Judy Foote: Okay.

Has an examination commenced? Are you looking into this issue now?

Ms. Mary Dawson: No.

Ms. Judy Foote: May I ask why? Given the criteria that you've just outlined under the code and the act, why is it that you aren't looking into this particular issue?

Ms. Mary Dawson: I'm certainly looking into what people have told me, and I'm thinking about it, but there's no such thing as a half-hour turnaround on a decision as to what to do about something. It takes a day or two to think about.

Ms. Judy Foote: Okay.

It was April 15 that you were quoted in the media, actually, as having one referral from the PM, so it's been longer than a day and a bit. So when can we expect you to look into it, given the magnitude of interest in this file?

Ms. Mary Dawson: The thing is, a couple of different issues have been raised here. The matters that were raised surrounding the Prime Minister's letter related to something completely different from what is emerging very recently. The Prime Minister's letter didn't suggest anything about what's going on in the last day or two.

Ms. Judy Foote: May I ask what the Prime Minister's letter referred to then, in the referral to you? It says here that you received one referral from the PM.

Ms. Mary Dawson: Right.

Ms. Judy Foote: What did that referral contain?

Ms. Mary Dawson: It just made reference to the fact that there were some allegations that this individual named Mr. Snowdy was making.

Ms. Judy Foote: But it wasn't specific about the allegations?

Ms. Mary Dawson: No.

Ms. Judy Foote: Okay.

In your opening remarks you said you're also mandated to provide confidential advice to the Prime Minister about conflict of interest and ethics issues. Have you provided advice to the Prime Minister on any file in the past month?

Ms. Mary Dawson: No, I don't think so.

The advice that the Prime Minister would seek from me wouldn't be on a particular file. It would be a general ethical issue, generally, although it could vary.

The Chair: Thank you.

Madam Thi Lac, *s'il vous plaît*.

[Translation]

Mrs. Ève-Mary Thāi Thi Lac (Saint-Hyacinthe—Bagot, BQ): Welcome, Ms. Dawson. I wish to thank you for being here today.

A little earlier, in answer to a question from my colleague, you stated that, at the time, you did not have all of the information in order to undertake an investigation. The answer you provided is certainly not irreversible.

Has there since been additional information leading you to believe that it would be wise to launch an investigation into the matter? Several allegations have been added since your decision to not launch an investigation.

Ms. Mary Dawson: I will answer in English.

[English]

When we get any information about anything that looks like it might involve a contravention of either the act or the code, we very diligently look into it. We can't make decisions instantaneously on information that comes to our attention, but I can assure you, if there's any information that we have, we follow up on it. There are many instances when we've followed up on matters that never hit the media. This happens to be one that's hit the media. We always look into whatever comes our way.

[Translation]

Mrs. Ève-Mary Thāi Thi Lac: If I am not mistaken, you did not say that you were in the process of following up: you stated outright that you would not undertake an investigation. That is an answer in itself.

Ms. Mary Dawson: No, I did not say that I would not carry out an investigation. I said that I was not in the process of doing one at the time.

•(1155)

Mrs. Ève-Mary Thāi Thi Lac: Fine.

Is your mandate to investigate allegations of infractions of this nature, especially involving public office holders, such as in the case of Ms. Guergis?

[English]

Ms. Mary Dawson: Yes, I have a mandate to investigate public office holders, but I don't investigate them until I have reasonable grounds to do so. Now, I'm using a short term. "Investigate" can either be an inquiry or an examination. The terminology gets quite confusing, too. I investigate right from the start, but it's not a formal inquiry or examination until the requirements of the code and the act have been met.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: Did you receive information from the Prime Minister's Office and information preventing you from launching an investigation?

[English]

Ms. Mary Dawson: No.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: Very well.

According to information provided by several sources, Ms. Guergis may have used her position as elected representative in order to facilitate contacts for her spouse and the company he is associated with. In your view, does that not constitute a form of influence peddling?

Ms. Mary Dawson: It is possible. Once I have information, I will investigate.

[English]

As I explained, I have to allow the person who is complained against under the code 30 days to respond, and then I have 15 days to consider whether to proceed to a formal investigation. So there's a difference between investigating—sorry, I should have called that a formal inquiry under the code—and an inquiry or an examination.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: Are you confirming to us that the process is underway, that the individual involved now falls under the 30-day window, or have things not even yet reached that stage?

[English]

Ms. Mary Dawson: There are very strict prohibitions in the code against what I can and cannot disclose. The prohibitions are not so strong under the act. I also have to be very careful which vehicle I'm talking about. We're talking about the code, I assume.

Under the code, the rule is:

Other than to confirm that a request for an inquiry has been received, or that a preliminary review or inquiry has commenced, or been completed, the Commissioner shall make no public comments relating to any preliminary review or inquiry.

I have confirmed that a request was received from Ms. Davies. That's all I can do under this provision until I indicate whether an inquiry has commenced. Well, an inquiry cannot have commenced for 45 days.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: Furthermore, when I asked you if this could be a case of influence peddling, you answered that it was possible.

Does that mean that you are unable to state today with certainty, beyond any reasonable doubt, that there was no influence peddling? You say that it is possible, but we, as elected representatives, must expect that this file will move forward over the course of the coming days or weeks. You are clearly telling us that there is some doubt in your mind today. That is what I hear when you say that "it is possible".

[English]

Ms. Mary Dawson: No, it's a question of fairness to the person who has been accused of doing something. The code requires that you give that person 30 days to say what they have to say before you proceed to a preliminary investigation, and that's what I'm doing.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: Earlier, when you talked about the code and the acts, you said that there were two ways of filing a complaint. If the complaint was poorly formulated or was not presented in the proper way, do you have the mandate, or the power, to change course and to investigate in a different way?

[English]

Ms. Mary Dawson: Both the code and the act require that there be reasonable grounds. It can't just be a suggestion that I investigate something with no grounds given. But if there are reasonable grounds, and if it meets the formal requirement that it come in writing or be signed or something like that, if those two are accepted, then under the act, I proceed immediately. Under the code, I have to wait 45 days.

•(1200)

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: However, when allegations are brought forward day after day, are these not sufficient grounds?

Ms. Mary Dawson: Sufficient for what?

Mrs. Ève-Mary Thaï Thi Lac: You say that there must be sufficient grounds in order to launch an investigation. All of these allegations we are hearing, do they not in themselves constitute sufficient grounds to investigate?

[English]

Ms. Mary Dawson: I have the power to self-initiate. When and if I feel that I have reasonable grounds and that it's an appropriate time to proceed with something, I will do so. If I do it under the code, I still have to comply with the 30 days—the 15 days isn't relevant if I self-initiate. Under the act, I just have to be satisfied myself that I have reasonable grounds. But sometimes it takes more than overnight to decide that I have reasonable grounds.

The Chair: Thank you.

We'll go to Mr. Siksay, please.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Thank you, Chair.

Thank you for coming, Ms. Dawson, and for bringing your colleagues with you.

I appreciate that this is a difficult time for all of us, sorting through all these issues.

I know that in the past you told us that there is some confusion about your role and some misinformation in these kinds of situations, partly because of the title you have, which includes the word “ethics”. None of the backup to that includes that language. So I appreciate that it's sometimes confusing for all of us.

My questions, at least at the beginning, are related to the situation concerning Ms. Guergis. I just want to make clear that the Prime Minister didn't make an official complaint or request an investigation or an inquiry or an examination, either under the code or under the Conflict of Interest Act, to your office.

Ms. Mary Dawson: That's correct.

Mr. Bill Siksay: Your office posts on its website a form that helps people meet the requirements for making those kinds of complaints to your office.

Ms. Mary Dawson: Yes, that's something we instituted quite recently, because we saw that they were coming in a form we couldn't accept.

Mr. Bill Siksay: You make it easy, if somebody has a concern, to know what the requirements for making that kind of formal request are.

Ms. Mary Dawson: That's right.

Mr. Bill Siksay: The Prime Minister never followed that or made a formal request.

Ms. Mary Dawson: No.

Mr. Bill Siksay: That information, I believe, became public around April 15. A lot of us had felt that we'd been led to believe that some kind of official complaint had been made to your office. You pointed out that you received a complaint from Libby Davies, NDP House leader. I believe that went in on April 16. That was our response to the fact that we understood that there was no official complaint lodged with your office. Ms. Davies did write to you making an official complaint, specifically with regard to the letter Ms. Guergis wrote in support of Wright Tech, a company with which, it is alleged, her husband has had a business relationship.

Ms. Mary Dawson: That was a new matter. That was not the same question.

Mr. Bill Siksay: Right. I understand. But you did get that letter, and you responded, saying that you were going to start the investigation. Let me get the language right here. It was the investigation process under the code. And that investigation is indeed under way. Is that right?

Ms. Mary Dawson: Yes.

Mr. Bill Siksay: You have an investigation under way under the code, and you have asked Ms. Guergis to respond to the allegation.

Ms. Mary Dawson: An investigation is always a difficult word, because people misunderstand when people say that I've started an investigation. It just means that internally, I am looking at it, but it's not an official inquiry under the code—it's always hard to remember which is which—until the proper procedures have been gone through.

Mr. Bill Siksay: You have initiated the first procedure, which is asking Ms. Guergis to respond.

Ms. Mary Dawson: That's correct.

Mr. Bill Siksay: Okay, and she has 30 days to do that, starting on April 16 or thereabouts.

Ms. Mary Dawson: That's right. It is somewhere in there.

Mr. Bill Siksay: At the same time you responded to Ms. Davies about her request, you said that you weren't able to conduct an examination under the Conflict of Interest Act, because you hadn't been “provided with any information indicating”—I'm quoting—“that Ms. Guergis was acting in her capacity as a Minister of State”. I gather that this is because the act deals with public office holders and their roles as ministers, ministers of state, parliamentary secretaries, and so on, but not specifically as MPs. Is that correct?

Ms. Mary Dawson: That's more or less correct, yes.

Mr. Bill Siksay: Now, this is where I get a little confused. It strikes me that it must be difficult to sometimes recognize when a minister or minister of state is acting in his or her capacity as a minister, and in his or her capacity as a member of Parliament. I was wondering what guidelines you use to draw that distinction. I think it must be hard. Ministers don't necessarily go around and physically change hats, or change their business cards, I would suspect, or those kinds of things. So how do you draw that distinction between whether they're acting in their capacity as a member of Parliament or as a minister?

• (1205)

Ms. Mary Dawson: You're correct, it's not an easy decision. You'd have to look at all the surrounding circumstances.

Obviously, right off the top, if it's under ministerial letterhead, then you conclude she must be acting as a minister. In this case, it was on MP letterhead. Then you ask, did it have something to do with her portfolio? You look at the portfolio of the minister, and if it was energy, mines and resources or something, you'd question, “Does that matter have something to do with EM&R?” There are probably four or five other questions you'd ask. You wouldn't need to ask questions sometimes because you would look at the circumstances and figure it out.

Look at the converse. Imagine if every time a member who was a minister did something as a member, and members are allowed under the.... It's expressly written out that a minister can act and do things that a member would normally do for their constituents. There's a whole plethora of activities that MPs do all the time for their constituents. I would have to ask myself, is there something being done over and above what is the normal course of an MP's job that suggests that their role as a minister has been implicated? I look at that, and, again, you can't decide that overnight. You have to ask around, ask the person involved, think about it, and understand the circumstances.

Mr. Bill Siksay: Surely a minister can't do something as an MP that they can't do as a minister.

Ms. Mary Dawson: Can't do something as an MP that they can't do as a minister? I think it's two different spheres.

Mr. Bill Siksay: You think there is some way that a minister can separate out their job as an MP from the fact that they are a member of cabinet, from the fact that they have all those extra responsibilities and privileges, and access to decision-making they would have as a minister? Do you think they should be able to separate that out from the fact that they're also a member of Parliament?

Ms. Mary Dawson: There has to be some distinction, I think. Again, everything is in the particular case. It's a recent matter that's come up that you're alluding to, but this is a question that comes up occasionally. It's not an easy question.

Mr. Bill Siksay: You don't think that's too narrow a definition, or too narrow an approach to looking at conflict of interest, that somehow a minister is able to separate out those two roles and act differently in different cases?

Ms. Mary Dawson: It depends on the circumstances. If a minister were doing some constituency work that had nothing to do with their ministerial role, it's within the realm of possibilities, it seems to me, that if they were doing some offence under the code, it's possible that the act ought not to apply to them, if it has nothing to do with their ministerial role. But each case has to be looked at to see what it is you're talking about. You can't talk in generalities.

The Chair: Thank you.

Mr. Poilievre, please.

Mr. Pierre Poilievre (Nepean—Carleton, CPC): If someone gives you a referral, and that referral points to a potential infraction, what is your next step?

Ms. Mary Dawson: The next step would be to take any information I had in that referral and follow it up.

Mr. Pierre Poilievre: With the subject of that referral, the public office holder who was named in it?

Ms. Mary Dawson: Not necessarily. Before I approached the public office holder, I might see if there was any information that formed the basis of whatever the referral contained.

Mr. Pierre Poilievre: If there was such information?

Ms. Mary Dawson: If there was, then I'd immediately get to the public office holder, if I thought it amounted to reasonable grounds.

Mr. Pierre Poilievre: Would you give that office holder 30 days to respond?

Ms. Mary Dawson: Under the code.

Mr. Pierre Poilievre: Under the code and under the act.

Ms. Mary Dawson: Under the act, the examination would be initiated once the request had come in, in writing, as a formal request, and there were reasonable grounds that underpinned that.

Mr. Pierre Poilievre: So as soon as you have reasonable grounds under the act, you begin an examination.

Ms. Mary Dawson: As long as the request comes in the formally appropriate way, which is in writing, signed, and that sort of thing, and it's a request....

Mr. Pierre Poilievre: And you can self-initiate examinations.

• (1210)

Ms. Mary Dawson: I can self-initiate as well.

Mr. Pierre Poilievre: All right, if you had information from a referral, regardless of the form in which it came, you could self-initiate an examination.

Ms. Mary Dawson: If I had enough information to give me reasonable grounds.

Mr. Pierre Poilievre: If any member of the House of Commons were to submit a referral to you, and that referral gave you reasonable grounds for an examination, under the act you would proceed with such an examination.

Ms. Mary Dawson: If I had reasonable grounds, I would self-initiate, yes.

It's not only a member sending information, it could be anybody sending it—in a brown envelope, it could be the press, it could be from anywhere. I mean, if we have reason to think there's something going on that ought to be looked into, we'll look into it.

Mr. Pierre Poilievre: Right.

So the formal process is in place to help people submit such information, but based on what you've just said, it is in fact not necessary for a self-initiated examination to occur.

Ms. Mary Dawson: No, but generally speaking, if there's something out there that sooner or later a member's going to.... Quite often I may be thinking about whether to self-initiate something, and all of a sudden a formal request comes in from a member.

Mr. Pierre Poilievre: But at the end of the day, that's really not the question. The question is that you may have this formal process in place, but ultimately a referral that does not go through the formal process could itself be initiated into an investigation.

Ms. Mary Dawson: It could in theory, if it led to enough information for me to do so.

Mr. Pierre Poilievre: It's important. I think there are some who are trying to split hairs about the Prime Minister's action by suggesting that if he didn't fill out this form properly and crossed this particular *t* or dotted this particular *i* that you are left powerless. In fact, that is not true.

Ms. Mary Dawson: No, and it wasn't a request.

Mr. Pierre Poilievre: Right, it was a referral.

Ms. Mary Dawson: It just referred some information.

Mr. Pierre Poilievre: Now, any member of the House of Commons, just like any Canadian, could submit similar referrals, or even requests for an investigation to you, right?

Ms. Mary Dawson: Sure. Well, anybody who wants to can tell me anything they want to tell me.

Mr. Pierre Poilievre: You've indicated that Ms. Davies has made a request. Is it a request? Is that the proper terminology?

Ms. Mary Dawson: In order to qualify as a request under the act or the code, it has to be in writing—

Mr. Pierre Poilievre: And was it?

Ms. Mary Dawson: Yes. And the member has to have reasonable grounds. That's where—

Mr. Pierre Poilievre: I'm not looking for all the background. I'm just asking, how do you classify her communication with you—is it a referral, a request?

Ms. Mary Dawson: With respect to the code, it was a request.

Mr. Pierre Poilievre: It was a request.

Have any other members of the opposition done the same?

Ms. Mary Dawson: I've received no other requests.

Mr. Pierre Poilievre: All right.

There have been a lot of accusations made in the House of Commons and elsewhere by members of the opposition, and it is curious that they have not raised more of these concerns with you, if they believe there has in fact been a violation of the Conflict of Interest Act.

Let's just examine the process that you follow, though. If you do receive a request under the act and that request gives you reasonable grounds, you can proceed then into an examination immediately.

Ms. Mary Dawson: It's automatic, as a matter of fact. It's not even a decision of mine.

Mr. Pierre Poilievre: Once the grounds are there, the examination occurs.

Ms. Mary Dawson: If the grounds are there, and the request is in proper form, we're there.

Mr. Pierre Poilievre: The examination commences.

Ms. Mary Dawson: Yes.

Mr. Pierre Poilievre: All right, and the same is true of a referral, if a referral comes in and there are reasonable grounds.

Ms. Mary Dawson: There's no formal thing called a referral.

Mr. Pierre Poilievre: Either way.... But if information of any kind comes to your office that gives you reasonable grounds, you are automatically in a state of examination.

Ms. Mary Dawson: No, only if there's been a request.

Okay, if a member formally submits a request and there are reasonable grounds underpinning that request, examination is automatic. If I notice something in the newspaper, or if somebody sends me a letter and it's not a request, I'll look at it and think about it.

Mr. Pierre Poilievre: And if there are reasonable grounds...?

Ms. Mary Dawson: If in the final analysis I'm satisfied there are reasonable grounds, I would proceed to a self-initiated examination if nobody has sent in a request.

Mr. Pierre Poilievre: Okay. We're travelling a long distance to get to the same place. The point is that regardless of how you get the information, if you believe that it gives you reasonable grounds, an investigation automatically follows. That's what I'm hearing from you.

Ms. Mary Dawson: No, it's not quite that way.

In one case, it happens like a flick of a switch because it's coming from a member. But if it hasn't come in from a member, it's up to me to decide whether.... It boils down to something very similar, but the thing is that I might want to take a week to think about whether the grounds are really reasonable. I guess it's the same in the case of a

member, because I have to think about whether they're really reasonable. But the only thing that on the face of the act looks to be automatic occurs when a member brings it in.

•(1215)

Mr. Pierre Poilievre: So the major distinction between the process resulting from a referral and from a request is that with a referral of information or some other transmission of information that is not in form of a formal request, the only difference is that you might take a little bit of extra time to think about it. But ultimately, if there are reasonable grounds, you then proceed with an examination. Is that the case?

Ms. Mary Dawson: It's a little bit more complicated in one way. It's the member.... The way this thing is drafted, it says "a member who has reasonable grounds to believe". So it's the member's reasonable grounds, but—

Mr. Pierre Poilievre: That's under the request. I'm talking about referrals, though.

Ms. Mary Dawson: A referral is not an official thing of any kind; it's just some information I've received.

The Chair: Okay, thank you.

Ms. Mary Dawson: There's no reference to "referral" in this act.

The Chair: And I was going to raise that with you. I think all of the members have raised the same issue. "Referral" just happens to be—

Ms. Mary Dawson: It's a word.

The Chair: —a word. It's not mentioned in the act. A request is, and it has a special form. A referral could be any information that someone gives to you, and you may or may not do anything with it.

Ms. Mary Dawson: That's right.

The Chair: Okay. Don't say anything more, please. I like that answer.

Voices: Oh, oh!

The Chair: Is there a difference—and please give me a little latitude, colleagues—in the activities that you would undertake in an inquiry versus an examination?

Ms. Mary Dawson: There is, just in the start-up. An inquiry doesn't start until I've gone through the 30-day period and the 15-day period. Under the act, there's no allowance—

The Chair: Okay, that's the "pre" thing. But in terms of the latitude and the scope of what you would do, it would be the same under both?

Ms. Mary Dawson: It's exactly the same.

The Chair: Thank you.

Now, here is one last question, just for clarification: what did the Prime Minister send to you?

Ms. Mary Dawson: He sent me a letter.

The Chair: It was a referral...general information?

Ms. Mary Dawson: He just sent me a letter.

The Chair: It wasn't a request for you to do anything?

Ms. Mary Dawson: No, he was telling me about something.

The Chair: Thank you. I understand now.

Mrs. Simson, please.

Mrs. Michelle Simson (Scarborough Southwest, Lib.): Thank you, Chair.

I guess I'm still confused—not with respect to the act.

The PM sent you a letter that you testified contained no allegations, and there was no request for you to start an investigation. Was it a blank piece of letterhead? I don't mean to be facetious, but what would be the purpose of a letter that you said had no allegations and didn't even contain a request to initiate an investigation?

Ms. Mary Dawson: It referred me to other people who would have information for me.

Mrs. Michelle Simson: Were you at all intrigued by the fact that there were no allegations, no request, but he removed a minister and kicked her out of caucus? Does it not seem a little odd that there are no allegations, there's no request, but then there's this action that's been taken by the Prime Minister himself?

Ms. Mary Dawson: I don't know the reasons. I didn't know any reasons at that point. I was told that if I contacted somebody, they might tell me some information that I should take into account.

Mrs. Michelle Simson: So it could have been an anonymous letter. It didn't have to be the Prime Minister.

Ms. Mary Dawson: No, it could have been anybody.

Mrs. Michelle Simson: At the time that you received this letter, were you aware that this matter had also been referred concurrently to the RCMP?

Ms. Mary Dawson: Yes, I believe I was aware of that.

Mrs. Michelle Simson: Did the letter indicate that this matter had been referred to the RCMP?

Ms. Mary Dawson: Do you know, I can't remember. But it certainly was all over the press that it had gone to both me and the RCMP. It may well have done so.

Mrs. Michelle Simson: Okay.

With respect to gathering evidence, what I'm gathering is that you rely quite heavily upon press reports that may or may not be accurate.

• (1220)

Ms. Mary Dawson: Well, I was aware of the press reports. I read the paper sometimes, but—

Mrs. Michelle Simson: But at the time you got the letter, did the Prime Minister indicate that the RCMP was going to be notified about this matter?

Ms. Mary Dawson: I can't remember, but that was probably the case. I can look at the letter. I can't remember; it may well have done so. But certainly there were press reports that it had been referred to both of us.

Mrs. Michelle Simson: Okay.

I understand that your office, once the RCMP... I just want to get this straight. If the RCMP is notified at the same time you are, does

that preclude your starting your own investigation, based on the fact that you both get the same letter?

Ms. Mary Dawson: No. There's a provision in the code or act—both—that says that if an investigation is commenced under an act or a criminal investigation, I have to discontinue anything I'm doing.

Mrs. Michelle Simson: I understand that, but there may or may not have been enough.... And based on the fact there were no allegations, nothing, I would argue that there was no police investigation. Would that preclude you, just by virtue of the fact that they were notified?

Ms. Mary Dawson: No.

Ms. Michelle Simson: So you would be allowed to continue?

Ms. Mary Dawson: Yes. I might hesitate a little bit to see whether an investigation was about to start under the RCMP, but it wouldn't preclude my starting something.

Mrs. Michelle Simson: So based on what you had, it was fairly quickly that you made the decision that there was nothing you could investigate, based on the Prime Minister's letter, which had no allegations and no request?

Ms. Mary Dawson: No, but with the information I did have in that letter, which was that somebody else had some information, we certainly followed up on it.

Mrs. Michelle Simson: And you concluded that there wasn't enough evidence?

Ms. Mary Dawson: Yes. We followed up with whatever we had

Mrs. Michelle Simson: But that you were going to monitor the press.... I believe I read that you would continue to monitor the press to determine whether that situation would change.

Ms. Mary Dawson: Well, it was not only the press, but any information I got from anybody.

Mrs. Michelle Simson: So an investigation sits in limbo?

Ms. Mary Dawson: Yes. I don't wantonly take on investigations unless I have a reason to do so.

Mrs. Michelle Simson: But again, were you not alarmed by the fact that the RCMP had been contacted as well? Would that not be compelling enough for you at least to start a preliminary investigation?

Ms. Mary Dawson: No, I think I have to have some information that goes to whatever the hell the problem was.

The Chair: Thank you very much.

Mr. Poilievre, *s'il vous plait*.

Mr. Pierre Poilievre: Any member of the House can give information to you, even if they don't make a formal request. Is that correct?

Ms. Mary Dawson: Sure, anybody can give me information. The man on the street can give me information. I get lots of letters from people who are private citizens.

Mr. Pierre Poilievre: Right. And if that information gives reasonable grounds, you are empowered to commence an examination?

Ms. Mary Dawson: That's right, and that's the word: "empowered", not required.

Mr. Pierre Poilievre: Right. That's all I was trying to extract earlier on.

Ms. Mary Dawson: All right.

Mr. Pierre Poilievre: You said you followed up. You said the letter that you received indicated that someone else had some information.

Ms. Mary Dawson: Yes.

Mr. Pierre Poilievre: And did you contact that someone else?

Ms. Mary Dawson: My office did.

Mr. Pierre Poilievre: And in contacting that other individual, you were not able to extract enough information from him or her to have reasonable grounds for an examination?

Ms. Mary Dawson: That's exactly correct.

Mr. Pierre Poilievre: All right. Thank you.

I'm now going to turn my attention to your budget. It is indicated here that you are seeking a budget for 2010-11 of \$7.1 million?

Ms. Mary Dawson: Yes.

Mr. Pierre Poilievre: And in the last fiscal year, 2009-10, you received \$7.1 million, but only used \$5.7 million.

Ms. Mary Dawson: That's correct.

Mr. Pierre Poilievre: It seems that consistently you have come in under budget.

Ms. Mary Dawson: Yes, but this was a new office, as of almost three years ago now, and a lot of staffing needed to be done.

• (1225)

Mr. Pierre Poilievre: You don't have to be defensive. It's a good thing to come in under budget.

Ms. Mary Dawson: Sure. I'm not defensive, I'm just explaining.

Mr. Pierre Poilievre: I'm asking for information purposes. It seems as if you are coming in well under budget and your actual spending seems to have risen only modestly. It seems that from the 2007-08 year you had \$5.1 million and in 2009-10 you used \$5.7 million.

Ms. Mary Dawson: Yes, that's correct.

Mr. Pierre Poilievre: Forgive me, I don't have my calculator here, but is that growth in line with the broader budgetary increases that have occurred across government?

Ms. Mary Dawson: I'm not quite sure where you're at.

The increase in the expenditures relates to the increasing staff.

Mr. Pierre Poilievre: Okay. So as your office has grown into the role that was mandated in the Federal Accountability Act, you have taken some time to reach capacity and slowly that has increased?

Ms. Mary Dawson: That's right, and we're just about there now.

Mr. Pierre Poilievre: Good. All right.

I'd be prepared to turn the remainder of my time over to anybody who needs it. Anybody?

The Chair: We'll carry on.

Yes, Mr. Siksay wants it.

Madame Thi Lac.

[*Translation*]

Mrs. Ève-Mary Thāi Thi Lac: Commissioner, based on what you stated earlier, the letter sent to you by the Prime Minister contained no allegations. Furthermore, there was no document appended to it. There was a letter, but no allegations and no attachment. Did I understand correctly?

[*English*]

Ms. Mary Dawson: That is correct.

[*Translation*]

Mrs. Ève-Mary Thāi Thi Lac: I am going to quote a question that my colleague for the riding of Montmorency—Charlevoix—Haute-Côte-Nord recently asked in the House of Commons: When will the government confirm that it is these allegations of influence peddling that were forwarded to the RCMP?

The answer given by the minister of Foreign Affairs was the following:

Mr. Speaker, I want to remind the members of this House that the Prime Minister acted as soon as he was made aware of these allegations. He forwarded the documents and the allegations to the Conflict of Interest and Ethics Commissioner so that she could take the necessary action; he also referred them to the RCMP. The Prime Minister did the right thing under the circumstances.

You have just denied having these allegations and documents in your possession. The minister of Foreign Affairs says that you have them in your possession.

[*English*]

Ms. Mary Dawson: I'm not sure which allegations we're dealing with.

The original letter from the PM...

[*Translation*]

Mrs. Ève-Mary Thāi Thi Lac: Commissioner, we are not just talking here of a letter, but also of documents forwarded to you. The minister of Foreign Affairs says that the Prime Minister did exactly what he had to do. He provided you with the documentation and the allegations. You say that, in his letter, he says that an individual had knowledge of certain things. In the House, it was stated that the Prime Minister was made aware of the allegations and that he provided them to you. You are denying this information?

[*English*]

Ms. Mary Dawson: I am saying I got a very short letter that said there were some serious concerns, and that if I wanted to find out more about them, I could contact this person.

[*Translation*]

Mrs. Ève-Mary Thāi Thi Lac: The answer provided in the House by ministers was that the documents were provided to you by the Prime Minister's Office, but that is false?

[*English*]

Ms. Mary Dawson: I didn't make that statement in the House. I received a letter.

[*Translation*]

Mrs. Ève-Mary Thaï Thi Lac: No, I said that the ministers had, in the House, answered that the Prime Minister has supplied documents to you. But this is false. The Prime Minister did not forward documents to you. That is what I want to know.

Did he forward documents to you, yes or no? Are the ministers lying to us in the House, or do you have the documents and...

[*English*]

Mr. Pierre Poilievre: Point of order, Chair.

• (1230)

The Chair: I think I understand.

Madam, the rules in this committee are applied the same as in the House, and to suggest that any one specific person has been lying is unparliamentary. Maybe you could withdraw that word.

[*Translation*]

Mrs. Ève-Mary Thaï Thi Lac: Very well. I withdraw that statement.

Is it possible that we were misled...

[*English*]

Mr. Pierre Poilievre: No, that's not the point of order.

The Chair: I'm going to have to hear this.

Mr. Pierre Poilievre: The questioner is asking the witness to comment and render judgment on other comments that she does not have in front of her. That is an entirely unfair demand to make of the witness. She is providing us with information that she has, not commentary on House of Commons debate.

The Chair: Thank you. I understand the point.

Our practice has always been that the committee will not decide what the witness will answer or not answer. The witness is very aware of what they can or cannot say, and it's up to Ms. Dawson to determine whether she can respond to the question.

[*Translation*]

Mrs. Ève-Mary Thaï Thi Lac: I will ask my question differently. Were documents forwarded to you by the Prime Minister's Office, yes or no?

[*English*]

Ms. Mary Dawson: I have one letter that I received from the Prime Minister.

[*Translation*]

Mrs. Ève-Mary Thaï Thi Lac: There is mention of "documents", in the plural. You are confirming that you do not have these documents?

[*English*]

Ms. Mary Dawson: It does not relate to the matter you're concerned about.

[*Translation*]

Mrs. Ève-Mary Thaï Thi Lac: Very well.

He indicated that the Prime Minister apprised you of these allegations and that he himself forwarded them to you. You are confirming that such is not the case.

[*English*]

Ms. Mary Dawson: I can't remember if the word "allegations" was used, but there was reference to there being a matter of serious concern, and that if I wanted to find out more about it I could contact a certain individual.

The Chair: Thank you.

Mr. Siksay, please.

Mr. Bill Siksay: Thank you, Chair.

Madam Dawson, is it often when things land on your desk without a formal request that you look into them?

Ms. Mary Dawson: It's not infrequent.

Mr. Bill Siksay: Is it unusual that you would have something like that from the Prime Minister's Office?

Ms. Mary Dawson: It's quite unusual.

Mr. Bill Siksay: Is it possible that you could table the letter that you received from the Prime Minister with the committee?

Ms. Mary Dawson: I'm not sure.

Mr. Bill Siksay: Could you check into that to see if that's possible? It seems it's quite important that we understand exactly what the Prime Minister wrote to you, although I think you've explained it quite clearly. It doesn't sound like there's much more or that it was a very long letter, and it wasn't making a specific request of you.

Ms. Mary Dawson: I'll see what I can do there. I'm not sure.

Mr. Bill Siksay: With regard to the question of your ability to investigate when the RCMP is investigating, do you know at this point whether the RCMP is indeed investigating?

Ms. Mary Dawson: No, I don't know.

Mr. Bill Siksay: How would you find out if the RCMP were investigating something?

Ms. Mary Dawson: I don't think they'd tell me. I don't know.

Mr. Bill Siksay: So normally in a situation like this you would proceed until...

Ms. Mary Dawson: Until I knew.

Mr. Bill Siksay: You could, in fact, rule before the RCMP made public any charges or disposed of an issue.

Ms. Mary Dawson: Yes.

They would make public whether they were investigating when they felt it was appropriate. We wouldn't make that public through my office; it wouldn't be appropriate.

I would think it would become public knowledge at the same time that I found out.

Mr. Bill Siksay: So you have no ability to find that out sooner. You would do the same investigation no matter what.

Ms. Mary Dawson: Right.

Mr. Bill Siksay: Okay.

You often use the phrase “reasonable grounds” when you're talking about making a decision in these issues. How do you define “reasonable grounds”? What's your take on what reasonable grounds would be?

Ms. Mary Dawson: That's standard legal terminology, and it's full of “depending on the circumstances” issues. Reasonable grounds is a well-known legal term and reasonable grounds means reasonable grounds. It's very difficult to give you more than that.

How can I explain reasonable grounds? Reasonable grounds has a plethora of legal precedent behind it. It's just enough to make it appear that there are grounds to suspect or to believe. I don't know what else to say.

• (1235)

Mr. Bill Siksay: One of the things that you would take into consideration is to make sure this wasn't vexatious or frivolous. Is that part of your decision-making in terms of reasonable grounds?

Ms. Mary Dawson: Right. There are requirements in both the act and the code that I should have an eye to whether something is frivolous or vexatious.

Mr. Bill Siksay: Now, with regard to your staffing, do you have the staff capacity to undertake investigations in a timely manner and to respond to emerging requests for investigation on emerging situations?

Ms. Mary Dawson: As I mentioned in my opening remarks, we never know how many investigations we're going to be required to undertake, so we have to find a balance between having too many staff and too few staff. The way my office is organized, a number of people are involved at one level or other in helping with preparing reports and getting the investigations dealt with. When we're dealing with a lot of investigations, they move off other jobs. Our staff, to some extent, is flexible as to what they're working on.

So far, we're coping. We do have a lot of investigations under way at the moment, and they're complicated particularly by the fact that a number of them are under both the act and the code simultaneously, which have different rules. But we're coping at the moment with the number of staff we have.

Mr. Bill Siksay: Are you currently undertaking any self-initiated investigations?

Ms. Mary Dawson: Not at the moment.

Mr. Bill Siksay: There are a number of sets of guidelines that pertain to members of Parliament, ministers, ministers of state, parliamentary secretaries, public office holders. We have a number of different definitions of public office holders through various pieces of legislation as well.

You deal with the MPs' code and the Conflict of Interest Act, but there is also a key document called *Accountable Government*, for which the Prime Minister is solely responsible for overseeing and taking action. Do you see the set of standards in that document as more comprehensive for public office holders, ministers and ministers of state, than either the MPs' code or the Conflict of Interest Act?

Ms. Mary Dawson: No; it deals with different issues, in large measure.

Mr. Bill Siksay: Do you see the Prime Minister's ability to uphold or enforce that code as being a more streamlined process than you would have to go through under either the Conflict of Interest Act or the MPs' code?

Ms. Mary Dawson: I haven't studied that recently, but those are guidelines, I believe. It's a code, as opposed to being a piece of legislation. Off the top of my head, I don't think procedural matters are dealt with in those guidelines; it's more about rules or guidelines.

Mr. Bill Siksay: And is the Prime Minister solely responsible for enforcing them?

Ms. Mary Dawson: The Privy Council Office is—anyway, the mechanisms of the government are.

The Chair: Thank you.

Mrs. Davidson, please.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thanks, Mr. Chair.

Thanks very much, Commissioner and your colleagues, for being with us again today. Certainly we've heard a lot of interesting information, some of it a little confusing, but I think we're getting there.

I have been looking at your website and trying to keep track of the work and the reports coming out of your office. You talked a little bit in your opening remarks about your mandate. What gives you that mandate? What gives you the authority?

Ms. Mary Dawson: The act and the code, and the Parliament of Canada Act has something about it too.

Mrs. Patricia Davidson: I forgot to say that I'm going to be splitting my time with Madam Block.

In looking at your estimates, which are why you are here today, I too would like to commend you for the way you have been handling things within your department. It looks as though there have been a lot of accomplishments. As you said, you've been slowly ramping up to come to your full complement of staffing. I noticed, as my colleague pointed out, that your budget requests have remained the same, that you're not requesting anything else.

Is there anything you can think of that might cause a blip in this and that you haven't included? Do you see anything that may be coming up? And I'm not asking you to predict the future.

Ms. Mary Dawson: The only thing, or the big uncertainty that I mentioned, is the number of investigations I have to be involved in. There's an inherent uncertainty in that. So far, we're managing.

• (1240)

Mrs. Patricia Davidson: Okay.

We know your office was created through the Federal Accountability Act. You were set up in 2007, I believe.

Ms. Mary Dawson: Yes. The Conflict of Interest Act, my act, came into force in July 2007.

Mrs. Patricia Davidson: What would you think your greatest accomplishment would be since you started?

Ms. Mary Dawson: Oh, gosh, that's hard to pick, there are so many.

I would say one of the most difficult things was getting the office staffed with good staff, and I think that's been an accomplishment.

We've found ways of being open, and we really do feel it's very important to be as transparent and open as we can. I take great pains with my annual reports, both under the code and the act, to give information about what I see as issues and what I think is important. And I'm using my website more.

I would say it's communications, and getting my office staffed.

Mrs. Patricia Davidson: Great, thank you.

I'll now pass to Ms. Block.

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

I welcome you here this morning. I have a number of questions, not necessarily related one to the other, so I'll try to get in what I can.

At our last ethics committee meeting my colleague noted there were a number of different definitions for public office holder. What I want to know from you, Ms. Dawson, is if you could share how your office defines "public office holder".

Ms. Mary Dawson: Yes, there is a definition in the act, actually. It's quite long, but complete. I don't think you want me to read it, but basically the definition section 2 of the act defines public office holder. And then there is a subsequent definition of a "reporting public office holder". It includes basically ministers, ministerial advisors, all Governor-in-Council appointees, who are the biggest group, and there is a total of approximately 2,600 public office holders. There is about 1,100 reporting public office holders.

Mrs. Kelly Block: Thank you.

You've also talked about one of your greatest accomplishments as getting your office staffed. We have received and reviewed your organization chart and note there are still some vacancies. Do you have a plan to continue to fill those vacancies in your office?

Ms. Mary Dawson: Yes. There are very few vacancies left—I think there are three—and one is in my office.

Where are the other two, Denise?

Ms. Denise Benoit (Director, Corporate Management, Office of the Conflict of Interest and Ethics Commissioner): Actually, there is one in learning and communications, and the last one is in legal, but it's an articling student position.

But we do have a strategy. We implemented last year a development program for advisors, because the compliance advisors are probably the more specific positions in our organization. In the last year we implemented a development program where we're bringing in people who are a bit more junior and we will develop them over the next two years. We came to the realization that it was hard to find someone who is already fully qualified, so we're developing them in-house instead.

The Chair: Thank you.

Ms. Foote, please.

Ms. Judy Foote: Thank you.

Mrs. Dawson, I want to go back to the whole issue around allegations, and what you received in terms of a letter or a referral from the Prime Minister's Office. Further to what my colleague said earlier, in addition to the Minister of Foreign Affairs saying that in fact you were notified of the allegations, on April 12 in the House of Commons on three occasions the Minister of Transport said:

Those allegations were forwarded to officials at the RCMP and with the Office of the Ethics Commissioner here in Ottawa.

So you're telling us that what you received in fact was a letter of referral that indicated that you should contact this particular individual and you were given the phone number.

Ms. Mary Dawson: Yes. Actually maybe I should say the letter came from the Prime Minister's Office. It actually wasn't signed by the Prime Minister.

Ms. Judy Foote: That's fine. I'm sure the Prime Minister was aware of the letter.

Ms. Mary Dawson: Yes, and the letter indicated that.

Ms. Judy Foote: Thank you.

So specific allegations you weren't aware of, even though we're being told that the allegations were forwarded to your office.

Ms. Mary Dawson: Yes, I was told that there were concerns, or something, and that I could contact this individual to find out more about it.

• (1245)

Ms. Judy Foote: Was there just one name of one individual who it was suggested you contact?

Ms. Mary Dawson: There was the one individual who it was suggested I contact. There was one other individual mentioned in the letter.

Ms. Judy Foote: Did you contact both individuals?

Ms. Mary Dawson: Yes.

Ms. Judy Foote: Okay. Can I ask you what you found out from those individuals?

Ms. Mary Dawson: Very little.

Ms. Judy Foote: In terms of allegations as such?

Ms. Mary Dawson: That's right.

Ms. Judy Foote: You mentioned that under the act, if the RCMP is conducting an investigation, that would take precedence over...

Ms. Mary Dawson: I have to discontinue anything I'm doing when there's an investigation going on by the RCMP.

Ms. Judy Foote: Okay.

I need some clarification on this, because the act says "The Commissioner shall immediately suspend an examination under", and it gives paragraphs (a) and (b), and goes on. It says you suspend if there is a charge laid by the RCMP. You can continue unless there is a charge laid by the RCMP.

Ms. Mary Dawson: It says “The Commissioner shall immediately suspend an examination under section 43, 44 or 45”. That's all of them.

Ms. Judy Foote: I'm looking at paragraph 49(1)(b) here.

Ms. Mary Dawson: Paragraph 49(1)(b) says if it is discovered that the subject-matter of the examination is also the subject-matter of an investigation “to determine whether an offence referred to in paragraph (a)” —which is one that is under an act of Parliament—“has been committed or that a charge has been laid in respect of that subject-matter”.

Yes.

Ms. Judy Foote: But at this point, there has been no charge.

Ms. Mary Dawson: Not to my knowledge.

Ms. Judy Foote: Not to your knowledge.

So why, then, are you not continuing your investigation?

Ms. Mary Dawson: I haven't the reasonable grounds.

Ms. Judy Foote: Okay, and we've already had that discussion of what constitutes reasonable grounds.

Ms. Mary Dawson: Yes.

Ms. Judy Foote: Okay.

Given that there is so much in the media about this issue, and in other locations as well, is that not enough for you to initiate an investigation?

Ms. Mary Dawson: I don't think my office is responsible to do witch hunts. I mean, no, I don't have information.

Ms. Judy Foote: Okay, I guess we're not suggesting that it's in any way, shape, or form a witch hunt. The reality is that the Prime Minister and ministers of the crown have said there are allegations; and given that there are allegations that suggest there's something terribly wrong here, if it meant the Prime Minister would remove a minister from the cabinet and from caucus, I think that's more than a witch hunt.

So my question is, is that not enough for you to self-initiate an investigation?

Ms. Mary Dawson: Well, there are two things here. First of all, I have to know that whatever these allegations are, they are allegations that relate to the matters I'm responsible for administering under the code or the act. So I have to find out what they are in order to figure out, under my act or my code, whether I have jurisdiction to deal with them.

I forget the second point, but basically—

Ms. Judy Foote: How do you go about finding that out, if you're not conducting an investigation?

Ms. Mary Dawson: Oh, yes, that's the second point. If there are suggestions that there are problems, I'll do everything I can to figure out what those problems might be, but I can't manufacture them out of thin air.

Ms. Judy Foote: Okay, and are you doing that now? Because there are suggestions that there are problems.

Ms. Mary Dawson: Yes. Any information we get, we continue to monitor, however we get it.

Ms. Judy Foote: You said there were a couple of names in the letter that came to you from the PMO, not necessarily from the Prime Minister. Who was the other person?

Ms. Mary Dawson: It was the Conservative Party's lawyer, Mr. Hamilton; and the other person was Mr. Snowdy.

Ms. Judy Foote: And you've contacted both individuals?

Ms. Mary Dawson: My office did.

The Chair: That's it, sorry.

Mrs. Block, please, for the final question.

We are going to be completing the meeting by one o'clock. There are other commitments for the members.

Mrs. Kelly Block: Thank you, Mr. Chair.

Ms. Dawson, can you tell me, is it up to the requester to identify whether they are appealing to or making a request under the act or the code, or do you make that determination?

Ms. Mary Dawson: No. They have to establish what section they think has been contravened.

As I say, any information that I get, I don't ignore. So if I think of something that might be a problem under some other section they haven't thought of, that might be one way I would self-initiate or add to the body of what I was investigating.

• (1250)

Mrs. Kelly Block: Does the code currently provide you with enough time to complete your duties?

Ms. Mary Dawson: It doesn't have a deadline.

Mrs. Kelly Block: I thought perhaps you had 30 days to hear back, and then within 15 days you needed to....

Ms. Mary Dawson: It's interesting. It used to be 10 days and it's just been moved up to 15 days because it was really pretty tight. It's what I have. I have to take a decision after that.

Mrs. Kelly Block: You stated in your opening remarks that in recent months you have been involved in a number of investigations, each one of which must be given due process, and some of which have been quite complex.

Do you have any concerns about your workload right now in your department?

Ms. Mary Dawson: As I said, we're coping. It's been quite heavy. When we get a lot of investigations, other things we would like to be doing—like putting more stuff up on our website—fall by the wayside to some extent. We'll pick that up if and when the volume of investigations is reduced. If this is chronic for a number of years, maybe we will come back for more resources.

Mrs. Kelly Block: You also noted in your opening remarks some of the really good things you're doing in taking a new coordination role in the Canadian Conflict of Interest Network, and also involvement with the U.S.-based Council on Governmental Ethics Laws, COGEL. I wonder if you would like to highlight for the committee any challenges you are facing in your work as the Conflict of Interest and Ethics Commissioner.

Ms. Mary Dawson: I think the biggest challenge our office has is responding to questions about what we're doing, because so much of it is confidential. One of the biggest challenges is satisfying people that we really are investigating what we ought to be investigating; that we're doing a good job and working hard.

There are a lot of people who like to criticize, but the fact is these are people's lives we're dealing with. They should be kept confidential where they ought to be kept confidential. In due course, reports will come out and what we have to say will be said. We're not a kangaroo court. We do these things carefully and deliberately, and hope we do a good job. But that's the biggest challenge.

Mrs. Kelly Block: Thank you so much.

The Chair: Thank you, Ms. Dawson. We have to terminate this meeting at one o'clock. We have the votes to take. We finished a complete round, so I'm not going to move on to another one.

I would like to ask about the letter, since Mr. Siksay raised it. You had indicated that the Prime Minister did not sign it; it was sent by his office.

Ms. Mary Dawson: Yes.

The Chair: It basically said, "Here's some information. If you want more information there are a couple of people you can contact." But it didn't detail the allegations themselves.

Ms. Mary Dawson: No.

The Chair: Okay. I suspect the committee would probably like to have a copy of the letter. If that's not possible for a specific reason, maybe you could advise us of the reason. But still provide us with what information in the letter you can confirm to us the best you can. I understand you have rules to follow.

Colleagues, I think we've had a robust conversation about the estimates, and I now have to put the vote.

Shall vote 15 under Parliament, less amounts voted in interim supply, carry?

PARLIAMENT

Office of the Conflict of Interest and Ethics Commissioner

Vote 15—Program expenditures.....\$6,338,000

(Vote 15 agreed to)

The Chair: Shall I report the estimates to the House?

Some hon. members: Agreed.

The Chair: Thank you, colleagues.

We're adjourned.

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