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—
Chair

Mr. Pat Martin

Standing Committee on Access to Information, Privacy and Ethics

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• (1100)

[English]

The Vice-Chair (Mrs. Patricia Davidson (Sarnia—Lambton, CPC)): We'll call this meeting to order.

The order of the day, pursuant to Standing Orders 110 and 111, is the certificate of nomination of Mary Elizabeth Dawson to the position of Conflict of Interest and Ethics Commissioner, which was referred to this committee on Thursday, June 5, 2014.

Welcome, Ms. Dawson.

Do you have some opening remarks for us?

[Translation]

Ms. Mary Dawson (Nominee for the position of Conflict of Interest and Ethics Commissioner , As an Individual): Thank you.

Madam Chair, thank you for inviting me to appear before the committee today, as it studies the question of renewing my mandate as commissioner.

I was originally appointed to the position of Conflict of Interest and Ethics Commissioner, and took office July 9, 2007, the same day the Conflict of Interest Act came into force.

[English]

Prior to my time as commissioner, I enjoyed a long career in the public service as a lawyer with the Department of Justice. I spent part of my Department of Justice career as a legislative drafter, and the rest as a public law lawyer with particular emphasis on constitutional law. I was privileged to be directly involved in some of the key files that have shaped Canada's constitutional and legal framework.

My last position with the department was that of associate deputy minister, and I retired from the department in 2005.

In 2007, I accepted the appointment as Conflict of Interest and Ethics Commissioner. As commissioner, I continued to work in the field of law, but through a different lens, interpreting and administering both the act and the conflict of interest code for members of the House of Commons, which has been in place since 2004.

I have now served as commissioner for nearly seven years, and have met with this committee on many occasions to discuss the mandate, activities, and budget of my office. My annual reports for the 2013-14 fiscal year under both the act and under the members' code were tabled in Parliament last week. In my reports, I took the

opportunity to review many of the achievements of my office since my appointment. I would like to briefly highlight some of these now.

When I became commissioner, my intention was to ensure that the act and the members' code were interpreted and applied fairly and consistently, with clarity and common sense. I also sought to ensure that public office holders and members received the support they needed from my office to achieve and maintain compliance with the two regimes. In support of this, I have pursued a number of priorities, including establishing the new administrative monetary penalties regime that was instituted under the act, organizing the operations and staffing of my office, improving the public registries under the act and members' code, and establishing a case management system. I continue to regularly review organizational and technical needs to ensure that the office is well positioned to deliver on its mandate.

In applying the act and the members' code, I view my role as being primarily to advise, inform, and try to prevent contraventions. Indeed, my office is organized to support this emphasis. Nearly half of all employees in my office are engaged in advisory or outreach activities.

[Translation]

In order to provide guidance to public office holders and members on their obligations under the two regimes, I have issued a number of guidelines, information notices and advisory opinions.

My staff and I have also made numerous presentations to groups of individuals subject to the act or members' code.

In addition, I have ensured that the office website is updated regularly with information for public office holders and members.

• (1105)

[English]

I also have a mandate to enforce compliance. Over the years, I have issued a number of compliance orders, imposed administrative monetary penalties under the act, and when necessary have investigated possible contraventions of the act and the members' code. Since 2007, I have issued reports on 17 examinations under the act and six inquiries under the members' code.

I am pleased to say that my office can now draw on a significant body of work that includes precedents, procedures and interpretations that form a solid framework for future progress. Our engagement with other domestic and international jurisdictions also continues to grow and to inform our work. We respond regularly to inquiries and requests from government officials and ethics practitioners in other countries seeking information about the Canadian regime, and from members of the public and the media who wish to know more about our mandate and operations.

I have over the years developed my own views on how well the act and the members' code work. I have on a number of occasions, including several times before this committee, stated that at their core I believe both regimes work relatively well. I have also shared my views on areas in which I believe they may be enhanced or strengthened. My annual and investigative reports, as well as my submissions to this committee and to the procedure and House affairs committee for the five-year reviews of the act and the members' code, provide clear statements of my views and recommendations.

Over the years, my office and I have continued to develop solid internal management and policy frameworks to oversee human and financial resources, in line with public sector practices and based on the principles of transparency and integrity. I am pleased to say that the annual audits of our financial statements have consistently resulted in positive evaluations.

In terms of my priorities moving forward, I plan of course to continue the day-to-day work of administering the act and the members' code. I look forward to seeing what changes may actually come from the five-year reviews.

I will ensure that all the cases that are under investigation are dealt with in as timely a way as possible.

Another priority will be to renew the public registries on the office's website. They will be updated using new technology to allow for greater search functionality and ease of use.

We will continue to work on documenting precedents through an internal practice manual, as well as internal processes, and on improving the way we manage electronic records.

We will develop a succession plan, and begin to implement a performance measurement framework to allow us to measure and report on results.

Finally, we will continue to assess our practices and procedures to ensure that we operate in an effective, efficient, and fiscally prudent manner.

I would be remiss if I did not comment on the fact that I have an excellent management team and dedicated employees within the office who have supported me in the delivery of my mandate over the past seven years. I thank them for their continued work.

[*Translation*]

In conclusion, I believe that my record as commissioner provides you with a solid indication of my approach to administering the act and members' code.

If confirmed, I intend to continue with the same approach of applying the act and the members' code with clarity, consistency and common sense.

[*English*]

Once more, I thank the committee for inviting me. I'll be pleased to answer any questions.

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much, Ms. Dawson.

We will now go to our first round of questioning.

Mr. Angus, you are first, for seven minutes, please.

Mr. Charlie Angus (Timmins—James Bay, NDP): Thank you, Madam Dawson, for coming to our committee again.

In one of your previous appearances, when we were looking at the Conflict of Interest Act, the issue of the rules around political fundraising came up. You said you had concerns, but you hadn't really defined any parameters, it seemed.

Have you given more reflection to that?

Ms. Mary Dawson: I'm sorry, but I'm having trouble hearing a little bit. You are asking about fundraising. Is it whether I have thought any more about it?

Mr. Charlie Angus: Yes. When you were here on the review of the Conflict of Interest Act, we raised questions, and questions had already been raised about what is and what is not appropriate in terms of political fundraising.

Ms. Mary Dawson: Right.

• (1110)

Mr. Charlie Angus: You said you had concerns, but you didn't have any real definitions. Have you examined that further?

Ms. Mary Dawson: I have suggested in my five-year review document that the government consider making ministers and parliamentary secretaries not do any fundraising at all, but that's as much as I've said.

There are issues, certainly, that arise around fundraising all the time, and sometimes they're quite difficult. In many circumstances, you don't know in advance who may be looking for something from you after the fact, and there are a number of rules engaged by that. Usually, when we give advice, we give them a written piece of advice and mention the sections that could be engaged subsequently.

That's about it.

Mr. Charlie Angus: One of the recommendations that the government brought forward on the conflict of interest review was to put all civil servants under the public office holders' rules.

Have you examined how that would actually be enforced and who it would include?

Ms. Mary Dawson: Yes. I found that a very surprising recommendation. I certainly read the minority report, which suggested that there would be something like 260,000 additional people whom my office would have to administer. That obviously says to me that it wouldn't be the same office. I found that a very surprising recommendation.

Mr. Charlie Angus: Have you looked further into it? For example, would someone working at a government call centre in Scarborough be under the same rules a parliamentary secretary or cabinet minister would be?

Ms. Mary Dawson: The way the recommendation read was anybody who is unionized and has a union that relates to the federal government, so I guess they would. I have not taken the time to itemize who would be under that and who would not. All I know is it would be a huge group of people, and I would be surprised if—

Mr. Charlie Angus: Someone working for PSAC who might be a floor cleaner in a government building would be under the same conflict of interest guidelines as a parliamentary secretary then, and you would have to administer the act.

Ms. Mary Dawson: Yes, well now, there are two kinds of people, of course. There is the reporting public office holder and the public office holder. There are more stringent rules for the reporting public officer, I would assume. I can't imagine how my office.... It wouldn't operate the way it operates with 260,000—

Mr. Charlie Angus: Would you be able to operate if you had to keep tabs on an extra 260,000 people?

Ms. Mary Dawson: No, I think it would have to be a rule-making body. It would be a totally different system, and somebody else would be administering it. Two-hundred sixty-thousand is a lot of people.

Mr. Charlie Angus: Right, keeping tabs.... Right now we're supposed to be compliant and public office holders have to follow through. Have you any idea how you'd even keep track of who these 260,000 people are?

Ms. Mary Dawson: No. I'm waiting with interest, and hope that it doesn't happen, I guess, to see what possible regime could be proposed. There are no details here, but I do see that the government has endorsed the report.

Mr. Charlie Angus: Yes.

As well, one of the questions that came up before was, if you're doing an investigation but then the RCMP steps in, you have to suspend your investigation. Now that the RCMP have ended their investigation into Nigel Wright, what is the status of your investigation of Mr. Wright?

Ms. Mary Dawson: My investigation is still suspended. There are actually two provisions in the Conflict of Interest Act that require suspension. One is if there's an ongoing investigation or case being held about an individual who I am also investigating, and the other one is if the same subject matter is being investigated, whether or not it's the same individual. It appears to me, from all that I'm aware of, that an investigation on the same subject matter is still going on.

Mr. Charlie Angus: My understanding from the RCMP was they were not investigating Mr. Nigel Wright, but that he was being held as a witness for something else, so even if he's a witness for another case, you would not continue in your investigation on whether it was appropriate for him to write that \$90,000 cheque.

Ms. Mary Dawson: Mr. Duffy is being investigated and that \$90,000 is involved in the investigation, so it looks to me like it's the same subject matter and nobody has disabused me of that view, so I think I am required to continue the suspension.

Mr. Charlie Angus: Okay, it's your interpretation then that the investigation is still around the \$90,000 and not just—

Ms. Mary Dawson: That's my understanding.

Mr. Charlie Angus: That's your understanding.

Okay, thank you very much.

The Vice-Chair (Mrs. Patricia Davidson): We will next move to Mr. Gourde, please, for seven minutes.

• (1115)

[*Translation*]

Mr. Jacques Gourde (Lotbinière—Chutes-de-la-Chaudière, CPC): Thank you, Madam Chair.

Thank you for being here today, Ms. Dawson.

As members of Parliament, we have had an opportunity to work with you and the people from your office over the past few years, and things have gone very well.

The members' budget includes hospitality expenses, which are used for welcoming people with whom the members meet and dine in their riding. Canadians sometimes wonder why there are such hospitality expenses and why MPs are fortunate enough to receive \$30 or \$40 to eat out with constituents or people they meet.

In terms of those meals, what would be the limit, ethically speaking? Sometimes, we have to meet with people who talk about their personal matters. They ask about programs. How must members protect themselves in terms of those hospitality expenses? What is the limit? Would it be better for us to pay for the meal or to let someone else pay for it?

Ms. Mary Dawson: I think I missed part of your question. You are asking what it would be best to do?

I am sorry, but could you repeat your question, please?

Mr. Jacques Gourde: Ethically speaking, would it be better for us to always pay for the meal of the person we are eating with or to let the person pay for our meal? People often offer to pick up the tab, but I think, ethically speaking, it would be better if we paid both bills or if each person paid their own bill. It is a grey area, so could you give all the members some advice on this issue?

Ms. Mary Dawson: It is always difficult to know the answer to this question. Having lunch is not strictly forbidden. You just have to be able to tell if it may appear that the person who paid for your meal tried to influence you. It is really a judgment call, on a case-by-case basis.

It also depends on your power as an MP. If you are simply receiving information over a meal, you can probably take the steps a member would normally take and that would be acceptable.

I recently wrote a long section about this in the December 2013 Paradis Report. I made a distinction between those who can do something to advance a cause and those who cannot. However, we must always examine each and every case. Most of the time, members of Parliament have far more latitude than parliamentary secretaries or ministers.

Mr. Jacques Gourde: In 2007, I am sure that you were able to see conflict of interest or ethical problems shared by all members. What are the most frequent problems that we need to pay attention to in the future?

We know that when we, as parliamentary secretaries, accept these responsibilities, if we have businesses, we must place them in trust, or another person has to look after them, and we can no longer buy shares on the stock market. There are things we must pay attention to.

What cases do you most often see and which ones do we need to pay attention to?

Ms. Mary Dawson: Are you talking about members of Parliament?

Mr. Jacques Gourde: Yes.

Ms. Mary Dawson: Most of the problems I have handled had to do with ministers and parliamentary secretaries. The MPs have no problem whatsoever if they work on behalf of constituents. However, if they vote on a bill and they receive something from someone, that might be a problem. The members need to say no if there is a conflict of interest.

Things are much easier for MPs than for ministers and parliamentary secretaries.

Mr. Jacques Gourde: Let's talk about the management of assets. All members who become parliamentary secretaries or ministers have a past. Some of them had businesses. Those businesses don't necessarily stop operating because someone becomes an MP in a riding. The procedures for those people to dissociate themselves from their businesses are rather complicated, but a sacrifice must be made.

Could that scare some Canadians and deter them from entering politics, given the requirement to pull away from their companies?

• (1120)

Ms. Mary Dawson: Are you still talking about MPs or are you talking about parliamentary secretaries?

Mr. Jacques Gourde: It could be either. If there is a distinction, please make it.

Ms. Mary Dawson: The MPs are not prohibited from owning a business or conducting business. Ministers and parliamentary secretaries are strictly forbidden to do so, unless I allow for an exception. I can do so for a non-profit or charitable organization. However, those are the only types of businesses they can be connected to.

In fact, I have made a recommendation for the requirement to be changed and to have a test to determine whether there is a conflict of interest. It seems that this committee has agreed with the recommendation or has made the same one. It also seems that the government has agreed with that. This is one of several

recommendations I have made that the committee has accepted. I have suggested that we change this rule that imposes an absolute prohibition on participation in those types of businesses.

[English]

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much, Mr. Gourde.

We'll now go to Mr. Andrews, please, for seven minutes.

Mr. Scott Andrews (Avalon, Lib.): Thank you, Madam Chair.

Ms. Dawson, first let me congratulate you on your seven years. Time does certainly fly. Thank you for your service, and now your continued service on your reappointment as commissioner.

I'd like you to reflect upon the statutory review that we did of the act and your impressions of what we actually came out with. From my point of view, the report hardly reflected some of the testimony that we did hear from you and others. Can you give me some sort of idea of your disappointment or pleasure with the report that was tabled by this committee on the review of the act?

Ms. Mary Dawson: Yes. I was rather disappointed with the report.

There were a few things that were accepted, but there were a few things that seemed to be quite problematic, the first one being the public office holder definition, which I've discussed already. What would be envisaged there would be an entirely different system, it seems to me, if that's the route the government decides to take. Of course, if Parliament approves it, anything can be done, but it certainly isn't anything like the office I run.

There were a number of things I had proposed that I thought were fairly important and that didn't get picked up at all, such as the public office holders having some measure of reporting responsibilities. That's as opposed to reporting public office holders. I thought it would be very helpful for people with post-employment rules, particularly the one-year or two-year...whatever you call that—

Mr. Scott Andrews: The moratorium.

Ms. Mary Dawson: Whatever you call that period of one or two years, it would be a good idea to have, I think, some reporting during that period on what you're up to.

I also had a fair bit to say about the divestment of controlled assets. I find that those rules are too broad. They apply to anybody who is a reporting public office holder. It includes chauffeurs. It includes all sorts of people that are drawn into the ministerial office. I think the more usual conflicts with that rule—or not conflicts—the usual places where it gives some people some trouble is with board members who don't have a particular connection with any.... They may have shares in some company, but they have absolutely nothing to do with that company in their day-to-day work. I think there's absolutely no discretion given to me to decide that I don't need to apply those rules, and of course it costs the government to repay the trustee fees, etc. That's one that didn't get mentioned.

Also, on the fundraising provisions, there was nothing said in the report here about them. I suggested as well that on the administrative monetary penalties, it's a little bit odd that they apply only to the limitation period, the delays for getting notices in, although there is a place for those regimes. I wondered whether there's a couple of substantive breaches that might be drawn into the administrative monetary penalty scheme when it's an open-and-shut case and there's no need for a full report to be made.

I also dropped the idea, in both the code and the act's five-year review.... There's concern about partisan activities sometimes going overboard. I'm not sure that my office would be the place to administer a code on partisan activities, but it seems to me that some attention should be given to at least establishing some guidelines or rules about partisan activities and behaviour of members.

I made also a whole bunch of suggestions for technical amendments, but I don't think the committee necessarily dismissed them; I think they just didn't.... Anyway....

A couple of things were picked up, and one was the harmonizing. I think there should be an attempt to harmonize the various vehicles. There's a dissonance between the Lobbying Act and some of those provisions and my act. There is a reason for it, I think, to some extent. It's not totally stupid that they are different, but where I think there could really be an improvement is in the members' code and the act, because a number of people are both members and ministers. For that one, I was happy to see a mention of that.

I know there are issues on the Senate as to whether they should be under the same regime. Then there's the outside activities we've talked about.

There are some nice things in the report, but I was disappointed with a lot of the omissions.

• (1125)

Mr. Scott Andrews: Thank you. I know that you had a number of recommendations, some technical in nature and a lot of substantive ones. Thanks for highlighting them.

What about the government's response to the report? Do we even see on the radar some of these changes actually being implemented? I don't think there has been very much action at all on the report.

Ms. Mary Dawson: I absolutely don't know. I mean, the government report was very quick. It was just a short page and a bit, and it basically endorsed the committee's recommendations. It said that it would consider how to move forward, basically. I have no idea whether the intention is to move forward or not.

Mr. Scott Andrews: You gave us an update on the Nigel Wright case or the status of that suspension. Can you give us an update on the other files that you have under investigation now as to whether they're ongoing or suspended, and how many you have on your plate right now?

Ms. Mary Dawson: Yes. I have two suspended ones; the other one is Mr. Carson. I have, I think, about five ongoing investigations or, in any event, open files. They may not all come up to investigation, but certainly some.... I'm definitely investigating, I think it's five.

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much, Mr. Andrews.

We'll move to Mr. Hawn, please, for seven minutes.

Hon. Laurie Hawn (Edmonton Centre, CPC): Thank you, Madam Dawson, for being here.

I want to talk a bit about some of the investigations. You have self-initiated investigations and you also obviously respond to complaints. My understanding is that you do more self-initiated investigations than complaints. Complaints.... I mean, all of these things obviously take time, and some people think too long, but my understanding is that it's improving.

First of all, what criteria do you use to self-initiate an investigation? What prompts that? Do you think you're diverting attention away from complaints you receive that may or may not be more relevant? Those are the things that people are seeing out there, so to speak, and maybe they're not getting the attention they deserve because you're concentrating on self-initiated investigations.

• (1130)

Ms. Mary Dawson: I'm not sure that the ones I get complaints about are any more meritorious than the self-initiated ones. That's the first comment.

The second comment would be that what happens in one investigation doesn't really retard what's going in the other investigations, particularly. The main delays.... Now, it depends on whether I'm under the code or the act, but I follow pretty well the same procedure. The procedures under the code are more laid out. They're more fulsome than the ones under the act. I find that they're good procedures, so I tend to follow the same ones under the act.

I receive a complaint or decide there's a problem, I notify the person who is complained against, and they have 30 days to respond. I always hear them first. I call them as a witness. Then there are other witnesses who I need to call. The main problem is the availability of people to appear.

Generally speaking, and in fact always, I think, the reports that are delayed are delayed because there are problems in getting all the information I need. There are sometimes long gaps between one step and the next step in an investigation. The other thing is that generally, people bring their lawyers if they're the person who's complained against. Sometimes the lawyers will raise issues that have to get dealt with.

It takes time. I do them as quickly as I can.

With respect to the self-initiated, my test is very similar to the one for somebody to give a complaint, except that it is I who has to have reasonable grounds. With respect to the ones that I get complaints about, it's the member who brings the complaint who has to have reasonable grounds and has to show me that he has reasonable grounds. They're not very far apart, those two, so it's the same criterion.

People have suggested over the years that maybe the public should be able to make complaints too. Effectively, I think they do manage, because I look at media reports, and I look at complaints that come in from people who are maybe in the government but not in the general public. I also get letters from the general public. I look at them all.

The first thing I do if it's from the public, for example, is notify the person complained about and tell them that this has come in. I ask if they have anything to say, then maybe look around a little bit more, and then decide whether it warrants an investigation.

It's amazing. I have found that somewhere between only a third and a quarter of the investigations I do are from complaints, which I find quite interesting.

Hon. Laurie Hawn: You talked about spending time with other jurisdictions, with other countries and so on. Are there some specific lessons learned or best practices you've picked up from those other jurisdictions that you would recommend?

Ms. Mary Dawson: Not a lot. Some jurisdictions have less complicated regimes, and some have ones as complicated. Ours is one of the more fulsome ones, so there's not an awful lot going on out there. I'm sure...in fact, I have the feeling there's one I'm forgetting that might be a good idea, but I've just forgotten what it is at the moment. Occasionally there are ideas that could be picked up.

Hon. Laurie Hawn: You talked previously—I can't remember what meeting it was—about smaller offices needing to operate in as lean and efficient a manner as is reasonably possible. Do you envision some changes to your office, things that you could do differently within the office, to accomplish that?

Ms. Mary Dawson: No, not specifically. I've been at it for seven years, and I think it has kind of smoothed out and we're doing what we can.

Hon. Laurie Hawn: Your priority for your next two years of the mandate is really just to carry on and...?

Ms. Mary Dawson: I identified a number of priorities.

We're improving our registries. Before now, you had to go in separately to see a member and a minister if it was the same person, and we're going to try to fix that. We're continuing to pull together our precedents in an internal manual for the staff. We're improving our electronic system of precedents to make them much easier for the staff to find.

I have a list of three or four other things. There are a lot of things that we're still working on. I have a list here somewhere.

We're going to set up a system of checking our performance measurement. We now have a strategy that we've developed, so we're going to start actually doing performance checking of some of the activities we do.

We're looking at succession planning issues. We've just developed some competency profiles, so we will start to now do a better job, I think, of perhaps hiring people who could do a number of different jobs in the office. But we are a small office, so there will always be ups and downs in there. Corporate memory transfer is important to us. We're looking for ways of making that corporate memory accessible to the staff.

There is a lot to be done, but there's no glaring problem at the moment, I don't think.

•(1135)

The Vice-Chair (Mrs. Patricia Davidson): You have 15 seconds.

Hon. Laurie Hawn: I'll cede that.

The Vice-Chair (Mrs. Patricia Davidson): Thanks, Mr. Hawn.

We'll now move to Mr. Ravnat, please, for five minutes.

[*Translation*]

Mr. Mathieu Ravnat (Pontiac, NDP): Thank you, Madam Chair.

Ms. Dawson, I would like to come back to a question from one of my colleagues. You said that the investigations on Mr. Wright and Mr. Carson have been suspended. You have also said that five other investigations are still in progress on the Senate scandal.

Could you indicate which investigations those are?

Ms. Mary Dawson: No. Some are in the public domain, but for others, no one knows that they are in progress. My policy is to not give any information if I am conducting an investigation on someone and the public doesn't know about it. First, we must complete the investigation and establish a connection to this issue. I think two or three investigations are in the public domain, but I forget which ones exactly. There is one on Mr. Lynn. However, a few cases are not public.

Mr. Mathieu Ravnat: Okay.

You said that your office was going to have to fundamentally change its practices if you had to monitor 280,000 public servants. What you are required to do seems completely ridiculous.

I hope your office will be overhauled at least and that other offices will be able to help you as well.

Furthermore, I would like to talk about the definition of partisan activity. As you know, Bill C-520 will go forward, with changes, but the fact remains that we believe that the way this bill defines partisan activities is fundamentally problematic.

You said that you did not think monitoring partisanship was part of your role. Could you elaborate on the issue? How do you see this issue and the way it has evolved?

Ms. Mary Dawson: In the legislation we are discussing, a very important concept is the concept of private interests. There is a conflict of interest if the conflict is with private interests.

I had determined that private interests did not include political interests. The same is not true for partisanship. There is no indication in the code or the legislation that leads me to believe that I was supposed to look after political affairs. I had to make a few decisions quite early on and I said that if I had to address political or partisan issues, the legislation or the code had to be changed. I don't think I can go beyond my mandate.

•(1140)

Mr. Mathieu Ravignat: Let's talk specifically about Mr. Wright's case and your investigation being suspended. I gather this investigation is still suspended because it deals with the same subject matter, in your view. Clearly, it is not up to the government to determine whether that is the case; it is up to you to do so.

Could you be more specific? Why do you fundamentally believe that this is the same subject matter?

[English]

The Vice-Chair (Mrs. Patricia Davidson): We'll need a short answer, please. The time is just about up.

[Translation]

Ms. Mary Dawson: I have seen the comments in the papers and I have been in contact with the RCMP. I think the RCMP is still dealing with the \$90,000.

[English]

The Vice-Chair (Mrs. Patricia Davidson): Thank you.

We'll go now to Mr. Zimmer, for five minutes, please.

Mr. Bob Zimmer (Prince George—Peace River, CPC): Thank you, Ms. Dawson, for being here today. I have just have a couple of questions for you.

We've talked about the mandate and about the act. I talked to you before, as well, as a member of PROC, the procedure and House affairs committee. What is your renewed mandate for this particular term? You've been here; you're certainly not a stranger to the position. What's your renewed mandate for your position?

Ms. Mary Dawson: Do you mean what do I want to do?

Mr. Bob Zimmer: Yes.

Ms. Mary Dawson: I'm quite interested in finishing off a few things. I would love to see some changes as a result of the five-year reviews and help to make that transition. I don't know what the chances of that are. I am in the midst, as I mentioned, of a number of investigations. I would rather like to finish them, because I'm well into some of them.

In terms of my act, you're either there or you have to be reappointed. There's no extension, for example, available for the commissioner under the act, or I guess under the Parliament of Canada Act. In judicial offices, sometimes there's a provision that allows you to finish a case you're working on, and there's no such provision there. This will always be the case; whenever my term ultimately completes, there will be unfinished business.

There are a number of things I am interested in finishing. There's that, and we're also into a number of interesting projects to help our corporate memory. I wouldn't mind getting a little bit firmer there. We're just starting, as I say, our performance measurement strategy. We're in the middle of a number of exercises, and I'd like to see some of them through.

Mr. Bob Zimmer: I represent 105,000 constituents from Prince George—Peace River. For members, we represent our constituents; that's our prime job here in Ottawa.

Perhaps I can use the terms “undue influence” and “due influence”. I don't know if “due influence” would be accurate, but we'll go with it anyway; I think it says what I want it to say.

How do you differentiate between undue and due influence? We talked about whether we're having dinner with a certain group or we're having dinner with a certain constituent. To me, a constituent has the absolute right to tell me what they want me to do. That is my obligation as their representative.

It gets a bit interesting when you talk about undue influence. If it's my constituent, I need to lend them my ear and I need to listen. I guess I just want to know your definition of what that is, and what's acceptable and what isn't.

Ms. Mary Dawson: I think you have pretty broad latitude as a member. I—

Mr. Bob Zimmer: Well, even as a parliamentary secretary, because you're still a representative of your constituents.

Ms. Mary Dawson: Yes. Then it depends on whether your particular mandate as a parliamentary secretary touches upon something specific. You can't give preferential treatment to your constituents over other Canadians, basically, but you definitely have the obligation to bring forward the concerns and the desires of your constituents. For a minister—and I'm not sure how often this occurs for the parliamentary secretary—if you're making a decision, a choice, you can't give preferential treatment to your constituent. That's the sort of thing that you just have to watch for.

This business about meals and things depends on the circumstances. I know that members have no end of things they go to and people they see. There's nothing wrong with that. It's just that if there's somebody who has a bee in their bonnet about something the government's going to be dealing with, you have to be a bit careful, especially if you're voting. It doesn't happen very often.

•(1145)

Mr. Bob Zimmer: Thank you, Ms. Dawson.

I have to make a motion that, pursuant to the order of reference of June 5, 2014, and Standing Order 111.1, the committee report back to the House that it has considered the proposed reappointment of Mary Dawson as Conflict of Interest and Ethics Commissioner of Canada and recommends that she be confirmed by the House of Commons as Canada's Conflict of Interest and Ethics Commissioner.

The Vice-Chair (Mrs. Patricia Davidson): Thank you, Mr. Zimmer.

(Motion agreed to)

The Vice-Chair (Mrs. Patricia Davidson): Congratulations.

[Translation]

Ms. Mary Dawson: Thank you.

[English]

The Vice-Chair (Mrs. Patricia Davidson): Thank you very much for being here.

We'll suspend now for a couple of minutes before we go in camera.

[Proceedings continue in camera]

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