



Speaking notes for a Panel Discussion at a Breakfast Event Hosted by *The Hill Times*

Mary Dawson – Conflict of Interest and Ethics Commissioner

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I am pleased to be part of this morning's discussion, and I thank the organizers for inviting me.

As Conflict of Interest and Ethics Commissioner, I am responsible for applying the *Conflict of Interest Act* and the *Conflict of Interest Code for Members of the House of Commons*. Both contain similar rules governing the acceptability of gifts.

The Act regulates the behaviour of public office holders, including ministers, parliamentary secretaries, ministerial staff and governor in council appointees, including heads and sometimes members of boards or agencies, as well as deputy ministers. The Code applies to Members of Parliament.

As we know, lobbyists are governed by a distinct and separate regime administered by the Lobbying Commissioner. The interests of these two groups often intersect in the area of gifts, when lobbyists offer gifts to public office holders or Members.

The rule set out in section 11 of the Act and section 14 of the Code is that any gift or other advantage that may reasonably be seen to have been given to influence a public office holder or Member in the exercise of their duties or functions is not acceptable. This acceptability test applies to all gifts, regardless of the nature of the gift.

Gifts may include consumer goods such as wine, books or electronic gadgets. They may also include free entry or a reduced fee for conferences, banquets and receptions, as well as club or association memberships. And they may include invitations and tickets to galas, dinners, sporting or entertainment events, among others.

It is the responsibility of individual public office holders and Members to respect the gift rules and ensure that they meet their obligations. They must refuse or return unacceptable gifts. I must continuously remind public office holders and Members that the \$200 or \$500 reporting thresholds do not determine acceptability. All gifts are subject to the acceptability test.

Gifts were the focus of an examination under the Act that I recently reported on, specifically event invitations. In *The Bonner Report*, I found that a senior policy advisor to the Minister of Employment and Social Development contravened the Act by accepting invitations to attend, without charge, a gala and two dinners in the fall of 2013.

I determined that all these invitations were offered by organizations that were stakeholders of Mr. Bonner's department, that the organizations were registered to lobby the department, and that representatives of each organization met with Mr. Bonner in his capacity as Senior Policy Advisor shortly before or after the events. They all might reasonably be seen to have been given to influence him in respect of his official responsibilities. I therefore found that the invitations did not meet the acceptability test set out in section 11 of the Act.

The acceptability test is not whether the donor intended to influence the recipient, or whether the recipient was indeed influenced. The test is whether a gift can reasonably be seen to have been given to influence the public office holder receiving it. It is an objective test, not a subjective one. If the donor is lobbying or otherwise seeking to influence a public office holder, any gift from that donor beyond customary hospitality is unacceptable.

Many people, public office holders and Members of Parliament alike, have commented to me that invitations are an accepted practice in Ottawa and it is "how things work." Some have said attendance at events is a part of doing their job. And I have heard that charitable organizations will be hurt if these gifts are not allowed.

To these comments, I respond by saying that there is no prohibition against attending such events, or against meeting with lobbyists or stakeholders in the course of an event. What is prohibited is accepting free tickets to an event paid for by a person or organization where it could reasonably be seen to have been given to influence the public office holder or Member.

I look forward to the panel discussion.