



**Office of the Conflict
of Interest and Ethics
Commissioner**

**Commissariat aux
conflits d'intérêts et à
l'éthique**

The Paradis Report

made under the
CONFLICT OF INTEREST ACT



August 7, 2013

**Mary Dawson
Conflict of Interest and
Ethics Commissioner**

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CONFLICT OF INTEREST ACT

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PREFACE

The *Conflict of Interest Act*, S.C. 2006, c.9, s.2 (Act) came into force on July 9, 2007.

An examination under the Act may be initiated at the request of a member of the Senate or House of Commons pursuant to subsection 44(1) or on the initiative of the Conflict of Interest and Ethics Commissioner pursuant to subsection 45(1) of the Act.

As set out in subsection 44(3) of the Act, unless the Commissioner determines that the request is frivolous or vexatious or is made in bad faith, the Commissioner is required to examine the matter. Subsection 44(7) requires that the Commissioner provide a report to the Prime Minister setting out the facts in question as well as the Commissioner's analysis and conclusions in relation to the examination. Subsection 44(8) requires that, at the same time as a report is provided to the Prime Minister, a copy of the report also be provided to the Member who made the request and the current or former public office holder who is the subject of the report, and that it be made available to the public.

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EXECUTIVE SUMMARY

This report presents the findings of my examination under the *Conflict of Interest Act* (Act) of the conduct of the Honourable Christian Paradis in 2009, while he was minister of Public Works and Government Services and regional minister for the province of Quebec.

I received a request to examine Mr. Paradis' conduct following media reports in March 2012 that he had spent a weekend at the hunting lodge of Mr. Marcel Aubut in October 2009. Mr. Aubut was identified as the former owner of the Quebec Nordiques, a former National Hockey League franchise, and the current president of the Canadian Olympic Committee.

It was reported that, at the time of the hunting trip, Mr. Aubut was lobbying Ottawa to help fund an arena in Québec City, which had been seeking a new professional hockey team for a number of years. It was also reported that Mr. Aubut had broached the subject of funding with Mr. Paradis during his stay at the lodge.

In my examination, I sought to determine whether Mr. Paradis contravened section 5 of the Act by failing to arrange his private affairs so as to prevent him from being in a conflict of interest, when he accepted Mr. Aubut's invitation. I also sought to determine whether Mr. Paradis had contravened section 11 by accepting a gift or other advantage that could reasonably be seen to have been given to influence him in the exercise of an official power, duty or function.

My examination revealed that, in the summer and fall of 2009, when Mr. Aubut invited Mr. Paradis to his hunting lodge and when Mr. Paradis stayed there, some public discussion was taking place about the prospect of building a new arena in Québec City. It appeared that Mr. Aubut was involved in efforts to see a new arena constructed in Québec City and to bring back a National Hockey League franchise.

I found, however, no evidence that Mr. Aubut was lobbying the federal government or otherwise seeking federal funding for a possible arena in Québec City at the time either of his invitation to Mr. Paradis or of the hunting trip. In addition, no future role for the federal government regarding the possible construction of a new arena in Québec City had been defined and any role that the federal government might play was at most speculative during this period. I found no evidence indicating that the federal government was engaged in any formal decision-making processes, or that it was involved in any discussions or negotiations with any private sector proponents or other levels of government in Quebec. Mr. Paradis had no role in



relation to the possibility of building a new arena when he accepted Mr. Aubut's invitation or when he stayed at the hunting lodge.

The evidence showed that Mr. Paradis' participation in this hunting trip was personal rather than professional in nature, and that it resulted from an interest in hunting that he shared with Mr. Aubut and a mutual acquaintance who regularly participated in Mr. Aubut's hunting trip.

The evidence also showed that the question of a new arena in Québec City was raised briefly and in general terms during the hunting trip, although it was not clear whether it was Mr. Aubut or one of the other hunters who had raised it. Mr. Paradis told me that he simply said it would be up to his cabinet colleague, the Honourable Josée Verner, who was the regional minister responsible for Québec City, to consider any possible proposal for a federal financial contribution. I found no evidence to suggest that there was any further discussion of the matter.

Section 5 of the Act requires public office holders to arrange their private affairs so they have no current and, to their knowledge, no foreseeable conflict of interest in the future. Mr. Paradis did not have an existing or foreseeable official power, duty or function to exercise in relation to the possibility of building a new arena during the period of time under examination.

With respect to section 11, I found that the invitation to stay at Mr. Aubut's hunting lodge constituted a gift or other advantage to Mr. Paradis. The suspicions that arose around the acceptance of the invitation demonstrate the power of perception and the need for a high level of care when public office holders accept such invitations from individuals other than their friends or relatives. However, I found that the link between the invitation and the possibility that Mr. Paradis might play a role in any potential federal government decision as to whether to contribute financially to the construction of a new arena in Québec City was too remote to ground a finding that the use of the hunting lodge might reasonably be seen to have been given to influence Mr. Paradis.

For the reasons stated above, I concluded that Mr. Paradis did not contravene his obligations under either section 5 or section 11 in accepting Mr. Aubut's invitation and staying at the hunting lodge in October 2009.



REQUEST

On March 27, 2012, Mr. Marc Garneau, Member of Parliament for Westmount–Ville Marie, and Mr. Scott Andrews, Member of Parliament for Avalon, sent me a joint letter raising concerns related to the conduct of the Honourable Christian Paradis in 2009 when he was Minister of Public Works and Government Services, regional minister for the province of Quebec and Member of Parliament for Mégantic–L'Érable.

In their letter they referred to a *CTVNews.ca* article dated March 26, 2012 indicating that, in 2009, Mr. Paradis had stayed at a hunting lodge owned by Mr. Marcel Aubut, the president of the Canadian Olympic Committee and the former owner of the Quebec Nordiques, a National Hockey League franchise. According to the article, Mr. Aubut was lobbying the federal government at the time, seeking funding for a \$400 million arena in Québec City.

The article noted that efforts had been made over a number of years to re-establish a professional hockey team in Québec City and that Québec City had been “pitching for” a new professional hockey team for a number of years.

The article also stated that Mr. Paradis’ office had confirmed that he had spent two nights at the lodge but had brought his own gear and food.

On March 27, 2012, the same day that I received the joint request from Mr. Garneau and Mr. Andrews, the *Globe and Mail* published an online article relating to this hunting trip. It stated that, according to a federal official, Mr. Aubut who was the president of the Canadian Olympic Committee, “made a quick pitch for federal participation in a new amphitheatre in Québec City” to Mr. Paradis during a hunting trip in the fall of 2009. According to the article, a spokesperson for Mr. Paradis said that Mr. Paradis did not engage in discussions on the matter with Mr. Aubut but instead referred him to the Honourable Josée Verner, who was the regional minister responsible for Québec City at the time.

Mr. Garneau and Mr. Andrews wrote that they believed Mr. Paradis may have contravened both the *Conflict of Interest Act* (Act) and the *Conflict of Interest Code for Members of the House of Commons* (Code). They cited sections 4, 5, 7 and 11 and subsection 6(1) of the Act, and sections 9 and 14 of the Code.

Section 4 of the Act describes the situations in which a public office holder is considered to be in a conflict of interest. Section 5 imposes a general duty on public office holders to arrange their private affairs so as to prevent themselves from being in a conflict of interest and subsection 6(1) prohibits them from participating in decision-making processes in relation to which they would be in a conflict of interest. Section 7 prohibits public office holders from



extending preferential treatment to a person or organization based on the identity of a representative. Section 11 prohibits public office holders from accepting gifts or other advantages that might reasonably be seen to have been given to influence them in the exercise of an official power, duty or function.

Section 9 of the Code prohibits Members from using their positions to influence another person's decision so as to further certain private interests. Section 14 of the Code prohibits Members from accepting gifts or other benefits that might reasonably be seen to have been given to influence them.



PROCESS

I was satisfied that Mr. Garneau and Mr. Andrews had set out their reasonable grounds to believe that Mr. Paradis had contravened sections 5 and 11 of the *Conflict of Interest Act* (Act) and that their letter constituted a valid request for an examination under section 44 of the Act.

Although section 4 defines when a public office holder is in a conflict of interest, it does not set out a specific rule of conduct. The letter did not refer to any decision-making process in relation to which Mr. Paradis might have been in a conflict of interest under subsection 6(1). With respect to section 7, the letter provided no details in support of the allegation that Mr. Paradis may have provided preferential treatment to Mr. Aubut.

The allegations made in the request appeared to relate only to Mr. Paradis' ministerial role, and not his role as Member of Parliament for Mégantic–L'Érable. For this reason I did not commence an inquiry under the *Conflict of Interest Code for Members of the House of Commons* (Code).

On April 10, 2012, I wrote to Mr. Paradis to inform him that I was proceeding with an examination under the Act on the basis of the request I had received from Mr. Garneau and Mr. Andrews. I forwarded a copy of the request to him and informed him that the relevant provisions of the Act appeared to be sections 5 and 11. I asked him to respond in writing to the allegations and to provide me with any other documents relevant to my examination by May 7, 2012. In my letter I also informed Mr. Paradis that I would not be proceeding to an inquiry under the Code.

On April 11, 2012, I wrote to Mr. Garneau and to Mr. Andrews to inform them that their request satisfied the requirements set out in subsection 44(2) of the Act with respect to their allegations that Mr. Paradis may have contravened sections 5 or 11. I informed them that I had commenced an examination under subsection 44(3). I also informed them that I would not be proceeding to an inquiry under the Code.

On May 7, 2012, I received a letter from Mr. Paradis, as well as legal representations from his counsel, Mr. Paul Lepsoe, responding to the allegations made by Mr. Garneau and Mr. Andrews. Mr. Lepsoe made further written and oral representations on June 18, 2013 and on July 4, 5 and 11, 2013.

Usually, I conduct a first interview with the subject of an investigation early in the fact-finding process and a second interview near the end of that process, but, in this case, because Mr. Paradis had made a detailed initial written submission to my Office at the start of my examination, Mr. Paradis agreed that his first interview need not take place until later in the



fact-finding process. I conducted two interviews with Mr. Paradis, one on December 17, 2012 and another on June 7, 2013. Before his interviews, Mr. Paradis was given an opportunity to review excerpts of transcripts of several witness interviews and related documents.

My Office interviewed a total of six witnesses. The Schedule includes a list of all witnesses.

In keeping with the practice I have established in conducting examinations, Mr. Paradis was given an opportunity to comment on a partial draft of this report before it was finalized, specifically those sections titled Request, Process, Findings of Fact and Mr. Paradis' Position.



FINDINGS OF FACT

The purpose of my examination was to determine whether Mr. Paradis had contravened the *Conflict of Interest Act* (Act) as a result of his stay at Mr. Aubut's hunting lodge. In particular, I had to determine whether Mr. Paradis had failed to arrange his private affairs in a manner that would prevent him from being in a conflict of interest in contravention of section 5 as well as whether he had accepted a gift or other advantage that could reasonably be seen to have been given to influence him in the exercise of an official power, duty or function in contravention of section 11.

In order to make the determinations referred to above, it was necessary to understand whether Mr. Aubut was indeed seeking federal funds for a possible arena in Québec City and whether Mr. Paradis had any official role or responsibilities with respect to any such proposal at the time of the hunting trip. It was also necessary to understand the relationship between Mr. Paradis and Mr. Aubut and the circumstances under which Mr. Paradis was invited to stay at the hunting lodge, as well as what communication, if any, took place between the two in relation to federal funding for a possible arena.

Background

A New Arena for Québec City

The facts relating to Mr. Paradis' stay at Mr. Aubut's hunting lodge must be viewed in the context of public discussions relating to the possible construction and funding of a new arena in Québec City and Mr. Aubut's involvement in those discussions.

The city's existing arena, the Colisée de Québec, was built in 1949 and has since been renovated several times. It was the home of the Quebec Nordiques, a National Hockey League franchise, from 1979 to 1995 when the team moved to Colorado. The idea of building a new arena has been the subject of public discussion on and off again since that time.

During the lead-up to the 2008 Quebec provincial election, which took place on December 8, all three major provincial parties in Quebec had promised to contribute to the funding of a new arena. By early 2009, there was one citizens' group, *J'ai ma place*, and a private company, *Consortium GB Inc.*, that were pursuing the goal of building an arena.

A media article in August 2009 reported that the Honourable Josée Verner, who was the federal Minister of Intergovernmental Affairs and the regional minister responsible for Québec City at the time, expressed her personal support for the construction of a new arena and said that she would push for one. She added, however, that the federal government does not have



programs to invest in facilities used only for professional sports. The article stated as well that Ms. Verner would push the project among her colleagues in Ottawa to make funds available for a new arena.

The media also reported in August that, at Mr. Aubut's invitation, Mr. Bill Daly, Deputy Commissioner of the National Hockey League, took a three-day vacation with his family to Québec City, during which he stayed with Mr. Aubut. The article suggested that Mr. Daly's visit would add to speculation about the return of a hockey team to Québec City.

In September 2009, the City of Québec published an analysis of the costs of constructing a new arena.

The subject of the arena was also raised during the Québec City municipal election campaign that ran from September 18 to November 1, 2009. On Saturday, October 10, 2009, the day after Mr. Paradis arrived at the hunting lodge, several Quebec media outlets reported that Mr. Régis Labeaume, the mayor of Québec City who was then running for re-election, and Mr. Aubut had met the day before with Mr. Gary Bettman, the Commissioner of the National Hockey League, in New York. Although few details of the meeting were provided in the article, the reporter speculated that plans for a new arena were in the works. It referred to the fact that speculation had been going on for some time. It was noted in media reports at the time that Mr. Bettman had recently stated that the return of the National Hockey League to Québec City would be tied to the construction of a new arena.

On October 16, 2009, a week after the hunting trip, Mr. Labeaume put forward a plan to build an 18,000-seat arena worth \$400 million as part of his campaign platform in the mayoralty race. The plan called for a federal contribution of \$175 million. Media articles reported that Mr. Labeaume was joined at the announcement by Mr. Aubut.

In September 2010, nearly a year after the hunting trip, the provincial government agreed to contribute 45 per cent of the cost of the new arena. Mr. Labeaume, who had been re-elected mayor in 2009, then publicly imposed a deadline of December 31, 2010 for the federal government to decide whether it would contribute funds to the construction of a new arena. The deadline lapsed without any commitment by the federal government.

In early 2011, Québec City and the province agreed to contribute an equal share of the cost of building the new arena. It is now under construction and is expected to be completed in 2015.



What Mr. Paradis Knew Before the Hunting Trip

Mr. Paradis told my Office that public discussions about building a new arena in Québec City had been going on for many years, but that at the time of the invitation and his stay at Mr. Aubut's hunting lodge, there were no specific plans to build such an arena.

Mr. Paradis told me that he was not aware of the public statement made by Ms. Verner in August 2009, and observed that her statement expressed personal support and not the support of the federal government. He said that he had had no discussions on the subject of building a new arena in Québec City with anyone, including Ms. Verner and Mr. Aubut, in the summer or in the fall of 2009 before the hunting trip.

Mr. Paradis also told me that he was not aware of Mr. Daly's family visit to Québec City in August 2009 during which he stayed with Mr. Aubut.

Finally, Mr. Paradis told me that, although he knew that Mr. Aubut was the former owner of the Quebec Nordiques, he was not aware at the time of the hunting trip that Mr. Aubut had travelled to New York City with Mr. Labeaume to meet the Commissioner of the National Hockey League. Mr. Aubut's trip to New York City was reported in the media the day after Mr. Paradis arrived at Mr. Aubut's hunting lodge. Both Mr. Aubut and Mr. Paradis told me that they had never discussed Mr. Aubut's trip to New York, either before, during or after the hunting trip.

Alleged Lobbying Activities

It was alleged in the March 2012 media report that accompanied the request, published almost three years after the hunting trip, that Mr. Aubut was, at the time of the trip, lobbying the federal government for funding for a new arena. Mr. Aubut testified that he was not.

Mr. Aubut told my Office that, as the former owner of the Quebec Nordiques, he has always supported building a new arena in Québec City and that he believes that it should be built using public funds. He said that he has often shared this view publicly. He added, however, that he has never been engaged to lobby for federal funding and has never done so. Mr. Paradis told me that Mr. Aubut had never lobbied him in relation to federal funding for an arena or otherwise raised the question of such funding with him.

I found no evidence that Mr. Aubut was seeking federal funding for a possible arena in Québec City prior to or at the time of the hunting trip.



Mr. Aubut's Invitation to Mr. Paradis

Mr. Aubut told my Office that he believes he may have met Mr. Paradis when they were both practising law, before Mr. Paradis was elected, but that he first recalled speaking with Mr. Paradis in 2008, when the two met by chance at a social gathering. Mr. Aubut said that, at that gathering, he learned that Mr. Paradis, like him, was an avid hunter. Mr. Aubut mentioned that he had a hunting lodge and organized an annual hunting trip attended by a few friends and colleagues. Mr. Aubut suggested that Mr. Paradis join them sometime. Mr. Paradis also recalled that conversation, which he told me took place during a football game.

Mr. Aubut told my Office that Mr. Paradis is an acquaintance of his but that he does not know him well enough to call him a friend as such. Aside from the hunting trip, he said that they do not see each other socially. Mr. Paradis said that he occasionally bumped into Mr. Aubut in the context of public events including, for example, the Grand Prix in Montreal. He said that he considers Mr. Aubut a good acquaintance, rather than a friend.

I have found no evidence during this examination to indicate that Mr. Paradis and Mr. Aubut are or ever were friends within the meaning of the Act.

Mr. Paradis told me that Mr. Aubut followed up on their 2008 conversation about a year later. He said that Mr. Aubut contacted him in August 2009 to invite him to join the group going to the hunting lodge that fall. Mr. Paradis and Mr. Aubut each told me that the arrangements for Mr. Paradis' attendance were made by Mr. Pierre Bellavance, a regular participant in Mr. Aubut's annual hunting trip. Mr. Bellavance is a partner in Mr. Aubut's law firm and a family friend of Mr. Paradis' brother-in-law. Mr. Bellavance confirmed that he had made the arrangements with Mr. Paradis for his attendance.

The hunting trip took place during the Thanksgiving weekend of October 10, 2009.

Mr. Aubut told my Office that his invitation to Mr. Paradis had no connection with possible federal funding for an arena in Québec City. He said that he had not spoken to either Ms. Verner or Mr. Paradis, or to anyone else, at that time about the possibility of federal funding. He said that his invitation to Mr. Paradis was made because he had learned that Mr. Paradis had a passion for hunting. He added that his hunting trip takes place around the same time every year, during the moose hunting season, and that he normally organizes his trip a few months before it is scheduled to take place.



Both Mr. Paradis and Mr. Aubut told my Office that Mr. Aubut had advised Mr. Paradis in advance that there would be no business discussed during the hunting trip. Mr. Aubut told my Office that his annual hunting trip is one of the few times each year when he can turn his mind away from his professional activities.

The Hunting Lodge

According to descriptions provided by Mr. Aubut, Mr. Paradis and Mr. Bellavance, the hunting lodge is located in an exclusive hunting territory of about seven to eight square kilometres. Accommodations are comfortable but rudimentary. Participants are responsible for obtaining their own hunting licence as well as for bringing their own bedding and hunting equipment. They share one of the two dormitory-style rooms. Each is expected to bring food to share. Mr. Paradis confirmed that he provided his own transportation, brought his own hunting gear and sleeping bag and contributed to the shared food. He said he also gave Mr. Aubut a high quality bottle of wine.

Discussion of Possible Federal Funding for the Arena

As noted earlier, a *Globe and Mail* article, published on March 27, 2012, reported that, during the hunting trip in the fall of 2009, Mr. Aubut “made a quick pitch for federal participation in a new amphitheatre in Québec City” to Mr. Paradis. This article was updated and adjusted on April 5, 2012 to state that a new arena in Québec City “was raised” by Mr. Aubut during the hunting trip and that government officials confirmed that Mr. Aubut started a discussion about the arena project with Mr. Paradis during the hunting trip.

The later article added that, while the content and length of the discussion was unclear, a spokeswoman for Mr. Paradis said the minister cut it short and told Mr. Aubut to raise the topic with Ms. Verner, who was the minister responsible for Québec City and the member of cabinet in charge of the file. The article also stated that Mr. Paradis and Mr. Aubut denied any lobbying took place regarding federal funding for a new arena in Québec during the trip.

The spokeswoman referred to in the April 5, 2012 article was Mr. Paradis’ director of communications. She told my Office that she was asked by a reporter from the *Globe and Mail* whether Mr. Aubut had raised the subject of possible federal funding for an arena in Québec City. She said she had spoken with Mr. Paradis’ chief of staff, and possibly also checked with Mr. Paradis, before confirming with the reporter that Mr. Aubut broached the subject during the hunting trip and that Mr. Paradis referred him to Ms. Verner, as the minister responsible for Québec City at the time. Mr. Paradis’ chief of staff told me that he did not specifically recall



whether he had discussed the hunting trip with Mr. Paradis before authorizing the director of communications to respond to the reporter, but that he did not think he would have confirmed information relating to the hunting trip without discussing it with Mr. Paradis first.

Mr. Paradis said that the press reports indicating that he had spoken to Mr. Aubut about a possible Québec City arena were incorrect. He said that, at one point during the trip, the conversation among the hunters had turned to hockey. Mr. Paradis said that one of the other hunters—he did not recall whether it was Mr. Aubut or someone else—asked what would happen if a request were made to the federal government for the construction of a new arena. Mr. Paradis said that he responded that he had no idea how the federal government would respond to a request for funding and that he knew nothing of any such request. He added that there was a minister responsible for the Québec City region, referring to Ms. Josée Verner, and that it would be up to her to review it. Mr. Paradis described the conversation as very general, without reference to a particular proposal or possible amounts of funding.

Mr. Paradis told me that he had spoken to his chief of staff in March 2012 about the conversation at the hunting lodge but said that he did not confirm that it was Mr. Aubut who had raised the question of a request to the federal government. He thought it could have been Mr. Aubut or someone else.

This conflicting testimony caused me some concern as it raised questions about the reliability of the testimony of these witnesses.

In explaining why a member of his staff confirmed with the media that it was Mr. Aubut who had broached the subject of federal funding for a Québec City arena, Mr. Paradis said questions about the hunting trip arose as the government was preparing to table its 2012 budget and his office was preoccupied with the budget. Mr. Paradis' counsel told me that Mr. Paradis was the designated francophone ministerial budget spokesperson for the budget that was about to be tabled at the time of the March 2012 media reports. The budget was tabled two days after the *Globe and Mail* article first appeared. Even with this explanation, I find it odd that such an error would be made by a director of communications.

It would not be surprising to learn that such a conversation did take place, given that Mr. Aubut had just returned from a meeting in New York with the National Hockey League Commissioner. However, when my Office questioned Mr. Aubut on two separate occasions about this matter, he was adamant that he had neither raised the issue during the hunting trip nor been present during any such discussion between other participants in the hunting trip.



The conflicting testimony does not permit me to determine who raised the issue of federal funding for the arena at the hunting lodge. As noted above, however, I found no evidence that Mr. Aubut was lobbying the federal government or otherwise seeking federal funding for a possible arena in Québec City at the time either of his invitation to Mr. Paradis or of the hunting trip. In any event, nothing in my analysis or conclusions turns on the question of whether it was Mr. Aubut who raised the matter.

Federal Involvement Relating to a Possible Québec City Arena

Ms. Verner confirmed that in 2009 she was the regional minister responsible for Québec City. Her official profile on the Parliament of Canada website confirms that she was responsible for Québec City from October 30, 2008 to May 17, 2011. She said that the issue of a new arena had been brought to her attention during the campaign for the Québec City municipal election, which took place from September 18 to November 1, 2009, and she recalled meeting with representatives of *J'ai ma place* shortly before that.

Ms. Verner told me that she met with Mr. Aubut, but not until July 2010. She said that it was she who asked to speak with Mr. Aubut and that they had discussed sports in Quebec in general, including the topic of a new arena in Québec City.

In September 2010, nearly a year after the hunting trip, Mr. Labeaume, who had been re-elected mayor in 2009, publicly imposed a deadline of December 31, 2010 for the federal government to decide whether it would contribute funds to the construction of a new arena. On September 8, 2010, Quebec Conservative Members of Parliament met at a caucus retreat in Charlesbourg near Québec City. Ms. Verner told my Office that Mr. Paradis was at the retreat. The issue of the arena was discussed there. One of the Members had brought a box of Quebec Nordiques jerseys and several of the Members put them on for a group photo shoot. Mr. Paradis was not included in the picture, which was reprinted with various media reports throughout the country.

Mr. Paradis told me that he had occasionally answered questions from the media on behalf of the government on this issue beginning about a year after the hunting trip, but only during public appearances related to other issues.

According to a media article of September 14, 2010, Mr. Paradis said at a press conference in Montreal, where he was making government announcements related to clean energy, that the federal government would not contribute to the construction of an arena in Québec City built purely as a venue for professional hockey, adding that the government would be more open to contributing if the venue were also to be used for amateur sport or for the Olympics. Another



article on January 11, 2011 quoted Mr. Paradis as saying that the private sector would need to take the lead in financing an arena in Québec City. On March 27, 2011, Mr. Paradis was quoted as saying that the federal government is not in the business of building infrastructure for professional sport.

In the statements Mr. Paradis made, he was stating the same position taken by Ms. Verner in August 2009, that there was no government program to fund the construction of venues used only for professional sport.

Mr. Paradis said that he never had a role in relation to the issue of building a new arena in Québec City other than responding from time to time to questions from journalists, starting about a year after the hunting trip and that he never received a request from anyone for federal funding for a Québec City arena. Ms. Verner told my Office that she was not aware of any involvement of Mr. Paradis with this issue. During my examination I did not find any evidence to suggest that Mr. Paradis was ever actively involved in the matter other than acting as a spokesperson on a few occasions as noted above.

I found no evidence during my examination that the federal government was engaged, in 2009, in any decision-making processes or in any official discussions or negotiations with any private sector proponents or any other levels of government in Quebec in respect of the possible construction of a new arena in Québec City. It would appear that any future role that the federal government might play was, at most, speculative during this period.



MR. PARADIS' POSITION

Mr. Paradis' position is that he did not contravene any of his obligations under sections 5 or 11 of the *Conflict of Interest Act* (Act), either in accepting Mr. Aubut's invitation or as a result of his interactions with Mr. Aubut during the hunting trip.

With respect to section 5, which requires him to arrange his private affairs in such a manner as to prevent conflicts of interest from arising, Mr. Paradis noted that, at the time of the hunting trip, no proposal had been put forward for federal funding. Mr. Paradis also added that Mr. Aubut did not have a private interest in a possible new arena for Québec City.

Mr. Paradis argued that the fact that a candidate for mayor made a campaign promise in the context of a municipal election that involves possible federal funding did not engage any particular official power, duty or function of Mr. Paradis. He added that he participated in the hunting trip in his personal capacity.

Mr. Paradis stated that he and Mr. Bellavance were aware of each other's interest in hunting. Mr. Paradis said he knew that Mr. Bellavance had gone on hunting trips at Mr. Aubut's hunting lodge. He added that the idea of his joining the hunting trip arose in large part because of his and Mr. Aubut's mutual acquaintance with Mr. Bellavance.

Mr. Paradis told me that he was not aware of the statements made by Ms. Verner in August 2009 supporting the idea of federal funding for a new arena in Québec City. He added that her statements expressed personal support and not the support of the federal government.

He said that he had had no discussions with anyone, including Ms. Verner and Mr. Aubut, on the subject of building a new arena in Québec City in the summer of 2009 or, aside from the hunting trip, in the fall of 2009. He said that he had not been aware of Mr. Aubut's trip to New York to meet with the Commissioner of the National Hockey League at the time it took place, just before the hunting trip.

Mr. Paradis said that he and Mr. Aubut are acquaintances and that, aside from the 2009 hunting trip, they had only bumped into each other on a few occasions in the context of public events. Mr. Paradis added that there was no indication that Mr. Aubut was lobbying for the Québec City arena at the time of the 2009 hunting trip or that Mr. Aubut had any private interest in it.

With respect to section 11, Mr. Paradis said that the stay at Mr. Aubut's hunting lodge should not be considered a gift or advantage under the Act. Mr. Paradis stayed there as one member of a group. He argued that hunting lodges, like ski chalets, cottages or cabins, are



regularly and normally shared with friends and acquaintances. He noted that he provided his own transportation and equipment and provided at least his share of food. He was one member of a group sharing those accommodations, and did not have the entire lodge for his own exclusive and personal use. His stay did not, in his view, have commercial value.

He said that, even if his stay could be considered a gift or advantage under the Act, it could not be seen as having been given to influence him in the exercise of an official power, duty or function. He said that Mr. Aubut had advised him in advance that there would be no business discussed during the hunting trip, and that this commitment was honoured. The only discussion of the arena was general in nature and not linked to any specific role of Mr. Aubut or Mr. Paradis.

Mr. Paradis argued that the invitation could not reasonably be seen to have been extended to influence him in relation to an official power, duty or function.



ANALYSIS AND CONCLUSIONS

Analysis

I must determine whether Mr. Paradis contravened section 5 or section 11 of the *Conflict of Interest Act* (Act) by accepting an invitation to stay at the hunting lodge of Mr. Marcel Aubut in October 2009, when he was Minister of Public Works and Government Services and regional minister for the province of Quebec.

I must make these determinations with reference to what Mr. Paradis knew up to the time of the hunting trip about public discussions relating to a new arena in Québec City, Mr. Aubut's efforts to advance the prospects of building a new arena in Québec City and the possibility that the federal government might be asked to help fund a new arena.

Section 5 of the Act requires public office holders to arrange their private affairs to prevent themselves from being in a conflict of interest and section 11 of the Act requires them to refuse any gift or other advantage that might reasonably be seen to have been given to influence them in the exercise of an official power, duty or function.

The issue for both sections is whether Mr. Paradis should have refused Mr. Aubut's invitation and refrained from participating in the hunting trip.

General Duty to Arrange Private Affairs to Prevent Conflicts of Interest: Section 5

Section 5 of the Act requires public office holders to arrange their private affairs so as to prevent themselves from being in a conflict of interest. It reads as follows:

- 5. Every public office holder shall arrange his or her private affairs in a manner that will prevent the public office holder from being in a conflict of interest.***

Section 4, which defines the circumstances in which a public office holder may be understood to be in a "conflict of interest" within the meaning of the Act, reads as follows:

- 4. For the purposes of this Act, a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests.***

It is clear that Mr. Paradis's participation in the hunting trip at Mr. Aubut's lodge was in his private capacity and therefore part of his private affairs.



Section 5 requires that public office holders, including Mr. Paradis, must arrange their private affairs so that they have no current and, to their knowledge, no foreseeable conflict of interest in the future. A conflict of interest, as provided in section 4, would have arisen if Mr. Paradis had an official power, duty or function that would provide an opportunity to improperly further Mr. Aubut's private interests in an arena project for Québec City.

Mr. Paradis had no official powers, duties or functions with respect to an arena proposal for Québec City at the time of the hunting trip. Even the possibility that he would have some official involvement in the issue of federal funding for an arena as a cabinet minister and as regional minister for the province of Quebec was remote at the time of the hunting trip.

For these reasons there are insufficient grounds on which to conclude that there was a potential conflict of interest for Mr. Paradis at the time he accepted Mr. Aubut's invitation in August 2009 or at any time before the hunting trip in October 2009. Therefore, he was not obliged to take any preventative measures in order to comply with section 5.

I find that Mr. Paradis did not contravene section 5 of the Act.

Prohibition Against Accepting Gifts or Other Advantages: Section 11

Subsection 11(1) of the Act prohibits public office holders from accepting any gift or other advantage that might reasonably be seen to have been given to influence them in the exercise of an official power, duty or function. Subsection 11(2) sets out three exceptions to this prohibition.

The relevant portions of section 11 read as follows:

11. (1) No public office holder or member of his or her family shall accept any gift or other advantage, including from a trust, that might reasonably be seen to have been given to influence the public office holder in the exercise of an official power, duty or function.

(2) Despite subsection (1), a public office holder or member of his or her family may accept a gift or other advantage

(a) that is permitted under the Canada Elections Act;

(b) that is given by a relative or friend; or

(c) that is received as a normal expression of courtesy or protocol, or is within the customary standards that normally accompany the public office holder's position.



The term “gift or other advantage” is defined in subsection 2(1) of the Act as follows:

“gift or other advantage” means

(a) an amount of money if there is no obligation to repay it; and

(b) a service or property, or the use of property or money that is provided without charge or at less than its commercial value.

I must determine whether the access Mr. Paradis obtained to Mr. Aubut’s hunting lodge constitutes a use of property “provided without charge or at less than its commercial value” and, if so, whether this access could reasonably be seen to have been given to influence Mr. Paradis in the exercise of an official power, duty or function.

None of the exceptions in subsection 11(2), including the exception for gifts or other advantages given to public office holders by relatives or friends, applies in this case. As noted in the Findings of Fact, I have found no evidence during this examination to indicate that Mr. Paradis and Mr. Aubut are or ever were friends within the meaning of the Act.

I recognize that Mr. Paradis provided his own transportation, hunting licence, equipment and share of the food for the weekend and brought a bottle of wine as a gift for the host, Mr. Aubut. I am of the view, however, that accepting accommodation at a private hunting lodge and the use of the private hunting grounds without charge, even if the accommodation is basic and shared, falls within the definition of a gift or other advantage within the meaning of the Act.

There remains the determination of whether the hunting trip could reasonably be seen to have been given by Mr. Aubut to Mr. Paradis to influence him in the exercise of an official power, duty or function. The suspicions that arose around the acceptance of the invitation demonstrate the power of perception and the need for a high level of care when public office holders accept such invitations from individuals other than their friends or relatives. However, the test set out in section 11 is whether a reasonable person with knowledge of the relevant facts would conclude that the trip had been given to influence Mr. Paradis in respect of an official power, duty or function.

I have already found that Mr. Paradis was not aware of Mr. Aubut’s activities at the time he accepted Mr. Aubut’s invitation or at any time before the hunting trip in 2009. I have found no evidence that Mr. Aubut had been lobbying the federal government for funding for a new arena at the time of the hunting trip, as had been reported in the media in March 2012. I have also found no evidence that the federal government was involved in discussions or any decision-making



process with respect to a Québec City arena at that time. In addition, I found no evidence that Mr. Paradis had any official role in respect of this matter at that time.

Despite the fact that there was a possibility that the question of a federal contribution to the construction of a new arena might arise, or that there might be political pressure for the federal government to adopt a stance in respect of this question in the future and that Mr. Paradis could be involved in those issues if and when they arose, I find that these possibilities were too remote to require Mr. Paradis to refuse Mr. Aubut's invitation to participate in the hunting trip. The invitation cannot, in light of the facts of this case as determined, reasonably be seen to have been given to influence Mr. Paradis in an official power, duty or function.

For these reasons, I find that Mr. Paradis did not contravene section 11 of the Act.

Conclusion

With respect to section 5, Mr. Paradis had no official role with respect to the Québec City arena at the time of Mr. Aubut's invitation or up to the time of the hunting trip and the possibility that he would have an official role was far from certain. As well, the prospect of a federal contribution to the construction of a new arena was only a remote possibility. Therefore, I found that Mr. Paradis did not contravene section 5 by attending the hunting trip.

With respect to section 11, I have determined that the use of Mr. Aubut's hunting lodge constituted a gift or other advantage given to Mr. Paradis by Mr. Aubut. However, I find that the link between Mr. Paradis' participation in the hunting trip and the possibility that he might have an official role to play in any potential federal government decision relating to a new arena in Québec City is too remote to ground a finding that the hunting trip could reasonably be seen to have been given to influence Mr. Paradis in the exercise of an official power, duty or function. Therefore, I found that Mr. Paradis did not contravene section 11 of the Act by accepting the invitation and participating in the hunting trip.



SCHEDULE: LIST OF WITNESSES

Except where noted, the names of all witnesses are listed below according to the organizations to which they belonged at the time the events that are the subject of this examination occurred.

Interviews

Office of the Minister of Public Works and Government Services

- The Honourable Christian Paradis, Minister
- Mr. Marc Vallières, Chief of Staff
- Ms. Margaux Stastny, Communications Director

Office of the Minister of Intergovernmental Affairs and Minister for La Francophonie

- The Honourable Josée Verner, Minister

Other

- Mr. Marcel Aubut
- Mr. Pierre C. Bellavance

