



Opening remarks before the House of Commons Standing Committee on Procedure and House Affairs

Mario Dion – Conflict of Interest and Ethics Commissioner

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I would like to begin by thanking the Committee for inviting me to discuss the *Conflict of Interest Code for Members of the House of Commons*.

Acknowledging virtual meeting considerations, I will keep my remarks tightly aligned to help you better understand the fundamental tenets of the Code and how it functions.

I have been the Conflict of Interest and Ethics Commissioner for nearly four years now, as part of a seven-year term under the *Parliament of Canada Act*. As an officer of the House of Commons, I am solely responsible to Parliament and not to the federal government or an individual minister.

I believe in the role we have in helping improve the confidence of Canadians in their elected officials and public sector leaders. We provide advice and direction, we investigate when needed, and we help educate through a variety of private and public forums.

The Code was adopted in 2004 and last amended in 2015 as part of the comprehensive review requirement in section 33.

My primary role and that of the Office is to provide Members of Parliament the assistance needed to understand and follow the Code. At times, the assistance provided is more rules-based, such as this point in time where we are helping Members with their initial compliance process. This process is outlined in sections 20 and 21 of the Code and commences when your election is published in the *Canada Gazette*. We undertake broader educational programs as part of section 32 to improve both your understanding and that of the public. For both our advisory team and as part of our public outreach activities, education is at times built upon lessons learned from inquiries conducted under section 27 and draws links between the Code's sections. Ongoing advisory services also support Members who ask, for example, about the acceptability of gifts under section 14 and how it differs from the acceptability of sponsored travel under section 15, or about the proper disclosure of a private interest to the House or a committee under section 12.

As set out in the preamble, the Code's purpose is to maintain and enhance public confidence, demonstrate to the public the standards you are held to, and ensure you receive the guidance needed to reconcile your private interests with your public duties.

I strongly believe that Canadians should receive as much information as possible to ensure that elected and appointed officials are held accountable. One of the best tools we have to demonstrate transparency is the public registry maintained by the Office. For example, once your Disclosure Summary from section 23 is prepared, your information will be listed in the registry. What can be somewhat challenging are the restrictions on the ability to publish interpretative guidelines as set out in section 30, as we do get requests from Members, and the public for that matter, requesting additional tools to help better understand the Code.

Nevertheless, I can say with confidence that, on the whole, the Code is functioning well, and I would like to briefly explain how we ensure this.

One area of our work that tends to draw public attention is inquiries. Section 27 of the Code sets out the three circumstances that give rise to my powers of inquiry. First, a Member who has reasonable grounds to believe that another Member has not complied with their obligations may request an inquiry. Second, even though this has not happened yet, the House may, by way of resolution, direct me to conduct an inquiry. And third, I can also launch an inquiry on my own initiative if I have reason to believe that a Member failed to comply with the Code.

When I conduct an inquiry, it is done in private and respects the legal requirements in subsection 27(7), wherein I gather the facts, analyze them, and determine whether a contravention occurred. The purpose of my final report is to share my findings with the Speaker so that he may table them in the House in order for it to then assess the situation and take any necessary action. In addition to addressing a Member's acts or non-compliance in an inquiry report, I can recommend appropriate sanctions to ensure full compliance with the Code when a Member fails to comply with their obligations and when the grounds for mitigation set out in subsection 28(5) are not satisfied. The report is always provided to the Member concerned and made public, which serves as an important educational component for Members to be aware of their obligations under the Code.

Since each Member must always comply with the Code, we are increasingly focusing our efforts on providing more extensive and varied educational programs.

Under my direction, the Office has a continued focus on quality advice that is fair and non-partisan. Rigour is applied in procedures and investigations to uphold standards that are consistent for all Members, and constant consideration is given to how we communicate and educate. These are the main ways in which the Office helps build public trust in elected officials.

Madam Chair, my objective with my opening remarks is to not to give you an exhaustive list of Members' obligations and the Office's functions, but to rather allow us time for a fruitful exchange and dialogue. I would be pleased to answer any questions from Committee members.