

**Opening Statement by  
Mary Dawson  
Conflict of Interest and Ethics Commissioner**

**To the  
House of Commons Standing Committee on  
Procedure and House Affairs  
During Its Review of the  
Conflict of Interest Code for Members of the House of Commons**

**February 19, 2015  
Ottawa, Ontario**

**CHECK AGAINST DELIVERY**

## Introduction

Mr. Chair, I would like to thank the Committee for giving me this opportunity to contribute to its review of the *Conflict of Interest Code for Members of the House of Commons*.

My experience in administering the Code since 2007 has enabled me to identify a number of areas for improvement. These are discussed in the written submission that I have provided to the Committee and address a range of subjects, including rules of conduct, administering the Code and managing investigations. I have also included, in relation to inquiries and administering the Code, some draft language.

I do not have time in my opening remarks to touch on all of my recommendations. Instead, I will focus on those that relate to three key areas, namely gifts and sponsored travel, administering the Code, and inquiries.

## Gifts and Sponsored Travel

I have found that the Code's gift provisions are still not clearly understood—despite my ongoing efforts to educate Members about them—and that gifts and other benefits are not consistently reported.

Many Members mistakenly believe that gifts and other benefits valued at less than \$500 are automatically acceptable. In fact, all gifts, regardless of value, are subject to the Code's acceptability test, which prohibits Members from accepting any gift that could reasonably be seen to have been given to influence them.

I have concluded that the best way to remedy these issues would be to require Members to disclose and publicly declare a great many more gifts. I therefore recommend significantly lowering the threshold for public declaration from its current level of \$500.

A lower threshold would result in more frequent reporting of gifts and other benefits. This would help ensure transparency about what gifts Members receive and from whom. It would also result in more communication between Members and my Office, so my staff and I can better assist them in ensuring that gifts they are offered meet the Code's acceptability test.

Invitations to meetings, receptions and information sessions at which meals or refreshments are offered can be a particular challenge in ensuring compliance with the Code's gift rules. Members may not consider them to be gifts, or may believe they constitute customary hospitality and are thus exempted from the acceptability test.

I have always applied the gift rules to such invitations. I believe, however, that they are a special category of gift, and that this should be reflected in the Code.

I recommend that the Code explicitly exclude from the gift rules attendance at any reception or event to which all Members are invited. Invitations to individual Members,

committees or caucuses would not fall within this exception, nor would any gifts, other than modest meals or refreshments received at the events themselves.

I also recommend that an acceptability test for sponsored travel be included in the Code. As I note in my submission, it is a paradox that a gift from an organization seeking to influence a Member would not be acceptable, but an expensive trip sponsored by the same organization would be permitted without question.

I have also noted some other challenges relating to sponsored travel, including ensuring that the source of third-party funding for any trip is disclosed.

## **Administering the Code**

I make several recommendations with respect to the administration of the Code.

The Code does not currently impose deadlines for completing the initial compliance process or the annual review. I recommend establishing a 120-day deadline for completing the initial compliance process and a 30-day deadline for completing the annual review process.

I am also seeking authority to issue guidelines and standard forms under the Code, without having to obtain the approval of the House of Commons. The approval requirement has in the past caused significant delays, and I believe also limits the independence of my Office. In this connection, I have included in my written submission a proposed Inquiry Request Form.

To ensure that all Members fulfill their reporting obligations in a timely way, I ask the Committee to consider what sanctions, including public reporting, could be made available for failures to meet reporting deadlines.

## **Managing Investigations**

Inquiries are an important means of helping ensure compliance, and my inquiry reports also serve as valuable educational tools. Some of my recommendations therefore seek to improve my ability to manage investigations.

My recommended amendments would permit me to make public my reasons for not proceeding to an inquiry after a preliminary review, when the allegation that prompted the review is in the public domain and making my reasons public is in the public interest.

They would require Members who request an inquiry to refrain from commenting publicly on the matter until I have confirmed that my Office has received the request and I have notified the Member who is the subject of it.

And, they would help me obtain the information I need to carry out my investigative role, by giving me express power to summon witnesses and compel documents, and would also require that I be given direct access to any document requested from the House of Commons.

### **Other Recommendations**

Other recommendations include broadening the prohibition against furthering private interests to include relatives and friends, authorizing the Commissioner to produce a single annual report on the administration of the *Conflict of Interest Act* and the Code, and harmonizing the two regimes to ensure consistency of language and processes.

Finally, I have also recommended that the House of Commons consider implementing a separate code of conduct that addresses both the partisan and personal conduct of Members and their staff. I believe there is a need to address the ethical aspects of politicians' partisan behaviour. I also note that the House is exploring means of regulating the personal conduct of Members. It may be opportune to consider both issues at the same time.

### **Conclusion**

My recommendations are the result of a comprehensive and critical assessment of the Code, based on my nearly eight years of administering it. I hope that the Committee will carefully consider these amendments and, after its study, see fit to recommend that the House of Commons adopt them.

Mr. Chair, I will now be happy to answer the Committee's questions.