



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Procedure and House Affairs

EVIDENCE

NUMBER 005

Thursday, February 3, 2022

Chair: The Honourable Bardish Chagger



Standing Committee on Procedure and House Affairs

Thursday, February 3, 2022

• (1105)

[*Translation*]

The Chair (Hon. Bardish Chagger (Waterloo, Lib.)): I call the meeting to order.

Welcome to the fifth meeting of the Standing Committee on Procedure and House Affairs.

The committee is meeting today to hear from the Conflict of Interest and Ethics Commissioner, Mario Dion, on the committee's study concerning the review of the Conflict of Interest Code for Members of Parliament.

Before I adjourn today's meeting, I intend to discuss certain issues related to committee business.

Today's meeting is taking place in a hybrid format, pursuant to the House order adopted on Thursday, November 25, 2021. Members can participate in person or using the Zoom application. The proceedings will be made available on the House of Commons website. For your information, the webcast will always show the person speaking rather than the entire room.

I would like to take this opportunity to remind all participants and observers that taking screenshots or photos of your screen is not permitted.

Given the ongoing pandemic situation and in light of the recommendations from health authorities, as well as the directive of the Board of Internal Economy issued on November 19, 2021, and the House order of November 25, 2021, to remain healthy and safe, all those attending the meeting in person are to maintain two-metre physical distancing and must wear a non-medical mask when circulating in the room. It is highly recommended that the mask be worn at all times, including when seated. You must maintain proper hand hygiene by using the provided hand sanitizer at the room entrance.

[*English*]

To ensure an orderly meeting, I would like to outline a few rules to follow.

Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of either THE floor, English, or French. If interpretation is lost, please inform me immediately and we will ensure interpretation is properly restored before resuming the proceedings. The "raise hand" feature at the bottom of the screen can be used at any time if you wish to speak or alert the chair.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in the committee room. Keep in mind the Board of Internal Economy's guidelines for mask use and health protocols.

Before speaking, please wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer. When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute.

I would remind you that all comments by members and witnesses should be addressed through the chair. I want to remind everyone that at the previous meeting, which was a hybrid one, we were able to have members of the committee interact directly with the witnesses by raising comments and responses through the chair.

I would ask that we take a breath between those interactions to ensure there is interpretation, which is all of our concern. As we long as we maintain a good pace, I will interject minimally. If I feel that it's getting too quick, I will provide some commentary. If you would like to avoid that, now you know how.

With regard to a speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they're participating virtually or in person.

I would now like to welcome Mr. Dion back to our committee.

Mr. Eric Duncan (Stormont—Dundas—South Glengarry, CPC): I have a friendly point of order, Madam Chair.

The Chair: Go ahead, Mr. Duncan.

Mr. Eric Duncan: Madam Chair, I ask the clerk for advice on this.

I always like to hear your voice for the first few minutes of the meeting, and this is a customary thing that the clerk has advised all committees to do at the beginning of the meeting, but we're two years into this. We know about the rules and clicking the buttons.

Regarding the witnesses, an example in this case is Mr. Dion—welcome back—who has already heard this from his previous testimony.

For your benefit and time, may I suggest that, going forward, we provide the witnesses in writing what you say at the beginning of the meeting, so that when the meeting begins, we can get right to it? I will leave it to the committee to decide, but it might be something to consider to help move our business along and get to some more riveting questions today.

Thanks.

The Chair: We will definitely take that offline and have that conversation, perhaps at a subcommittee.

Thank you for raising that, Mr. Duncan.

Mr. Dion will be with us for approximately 90 minutes, and then, as I indicated, the committee will conduct some committee business for future meetings, if time permits.

Mr. Dion, please proceed with your statement.

[*Translation*]

Mr. Mario Dion (Conflict of Interest and Ethics Commissioner, Office of the Conflict of Interest and Ethics Commissioner): Thank you, Madam Chair.

Ladies and gentlemen members of the committee, thank you for inviting me to meet with with you today. Like I said when I had the privilege to appear before you on December 14, as an officer of the House of Commons, when members call me, I always give them priority.

So I am happy that the committee members are undertaking a study on the Conflict of Interest Code for Members of the House of Commons. The code is an important set of rules regulating certain aspects of members' activities. It benefits from being reviewed from time to time. This process will help determine whether rules are working and to address shortcomings identified by members or by other individuals who, like me, have some experience in the enforcement of rules.

[*English*]

The last review was completed in 2015, well before I was appointed to my current position in January 2018. I consider myself fortunate to have this opportunity to, in some way, contribute to the ongoing evolution of this important framework supporting our democratic institutions.

The committee has received from the office a list of six possible suggestions regarding the code and a selection of possible technical amendments that the committee may wish to consider. These recommendations were developed over the period of the last four years, since I became commissioner, with the participation of advisers and lawyers in the office who work with the code on a daily basis.

These suggested amendments are aimed at bringing greater accountability and transparency for members of the public.

Our first recommendation or proposed suggestion, if you wish, is to set a baseline minimum amount for gifts and potential influence, that being \$30, all inclusive, in a 12-month period from a single source.

Our second recommendation suggests that we strengthen and align the rules of conduct against furthering private interests of friends and family members, bringing them into alignment with the Members By-law.

Our third recommendation would be to prohibit outside activities that are incompatible with a member's parliamentary duties and functions.

• (1110)

[*Translation*]

The fourth possibility of amendment concerns the building of coherence within the code for sponsored travel, which is considered a gift and must therefore be subject to the same acceptability test as any other gift.

The fifth recommendation would be to enhance the understanding of the code with mandatory training for new members.

Finally, the sixth recommendation would be to increase the commissioner's autonomy to amend forms and provide generalized guidance to help better explain the provisions of the code.

[*English*]

As I said, these proposals were developed over time through observation and reflection. I believe they would modernize and improve the rules related to gifts and conflicts of interest as they relate to friends and family members, and would better define the boundaries of permissible outside activities for members. They would also require members to spend some time learning the rules set out in the code, as experience has shown that ignorance of the rules is often at the root of contraventions.

Finally, if the House deems it useful, one of my suggestions is to provide the commissioner with additional authority and autonomy to address specific situations requiring general guidance.

It's the committee's role to assess the relevance of these suggestions, and I will of course respect the decisions of the committee. I would also be pleased to offer my views throughout this review, if you so wish, on any matter that the committee may wish to refer to me.

[*Translation*]

It is my role to help the committee manage the Conflict of Interest Code for Members of the House of Commons. So I will make myself especially available while the committee is conducting its review.

I would be pleased to know your opinion, to note your questions and to provide you with explanations. I am ultimately a resource for the committee. I hope I will be able to help you decide what must be addressed in this review.

Thank you.

The Chair: Thank you very much, Mr. Dion.

[English]

We will now start our first six-minute round of questions, starting with Mr. Brassard followed by Mr. Turnbull, Mr. Therrien and then Ms. Blaney.

Mr. Brassard, the floor is yours.

Mr. John Brassard (Barrie—Innisfil, CPC): Thank you, Madam Chair.

Thank you, Mr. Dion, for being here today. I also want to thank you and your office because I've made several requests of your office, and those responses have always come back in a timely manner.

I want to focus on the recommendations because they are consistent with your appearance here in December. I know that the devil is in the details, and these are very high level recommendations. I'm sure my colleagues in subsequent rounds will have questions related to them, but I want to focus specifically on recommendation number three, where you say, "Prohibit outside activities incompatible with a member's parliamentary duties and functions."

Could you expand on that, please?

Mr. Mario Dion: At the present time section 7 says that nothing in the code prevents members who are not ministers or parliamentary secretaries from "engaging in employment or the practice of a profession" or from "carrying out a business" and so on and so forth. So there is no prohibition against continuing or initiating a new activity, a new business, a new profession and so on and so forth.

Although in the last legislature, there were very few MPs who were carrying out a business or were employed elsewhere or involved in the practice of a profession, we find that, from a philosophical point of view, considering the nature of the work of an MP nowadays, the level of activity and so on and so forth, it might be appropriate for the House to consider whether this rule is still adequate in the circumstances, because it does give rise to a stronger possibility of conflict of interest, of course, if you operate a business or if you're engaged in employment while being at the same time a member of Parliament.

• (1115)

Mr. John Brassard: Thank you for clarifying that.

My next question relates to digital media. We've seen recent news reports of the leader of the NDP, for example, receiving a gift of a chair. This speaks more broadly to the influence of digital media and the platforms that members of Parliament have, with hundreds of thousands or millions of followers in some cases. They could use those platforms, for all intents and purposes, for commercial purposes, as we saw recently. I know that your office has been made aware of that situation.

You didn't address the digital media aspect in the role that MPs play, which could be related to digital media influencers, or having friends, families or spouses who are deemed digital media influencers.

Is this something that the committee should be looking at, Mr. Dion?

Mr. Mario Dion: I think the rules as they are currently written in the code would adequately cover those situations. The rules do not focus on the medium; the rules focus on the behaviour.

Section 8, for instance, says that a member shall not act in any way to further his or her private interests or those of a family member, or to improperly further the private interest of a private corporation. It doesn't matter whether you do so with a megaphone on the Hill, in a letter to someone, in a telegram or through Facebook. It's all the same. The medium does not matter.

The degree of influence, of course, could vary depending on how many people you actually reach with the medium, but the contravention itself would arise irrespective of the medium. That's why we haven't addressed it. We think the code is nimble. The code adapts to technological evolution—at least that's been my experience in the last four years.

Mr. John Brassard: Mr. Dion, the last time you were here I asked you a question relating to public confidence, and you mentioned at the time that there were several polls that were attributable not only to the code but also to the Conflict of Interest Act, and that the confidence that people have in their governments generally, both in Canada and abroad, is diminishing.

The challenge that we have right now is that when a member violates the code, the public perception, real or otherwise, is that there's only a very limited response available to us. In other words, it doesn't really deter, whether it's a \$500 fine or an apology that isn't acted upon, or whatever is deemed by Parliament.

Is there a need to review a more substantive response to a violation of the code of conduct of members, as it relates to either financial penalties or other penalties, in your opinion?

Mr. Mario Dion: I'm not sure it's really for me to assess the situation. There hasn't been a single one in the last four years where [*Technical difficulty—Editor*] other types of penalties. We've had a number of inquiries involving members of Parliament, and there hasn't been a single situation where I thought that the existing regime was not sufficient to properly address it.

As for whether there is a demand on the part of the public for access to more penalties, I think there is, but in my opinion, at this point in time it hasn't turned out to be necessary.

I'll leave it to parliamentarians to determine, in order to have a credible response in principle, whether it's necessary to look at possible penalties under the code and to increase them or to give me more authorities vis-à-vis recommending such penalties.

The Chair: You have about 35 seconds, Mr. Brassard, and remember go through the chair.

Mr. John Brassard: Thank you, Madam Chair, and through you, in your opinion what could be a good deterrent or what could parliamentarians offer as a deterrent, Mr. Dion?

Mr. Mario Dion: I think the suspension of one's duties for a few days or a few weeks, in labour law, has proven to be an effective remedy, so maybe that's a possible one for a member of the House of Commons who would contravene, in a very serious way, one of the provisions of the code. That's one that comes to mind.

The Chair: Thank you, Monsieur Dion.

We'll be moving to the next round with Mr. Turnbull.

I'll just give a reminder to all members to address comments through the chair, and not directly to our witnesses.

Thank you.

Mr. Ryan Turnbull (Whitby, Lib.): Thank you, Madam Chair.

Through you, thank you to Mr. Dion for being here today. I really appreciate the report and recommendations and some of the thoughtful remarks that were provided today.

I have lots of questions. I know you're putting forward things, Mr. Dion, that I think have the best intentions of improving our overall Conflict of Interest Code for members, and also maintaining public trust and so on. There are many values I think you hold strongly, and I appreciate that.

With regard to recommendation number one, which is setting a baseline minimum amount for allowable gifts, I'm just interested to understand a little bit more your rationale for wanting to change that threshold from \$200 to \$30 per year.

I am struggling a little bit in my mind to understand the rationale behind \$30. From my perspective, it would be tough to assume, from a reasonable person's perspective, that even a \$200 gift would influence the exercise of a member of Parliament's duties. What I would like to understand is how \$30 would change that. Can you explain that to us?

• (1120)

Mr. Mario Dion: Sure, I'm pleased to.

What we intended to recommend was quite different from what the member has described. What we are recommending is that if a member of Parliament receives from a source—a company, a person, an entity, a lobbyist—a gift that is valued at \$30 or less, there is no [*Technical difficulty—Editor*] by somebody has been given to the member in order to influence him or her.

It's based on practicality. I don't think anybody would think that a member of Parliament can be swayed with a meal, with a sandwich, with a coffee, with a drink worth less than \$30, and therefore we should—

Mrs. Sherry Romanado (Longueuil—Charles-LeMoine, Lib.): I have a point of order, Madam Chair.

The Chair: Yes.

Mrs. Sherry Romanado: My apologies, Madam Chair. The audio for the witness cut out at a very key point in his testimony, so we didn't actually hear his response. Is it possible for him to repeat that? He was talking about that threshold of \$30 and what would actually happen. We missed the actual response.

Thank you.

The Chair: Your point has been made. Thank you.

Monsieur Dion, can you rewind a little bit, and we'll add that to Mr. Turnbull's time.

Mr. Mario Dion: Our suggestion in the first recommendation is to say in black and white in the code that if an MP receives a gift worth \$30 or less, all included, from a source, no more than once a year from that source, then there is no need to analyze anything. It's perfectly acceptable. The MP gets the gift, the MP doesn't have to even think about it. It's fine because it's part of what is required for social relationships to take place. It's perfectly appropriate for an MP to accept a coffee from a lobbyist if it's offered to him at Starbucks, for instance. This is just to stop wasting time trying to explain to people that it's okay to eat two shrimps at a reception instead of five, you know. A gift of \$30 is acceptable by this addition—there is no need to ask any questions.

We did not intend to affect in any way the threshold of declaration, which is currently at \$200 or more. Our aim is to simplify and make more practical the small gifts.

Mr. Ryan Turnbull: Thank you, Madam Chair, and through you to Mr. Dion, I appreciate your response.

I appreciate that, and I think I misspoke when I was asking my question. I did understand the intention, and I am still not quite clear on why it is \$30, versus \$50, versus \$150, versus \$200. It seems a little bit arbitrary to me, so that's the rationale I'm really looking for.

Mr. Mario Dion: Madam Chair, any line is arbitrary.

My predecessor had picked \$30 several years ago, so I thought it would be safe to pick the same line considering inflation. That's all there is to it. It could be \$50. It could be \$45. Most lines are arbitrary in life.

Mr. Ryan Turnbull: Thank you, Madam Chair.

Through you, again, to Mr. Dion, I'm interested in just having a little bit more clarification on recommendation number two, which is to strengthen and align the rules of conduct against furthering private interests of friends and family members, which I think is important to all of us.

I think Mr. Dion is asking for an expanded definition here of family to also include friends' private interests. I'm wondering whether that would make it so that friends and extended family would have to do disclosure and whether Mr. Dion would see that as feasible.

• (1125)

Mr. Mario Dion: Madam Chair, our primary aim in this recommendation would be to make it clear that in conflict of interest matters, you have three categories of people. The first category is yourself, your spouse and your dependent children. It's what I call the "nucleus", the closest people to you, including yourself. The second category would be friends and other relatives, as defined in the Members By-law. It's a second circle of people where you have to look more carefully at whether a conflict of interest is likely to arise. The third category is strangers. This includes anybody else for whom there is no reason to believe you would want to foster their interest.

That's what we're recommending. Just like in the Conflict of Interest Act, the friend is at the same level as the relative and the relative is more than the nucleus in the Conflict of Interest Act. All I'm suggesting is that maybe the House would like to consider doing the same thing vis-à-vis members of Parliament and the need to avoid conflicts of interest.

The Chair: That brings us to time.

We will pass the floor over to Mr. Therrien.

[Translation]

Go ahead for six minutes.

Mr. Alain Therrien (La Prairie, BQ): Thank you, Madam Chair.

Good morning, Madam Chair, members of the committee and Mr. Dion.

I apologize. I have had some technical difficulties, but I am now with you.

We are reminded to put our questions to witnesses through the chair. You see, we are still learning things, even at my advanced age.

In one part of the code, it says: "... if the total value of all such gifts or benefits received from one source in a 12-month period is \$200 or more ...". I would like to know what "from one source" means.

Let's use the example where a business or group of people with common interests give me \$30 each. That can add up to a pretty high total, depending on how many people decide to give a gift. At that point, although the individual donations are less than \$30 at the outset, the amounts can add up to well over \$200.

I would like to get an explanation, but more importantly put the following question to the witness. I am putting my question to him through Madam Chair. Should we provide a better definition of what "from one source" means? First, is this defined anywhere? Second, could we make improvements to avoid these kinds of issues? This is for cases where there would be a problem. Our witness has perhaps already anticipated the question.

I would like to get information on this.

Mr. Mario Dion: In the current code and when we are doing our work, we always assume that "from one source" means that it is coming from the same individual or the same legal entity, as civil

law calls it. So the source is an individual. For example, four individuals from the same family may each give someone a gift. In that case, we look at the value of the gift given by each individual, and not the total of the amounts. That is explained by the fact that those individuals have a specific, defined and unique legal personality.

That is how the code is currently interpreted, and that is also the interpretation we recommend.

Mr. Alain Therrien: Thank you.

Have you ever been in a situation where, after looking into the source of gifts, you found that abuse had taken place? Has that happened before?

Mr. Mario Dion: To my knowledge, this has not happened since I have been in office. There are a lot fewer gifts exchanged or reported than you may think. I have never seen that type of a situation.

Mr. Alain Therrien: When it is a matter of gifts, goods or money donations worth less than \$30, I always wonder the same thing. We can sometimes receive gifts whose value we personally deem to be below \$30, but whose value is huge in reality. We don't know how to gauge their value. In the beginning, we tell ourselves it must be worth \$15 or \$20, so we won't talk to the Conflict of Interest and Ethics Commissioner about it. However, given our ignorance about the value of every single thing, we end up with goods whose value may be extremely high.

What will happen to me if I accept a gift whose value I assess at less than \$30, but, following a complaint, I realize that it is worth a lot of money?

I assume that you advise us to meet with the commissioner in that case, even if we deem the value to be below \$30. Is that right?

• (1130)

Mr. Mario Dion: Madam Chair, if there is a doubt in the member's mind, they should meet with the commissioner. Members can always consult our office. We never mind being consulted.

We are here talking about market value. We can try to determine that value with you to remove any doubt you may have. That is not a problem. As we are talking about market value, certain things are difficult to assess. Anyone who has watched the show *Antiques Roadshow* can confirm this. We sometimes think that an object is worthless, but it is worth a lot and vice versa. So you can reach out to us.

This is a matter of good faith. If you have received an antique Greek statue or sculpture, and you are claiming it is worth less than \$200, if ever a complaint was lodged, it would be more difficult for you to prove that you believed in good faith that the object was worth less than \$200.

To summarize, you should not hesitate to consult us. We would try to assess the gift's market value together.

Mr. Alain Therrien: This happened to me in my previous life. I received a gift whose value was not high, but I was wondering what it was worth. So I had to check. We must be vigilant. As Mr. Dion said, objects may be worth a fortune without our knowing it.

Mr. Dion's brief talks about normal expression of courtesy. How can we determine the market value of a normal expression of courtesy? Could the witness give us examples?

Mr. Mario Dion: It is all a little vague. It can even vary within the same country, depending on the time period.

Let's look at the following example. You make a presentation at a conference, and you are given a bottle of wine. Its value is easy to check on the Société des alcools du Québec or the Liquor Control Board of Ontario website, for example. If you are given a bottle of wine worth \$22, there is clearly no problem. If you are given a bottle of wine worth \$426, it would be difficult for you to claim that is a normal expression of courtesy.

So we try to see what seems to be the practice in similar circumstances. It is very arbitrary. If the commissioner's office sends you an email saying that you can accept the gift, you are protected. So that would be the best thing to do. When in doubt, you should consult our office. You would then receive a written answer and would be protected.

The Chair: Mr. Therrien, your six minutes are up.

Mr. Alain Therrien: Thank you, Madam Chair.

The Chair: We are continuing with Ms. Blaney.

Go ahead for six minutes.

[English]

Ms. Rachel Blaney (North Island—Powell River, NDP): Thank you, Madam Chair. Through you, I'd first like to extend my gratitude to Mr. Dion for today's information and his well-thought-out recommendations.

I have a few questions. One is around receiving gifts. We've had a lot of good debate around it, but I want to recognize that for some gifts, there's a cultural sensitivity to receiving those gifts. I have a lot of indigenous communities within my region. A big part of the culture is to share things to demonstrate that you've heard their words. It's not obligating you to do something; it is recognizing and having the member carry that as a gift that reminds them of their hearing of the truth of the community. I also know that in a lot of Asian communities that can be the same.

In the discussions that you've had, have you looked into how to review that component? There are some very sensitive cultural processes that could be very offensive, and when you're in a leadership role, you have to think those out.

In the work that has been done, has that component been brought forward, and do you have any recommendations you'd like to add that would help us navigate that more effectively?

Mr. Mario Dion: Madam Chair, we have indeed on more than one occasion—on several occasions since I've been there the last four years—come across situations involving indigenous peoples in particular, where we received some representations. I used to be involved myself. I had several dealings with aboriginal people back

in the early 2000s when I was at Indian Residential Schools Resolution Canada. We've secured some clear legal advice, and it's perfectly appropriate to consider, per subsection 14(2) of the code, "normal expression of courtesy or protocol". Of course, that varies depending on who the donor is, what the culture of the donor is [*Technical difficulty—Editor*] comfortable to take that into consideration, and it could have an impact on the acceptability of the gift. We would never force an MP to return a gift unless it was clearly abusive, even under those protocols and rules of that particular community.

• (1135)

Ms. Rachel Blaney: Thank you, Madam Chair. I'd like to thank him for the answers, through you.

I am also curious about your recommendation 3. I think it's really interesting to think about how to make sure that what the member of Parliament is doing outside of their parliamentary duties is compatible. I'm curious if you could talk a little bit more about whether there's been any analysis done about what professions might be more acceptable or what other professions might be more concerning. For example, if you are a member of Parliament and you are able to sell yourself as a public speaker, an online content creator, a social media influencer or a brand representative, I think there could be some interesting conflicts there that we need to address.

Is there any interest from the department in fleshing out the type of work an MP could carry out while they are a member of Parliament, and perhaps even in what context?

Mr. Mario Dion: Chair, if our recommendation were to be adopted, we would be pleased to provide some draft guidelines for trying to determine which criteria would be used, and the criteria could be in the code itself.

There are some professions that basically have no bearing on the role of a member of Parliament. The one I talked about was a veterinarian; I think in that case it is far less likely there could be conflicts than if someone were practising law, obviously.

In practice, the situations that we have had are mostly either [*Technical difficulty—Editor*] who have large businesses they operate, and very often, legal practitioners as well, who have been MPs and legal practitioners at the same time. Again, it's a very small number. When I first started, we had 12 MPs out of 338 who had declared such an activity, so we're not talking about a large number. I was concerned about a few of these MPs who I thought were playing with fire and coming close to the line by practising, so I thought the House might wish to clarify that in the code. If it's incompatible in the view of the commissioner, it should not be permitted.

The Chair: You have one minute left.

Ms. Rachel Blaney: Through you, Madam Chair, I want to let Mr. Dion know that every once in a while—I don't know if the clerk can look into this—your audio is clipping out for short periods, and we're not hearing you. I haven't lost the content of anything yet, but it has happened a couple of times.

The other thing I have questions about is sanctions. I'm wondering how the commissioner determines their appropriateness. We've seen examples of small fines for what I perceive as pretty big failures to be transparent. Should sanctions include any expenses incurred by the Ethics Commissioner? So if a member doesn't do their due diligence to make sure that the information is there for the department to look at, should there be some sort of reflection of that in their fine?

Mr. Mario Dion: Madam Chair, there is always a great deal of confusion between the code on the one end, which is applicable to MPs—to all MPs, including ministers—and the Conflict of Interest Act, which is only applicable to other non-elected officials, as well as ministers. My point is that there is no sanction currently set out in the code. I have the power to recommend a sanction in the code. The House is the only authority that can sanction an MP [*Technical difficulty—Editor*] available by way of sanctions. Since the code was adopted, the only sanction that was imposed was the requirement for an apology, basically, in a few cases. It never went any further than that. There is no list in the code, so each case has to be weighed on its own merit by the commissioner on the one end, to determine whether I should recommend something. Then in my report to the speaker, I would make a recommendation, and then it's up to the House to decide what to do vis-à-vis the contravention that is found in the report.

• (1140)

The Chair: Thank you, Mr. Dion

I'm going to continue to round two. We will have five minutes for Mr. Duncan, followed by five minutes for Mr. Ferguson.

[*Translation*]

Mr. Therrien will then have two and a half minutes.

[*English*]

Then it's two and a half minutes for Ms. Blaney, five minutes for Mr. Vis and five minutes for Ms. Sahota.

Mr. Duncan, the floor is yours.

Mr. Eric Duncan: Thank you, Madam Chair.

Through you to Mr. Dion, I just want to start on a positive note. I will say that in my dealings with your office, the customer service level has been excellent. The responses have been very timely and the answers very clear. That is much appreciated.

I want to maybe ask about recommendation number four. One of the things I think our committee needs to tackle is paid internships. Would I be accurate in saying, Mr. Dion—although it's not specifically addressed in your recommendation—that when you talk about working with the code for sponsored travel, paid internships would be considered kind of a comparable issue in your recommendation on that?

Mr. Mario Dion: In fact, a few years ago I ruled that an intern constitutes an advantage. An intern is like a gift. The value of the gift is what the intern gets paid by a third party [*Technical difficulty—Editor*]. Accepting an intern is like accepting your gift. Several MPs have declared that gift, and it has been published in the public registry. I've also ruled that an MP shall never accept a gift by an

entity that is registered to lobby the House of Commons. A gift from a lobbyist is, by definition, unacceptable.

Any intern provided through a parliamentary program is perfectly appropriate, of course. We're talking about outside entities providing interns.

Mr. Eric Duncan: Building further on that about third parties, where do you get the degree of separation a little bit? An organization perhaps has a paid internship program and would lobby the House of Commons. What about an organization that is considered a not for profit but receives funding from organizations? You don't necessarily have that disclosure. Where does the line go on that in terms of that level? There could be a degree of separation just through the funding model and the mechanism of how an internship program would be set up. Would that be fair, that it gets a little more complex there?

Mr. Mario Dion: Yes, it does, and we've had a few situations where we have analyzed, in conjunction with the MP, whether the gift was or was not acceptable, considering the funding structure. It's a clear factor in determining whether it's acceptable.

Mr. Eric Duncan: I think this is something, as we consider recommendations and look at this, that we have to get right. I see the value of internships in Parliament and around the Hill in bringing young people and giving them experience, and wanting to get it right. I look forward to some further discussion on that issue.

One of the other things I wanted to talk about was the definition of “friends” in that issue. I can understand the intent of it, but the enacting of it could be tough. I looked through the analysts' document for us today, which talks about the definition of friends on your website as “individuals who have a close bond of friendship, a feeling of affection or a special kinship with the public office holder”.

Mr. Commissioner, I would have a problem, in that I feel I have a lot of friends or a lot of people who feel they're my friends in the work that's going on. Family is one thing. If you're a cousin, you're a cousin. If you're a sister, you're a sister. In our role, I'd like to have a lot of friends, and people think that I'm friendly, but that's a lot harder to define.

I respect the attempt at a definition or interpretation of a friend, but it gets into a really grey area. Is being a friend travelling together once a year? Is it sitting together at a community event? Is it being at a wedding party together? The definition of that to me is still very vague in the optics or the intention of it versus the enactment. Do you have any plans to try to define “friends” more definitively when we're talking about this?

Mr. Mario Dion: Madam Chair, we looked at this. It is very difficult to define. Again, as mentioned in response to an earlier question, there are cultural differences as well. The concept of a friend varies from one culture to another, potentially. We each have our own definition of who's a friend. Some people feel they've had two friends in their lifetime and some people think they have 2,000 friends. It's very flexible.

In the “Morneau II Report”, I had to look at the issue. I applied the criteria developed by my predecessor, which you just read out. It has to be done on a case-by-case basis.

In practice, what an MP could do is discuss the relationship with us, and we would essentially make a determination as to whether this person is or isn't a friend. In case there is a complaint, we could determine in advance whether somebody would be considered to be a friend according to these criteria, and again, the MP would be protected.

I'm afraid it's impossible to come up with a complete, forever applicable definition. It's absolutely impossible to do that because there are millions of permutations.

• (1145)

The Chair: Mr. Duncan, that brings us to time. I'm sorry I didn't give you a warning. I didn't want to interrupt.

Mr. Fergus, it's five minutes to you.

[*Translation*]

Hon. Greg Fergus (Hull—Aylmer, Lib.): Thank you very much, Madam Chair.

I would like to thank the commissioner for being here and for his testimony, but also for his document that contains the proposals we should consider.

Mr. Dion, frankly, we could spend a lot of time exploring the consequences of the proposals presented to us.

That brings me to my personal experience. I know that we had an opportunity to discuss this in December, but I would like to talk about it again, and you could clarify a few things.

When I was working in the private sector, I was lead director of ethics for a business association. We quickly came to the conclusion that it was very complicated to have a code that had so many rules it became as thick as a phone book.

I would like to talk about your fifth recommendation. I know that you have tried a number of times to encourage members to attend training on their obligations as set out in the code. That said, have you thought about doing something unusual, akin to what we did when I was working in the private sector? Instead of proposing a host of rules to regulate members' activities, have you thought about proposing, for example, 10 commandments that would tell members what the appropriate way to act is? I am thinking of something very simple, such as recommendations to follow. I am not talking about recommendations like the ones you have already proposed, but rather about a document that would be limited to a few numbered guidelines for conduct setting out ways to behave that are not perceived as a conflict of interest.

Perhaps simple rules would encourage members to think and to contact you to discuss and determine whether something is acceptable or not. For instance, what is the difference between a \$30 meal and a \$32 meal? I think Mr. Brassard asked this question. I think the intent behind the meal is the most important thing, and not the amount.

I apologize for talking too much. Take all the time you need to answer this question.

• (1150)

Mr. Mario Dion: I feel that the current code contains clear and simple rules. A few of them leave a lot of room for interpretation, but most of them are clear and simple.

A lot of work was done prior to 2004, as well as afterwards. It is hard for me to see how we could design something that would be much simpler than what we currently have. We would have to think in a completely different way. In Westminster-style parliamentary systems, this is the type of code we are used to, and it works. I think it is clear.

That is why I recommend mandatory training to emphasize the general principles. People have a natural tendency to focus on details and forget about general principles. So that is the aspect on which I would like to focus the training, which would consist in explaining general principles in a way to enable members to know when to consult us. The first thing to do is to develop the habit of identifying potentially problematic situations and, consequently, consulting our office. It is impossible for a member to understand the system as well as someone who has been working in our office for 15 years. When in doubt, the member must consult us. Once we come up with a solution, we put it in writing in an email. That way, the member is protected. So everything is clear, everything is possible.

That is the way to do things. Members must develop the habit of determining whether there could be a problem. They should also try to consult us before taking action, rather than after taking action, although that is also possible.

The Chair: Thank you, Mr. Dion.

Mr. Therrien, you have the floor for two and a half minutes.

Mr. Alain Therrien: Thank you, Madam Chair.

I'd like to come back to the source of gifts we might receive. You answered me, but I'd like to go over it again anyway because I'm not sure I fully understood.

Let's say I receive seven or eight gifts over the course of a year, and I inform Mr. Dion of each gift. Will Mr. Dion automatically check to see if the gifts have come from the same source?

Mr. Mario Dion: Yes, we do check.

First, as I said earlier, there are few instances where members receive gifts. It's pretty rare.

Mr. Alain Therrien: Well, I, for one, don't have any.

Mr. Mario Dion: We're talking about 338 members receiving perhaps 100 gifts per year at the most. Also, it's rare for any one member to receive many gifts. It's very rare, in fact.

Yes, we do look at where gifts come from. One of the reasons we release the source of gifts is that a journalist might become interested in a member who has received gifts from companies or individuals who are associated in some way. We release the giver's name because it forces the member to reveal the source of the gift and we can carry out an analysis. In practice, however, it's not really necessary to do that because very few members receive more than one gift.

Mr. Alain Therrien: As I understand it, Mr. Dion does this systematically without any problem. I'm asking these questions because I'm not familiar with all aspects of the issue. I've never done this kind of work. So it's hard for me to fully grasp this as well as Mr. Dion does.

I don't quite know how to say this to Mr. Dion, but I find he has an extremely difficult job to do. He must feel a great deal of pressure. Even though he has a very specific code of conduct, there are still a lot of grey areas.

For example, who is considered "family"? I see that we're looking at broadening the definition of family, and the last time we met with Mr. Dion had said he intended to expand the concept.

We're also looking at the concept of friends. What constitutes a true friend? We don't want to hear "a friend is a friend" like they did at the Charbonneau commission. So we need to define the word "friend".

First, I'd like to know if the Commissioner feels that pressure in assessing the grey areas.

Secondly, could he be criticized or even lose his job if he were to find a certain behaviour acceptable but the people think it's inappropriate because partisanship might have been involved?

The Chair: You don't have much time left, Mr. Therrien.

Mr. Alain Therrien: They were good questions.

The Chair: You have 15 seconds to respond, Mr. Dion.

• (1155)

Mr. Mario Dion: Yes, I do feel some pressure. However, it's the members who must adhere to the code of conduct, not me. I'm a resource person there to help the members. So the pressure is not on me.

I can't be removed, I'm a bit like a judge. Whether or not people agree with my decisions, I will be in place until January 2025.

The Chair: Thank you, Mr. Dion.

Ms. Blaney, you have the floor for two and a half minutes.

[*English*]

Ms. Rachel Blaney: Thank you, Madame Chair, and through you, I've heard clearly from the commissioner that there is a lot of room for increasing the confidence of Canadians in their public institutions, and I think that's something that as members of Parliament we should always be having vigorous conversations about.

I'm wondering if the commissioner could talk about any other tools or resources that other commissioners have in other jurisdictions that have the power to enforce some of these standards, or that

would potentially be recommended to build up that public trust in these institutions.

Mr. Mario Dion: Madam Chair, in Canada, I believe that we at the federal level have at least as many—and sometimes more—tools than they have at the provincial and territorial levels domestically. Since I've been here we have not done an international comparison to see how in 2022 the ethical rules governing elected officials are applied in comparable countries. We haven't done that, and the committee might wish to consider doing that in its review. We would be pleased to participate and assist in doing that, but we haven't done that, and these do evolve. France came up with a new institution two years ago called La Haute Autorité, a very [*Technical difficulty—Editor*], and I frankly have not had time to study how they have done things since then. That's one example. The United Kingdom is reviewing its current approach vis-a-vis the same question as well.

Ms. Rachel Blaney: Thank you so much for that. I think it is something that we should be looking into.

Through the chair, I'm also just curious, Commissioner, about training. The last time we were speaking together, we talked a lot about training and its importance. Of course, we were seeing a lot of new MPs coming into office and they were doing a lot of training. I understand that one of the gaps, of course, is that there isn't a formal training process.

I'm just wondering about two things. What information do new members need to be provided with upon assuming their role to ensure their full compliance and understanding of the timelines? The other part of that question is, what kinds of updates do you think MPs might need to have about compliance as they go through their years of service?

The Chair: We are at time, Mr. Dion, but [*Technical difficulty—Editor*]

Mr. Mario Dion: What I have in mind are the fundamentals of the code that would be explained to MPs upon being elected for the first time—no more than two hours. Then, if any significant change is made to the code or its interpretation, we would have refresher training for MPs available online. Everything would online.

The Chair: That's excellent.

Mr. Duncan, the floor is yours for five minutes.

Mr. Eric Duncan: Thank you, Madam Chair.

Through you, Madam Chair, one of the grey areas, Mr. Dion, that I feel is often avoided for being, for lack of better words, a can of worms is, as Mr. Brassard was talking about earlier, the digital influence or our digital work. As an example, I go to my community and use a hashtag or tag for a business in my community that is seen by thousands of people and perhaps generates interest in their page and so forth. We've got into accepting or promoting gifts or linking and promoting charities and so forth.

Do you see yourself making further black and white declarations of what would be acceptable on social media for members of Parliament?

Mr. Mario Dion: We could try to develop something like this. It would have to be submitted to the committee and approved by the committee, but of course we would be pleased to do so, because there is too much uncertainty at this point in time as to appropriate behaviour. The—

Mr. Eric Duncan: I think it's something we have to—

Go ahead.

Mr. Mario Dion: The rules do not focus on the medium, but we could illustrate how the rules would prevent somebody from doing something and would allow somebody to do something else using these media.

Again, it's not black and white. It depends on the facts of each case

Mr. Eric Duncan: I think as we evolve in the digital age it's becoming more and more something.... Again, we're talking about influence or about promoting different facts and getting some clear rules on that.

One of the other challenges I have, for lack of a better term, is an evolving conflict of interest, perhaps, and I'll ask for some suggestions. Let's say I'm at a local business over the years—and I do this commonly—and I'll tag a page of a business or a charity. Several years down the road, I decide that I'm looking for a new venture and happen to be employed by that business. Does it later become a conflict of interest, then, that I shared this at some point in terms of how that goes?

Maybe I'll just leave it at that. I'd be interested in your further thoughts on how we can make digital rules and have some flexibility. There are two aspects: a conflict of interest with the business, and there's also the tagging and going back and forth between being a member of Parliament and then at election time being a candidate. I'd be interested in your thoughts, and perhaps we'll be asking for your written thoughts as we get to a draft study on that.

The other question I have is on your recommendation number three, where you talk about the work of members of Parliament and outside income or work. You mentioned that there are a few MPs.... Obviously you're not going to name names, but how many are we talking about who are impacted by this currently, based on your recent filings or discussions? I don't need an exact number, but maybe just a range to give us a better context.

Mr. Mario Dion: The last number I saw, Madam Chair, was 12 members after the 2015 election. After the 2019 election, I did not seek a number, so I don't have a number. Of course, although we've received.... I'd like to thank all MPs for doing this, but 99% of the MPs [*Technical difficulty—Editor*] provided the necessary information for initial compliance to take place—

Hon. Greg Fergus: On a point of order, Madam Chair, just after Mr. Dion said “99% of MPs”, the video cut out. I'd just like to make sure that I understood exactly what he said. Thank you.

• (1200)

The Chair: Mr. Dion, if you can please repeat that line, we'll give that time back.

Mr. Mario Dion: As of yesterday, 99% of MPs have now sent us the necessary documents to proceed to initial compliance. Close to half of the MPs have now completed the process completely after their election. I'm quite pleased with those results, but I don't have at this moment how many MPs out of the 338 have outside activities under section seven of the code. I don't know that at this moment.

Mr. Eric Duncan: May I ask, through you, Madam Chair, if we can perhaps get that number to the analysts to consider in our draft report? I think the context of the scale is important in a lot of these things. For sure it's an issue. I think it would be important to Canadians to know the scale of the problem.

I'll maybe ask for a clarification or your views on this.

From a conflict of interest and ethics perspective, when it comes to extra work, is your concern more the time of work, for example? I'm not a lawyer, but if I were, is your issue the time someone would spend working as a lawyer? When you're saying members of Parliament, is the rule today because of the time commitment of a member of Parliament and or is it from an income perspective? I think my point is that there are several people, perhaps on boards of directors, who get an income from doing that by spending very little time.

What's your view on the income versus on the work being the issue at hand, in terms of that recommendation?

The Chair: Mr. Dion, you have the remainder of the time to answer.

Mr. Mario Dion: Madam Chair, my key concern is to limit occasions on which conflicts of interest might arise. When you have an employer, of course the employer becomes somebody you care about a little bit more than you do about people you don't know. That's my chief concern, and it's the time as well. I find it hard to imagine that somebody could have a full-time job and be an MP at the same time, as has been the case in the past in a very limited number of cases.

The Chair: Thank you.

Ms. Sahota, you have five minutes.

Ms. Ruby Sahota (Brampton North, Lib.): Thank you, Madam Chair.

I agree that it would be very difficult to be a full-time MP and to have another full-time job on the side. All MPs work full time, so having a full-time job on the side would be very difficult.

I have a really easy question to begin with. Part of your recommendation number six is to be able to have more autonomy. To change forms I can understand, but is there something preventing you from giving generalized guidance to help better explain the code's provisions at this point in time?

Mr. Mario Dion: Section 26 of the code, Madam Chair, limits me. I can issue general guidance only if [*Technical difficulty—Editor*] by an MP. I couldn't this morning, for instance, issue a guideline on the use of hashtags on Facebook, for instance, in promoting the interests of a person.

• (1205)

Mr. Eric Duncan: On a point of order, Madam Chair, there was a glitch again. If the commissioner could restart his answer, it would be appreciated.

Thank you.

Ms. Ruby Sahota: Would that count against my time?

The Chair: No.

Ms. Ruby Sahota: I have lots of questions.

Thank you.

The Chair: Mr. Dion.

Mr. Mario Dion: Section 26 currently restricts my issuing of any general guidelines to situations in which an actual MP has asked an actual question about the precise issue I want to deal with. I cannot speculate that it is an issue that might be of interest. Until such time as somebody asks me a question, I have no authority to issue guidance.

Ms. Ruby Sahota: Okay.

Going back to the issue of prohibiting outside activities that are incompatible, from your comments before I'm led to believe that in this case you would not be prohibiting all outside employment, just that which isn't acceptable according to the commissioner's thinking or understanding or whatever. Would just being a director of a holding company that was holding real estate be considered something that would be incompatible, or would that be compatible? I know you gave the example of the veterinarian as well, but I think that's probably less common and that something like having real estate holdings is much more common.

Mr. Mario Dion: Madam Chair, I'm pleased that the member used the word "incompatible" because that's what I have in mind. It's not "inappropriate"; it's not "undesirable"; it has to be "incompatible". The burden would be on the commissioner to determine why it is incompatible. [*Technical difficulty—Editor*] Facts are also important, but I would not venture an answer today as to what's incompatible and what isn't. I would have to look at each case. Because we have a limited number of these outside activities, it's entirely possible for me to do that.

Ms. Ruby Sahota: Thank you for that answer.

My next question is something along those lines as well. I think it's great that you're also limiting the number of things you have to look at. If the threshold is \$30, then anything under that would be a go. Can you give me an example of what would be over \$30 but under \$200 that would be problematic, in your opinion, and an example of something that wouldn't be?

Mr. Mario Dion: If a member is currently a member of a House committee reviewing legislation, for instance, on.... I'm picking an example. The member is currently a member of the House committee on agriculture. A bill is coming up. Everybody knows that a bill is coming up to regulate the milk industry, for instance, and if the

member gets a painting from a milk producer in her riding that is worth \$179, I would recommend to the member that she return the gift considering the imminence of her having to be involved in discussions and decisions—having to vote, basically—on a bill that could affect this person, this donor. That's one example.

When there is a connection, past or future, likely to happen.... Of course, I cannot predict who will be a member of which committee five years from now, but when you actually know that something is likely to happen, then there is a potential conflict that has to be avoided and the gift should not be accepted.

The Chair: You have one minute.

Ms. Ruby Sahota: Thank you, Commissioner.

My last question is in regard to the extension of family. This is interesting to me. I come from a big family. I was doing the calculation loosely right now. If I were to count.... You include in-laws and siblings, but you say it goes beyond that. If you were to include first cousins, on my spouse's side I have about 80 aunts, uncles and first cousins, and on my parents' side probably a little under that, at somewhere around 75. Some are estranged. Some are very close.

Once you put this out there that this is a part of the code, the media is quick to pick up on things that they may perceive to be a conflict. By the time you yourself can even make a decision on such a thing, a member's reputation can be ruined when they have nothing to do with a person receiving some benefit who perhaps a member has never even spoken to in 20 years. How do you view situations like that? This expansion of this definition, from practical purposes, seems a little troubling to me as a member. I think it looks good on the outside, but in practicality it creates a lot of difficulties.

• (1210)

The Chair: We are at time.

Mr. Dion, we'll give you 15 or 20 seconds.

Mr. Mario Dion: Maybe the committee should look at Statistics Canada data as to whether you are in a classical average situation. I don't think you are. How many people would be caught by this definition, on average, if we take Canadians at large at this point in time? I think it's far less than the numbers you've given us, but....

The Chair: Mr. Dion, thank you.

Mr. Duncan, you have five minutes.

Mr. Eric Duncan: Thank you, Madam Chair.

Through you to Mr. Dion, going back to the job, just to get a clarification on that again, are you ruling out or recommending a full-time job or is it any other employment income while a member of Parliament? On this suggestion, I would agree completely that you couldn't be a full-time lawyer and a member of Parliament at the same time, but you might have time to practise one day a month, or in the summers when there's a longer recess. Are you banning any employment income at all as a member of Parliament? Can you clarify that between full time and part time?

Mr. Mario Dion: No, in fact, Madam Chair, it would be the other way around. It would be permissible unless the commissioner determines that it's incompatible. It would be perfectly okay for somebody in the summer, when the House typically adjourns for two months, to have an activity—no problem whatsoever—unless, of course, there is a conflict of interest. No, the focus is not on revenue. The focus is on the occupation: Is it actually possible to do both at the same time?

Mr. Eric Duncan: Thank you for that.

To get your thoughts on this, Ms. Sahota talked about this, the size of the family. We're talking off-line here about the size of our families and cousins and second cousins twice removed and the whole thing of where the line goes, but can you talk about the differentiation in or the impact of a conflict of interest between members of Parliament and cabinet ministers? I think there's a big step there, or a difference—

Mr. Mario Dion: Yes.

Mr. Eric Duncan: —when we're talking about the size of or the ability for a conflict.

They still exist—don't get me wrong—but perhaps when we talk about some of these other levels going further, there's my providing a communications contract to a friend in my hometown who does great graphic design versus a cabinet minister awarding a contract to a friend for a few million dollars. Can you talk about that, about how there could be a differentiation depending on your level of influence, for example, as a member of cabinet?

Mr. Mario Dion: Madam Chair, it's next to impossible to try to encapsulate an answer on something like this in a few seconds. Of course, the role of MPs is very different from that of ministers or senior officials. Their ability to make a decision on their own is much more limited than it is for these people under the act. But there are situations, nevertheless, in which they might find themselves discussing or voting on something that is not of general application, that could benefit a friend or a relative. That's what I have in mind.

Most bills deal with the totality of Canada's population or very large segments of the population, but some do favour some people more than others. That's what we're focusing on. If you have a relative or a friend who would be positively affected by a measure you have to consider or express yourself on, you should stop and think about that.

There is an existing provision in the code that says if you find there is a conflict, you should declare the conflict immediately to the Clerk of the House. Very few MPs do that, I'm sure fewer than have actually come across that situation.

Again, the reflex of figuring out that this is dangerous because I could unconsciously favour my brother-in-law, my grandmother or I don't know who if I take a certain position in this committee or on this vote is not about general application involving millions of people but is about a much smaller segment of the population.

That would be my answer.

Mr. Eric Duncan: Thank you.

In my remaining time here, I'm trying to get in a whole other file. I want to touch on the Vandenberg report you did a couple of years ago. This is of interest to me, having been in municipal politics—and in the province of Ontario, for example, municipal elections are coming up this year—with respect to the use of one's name and title in the endorsement or influence of a candidate in a municipal election. In Ms. Vandenberg's situation, it was her spouse who was seeking office in the City of Ottawa.

Could you talk a little bit more about that? Do you have any recommendations on our code review clarifying that a bit more? I look, for example, for where the line is drawn. Obviously, for a municipal candidate, to put it in a householder or in an official communication that's issued using our member's operating budget would be inappropriate, but again, there's the social media aspect of it or even going door to door for a candidate and saying, “Hi. I'm Member of Parliament X for this riding, and I'm out with candidate Y”.... Can you talk a little bit about that, again, to try to get something more black and white on this for members, not just for the evolving municipal elections but also for provincial or other elections?

Thank you.

• (1215)

The Chair: We are at time, Mr. Dion, but I will show some leniency so that you can provide us with a response. And now that I'm interrupting, would you mind moving your boom to between your nose and your top lip just to see if that works?

Mr. Mario Dion: Okay.

The Chair: Online we're okay, but some glitch within the committee room means they are not hearing you. Let's try that for your response.

Mr. Mario Dion: Madam Chair, before I appear again, I will ask for a new device. It could be the device that's the problem.

Again, it's always dangerous to try to give general answers. The code, however, contains a provision that says very clearly that nothing in this code limits someone's ability to have political activities.

So what I would suggest is that the member contact me offline and we could discuss that. We could also consider coming back to the committee with a general answer about members of Parliament supporting candidates in provincial and municipal elections. What are the boundaries? What's permissible and what's not permissible? We could do that, if the committee so wished.

The Chair: That's excellent.

Thank you for your responses.

Now we will go for five minutes, again, to Mrs. Romanado.

Mrs. Sherry Romanado: Thank you very much, Madam Chair.

Through you, I would like to thank Mr. Dion for being here.

Mr. Dion, in your executive summary on page 1, you say, “A broad spectrum of points of view have been taken into consideration” in preparing this report. Did you interview any members of Parliament?

Mr. Mario Dion: No, we didn't, Madam Chair. We took a passive approach through observations, through the media, through anything on the web and through anything within the office.

Mrs. Sherry Romanado: Thank you.

I think that's where you're seeing a lot of these questions coming up, because there's some confusion. When I was doing my MBA, every time I would ask my corporate finance teacher a question, he would say, "Well, it depends." That's kind of what we're hearing from you: based on a specific case, it depends as to whether or not a gift is acceptable or if there is an actual conflict of interest.

In recommendation one, you are suggesting that the value of a gift under \$30 not be declared. In terms of *pratico-pratique*, I don't know about other MPs, but I often get unsolicited gifts sent to me. For instance, on January 25, I received a book from somebody. I don't know the person at all, but they signed a book and sent it to me. When I flipped it over, I saw that it's valued at \$28.

According to the code, if I get past \$200 from the specific individual in any given year, that is when I have to declare it within 60 days. However, because it was January 25 when I received this book, I don't know if I'm going to get something else from this person. In terms of the tracking all of this, there is no tool currently, other than our own individual offices tracking the gifts we're receiving and logging them, to be able to determine whether or not the person has passed that threshold of \$200. Currently what I do is that every month I send this to your office; I'm a frequent flyer. They always write me back thanking me.

Because it is very labour intensive, is there a plan to have a tool in place for members of Parliament to be able to do this declaration right away so that this way it's being calculated on your end? Subsequent to that, in terms of training, I agree that training is helpful, but given the labour intensity of tracking and logging all of this information, would it be possible to also perhaps think of training for staff members who are supporting us so that they can also assist in this regard?

Mr. Mario Dion: Madam Chair, anything is possible given the appropriate resources. It's for the House to decide what they would like my office to be doing, but at the current time, the obligation to declare, compute and determine when something has to be declared is with the MP, not with my office.

Mrs. Sherry Romanado: Okay. Thank you.

I know that my colleague would appreciate some additional time, so I will turn it over to my colleague, Mr. Turnbull.

The Chair: You have two minutes, Mr. Turnbull.

Mr. Ryan Turnbull: Thank you very much for your kindness. It's great to get in for another couple of questions here.

Through you, Madam Chair, I know that in recommendation five, Mr. Dion, you stressed how important it is that members "develop an understanding of the principles of the Code", which I think is great. You've talked numerous times in your remarks today about developing "the reflex". I think what you were referring to often was developing the reflex of knowing when members should be consulting your office. I'm interested from a training perspective about how you propose to help members develop that reflex and the

good judgment that's probably needed in order to come out with the right decision.

In many of these situations, there's a lot of grey area, and it's very difficult to determine what is the most appropriate course of action. That's part and parcel of dealing with ethics and the types of roles we have, where there are many competing interests at all times. It's very situational. There's a lot of grey area. How could the training incorporate elements that really help members of Parliament develop the judgment needed to make the right decisions in these situations?

• (1220)

Mr. Mario Dion: Madam Chair, what we could do—and have done on some occasions in the past—is that we could have case studies based on real-life situations, while taking all the precautions, of course, to make sure that nobody would ever be able to guess who was involved.

I think real life is the best source of examples we can up with of some people having made wise decisions to consult us and some people having made stupid decisions not to consult us. It's a good source. It's less abstract, because, again, there are millions of possibilities, but when you look at real life, it's more restrictive than that, and we could come up with some good cases of real-life examples of what to do and what not to do.

Mr. Ryan Turnbull: I definitely support that, Madam Chair. I'll just ask one more question.

Going back to my colleague Ms. Sahota's comments about extended family and friends, I'm still concerned about that because I have no idea how I would ever fully comprehend the private interests of all of that extended network of people. I would have no knowledge of even some of my relatives' private interests in different things, where they invest, etc. There are many aspects of that. In some cases, the appearance of a conflict of interest can arise very easily in a situation and not really be merited, in the sense that the member wouldn't even have known about it.

This is very highly problematic in my mind. Could you speak to that and how you would resolve that?

The Chair: We are at time, but, Mr. Dion, go ahead, please.

Mr. Mario Dion: There was action taken by the House in recent years to amend the Members By-law to extend the definition of family. All I am proposing is that we adopt the same definition for the purposes of the code.

On relatives, yes, it is very difficult. It is the case already under the Conflict of Interest Act for non-elected officials and ministers. There was the LeBlanc report a couple of years ago, which described how one of Mr. LeBlanc's 61 cousins was involved in a fishing permit that the minister had granted. I found that Mr. LeBlanc was in breach of the Conflict of Interest Act because he had knowledge of that cousin and knowledge of his occupation. It was possible that he would not have had knowledge, but he did have knowledge.

The Chair: Thank you, Mr. Dion.

[Translation]

Mr. Therrien, you have the floor for two and a half minutes.

Mr. Alain Therrien: Thank you, Madam Chair.

Earlier, Mr. Dion said that the pressure is not on him, it's on the members. I listened carefully to Mr. Turnbull, who always asks excellent questions. After he spoke, I got to thinking. He said he had a big family and he didn't know what some of his cousins did for a living, and therefore, to keep from being pressured, he decided to leave it in the Conflict of Interest and Ethics Commissioner's hands.

Now, let's imagine a situation like that being referred to the Conflict of Interest and Ethics Commissioner, in this case Mr. Dion. After his assessment, he would tell himself that everything is in order, so he would give his approval to the member. The Commissioner is only human, so his decisions may not be perfect. Could a reporter do a very thorough investigation later on and let the cat out of the bag, which would put the member in a very unenviable position? Could that happen?

Mr. Mario Dion: According to one section of the code, if you ask for an opinion and you get it, that protects you during an investigation by my office. Obviously, it doesn't protect you from the media; that's another matter.

When you give the facts to the Office of the Conflict of Interest and Ethics Commissioner, you have to give all the facts. We base our assessment on the facts presented to us. New facts may come out when a journalist takes an interest in an issue. Things can go that way in real life too.

We assess the facts as they are presented to us, we provide the member with an opinion and the member can use it to show good faith. However, a journalist may continue to focus on a situation and damage the member's reputation.

• (1225)

Mr. Alain Therrien: So a member could be cleared by the Conflict of Interest and Ethics Commissioner, but maybe they didn't provide the information correctly or the Commissioner didn't have access to some information. Members can protect themselves by saying that they notified the Commissioner and provided the information in good faith. That way, they bypass the court of public opinion, so to speak.

I have one last question for you about penalties.

As a general rule, what penalties do you give out?

Mr. Mario Dion: We don't impose any penalties under the code, period. I remind you that we are here to talk about the conflict of interest code for members of the House of Commons, not the Conflict of Interest Act, to which members are not subject. Only the House can impose penalties on members who have breached the code. However, so far the House has never done so.

The Chair: Thank you very much, Mr. Therrien. Your time is up.

Mr. Alain Therrien: Thank you very much, Mr. Dion.

Mr. Mario Dion: It's been a pleasure.

The Chair: Ms. Blaney, you have the floor for two and a half minutes.

[English]

Ms. Rachel Blaney: Thank you, Madam Chair.

Through you, to the commissioner, I want some clarity. I listened to some of the responses, and one of the things I think I heard and I just want to confirm was that as things change—and the world is changing quite rapidly all the time—you cannot say, hey, this might be a problem, so everybody watch out for this. You have to wait for a member of Parliament to actually inquire.

I'm just wondering if you could clarify whether there is any process in place, such that if the commissioner in their role sees something that could become a problem for MPs, they could alert us to that. Is there one?

Mr. Mario Dion: Under subsection 26(2) of the code, Madam Chair, I have to have an MP ask me a question. I give an opinion. It is confidential and it may be made public only with the written permission of the member. That's the first one.

Second is that the publication says the commissioner is authorized to publish opinions “for the guidance of members, provided that no details are included”. I cannot publish anything unless it comes out of an actual request for opinion made by an MP. I cannot discuss hypothetical questions in public descriptions of what the code requires.

A few years ago I issued a bulletin on interns, for instance. This arose out of a situation in which an MP had sought our advice. It was fine. I was able to issue the bulletin on interns. I issued a bulletin on the provision by Enbridge of gas and barbecues to MPs for the annual picnic. Again, it arose out of a question asked by an MP. I was authorized to issue it.

The code is such that each time Parliament is dissolved, everything disappears. I basically start from scratch each time a new Parliament, a new legislature, is formed. Anything that was in existence on August 15, 2021, has vanished. We start from scratch.

Ms. Rachel Blaney: Just to clarify—and I know my time is almost up—that is what recommendation six is really about.

Mr. Mario Dion: Yes.

Ms. Rachel Blaney: Thank you.

The Chair: Is that good clarification, Ms. Blaney?

Ms. Rachel Blaney: Thank you. It is.

The Chair: Thank you so much.

Now we'll give five minutes to Mr. Calkins.

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): Thank you very much, Madam Chair.

Thank you, Commissioner. I have just a few questions. I don't mean to put you in a hypothetical situation, but given the discussions we've had here, I do have a few concerns.

I'm going to follow up on something Ms. Romanado brought up about the book she received. Would you perceive a difference between her keeping the book and her not keeping the book? Do you receive a gift if you don't keep it or if you do keep it? How would you expect members of Parliament to quantify or qualify that for the purpose of meeting the threshold?

• (1230)

Mr. Mario Dion: Madam Chair, you receive a gift only if you have failed to decline it. If you keep the book, you have received the book. If you return it the morning after, you have not received a gift. There is nothing wrong with accepting a gift when it is acceptable.

It's for the MP to decide whether giving the \$28 book could be seen, by a reasonable person who has the necessary facts, as having been done in order to influence the MP or as having the effect of influencing the MP's judgment in future vis-à-vis the person who gave her the book. I doubt very much that a book worth \$28 could do that with any MP, so I think it's perfectly fine to keep the book and [*Technical difficulty—Editor*] gifts from the same source within a relatively short period of time, 12 months. Then you have to compile that and declare that once you cross the \$200 line.

It's perfectly fine to accept gifts when they're acceptable.

Mr. Blaine Calkins: I don't know at what point I, as an MP, accept something. Do I accept it when my staff member picks it up in the mail room? Do I accept it when my staff member brings it through the threshold of my office door? Do I accept it when my staff member sets it upon my desk and it sits there for three months before I even acknowledge it?

There are a lot of questions about this, given the arbitrary nature of the \$30 and \$200 limits. I'm not going to argue your definition of "arbitrary" because there are always arbitrary things. I am worried, though, as your answers seem to indicate that I would have to return the book rather than just dispose of it. If I choose to just throw it in the recycle bin, have I kept the gift? Do I need to track that \$28, in that particular example given by Mrs. Romanado? If I get a subsequent book that I choose to keep for \$28, I now have a book that I've disposed of and a book that I kept and the combined value of them would put me above a threshold, even though I didn't keep one of the books and I didn't return it.

I understand the office has the ability to differentiate these things. We're all intelligent people. I am concerned that if we go down too many of these rabbit holes, we will find ourselves, as reputable and honourable members of the House of Commons, in situations where we're answering ridiculous questions from reporters and others about our integrity—through no fault of our own and through no fault of yours in the course of your duties. I'm very much concerned about that.

I'll just leave that with you.

I'm going to move on to the family portion. I don't know or I don't recall, but it would seem to me, as a member of Parliament who represents several thousand first nation people that their definition of who they call "family members" is substantially different in their culture than what my family definition would be. I know this is about the code, but does the definition in the act that you're

asking to have put in the code account for that type of differentiation should a member of the first nations community be elected to the House of Commons?

Mr. Mario Dion: Madam Chair, my recollection is clearly that the act does not distinguish. I guess the applicable family law definition currently enforced in each province would apply.

I don't think any province has yet legislated to make any difference whether you're first nation or not first nation.

Mr. Blaine Calkins: Thank you so much, Commissioner.

Madam Chair, through you, my next question would be—

The Chair: It will be your last question.

Mr. Blaine Calkins: If a member of Parliament, in using digital or social media, uses a number of hashtags or so on to say that they were at a charitable event for this charity, or they were at an event for this business in their riding, or they were using this type of equipment that they typically use to do whatever they might do, and then ended up working for one of those organizations in the period after their employment as a member of Parliament, how would the office of the Ethics Commissioner view the use? Would using those hashtags and so on be viewed as a furtherance of interest during a post-parliamentary career?

• (1235)

Mr. Mario Dion: My answer, Madam Chair, would be that we would view it objectively in light of the specific facts of the situation. How many times, since when, how strongly and so on would serve to determine whether there was an intent to position someone for life after Parliament.

The Chair: Thank you, Mr. Dion.

Now we go to Mr. Gerretsen for five minutes.

Mr. Mark Gerretsen (Kingston and the Islands, Lib.): Thank you, Madam Chair.

Through you, Madam Chair, to Mr. Dion, my first question is in reflection of what I've heard over the last hour and a half. I'm curious to know if you and your team ever stop and reflect on whether or not there's the possibility of overbureaucratizing a process at the expense of accomplishing the objective.

I reflect back on what I've been hearing because.... I'll go back to the example of Mr. Calkins, when he talked about the book, and you said if you return it the next morning, it's not considered a gift. What if I read it really quickly and then returned it? Is it a gift?

You talked about the example of the milk lobbying organization giving a \$175 painting. I personally have no interest in art. If they gave me \$175 worth of chocolate milk, that would be a lot more valuable to me than a painting.

You talked about the commissioner weighing in on whether or not people were working two jobs and if that's appropriate. I can't think of a line of work where the individuals who are in these positions make the job the way that they do. I don't know two MPs who treat the job in the exact same way. This job is so unique that people make it what they do for themselves and their constituents. Quite frankly, I'm the type of person who needs eight hours of sleep a night. I couldn't do two full-time jobs, but there are people out there who can. I can't understand why we would put the responsibility in the hands of somebody else to determine if they're working too much.

Finally, there's the example of the family situation. I can understand this and I can understand my immediate family, but I talk to my brother two times a year, at Christmas and usually around his birthday. I'm from a small family, unlike a lot of those we've heard about. I don't feel comfortable asking him what his investments are. It's not something that I feel comfortable with.

I'll come back to asking you the question that was slightly rhetorical at the beginning, but I do mean it in all seriousness. Do you ever stop and reflect on whether or not the processes that are being put in place are being overbureaucratized at the expense of accomplishing the end objective?

When I was in municipal politics, a code of conduct was so much more based on principles than on trying to define each and every rule, and, as demonstrated most eloquently by Mr. Calkins, it's very easy to drive a truck through the loopholes in these rules, if somebody really wants to. At the end of the day, it should be based on somebody's principles. That's my opinion.

I'd love to hear your response, although I've probably burned the whole five minutes, Madam Chair.

The Chair: There is a minute and a half.

Go ahead, Mr. Dion.

Mr. Mario Dion: We haven't really stopped, because the way this is managed.... The code is defined by the House. It was defined by the House in 2004. My predecessor made numerous suggestions back in 2013, a few of which were adopted in 2015. We apply the code; we don't write the code. We come up with processes to implement what the House has decided in the code. We try to make it as unbureaucratic as possible, but in spite of all our best efforts, there are some provisions that require some bureaucracy to implement them.

That's my candid answer. We take what we have. It's like the police implementing existing laws. My role is defined in the Parliament of Canada Act. My role is to assist the House in implementing the code and I have the code I have. I didn't create the code. The code is there.

• (1240)

Mr. Mark Gerretsen: Through you, Madam Chair, I thank Mr. Dion for that, and I wanted to add my words to what others have said. Your office is by far one of the best in replying. They get back to me instantly when I email them.

I really do appreciate your openness and candour in having this discussion with us today.

Mr. Mario Dion: Thank you.

The Chair: Mr. Dion, do you want to compliment your team as well?

Mr. Mario Dion: I would like to thank every member who made observations about my office. They were all positive, and I think they were well deserved. I would, of course, like to thank my team for making that happen.

The Chair: That brings us to the end of our time with you, Mr. Dion. We would like to thank you and your team. There are a couple of outstanding items that members have asked you to provide. If you could provide those details and data through the clerk, we would appreciate that, as we continue our review and study of this.

Do you have any final comments?

Mr. Mario Dion: I would just say thank you, Madam Chair, and reiterate the fact that I'm available through a simple call whenever you need me.

The Chair: Excellent. Please keep well and safe. Thank you for being here today.

Mr. Mario Dion: Thank you.

The Chair: With that, members, I know that we were going to continue in camera, but we're running out of time, and I don't know how long that will take. An agenda has been circulated to subcommittee members. All have responded to it. Of course, we'll have to entertain what we're doing after the next few meetings, but if suitable, I do believe that within this format, without going into detail, we could approve the series of meetings we have shared in that email.

Any thoughts?

Mr. Eric Duncan: Madam Chair, we're in agreement with the calendar as proposed. I apologize for the delay with our subcommittee, but it is good as circulated. We will have a couple of busy weeks.

So we're good with that. We can proceed.

The Chair: Thank you for that, Mr. Duncan.

[*Translation*]

Mr. Therrien, would you like to comment? Do you agree?

Mr. Alain Therrien: As I wrote earlier, we agree. No problem.

I must also commend you for your efficiency.

The Chair: Thank you very much.

And you, Ms. Blaney?

[*English*]

Ms. Rachel Blaney: We're good. I sent an email response. I'm fine with the calendar.

The Chair: Excellent. Thank you.

Mr. Turnbull?

Mr. Ryan Turnbull: Yes. Our team discussed the proposed schedule and it looks great.

We will see you next week.

The Chair: Excellent.

[*Translation*]

With that, I wish everyone a happy Thursday. I hope you all keep well and safe.

Thanks, everyone.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the Copyright Act. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the Copyright Act.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <https://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la Loi sur le droit d'auteur. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre des communes.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la Loi sur le droit d'auteur.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante :
<https://www.noscommunes.ca>