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Chair: The Honourable Bardish Chagger



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• (1100)

[*English*]

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

Welcome to meeting number three of the House of Commons Standing Committee on Procedure and House Affairs. The committee is meeting today to begin planning our future business.

Today's meeting is taking place in a hybrid format, pursuant to the House order of November 25, 2021.

Members are attending in person in the room and remotely using the Zoom application. The proceedings will be made available via the House of Commons website. So you are aware, the webcast will always show the person speaking rather than the entirety of the room.

I would like to take this opportunity to remind all participants in this meeting that taking screenshots or photos of your screen is not permitted. I guess that's primarily for you today, Mr. Dion.

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 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. As the chair, I will do my best to enforce these measures, and I'm sure that I will have everyone's co-operation.

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 floor, English or French. If interpretation is lost, please inform me immediately, and we will ensure that 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 proceeding and verification officer. When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute.

This is a reminder that all comments by members and witnesses should be addressed through the chair. As today we have our first visitor to our committee, I would just like to reiterate that rule. I would appreciate it if all comments by members and witnesses are addressed through the chair.

With regard to a speakers list, the committee clerk and I will do the best we can to consolidate the order of speaking for all members, whether they are participating virtually or in person. I understand that we have speaking orders for all parties.

I would now like to welcome our witness, Mr. Mario Dion, the Conflict of Interest and Ethics Commissioner. He will be with us for up to 90 minutes. Then the committee will move to in camera to conduct some committee business.

Mr. Dion, we appreciate your sharing your opening statement with us in both official languages. I would now ask that you please proceed with your opening statement.

Welcome to PROC.

• (1105)

Mr. Mario Dion (Conflict of Interest and Ethics Commissioner, Office of the Conflict of Interest and Ethics Commissioner): Thank you very much, Madame Chairperson.

[*Translation*]

I'd like to begin by thanking the committee for inviting me to discuss the Conflict of Interest Code for Members of the House of Commons.

Given the virtual meeting considerations, I'll focus on helping you better understand the fundamental tenets of the code and how it functions.

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

I believe that the Office of the Commissioner can play a major role in helping improve the confidence of Canadians in their elected officials and public sector leaders. At the Office of the Commissioner, we have three tasks. We provide advice and direction; we investigate when needed; and we help educate through a variety of private and public forums.

[English]

The code was adopted in 2004 and was last modified in 2015, within the cadre of the exhaustive review provided for in section 33 of the code.

My primary role, and that of the office, is to provide members of Parliament with the assistance needed to understand and follow the code on an ongoing basis. It is their responsibility to follow the code. It is our role to assist them in making sure that they do follow the code.

At times, the assistance provided is more rules-based, as is the case now with the initial compliance process. We are busy working with each of the 338 MPs to complete the initial compliance process. This process is outlined in the code at sections 20 and 21 and commences when each MP's election is published in the Canada Gazette.

We also undertake broader educational programs, as per section 32 of the code. There is an obligation in the code for me to make sure that we provide educational services both to MPs and to the public. We try to create an internal jurisprudence, if you wish, which we share during those educational sessions and in providing advice to individual members and members of their staff as well.

As set out in the preamble, the code's purpose—because it's important to always remember the purpose of the code, which is that it's not an end in itself—is to “maintain and enhance public confidence”, to “demonstrate to the public” that the standards the MPs are held to are being applied and to make sure that you get the assistance you need to “reconcile”—that's the crux—your private interests with your public duties.

I strongly believe that Canadians should receive as much information as possible to ensure that elected and appointed officials are held accountable. That's why we have the public registry maintained by the office. Once your disclosure statement for section 23 has been prepared, your information will be listed in the registry. Any Canadian, at any time, 24-7, will be able to go and look for each particular MP—their own MP or any MP—to determine the state of their assets, liabilities, outside activities and so on.

Nevertheless, my overall assessment after four years of working with the code is that the code is working. The code is not broken. There are situations where some people, including our office, would wish the code would say something different, but they are very few and far apart.

We are here to basically assist the committee to see how we can contribute to the comprehensive review, if the committee decides to conduct a comprehensive review, and also to answer any questions you may have. It's important that we work together. My role is to assist you, the House of Commons and every MP. It's important that we ensure that the manner in which we carry out our duties is in line with the needs of the MPs.

[Translation]

My objective here is to not to give you an exhaustive list of members' obligations and the Office of the Commissioner's functions, but to allow us time for a fruitful dialogue.

I would be pleased to answer the committee members' questions about the code and the administration of my office.

Thank you.

• (1110)

[English]

The Chair: Thank you, Mr. Dion, for those opening comments.

Based on the motions we passed, I understand that now each party will have six minutes in the opening round, starting with Mr. Brassard.

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 will admit that in my new role as ethics and accountable government critic, I googled your name. You've been extremely busy over the last four years.

One of the things you've talked about is the review of the code. As you know, the last time the code was reviewed as a requirement under section 33 was in 2015. You've been here for four years. We're coming up to seven years now. Is it your opinion that a review of the code is required at this point?

The Chair: Through the chair, please, Mr. Brassard....

Mr. John Brassard: Thank you, Madam Chair.

The Chair: Mr. Dion, the floor is yours.

Mr. Mario Dion: I think section 33 is clear. The wording is unequivocal. There should have been a comprehensive review as early as 2020. It has not yet been conducted.

The Chair: Go ahead, Mr. Brassard.

Mr. John Brassard: Thank you.

Is it your opinion that the review is required at this point, notwithstanding the requirements of the code? In your opinion as the ethics commissioner, is that required right now?

The Chair: I don't believe you want my opinion, so we will go through the chair to Mr. Dion.

Mr. John Brassard: Through the chair, I'm asking. Thank you.

Mr. Mario Dion: If the member wants to know my opinion about whether in the absolute a review is required, in my view a review is not required at this point. The code is working. There are no situations where we are prevented from doing what is right, what is in keeping with the objectives of the code, because of a loophole, because of an obstacle in the code.

A review is not required at this point in time, although section 33 seems to mandate one at this point in time.

Mr. John Brassard: Thank you, Mr. Dion.

Through you, Madam Chair, Mr. Dion mentioned in his opening remarks that there are some other things that not just his staff but he would like to see as part of the code. If there were to be a review of the code, what changes would Mr. Dion like to see enhanced within the code and administered within the code?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Madam Chair, since I accepted the position four years ago, I have been keeping a list of my own, with some of my staff, of things we will put forward to the committee if and when a review takes place. We do have a few things. I don't think it would be appropriate for me this morning to start naming such examples, because I would really like to explain it well in a document that I would table with the committee in short order should a review be initiated.

I do have ideas. Maybe I'll give a couple of examples if that's useful to the committee, but I don't think it would be appropriate for me to name them all because the list is not up to date. It has not been revised since COVID because we've been busy doing other things. I would like to have a few weeks to update it and properly present suggestions to the committee.

The Chair: Mr. Dion, Mr. Brassard has signalled that he would like a couple of suggestions.

Mr. Mario Dion: Thank you, Madam Chair.

I'll pick a couple of easier ones. For example, in my view the committee and the House of Commons should consider modifying the code so that friends are included in the prohibition against a member furthering private interests. Currently it's only relatives, members of the family, who are included as people you cannot favour—unlike the Conflict of Interest Act, which clearly indicates that friends are in the same category as members of the family. That's one suggestion.

I would also suggest that we have a minimum threshold for the acceptability of gifts, so that if a gift is worth less than an amount to be decided by the House of Commons, such as \$25 or \$30 or \$40, we do not collectively waste our time trying to analyze whether such a gift is acceptable given its minimal value.

Those are two examples of the things that would appear in my list.

• (1115)

Mr. John Brassard: Thank you.

Those are two perfect examples, Mr. Dion, of why a review of the code is required. At this committee, I'm sure the members look forward to engaging with you further on that.

One of the things you talked about is public confidence, making sure that we have public confidence. In your four years in your position, have you seen an erosion of public confidence, given some of the circumstances that have occurred with respect to the Conflict of Interest Act, or is public confidence at the same level it was when you started?

The Chair: Mr. Dion, the last 35 seconds will be yours.

Mr. Mario Dion: As you know, Madam Chair, there have been several polls conducted in Canada and abroad during the period in question, and there's no question that there is a decline in public confidence according to these polls, attributable not only to the code or to the Conflict of Interest Act, but to the confidence that people have in their governments generally, both in Canada and abroad.

Thank you.

The Chair: Thank you.

Mr. Turnbull, the floor is now yours for six minutes, through the chair.

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

I would like to welcome Mr. Dion to PROC. It's nice to finally meet you.

Through you, Madam Chair, I would ask Mr. Dion a series of questions. From my perspective, there are probably three or four areas that I'd like to touch on, hopefully, if I have the time.

Mr. Dion, through you, Madam Chair, I'd like to ask about the educational function of your role, which, to me, is extremely important. I know that in some of the past work done at this committee there was talk, when Ms. Dawson was in your position, about guidelines and about how PROC actually had to approve guidelines.

Could you maybe speak to how you think guidelines might assist in interpreting the code and whether you have prepared any guidelines to help members of Parliament.

As we know, ethics can be challenging. In moments when we have conflicting duties, I would say ethical dilemmas are commonplace in our work. They arise often. I think having guidelines is often very useful for members of Parliament.

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Madam Chair, I would agree. I think it would be useful to have guidelines. We will be pleased to draft and table for discussion such guidelines, if that is the wish of the committee, on a variety of subjects.

I suggest that we should only do that once we've determined whether any changes would be made to the code, so that the guidelines actually reflect the code as amended, if it is amended after the comprehensive review.

The Chair: Mr. Turnbull, go ahead.

Mr. Ryan Turnbull: Through you, Madam Chair, I'd like to ask a follow-up about whether PROC is still mandated to approve those guidelines within the code itself. Is that the case? Would that be something that you would be seeking to change? It seems a bit onerous for someone in your position who's looking at the many questions that come up with interpreting the code. I'm sure you get lots of calls.

Would that be something you'd be interested in trying to waive, which is that PROC would need to actually approve those guidelines?

The Chair: Please ask your questions clearly through the chair.

Mr. Dion, go ahead.

Mr. Mario Dion: The code currently requires that the guidelines be tabled with the committee and be approved by the committee. Subsection 30(2) says that I cannot issue guidelines unless they're approved by the committee, and they have to be reported to the House of Commons. They only come into effect once the report has been concurred in by the House.

It further goes on to say, "Until the guidelines and forms are reported to the House, they shall remain confidential." I cannot even talk about guidelines or say anything about guidelines until such time as they have been reported to the House.

The Chair: Mr. Turnbull, go ahead.

Mr. Ryan Turnbull: I certainly would like to register my interest in seeing guidelines produced in the future at some point. I'm sure we can have discussions as a committee about that and see what the will of the committee is. I feel like they're necessary.

Mr. Dion, in your role, I feel like your office is probably receiving all kinds of inquiries on a regular basis about how to interpret the code. I know I've used the office quite a few times to ask questions when they've arisen. I'm sure other members do the same.

I wanted to ask you, through the chair, about where you feel additional guidance is most merited, based on the volume of inquiries that you get.

• (1120)

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Thank you, Madam Chair.

This is a somewhat difficult one because it fluctuates with time. There used to be a time when the key issue was the acceptability of gifts. Since COVID, people don't go anywhere and do not get any gifts. Therefore, gifts are not much of an issue at this point in time.

The key issue today is the notion of significant change. When is a change significant enough for the duty to inform my office to arise? It's vague in most members' minds, and we don't have the authority to set parameters except to say that they have to be material changes. "Material" means something that affects the initial statement that was published on the registry. Does a change of \$10 on

one's mortgage constitute a significant change? I don't think so. Where is the line? Is it \$1,000, \$10,000 or \$100,000? That's topic number one.

Topic number two is letters of support. Many members inquire about letters of support. They ask what they can say, what stationery it should be on and so on. We could have a guideline on that as well.

There are several subjects like that. It appears the prevalence is around the issue of significant change and letters of support mostly, and to some extent gifts.

The Chair: Thank you, Mr. Dion.

Mr. Turnbull, go ahead.

Mr. Ryan Turnbull: Thank you very much for that answer. That's very helpful.

From my perspective, I subscribe to values-based ethics, which is more about building character. I think ethics is more of a practice than it is about just sheer compliance. Of course, compliance is very important.

What I would like to see.... There are several ethicists who are world-renowned. They talk about ethics as developing situational awareness and situational intelligence. Looking at case studies and doing training is very important.

Mr. Dion, would you agree that more training is required?

The Chair: I will give Mr. Dion a brief moment to answer.

Mr. Mario Dion: Madam Chair, without a shadow of a doubt, I wish MPs would take more time to participate in training that we currently offer, in addition to more sophisticated training, such as the one mentioned by the member.

The Chair: Here's good news: Santa is listening.

[*Translation*]

I want to remind you to always address your comments and observations to the chair.

Mr. Therrien, you have the floor.

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

I want to extend my greetings to Mr. Dion and thank him for joining us today.

I have a few quick questions.

You spoke earlier about the definition of “family” and the possibility of expanding it to include friends, in terms of offences that could be punishable by your office, so to speak.

Let me ask you a question. I don't want to get political. However, when Mr. Trudeau was talking about the WE Charity and his mother, I was intrigued to hear him say that his mother wasn't part of his family. That's when I realized that his family included him, his wife and his children. That's what I understood.

Is that right? According to the definition of “family,” for example, wouldn't my mother or father be part of it?

Mr. Mario Dion: That's correct, but only for the purposes of the Conflict of Interest Code for Members of Parliament. We're talking about the code here, not the Conflict of Interest Act. Obviously, things vary greatly between the code and the act. Mr. Trudeau, along with all the ministers and parliamentary secretaries, is subject to both the code and the act.

According to the code, the family includes the spouse and dependent children, period. This includes children under the age of 18 or children over the age of 18 who are financially dependent on their parents.

Mr. Alain Therrien: Okay. I didn't mean to attack anyone, but I found this situation intriguing.

You spoke of revising the definition of “family” and perhaps introducing the notion of friends.

Do you think that this definition should be revised to include brothers, sisters, fathers and mothers, or are you comfortable with the current situation?

Mr. Mario Dion: The code contains provisions that prevent a member from improperly favouring any other person. In this case, the test is simply a little more rigorous than it would be for a defined family member.

I don't think that it's necessary to expand the definition of “family”. The code really refers to the family unit, or the nucleus, as we say in Latin.

However, the issue of friends bothers me a bit. You could favour a close friend in the same way that you would favour your son or your wife, and that wouldn't violate the code.

• (1125)

Mr. Alain Therrien: With all due respect, I find it difficult to imagine that a friend could be considered an influence on a person's actions, but not a father or mother.

Mr. Mario Dion: These are precisely the types of issues that would be worth analyzing and that the committee could address. I'm sure that there are a number of views on this issue. I simply referred to this issue as an example of something that could be addressed by the committee and could be amended.

Mr. Alain Therrien: The Bloc Québécois would have liked the Conflict of Interest and Ethics Commissioner to be able to act in a more stringent manner. For example, in the Aga Khan and SNC-Lavalin cases, there were reprimands, but nothing more than that.

Do you think that you should have more power to act on your decisions, so that you really play a deterrent role?

Mr. Mario Dion: Madam Chair, we're here this morning to talk about the code. That's important to note.

Regarding the code, there's a constitutional barrier. Only Parliament can punish its members. It isn't for me or anyone else to impose a sanction on a member of Parliament, because only Parliament can do that.

However, in my reports, I can recommend a sanction and specify which one I'm recommending. That said, the House of Commons decides whether to impose a sanction.

With respect to the Conflict of Interest Act, that's another matter entirely. The act doesn't even let me make recommendations for possible sanctions. My role is limited to analyzing the facts and reporting my findings to the Prime Minister, period.

Would I want it to go further? Perhaps. However, we could discuss this issue as part of a review of the act, in another committee.

Mr. Alain Therrien: Well, that's exactly—

The Chair: Mr. Therrien, you have a minute and a half left.

Mr. Alain Therrien: Thank you, Madam Chair.

Mr. Dion, that's exactly what I'm doing. I'm wondering whether you should have more power. However, the legislation that governs your role doesn't allow for that. Parliamentarians should take action to change the legislation so that you can have more of a deterrent and punitive effect when required. I think that it's missing the mark a bit when you share your decisions or your thoughts and there are almost no consequences.

I would like to ask one last quick question.

How much time do I have left, Madam Chair?

The Chair: You have 50 seconds left.

Mr. Alain Therrien: Okay.

My question concerns implementation. In the social sciences and humanities, you work with concepts and try to implement them in order to take more action and to act more thoughtfully.

Subsection 6(1) of the Conflict of Interest Act states as follows:

No public office holder shall make a decision or participate in making a decision related to the exercise of an official power, duty or function if the public office holder knows or reasonably should know that, in the making of the decision, he or she would be in a conflict of interest.

Do you think that the implementation of this subsection of the act could be improved?

The Chair: Mr. Dion, you have 15 seconds to answer the question.

Mr. Mario Dion: Great, Madam Chair.

Everything can be improved, and that's the case with all the provisions of the act. I have ideas to offer on this subject, as on many others.

[English]

The Chair: Before I pass it over to Ms. Blaney for six minutes, I remind all members that observations and comments go through the chair. I look forward to a very productive committee. I think it's important that we set that tone here.

Ms. Blaney, you have the floor.

Ms. Rachel Blaney (North Island—Powell River, NDP): Thank you for that reminder, Chair.

Through you, I would like to thank Mr. Dion for the incredible work that he and his staff provide. I appreciate the work and understand that these are very complex issues. I cannot imagine some of the very interesting questions this office must receive.

I'm just wondering, through you, Madam Chair, if Mr. Dion could speak to the realities that he faces as an employer. Does he feel that his office has sufficient resources to do the work that the office is tasked with?

The Chair: Go ahead, Mr. Dion.

Mr. Mario Dion: Madam Chair, when I started in the position, that was one of the first things I looked at. I looked at the budget and complement, and we have asked for a small increase in our budget and complement since I came to the position in 2018. I feel we currently have enough to carry out our role fully in the manner I would like to see it carried out. There is no lack of resources at this point in time to meet the challenge.

• (1130)

The Chair: Go ahead, Ms. Blaney.

Ms. Rachel Blaney: Thank you, Chair. Through you, I thank Mr. Dion for that response.

One of the things I found compelling about the conversation I heard today is the idea of training and members using the access to training that's provided.

There is a question I have for Mr. Dion, through you, Madam Chair. We've just gone through this, the recent time of onboarding when new MPs are introduced to the House of Commons and educated in so many different ways. I'm just wondering if Mr. Dion feels that there are enough resources in place and enough training for new members as they are onboarded into this new experience.

The Chair: Go ahead, Mr. Dion.

Mr. Mario Dion: Madam Chair, I'm afraid I don't know enough about the program offered by the House of Commons to pass any judgment, except insofar as conflict of interest is concerned, which is my subject area.

In February, we will participate in a program at the House of Commons for MPs on the topic. It's good, but it will be general. I think we have to go further. I have already started to offer specialized sessions on specific topics for members of Parliament and their staff—but not order staff. I think members should take a few minutes—30 minutes or 60 minutes—to inform themselves about key subject matter such as recusal, for instance, or section 6, which the member was talking about earlier, as opposed to a general overview of the code. I think it's important to stop and look at the most fre-

quently used provisions, if you wish, to develop the reflex to make it part of your normal practice to think about these things.

There isn't enough, from my point of view. I would like to offer much more, and we've already started to do that. If you look at our successive annual reports, we are doing more and more.

The Chair: Go ahead, Ms. Blaney.

Ms. Rachel Blaney: Madam Chair, I would like to ask Mr. Dion, through you, to clarify something. I just want to make sure that I understand this. When an MP is newly elected and goes through the training, that, of course, covers a wide range of issues. Is Mr. Dion's department part of that? Is there a section? Is that fulsome enough, or does Mr. Dion want that expanded in the onboarding process?

That would help me greatly.

Mr. Mario Dion: Yes, I would like to see it expanded. I think we should have more time and we should have more attendees as well. I was quite concerned about the low attendance at the recent session that we offered for newly elected MPs.

Ms. Rachel Blaney: Thank you for that. That's very helpful.

The next question I have for Mr. Dion, through you, Madam Chair, is.... I heard clearly that the training isn't accessed as much. I'm just wondering if there should be a process where not only new MPs are put into that frame where they are learning. I really heard what Mr. Dion said about that automatic reference point within your brain—if you're educated on something enough, as soon as you have something exposed to you, right away you think of that—and how meaningful it would be to have that automatic connection, but we don't necessarily see it.

For members who have been around, should there be refresher courses? How could this place better engage members to participate?

Mr. Mario Dion: One potential solution—it's never a solution—is that maybe some training could be made mandatory. That would be one approach. It could be a small number.... We're not talking about a big investment; we're talking about maybe 10 hours at best over the course of a year and a half or something like that. However, the training should be mandatory so that people actually do attend and listen.

We're still getting a good proportion of requests for advice on what I usually refer to as "101". They're very, very basic. I don't mind getting those requests for advice, but I'm always surprised that a member of Parliament would not know something so fundamental, so elementary, if you will.

Training is a way to develop that.

The Chair: Ms. Blaney, you have 25 seconds.

Ms. Rachel Blaney: Thank you for that.

I know that members of Parliament are being asked to take certain types of training, so I really hope that this committee heard the request for mandatory training that you just made.

I will leave it at that.

• (1135)

The Chair: Mr. Dion, do you want to make a quick comment?

Mr. Mario Dion: I think that's it on the topic of training. We'll see if it comes up again.

The Chair: Excellent.

We are entering our five-minute round, and we'll be starting with Mr. Brassard.

Mr. John Brassard: Thank you, Madam Chair.

I want to pick up on some of the comments that Mr. Dion finished with in my first interaction with him as it relates to public confidence. He cited several opinion polls that show that public confidence has eroded.

I would suggest that there is further erosion in public confidence when situations arise where, for example, sole-source contracts or untendered contracts are given. Understanding that there is a distinction between the act and the code, is there anything in the code that you would suggest needs to be changed to address that type of situation, which could restore public confidence?

Mr. Mario Dion: Frankly, I have not seen any situation where the issue of awarding contracts and the code have had much of an interaction because, usually, contracts are awarded by the government, not by members of Parliament. The members of the government who are involved in awarding contracts are governed by the Conflict of Interest Act and they do take appropriate measures. We review their situation—each of them separately, upon appointment—to ensure that we minimize the risk of a conflict of interest, and I'm quite satisfied with the measures that are being taken at this point in time on a case-by-case basis.

There could always be situations, of course, that fall between the cracks, but I'm not aware of any at this point in time.

Mr. John Brassard: I want to move on, then, to the expansion of family and friends under the code. We saw in the “Ratansi Report”, for example, that Ms. Ratansi thought of a member of her family as being a friend.

Would you consider an expansion of that definition as part of a potential review—not just family and friends, but those particular situations as well?

The Chair: Please address your questions clearly through the chair.

Mr. Dion, go ahead.

Mr. Mario Dion: Madam Chair, I think we ought to look at who is the nucleus that constitutes a member's most influential...the people who are the closest to the member. That's the issue. We have a spouse, obviously, and we have children. Should we include other people? If so, who are those other people?

It's one of several issues that could be raised as part of a review of the code.

The Chair: Mr. Brassard, go ahead.

Mr. John Brassard: Thank you, Madam Chair.

In terms of interacting with police forces, such as the RCMP, can you walk me through the process when you receive an indication that there might be a violation of the code? At what point would you approach the police in a circumstance to get them involved?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: In fact, there are provisions, Madam Chair, right in the code, mandating certain things when it comes to whenever my work interacts or intersects with the work of law enforcement.

Section 29 says:

The commissioner shall immediately suspend the inquiry into a matter if

(a) there are reasonable grounds to believe that the member has committed an offence under an act of Parliament, in which case the commissioner shall notify the proper authorities of the commissioner's belief.

So I have no discretion. Also, I have to cease and desist immediately if it is discovered that “the act or omission under investigation is also the subject of an investigation” by a law enforcement authority, or if a charge has been laid. In those three situations, I have to stop.

That's what we did in the Grewal situation three years ago, for example. I had to suspend when we were informed that there was an investigation and charges had been laid. There was also the Carson matter a few years ago, when the same thing happened in an investigation conducted by Ms. Dawson.

That's how it works, Madam Chair.

The Chair: You have 50 seconds, Mr. Brassard.

Mr. John Brassard: Thank you, Madam Chair.

My next question revolves around proactive consultation with your department. I've recently become aware of a former senior aide to finance minister Freeland who announced that he has accepted a new job at the Canada Infrastructure Bank. Aneil Jaswal said his mandate included deploying \$35 billion of taxpayer money to various projects around the country.

Were you consulted before Mr. Jaswal accepted this position?

• (1140)

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

Mr. Mario Dion: Madam Chair, any discussion we have with any public office holder or any MP is confidential. I am mandated both under the code and under the act to make sure I never talk about that. I am not at liberty to say whether we were consulted, and that's the way it is. Frankly, I don't remember whether we were consulted, in any event, because we are consulted often.

The Chair: Thank you, Mr. Dion.

Mrs. Romanado, you have five minutes.

Mrs. Sherry Romanado (Longueuil—Charles-LeMoine, Lib.): Thank you very much, Madam Chair.

[Translation]

Mr. Dion, thank you for being with us this morning.

[English]

This is a great segue, speaking about confidentiality. Subsection 20(3) of the conflict of interest code clearly states, “The commissioner shall keep the statement confidential”, whether it be initial disclosures or material change.

Could the commissioner outline protocols used by his office to ensure that all information provided by members of Parliament is kept confidential?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: The first measure that comes to mind is the fact that each and every employee at the office, without exception, has secret security clearance. Second, we use the networks provided to us by the House of Commons, and we're assured that they are extremely secure and encrypted. Third, we have a registry that is locked, basically, and requires a magnetic card. We also have 24-7 coverage by the House security service to make sure there is no intrusion into the office. Fourth, we also have a clear policy that employees should only consult a file on a need-to-know basis.

The Chair: Mrs. Romanado, go ahead

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

I know that in a previous case, it was indicated that a breach did occur with respect to this requirement. Documentation was sent to an MP's generic MP account, and staff had full access to this information.

Has this occurred in the past? How often does this occur? Could the commissioner advise us not only whether this has happened in the past, but whether he has to report these kinds of breaches? If so, what is the oversight mechanism to make sure these kinds of errors don't happen again?

Thank you.

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Madam Chair, the example quoted by the member is actually the only example I am aware of in the last four years where an email was misdirected. However, it was still sent to an account that belonged to that MP. It was not sent to a third party. It was not sent outside of government nor outside the House of Commons. Instead of the P9 account, it was sent to another account, and we apologized for that. This is the only instance.

We don't have to report it. We're not governed by the Privacy Act. Unlike departments and agencies, there is no obligation to report any privacy situation, but in this case, I don't believe there was a privacy situation, because the account belonged to the MP.

The Chair: Mrs. Romanado, go ahead.

Mrs. Sherry Romanado: With respect to that, in all honesty, I think the information I'm providing to the Ethics Commissioner and his office regarding my assets and liabilities, including those of my spouse, should not be seen by my staff. If I wanted my staff to see it, I would make sure they have it.

I want to move now to the politicization of his office in terms of subsection 27(2.1). In the event there is a request to look into a situation where it is clear that there was no breach or the MP did not break the code, it says very clearly in subsection 27(6) that there are consequences for frivolous reports.

Have there been any frivolous reports in the last four years with respect to inquiries, with members being sanctioned for reporting non-meritorious requests?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Madam Chair, the answer is twofold. We have not had what I would consider to be a frivolous or vexatious request made by any MP in the last four years. Therefore, we've had no situation where somebody was reprimanded for that.

The Chair: Mrs. Romanado, go ahead.

● (1145)

Mrs. Sherry Romanado: Thank you very much for clarifying, Monsieur Dion.

Last but not least, you did bring up a question regarding gifts. I am probably one of the members of Parliament most frequently in contact with your office on this. I report, on a monthly basis, any gifts that I receive, even the smallest amounts.

Is there another option for members of Parliament to track gifts? As the gift policy says very clearly, if the amount is under \$200 but within a calendar year it exceeds \$200... However, we never know what we're going to receive in a given year. Is there a better way we can be tracking that to make sure we're not submitting constant updates to your office?

I know I'm out of time.

The Chair: Please give a brief answer, Mr. Dion.

Mr. Mario Dion: It is another possible topic for discussion under a comprehensive review, but at the present time I think you have 30 days to report any gift valued at more than \$200, or which combined with other gifts would cause the total value to increase above \$200. That's the way it is at this point. That's how we have to enforce the code.

[Translation]

The Chair: Thank you, Mr. Dion.

We'll start the two-and-a-half-minute rounds of questions.

Mr. Therrien, you have the floor.

Mr. Alain Therrien: Thank you, Madam Chair.

Mr. Dion, you would consider increasing the limit on gifts to make it easier for everyone. I'm sorry if this has already been said, but I didn't quite understand.

Mr. Mario Dion: Madam Chair, I don't think I said that. I think that it's the—

Mr. Alain Therrien: I didn't say that you had said that; I said that I didn't want you to repeat it if you had already said it. I just wanted to know if it was a possibility.

Mr. Mario Dion: Madam Chair, I think the current limit of \$200 is perfectly adequate. It used to be \$500, and it was changed in 2015. In fact, the committee decided at that time to change the limit to \$200, so that it would be the same as in the Conflict of Interest Act.

However, I pointed out in my opening remarks that there could be a minimum value. I think it's unacceptable, if not a little absurd, to suspect that a member could be influenced by a gift worth less than \$25, \$30 or \$40. I don't know what the minimum amount should be, but we spend a lot of time discussing issues of very small gifts. The problem could be solved by setting a minimum amount at which there are questions to be asked.

Mr. Alain Therrien: Section 2 of the code refers to gifts or benefits that may or may not be accepted.

I would like to ask Mr. Dion what a benefit is. How do you define it? The word “gift” is clearer, but how could we define what a benefit is, to make sure mistakes aren't made?

Mr. Mario Dion: Actually, it's easy because the word “benefit” is defined in section 3 of the code.

Firstly, it is said to be “an amount of money if there is no obligation to repay it”. This is the clearest case, meaning when someone gives you money, whether it is cash or a bank transfer.

It can also be “a service or property, or the use of property or money that is provided without charge or at less than its commercial value”. For instance, if someone loans you a condo or rents it to you for \$100 a night when the normal rental rate is \$200 a night, this is a benefit. This means that you are making a profit because you are paying less than someone else would pay for the same property or service.

Mr. Alain Therrien: I understand.

Is my time up?

The Chair: Yes, your time is up.

Mr. Alain Therrien: Thank you for your answers, Mr. Dion.

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

[*English*]

Ms. Rachel Blaney: Thank you, Chair, and thank you again for this interesting conversation with Mr. Dion today.

To go back to my other questions around training, I was wondering if there is a handbook for members. I apologize for not knowing this off the top of my head, but I'm wondering if there is something especially for new members that orients them.

In listening to the conversation today, Madam Chair, I couldn't help but reflect on how many websites have “frequently asked questions”. Mr. Dion talked about having to answer these questions repeatedly. I understand that it's a lot of work. I wonder if there is a place where we can gather this information and if that is a gap within the services provided for MPs.

• (1150)

The Chair: Please go ahead, Mr. Dion.

Mr. Mario Dion: Madam Chair, we do have a website, and it does contain information that would be useful to members of Parliament, but the manner in which the code is currently constructed tells us essentially that I have no authority to talk about any issue—section 26 of the code prohibits me from publicizing any advice that is sought and any advice that is given—unless I do so in a manner that doesn't reveal the circumstances of the member who asked me the question.

We used to have information notices on our website, which at the suggestion of our legal services we removed, because we were not in a position to actually prove that each of those information notices, and everything in each information notice, was the result of a request having been made by an MP in the past. That's the box we're in, essentially.

Earlier during our discussion, we spoke about guidelines, which are different. We could table guidelines and propose guidelines, which, once they are approved by the committee and referred to the House of Commons, would be useful to MPs. It would tell them more about their obligations under the code, but without the committee's approval, I cannot proceed with publishing anything of this nature.

The Chair: Ms. Blaney, you have 20 seconds.

Ms. Rachel Blaney: Through you, Madam Chair, with just 20 seconds, I want to thank Mr. Dion for the impossibility of this task at times. Hopefully, I will get another round.

Thank you.

Mr. Mario Dion: Thank you.

The Chair: Now we will go back to five-minute rounds, starting with Mr. Calkins.

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

Through you to Mr. Dion, I have some questions in regard to whether or not the committee should actually undergo the statutory mandated review. In your earlier testimony, I believe you indicated that you thought the code was working well, yet a number of questions from my colleagues around the table have arisen here suggesting that there is some concern about clarity. I would re-ask the question, based on the questions you've received so far from my colleagues.

Madam Chair, does the commissioner believe that perhaps a review is actually warranted?

This committee will likely be deliberating on whether or not we're going to go down that path based on your advice. Do you wish to give us any more clarity on what your thoughts would be on updating the code?

The Chair: Go ahead, Mr. Dion.

Mr. Mario Dion: Yes, Madam Chair, I have just talked about this. A review, in my view, is not essential. A review is certainly warranted, because there are a number of areas that we could look at.

Of course, it's for the committee to declare its priorities and whether reviewing the code is more important than some important work that you might have to address as well during the session that just began—it's not for me.

But it's not essential. It certainly would be useful, however, to do a review, and in any event, the code mandates one under section 33 as it is written.

The Chair: Go ahead, Mr. Calkins.

Mr. Blaine Calkins: Thank you, Madam Chair.

The commissioner has said quite a bit in regard to family and friends and has even addressed the issue when questioned about handing over investigations to police.

I am a little concerned, and I wonder about the nature of relationships, because the role of being a member of Parliament is a complicated one, and it's one that is best understood by those who have held the role. Your job is to try to pass judgment on those of us who hold this role and to keep us in line, according to the rules that we ourselves make.

I am concerned about the roles of growing influence, of friendships—through the guise of friendships, not necessarily family—that foreign state influence might actually have. I am wondering if your office has given any consideration to any changes or amendments to the code where somebody might be using gifts or influence or some other type of furtherance of a benefit to a member of Parliament, or might even themselves be an agent of a foreign government put in place in our democracy. Have you given any consideration to that?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: I haven't in a very important way, because we have not come across many situations where.... The test for gifts is influence, so whether it's domestic or foreign, it's still inappropriate to accept a gift if it can be seen as having been given to you in order to influence you in your judgment in your public duties. Frankly, we have not come across many situations where there was a foreign limit to gift-giving, but it would apply equally to domestic or foreign.

• (1155)

The Chair: Mr. Calkins, go ahead.

Mr. Blaine Calkins: So the bottom line, Commissioner, or the line in the sand, is that the \$200 to \$500 thresholds we've talked about don't necessarily need the perception of a quid pro quo arrangement. Is that correct?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: No, the code is very clear on that—if it can lead a reasonable person to believe that it was given. There's no need to prove an absolute quid pro quo.

The Chair: Mr. Calkins, go ahead.

Mr. Blaine Calkins: Thank you.

Do you believe there should be a quid pro quo, or do you believe the reasonable perception is good enough?

The Chair: Clearly, through the chair—

Mr. Blaine Calkins: Of course. At all times, Madam Chair.

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Based on the four years of experience, Madam Chair, I believe the test is perfectly good the way it is.

The Chair: Mr. Calkins, go ahead.

Mr. Blaine Calkins: I do have a question with regard to the process that is currently being followed. As a returning member of Parliament several times now—and I believe everybody here at the table is a returning member, although not right now.... Well, yes, even now; I'm sorry, Eric. You're just so young.

One thing that I think some colleagues around the table may find not necessarily frustrating, but maybe an exercise in not the best use of time is that when an election is called, all of the information that you have about us is considered gone—null and void. If we've just submitted our annual declaration to you, we simply have to go through the process again a few months after having an election. Do you see a way in which we can streamline that and make that better?

The Chair: Mr. Dion, we'll give you a moment to respond.

Mr. Mario Dion: Madam Chair, my answer is always that unfortunately we have to apply the code the way it is crafted. At this point in time, it is required that you submit a new statement as if you were a brand new member of Parliament. We could certainly look at the minimum period of time—not in real time, but it has to be recent. Is the line six months, nine months, three months? I don't know. It would be for the committee to review as part of the comprehensive review.

The Chair: Thank you, Mr. Dion.

Ms. Sahota, you have five minutes.

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

Through the chair, Mr. Dion, I would first and foremost like to thank you for always being available and present for this committee. I know that you had made an offer even in the last Parliament to be present if the committee undertook a review of the code. The committee at that time was busy with other matters, I guess, and was not able to get to the code. We might be doing that this time around.

I want to go back to some of the common questions you referred to earlier and the fact that you were surprised that members were still having questions about this. I don't think it should come as a surprise, quite frankly. Oftentimes, when members talk amongst themselves, there is a lot of confusion. Even in the 43rd Parliament we had Ms. Dawson come before this committee, and there were many questions asked quite pointedly to Ms. Dawson where there were no clear answers. Most of them were surrounding gifts and how to report them.

I feel that your position today has been a little clearer. Could you go into some more detail on cases, without naming members in specific cases, that you encounter often where it might not be intentional but due to a lack of knowledge?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: On the issue of gifts, point one is that nothing happens until we find out that somebody has accepted a gift. Typically, or 95% of the time, the member tells us that he or she has accepted a gift. From time to time, we can also find out from social media, for instance, that a member has accepted a gift. It has happened in practice, but usually the member self-declares.

Our role is to determine whether the gift was acceptable. If it was accepted, was it acceptable? The test, as I've mentioned, is whether it can be reasonably seen by a reasonable person to have been given to influence. We discuss that with the member, and we generally come to a conclusion that the gift was acceptable. Sometimes it's not, and we require the member to return the gift when it can be returned, or to repay the gift when it has been consumed already.

Grosso modo, that is the issue. You come to us and we assess together whether it meets the test in section 14 of the code so that you can actually keep it. If not, we take measures.

• (1200)

The Chair: Ms. Sahota, go ahead.

Ms. Ruby Sahota: Can you provide some examples of times when you have required the gift to be returned? Is it when the amount is over \$200, or is it just because of the perception of that particular gift?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: The acceptability does not relate to the value, so the issue is the same whether it's worth \$100 or \$500: Can it be seen as having been given to influence you unduly?

The value is a factor, of course, because a reasonable person might think that a gift worth \$500 is more likely to sway you than a gift worth \$100 or \$50, and it's only declared when it's valued at \$200 or more. Members do not usually come to tell us about a gift that's valued at less than \$200. They don't. Sometimes they do; sometimes they don't. Invitations are the classic case—to an event, to a show, or to a banquet.

The Chair: Ms. Sahota, go ahead.

Ms. Ruby Sahota: Previously, there was confusion. Ms. Dawson was at this committee and stated that even gifts under \$200 should be declared. They would just not be recorded or reported.

So that is not your understanding, then.

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Madam Chair, my understanding is that it is not required that they be declared. Sometimes people wish to discuss those with us, and that's fine, but there is no requirement to declare anything under \$200.

The Chair: Ms. Sahota, you have 30 seconds.

Ms. Ruby Sahota: I'll forgo that. I can't cast the whole question in 30 seconds. Thank you.

The Chair: Thank you. We will go to the next round.

Mr. Duncan, you have five minutes.

Mr. Eric Duncan (Stormont—Dundas—South Glengarry, CPC): Thank you, Madam Chair.

Thank you, Mr. Dion, for being here. I've had the pleasure of hearing you speak at committee, and thankfully, as a two-year member of Parliament, I haven't had to deal with you too much other than at committee, which is probably a good thing.

We've had different questions about training and the proactiveness of making sure members are aware of the code. I just want to focus on the other half a little bit. I think you may have addressed this to a certain extent, but I just want to get your views on this.

When there is a contravention or a report that recommends something—I guess it would be specific to the code or the act—is there any...? There's nothing mandatory, obviously, but what do you do for compliance, to make sure that individual members or persons who are found in violation are aware and don't break the code again? Is there any formal process in place?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Madam Chair, there is no formal process. It's still rare that we conduct inquiries into the conduct of members of Parliament. I was looking at the list. In the last four years that I've been here, we've had a total of seven inquiries—only seven—and in those cases, I only recommended a sanction once, which was to apologize to the House, which was done by the member in question.

We do deal religiously with every complaint sent to us by any member of Parliament. We study it very carefully and quickly. We have a certain number of days, under the code, to review it, but it's good, because it seems that the vast majority of MPs do not encounter any difficulties in not contravening the code. We also monitor social media. Sometimes we learn stuff through social media without an MP having complained about anything.

The Chair: Mr. Duncan, go ahead.

Mr. Eric Duncan: To build on that, if there's been one case of having some sort of pardon, I think this is why a review would be good, to look at both the pre- and the post-education aspects of things.

Having a protocol or a formal process in place could ensure that even if a report is issued, and perhaps nothing is found, education can be done about why it was done or things that the member could do in reaction to it. I guess that would be both for the code and for the act that way, but I think it speaks volumes to why a review would be needed.

I'm glad Mr. Calkins did some follow-up about the foundations of the code, which are good, so it's not critical, in the sense that there are no major gaps. Earlier, with Mr. Brassard, you listed some ideas, some suggestions for improvement to the code. Can we get an idea...? I'm not going to hold you to a number and bullet points, but are you talking about numerous small changes? How many are you talking about, in context? That's just for us to understand when—I won't say “if”—it's a matter of the mandatory review.

How many changes do you see yourself recommending?

• (1205)

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Madam Chair, I currently have fewer than 10 on my list of so-called substantive changes. I could easily produce a long list of what I call technical changes, in which I have more limited interest but which would still be useful to consider.

The Chair: Mr. Duncan, go ahead.

Mr. Eric Duncan: Building on that, in the engagement with your office in terms of outreach you do with stakeholders or other experts in this field, do you think there will be other stakeholders from across the country—academics, experts with backgrounds—who would be recommending any other changes? Have you had a lot of correspondence or outreach to your office with suggestions further than your own?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Not many, Madam Chair, but I know we have a few people—I call them constant observers—especially in academia, who have a keen interest in issues related to parliamentary ethics. I am sure that several individuals would be interested in contributing to a review such as this one.

The Chair: Mr. Duncan, you have 48 seconds.

Mr. Eric Duncan: That's all I need. Thank you.

The Chair: Thank you.

We will move on with five minutes for Mr. Fergus.

[*Translation*]

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

My questions are for Mr. Dion.

Mr. Dion, I don't envy you at all. Before I entered politics, my job in the private sector was sort of the equivalent of a conflict of interest commissioner for an association of pharmaceutical companies. So I understand very well the key role you play. I think the vast majority of MPs, if not all of them, take your role seriously and do their best to comply with the Conflict of Interest Act and the Conflict of Interest Code for Members of the House of Commons.

My question relates to the notion of friends. You said that it would be important to expand the current definition to include them, but as you know, MPs don't lack friends. There isn't an MP who doesn't have an impressive network, be it in their riding or across the country.

How well do you plan to set out the new definition of what MPs should declare, should your recommendation to include friends be adopted?

Mr. Mario Dion: Madam Chair, in the context of the Conflict of Interest Act, I had the opportunity in the “Trudeau III Report” and in the “Morneau II Report” to deal with the issue of friends and to propose fairly clear guidelines. There are six or seven criteria that cover, for example, the frequency of association or the total duration of the relationship. Another criterion is whether one goes to the other person's home to eat a meal alone or in a group. These are indicators of a friendship.

Of course, everyone has their own definition of what a friend is. Some people have 4,000 friends on Facebook. They consider these people to be friends. Others will only have three or four people in their entire lives that they consider their friends.

So this definition is very difficult to map out. I would tend to have a fairly restrictive interpretation of the term “friends,” for it to play a role. It has to reach a certain threshold, because you don't want it to become ridiculous either. If I asked you to think about your friends and list the 10 closest to you, you would be able to do it, and so could I. You might want to think about not acting differently towards these friends compared to how you act towards other people, quite simply.

Hon. Greg Fergus: Thank you very much, Madam Chair.

I thank Mr. Dion for his answer.

Mr. Dion, I have a rather philosophical question. As commissioner, don't you think transparency is the most important thing?

As for me, I am an MP from the National Capital Region. I have been in the region for over 33 years. It is always said that people rarely stay in the region as long as I have. Many people come to Ottawa and then leave the region. In my case, several people I know and consider friends work in government relations and other fields.

What matters most: that I am transparent or that, as a precaution, I no longer talk to people I've known for some 30 years?

• (1210)

The Chair: Mr. Dion, you have 35 seconds to answer the question.

Mr. Mario Dion: Actually, it's a combination of the two.

Often, under the Conflict of Interest Act, a public office holder, principal or otherwise, will declare to us on their own initiative the presence of one or more persons they consider to be people that they should not interact with in the course of their duties, given the closeness of their relationship. So transparency is important, because then you create filters under the act.

For instance, it is stated that Mr. X is a friend of Mr. Fergus. That way, everyone knows. Moreover, Mr. Fergus asks his office to ensure that he is never called upon to handle a file concerning Mr. X. This is transparent.

In any event, even if Mr. Fergus has a similar relationship with Mr. Y and does not declare it, he is also required to stay away from files that concern him. He knows that. If someone ever makes a complaint, I will have to check whether he has the same kind of relationship with Mr. Y without declaring it.

So both elements should be considered.

Hon. Greg Fergus: Thank you very much, Mr. Dion.

The Chair: Thank you.

[*English*]

If suitable, just because we're running nice and tight on time, if it's okay I would like to give both Mr. Therrien and Ms. Blaney five minutes rather than two and a half minutes.

Are there any concerns? No.

[*Translation*]

Mr. Therrien, you have five minutes.

Mr. Alain Therrien: Thank you, Madam Chair.

I'd like to thank my colleagues for giving me these two and a half extra minutes. I don't even know what to do with it. I'm too excited, like a poodle waiting for a visitor.

I think what Mr. Fergus said was right. I think that Mr. Dion has a lot of grace, because this is a very difficult thing. The more I listen to him, the more I understand that his task is colossal.

Earlier, I was talking about operationalization, in other words, the way in which the concepts established in the code are put into practice. I had given an example, and we had talked about it. It is very vague.

I find that it isn't obvious either about the types of ties whether they are friendships or family ties. For example, why doesn't family include, in some cases, close relatives like a father or mother, brothers, sisters, and so on? So you are a judge like Solomon in this process.

I have two questions that relate to the evolution of the code over time.

Do you find that over the last few years the code has become more and more concrete and that you have more and more guidelines to guide you in your work, as you wish? I'm not saying that you don't have good judgment, but there seems to be less room for interpretation and more guidance for your work. Do you feel that the code is moving in this direction?

Mr. Mario Dion: I was talking earlier about some case law. We have a compendium of the advice we have given and the decisions we have taken in investigation reports. This allows us to act consistently when the question is asked again. I would like to be able to publish some of these things, but I'm not currently able to under the code, for the reason I have explained to you.

Indeed, as time goes by, we become more and more precise. That said, there are thousands of possible situations, and it is always perilous to try to define in advance what the answer to a question will be, as it depends on a whole host of factors.

Mr. Alain Therrien: So you're telling me that you're relying on case law, among other things, to guide your steps when you have to exercise judgment.

Did I understand you correctly?

Mr. Mario Dion: I was talking about the jurisprudence of the office, of course, in addition to the very meagre jurisprudence we have from the higher courts.

• (1215)

Mr. Alain Therrien: All right, I understood that. That was the point of my question.

Also, is your job getting more complex now that we are in this new environment of the Internet and social media?

Mr. Mario Dion: No, I think our job is getting easier, in fact, because this brings more transparency.

Often, for example, there are photos of an event in which a particular person took part. This is one more tool that we have started to use. We only use things that are in the public domain, obviously. We are looking at this to see if there is a possibility of intervening with a member of Parliament or a public office holder under the Conflict of Interest Act.

In short, it promotes transparency and makes our job easier. Obviously, we don't believe everything we see on Facebook or other social media, but sometimes it gives us a lead to go and see if there's anything there.

Mr. Alain Therrien: I have one last question.

In your opinion, which element of the code is the most unclear and should be tackled the most because it causes the most problems when it comes to interpreting situations, analyzing facts and judging them?

The Chair: Mr. Dion, you have 50 seconds to answer the question.

Mr. Mario Dion: At the moment, the question of friends is central and very interesting, because it is all very vague.

Mr. Alain Therrien: Will you reconsider the definition of family?

The Chair: Mr. Dion, you have 30 seconds to answer the question.

Mr. Mario Dion: No, as it stands, we won't revisit it unless the committee or another stakeholder requests it. For example, current MPs could consult each other or former MPs to see what they think of the code and whether there are things that are not working.

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

Thank you, Madam Chair.

The Chair: Thank you.

[*English*]

Ms. Blaney, you have five minutes.

Ms. Rachel Blaney: Thank you, Madam Chair.

This conversation continues to interest me. One of the things that we are happily seeing in the House of Commons is an increasing level of diversity among the members who represent the different ridings of Canada. I'm wondering if Mr. Dion has any feedback that he'd like to share on how that might impact some of the things that members are faced with.

I also think about that when we talk about family and friends—as in the conversation we had here today—and how we define that. I can't help but think of my family from Stelat'en First Nation. If you are an older cousin, you are an auntie or an uncle. There are all of these very clear roles that you play, but it's not necessarily.... I always find it interesting when people ask me, what are they really? Are they your third cousin three times removed? None of that matters. That's just not how family is decided. I just want to recognize that in different cultures the definition of family can be very different. Of course, I would assume that at some point that would have a bit of an impact on how we look at these things.

The other thing that I can't help but reflect on is the fact that many folks, and many stories that I've heard from the LGBTQ2S+ community, talk about chosen family. I just think these are things to think about as we're speaking about this. Who defines what family is and what role that person has in your cohort? How do we define friends?

I'm just wondering, as we have these discussions, if there's been thought that your office has put into that—I can't imagine it wouldn't have. Is this something that, if we were to look at this department, we should be exploring further?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Madam Chair, first of all, we already have some diversity within the office. We did a survey to determine...because it's important to reflect the population of those we serve, MPs and public officials. More and more, it's diversified. We've taken measures, for example, not to correspond with an MP or with a public official when we know it's a religious holiday in his or her religion, as a gesture of respect essentially. The same way we would not send somebody a letter informing them that they will be investigated on December 25, we will not send it on a Sikh holiday or on a Jewish holiday, and such holidays. That's a small thing but it's one example.

I must admit that the member has opened my eyes, however, to the fact that when the definition of family was crafted, it was crafted in 2004 or before, and it does not reflect any attempt to try to reflect the concept of a non-traditional family. That's another area where the committee could look, with our assistance, to see whether we can modernize the definition as well.

• (1220)

The Chair: Ms. Blaney, go ahead.

Ms. Rachel Blaney: Thank you for that. I think it's an important conversation that we definitely need to be having over the next number of years as we become more holistic in our approach.

Thank you, Madam Chair, for allowing me to have that moment of a question. I'll go to the next question, and I promise this is my last one. I only have about two and a half minutes, and I know we have a lot of important business to do in this room, Madam Chair.

One of the questions I have, and hope to have some clarity around, is about the role that Mr. Dion holds right now. I've heard numerous conversations today about how that role is limited and how sometimes it almost sounds like that could be a little bit frustrating.

I can't help but reflect on the fact that we've had members in this place talk about public confidence. I really appreciated Mr. Dion's comments that not only is that happening in Canada, where people are feeling less of a sense of public confidence, but that's happening across the planet. It's something that we should all be reflecting on, especially as politicians and parliamentarians.

I'm just wondering if Mr. Dion believes this office has the level of power required to properly implement the role. Also, within that lens, how do we increase public confidence within these roles that we all hold here?

The Chair: Thank you, Ms. Blaney.

I think your clock may have been off by a minute.

Ms. Rachel Blaney: I'm sorry.

The Chair: We'll let Mr. Dion respond, though.

Mr. Mario Dion: Madam Chair, it's a very complex and important question that's being asked. I was asked about the level of resources. Initially I answered a certain way.

Level of power is a different thing. It's entirely different. I was appointed. My training is that of a lawyer. My role is to implement the code and the act as they exist, not as I wish they would exist. At the appropriate time, I will be making suggestions because it is obvious that there is a lot of room for improving the impact that the office can have on the actual long-term situation of Canadians' confidence in their public institutions.

We could have more power, but for the time being we don't have more power. I'm trying to make the best out of the situation we have.

The Chair: Thank you, Mr. Dion.

For the last round, we have Mr. Gerretsen for five minutes.

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

Through you to Mr. Dion, I want to try to play devil's advocate for a couple of issues here. When we talk about relooking at the definition of family or the inclusion of friends, at the end of the day is there not some concern that we end up opening things up in such a way as to create more problems, more inconsistencies or more confusion? I realize the desire for it, but at the end of the day a certain degree of responsibility, in my opinion, needs to be placed upon the individual to do what is right. If somebody wants to neglect doing what is right, in my opinion they will always find a way to do that.

My question, through you, Madam Chair, is whether Mr. Dion shares the same concern. If you start to amend definitions, include close friends and try to define what a close friend is versus an acquaintance, don't you start to run the risk of getting away from the principle of putting the onus on somebody to do what's right? Do you run the risk of perhaps creating more confusion down the road?

The Chair: Mr. Dion, go ahead.

Mr. Mario Dion: Madam Chair, there is always that risk whenever.... The definition we currently have has the benefit of being simple and easy to apply for the family. Friends are not included in the code, so there is no complexity. They are simply not on the list of immediate—

• (1225)

Mr. Mark Gerretsen: I'm sorry, Mr. Dion. They are not now, but there has been a lot of discussion today about the possibility of adding that. That was what my question was.

Through you, Madam Chair, I kind of take the same approach as it relates to training. Correct me if I'm wrong, but I think I heard Mr. Dion say that he was perhaps in support of mandatory training. If someone chooses not to do the training and then is found to be in violation, isn't that the product of their own mistake? At what point do we start to say that perhaps less is more?

The Chair: We're going to let Mr. Dion respond.

Mr. Mario Dion: That's a good point as well. In fact, training could be mandatory and people could attend and be absent-minded. We were talking about virtual training—so you can shut off the camera and go to the washroom and nobody will know—but at least it would be a step in the right direction. When we have attendance rates of 7% of MPs, I am not very happy with having gone through the trouble of creating a curriculum for 93% of the MPs who did not attend.

Members of their staff do attend, but in my view, MPs in general should pay a bit more personal attention to these things. Sometimes they are not being served as well as they would be if they paid a little bit more attention.

The Chair: Mr. Gerretsen, go ahead.

Mr. Mark Gerretsen: Through you, Madam Chair....

I lost my train of thought because the chair was lecturing me. She's doing a great job, though—you are doing a great job, Madam Chair. You would be the only one I would speak to right now.

I think this point is very important. I imagine.... Mr. Dion, what if you ran and were elected in the next Parliament and then someone said to you that you need to do this mandatory training?

It would be a little ridiculous because he would know it so well, Madam Chair. I just imagine there are other people who would be in a similar position. I don't know if making things mandatory is really a step in the right direction or not.

If I have any time left, Mr. Fergus wanted to ask a quick follow-up question.

The Chair: Thirty seconds go to you, Mr. Fergus.

[*Translation*]

Hon. Greg Fergus: Thank you, Madam Chair.

I'd also like to thank my colleague Mr. Gerretsen.

Mr. Dion, I was talking earlier about my former career as director of ethics and marketing. One of the things my team and I found was that it was all too easy to build up a fairly thick bible of do-nots over time.

I'll get to my question quickly, Madam chair.

We revolutionized our style by deciding to turn the tables and put the onus on other people.

[*English*]

The Chair: Please get to your question.

[*Translation*]

Hon. Greg Fergus: We decided to develop the 10 or 11 commandments, which are elements to guide people and describe how they should behave to reach a level where problems are solved.

[*English*]

The Chair: Thank you, Mr. Fergus.

[*Translation*]

Hon. Greg Fergus: Is this something that could make your job easier? Instead of having a code that describes all the things you shouldn't do, wouldn't it be better to establish some preferred behaviours if you want to act in a transparent and ethical way?

[*English*]

The Chair: Go ahead, Mr. Dion.

[*Translation*]

Mr. Mario Dion: Anything is possible. It's an interesting idea, but it's not at all the path that Parliament chose in 2004.

If indeed the committee decides to undertake a comprehensive review of the code, as provided for in section 33, we can certainly look at this together.

The Chair: We can look at this together.

Thank you very much, Mr. Dion.

[*English*]

Do you have any closing comments? Do you want to say anything quickly?

Mr. Mario Dion: The last thing would be to thank you and the members for having spent some time this morning to discuss these matters.

I tell people at my office that my first priority.... I'm an officer of the House of Commons, so whenever you call me, it is my first priority.

The Chair: Was that part of the talking points?

Mr. Mario Dion: No, it's not.

I will remain available at all times.

The Chair: On behalf of PROC committee members and myself, I want to thank you and your team for the work that you do. Thank you for coming here.

We wish you the best of the holiday season, and we look forward to continuing to work together.

• (1230)

Mr. Mario Dion: Thank you very much.

The Chair: Thank you.

We will suspend the meeting as we move in camera.

[Proceedings continue in camera]

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