

Notes
For Lyne Robinson-Dalpe
Director, Advisory and Compliance
Office of the Conflict of Interest and Ethics Commissioner
Canada

“Our Own Integrity: Taking Ownership,
Welcoming Accountability”
Plenary Session 2 Panel Discussion
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CHECK AGAINST DELIVERY

I am pleased to be here on behalf of Canada's Conflict of Interest and Ethics Commissioner, Monsieur Mario Dion.

Canada's participation in the Global Organization of Parliamentarians Against Corruption is supported by a robust public sector ethics framework. It includes conflict of interest rules that help ensure the decisions of those who hold public office are made in the public interest.

Such rules apply to public officials elected or appointed by all three levels of government—federal, provincial or territorial, and municipal. They are contained in different instruments and administered by different bodies, including our Office. In fact, the Office is part of the Canadian Conflict of Interest Network, which encompasses oversight organizations at different levels of government across Canada.

Canada started building that framework soon after it achieved nationhood in 1867. The Members of its brand-new House of Commons were not allowed to vote on any matters in which they had a direct pecuniary interest.

Over the years, the framework was strengthened by prime ministers from different political parties.

The first conflict of interest guidelines for federal cabinet ministers were introduced in 1973, and guidelines for assorted categories of public servants and appointed officials were announced. A year later, Canada's first federal conflict of interest administrator, an Assistant Deputy Registrar General who was part of a government department, was appointed.

In 1985 the conflict of interest rules were consolidated in the *Conflict of Interest and Post-Employment Code for Public Office Holders*. In 1994, the Assistant Deputy Registrar General was replaced by an Ethics Counsellor who administered that code and the *Lobbying Registration Act*.

Canada's public sector ethics framework has continued to evolve and develop since GOPAC was created. Notably, in 2004, a conflict of interest code for elected parliamentarians at the federal level was adopted and an independent Ethics Commissioner replaced the Ethics Counsellor. In 2007, a *Conflict of Interest Act* for public office holders came into effect and the position of Conflict of Interest and Ethics Commissioner was created, replacing the previous Ethics Commissioner.

The Conflict of Interest and Ethics Commissioner administers the *Conflict of Interest Code for Members of the House of Commons* and the *Conflict of Interest Act*.

The Code applies to all elected Members of our national Parliament. Members who are also ministers or parliamentary secretaries are subject to additional, and sometimes more stringent, requirements under the *Conflict of Interest Act*.

These regimes seek to ensure that elected and appointed officials do not use their positions to further their private interests or the private interests of their relatives or friends, or to improperly further the private interests of anyone else.

Our Office historically adopted a narrow interpretation of what constitutes a private interest, confining private interests largely to those of a financial or pecuniary nature. Commissioner Dion has recently broadened that interpretation, noting that private interests can, in fact, take many forms, including financial, social or political.

However, they do not include an interest in a decision or matter that is of general application, that affects the Member or public office holder as one of a broad class of persons, or that concerns the salary or benefits received for being a public office holder or Member.

The Code and the Act are effective because of their rules, the transparency they provide and the independence of our Office in administering them.

Rules

The regimes set out strict rules that Members of the House of Commons and public office holders must follow. Some of the rules state what these officials must do to comply. Others state what they cannot do.

For example, Members and public office holders and their family members may not accept any gift that might reasonably be seen to have been given to influence the Members or public office holders, with certain exceptions. They must also meet rigorous reporting requirements. Members are prohibited from participating in debates on and from voting on questions in which they have a private interest. Public office holders must recuse themselves from any discussion, decision, debate or vote on any matter in respect of which they would be in a conflict of interest.

To help Members and public office holders understand and meet their obligations under the Code and the Act, our Office guides them through the compliance processes, and give them confidential direction and advice tailored to their personal situations.

The Office also undertakes education and outreach activities. These include presentations, delivered in person or through social media, and online videos. The Office also updates and disseminates a variety of informational materials. Using Twitter to communicate directly with Members and public office holders, as well as with the interested public, has also proven effective.

While ensuring compliance with the rules and preventing conflicts of interest is the focus of the Office, the Commissioner does not hesitate to enforce the Code and the Act as appropriate.

He can, for example, conduct formal investigations of possible contraventions of both regimes and issue public reports on those investigations. The Office has released 48 such reports since 2007. These public reports are considered the most effective sanction to address contraventions and non-compliance.

The subjects of investigations have included Members of the House of Commons, cabinet ministers and other public officials, even the prime minister of Canada. The fact that people in positions of power and influence can be investigated confirms the Commissioner's independence, which I will discuss shortly.

Transparency

Transparency is another key element of the regimes' effectiveness. Commissioner Dion has defined it as: openness, clarity, unobstructed access and disclosures, when interacting with, or acting on behalf of, the public.

Ensuring transparency can be a challenge because the Act and the Code also have strict confidentiality requirements. Early in his mandate, Commissioner Dion undertook to make the Office and its work as transparent as possible while respecting those requirements.

The Code and the Act ensure transparency through disclosure and public declaration requirements.

Our Office maintains an online, searchable public registry of compliance documents.

The registry includes summaries of information submitted by Members and public office holders for themselves and members of their immediate family on assets, liabilities, outside activities and other interests. It also contains public statements of gifts with a value of \$200 or more, statements of sponsored travel and other declarations as necessary. It can be accessed through our website.

As I mentioned earlier, the Commissioner's investigation reports are always made public as soon as they are transmitted to the Speaker of the House or to the Prime Minister for reports under the Act.

Independence

Independence is the third and final characteristic I want to mention today.

It is critical to the Commissioner's ability to administer the Code and the Act. This is because the Commissioner oversees the conduct of Members of the House of Commons, government ministers, including the prime minister, and other public officials.

More generally, those subject to these regimes must be assured they will receive fair and equal treatment regardless of their political affiliation. As well, the public will trust the Commissioner's conclusions only if the Commissioner is truly independent of the government of the day and is perceived to be so.

The Office is independent and non-partisan.

The Commissioner is an Officer of Parliament whose appointment must be approved by a majority in the House of Commons, and who is solely responsible to Parliament and not to the federal government or an individual minister.

Our Office belongs to Parliament itself. Like the Senate and the House of the Commons, it is part of the parliamentary infrastructure.

While the *Conflict of Interest Code for Members of the House of Commons* is administered on behalf of parliamentarians, the Office is independent of them. They do not oversee its work.

Thank you for the opportunity to speak with you about the role of federal conflict of interest regimes in Canada's public sector ethics framework. I spoke, in particular, about the importance of strict rules, transparency and independence in ensuring their effectiveness.

I look forward to our discussion and any questions you may have.