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CONFIDENTIAL

March 29, 2017

Mr. Duff Conacher
Board Member of Democracy Watch
P.O. Box 821, Station B
Ottawa, Ontario K1P 5P9

Subject: Response to your letters of December 6, 14, and 16, 2016, and January 31, 2017

Dear Mr. Conacher:

I am writing to you in response to your letters dated December 6, 14, and 16, 2016, and January 31, 2017. It has been brought to my attention that you publicly stated that while I have acknowledged receipt of your letters, I had not yet responded to the issues raised in your letters. I can assure you that I make every effort to respond to individuals who take the time to write to me.

In the three subsequent letters that shortly followed your initial December 6, 2016 letter, you either reiterate some of your earlier requests or refer to new matters. Rather than responding to every individual request made in each of your letters, I will address the various topics raised.

Requests concerning my appointment and suggestion on recusal

A request common to all your letters is that I disclose whether I have applied to be reappointed for another term. In your letter dated January 31, 2017, you also request that I recuse myself from ruling on any matters addressed in your letters, and any other matters concerning the *Conflict of Interest Act* (Act) and the *Conflict of Interest Code for Members of the House of Commons* (Code) because on December 16, 2016 the Governor in Council appointed me as Conflict of Interest and Ethics Commissioner on an interim basis pursuant to subsection 82(2) of the *Parliament of Canada Act*.

It appears to me that your concerns are directly related to the statutory appointment process for the Conflict of Interest and Ethics Commissioner as set out in the *Parliament of Canada Act* over which I have no authority. In any event, taking your concern to its logical conclusion, no one could ever be appointed on an interim basis without triggering the need to recuse.

Consequently, I will not address your requests for my recusal other than to inform you that I intend to fulfill my duties as set out in the *Parliament of Canada Act* until the end of my mandate.

Request for an examination in relation to the appointments of the Conflict of Interest and Ethics Commissioner and Lobbying Commissioner

In your letters dated December 14, 2016 and January 31, 2017, you request that an examination be undertaken into whether the Prime Minister and other ministers contravened sections 4 and 6 of the Act by furthering their private interests when making or participating in any decision to appoint or reappoint on an interim basis the Conflict of Interest and Ethics Commissioner pursuant to the *Parliament of Canada Act* and the Lobbying Commissioner pursuant to the *Lobbying Act*.

In your letters, you write that in making such appointments, the Prime Minister and his Cabinet knew my stance on the issue of the Cabinet fundraising events. You suggest that this knowledge allowed the Prime Minister and his Cabinet to further their private interests by appointing an individual whom they believed would allow them to continue to engage in these fundraising activities.

Fundraising activities relate to political interests. I have noted on a number of occasions such as in *The Cheques Report*, that there is nothing in the Act to suggest that political interests, such as partisan gain or advantage, are to be included in the concept of private interests.

You suggest in your letters that an independent body deal with the appointments to the position of Conflict of Interest and Ethics Commissioner. However this is not what Parliament has provided for the legislation.

Requests concerning receipt of gifts from the Aga Khan

In your most recent letter, you also request that I examine whether the Prime Minister contravened the Act or the Code in relation to his recent trip to His Royal Highness the Aga Khan's private island.

As has been reported by the media, I have, at the request of two Members of the House of Commons, already initiated an examination under the Act and an inquiry under the Code into the conduct of the Prime Minister concerning his trip. I am therefore unable to provide further comment at this time.

In that same letter, you additionally request that I inquire into whether Mr. Seamus O'Regan contravened the Code in relation to his trip to the Aga Khan's private island. I may, at my own initiative and after giving the Member written notice of and an opportunity to respond to my concerns, commence an inquiry under the Code. I would do so only where I am satisfied that I have reasonable grounds to believe that the Member has not complied with his or her obligations under the Code. I can confirm that no inquiry or preliminary review into the conduct of Mr. O'Regan has been commenced at this time.

Requests concerning fundraising activities

In your letters dated December 6 and 16, 2016, you request that I examine whether the Prime Minister or other ministers have contravened the Act by participating in political fundraising activities or by giving preferential treatment to party donors.

As has been reported by the media, I have already looked into these activities following letters of concern I received from Members of the House of Commons in relation to a possible contravention of section 7 (preferential treatment) and section 16 (fundraising). After carefully looking into these activities, I was satisfied that further action was not warranted.

Your views

In addition to making the requests that I have addressed above, you also share with me your views on how you would interpret several sections of the Act and how you would propose to resolve some of the concerns you raise in your letters. Thank you for sharing your views.

Sincerely,



Mary Dawson
Conflict of Interest and Ethics Commissioner