

QUESTIONS AND ANSWERS

Commissioner of Lobbying and Conflict of Interest and Ethics Commissioner

**I. Interim appointments of incumbent Commissioners**

**1. The incumbents to these positions have each been appointed for a third interim 6-month term – is it not the case that the legislation allows for these types of short-term appointments to be used one time only?**

- The enabling legislation for both positions allows the Governor in Council to make interim appointments to these offices.

If pressed:

**What are the specific legislative provisions for these interim appointments?**

- *Lobbying Act*

**Interim appointment**

**4.1 (4)** In the event of the absence or incapacity of the Commissioner, or if that office is vacant, the Governor in Council may appoint any qualified person to hold that office in the interim for a term not exceeding six months, and that person shall, while holding office, be paid the salary or other remuneration and expenses that may be fixed by the Governor in Council.

- *Parliament of Canada Act*

**82. (2)** In the event of the absence or incapacity of the Commissioner, or if that office is vacant, the Governor in Council may appoint any qualified person to hold that office in the interim for a term not exceeding six months, and that person shall, while holding office, be paid the salary or other remuneration and expenses that may be fixed by the Governor in Council.

**Why does the government keep appointing the incumbents on an interim basis if the legislation allows for “any qualified person” to hold the office?**

- The interim appointments provide leadership continuity in these offices and allow time for the selection processes to be completed and appointments to be made following the required Parliamentary consultation and approval.

**2. The selection processes for these positions were launched in September 2016 and now the government has reopened both of them in June 2017.**

**i. How many candidates applied in the original processes and why were none of them successful?**

- Fifty-five (55) applicants submitted their candidacy for the Conflict of Interest and Ethics Commissioner position. Few met the statutory requirements.
- Fifty-eight (58) applicants submitted their candidacy for the Commissioner of Lobbying position. While many met various qualifications, there were no successful candidates.

ii. **Why is it taking so long to fill these positions?**

- The Government is committed to carrying out the selection processes for these leadership positions as expeditiously as possible. It should be noted that such processes can take a number of months to complete.

If pressed:

- The length of time will vary according to the nature and responsibility of the position advertised and the particular selection process being used.

The recruitment for full-time leadership positions such as these Agents of Parliament requires a more comprehensive process. There are also various factors that can influence a selection process, such as the number of applications received, the screening of applicants, the scheduling of interviews, reference checks, and due diligence assessments, including security reviews.

iii. **Who was on the selection committees?**

- Members of selection committees represent the interests of those who are responsible for decision-making on appointments (the Minister, the Prime Minister), as well as individuals who bring a perspective on the specific interests and needs of the organization.

If pressed:

- Selection committees for leadership positions comprise senior representation from the Prime Minister's Office and the office of the responsible Minister(s), as well as senior officials from the department(s) and the Privy Council Office.

3. **What does the Government plan to do next and differently to ensure that these positions are filled before the new interim terms for Ms. Dawson and Ms. Shepherd end?**

- The Government is committed to carrying out the selection processes for these leadership positions as expeditiously as possible.
- The Notices of Appointment Opportunity for these two positions have been reposted to the Governor in Council Appointments web site at <https://www.appointments-nominations.gc.ca>

4. **The Conflict of Interest and Ethics Commissioner is currently conducting an investigation involving the Prime Minister – was the Prime Minister involved in making the recommendation to appoint Ms. Dawson for this third interim term?**

- X - On May 15, 2017, the Prime Minister's Office confirmed in a statement that the Prime Minister <sup>is</sup> has recused himself from all matters related to the appointment to this position.
- Minister Chagger <sup>was</sup> is the designated Minister responsible for the appointment <sup>for</sup> to this position.