

*Government Affairs Control Act*

land, immediately a conflict of interest in relation to government affairs shall be deemed to have occurred.

What happens when this conflict of interest is deemed to occur? Let us move on to find out what heinous things can happen to the individual. Clause 4 of the Bill states:

Where a conflict of interest is deemed by Section 3 to occur, the Deputy Registrar General shall apply—

—not may apply—

—to a judge of the Federal Court of Canada seeking a declaration that a conflict of interest has occurred and an order directing the action to be taken by each person involved in the conflict of interest.

In situations where individuals in Ottawa who happen to work for the federal Government, whether they are secretaries, clerks or deputy ministers, were involved in a land transaction, a conflict of interest is deemed to have occurred and action shall be taken.

This is the kind of nonsensical overkill that does not make for good law in the country. It seems to me that we cannot deal with conflict of interest with laws and laws alone. We now have laws on the books that deal with conflict of interest. I believe we also have a very good set of conflict of interest guidelines that set general principles that should guide Members of Parliament and members of the Public Service in their behaviour in situations where the possibility of conflict of interest arises.

I would like to go through precisely what those guidelines are. They were brought down by a person whom I considered to be a great Canadian, the present Prime Minister (Mr. Trudeau), in 1973. Let me quote from these guidelines as follows:

1. These Guidelines may be cited as the *Public Servants Conflict of Interest Guidelines*.

They are currently in force and have been since they were brought in by this Government in 1973.

2. It is by no means sufficient for a person in a position of responsibility in the public service to act within the law. There is an obligation not simply to obey the law but to act in a manner so scrupulous that it will bear the closest public scrutiny.

Laws dealing with conflict of interest situations exist right now. These guidelines set general principles above that law. Guideline 2 continues:

In order that honesty and impartiality may be beyond doubt, public servants should not place themselves in a position where they are under obligation to any person who might benefit from special consideration or favour on their part or seek in any way to gain special treatment from them. Equally, a public servant should not have a pecuniary interest that could conflict in any manner with the discharge of his official duties.

That guideline is quite clear. I do not believe there is any need to make additions to it. The guidelines continue:

3. No conflict should exist or appear to exist between the private interests of public servants and their official duties. Upon appointment to office, public servants are expected to arrange their private affairs in a manner that will prevent conflicts of interest from arising.

4. Public servants should exercise care in the management of their private affairs so as not to benefit, or appear to benefit, from the use of information acquired during the course of their official duties, which information is not generally available to the public.

5. Public servants should not place themselves in a position where they could derive any direct or indirect benefit or interest from any government contracts over which they can influence decisions.

6. All public servants are expected to disclose to their superiors, in a manner to be notified, all business, commercial or financial interests where such interests might conceivably be construed as being in actual or potential conflict with their official duties.

7. Public servants should hold no outside office or employment that could place on them demands inconsistent with their official duties or call into question their capacity to perform those duties in an objective manner.

8. Public servants should not accord, in the performance of their official duties, preferential treatment to relatives or friends or to organizations in which they or their relatives or friends have an interest, financial or otherwise.

The key to this is that this is a set of guidelines that guide behaviour. They are a set of principles against which behaviour can be evaluated and measured. However, I suggest that measurement is, by definition, subjective. It will be a matter of degree and it will have to be evaluated within that context. I suggest that to try to codify the moral behaviour in a statute such as this is an impossible task. To bring such a law into being would make it extremely difficult to operate at all because this net is cast so broadly that it goes beyond a matter of whether a public servant could benefit from becoming involved in the decision-making about a certain situation. It deals with public servants involving themselves in any relationship with the Government whether or not they have an interest or the ability to affect the decisions that are being made. If the NCC, being a government agency, leased or purchased land held by a current public servant for a new park—and this could be a high probability in the City of Ottawa—the public servant would be in direct conflict of interest according to this law. The extent of the ludicrous nature of this particular law when we have adequate conflict of interest guidelines—

● (1800)

**The Acting Speaker (Mr. Herbert):** Order, please.

## PROCEEDINGS ON ADJOURNMENT MOTION

[English]

A motion to adjourn the House under Standing Order 45 deemed to have been moved.

CANADA MORTGAGE AND HOUSING CORPORATION—  
NON-PROFIT HOUSING—ALLOCATION SOUGHT FOR TORONTO  
AREA

**Mr. Douglas Fisher (Mississauga North):** Mr. Speaker, the other day I rose to ask the Minister responsible for housing his reactions to the recent Ontario decision to omit both the City of Toronto and Metropolitan Toronto from the 1984 allocations for public non-profit housing. I believe the Ontario Minister of Housing, Mr. Claude Bennett, is ignoring the traditional partnership which exists in the social housing area. He is attacking the most vulnerable people living in the