

(c) The annual reporting to the House of Commons of a list of those Members of Parliament who have complied with the requirements of the law relating to registration and/or disclosure.

To assure the Public that Members of Parliament will indeed take the steps necessary to avoid conflicts of interest, your Committee recommends that the draft legislation and where necessary the Standing Orders be so amended as to reflect the following proposal:

Every Member of Parliament shall, within six months of assuming office and on May 31st of each year thereafter, file with the Registrar, the following information, together with such additional information as the Registrar may require:

(1) his or her taxation returns for the year current or preceding;

(2) his or her financial and pecuniary interests, direct or indirect, of every kind and nature whatsoever, including such interests of the Member through his or her spouse and/or dependent children, as well as trusts of which he or she or his or her spouse and/or dependent children are the trustees or beneficiaries.

Your Committee suggests that the time period of two months indicated in subclause 7(1) of the proposed Independence of Parliament Act be changed to six months, so as to equal the time period allowed for filing with the Registrar.

Your Committee emphasizes that statements of financial interests made by Members of Parliament pursuant to the requirement for private registration, as opposed to the requirements for public disclosure to be provided for in the proposed Independence of Parliament legislation, shall be deemed to be absolutely confidential to the Registrar and shall not be made public except under the provisions of a court order or upon a request made to the Registrar by the Standing Committee on Privileges and Elections pursuant to a specific reference to the Committee by the House of Commons involving an allegation of conflict of interest.

Further, while a Member of Parliament may seek advice from the Registrar, either in writing or verbally, such written advice may not be made public except at the instance of the particular Member of Parliament, and the Registrar shall be prohibited from disclosure of any such verbal communications between himself and Members of Parliament.

Your Committee wishes to underline that verbal advice given by the Registrar to a Member of Parliament shall in no way constitute a defence either in a court or before Parliament.

Your Committee considers it desirable that the Registrar issue a set of forms and information for the benefit of Members of Parliament.

#### SANCTIONS AND ADMINISTRATION

It is recommended that the Proposals entitled: "Sanctions and Administration" be so amended as to indicate that:

(1) the court referred to in Proposal 18 be the Federal Court of Canada rather than the superior court of the province;

(2) in order to alleviate any uncertainty on the part of a Member of Parliament as to whether he is in a position of conflict of interest, he may seek a declaratory judgement in the Federal Court for those matters of pecuniary interest which would require disclosure under the proposed Independence of Parliament Act.

To obtain a declaratory judgement a Member may seek a joint application with the Attorney General or, alternatively, he may file an application and inform the Attorney General of the action. The Attorney General would then be required to respond within thirty days.

Such hearings may be conducted *in camera* at the request of the Member concerned.

(3) Proposal 21(b) be expanded in order to make clear that a Member of Parliament may seek the advice of the Standing Committee on Privileges and Elections either in open hearing or *in camera*.

#### Comment:

Your Committee notes that no compliance is required to advice given by the Standing Committee on Privileges and Elections and deems it wise to leave to the Member of Parliament seeking advice the right to accept or reject any such advice at his own risk.

(4) Proposal 21 in the penultimate paragraph be amended to read as follows:

"The Committee may also investigate questions of conflicts of interest of a Cabinet Minister if the alleged improprieties pertain to the exercise of his duties as a Member of Parliament."

(5) Proposal 22 be eliminated.

#### Comment:

Your Committee suggests that the quorum of the Standing Committee on Privileges and Elections be reduced in number to seven, with representation from at least two parties.

(6) the legislation and Standing Orders be so worded as to provide a period of six months from the date of assuming office, during which a Member of Parliament elected for the first time would be permitted to arrange the configuration of his assets and interests so as to comply with the rules relating to conflict of interest.

#### Comment:

During this period, the new Member of Parliament would be prohibited from entering into any situation