

Anti-Dumping Tribunal

Mr. Knowles (Winnipeg North Centre): I am quoting myself first, simply on the basis of chronology. In December, 1973, when we had before us a statement on this matter by the Prime Minister (Mr. Trudeau), I pointed out the shortcomings in the guidelines which were put forward. I complained in particular about the onus which was placed on public servants to report to their superiors as to whether or not they were in a conflict of interest situation. I said:

I join with the Leader of the Opposition—

That is the gentleman whom we now designate as the hon. member for Halifax (Mr. Stanfield).

—in expressing concern over the extent to which in the Prime Minister's statement as well as in the so-called guidelines everything seems to be left to the individual public servant. I think this is unfair to the public and also unfair to the public servant. I note this sentence in the paragraph in the Prime Minister's statement having to do with disclosure: "Only those matters which the public servant believes are in actual or potential conflict of interest will require disclosure."

I ask, frankly, of what earthly use is that kind of guideline when, in the final analysis, it is left to every individual public servant to decide whether the interests he has are such that he should disclose them. As the Leader of the Opposition said, surely the poorest judge of one's own conduct is the person himself, yet that is the way this has been drawn up.

That is a quotation from *Hansard* of December 18, 1973, at page 8840. Later, in the same citation, I called for what we believed was required, namely, full public disclosure, especially by those who are involved in what could be called decision-making—by those close to the making of government policy or its administration at a high level. Subsequently, on December 10, 1974, as reported at page 2118 of *Hansard*, my leader, the hon. member for Oshawa-Whitby (Mr. Broadbent), outlined in two or three very succinct paragraphs four points which are extremely important. I mention two of them because they are relevant to the situation before us.

Second, there is no requirement for public disclosure.

Third, too much discretion is vested in the public servant. The onus is on him to disclose to the minister those matters which he believes to be in actual or potential conflict.

One note on the second point. This is the situation in which we now find ourselves. Mr. Gauthier and Mr. Bissonnette were not required to disclose their other interests. The hon. member for York-Simcoe (Mr. Stevens) has already read into the record one of the sentences in that connection. I believe the trouble is right there. Our former leader, Mr. David Lewis, also had something to say on this point. We have pointed out what is really required—not just voluntary disclosure by public servants of what they believe may be wrong, but full disclosure of financial and business interests by all public servants at the upper level.

Mr. Gauthier has gone, losing eight days of his term, and Mr. Bissonnette has been told to drop some of his associations. Rather than spending too much time going over the past, the point has been reached at which we should revise these rules. This should be done for the protection of the public as well as for the protection of public servants. Senior personnel should not be left in the position where they are asked to determine what is right and what is not right. The line has to be drawn somewhere. We should not make a requirement that will not hurt those on the cleaning staff, while in the process letting those at the upper levels get off scot free. Those in the lower ranks will

[Mr. Macdonald (Rosedale).]

perhaps not be called upon to make any disclosure at all, but certainly those in the middle and upper brackets should not be left free to decide whether they should report to their superiors or not. There should be full public disclosure, and in my view this is what should come out of this latest experience.

[Translation]

Mr. André Fortin (Lotbinière): Mr. Speaker, the Minister of Finance has just made important statements concerning the integrity of some government officials.

One of them concerns the chairman of the Anti-Dumping Tribunal, Mr. J. P. C. Gauthier. In his statement, the Minister admits there has been some conflict of interest, but he plays with the situation. In the first paragraph, he says:

I wish to make it clear that there is nothing in the action which has been made available to me which indicates that Mr. Gauthier has conducted himself in any manner conflicting with the due performance of his duties.

In the second paragraph, the same Minister of Finance says:

... the number and variety of matters referred to, in my view, go beyond the normal course as contemplated by Section 21(7).

Mr. Speaker, it is therefore an indication of two things: first there are a certain number of cases concerning the former chairman of the Anti-Dumping Tribunal which could be a breach of Standing Order 21(7) to the extent that the Minister of Finance would have to accept the resignation of the chairman.

The second part of the minister's statement deals with another official who is a member of the Anti-Dumping Tribunal. In that case, the minister himself is both judge and tried, the judge of his official and tried by the House of Commons. The minister said: "I have questioned Mr. Bissonnette and he assured me..."

The Minister told him: "I will send you a short letter on June 4, and will explain to you the guidelines on the conflicts of interest. If you think, my dear Mr. Bissonnette, that it could give rise to conflicts of interest, you will not be accepted for such and such a case.

In the case of Mr. Bissonnette, the minister imitates Pontius Pilate, he backs out, he simply goes to see him, talks to him, sends him a letter and says: If you ever consider you are in a situation of conflict of interest, just offer your resignation and we will settle the problem; you will get rid of all your registered capital in such and such company.

So much for Mr. Bissonnette. Everything considered, Mr. Speaker, there is nothing to boast about in the statement of the Minister of Finance. As regards Mr. Bissonnette, he simply disclaims all responsibility. The minister tells Mr. Bissonnette to judge by himself whether or not he is in a conflict of interest situation. That is all.

In the case of the president of the labour court, the minister accepts his resignation, but he announces today no positive and immediate measure, in the short or intermediate run, to prevent that kind of situation. Mr. Speaker, if a similar problem had been raised five or six years ago, there would have been a general outcry in the country and the government would have been charged with corruption.