

Government Affairs Control Act

parison, those in the private sector would not be held responsible in the same way. Simply stated, we want to impose a higher degree of responsibility upon members of the Cabinet and upon those who assume office within the Government.

I am reminded of a survey that was referred to on a television program. In that survey, people were asked what qualities they were most concerned with in elected representatives. That is to say, it asked what qualities the people felt were most important in those seeking public office. It was very clear from the survey that what people expected from candidates for public office was, first and foremost, honesty. Second, they expected intelligence, and third, they expected an element of compassion. It is important to note, Mr. Speaker, that the quality which everyone desires in those elected and seeking public office is that of honesty. That is really what Bill C-210 and its provisions are all about.

The Acting Speaker (Mr. Herbert): Just a moment, please. I hate to interrupt the Hon. Member. He should know his Bill better than I do, but I had read a Bill C-208 standing in the name of the Hon. Member. This is the third time the Hon. Member has mentioned a Bill C-210. Just to avoid any confusion, perhaps it would be possible for a correction to be made.

Mr. Crosby: I am sorry, Mr. Speaker. The number of the Bill is indeed C-208. I might explain that it was introduced in the House of Commons during an earlier session. I am guilty of experiencing some confusion with the numbers. However, for the record, the number of the Bill is C-208. It is, as I have said, an Act to control conflicts of interest in government affairs, and the short title, for the record, is the Government Affairs Control Act.

I indicated that my purpose is to advance what I believe to be the interest of the public in terms of the responsibilities of elected officials, and particularly members of the Cabinet, and that is, the preservation of honesty and the assurance that they will deal honestly with public matters that are brought to their attention. There are other Bills before the House that relate to conflicts of interest and provide codes of conduct. I am reminded of a Bill introduced at the first session of this Thirty-second Parliament by the former Member for Nepean-Carleton, the Hon. Walter Baker. He introduced a Bill numbered C-679 which is entitled the Public Officers Standards of Conduct Act. That Bill contains much more extensive provisions that would affect a much larger group of public officials including, as I understand, Members of Parliament. For the moment, the Bill that I propose simply applies, as I have said, to members of the Cabinet and to those who hold public office.

I would like to review briefly the provisions of Bill C-208 in order to indicate how the Act would apply. First and foremost, the Act defines the persons who would be included by the term government officer and official. As I have indicated, that would include members of the Cabinet and all employees and officers of the Crown including officers of Crown agencies. In Clause 3, the Bill specifically sets out all of those circumstances which constitute conflicts of interest. That is to say, it

sets out in some detail the circumstances under which a Cabinet Minister or government officer would be considered to be involved in a conflict of interest. That includes, for example, a situation in which a government officer or Cabinet Minister becomes involved in a contract or in bestowing any kind of benefit on another person.

The importance of setting out in clear terms conflict of interest situations is that when these situations arise, some action can be taken. The action proposed by Clause 4 of the Bill is that the Deputy Registrar General, having been made aware of a conflict of interest situation, presents the facts and circumstances to a judge of the Federal Court of Canada. The judge of the Federal Court of Canada can then conduct a judicial review and determine what action ought to be taken in order to protect the public interest with respect to that conflict of interest. The action that could be taken by the Federal Court judge in the case of a Cabinet Minister who involves himself or herself in a conflict of interest situation is that the appointment could be terminated. That is relatively drastic action but certainly action totally justified when a Cabinet Minister becomes involved in a conflict of interest.

The administration of the Act would fall under the Deputy Registrar General, and that is the officer who now administers the so-called voluntary code of conduct or guidelines that applies to members of the Cabinet and employees within offices of Cabinet Ministers. Provision is made for the administration of the Act in that way.

One problem that exists, and I think one of the reasons why we do not have clear conflict of interest legislation in Canada or a code of conduct applicable to Members of the House of Commons, Cabinet Ministers and other government officers and officials, is that it is a very difficult subject with which to deal. It is very difficult to define specifically the things that constitute breaches of a code of proper behaviour or indeed a conflict of interest. I want to illustrate the effect of this Act in clear terms so that we all know what we are talking about when we seek to present to the House of Commons conflict of interest legislation or legislation establishing a code of conduct.

By way of example, Mr. Speaker, Clause 3(1)(f) of the Bill would declare a conflict of interest situation as being one in which an employee or an official of the Government of Canada including a Cabinet Minister gives preferential treatment or privileged access to others and particularly to former employees or officials of the Government of Canada. Very simply, that means that if a Cabinet Minister gives preferential treatment to a former employee of the Government, a conflict of interest situation arises.

● (1710)

I have before me a newspaper report which makes it very clear that that is exactly what happened in the case of Jim Coutts. As all of us know, he was principal secretary to the Prime Minister of Canada (Mr. Trudeau) and resigned from that post to seek a seat in Parliament. He was unsuccessful for reasons known to the voters of Spadina. If anyone wants to ask