



EXPERTS POLICY FORUM

June 15 – 17 and 22, 2009

Bytown Pavilion, 111 Sussex Drive, Ottawa, Ontario

In the Part II – Policy Review, the Commission will focus on the policy issues raised in questions 14 and 17 of its Terms of Reference:

14. Are there ethical rules or guidelines which currently would have covered these business and financial dealings [of Mr. Mulroney and Mr. Schreiber]? Are they sufficient or should there be additional ethical rules or guidelines concerning the activities of politicians as they transition from office or after they leave office?

17. Should the Privy Council Office have adopted any different [correspondence handling] procedures in this case?

PANELS A AND B: ACADEMIC AND PARTY EXPERTS

The commission has invited six experts to discuss the policy questions arising from its terms of reference. The six invited experts taking part in Panels A and B will be invited to turn their mind to the following questions:

Ethics Rules Issues

A. General Questions:

What is the ultimate objective of ethics rules? Is it to shape behaviour, to communicate publicly commitment to values, or something else entirely? Do you have any views on how ethics rules should be structured to create accountability, but without imposing limitations that have the effect of deterring qualified individuals from seeking public office? Do you believe that ethics rules enhance ethics, or are political “culture” the more important ingredient to ethical behaviour? How is an ethical political “culture” created?

Do you have any views on how ethics rules should be structured to create accountability, but without imposing limitations that have the effect of deterring qualified individuals from seeking public office? What other adverse consequences may flow from the regulating of ethical behaviour?

B. Specific Questions:

Do you believe that the concept of “conflicts of interest” contained in federal law is adequate? In your view, is the distinction between a real and a potential or apparent conflict of interest important in affecting the scope of conflict of interest rules?

Do you believe that the ethics rules that *currently* cover business and financial dealings between a sitting Prime Minister or a sitting Member of Parliament and a third party are adequate? If not, how could they be improved? Should there be additional ethical rules or guidelines concerning the activities of politicians as they transition from office or after they leave office? Are the current rules on the post-employment of politicians appropriate? Should they reach further in terms of the sort of post-employment activity that they regulate? Do rules currently reach the actions of former public officials directed not at Canadian governments, but at international governments and organizations? To what extent do you believe that the rules should reach the latter sorts of activities?

Are the existing enforcement and penalty regimes sufficient? Do the various sources of ethics and lobbying rules (*e.g., Conflicts of Interest Act, Criminal Code, Parliament of Canada Act, Lobbyist Act* etc.) provide a coherent whole, or do they create overlap or leave gaps?

Are you aware of precedents from other jurisdictions that offer insight into how Canada might address issues raised in the questions above?

Prime Ministerial Correspondence Handling Procedures

Do you believe that the federal government’s current prime ministerial correspondence handling policies are appropriate? Are there recommendations for improvement that you would make? Are you aware of any other models and precedents that might improve on this system?

**PANEL A: COMMISSION EXPERTS
*Monday June 15***

Panel chair: Evan Roitenberg, Sr. Commission Counsel

Panelists:

Gregory J. Levine, Lawyer

Dr. Paul G. Thomas, PhD., Duff Roblin Professor of Government, St. John's College, University of Manitoba

Dr. Lori Turnbull PhD., Assistant Professor of Political Science, Dalhousie University, Halifax, Nova Scotia

Schedule:

0930 – 1050 – Panel called to session

1050 – 1150 – Statements by parties on issues raised by Commission Experts

1150 – 1315 – Lunch break

- 1315 – 1415 – Questioning of Commission Experts by Commission Counsel
1415 – 1515 – Questioning of Commission Experts by Parties
1515 – 1530 – Follow up questions by Commission Counsel
1530 – 1600 – Final comments or observations by Commission Experts

PANEL B: PARTY AND OTHER EXPERTS
Tuesday June 16

Panel chair:

Giuseppe Battista, Sr. Commission Counsel

Panelists:

Prof. Kathleen Clark, Washington University in St. Louis
Prof. Ian Greene, York University
Prof. Lorne Sossin, University of Toronto
Duff Conacher, Democracy Watch

Schedule:

- 0900 – 1040 – Panel called to session
1040 – 1050 – Health break
1050 – 1130 – Observations/questions in response to Party and Other Experts by Commission experts
1130 – 1300 – Lunch break
1300 – 1400 – Questioning of Party and Other Experts by Commission Counsel
1400 – 1500 – Questioning of Party and Other Experts by Parties
1500 – 1515 – Follow up questions by Parties
1515 – 1600 – Final comments or observations by Party and Other Experts

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PANEL C: ETHICS AND LOBBYING REGULATION OFFICIALS
Wednesday June 17

The Commission has invited four current ethics and lobbying official to provide their perspective on ethics and lobbying rules regimes and the practical dimensions of implementation and enforcement of ethics and lobbying rules. Each panelist will provide a brief overview of his or her respective role and governing legislation. The panel chair will then ask a series of questions to stimulate discussion among panelists.

Panel chair: Nancy Brooks, Sr. Commission Counsel

Panelists:

Mary Dawson, CM, QC, Federal Conflicts of Interest and Ethics Commissioner
Paul D. K. Fraser, Q.C., Conflicts of Interest Commissioner, British Columbia
Lynn Morrison, Acting Integrity Commissioner, Ontario
Karen E. Shepherd, Federal Interim Commissioner of Lobbyists

Schedule:

0900 – 1100 –	Panel called to session
1100 – 1115 –	Health break
1115 – 1145 –	Observations/questions in response to Ethics and Lobbying Officials by Commission experts
1145 – 1215 –	Questioning of Ethics and Lobbying Officials by Commission Counsel
1215 – 1245 –	Questioning of Ethics and Lobbying Officials by Parties
1245 – 1300 –	Final comments or observations by Ethics and Lobbying Officials

PANEL D: FORMER SENIOR POLITICAL AND PUBLIC SERVICE OFFICIALS
Monday, June 22

In this panel, the Commission seeks input from a number of prominent former officials and politicians, to elicit their input into the social, economic, political and cultural environment in which officials transitioning from public office truly operate and the expectations that might reasonably be part of post-public office employment ethics rules. The following are questions that the panel members will be invited to address:

What is the ultimate objective of ethics rules? Is it to shape behaviour, to communicate publicly commitment to values, or something else entirely? Have public expectations concerning the ethics of political leaders changed? Are these expectations realistic? Do you believe that an ethics rule enhance ethics, or is “culture” the more important ingredient to ethical behaviour? How is an ethical “culture” created?

Do you have any views on how ethics rules should be structured to create accountability, but without imposing limitations that have the effect of deterring qualified individuals from seeking public office? What other adverse consequences may flow from the regulating of ethical behaviour?

Do you have any specific thoughts on how ethics rules might ensure that past public office is not exploited in some “improper” manner, while at the same time allowing former public office holders to develop their professional lives upon their return to private life? Should ethics rules be concerned with the activities of former office holders at the international level after they have left office?

Based on your experience, would you have any recommendations on how to design effective and appropriate correspondence handling practices in relation to correspondence directed at a Prime Minister? More specifically, do you have any thoughts on how one designs a system that determines what information can and should be conveyed to the Prime Minister?

Panel chair: Richard Wolson, Q.C., Lead Commission Counsel

Panelists:

The Right Honourable Joseph Clark, P.C., C.C.
Mel Cappe, Institute for Research on Public Policy
Penny Collenette, University of Ottawa
David Mitchell, Public Policy Forum

Schedule:

0900 – 1100 –	Panel called to session
1100 – 1200 –	Open question and answer session
