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Commissioner Mario Dion  
Office of the Conflict of Interest and Ethics Commissioner  
Parliament of Canada  
Centre Block, PO Box 16  
Ottawa, Ontario K1A 0A6

March 27, 2018

**Re: Investigation into major gift to the Member for St. John's South—Mount Pearl**

Dear Commissioner Dion,

Congratulations on your recent appointment to the position of Conflict of Interest and Ethics Commissioner. I believe that you bring considerable expertise and experience to this role, and I am heartened by your public statements to the effect that you take your independent mandate seriously, that you intend to enforce the letter and spirit of the law and that you will prioritize the closing of egregious loopholes.

In light of that, I would like to direct your attention to two matters relating to the Minister of Veterans Affairs and the Member for St. John's South—Mt. Pearl, Mr. Seamus O'Regan, which I feel were not resolved during your predecessor's tenure and highlight a significant weakness in the *Conflict of Interest Code for Members of the House of Commons*.

As you know, Mr. O'Regan joined the Prime Minister on Bells Cay, the private island owned by the Aga Khan, for a vacation in the winter of 2016-2017. At the time, he was not a member of Cabinet and thus not covered by the provisions of the *Conflict of Interest Act*, but still subject to the rules of the *Conflict of Interest Code for Members of the House of Commons*.

Under Subsection 14(1) of the *Code*, Members are forbidden from accepting gifts "that might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of his or her office."

Subsection 14(2) defines an exception for gifts “received as a normal expression of courtesy or protocol” and Subsection 14(3) establishes a reporting requirement for gifts or benefits “related to the Member’s position.”

Mr. O’Regan did not declare this gift, presumably, because he felt that this gift was given outside the scope of his position as a Member of Parliament. I find this reasoning specious, and I will detail precisely its weaknesses in this letter. It suggests a fundamental weakness in the *Code*.

I believe that an investigation into Mr. O’Regan is the best way to clear the air around his refusal to make public his acceptance of a very large gift from an individual who has significant interests in government decisions, particularly now that he is a member of the Cabinet.

Mr. Trudeau was ultimately found to have violated the *Conflict of Interest Act* on several counts, though cleared of any violation of the *Code*. The test for whether Mr. O’Regan was in violation of the *Code* rests on the determination of whether or not “a reasonable person with knowledge of the relevant facts would conclude that the gift might reasonably be seen to have been given to influence the Member in the exercise of a duty or function of their office.”

Your predecessor ultimately found with regard to Mr. Trudeau that he did not violate the *Conflict of Interest Code* because (1) his official dealings with the Aga Khan were “not related to Mr. Trudeau’s position as a Member of the House of Commons but to his position as Prime Minister of Canada” and that (2) “there is no evidence that Mr. Trudeau participated in any debates or votes in the House of Commons related to the Aga Khan or his institutions.” Further, she found that because the gift did not relate to Mr. Trudeau’s duties as a parliamentarian, he was not required to disclose the gift to your office, as Subsection 14(3) would ordinarily demand, a provision that Mr. O’Regan felt also applied to him.

This seems to introduce two pertinent questions in the case of Mr. O’Regan: the scope of duties of a Member of Parliament for the purposes of determining that a gift “might reasonably be seen to have been given to influence the Member *in the exercise of a duty or function of their office*,” and the capacity in which Mr. O’Regan accepted travel and luxury accommodation from an individual with which the federal government, led by a member of Mr. O’Regan’s party, does business.

In the *Trudeau Report*, it would appear that the duties of a Member of Parliament are limited to “debates or votes in the House of Commons.” As a Member of Parliament myself, I find that this definition is so restricted in scope as to be virtually useless.

Voting and debate in the Chamber are, of course, important functions, but a Member of Parliament also acts as a member of a partisan caucus, a representative of a geographical area, a chair, vice-chair, member or replacement member of a committee or committees, of inter-party caucuses, of regional caucuses, and other parliamentary and extra-parliamentary formations and groups. They have significant partisan and other functions outside of their strictly parliamentary roles.

Should an MP accept a substantial gift from a party with pecuniary interests in the decisions made by the government, which the Aga Khan undoubtedly does, the MP can advocate for them in a variety of ways short of speaking or voting in their interests in the House of Commons, should they be so inclined. They can advocate for a decision in the *in camera* environment of a partisan caucus meeting. They can introduce their fellow MPs to interested parties at receptions. They can catch the ear of a Minister responsible for regulating their benefactors' interests on their way to a vote.

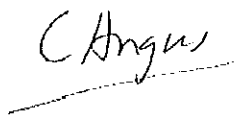
As for voting, even should an MP not sit on a committee related to the business of their benefactors and stay away from votes specific to the interests of their benefactors, they may be required to sit in that committee as a substitute, and vote on budgets and appropriations whose individual line-items may advance the interests of their benefactors, factors which your predecessor seems not to have considered.

Although he accepted the Aga Khan's gift, Mr. O'Regan felt that he was not required to disclose it to your office and to the Canadian public. The monetary value was likely in the thousands of dollars. It would never have become public at all were it not for independent media reports, which would have been even less likely if the Prime Minister were not involved.

Given all the non-voting behaviour that falls well within the ordinary scope of an MP's duties and their access to government decision-makers, is it truly reasonable that an extremely wealthy individual who does business with the federal government can give out luxury vacations to members of the ruling party with absolutely no public disclosure required on the part of either the MP or the gift-giver?

Taking as stipulated the breadth of an MP's role, and of the code of conduct, it is difficult to believe that Mr. O'Regan had not given the appearance of a conflict of interest by accepting a gift with a large monetary value from an individual who does business with and is interested in the decisions of the federal government on a range of issues. I believe that he should be investigated for violating Section 14 of the *Conflict of Interest Code*. If he acted within the bounds of the *Code*, then I feel that the *Code* itself needs to be tightened. I would welcome your suggestions as to possible reforms to ensure that Canadians get the open and accountable government that was promised to them.

Sincerely,

A handwritten signature in cursive script that reads "C Angus". The signature is written in dark ink and is positioned above a horizontal line that serves as a separator between the signature and the typed name below.

Charlie Angus, MP  
Timmins—James Bay