

Risky Business: Public Trust, Ethics & Dealing With the Government

September 15th & 16th, 2005 • Fairmont Château Laurier, Ottawa, ON

Chair

Seán Moore

Gowling Lafleur Henderson LLP



The Faculty

Keynote Speaker



Dr. Bernard J. Shapiro, Ethics Commissioner of Canada, Ottawa, ON. Dr. Shapiro became the first Ethics Commissioner of Canada in May, 2004. In 1986, Dr. Shapiro was appointed Deputy Minister of Education for the Province of Ontario and also served in a variety of other posts, including Deputy Secretary of Cabinet, Deputy Minister and Secretary of Management Board and Deputy Minister of Colleges and Universities. In 1994, he was appointed Principal and Vice-Chancellor of McGill University. In September 1999, Dr. Shapiro was appointed Officer of the Order of Canada, and in 2004, he became a Grand Officier, L'Ordre National du Quebec.



Patrick Gossage, President, Media Profile, Toronto, ON. Drawing on his 35 years of experience in broadcasting, politics and communications, including serving as Prime Minister Pierre Trudeau's press secretary, Mr. Gossage provides strategic communications advice and media training to numerous private and public sector clients. He appears on ROB-TV, CBC Television and Radio, and Canada AM, where he comments on trends and issues relevant to the political and media arenas. He has also written columns and book reviews for the Toronto Star, The Globe and Mail, Maclean's Magazine and Policy Options.

Faculty



John M. Banigan, Vice President, TACTIX Government Consulting Inc., Ottawa, ON. Following a distinguished 30-year career in the Public Service of Canada, mainly with Industry Canada and its predecessor departments, Mr. Banigan retired from the federal government in the fall of 2003 as Assistant Deputy Minister, Industry (1995-2003). He led seven industry sector branches that addressed competitiveness issues facing Canadian companies and launched government policy initiatives and action plans through trade, investment and innovation strategies covering a wide range of issues and sectors.



Todd J. Burke, Partner, Gowling Lafleur Henderson LLP, Ottawa, ON. As part of his commercial and banking litigation practice, Mr. Burke advises clients on matters associated with federal political finance law. He has held a Governor-in-Council appointment as Chair of the Canada Pension Plan Review Tribunal. Mr. Burke is a member of the Canadian Bar Association, the American Bar Association and the Advocates Society, and has written articles relating to the role of public commissions in developing public policy.



Dr. Wes Cragg, Professor, York University, Toronto, ON. Dr. Cragg holds an MA from the University of Alberta and a D.Phil, from the University of Oxford, and extensively researches the intersection of ethics with business, the law, and professions. He co-authored *Contemporary Moral Issues*, is currently the Chair of Transparency International Canada and is the Gardiner Professor of Business Ethics at the Schulich School of Business.



Terry de March, Director, Policy, Planning and Legislation Division, Charities Directorate, CRA, Ottawa, ON. Mr. de March has worked broadly in the policy, legislation and regulatory reform area in both his current position with the Charities Directorate, CRA, and previous positions. As Director of Legislation Development, Income Security Programs, Human Resources Development Canada, he worked extensively on the reform of the Canada Pension Plan. As Director of Innovations, Analysis and Integration, Programs Branch, Justice Canada, he managed innovative and pilot programs for non-traditional solutions to justice related problems.



Guy W. Giorno, Partner, Fasken Martineau DuMoulin LLP, Toronto, ON. Formerly Chief of Staff and counsel to Ontario premier Mike Harris, Mr. Giorno advises clients on strategic communication, crisis communication and issue management, public policy advocacy, communication planning, public affairs counsel, stakeholder relations and the development of strategies in these areas. He regularly advises clients on legal and ethical issues surrounding dealings with government and is co-author of the text *Lobbying in Canada* (Thomson Carswell).



Dr. Ian Greene, Professor, York University, Toronto, ON. Dr. Greene teaches courses in Canadian public law, political ethics, the Charter of Rights, Canadian government and public administration. He has been coordinator of York's undergraduate program in public policy and administration, as well as the undergraduate director in the political science department. He is a member of the Board of Directors of the Centre for Practical Ethics and the Centre for Public Law and Public Policy. Dr. Green is a co-author of *Honest Politics*.



Norman Inkster, President, The Inkster Group, Ottawa, ON. As the former Commissioner of the RCMP from 1987 to 1994 and President of Interpol from 1992 to 1994, Mr. Inkster supervised investigations into a broad range of activities including allegations of kickbacks, theft, fraud, extortion and embezzlement. Mr. Inkster has directed business recovery planning and security reviews for international organizations. He has acted as Special Adviser to the Auditor General of Canada and following the events of September 11, 2001, was appointed Special Adviser on matters of security by the Government of Ontario.

Catherine MacQuarrie, Director General, Office of Public Service Values and Ethics, Public Service Human Resources Management Agency, Ottawa, ON. Ms. MacQuarrie has worked in the field of public sector values and ethics since she first joined the Treasury Board in 2001, where she led the creation and implementation of the *Disclosure of Wrongdoing* policy and the creation of the *Values and Ethics Code for the Public Service*. More recently she has been involved in supporting the development of Bill C-11, *The Disclosure Protection Act*. She has also worked as a public relations advisor, a reporter and editor in several media disciplines.



Pierre Ricard-Desjardins, Deputy Director, Lobbyists Registration Branch, Industry Canada, Ottawa, ON. Prior to his current role, Mr. Ricard-Desjardins was Special Assistant to the Associate Deputy Minister of Justice and Executive Assistant to the Associate Deputy Minister of Industry. He has also occupied various positions of increasing responsibilities within Industry Canada, the Department of International Trade and Foreign Affairs and the private sector.



Shauna Sylvester, Founder, Executive Director, Institute for Media, Policy and Civil Society (IMPACS), Vancouver, BC. In her role as Executive Director, Ms. Sylvester is responsible for delivering IMPACS international media programmes. She also oversees the Communication Centre, Canada's first non-profit public relations and training centre, and the Civil Society project, a national policy project aimed at changing the law governing charities in Canada. Ms. Sylvester has served on dozens of boards and committees at the local, national and international level. Currently she serves as B.C.'s representative to the Voluntary Sector Forum.



Janet Thorsteinson, Acting Assistant Deputy Minister, Acquisitions Branch, Public Works and Government Services, Ottawa, ON. Ms. Thorsteinson is responsible for the management and delivery of the Government of Canada's procurement function, including the development of policies, strategies, standards and the renewal of government procurement. Previously, Ms. Thorsteinson was the Executive Director of the Task Force for the Government-Wide Review of Procurement where she played an integral role in redesigning Canadian procurement. She is well known across government as an expert in Supply Chain Management.

Julie Van Dusen, Reporter, CBC TV News, Ottawa, ON. Ms. Van Dusen has worked for CBC in Ottawa for over 20 years and has broken many stories. Her reports are seen on many programs, including The National, Midday News and supper-hour shows. She has worked for the Privy Council Office and at Maclean's magazine as a reporter-researcher in the Parliament Hill bureau. In 1983, she joined CBC Television News in Ottawa and reported on the public service and Ottawa politics. In 1988, she was promoted to the national CBC TV News service.

Chair



Seán Moore, Partner and Public Policy Advisor, Gowling Lafleur Henderson LLP, Ottawa, ON. Mr. Moore has a broad-based practice involving government relations, regulatory affairs and public policy development for clients in the public, private and independent third sectors in Canada and abroad. He also is a frequently-cited authority on the rules, regulations and practices associated with lobbyists registration, political finance and the interaction between public officials and those who are legitimately involved in efforts to influence decisions of government.

Mr. Moore serves on the board of Vancouver-based Institute for Media, Policy and Civil Society (IMPACS), on the Advisory Board of Carleton University's Arthur Kroeger College of Public Affairs and is a member of the Advisory Board of *Media Magazine* - a publication of the Canadian Association of Journalists. He lectures frequently on public policy advocacy in universities, professional development settings and government training academies and is a frequent speaker and commentator on national affairs.

With all the recent reports of scandal and alleged wrongdoing involving government, political and private sector officials, it's no wonder many people have come to view interaction with government as a political and ethical minefield.

Among the responses by government are a series of important changes over the last several months involving such diverse subjects as the federal *Lobbyists Registration Act* (and its significant new reporting requirements for corporations and their senior officers), the *Canada Elections Act* (and its strict limits on corporate and union political donations), new rules governing advocacy by charities and NGOs and ever-tightening restrictions on hospitality and gift-giving for public officials.

This forum aims to provide participants with the whole picture on what is permissible and what is not. It will explore the evolving form and substance of public ethics law and regulation, and the rules for dealing with government. It will also explore the impact of these developments on the dynamics of the relationship between those in government and those who deal with them from the outside.

This program was produced by The Summit Institute in conjunction with the Pacific Business & Law Institute. The Summit Institute is a not-for-profit public policy research organization focused on finding solutions and building consensus on issues critical to Canada's economy and people. PBLI is Western Canada's largest independent conference organization and has hosted conferences across Canada for over sixteen years. For more information visit our website at www.pbli.com

What You Will Learn:

1. The new rules for lobbyists from registration requirements through to restrictions on certain business practices
2. Implications for public office holders of the new rules on advocacy, consultations and dealing with petitioners for public funding
3. How to minimize the risk of being involved in a conflict situation
4. The procedures and ethical issues involved in procurement, grant-seeking and contribution agreements
5. What registered charities and non-profit organizations must know about the new rules
6. Where the line is being drawn on gift-giving and hospitality for public officials
7. How to avoid the downward public relations spiral when things go wrong

Who Should Attend:

- Corporate executives, particularly in-house counsel and those responsible for government relations and marketing to the public sector
- Federal, provincial and municipal government officials including those responsible for public ethics laws and governance practices
- Private practice lawyers and government relations consultants
- Executives and managers of charities, non-profit organizations, industry and professional associations

9:00 Welcome and Introduction to Day One

Seán Moore
Gowling Lafleur Henderson LLP

Operating under Canada's Evolving Ethics Regime

9:10 Canada's Recent History and Our Place Internationally

Dr. Wes Cragg
York University

- The swinging pendulum
- From rules-based to principles-based systems – is there a change in values?
- The challenge to create ethical systems
- The public/private interface
- How ethics programs work
- The need for integrity and respect on all sides

9:55 Questions and Discussion

10:05 Key Questions About The New *Lobbyists Registration Act*: Dealing With the Grey Areas

Guy W. Giorno
Fasken Martineau DuMoulin LLP
Pierre Ricard-Desjardins
Lobbyists Registration Branch, Industry Canada

- How does the system work in real life?
- Compliance under the new Act
- In what situation does “lobbying” occur?
- How do the new regulations affect the relationships between lobbyists and government officials?

10:50 Questions and Discussion

11:00 Refreshment Adjournment

11:20 Gift Giving and Hospitality for Public Officials – Not Crossing the Line

Catherine MacQuarrie
Office of Public Service, Values and Ethics

- The *Values and Ethics Code for the Public Service* – facts and myths
- What is permissible, what isn't? Is there a path through the minefield?
- Supporting public servants in their duty to uphold the Code

12:05 Questions and Discussion

12:15 Luncheon Adjournment

1:30 Minimizing the Risks of Being Caught Up in Real or Apparent Conflicts of Interest

Dr. Ian Greene
York University

- Public perceptions of conflicts of interest
- What is it – avoiding a conflict of interest
- How it works – dealing with a conflict of interest
- What it isn't – how to avoid responding to conflict of interest allegations
- Detecting potential conflicts of interest with other lobbyists

2:15 Questions and Discussion

2:25 Risks and Rewards: Keeping the Balance Right

Norman Inkster
The Inkster Group

Across the full spectrum of Canadian business - both private and public - we now confront risks that are new, different and often remote. Yet, whether we are in government or in the private sector we cannot stop doing business. The need really is to accept that risk is inherent in business, identify those risks and do all that we can to protect ourselves from becoming victims.

The session will identify the red flags of fraud, the methods used by fraudsters and the things that can be done to prevent victimization.

3:10 Questions and Discussion

3:20 Refreshment Adjournment

3:40 Politics and Money – Complying with Canada's Federal Political Finance Rules

Todd J. Burke
Gowling Lafleur Henderson LLP

- Political finance donations

4:25 Questions and Discussion

4:35 Conference Adjourns for Day One

9:00 Welcome and Introduction to Day Two

Seán Moore
Gowling Lafleur Henderson LLP

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Procurement, Grant Seeking and Contribution Agreements

9:10 The Recent Review of Federal Procurement Practices: What Changes are in the Works?

Janet Thorsteinson
Public Works and Government Services

- What recommendations were made, and what changes are coming?
 - Procedures
 - Policies
 - Commodity management
 - Redress mechanisms
 - Impact on suppliers
 - Impact on procurement staff
 - An update on the Federal Government's Horizontal Initiative
 - What is the anticipated timeline for the changes?
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9:55 Questions and Discussion

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10:05 The Evolving Context of Grants and Contributions

John M. Banigan
TACTIX Government Consulting Inc.

- Understanding why and how governments intervene in the economy
 - The program manager's perspective
 - What is a legitimate role for consultants/lobbyists and what is not
-

10:45 Questions and Discussion

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10:55 Refreshment Adjournment

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The Special Circumstances of Charities

11:10 Acceptable Advocacy: What's In, What's Out, and What Registered Charities Should Know

Shauna Sylvester
IMPACS

Terry de March
Charities Directorate, Canada Revenue Agency

- The evolving role of charities in advocacy
 - 10 percent rule and the threat of losing charitable status
 - CRA's new regulations
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11:55 Questions and Discussion

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12:05 Keynote Luncheon Speaker

Dr. Bernard J. Shapiro
Ethics Commissioner of Canada

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Cutting to the Chase

1:30 Five Things That Could Change the Nature of Public Policy Advocacy in Canada

Seán Moore
Gowling Lafleur Henderson LLP

- Things that government can and should do
 - Lifting the "shadowy veil"
 - Implications for us all
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2:00 Questions and Discussion

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2:10 Optics and Press Coverage of Political Scandals

Patrick Gossage
Media Profile

Julie Van Dusen - Invited
CBC TV News

- Media involvement in a story
 - Responsible press coverage
 - What counts as a political scandal
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2:40 Questions and Discussion

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2:50 Faculty Roundtable and Open Discussion

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3:20 Closing Remarks from the Chair

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3:30 Conference Concludes

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Registration: The registration fee is \$995.00 plus GST (R122967011) of \$69.65 totaling \$1064.65, covering your attendance at the forum, written materials, a light breakfast, luncheon and refreshments during the day.

Payment: You may pay by VISA, MasterCard or cheque. Cheques should be made payable to the Pacific Business & Law Institute. Registration fees must be paid prior to the forum.

When and Where: Check-in begins at 8:30 a.m., September 15, 2005. The forum starts at 9:00 a.m. on both September 15, 2005 and September 16, 2005. The Fairmont Château Laurier is located at 1 Rideau Street, Ottawa, Ontario.

Cancellations: Full refunds will be given for cancellations if notice is received in writing at least five full days prior to the first day of the forum (September 10, 2005). Unfortunately, after that time we are unable to refund registration fees. We reserve the right to cancel, change or revise the date, faculty, content or venue of this event.



Fairmont Château Laurier, Ottawa, ON

Four ways to register:

1. Telephone us: 604-730-2500 or toll free 877-730-2555.
2. Fax us: 604-730-5085 or toll free 866-730-5085
3. Mail your registration form with payment
4. Register at www.PBLI.com/555

Materials: The faculty will prepare papers and other materials explaining many of the points raised during this forum. Please contact us if you are unable to attend the forum and wish to purchase a set of materials.

Hotel Room Discount: A corporate hotel room rate of \$199.00 per night has been reserved at Fairmont Château Laurier for this forum. To qualify for this rate, please mention the Pacific Business & Law Institute when reserving your room.

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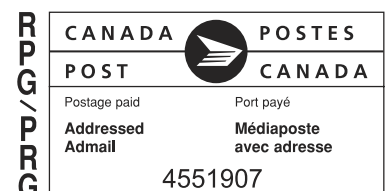
Registration Form

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September 15th & 16th, 2005

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