

INFORMATION NOTE

Supplementary Information on Mechanisms for Handling Complaints concerning Members' Operating Expenses Reimbursement Claims in the United Kingdom and Canada

1. Background

1.1 The Subcommittee to Consider a Mechanism for Handling Complaints and Allegations Concerning Members' Operating Expenses Reimbursement Claims, at its meeting on 18 April 2005, requested the Research and Library Services Division to provide further information on the following items, which were briefly mentioned in the "Supplementary Information on Mechanisms for Handling Complaints concerning Members' Operating Expenses Reimbursement Claims in Selected Legislatures":¹

- (a) the operating cost of the office for the Parliamentary Commissioner for Standards of the House of Commons in the United Kingdom (UK) Parliament and the Ethics Commissioner of the House of Commons in Parliament of Canada; and
- (b) the subject matter and result of complaints requiring further investigation handled by the UK's Parliamentary Commissioner for Standards and Canada's Ethics Commissioner.

2. Cost of office

Parliamentary Commissioner for Standards in the UK

2.1 In the UK, the costs of running the Office of the Parliamentary Commissioner for Standards during the past four financial years and the estimated cost in the financial year 2004-05 are presented in Table 1.

¹ Legislative Council Secretariat (2005).

**Table 1 - Cost of the Office of the Parliamentary Commissioner for Standards
2000-01 to 2004-05**

	2000-01	2001-02	2002-03	2003-04	2004-05 (estimate)
Staffing & misc. cost*	£228,994 (HK\$3.3 million)	£293,810 (HK\$4.3million)	£273,101 (HK\$4 million)	£301,425 (HK\$4.4million)	£313,000 (HK\$4.6 million)
Running cost[#]	£6,103 (HK\$89,000)	£2,003 (HK\$29,000)	£406 (HK\$6,000)	£33,833 (HK\$0.5 million)	£1,000 (HK\$14,600)
Total	£235,097 (HK\$3.4 million)	£295,813 (HK\$4.3million)	£273,507 (HK\$4 million)	£335,258 (HK\$4.9 million)	£314,000 (HK\$4.6 million)

Sources: Annual reports of the Parliamentary Commissioner for Standards.

* The staffing & misc. cost includes the annual remuneration of the Commissioner, which is currently about £ 111,500 (HK\$1,630,000).

The running cost does not cover most of the general office running cost, such as accommodation and information technology support, which are absorbed by the House administration.

2.2 In the Standing Order of the House of Commons, the provision on the Parliamentary Commissioner for Standards does not cover the Commissioner's resources.² Nevertheless, reporting to the House in 2002, the Committee on Standards in Public Life³ stressed that the post had to be "*resourced sufficiently*" and requests for additional resources would be "*dealt with promptly*".⁴ The Leader of the House also confirmed to the current Commissioner in 2002 that the Commissioner "*can have whatever he asks for*" and "*whatever staff he needs*".⁵ The resources of the Office of the Parliamentary Commissioner for Standards have been under review by the House of Commons Internal Review Service from time to time.⁶

2.3 The budget for the Office of the Parliamentary Commissioner for Standards forms part of the overall budget of the Clerk's Department of the House.⁷ The present establishment of the Office of the Parliamentary Commissioner for Standards comprises the Commissioner, a Registrar of Members' Interests, an assistant Registrar of Members' Interests who is also the office manager, an executive assistant, a personal assistant to the Commissioner and a secretary.⁸

² Section 150, Standing Order of the House of Commons – Public Business (2005).

³ The Committee was established in 1994 as an independent advisory non-departmental public body. One of its functions is to examine concerns about standards of conduct of all holders of public office, and make recommendations to the Prime Minister. The Committee's chairman and members are appointed by the Prime Minister.

⁴ Committee on Standards in Public Life (2002), p. 57.

⁵ Committee on Standards in Public Life (2002), p. 58.

⁶ House of Commons Internal Review Service (2002).

⁷ Committee on Standards in Public Life (2002), p. 57.

⁸ Office of the Parliamentary Commissioner for Standards, available from http://www.parliament.uk/about_commons/pcfsc.cfm [Accessed May 2005].

Ethics Commissioner in Canada

2.4 In Canada, the Office of the Ethics Commissioner started operating formally in October 2004. As of May 2005, the cost of operating the Office is not yet available. Under the Parliament of Canada Act, the Ethics Commissioner can employ any officers and employees he or she considers necessary for the Office.⁹

3. Subject matter and result of complaintsParliamentary Commissioner for Standards in the UK

3.1 In 2002-03 and 2003-04, the Commissioner submitted to the Committee on Standards and Privileges a total of 10 reports on his investigations into complaints against individual Members. The subject matters and results of these complaints are presented in Table 2.

Table 2 - Subject matter and result of complaints handled by the Parliamentary Commissioner for Standards 2002-03 to 2003-04

Date of report issued	Subject matter	Result
April 2002	The complaint alleged that a Member failed to register payments made to him by a company towards the cost of a research assistant who had worked for him in his constituency, to register his directorships and to register the amounts of support received concerning his election campaign. The complaint also alleged that the Member was involved in a potential conflict of interest between his role as a select committee chairman of Parliament and his role as the chairman of a company donating grants for political purposes.	The complaint was not upheld.
July 2002	The complaint alleged that a Member told another Member (the complainant) that he would use his influence to obtain a place for the complainant in a parliamentary committee if the complainant did not oppose a bill.	The complaint was not upheld.

⁹ Section 72.04, Parliament of Canada Act.

Table 2 - Subject matter and result of complaints handled by the Parliamentary Commissioner for Standards 2002-03 to 2003-04 (cont'd)

Date of report issued	Subject matter	Result
December 2002	The complaint alleged that a Member colluded with a surveyor to artificially inflate the rental value of the Member's constituency office so as to claim significantly higher office rents against Parliament's Office Costs Allowance.	The complaint was not upheld.
February 2003	The complaint alleged that a Member claimed Parliament's Additional Cost Allowance on additional costs incurred in spending nights in London on parliamentary business, where he did not stay overnight but in fact returned to his constituency home away from London.	The complaint was not upheld.
July 2003	The complaint alleged that a Member sub-let part of his constituency office to a firm, but failed to register the income he received from the sub-let and to offset the rental income from the sub-let when claiming the full rental cost against his Office Costs Allowance entitlement.	The complaint was upheld. The Member under complaint was suspended from the service of the House for seven days.
July 2003	The complaint concerned whether a Member's employment of a person represented a proper use of public funds.	The complaint was upheld. The Member under complaint was suspended from the service of the House for seven days.
December 2003	The complaint concerned a newspaper's allegations against a Member who received payments from the former Iraqi regime under the guise of the United Nation Oil for Food Programme, and did not register the payments.	The investigation has been suspended because of the libel proceedings taken by the Member under complaint against the newspaper making the allegations. As of May 2005, the investigation has not been resumed.

Table 2 - Subject matter and result of complaints handled by the Parliamentary Commissioner for Standards 2002-03 to 2003-04 (cont'd)

Date of report issued	Subject matter	Result
January 2004	The complaint alleged that a Member failed to register a substantial financial benefit derived from her work on a television programme.	The complaint was upheld. The Member under complaint was required to apologize to the House.
February 2004	The complaint alleged that a Member failed to register a material benefit received from a union to which the Member belonged.	The complaint was partly upheld. The Member under complaint rectified the matter and apologized for his oversight. No further action was recommended by the Committee.
March 2004	The complaint concerned allegations made by a television news programme against a Member's employment of his wife paid out of the Member's parliamentary allowances but she had not done any work for which Members of Parliament are entitled to claim from their allowances.	The complaint was partly upheld. The Member under complaint apologized for his oversight. No further action was recommended by the Committee.

Ethics Commissioner in Canada

3.2 According to the Office of the Ethics Commissioner, as of early May 2005, the Ethics Commissioner has received two formal complaints requiring further investigation. The two complaints involved two cases of similar charges against the same Member (who was forced to resign as the Citizenship and Immigration Minister in January 2005, although the Ethics Commissioner had not completed the investigations into the complaints), with details shown in Table 3.

Table 3 - Subject matter and result of complaints handled by the Ethics Commissioner

Date of complaint received	Subject matter	Result
November 2004	The complaint alleged that the Member, as the Citizenship and Immigration Minister, promised to help an exiled pizza shop owner to avoid deportation in return for free food provided to her re-election campaign volunteers in 2004.	It is reported in May 2005 that the Ethics Commissioner is about to publish his report on the complaint, and the Member under complaint is expected to be vindicated because the complainant has retracted his allegation and apologized to the Member. ¹⁰
November 2004	The complaint, which was disclosed by the Member under complaint, alleged that the Member, as the Citizenship and Immigration Minister, granted a permit to a dancer, who worked on her re-election campaign in 2004, allowing the dancer to remain in Canada for two more years and apply for permanent resident status.	The complaint is still under investigation. It is reported in May 2005 that the Ethics Commissioner will release his report on the complaint in a few weeks. ¹¹

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¹⁰ Ethics probe will clear Sgro, sources say, CBC News, 10 May 2005, available from: <http://www.cbc.ca/story/canada/national/2005/05/09/sgro-050509.html> [Accessed May 2005]; and Judy Sgro cleared in scandals, Canoe-Cnews-Canada, 10 May 2005, available from: <http://cnews.canoe.ca/CNEWS/Canada/2005/05/10/1033560-cp.html> [Accessed May 2005].

¹¹ Judy Sgro cleared in scandals, Canoe-Cnews-Canada, 10 May 2005, available from: <http://cnews.canoe.ca/CNEWS/Canada/2005/05/10/1033560-cp.html> [Accessed May 2005].

References

1. *Annual Report of the Parliamentary Commissioner for Standards 2003-04*. Available from: <http://www.publications.parliament.uk> [Accessed May 2005].
2. Committee on Standards and Privileges. (2002a) *Complaints Against Mr Archy Kirkwood*. Eight Report. House of Commons, the United Kingdom Parliament. Available from: <http://www.publications.parliament.uk/pa/cm200102/cmselect/cmstnprv/755/75503.htm> [Accessed May 2005].
3. Committee on Standards and Privileges. (2002b) *Complaints Against Mr Peter Brooke*. Tenth Report of Session 2001-02. House of Commons, the United Kingdom Parliament. Available from: <http://www.publications.parliament.uk> [Accessed May 2005].
4. Committee on Standards and Privileges. (2002c) *Complaints Against Mr Nigel Griffiths*. First Report of Session 2002-03. House of Commons, the United Kingdom Parliament. Available from: <http://www.publications.parliament.uk> [Accessed May 2005].
5. Committee on Standards and Privileges. (2003a) *Complaints Against Mr Michael Trend*. Third Report of Session 2002-03. House of Commons, the United Kingdom Parliament. Available from: <http://www.publications.parliament.uk> [Accessed May 2005].
6. Committee on Standards and Privileges. (2003b) *Complaints Against Mr Henry McLeish*. Fourth Report of Session 2002-03. House of Commons, the United Kingdom Parliament. Available from: <http://www.publications.parliament.uk> [Accessed May 2005].
7. Committee on Standards and Privileges. (2003c) *Complaints Against Mr Clive Betts*. Fifth Report of Session 2002-03. House of Commons, the United Kingdom Parliament. Available from: <http://www.publications.parliament.uk> [Accessed May 2005].
8. Committee on Standards and Privileges. (2003d) *Conduct of Mr George Galloway*. First Report of Session 2003-04. House of Commons, the United Kingdom Parliament. Available from: <http://www.publications.parliament.uk> [Accessed May 2005].
9. Committee on Standards and Privileges. (2004a) *Conduct of Ms Diane Abbott*. Second Report of Session 2003-04. House of Commons, the United Kingdom Parliament. Available from: <http://www.publications.parliament.uk> [Accessed May 2005].

10. Committee on Standards and Privileges. (2004b) *Conduct of Mr John Spellar*. Third Report of Session 2003-04. House of Commons, the United Kingdom Parliament. Available from: <http://www.publications.parliament.uk> [Accessed May 2005].
11. Committee on Standards and Privileges. (2004c) *Conduct of Mr Iain Duncan Smith*. Fourth Report of Session 2003-04. House of Commons, the United Kingdom Parliament. Available from: <http://www.publications.parliament.uk> [Accessed May 2005].
12. Committee on Standards in Public Life. (2002) *Standards of Conduct in the House of Commons*. Eighth Report. Available from: <http://www.publications.parliament.uk/> [Accessed May 2005].
13. Committee on Standards in Public Life. (2004) *Annual Report 2004*. Available from: <http://www.publications.parliament.uk/> [Accessed May 2005].
14. House of Commons Internal Review Service. (2002) *Staffing of the Office of the Commissioner for Standards*. Available from: <http://www.publications.parliament.uk/pa/cm200102/cmselect/cmcomm/review.htm> [Accessed May 2005].
15. Legislative Council Secretariat. (2005) *Supplementary Information on Mechanisms for Handling Complaints concerning Members' Operating Expenses Reimbursement Claims in Selected Legislatures*. LC Paper No. IN24/04-05.
16. *Parliament of Canada Act*. Available from: <http://laws.justice.gc.ca/en/P-1/91001.html> [Accessed May 2005].
17. *Select Committee on Parliamentary Commissioner for Standards Annual Report 2003-04*. Available from: <http://www.publications.parliament.uk/pa/cmselect/cmstand/905/90509.htm> [Accessed May 2005].