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ASSOCIATION OF JUSTICE COUNSEL
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*Here are a few articles and opinion pieces that might be of interest to AJC members
Voici quelques articles et chroniques d'opinion qui pourraient intéresser les membres de
l'AJJ*

The AJC in the News/L'AJJ défraie les manchettes



Lawyers Weekly, March 21 edition, 2014

Federal lawyers slam 'witch-hunt bill'

CRISTIN SCHMITZ
OTTAWA

The union for federal lawyers has slammed a "very alarming" private member's bill that would compel those who want to work for agents of Parliament—such as the Privacy Commissioner, the Auditor General and the Chief Electoral Officer—to disclose online their prior partisan political activities.

Federal Crown counsel Lisa Blais, president of the Association of Justice Counsel (AJC), says Bill C-520 would give politicians a weapon to attack independent and impartial Parliamentary officers and their staff for partisan reasons.

"It politicizes the public service," she told *The Lawyers Weekly*. "We have a tradition in this country of an impartial public service chosen by merit and ability and this changes the game completely by

putting politics into the mix now, and that being a consideration... It's very, very alarming."

Among other things, the proposed law would permit MPs and senators to demand that agents of Parliament investigate allegedly partisan activities by those in the agents' offices and report back to Parliament.

The bill not only raises serious constitutional and privacy concerns, but if passed it could jeopardize the ability of the 40 lawyers who work for agents of Parliament to do their jobs, Blais warned. "Their professionalism [and] impartiality is questioned and suspect. If they make a very tough call in the context of their position, will this be used as a sword because some politician doesn't like an opinion that one of our members provides? So there will be a chilling effect potentially

when it comes to our members discharging their duties."

The AJC joins a chorus of opposition to the bill, which was first introduced last year by Toronto Conservative MP Mark Adler. The NDP has dubbed it the "witch-hunt" bill, denouncing it as "Conservative payback against the independent oversight bodies that have had the nerve to challenge abuses by the Conservative caucus."

Ethics Commissioner Mary Dawson told a Commons committee last month that the bill would allow people to throw mud at her employees since the bill fails to define "partisan conduct" or a threshold for launching an investigation. Dawson, Auditor General Michael Ferguson and Chief Electoral Officer Mark Mayrand also expressed concerns that the bill could hamper their **Cold reaction, Page 23**

Cold reaction: Blais warns proposal ‘chilling’

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work and is unnecessary given existing constraints on public servants’ political activity.

Private member’s bills rarely become law, but this one has better prospects because it has the backing of the Conservative majority government.

At press time, Bill C-520 was at second reading debate in the Commons.

It would require everyone who applies for a position in the office of an agent of Parliament to make a declaration stating whether, in the 10 years before applying for the job, they occupied “a politically partisan position.”

This includes those who were electoral candidates, electoral district association officers, and members of ministerial, parliamentary

or political staff, whether they were staff or contract employees and worked full-time or part-time.

Those who work in the office of an agent of Parliament, as well as the agent themselves would also have to declare if they intend to occupy a politically partisan position while continuing to be an agent of Parliament or to work in the office of such an agent.

These declarations would have to be posted on the agent’s website.

Agents of Parliament and those who work in their office would also be required to provide written undertakings that they will conduct themselves in a non-partisan manner in fulfilling their official duties and responsibilities.

Adler says the purpose of the

proposed *Supporting Non-Partisan Agents of Parliament Act* is to increase transparency and accountability and avoid conflicts that are likely to arise, or be perceived to arise, between partisan activities and the official duties and responsibilities of an agent of Parliament or anyone who works in the agent’s office.

However, critics complain he has failed to cite a single credible example of agents of Parliament or their staff acting in a partisan way.

“This is a solution looking for a problem,” Blais contends. “There have not been reports of public servants running amok, shirking responsibilities, using their positions for political favour or benefit.”

She said the bill fails to indicate



Blais

how alleged partisan activity is to be investigated and what recourse those under investigation have.

“This is bad news for due process,” Blais said. “It’s this quickly cobbled-together, ill-conceived bill that not only goes too far in

its scope, but it’s also very, very much lacking in processes and definitions and safeguards.”

She added the requirements to post prior political experience online raises “huge privacy concerns,” while delving into their past political activities may infringe constitutionally protected freedoms of thought, expression and association.

The government maintains the bill reflects, and builds on, the principles of transparency and accountability that guide its conduct and that the public has the right to know whether Parliamentary watchdogs or their staff have engaged in political activities.

We want to hear from you!

Send us your verdict:

comments@lawyersweekly.ca
