

POLITICS AS USUAL: Conflicts?

By Alison Collins-Mrakas

What is a conflict of interest? Is it like pornography? You know it when you see it? Or is there an objective measure for determining when someone has a conflict of interest?

In the regular day-to-day world, there is most definitely an objective definition of a conflict of interest. Most folks can recognize and understand it. If your company needs office supplies, and your wife happens to own an office-supply store, clearly buying your company's office supplies from your wife's store is a conflict. I think most people know a quid pro quo when they see one. If you stand to get something by agreeing to something else, then you have a conflict.

Virtually every business has a conflict of interest policy that sets out in clear terms what is okay and what is not okay to do. It's there to ensure that folks can't claim they didn't know that getting your driveway paved by Bob's Paving company for free, after you've happened to award Bob the contract for paving the company parking lot, is really, really not okay.

But things get trickier in the political world. A conflict is not always as clear cut. And it is always a very politically loaded charge to make regardless of whether there is or is not a conflict. We've seen that with the Morneau issue and his failure to put all assets in a blind trust. The issue isn't that he has a conflict of interest, because, if media reports are to be believed, evidence supports the fact that he has complied with the various regulations governing such things, it's that he's at risk of having a conflict of interest.

Hmmm. So he doesn't actually have a conflict of interest but he might in the future? That's the controversy? Seems a bit of political gamesmanship to me but it is par for the course in politics. All sides do it ? levelling the charge of ethics or conflict of interest violations ? it's just the Liberals turn to endure now.

The larger issue, from my perspective at least, is how a conflict of interest is defined in the political world. Conflict doesn't mean bias; even when that bias is obvious. Unless there are financial implications for the elected official, a bias isn't a breach of the Act. Elected officials are not judges, nor are they Caesar's wife. So, an MP or MPP or a member of a local Council who is voting on whether to award a contract to Company A, the same company that their spouse worked for but got fired from, is not in a conflict of interest. He clearly has a bias ? anyone would! - but he doesn't have a conflict. Does that make sense?

At the municipal level, a conflict of interest only exists if there is a clear direct ? or indirect (i.e. family) - pecuniary interest. And what is a pecuniary interest? Well, funny you should ask, because it is the definition of a pecuniary interest that seems to cause many a councillor to declare a conflict at the mere whisper of it and on the other hand let many a municipal leader in conflict off the hook in the end.

That, and the fact that the penalty for being found guilty of a conflict of interest is being tossed from office. Pardon me for saying, but no judge in her right mind would use the power of the court to undo an election unless the mayor or councillor did something truly egregious. It's why we've seen so many cases of clear-cut conflict of interest go down in flames. Decided on a technicality. So the whole bloody legislation, at every level, needs a rethink. We need a better definition of a conflict, or conflicts of interest and a better range ? a more reasonable range ? of sanctions for violating the Act(s). Just my two cents?