



December 20, 2018

Gábor Lukács  
Air Passenger Rights  
[REDACTED]  
Halifax, NS [REDACTED]

By email: [lukacs@AirPassengerRights.ca](mailto:lukacs@AirPassengerRights.ca)

Dear Mr. Lukács,

I am writing in response to your letter of October 28, 2018, which raised concerns about the involvement of Canadian Transportation Agency Member Mark MacKeigan in matters related to airlines and their passengers, given his personal circumstances.

I am confident that the necessary safeguards are already in place to avoid any improprieties.

As Governor in Council appointees, all Members are subject to the *Conflict of Interest Act*, which prohibits a public office holder from making any decision or participating in making a decision related to the exercise of an official power, duty or function if the public office holder knows or reasonably should know that, in the making of the decision, he or she would be in a conflict of interest.

In addition, the Agency has its own Code of Conduct for Members of the Agency, which requires, among other things, that Members:

- a. adhere to all elements of the Code and other applicable instruments;
- b. uphold the highest ethical standards at all times;
- c. arrange their private affairs in a manner that ensures they have no conflicts of interest;
- d. conduct themselves with integrity, avoid impropriety or the appearance of impropriety, and eschew any action that could cast doubt on their ability to perform their duties with impartiality;
- e. not accept gifts, hospitality, or other advantages or benefits from any party that has an interest in matters handled by the Agency;
- f. recuse themselves from any proceeding where they know or reasonably should know that, in the making of the decision, they would be in a conflict of interest, or where their participation might create a reasonable apprehension of bias. In such case, they shall immediately inform the Chair and provide reason for their recusal.

Members are encouraged to seek the advice of the Chair and the General Counsel when dealing with any situation where recusal is contemplated; and  
g. immediately inform the Chair if they become aware of a situation that may adversely affect the integrity or the credibility of the Agency, including possible non-compliance with the Code.

The Code also emphasizes that in the context of decision-making, Members are obligated to respect the rules of natural justice and procedural fairness; ensure that proceedings are conducted in a manner that is transparent, fair, and seen to be fair; render each decision on the merits of the case, based on the application of the relevant legislation and jurisprudence to the evidence presented during the proceeding; not be influenced by extraneous or improper considerations in their decision making; and make their decisions free from the improper influence of any other person, institution, stakeholder or interest group, or political actor.

These strict stipulations, together with the common law duty of decision-makers to be free from bias and even an appearance of bias, oblige a Member to recuse his or herself from any proceeding in which there is a conflict of interest, real or perceived.

I am satisfied that Mr. MacKeigan has adhered and will continue to adhere to all applicable requirements in the fulfilment of his functions as a Member and, for this reason, that the assurances your letter sought in respect of case assignments are unnecessary.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Scott Streiner', with a stylized flourish at the end.

Scott Streiner