



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

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# Standing Committee on Access to Information, Privacy and Ethics

EVIDENCE

**NUMBER 056**

**PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT**

Tuesday, February 7, 2023

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Chair: Mr. John Brassard



## Standing Committee on Access to Information, Privacy and Ethics

Tuesday, February 7, 2023

• (1545)

[Translation]

**The Chair (Mr. John Brassard (Barrie—Innisfil, CPC)):** I call this meeting to order.

Welcome to meeting number 56 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

[English]

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022, and therefore members can attend in person in the room and remotely using the Zoom application. Should any technical challenges arise, please advise me. Please note that we may need to suspend for a few minutes as we need to ensure that all members are able to participate fully.

Pursuant to Standing Order 108(3)(h) and the motion adopted by the committee on Tuesday, January 31, 2023, the committee commenced its study of the subject matter of the report of the Conflict of Interest and Ethics Commissioner entitled “Ng Report”.

[Translation]

I would now like to welcome our witnesses.

[English]

With us from the Department of Foreign Affairs, Trade and Development is Mr. Rob Stewart, who is deputy minister of international trade. As well, we have Mr. Daniel Pilon, director general of procurement and asset management.

Mr. Stewart, you have five minutes, sir. The floor is yours.

**Mr. Rob Stewart (Deputy Minister, International Trade, Department of Foreign Affairs, Trade and Development):** Thank you, Chair.

Good afternoon, members of the committee. Thank you for inviting me to appear before you today.

[Translation]

As the chair said, my name is Rob Stewart and I am joined by my colleague Daniel Pilon.

Today, I will give you an overview of Global Affairs Canada's overall role in the awarding of contracts and of how we make payments for services once they have been provided. I will also provide a high-level overview of the process the department followed in awarding and paying for the Pomp & Circumstance contract requested by the minister's office in April 2020.

[English]

Like all departments, Global Affairs Canada and the ministers' offices of the department have the authority to award contracts up to a certain value, as outlined in the government contracting regulations and the Treasury Board contracting policy, now known as the Treasury Board directive on procurement.

When officials in the department or exempt staff from a minister's office have delegated financial authority and make a decision to obtain goods and services from the private sector, they send a request for a contract to the departmental procurement staff. The request includes a description of the work to be performed, and depending on the dollar value, a supplier may already be identified.

Depending on the nature and value of the request, the procurement office may then undertake several different contracting steps to award the contract. These might involve a sole-source contract or a more formal competitive bidding process. These decision points and the contracting processes and procedures that departmental staff follow are outlined in the policies I have mentioned.

[Translation]

Once the contract is awarded, the minister's official or exempt staff member who requested the contract is responsible for monitoring the supplier's performance to ensure that goods and services are provided in accordance with the contract and to the requester's satisfaction.

Upon receipt of an invoice, the delegated person certifies that the services have been received and approves payment of the invoice. This invoice is then forwarded to finance staff, who process the invoice and issue payment to the supplier.

[English]

In the particular instance of the contract with Pomp & Circumstance, the initial request for media training services was sent to procurement staff by the chief of staff to Minister Ng. The chief of staff was the minister's office staffer with the appropriate delegated authority to make such a request.

As the proposed amount of the contract was \$16,950, the procurement staff determined that the value was under the sole-source threshold of \$40,000. The procurement staff therefore proceeded to award the contract following sole-source procedures.

Once the contract was drafted and signed, the minister's office then worked with the company to obtain the required services. Once the services were delivered, an invoice for those services was received, verified, and approved by the minister's office and sent to Department of Finance staff for processing. Payment was then made in full to the vendor.

[*Translation*]

I will now gladly answer your questions.

[*English*]

**The Chair:** Thank you, Mr. Stewart.

For the first round of questioning, the six-minute round, we're going to go to Mr. Barrett.

You have six minutes.

**Mr. Michael Barrett (Leeds—Grenville—Thousand Islands and Rideau Lakes, CPC):** Thanks very much, Chair.

Mr. Stewart and Mr. Pilon, thank you for joining us today.

How many communication staff do you have in your department, Mr. Stewart?

**Mr. Rob Stewart:** That's a very good question, Mr. Barrett. I estimate we have something in the order of a hundred. I would estimate that.

**Mr. Michael Barrett:** Would you have an estimate for the total budget for the salaries for those one hundred?

**Mr. Rob Stewart:** I do not. I can get that information for you.

**Mr. Michael Barrett:** I would appreciate that. Thanks very much.

Do these staff provide services like digital products and things that, perhaps, the minister would present in meetings? Do they provide digital products that would be posted on social media?

**Mr. Rob Stewart:** Yes, they do.

**Mr. Michael Barrett:** Would these staff also conduct media relations and deal with media at the destination, where the minister is working? Would they deal with media here in Ottawa and prepare the minister for interactions with the media?

**Mr. Rob Stewart:** I would say that, as a general rule, in most cases it's all except the latter. In this case, what I'm referring to is that the media staff will prepare the presentations or the materials. They'll interact with the media and they'll set the scene. They do not necessarily prep the minister.

**Mr. Michael Barrett:** There's no one of the hundred communications staff who prepares the minister before she scrums or before she does a press conference.

**Mr. Rob Stewart:** To the best of my knowledge, departmental communications staff work with ministerial communication staff to prepare the minister, and the primary responsibility rests with the minister's staff.

**Mr. Michael Barrett:** It would be politically exempt staff who prepare the minister in those cases.

**Mr. Rob Stewart:** That's correct.

**Mr. Michael Barrett:** Do you know how many politically exempt staff the minister operates with in her communications apparatus?

**Mr. Rob Stewart:** I do not. I would hazard a guess that it's in the order of four or five.

**Mr. Michael Barrett:** Okay. Thanks.

Do those staff, to your understanding, perform other functions, other than preparing the minister for media interactions?

• (1550)

**Mr. Rob Stewart:** My understanding is that they perform all of the duties associated with communications, including message preparation and delivery.

**Mr. Michael Barrett:** Regarding the competency of your one hundred staff, would it be fair to say that you believe them to be competent to execute the responsibilities that they were engaged for? That's the digital work, preparing digital products for presentation and preparing communications.

Are they competent to execute their job functions?

**Mr. Rob Stewart:** I would say so.

I would take the opportunity to point out that the Department of Global Affairs serves three ministers, so it has a fairly extensive communications department that covers a lot of ground in terms of issues, products and services.

**Mr. Michael Barrett:** Is it your experience that the politically exempt staff working for Minister Ng are also professional and competent in the execution of their duties?

**Mr. Rob Stewart:** Yes.

**Mr. Michael Barrett:** Can you think of any examples when more staff might have been helpful to the minister, or when the number of that staff complement was not sufficient for the minister?

**Mr. Rob Stewart:** I would have to say no to that question, to the best of my knowledge.

**Mr. Michael Barrett:** Okay.

Do you know of other examples of the contractor that's referenced in the "Ng Report", Pomp & Circumstance? Do you know of them providing services to other government departments or ministers?

**Mr. Rob Stewart:** No, I do not.

**Mr. Michael Barrett:** Okay.

What would the process look like if there was awareness by a deputy minister that their minister...? I'll pose this as a hypothetical, because my understanding is that you were not Minister Ng's DM at the time she procured the services of Pomp & Circumstance. Is that correct?

**Mr. Rob Stewart:** That is correct.

**Mr. Michael Barrett:** What would it look like in a situation where a deputy minister became aware their minister was potentially in violation of the Conflict of Interest Act? The DM is a public office holder who is also subject to the act and understands the rules as well.

Is there a process that is established, or would that be a conversation that the DM has with the minister? What would that look like?

**The Chair:** You have one minute, Mr. Stewart.

**Mr. Rob Stewart:** As a general rule, deputy ministers would not be privy to these affairs. These are administrative affairs that are undertaken by offices and officers of the department, like my colleague, Monsieur Pilon.

In the unusual event some circumstance arose, as a deputy minister, my job would be to serve the minister to the best of my ability.

**Mr. Michael Barrett:** In my last 40 seconds, sir, with a staff complement of over a hundred with respect to communications, politically exempt staff, I just can't understand why these services were required and why this vendor would have been solicited, if not only for the purpose of providing business to the friend of the minister. Your answer seemed to demonstrate high competency and a suite of abilities that would satisfy the requirements the minister has.

**The Chair:** That's it, Mr. Barrett. Thank you. You can pick that up in your next round.

Next we have Ms. Khalid.

You have six minutes, Ms. Khalid.

**Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.):** I thank you, Chair.

Thank you to the witnesses for being here today.

Maybe I will pick up from where Mr. Barrett left off with respect to the context in 2020. What was it like in Global Affairs at the height of the pandemic as the government was rolling out more and more initiatives? What was it like within your department as you were servicing three ministers within the department? Also, how important is it for Canadians to have known about all of these services that were being provided to potentially millions of Canadians who lost their jobs?

What was it like? Can you help us understand?

**Mr. Rob Stewart:** Well, if you'll allow me, I will respond not as the deputy minister of international trade, but as the former deputy minister of public safety, because I was there then.

I would make a couple of points. At the beginning of the pandemic, the atmosphere was quite chaotic. Decisions were being made very quickly. The government recognized that important measures needed to be taken to protect Canadians and to support them, and it was making those decisions on an almost daily basis. Here, I'm referring to things like border policy and economic supports for Canadian individuals and Canadian businesses.

I think that would have been true for the Department of Global Affairs, which at the time was dealing with an airlift of people who were living in Wuhan to begin with, but otherwise Canadians who were living around the world. It was a massive and very convulsive effort for the department to undertake at the time, in addition to communicating generally about COVID policy and the risks of travel.

Many departments were working collaboratively to deal with the situation and to come up with advice and implement new policy, so at the time it was quite inordinately busy, I would say, and very difficult for anyone to have a bird's-eye view of all the things that were going on.

• (1555)

**Ms. Iqra Khalid:** Would you say that at that time the government needed to get its message out to Canadians in every way possible?

**Mr. Rob Stewart:** I would say that as a general matter—again, from the point of view of a public servant—it was very important that Canadians understand what supports and services were available to them.

**Ms. Iqra Khalid:** How long does the process normally take from the time of seeking out a contract to the time the contract goes through all of that vetting process? What's the average time?

**Mr. Rob Stewart:** Mr. Pilon?

**Mr. Daniel Pilon (Director General, National Accommodations, Domestic Procurement and Asset Management, Department of Foreign Affairs, Trade and Development):** The average time for a sole-source contract can take anywhere from two weeks to a month, depending on the nature and the complexity of the service. That's if it's a sole source. If it's a competitive process, then it does increase considerably beyond that point.

Thank you.

**Ms. Iqra Khalid:** How long does it take to onboard new staff, from advertising for the staff position until hiring for the staff position and going through all of the security checks, etc.? How long does that take?

**Mr. Rob Stewart:** Generally, again, it would take quite a long time to bring staff up to speed as fully functioning members of the team. I would hazard a guess that it's in the order of months.

**Ms. Iqra Khalid:** Thank you.

Do officials also receive media communications training in your department?

**Mr. Rob Stewart:** Those who face the media do receive media training as a mandatory thing.

**Ms. Iqra Khalid:** Thank you.

What was the increase in media inquiries that were coming into the department during the pandemic? I realize you were not there, so perhaps Monsieur Pilon can comment.

**Mr. Daniel Pilon:** I would not have visibility into that, my apologies. We can get you that information.

**Ms. Iqra Khalid:** Maybe for context, then, you were in Public Safety during that time. What were media inquiries like within that department?

**Mr. Rob Stewart:** There was a very high volume of media inquiries about a whole range of things that were happening at the time.

**Ms. Iqra Khalid:** Thank you.

We talked about the volume and the increase in work and in communications products being handed out. What is that work like now? What does the communications capacity look like right now within Global Affairs?

**Mr. Rob Stewart:** To the best of my understanding, the communications environment remains busy on a daily basis. There are a whole range of issues that the department deals with. It is not as pressed as it was at the beginning of the COVID pandemic.

**Ms. Iqra Khalid:** This is my last question for you, sir. In the report, the Ethics Commissioner said there were six contracts—

**Mr. Matthew Green (Hamilton Centre, NDP):** My apologies. On a point of order, I'm not sure if the convoy is back or whatever, but it has been noted by the interpreters that they can't hear because of beeping or buzzing coming through.

**The Chair:** I'm going to hold the time until we resolve this. We heard this earlier.

While Mr. Green goes out and gets them donuts—

**Some hon. members:** Oh, oh!

**The Chair:** —we're just going to suspend the meeting until we fix this problem, because we have to make sure that the health and—

**Mr. Matthew Green:** Now that the door is closed, they're signalling that it's okay.

**The Chair:** We have to wait for the clerk. She was looking to see what the problem was.

• (1600)

**Mr. Matthew Green:** It sounded eerily familiar.

**A voice:** I was getting flashbacks too.

**The Chair:** The clerk fixed the problem.

**Mr. Matthew Green:** Pierre got them coffee. It's all good.

**The Chair:** Ms. Khalid, I did stop your time. You have roughly 40 seconds to go.

**Ms. Iqra Khalid:** Okay, then. With that, maybe I'll ask this: Have you been in discussion with the minister specifically about these contracts that are in question today, specifically during the examination by the Ethics Commissioner?

**Mr. Rob Stewart:** No.

**Ms. Iqra Khalid:** Thank you. That's all.

**The Chair:** Okay. Thank you, Ms. Khalid.

[Translation]

Mr. Villemure, go ahead for six minutes.

**Mr. René Villemure (Trois-Rivières, BQ):** Thank you, Mr. Chair.

I thank today's witnesses. My questions will be a bit more technical.

What criteria are used to designate a company as a sole-source supplier?

**Mr. Rob Stewart:** If that's okay with you, I will let my colleague answer the question.

**Mr. Daniel Pilon:** There are a number of criteria. The main criterion is really the value of the contract, but we also have to consider the nature of the services being requested and the availability of suppliers. Federal contracting policies specify the criteria we must follow in determining to whom we award contracts, whether through a competitive process or sole source.

**Mr. René Villemure:** When you say the main criterion is the value of the contract, does it have to be high or low?

**Mr. Daniel Pilon:** There is a regulatory threshold for sole-source contracts, which is currently \$40,000. That threshold was the same when the contract was awarded.

**Mr. René Villemure:** So the contract amount must be \$40,000 or less, right?

**Mr. Daniel Pilon:** That's right. The amount cannot exceed \$40,000 Canadian, including taxes.

**Mr. René Villemure:** After the contract value, you look at the nature of the contract and the availability of suppliers, right?

**Mr. Daniel Pilon:** That's right.

**Mr. René Villemure:** Which of those criteria qualify Pump & Circumstance as a sole-source supplier?

**Mr. Daniel Pilon:** Pump & Circumstance cannot be considered the sole-source provider of these services.

On the other hand, if a manager submits to us a request to award a contract that specifies the name of a service provider, there are no regulations preventing the contract from being awarded to that provider and the value of the contract does not exceed \$40,000, we are inclined to grant the manager's request and award the contract to that provider, particularly if the manager has already determined that the provider is capable of providing the required services.

**Mr. René Villemure:** That's what happened in this case, right?

**Mr. Daniel Pilon:** Yes.

**Mr. René Villemure:** Who provided the provider's name?

**Mr. Daniel Pilon:** It was the minister's office—I think it was her chief of staff.

**Mr. René Villemure:** Great.

Do you think the people who have to decide whether a sole-source supplier meets the three criteria have sufficient training?

**Mr. Daniel Pilon:** Managers are not necessarily trained in contracting. That's why the Department of Foreign Affairs, Trade and Development has its own group of contracting officers.

When this group receives a request from a client, which could be anyone in the department, a contracting officer works with that client to select suppliers and determine the contract award strategy.

**Mr. René Villemure:** Okay.

So there are people in charge of checking if there is a conflict of interest.

**Mr. Daniel Pilon:** That is not necessarily the case, as the contracting officer group does not conduct conflict of interest analyses.

**Mr. René Villemure:** Okay.

Mr. Stewart, I have several short questions for you.

What is an interest?

**Mr. Rob Stewart:** Pardon?

**Mr. René Villemure:** What is an interest?

**Mr. Rob Stewart:** Did you say “an interest”?

**Mr. René Villemure:** Yes, as in the expression “conflict of interest”.

**Mr. Rob Stewart:** I believe the term is well defined in the Conflict of Interest Act. It is a situation where the receipt of an advantage is in the personal interest of a public office holder or a person with whom they are associated.

**Mr. René Villemure:** Really, I have three questions. We need to understand what we are talking about.

What is an interest? What is a conflict? What is a conflict of interest?

In your administrative unit, would these three questions be spontaneously answered, with regard to the act?

• (1605)

**Mr. Rob Stewart:** No.

I would like to point out that the regulations governing the awarding of contracts within the public service make no mention of the concept of conflict of interest. That concept falls under a different statute, the Conflict of Interest Act, which applies to people like me, who are Governor in Council appointees.

The policy that applies to public servants has principles that we must uphold, such as fairness and integrity.

**Mr. René Villemure:** Okay.

**Mr. Rob Stewart:** However, as Mr. Pilon also says, there is no specific mention related to conflict of interest.

During the review process that officials must follow before approving a contract, it is—

**Mr. René Villemure:** I apologize for interrupting you, but I have only a few seconds left.

Basically, a conflict of interest is the sum of these things, which are undefined.

**Mr. Rob Stewart:** Yes.

**Mr. René Villemure:** I have seen the word “fairness” among the elements before, but it is not defined.

**Mr. Rob Stewart:** Indeed. There is fairness, but there is also integrity.

**Mr. René Villemure:** Yes. Integrity, for example, is mentioned, but it is not defined.

**Mr. Rob Stewart:** That's right.

**Mr. René Villemure:** It's sort of left to interpretation.

**Mr. Rob Stewart:** Yes, except in the Conflict of Interest Act.

**Mr. René Villemure:** Okay.

It would be difficult to distinguish between a conflict of interest and a confusion of interests.

**Mr. Rob Stewart:** I believe that is determined by the observer, but I will refrain from commenting on the decision of the Conflict of Interest and Ethics Commissioner.

**Mr. René Villemure:** Okay.

We are talking about theory, and not about a specific case.

**Mr. Rob Stewart:** Okay.

**Mr. René Villemure:** Great.

Thank you, I have no further questions.

**The Chair:** Thank you, Mr. Villemure.

[*English*]

Mr. Green, you have six minutes.

**Mr. Matthew Green:** Certainly some important questions have been raised. Obviously, there's something left to be desired within our legislation as it exists, given that, repeatedly, there has been a propensity for ministers, people in senior positions, to kind of get caught in a situation. I'm hoping that over the course of the study we might be able to unpack some ways in which we can improve upon just precisely who is responsible for what.

From that perspective, I'll start with you, Mr. Stewart. In your role in senior leadership, how do you view your responsibility for supporting ministers to prevent them from entering into conflicts of interest? Is that something that is within your role as a senior adviser to ministers?

**Mr. Rob Stewart:** As a general matter, it is not.

**Mr. Matthew Green:** Okay.

Mr. Pilon, under the purview of procurement, we've heard, I think, some basic introductions into how your work works. Is it part of your responsibility to help, to assist, those who are procuring to avoid conflicts of interest?

**Mr. Daniel Pilon:** We do provide instructions to contracting officers if they become aware of a conflict of interest in a procurement matter. The instruction provided to our procurement staff is that the decision-makers in the process should recuse themselves from the actual decision with respect to awarding the contract. However, that is when it is known.

**Mr. Matthew Green:** Who is the purchasing officer in this contract?

**Mr. Daniel Pilon:** The purchasing officer was a departmental official, so there was a staff member who entered the information and prepared the contract—

**Mr. Matthew Green:** Was it a staff member from the minister's office?

**Mr. Daniel Pilon:** No, it was departmental staff. Then another individual, who was departmental staff with the delegated authority, signed the contract.

**Mr. Matthew Green:** Whom were they delegated by?

**Mr. Daniel Pilon:** They were delegated, in theory, by the deputy minister under the procurement policy.

**Mr. Matthew Green:** It is referenced in paragraph 62 of the report that “Ms. Ng’s participation in the decision to award the April 2020 contract to Pomp & Circumstance is clear”. I think it’s clear, based on the findings of this report. We both agree that Minister Ng basically initiated this contract.

**Mr. Rob Stewart:** That’s what the commissioner found, but let me clarify one point, if I may.

While there are departmental officials involved in the execution of these contracts, the material decisions to pick the supplier in a sole-source contract, to determine the contract price and value, and to tell the department to write up the contract and at the end to approve payment all rest with, in this case, the minister’s office.

**Mr. Matthew Green:** Okay. From that perspective, it’s safe to say that.... Let me just ask the question. I don’t want to presuppose.

Are both of you aware of the Conflict of Interest Act and its obligations?

• (1610)

**Mr. Rob Stewart:** I am. I am subject to it.

**Mr. Daniel Pilon:** I am also aware.

**Mr. Matthew Green:** Prior to the two contracts being awarded, was anybody in either of your departments aware of a potential conflict of interest, given the high-profile nature of this social media influencer, this Liberal pundit, this close friend and bestie of the minister?

Were you aware of a potential for conflict? Were there any red flags raised within either of your departments?

**Mr. Rob Stewart:** I was not in the department, but to the best of my knowledge, no.

**Mr. Matthew Green:** When you say “to the best of my knowledge”, in preparation for this meeting, would anybody have briefed you on what was known at the time?

**Mr. Rob Stewart:** Yes.

**Mr. Matthew Green:** In that briefing, you’re suggesting today that there was no indication, given the high-profile nature of this person, that there could have been a potential conflict of interest. Nobody within the department, to your knowledge, raised a red flag on this.

**Mr. Rob Stewart:** The award of this particular contract was decided by the minister’s office and executed by the procurement office in the department.

**Mr. Matthew Green:** That wasn’t the question I asked.

**Mr. Rob Stewart:** It wasn’t floating to other parts of the—

**Mr. Matthew Green:** I’ll ask the question more directly, Mr. Stewart.

In the briefing in preparation for this meeting, was there anything in that book of yours that would have documented anybody within your departments who would have raised a red flag?

**Mr. Rob Stewart:** No.

**Mr. Matthew Green:** Go ahead, Mr. Pilon.

**Mr. Daniel Pilon:** No.

**Mr. Matthew Green:** This is a high-profile person, a good friend and somebody who’s a pundit on TV all the time. Nobody raised a red flag anywhere.

Is that a deficiency in the act or in the people who are within your departments and going through this process?

**Mr. Rob Stewart:** The Conflict of Interest Act puts the obligation on the individual.

**Mr. Matthew Green:** We’ll say that’s a deficiency of the ministry. I’ll use my words, not yours, but I’ll take that.

**Mr. Rob Stewart:** We could—and I think this is probably a useful suggestion for the committee to contemplate—contemplate revising government policy to ask the question in a more explicit fashion: “Is there a potential conflict of interest in this matter?”

However, that is not a question we asked then or—

**Mr. Matthew Green:** As part of dealing with ministerial procurement, don’t you guys ask if there’s a conflict of interest?

**Mr. Rob Stewart:** No, and that’s because the obligation rests with the minister and her office.

**Mr. Matthew Green:** It sounds like we almost need an attestation for every piece of procurement, given the history, going back to ad scams, WE and everything else that we’ve been distracted by, quite frankly. It sounds like we might be able to pull out some kind of recommendations moving forward.

My last question is about the second contract for Pomp & Circumstance. Given that the first one was awarded in March, was there any hesitancy whatsoever in awarding that second contract on the sole-source procurement of it?

**Mr. Rob Stewart:** Can we clarify the contract order you’re referring to? The contract that was subject to the review by the commissioner was the March contract.

**Mr. Matthew Green:** In 2020—

**Mr. Rob Stewart:** That was the second contract.

**Mr. Matthew Green:** Okay.

I’ll wait until my next round. I see I’m at six minutes.

Thanks.

**The Chair:** Thank you, Mr. Green.

That concludes our first round of questioning. We’re going to go to our second round.

I forgot earlier to welcome Ms. Lantsman to the committee. Ms. Lantsman, welcome.

You have five minutes. The floor is yours.

**Ms. Melissa Lantsman (Thornhill, CPC):** Thank you, Mr. Chair.

Thank you, Deputy Minister Stewart and Mr. Pilon, for joining us.



I'm going to pick up right where Mr. Green left off, but first I want to know something from you, Mr. Stewart. I know you weren't there at the time as deputy minister; that's been well noted. In your time and your career throughout the public service—we know you've been at other departments—has it been unusual to have a sole-source contract of this nature for communications that was initiated by the minister and carried out by the department? How many, would you say, have you seen throughout your career?

**Mr. Rob Stewart:** To be honest, Ms. Lantsman, I'm not aware of any, but it also strikes me as not being uncommon that ministers would seek communications advice.

**Ms. Melissa Lantsman:** But you've never seen it in your career, in the time you were at Public Safety or before that at Finance. I'm not sure where you were before that.

**Mr. Rob Stewart:** I was at Finance for a very long time.

No, I was not privy to the operations of the minister's office and indeed to communications in a more specific sense.

**Ms. Melissa Lantsman:** Mr. Pilon, I'll ask you the same question, given your role in procurement.

Is it unusual to see a sole-source contract for communications help in a department with more than a hundred communications staffers and with an exempt staff of potentially four or five, initiated by the minister and carried out by the department? Is that unusual?

• (1615)

**Mr. Daniel Pilon:** It is not. In my many years of procurement in various departments, I have seen many contracts of a sole-source nature or a competitive nature from ministers' offices. I wouldn't say directly from a minister, but from a minister's office this is quite common, actually.

**Ms. Melissa Lantsman:** Would it be unusual from a minister herself, in your experience?

**Mr. Daniel Pilon:** Yes. We usually deal with the office and not with the minister.

**Ms. Melissa Lantsman:** Deputy Minister Stewart, when you came to the department, were you briefed on this earlier than, let's say, your committee experience?

**Mr. Rob Stewart:** I was not briefed on it.

There was a very brief mention made that there was an examination being undertaken by the Ethics Commissioner, but only a mention.

**Ms. Melissa Lantsman:** In the time before this briefing, did you ask any questions about the issue?

**Mr. Rob Stewart:** No.

**Ms. Melissa Lantsman:** I'll ask Mr. Pilon this. Is there a process after these services have been rendered that a department takes on to see if there were any materials or if the service provider was in accordance with the contractual obligations or, frankly, if they did anything at all?

**Mr. Daniel Pilon:** Yes. In the contracting process, there is usually an individual identified as either the project authority or sometimes the technical authority, and that person's role in the contracting process is to monitor progress once the contract is awarded and

to ensure that the goods or services are delivered in accordance with the initial request and the contract.

That person then certifies that the services were rendered, and we proceed from there—

**Ms. Melissa Lantsman:** Do you have any knowledge of that process in this case?

**Mr. Daniel Pilon:** Yes. We do have knowledge that the receipt of service, in this case, was confirmed by the chief of staff in the minister's office, and we do have approval on the invoice that the services were rendered.

**Ms. Melissa Lantsman:** There is the chief of staff and the minister who asked for the sole-source contract who tell the department that the services have been rendered. Do they tell the department anything else?

**Mr. Daniel Pilon:** I would be guessing at that point, but I'm sure there were communications with respect to the regular...whether there was receipt of an invoice and whether the invoice had the proper—

**Ms. Melissa Lantsman:** I'm sorry, but I'm not asking about the payment. I don't doubt that the government pays its bills on time.

I'm asking whether there are points around the services rendered. Were any materials shared? Was there actually a service given, given that the minister asked for this contract as a sole source, which is unusual in your view, and then it was confirmed by the chief of staff to the minister, who is an exempt staffer?

I just want to make sure that we have that straight.

**Mr. Daniel Pilon:** Sure.

What I can say is that the scope of work as outlined referred to media sessions for ministerial staff.

**Ms. Melissa Lantsman:** Was it for a number of sessions?

**Mr. Daniel Pilon:** Yes, it was for two sessions. That's correct.

In that scope of work, there was an outline of certain things—and I'm going by memory. There was a description of the services outlining what exactly would be delivered. This is what was confirmed by the chief of staff afterwards.

**Ms. Melissa Lantsman:** Does the department ask follow-up questions beyond whether the service was rendered? Two sessions were given. Was that it?

Do we, as the Government of Canada, do anything else at a departmental level to check whether services were actually rendered for the amount of money that was paid to this sole-source contractor that was asked for by the minister?

**Mr. Rob Stewart:** I think the best answer to your question is that there is no contract-by-contract verification, but we have an audit process. It periodically samples contracts issued on behalf of the department and paid for by the department to ensure that value was provided and that the appropriate amount was paid.

**The Chair:** Thank you, Mr. Stewart.

Mr. Fergus, you have five minutes.

[Translation]

**Hon. Greg Fergus (Hull—Aylmer, Lib.):** Thank you very much, Mr. Chair.

Mr. Stewart and Mr. Pilon, I would like to thank you, as well, and acknowledge your long-standing work in serving Canadians.

Mr. Pilon, I have several questions for you.

You say you have a long history of working in procurement and services in the federal government. How many years have you been doing that?

**Mr. Daniel Pilon:** I have been working for the federal government for 23 years.

• (1620)

**Hon. Greg Fergus:** Very good.

You mentioned that you have worked in a number of government departments or agencies—I assume more than two or three.

**Mr. Daniel Pilon:** I have worked in three federal departments.

**Hon. Greg Fergus:** Okay.

As you said in response to one of my colleagues, you've seen sole-source contracts that come from a minister's office. Does your current department, Global Affairs Canada, award sole-source contracts, as well?

**Mr. Daniel Pilon:** Yes.

**Hon. Greg Fergus:** How many contracts are we talking about, roughly speaking?

**Mr. Daniel Pilon:** Normally, the department awards on average about 10,000 contracts per year, with a total value of about \$300 million to \$500 million.

I can't give you the exact proportion of sole-source contracts right now, but we can provide that information later.

**Hon. Greg Fergus:** That data will be of interest to the committee if you can provide it.

I'm trying to figure out if we're talking about only a few dozen such contracts.

**Mr. Daniel Pilon:** There are certainly more than 1,000 of the 10,000 total.

**Hon. Greg Fergus:** Do you check for conflicts of interest for public servants who recommend a sole-source supplier?

**Mr. Daniel Pilon:** We don't do it in the contracting process.

**Hon. Greg Fergus:** So there is no difference between the contracting process in the department and the one in the minister's office.

**Mr. Daniel Pilon:** Yes, the process is the same.

**Hon. Greg Fergus:** Has there ever been a time in your long career when you thought there was something wrong with a contract, and you mentioned it to your colleagues in the department?

**Mr. Daniel Pilon:** Yes, there have been situations where conflicts of interest were declared. In those cases, as I said earlier, we ask the contracting officer to exclude the person with the conflict of interest from the contract award decision-making process. This may

apply to a direct manager requesting a sole-source contract, or a member of the evaluation committee for a request for proposal, who would then be removed from the committee.

**Hon. Greg Fergus:** Is the process the same for contracts that are requested by ministers' offices?

**Mr. Daniel Pilon:** Yes, it is the same process.

**Hon. Greg Fergus:** Did you identify any potential conflicts of interest when you evaluated this contract?

**Mr. Daniel Pilon:** No.

**Hon. Greg Fergus:** At first glance, you have discovered no conflict of interest.

**Mr. Daniel Pilon:** That's right.

**Hon. Greg Fergus:** Thank you.

Mr. Stewart, thank you again. I congratulate you on your long career in the public service, as well, and welcome you to the Department of Foreign Affairs, Trade and Development. I worked there over 25 years ago.

During the process of awarding this particular contract, did you see anything that you had not seen before in other departments during your long career? Were there any unusual problems?

**Mr. Rob Stewart:** No, not really.

However, one thing I have observed that I think needs to be mentioned is that public servants who are involved in awarding contracts, and public servants in general, are required to undergo training on the application of the Financial Administration Act, particularly the famous sections 32 and 34. Section 32 prohibits the awarding of a contract without the necessary funds. Section 34 is designed to ensure that the contract has been fulfilled as intended. All public servants are required to take that training. However, staff in ministers' offices are not.

• (1625)

**The Chair:** Thank you, Mr. Stewart and Mr. Fergus.

Mr. Villemure, you now have the floor for two and a half minutes.

**Mr. René Villemure:** Thank you very much, Mr. Chair.

Mr. Pilon, I'd like to give you a little bit of advice: when there is a conflict of interest, even if the person leaves the room, their influence remains; you have to be careful about that kind of thing.

Mr. Stewart, as I understand it, there was no red flag, and no such process was put in place. Do you believe that putting such a process in place would be a good thing?

**Mr. Rob Stewart:** Yes.

**Mr. René Villemure:** That could be done by a public servant who is more familiar with these considerations.

**Mr. Rob Stewart:** As Mr. Green said, it doesn't necessarily have to be someone who knows the people involved. In fact, there would have to be a process or a step in the process that requires certain information.

**Mr. René Villemure:** Okay.

Being subject to the provisions of the Conflict of Interest Act yourself, do you believe that those who are subject to it are sufficiently well informed?

In the case of a minister, for example, shouldn't there be an additional step? The commissioner talked about a conflict of interest filter. In a way, that would ensure that these people are well protected.

**Mr. Rob Stewart:** Yes, something like that could be done.

**Mr. René Villemure:** The goal is always to improve the legislation.

My colleague talked about a number of elements and, over the years, we've often talked about WE Charity. Without getting into the topic of the appointment, do you measure the impact of your actions on the public's trust in government processes and government?

**Mr. Rob Stewart:** It is not my role to do so, but surveys are continually carried out on this subject.

**Mr. René Villemure:** I imagine so.

So it's not part of your role. But one can imagine that it still impacts public trust.

**Mr. Rob Stewart:** I won't comment on that, Mr. Villemure.

**Mr. René Villemure:** Okay.

Do you think the act should be amended to make ministers' office staff subject to it?

**Mr. Rob Stewart:** Without necessarily amending the act, it would be possible to amend the regulations.

**Mr. René Villemure:** So it would be a good thing to amend the regulations to cover more people so that they are better informed and this does not happen again.

**Mr. Rob Stewart:** That's right.

**Mr. René Villemure:** Very good. Thank you.

I have no further questions, Mr. Chair.

**The Chair:** Thank you, Mr. Villemure.

[English]

Mr. Green, you have two and a half minutes.

**Mr. Matthew Green:** Thank you.

Monsieur Pilon, you're aware, I'm sure, that when MPs make a purchase, when we are paying vendors and submit invoices on the financial portal, a pop-up comes up to make sure it's in accordance with the procurement. Are you aware of that?

**Mr. Daniel Pilon:** I'm not aware of the members of Parliament's procurement process, no. I'm sorry.

**Mr. Matthew Green:** Do you guys have something similar in your process?

**Mr. Daniel Pilon:** At Global Affairs, when a client—we call them “fund centre managers”—requests a service, there is an attestation process or a certification process that asks them to certify that the goods were received, yes.

**Mr. Matthew Green:** The attestation is after the products are delivered, but not to make sure they're in accordance with the procurement policy.

**Mr. Daniel Pilon:** The attestation is confirmation that the goods were received in accordance with the contract.

**Mr. Matthew Green:** Okay. I mentioned perhaps having ministerial attestation for these types of things.

I will put on the record that I think it's a tremendous waste of your time to have to be here to defend something that you really had nothing to do with. The context matters, but I'd much rather have you doing the work that you're doing in your ministries.

From your perspective, do you think there could be a benefit to having, within the checks and balances of ministerial procurement, pop-ups or attestations that would go on the record in advance and ensure that what they're doing is in accordance with the Conflict of Interest Act?

**Mr. Daniel Pilon:** Yes.

**Mr. Matthew Green:** Okay.

I want to allow you the opportunity, Mr. Stewart. You answered, and I appreciate that. I imagine you're a guy with a lot of ideas. I would love to give you the opportunity right now to share any recommendations you might have that could be for our consideration on ways in which we might be able to improve upon the compliance mechanisms for the Conflict of Interest Act.

**Mr. Rob Stewart:** Well, I'll pick up on what you just said, Mr. Green, which is to say that I think there could be, in the process of awarding a contract, a specific box that ensures that the department, as the agent on behalf of the minister's office, asks a question and gets the answer. It's not an audit process, but it's a certification process. I think that makes sense to me.

It also makes sense to me for people who have delegated authority in ministers' offices to get the training on sections 32 and 34 sign-offs that they need, because those sign-offs are the ones that embed public sector values and ethics and respect for contracting principles of fairness and integrity.

• (1630)

**Mr. Matthew Green:** I concur, and I appreciate that.

Thank you very much, Mr. Chair.

**The Chair:** Thank you, Mr. Green.

Mr. Dalton, you have five minutes.

**Mr. Marc Dalton (Pitt Meadows—Maple Ridge, CPC):** Thank you.

Mr. Stewart, when did you become the deputy minister for international trade?

**Mr. Rob Stewart:** It was in October of last year.

**Mr. Marc Dalton:** Okay. You said there were two sessions that were provided, for \$23,000. Can you tell us how long each session was?

**Mr. Rob Stewart:** No. The contract was for two sessions, and it was \$16,000, but I'm not sure how long the sessions were.

**Mr. Marc Dalton:** Can that information be provided to the committee?

**Mr. Rob Stewart:** It would not be in our possession as a department, no.

**Mr. Marc Dalton:** Okay. That's something we're interested in knowing.

Last year, you were testifying about the implementation of the Emergencies Act, and you said that the Minister of Public Safety was misunderstood when he said in his comments that the police asked for the implementation of the Emergencies Act. That's something they deny.

The Ethics Commissioner says that Minister Ng has violated the ethics code. Do you think the Ethics Commissioner has misunderstood what the minister has done?

**Mr. Rob Stewart:** Sir, I would suggest that that matter is a very tenuous reference, and I would not have any comment on it in this case.

**Mr. Marc Dalton:** So you don't agree or disagree that Minister Ng was in violation of the Conflict of Interest Act.

**Mr. Rob Stewart:** It is not up to me to agree or disagree.

**Mr. Marc Dalton:** Okay.

There have been many less serious situations when ministers have stepped down. One that comes to mind when the Conservatives were in power was when one of our ministers had a \$16—or maybe it was \$18—orange juice. It was just about public perception and propriety.

Just from the nature of your comments so far, it doesn't seem that you have any thoughts about whether or not the minister should resign.

**Mr. Rob Stewart:** I don't have an answer to that question, sir.

**Mr. Marc Dalton:** All right.

Since the ethics breach by the minister has come to light, Liberal minister Ahmed Hussen used \$93,000 in constituency funds—

**Ms. Iqra Khalid:** I have a point of order, Mr. Chair, just on relevance.

**The Chair:** I'm sure the member knows that there is some latitude given to members in their lines of questioning. It's their time.

Mr. Dalton, I would remind you that we are here to deal with the “Ng Report”. Please keep it relevant.

**Mr. Marc Dalton:** Yes, I believe it does tie in. Thank you.

This was a very similar situation, and I think it's very pertinent to what has happened here that \$93,000 in constituency funds.... I will remind members that our budget is approximately \$400,000, so it's a little less than a quarter of the budget, and I recognize that the Liberals find this a bit touchy—

**Hon. Greg Fergus:** I have a point of order, Mr. Chair.

**The Chair:** Yes, Mr. Fergus, go ahead with your point of order.

**Hon. Greg Fergus:** A member's operating budget is a creature far removed from the issue that's being discussed here.

**The Chair:** Thank you, Mr. Fergus.

Again, stay on some relevance here, Mr. Dalton.

**Mr. Marc Dalton:** Yes, part of the relevance is that we're talking about social media, and this company, which provided services to the minister, had only one follower on Twitter and no posts on Instagram. It just seems like an in-and-out, just an opportunity for providing funds to friends.

This is what we're seeing across the board, and this is our concern. One of the reasons why we pushed for these meetings right here with Minister Ng is that this is not a one-off. This seems to be across the board. It's very concerning.

Right now, we've just unanimously passed a motion on looking into the contracts to McKinsey, for \$100 million, so we seem to be in agreement that there are some problems—

• (1635)

**Ms. Iqra Khalid:** Again, Mr. Chair, there is literally no relevance to what my dear friend across the way is saying.

**The Chair:** I appreciate the intervention, Ms. Khalid.

Mr. Dalton has the floor. He has the ability to bring this back, I hope, given that we are dealing with the “Ng Report”. I am going to give him some latitude here to bring this back very quickly.

We have multiple points of order. I've stopped your time, Mr. Dalton.

Go ahead, Mr. Green.

**Mr. Matthew Green:** It's on this point of order, Mr. Chair. I don't do this often, so let the record show that I'm raising what I would say is support for Mr. Dalton to be able to examine, with whatever breadth he needs at this committee, issues around procurement and ethics.

I would suggest that the constant interruptions are often perceived as a tactic rather than a bona fide point of order. If members want to create a point of order, I would challenge them to come up with ones that are closer to the Standing Orders.

Thank you.

**The Chair:** I appreciate that intervention. I was going to say that next. Just because you don't like what somebody is saying, it is not necessarily a point of order. It has to relate to the standing rules.

I will say that we have to stay relevant on the issue. I'm going to ask Mr. Dalton to bring this back around to the issue we're dealing with, and that is the “Ng Report”.

Mr. Fergus, go ahead, please. Is it on the same point?

**Hon. Greg Fergus:** Thank you, Mr. Chair. It is on the same point. That's why I am bringing it up now rather than interrupting my colleague, Mr. Dalton.

When we passed our motion to examine the “Ng Report” here at committee with my friend, Mr. Barrett, and we talked about this, the record will show that we made a commitment to focus on this issue alone, and that we wouldn't bring up other issues.

That's the only reason I'm raising this. Mr. Dalton wasn't at that meeting. Welcome to the committee, Mr. Dalton. I hope you'll enjoy your time here.

Mr. Chair, I do appreciate your trying to bring this back to the issue and to the study at hand.

**The Chair:** Thank you.

I'm sure Mr. Dalton will bring this back.

Go ahead, sir. You have a minute and a half.

**Mr. Marc Dalton:** Thank you.

We are the ethics committee. We're talking about contracts and about some serious breaches. I'm speaking about a trend. That's one of the reasons I brought this up. We're talking about this one minister who has spent a very significant amount of his budget on social media. We are seeing the same thing here with the Liberal minister's friends, very close friends, I would add. We have also seen this with McKinsey. We're hearing more about Liberal cabinet ministers and their staff, and how they're awarding contracts to relatives and friends.

Do department officials advise against this?

**Mr. Rob Stewart:** No, sir. Where a sole-source contract is involved, at this point in time, we execute it on behalf of the minister's office. The obligation rests with ministers and their offices to determine whether there is a conflict of interest. We could indeed improve the system, but that is how it works today.

**Mr. Marc Dalton:** I do appreciate your comment to Mr. Green regarding one possibility of even a box to check or some sort of verification. I think that would be very helpful.

Thank you, Mr. Chair.

**The Chair:** Thank you, Mr. Dalton.

We have one more line of questioning, and that will go to Ms. Hepfner.

You have five minutes. Go ahead, Ms. Hepfner.

**Ms. Lisa Hepfner (Hamilton Mountain, Lib.):** Thank you, Chair.

Thank you, Mr. Pilon and Mr. Stewart, for being here and for answering our questions today. You have been very fulsome in your answers, so I apologize in advance if some of these questions become a little redundant.

I'll take you back to 2020, when we were in the midst of a pandemic. In particular, the international trade and small business department suddenly had a lot of programs to administer across the country. I think 900,000 businesses took the Canada emergency business loan.

Can you talk about the importance, during that time of a global pandemic, of the department having to suddenly communicate these new programs to businesses? Maybe you could comment on

how big that task was. It had these new programs, and it needed to let people know about their existence and how they worked.

• (1640)

**Mr. Rob Stewart:** As I said in the comment I made earlier, I believe it was very important for Canadians to know what was available to them in terms of service and support at a very challenging time economically. That was clearly, I would think, the principal consideration there.

The other comment I'd make is that the effort to do that, to come up with ways of supporting Canadians, was the responsibility not of one department but of many. Indeed, some of these programs for business support were done largely through the Department of Finance, with other departments as assistants in that, including the Canada Revenue Agency. So there was a coordination question around communicating to Canadians that would have applied to departmental officials generally, to those who had to speak to the media in particular and to ministers as well.

**Ms. Lisa Hepfner:** You've spoken a little bit today already about how we can improve transparency in the awarding of contracts. I'm wondering, if you had more time to reflect, whether you could think of more ways we could be more transparent so Canadians would have confidence in the contracts for the services the government procures.

**Mr. Rob Stewart:** Well, I will note that all contracts issued are proactively disclosed a quarter after they are issued. That's for any contract over \$10,000. Canadians do have access to all government contracts, their nature and amount, so, to some degree, the system relies on the accountability that's provided to Canadians and the processes and tools available to them to reinforce that.

**Ms. Lisa Hepfner:** Could more training be done among public servants to help departments help ministers manage their obligations in this way?

**Mr. Rob Stewart:** You've heard me suggest that I think that usually training could be offered to exempt staff. I believe the departmental officials are very well trained, and it's a matter of process.

**Ms. Lisa Hepfner:** Can you tell me about the difference in contracts and how long they take to award? What are the factors that determine how long it takes to award a contract? How long does it typically take for a contract to be awarded until it is played out?

**Mr. Daniel Pilon:** There is, actually, a varying timeline for contracts. If it's a sole-source contract for simple services for which a vendor is identified, the department could, in practice, award that within two weeks to a month, on average. If it requires a competitive process or the services are undefined and we need to do some additional research and possibly market research, it is not unusual for a competitive contract to take anywhere between nine and 12 months to be awarded, and there have been instances in which it has taken longer.

**Ms. Lisa Hepfner:** If you as a government are in a situation where time is of the essence, does that play a part in the decision-making?

**Mr. Daniel Pilon:** Consideration is given to how critical the service is. There are certain policies that allow for emergency procurement, and what constitutes an emergency is defined in a policy, which would allow for a streamlined approach to procurement. However, that is made at the initial determination of what goods or services are required, and that is made in collaboration with the contracting officer.

**Ms. Lisa Hefner:** Okay.

Those are my questions.

Thank you, Chair.

**The Chair:** Thank you, Ms. Hefner.

Thank you to the committee.

Thank you to our witnesses, Mr. Stewart and Mr. Pilon, for being here. On behalf of the committee and on behalf of Canadians, I want to thank you for your work.

We are going to suspend for a bit, and when we return, we're going to return in camera so we can deal with the committee work plan going forward. We're going to have a busy time here discussing this.

The meeting is suspended for a few minutes while we move in camera.

*[Proceedings continue in camera]*

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