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# Standing Committee on Access to Information, Privacy and Ethics

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Chair: John Brassard





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• (1100)

[English]

**The Chair (John Brassard (Barrie South—Innisfil, CPC)):**  
Good morning, everyone. I call the meeting to order.

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

Pursuant to Standing Order 108(3)(h) and the motion adopted by the committee on Wednesday, September 17, the committee is resuming its review of the Conflict of Interest Act.

I'd like to welcome our witness for today. From the United Kingdom House of Commons, we have Mr. Daniel Greenberg, who is the Parliamentary Commissioner for Standards.

Mr. Greenberg, welcome to the committee.

You will be having questions asked of you in French, so I want to make sure that you are on the proper interpretation channel. I'm pretty sure the technicians helped you with that, sir.

Are you ready for that?

**Daniel Greenberg (Parliamentary Commissioner for Standards, United Kingdom House of Commons):** Yes. Thank you.

**The Chair:** Thank you, sir.

I now invite you to address the committee for up to five minutes, Mr. Greenberg. Go ahead, please.

**Daniel Greenberg:** Thank you, Chair.

Good morning. I am grateful to the committee for inviting me to vouchsafe some observations to you this morning. I am speaking as a standards regulator and not as a legislative drafter, although I have been a legislative drafter for a number of decades. My observations on the act are confined to observations in relation to the regulatory purpose that it serves and not to its legislative formation.

In principle, I am very much in favour of principles-based regulation in the area of standards, for two reasons. The first is that a reliance on principles forces members and officials who are bound by the provisions of a code to concentrate on its purpose and to ask themselves, all the time, not "Have I ticked a particular technical box?" but "Am I serving the purpose for which this regulation was enacted?" That is a very valuable discipline throughout. It is preferable to encouraging a kind of technical compliance mentality.

In the United Kingdom House of Commons, we rely on a non-statutory code. It is a relatively short code. The essential principles of the code itself are set out in three pages. The guide is not much

longer, although it has to be a little bit longer because it deals with registration. There, you do need to have certainty and clarity.

In relation to conflict of interest, we rest on a general principle that members must base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest, and resolve any conflict at once and in favour of the public interest. Requiring members to concentrate on that very fundamental principle is salutary and largely effective.

The second reason I favour principles-based regulation in this area is that an attempt to rely on technical definitions both obscures the purpose and the principle and generally goes wrong. I'll give you three examples, if I may, from your own Conflict of Interest Act.

The act states, "common-law partner means a person who is cohabiting with a public office holder in a conjugal relationship, having so cohabited for a period of at least one year." Well, clearly a relationship of 364 days is still capable of raising a significant conflict of interest of the kind that you would want a member or official to think about.

The act states, "gift or other advantage" means "an amount of money if there is no obligation to repay it". Well, interest-free loans are one of the most controversial sources of corruption or avoidance in a number of different areas. Again, I want people to think about the principle, not about a technical definition that is likely to go wrong.

The act also states, "private interest does not include an interest in a decision or matter...that is of general application". Well, I don't know; sometimes it will and sometimes it won't. Again, I don't want to lay that down as a fundamental definition. I want members to think about it: In this particular case, it is of general application; am I conflicted or am I not?

Chair, you said five minutes. I have a feeling that I might have used most of that, so I shall conclude with two other points, if I may.

One is that an objection to my hypothesis that principles-based regulation is always better is, “What about enforcement? Surely it means you get grey areas.” Well, of course you do. It means that enforcement is only possible in the clearest areas, in cases where a clear boundary has been crossed. That's as it should be in this particular area of law. This is not like tax law. This is not like housing benefits law. It is an area of law where the principle is all-important.

• (1105)

Finally, I would say that the necessity of principles-based regulation is partly around avoiding false certainty. Certainty and finality are important legal principles in regulatory codes, as in anything else, but certainty must be true certainty and not illusory certainty.

Mr. Chair, I think I've exceeded my five minutes, and I can't see you all very well, so I don't know if anybody is still listening or not.

I shall stop there.

**The Chair:** I can assure you, Mr. Greenberg, that we are listening intently. You did exceed the five minutes, but you were on a roll, so I didn't want to stop you, sir. I'm sure you'll have lots of opportunity to expand on what you said in your opening statement as the questions come.

The first one will be coming from Mr. Barrett of the Conservative Party of Canada.

Mr. Barrett, you have six minutes. Go ahead, sir.

• (1110)

**Michael Barrett (Leeds—Grenville—Thousand Islands—Rideau Lakes, CPC):** Thanks, Mr. Greenberg, for your opening remarks.

I want to share with you some context for my questions, if I could. It's from a Telegraph article from October 13, 2024, entitled, “Labour adviser Mark Carney 'lobbied Reeves for heat pump subsidies’”. Very quickly, it says:

Former Bank of England governor Mark Carney lobbied ministers to relax rules on heat pump subsidies to benefit the asset management business he chairs, it has been claimed.

Mr Carney, a Labour adviser who has helped Rachel Reeves with the creation of the National Wealth Fund, raised the idea of changing the cash for heat pump installations scheme with the Chancellor, according to Richard Harpin.

Mr Harpin is the founder and former chief executive of HomeServe, now its chairman.

From a principles-based perspective, using this example, do you believe it's ethically sound for someone in Mr. Carney's position, holding influence in both corporate and political spheres, to advocate for subsidies that would then directly benefit his company?

**Daniel Greenberg:** You'll not be surprised to hear that I have no intention of commenting on whether a particular activity of a particular person was or was not ethically sound or whether it did or did not breach a particular rule. I will focus on the principles that underlie the example that you gave and I will try to draw out some relevant principles.

**Michael Barrett:** Thank you.

**Daniel Greenberg:** I think the fundamental issue here is this. It's very important—and, as I said, this is genuinely a general point and

in no way aimed at any particular incident—that we don't stop public officials who have acquired particular knowledge of particular things from deploying that in the public service. One of the requirements is for people to be able to understand that if I may have acquired knowledge in a private capacity, I should not hold back from deploying that knowledge for a public service.

What I have to remember all the time in terms of conflict of interest is that I must be using that in the public service and not using it to advance a private interest of mine or of somebody with whom I'm connected. If there's an example of a particular action that has troubled you, what you have to do is say to yourself, “What am I troubled about? Is it that I think a person was not serving the public and they were acting in a way that would serve themselves, or is it a bit more amorphous? Is it just that I think the boundaries may not be clear to observers?”

In chapter 2 of our code of conduct, we have a principle in relation to relevance that looks at whether a reasonable observer might perceive that you are actuated by a particular interest. Again, with the kind of example that you've raised, I would expect that to be a relevant principles-based factor: Maybe you don't have an interest, but might a reasonable observer be perturbed to think that you might have an interest?

Have I helped you at all, despite not answering exactly what you wanted me to?

**Michael Barrett:** I think so.

Which principles, then, should guide the use of private sector experience in shaping public policy, as you suggested, particularly when the individual stands to enjoy a financial benefit?

I think the hypothetical of having someone who has private sector experience and then moving past that, and with that, putting away the potential financial upside of deploying that experience in a way to shape public policy... How do you reconcile a situation in which that person enters the public sphere but then continues to enjoy the potential financial upside of making decisions that benefit them personally?

• (1115)

**The Chair:** You have about one minute and 20 seconds to answer that, sir.

**Daniel Greenberg:** Thank you. That's fine.

I'll give you a specific example of the kind of thing that one can do, and it will be quite a technical example, having talked about a focus on principle. Let me give you an example of something fairly technical one can do to meet exactly the point that you raise.

If you look in our guide to the rules related to the conduct of members—and I say this for the benefit of research by clerks after the session—you will see there is footnote 43 on page 26 that talks about blind trusts. That is a specific way we ensure that continuing interests of members, ministers or officials can be hived away so that they don't fall but they do not influence their continuing behaviour. Blind trust is just one example of the kind of activity one can deploy to ensure there is a disconnect between having a financial interest and being motivated by it in one's public behaviour.

**The Chair:** Thank you for staying under time.

We're going to go next to Ms. Church. Ms. Church is from the Liberal Party of Canada, Mr. Greenberg.

Ms. Church, you have up to six minutes. Go ahead, please.

**Leslie Church (Toronto—St. Paul's, Lib.):** Thank you very much, Mr. Chair.

Welcome, Mr. Greenberg. It's a pleasure to have you before us today with your experience from overseas in what is a similar but, at times, different system. It's good to hear from you.

I want to understand a little bit more about the principles-based approach that you talk about. One of the areas I would like to hear from you on.... You mentioned, in relation to using a principles-based approach, that the field of ethics is not like tax law. It's an area of law where principle is more important to actually guide behaviour.

One of the areas we've been looking at is around the notion of apparent conflicts of interest. In the U.K., does your approach tackle apparent conflicts of interest? In some ways, this is one of those instances where some of the testimony we've heard is about being worried about how to legislate an apparent conflict of interest. This is where I think the principles-based approach that you're talking about might be useful.

Do you address apparent conflict of interest, or do you have views on that?

**Daniel Greenberg:** [*Technical difficulty—Editor*]. I adverted to this obliquely before, and it's very helpful to be invited to focus on it more, because I think it is likely to be helpful to you.

This is in chapter 2 of our code. Again, this is for the benefit of researchers later. Chapter 2 of our guide to the rules has a paragraph 6 called "The test of relevance", which I will read to you, if I may. It's very short: "The test of relevance is whether those interests might reasonably be thought by others to influence his or her actions or words as a Member." That is a very short, very concise test. What we're asking members to do is put themselves in the mind of somebody who's listening to their words or watching their actions and then ask themselves if they think they're being actuated by their financial interest.

I hope that one of the useful things in my coming here to speak to you today is that I can attest that this works in practice extremely well—but not in every case, as sometimes it doesn't go right. When members ask me for advice, I remind them that it is in the first instance their responsibility to apply this test. I'm not there to do it for them in the first instance. The whole point about a principles-based approach is to get them to acknowledge responsibility for their own

behaviour and the efficacy, the soundness and the propriety of their own behaviour.

I can help them sometimes by putting myself in that objective position and saying, "Draw this line between dot A and dot B and ask yourself this: If you were watching somebody, would you be concerned that they might have this interest?" We deal with that by declaration, in part, because very often an interest ceases to be an inimical interest in terms of propriety and ethics if it's out in the open.

I won't expound on that more now, but maybe you or a colleague will invite me to in one of your future questions.

• (1120)

**Leslie Church:** Thank you.

The Nolan principles, as I understand them.... When they include integrity, accountability, openness, honesty and leadership as some of the principles that underpin the system, you can see why that is beneficial to according a certain degree of responsibility, I suppose, to the public figures that this applies to.

You had an exchange with my colleague across the way here around blind trust. I'm curious to hear from you, Mr. Greenberg, about the tools that the United Kingdom's regime uses to address prior work, prior interests and prior assets for individuals who are taking on a public role. This is one of the founding purposes of our ethics legislation, and I'd like to know, from your point of view, what tools there are—including blind trust—and how effective you think they are.

**Daniel Greenberg:** Yes, a blind trust is one of the tools that we use, particularly in relation to ministers who have significant private interests and then go into a ministerial job and need to have some degree of separation from their private financial interests.

The mechanism that we use primarily in relation to ministers and public servants going on into private commercial roles.... There is a body that has just had its responsibilities transferred to our new ethics commission; that body, which will be familiar to some of you, is called ACOBA, the Advisory Committee on Business Appointments. One of the things it does is look at the appointment, and it very often imposes an advisory period of, say, a year or six months—sometimes I think it can be as long as three years—during which the former minister or the former official is advised not to engage in, for example, lobbying their immediately previous colleagues.

You ask how effective that is. Again, I think it's sensible to have these of rules of thumb, but they can only ever be rules of thumb aimed at the fundamental principle. The fundamental principle here is that you do not deploy your previous status in government—as a minister or as an official—as a private asset. You don't do that, whether it's three months later, six months later or six years later.

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

Thank you, Ms. Church.

[*Translation*]

**The Chair:** Mr. Thériault, you have the floor for six minutes.

**Luc Thériault (Montcalm, BQ):** Thank you, Mr. Chair.

Commissioner Greenberg, thank you for being here. Your comments are fascinating.

The committee's job right now is to review the Conflict of Interest Act and determine whether the current provisions are sufficient. I like to say, and you seem to share my opinion, that ethics are more demanding than law. The fact is, just because something is legal, that doesn't make it moral. Personally, that's what concerns me in the context of this study.

How can we regulate the fact that morals are above the legal definition in order to ensure that behaviour is entirely above suspicion? The Conflict of Interest and Ethics Commissioner of Canada recommends introducing the concept of apparent conflict of interest in the act. I want to know what you think of this suggestion. When you conduct an investigation, I imagine it's because there's an apparent conflict of interest, otherwise you wouldn't be investigating. The public expects no apparent conflicts of interest when it comes to public office holders. It's essential.

In your opinion, how do we go about introducing this concept in the act?

• (1125)

[*English*]

**Daniel Greenberg:** As to the underlying points, of course I agree. In our code and our guide, as I've already said, we invite members to consider what is reasonably likely to be thought by others, and not merely the actuality of their interests, so I repeat that.

If I may, I think the beginning of your question makes me think that it's worth emphasizing the difference in form between legislation and quasi-legislation. Legislation does two things: It imposes duties and it confers rights. The reality is that it's one thing, because a duty is the corollary of the right. However, that's all it does. Legislation cannot change attitudes. It cannot change behaviour, and it cannot impose propriety.

Quasi-legislation—and our code of conduct is quasi-legislation—cannot impose duties and it cannot confer rights, but what it can do is influence behaviour. It can use soft letter terminology. It can use softer, more open terminology of the kind that is properly deployed in relation to morals and ethics and considerations that we want members and others to have in mind.

What I would invite the committee to think about very carefully is to get the legislative hierarchy right. As I said, I'm not here as a legislative drafter; I'm here as a regulator. I'm not going to make any comments on the specific technicalities of your legislation, but get that legislative hierarchy right. Get the rights and duties clearly enshrined in legislation, in clear, certain and firm language. Where it comes down to wanting not to control but to influence, you come down to a quasi-legislative environment that is susceptible to the use of the soft letter principles that you want people to be guided by in their behaviour.

Is that relevant to the question?

[*Translation*]

**Luc Thériault:** Yes, absolutely.

Actually, what you're telling us is that, in some respects, ethical standards may be more effective than a provision in the act to create a framework for the concern I expressed at the outset.

Mr. Chair, do I have time for one more quick question?

[*English*]

**The Chair:** Yes.

[*Translation*]

You have one minute.

**Luc Thériault:** Okay.

Let's say we operate—

[*English*]

**Daniel Greenberg:** I'm sorry. I must interrupt. I didn't say they're better; I said they need to complement each other. You need to get the legislative hierarchy correct.

[*Translation*]

**Luc Thériault:** You're not saying that they're more effective in ensuring a framework in general.

**Luc Thériault:** However, ethical standards very often go beyond legal requirements, and the obligations associated with them are much greater. As a result, we take into account a broader range of actual or potential behaviours. Ethics should look forward, not backward.

[*English*]

**Daniel Greenberg:** I—

**The Chair:** We have about 30 seconds left in this round, Mr. Greenberg, so go ahead, sir.

**Daniel Greenberg:** Thank you.

Not quite, because the truth is that in law you could say, “You can't do anything at all that relates to anybody you had any dealings with at all”, so you could go far, but the problem is that it's a very blunt instrument. If you want to be nuanced, you have to use quasi-legislative principles.

[*Translation*]

**The Chair:** Thank you, Mr. Thériault and Mr. Greenberg.

We will now begin the second round of questions.

Mr. Hardy, you have the floor for five minutes.

**Gabriel Hardy (Montmorency—Charlevoix, CPC):** Thank you very much, Mr. Chair.

Good morning, Mr. Greenberg. Thank you for being with us today.

In England, is it possible right now to become a member of Parliament, a minister or a prime minister without the public being explicitly aware of the assets one holds? Can people be sure that elected officials always make decisions in the public interest and that they always have good intentions, as you stated in your opening remarks?

• (1130)

[English]

**Daniel Greenberg:** I'm sorry; I'm not sure I caught the full flow of the question. In the middle it was a bit fuzzy. I beg your pardon. Could you repeat it? I do apologize.

[Translation]

**Gabriel Hardy:** Yes, absolutely.

Can someone become a member of Parliament, a minister or a prime minister without the public being explicitly aware of their assets? I'd also like to know if the decisions this individual will make will potentially affect their assets in the future.

[English]

**Daniel Greenberg:** I see. I beg your pardon. I caught the question.

The answer is slightly complicated, I'm afraid. For ministers who are also members of Parliament.... The registration requirements of the code of conduct apply to ministers as they apply to all other members of Parliament—members of the House of Commons. As I said before, those registration requirements are relatively complex. They're certainly relatively detailed. Members of the public can go on and inspect the register, which is published frequently during the year. It's updated frequently, and they can inspect the register to see exactly what a minister's or another member of Parliament's registered interests are.

Some ministers are not members of the House of Commons; they are members of the House of Lords. There are different rules that apply to members of the House of Lords, but there is still a registration scheme, and members of the public will be able to have a look at the registered interests of a minister who is a member of the House of Lords.

For senior public servants or senior officials, there is also a registration scheme. As a senior official, an appointed official of the House of Commons, I have a register of interests. Again, the public can inspect that online—

**The Chair:** Excuse me, Mr. Greenberg, but we are having trouble with interpretation. There's something happening with your sound.

I'm going to suggest that you move the microphone up a bit, because it sounds like we're getting an impact on the microphone. It's crackling a little bit.

**Daniel Greenberg:** Is that any better?

**The Chair:** Yes, it is making a difference to the interpretation team here.

Thank you, sir.

[Translation]

Mr. Hardy, I stopped the clock when you repeated your question.

You have two minutes and 45 seconds left.

**Gabriel Hardy:** Thank you, Mr. Chair.

Mr. Greenberg, thank you very much for your first answer.

If I understand correctly, in England, the general public is able to obtain information on the assets of people who are elected. There are different levels, as you explained.

Conflict of interest screens are put in place to ensure transparency, so that the people can trust in their institutions. In England, could those responsible for these filters possibly report directly to the prime minister? Is it acceptable to use these filters that way in England?

[English]

**Daniel Greenberg:** I'm not sure what you mean by "acceptable use of the ethics screen". I'm sorry to be difficult.

[Translation]

**Gabriel Hardy:** That's fine.

If I set up a conflict of interest screen and the people responsible for it work directly for me, in my office, or are very close to me, doesn't that somewhat hamper efforts to be transparent and have no connections? Is this done the same way in England?

[English]

**Daniel Greenberg:** I see. Yes, I caught the point. I apologize for being slow.

My answer is this: process, the transparency of process and the publication of rules. The more the process is published.... How do I decide what is registered and what is not registered and what the criteria are? The more that is transparent to the public—not just the rules but the process used to apply them—the clearer it is that those are being applied impartially and professionally. I take the point underlying the question, but my answer is, process. Publish the process.

• (1135)

[Translation]

**Gabriel Hardy:** As soon as a conflict of interest becomes apparent or is demonstrated, is it acceptable in England for the individual to stay in office? What are the consequences? Do you think a \$500 fine is sufficient, or should there be further consequences if a conflict of interest is demonstrated, or if the public understands that an elected official has crossed the line? What are the consequences in this type of case in England?

[English]

**The Chair:** You have about 30 seconds, please, if you can answer that.

**Daniel Greenberg:** It depends. The ministerial adviser, who is a prime ministerial appointment, can recommend a range of options. For me, in the House of Commons, I can rectify certain matters in accordance with the published process or I can send things to the committee. The committee on standards can recommend to the House, and that can end up with a suspension of the member, or it could be an apology. There is a wide range of different results that can occur, and it's important that the results, or the outcome, should be proportionate to the incident.

[*Translation*]

**Gabriel Hardy:** Thank you very much.

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

[*English*]

We're going to go to Mr. Saini.

I understand you're going to be sharing your time with Madame Lapointe. You have five minutes.

You can start us off, sir. Go ahead.

**Gurbux Saini (Fleetwood—Port Kells, Lib.):** Thank you.

Good morning, Mr. Greenberg.

I understand you were commissioner when Rishi Sunak was the Prime Minister of Britain. It is widely known that he had assets worth billions of dollars. How did you manage that portfolio?

**Daniel Greenberg:** I have two points. First, I'm not the adviser on ministerial interests. As I said before, I advise on members of Parliament, and he was also a member of Parliament. The Prime Minister has a personal adviser on ministerial standards and receives advice from them.

Although I said I was not going to talk about individual cases, as it happens, in the one that you raise regarding Rishi Sunak when he was Prime Minister, there is a published investigation by me, which is on my website, related to interests of his wife in a care company called Koru Kids when he was giving an answer before the liaison committee. That's all published. It's on the website. You can go and see exactly how I dealt with that. There was a complaint of non-declaration. I investigated it. I rectified it in a consensual resolution with the then prime minister, as a result of which he accepted my judgment. He apologized to the House through me, and he and I agreed on a package of measures to prevent the recurrence of a non-declaration.

As it just happens, in the particular incident that you gave, there is a published trail of evidence to show how we dealt with that when it arose.

**Gurbux Saini:** Thank you.

What are the major differences that you see between the ethics legislation in England compared to Canada's, and how can we improve it?

**Daniel Greenberg:** The main difference is that, at present, we do not have an equivalent legislation to your Conflict of Interest Act. We rely primarily, as I said, in the House of Commons, on a code of conduct, and in the House of Lords on their code of con-

duct. There is a ministerial code for ministers, which, again, is a quasi-legislative mechanism and not legislation.

The biggest difference between us at the moment is that you do more by legislation that we do by quasi-legislation.

[*Translation*]

**The Chair:** Ms. Lapointe, you have the floor for two minutes and 15 seconds.

**Linda Lapointe (Rivière-des-Mille-Îles, Lib.):** Thank you very much, Mr. Chair.

Good morning, everyone.

Mr. Greenberg, thank you for being with us today. You talked about the British regime, where the emphasis is on Nolan's seven principles of public life ethics-wise. Do you think a principles-based approach, as opposed to the one mentioned, effectively prevents substantial conflicts of interest?

• (1140)

[*English*]

**Daniel Greenberg:** Yes, I do, and I will take you through the Nolan principles with that in mind.

First are openness and accountability. You cannot have any effective regime for acknowledging and avoiding conflicts of interest unless the public has trust in that regime. That trust depends on openness, and that depends on some system of registration and publication.

Second, objectivity and selflessness are absolutely the founding principles of avoiding conflicts of interest. I am there as a selfless member of Parliament or public official. I am actuated not by my self-interest but by the interests of the public. In the language that I read to you earlier from our code of conduct, we base our conduct on a consideration of the public interest. That is selflessness and objectivity. I am required to look at the public policy before me objectively, from a position of principle, and not subjectively, through the prism of my own personal interest.

Finally, we have honesty and integrity. I believe that it is fundamentally part of a member of Parliament's integrity that they serve the public in the interest of the public, and not in their own interest.

[*Translation*]

**Linda Lapointe:** Thank you very much.

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

Mr. Thériault, you have the floor for five minutes.

**Luc Thériault:** Thank you, Mr. Chair.

Mr. Greenberg, one of our concerns has to do with section 2 of the Conflict of Interest Act, which limits conflict of interest to private interests. Everything general in scope is therefore not regulated, so there is no conflict of interest when the interest also serves other people.

That puts us in an odd position. I know you're not commenting on specific cases, but we're in a pretty unique situation right now. Let me explain: An individual who is the head of a company that has control of 916 companies, with \$1 quadrillion in assets, becomes Prime Minister before people are even aware of his conflict of interest declarations.

When this individual becomes Prime Minister, the first thing he does is pass a law that, for the next few years, will consider the sectors in which the company he headed up has a hand. Obviously, he put his assets in a blind trust. So he won't be privy to how much his assets grow, but it wouldn't be unreasonable to consider that he knows they will grow.

As such, should there not be additional requirements when someone holds the highest office of the state and decides on the economic policies and strategies of that state?

I know that we're on the dividing line between ethics and politics, but this is a real problem. When it comes to ethics, we must not legislate for a single exception. The fact remains that, given the current situation, we may end up with precedents. We want people with private sector know-how to run for the most senior positions in the public service, even the head of state. Then we're satisfied with the rules we have in place. Personally, I think we need more rules.

In a scenario like thus, isn't there at least an apparent conflict of interest?

• (1145)

[English]

**Daniel Greenberg:** You're quite right—

**The Chair:** You have two minutes and 15 seconds, Mr. Greenberg.

**Daniel Greenberg:** That's fine, because I wasn't going to answer the question anyway. It won't take me very long not to do it.

You're quite right. I'm not going to say anything that appears to reflect on a particular case, nor am I going to tell you what your policy ought to be.

To try to be helpful, what I can do is give you another specific example of the way we address this kind of issue in our own jurisdiction. In chapter 3 of the code, which deals with "Lobbying for reward or consideration", we have in paragraph 4 a principle that members are not regarded as lobbying for a particular company if they are making an observation that is relevant to an industry as a whole.

I mention that because I think it's relevant to the kind of balance that you are talking about. If you are going to try to decide how to make sure that people are involved in public policy when they have specific interests, this is the kind of route that you can use to achieve that—

**The Chair:** I'm sorry, Mr. Greenberg. We're having problems again with the microphone and the interpretation.

[Translation]

I've stopped the clock, Mr. Thériault.

[English]

I'm wondering if you can just move it up a little bit further.

**Daniel Greenberg:** Yes.

**The Chair:** That may be a little bit too high, sir.

Try it right there. Tell us what the weather is like in Toronto today.

**Daniel Greenberg:** I can apologize to the interpreters. I'll use this as an opportunity to apologize to the interpreters, who always do a phenomenal job, and I'm sorry that I'm making their job more difficult.

**The Chair:** It's still causing us some problems. I'm not sure if it's the headset, because we've adjusted it a few times.

Can you speak more softly?

**Daniel Greenberg:** I can try. It's not my normal way, but I can try.

**The Chair:** I'm trying everything here, sir, because I find your testimony fascinating and I want to keep it going.

Let's try again. Go ahead.

**Daniel Greenberg:** I'll try again, with apologies to everybody.

I was just drawing attention to the principle we have that if a member is making observations about a general matter that is benefiting an industry as a whole, they are not regarded as seeking—

**The Chair:** I'm sorry, sir. It's not working.

I'm going to suspend for a minute to see if we can get this worked out with our technicians. Hopefully we can. Then we'll come back. If not, we'll have to figure something out.

I'm going to suspend for a minute. Hang on, sir.

• (1145)

(Pause)

• (1150)

**The Chair:** Thank you for your patience, Mr. Greenberg.

It looks like we have corrected it by unplugging and plugging in again.

[Translation]

Mr. Thériault, the clock shows that you have only one minute left. However, because of the technical problems, I'm going to give you a little more time to ask your question and have Mr. Greenberg answer it.

**Luc Thériault:** Mr. Greenberg, I wanted to talk about the issue of an apparent conflict of interest related to general interests. I don't think we should strictly limit the notion of conflict of interest to private interests. The world has changed. When the act in its current form was passed, situations were simpler to manage: The only question was whether a spouse's interests were being advanced, or whether a contract between a company and the government created a conflict of interest. However, today, that's not what we're talking about. We're talking about something bigger.

Shouldn't matters of general application also be included in the notion of actual or apparent conflict of interest?

[English]

**Daniel Greenberg:** I hope you can hear me now, and I do apologize.

**The Chair:** We can, sir. It's working well.

**Daniel Greenberg:** That is why I drew attention to a provision that you may not have heard properly, so I'll say it again.

In paragraph 4 of chapter 3 of our guide—which deals with paid lobbying, for the benefit of the researchers after this meeting—we do address exactly that point. We say that if you are, for example, a landlord or an employee of a landlord but you are making a point that benefits the industry as a whole because it's an industry-wide policy point, then you are not regarded as seeking a benefit on behalf of your employer. That concept, I think, can be enlarged to meet the point that you are making.

I take the point that interests are more complicated than they once were. It is possible to find ways to allow people to deploy their experience of the real world, if you like—the commercial world, or whatever it is—and balance that with their service of general public policy and service of the public as a whole. Those are techniques that one can use in order to strike that balance.

**The Chair:** Thank you, sir.

[Translation]

Thank you, Mr. Thériault.

[English]

Mr. Barrett, go ahead for five minutes.

**Michael Barrett:** I'll split my time with Mr. Hardy.

Sir, you talked about blind trusts. I understood that you believe them to be effective. Is my understanding correct?

**Daniel Greenberg:** I believe them to be of some use. I'm not going to say they will necessarily deal with every ethical issue, but yes, I think they have their uses.

**Michael Barrett:** Would a principles-based approach require more than just a legal separation? We heard testimony from the Ethics Commissioner here that once funds go into a blind trust, it's most common that there is no turnover of the assets that are in that trust. In order to eliminate the ability to reasonably predict financial outcomes of policy decisions, ought there to be consideration given to divestment into that trust in the form of cash instead of specific controlled assets or a requirement for turnover of the items that are held in trust?

**Daniel Greenberg:** I think I agree with you where you started, that the principles require more than just saying, "There's a blind trust, so everything is fine." As I said at the beginning of my remarks, the reason principles-based legislation or regulation is so important in this area is that everything is fact-specific. I couldn't answer your question as to the efficacy of particular disposal of particular assets in an abstract way, because it depends exactly on how much, what other assets a person has and what part of their portfolio they represent. It's very fact-specific, and the fact-specific answer will influence what we've been talking about until now, which is what reasonable people think when they watch my behaviour. It's this combination of factors that requires a case-specific, principles-based approach.

It may sound as though I'm not answering your question, but I meant to answer your question very specifically: Yes, one does need more than just saying, "A blind trust is all you need and everything is fine", but equally, there's no one answer for every situation. Does that make sense?

• (1155)

**Michael Barrett:** That's great.

Thank you very much.

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

[Translation]

Mr. Hardy, you have the floor for two minutes and five seconds.

**Gabriel Hardy:** Thank you very much, Mr. Chair.

Mr. Greenberg, if I understand correctly, in England, the people responsible for conflict of interest screens for a minister or the Prime Minister have no employment relationship with them. Is that correct?

[English]

**Daniel Greenberg:** I'm sorry, but I didn't get the question.

[Translation]

**Gabriel Hardy:** No problem.

If I understand correctly, in England, those responsible for the Prime Minister's conflict of interest screens, for example, do not work for him. Can we agree on that?

[English]

**Daniel Greenberg:** Yes, in relation to the House of Commons registration of interest, the ministerial adviser on ethics is the adviser to the Prime Minister, and he is a civil servant.

[Translation]

**Gabriel Hardy:** That's perfect. That individual is completely independent and doesn't have to take direction from the Prime Minister, and they're not on the Prime Minister's payroll.

Do you think that someone elected strictly to serve the public before their boss is the right person to put in place to manage the Prime Minister's conflict of interest screens for things like his assets?

[English]

**Daniel Greenberg:** I think that one needs to develop the system for appointment of people with different regulatory responsibilities in a way that gives trust to the system. I'm not going to say more than that.

[Translation]

**Gabriel Hardy:** Thank you.

**The Chair:** Thank you, Mr. Hardy and Mr. Greenberg.

Ms. Lapointe, you have the floor for five minutes.

**Linda Lapointe:** Thank you very much, Mr. Chair.

There was a second part to my question earlier. That's why I want to come back to it.

Mr. Greenberg, you said that Great Britain relied mainly on the Nolan principles and a code of conduct to resolve conflicts of interest, whereas Canada uses the Conflict of Interest Act.

Do you think the principles applied in Great Britain could be adapted to the Canadian context?

[English]

**Daniel Greenberg:** As I said in a previous answer, I'm a believer in a hierarchy of legislation so that the principles are encoded in the legislation in a way that allows legislation to be applied in a purposive and principles-based way. That takes a very subtle construction of a legislative mechanism, so that you have certainty through law, and flexibility and agility through quasi-legislation.

[Translation]

**Linda Lapointe:** Thank you.

**The Chair:** Mr. Sari, you have the floor for four minutes.

**Abdelhaq Sari (Bourassa, Lib.):** Thank you very much, Mr. Chair.

Mr. Greenberg, thank you for being with us. Your presentation was exceptional. We've learned a lot today.

In my opinion, one of the main objectives of work related to ethics rules and laws is to have more transparency and public trust. In preparing my questions for today, I found that you focused on raising awareness, not only among policy-makers and those in power but also the general public.

In your opinion, what concrete steps could we take to educate the public about the risk of misperceptions, and what role could the committee play in that regard?

• (1200)

[English]

**Daniel Greenberg:** I strongly support the principle underlying that question, if I may say so. When I became commissioner, I decided that I was going to do a lot of outreach and public engagement as part of my role, because I have found that the public start from a very low level of trust in politics and politicians, and the more one explains the system that exists and the methods that we use to ensure that most politicians are indeed wholly actuated by public interest, the more the public listen and the more their trust rises. I would say engagement with the public, outreach.... By the

way, if you will permit me to say this, engagement does not mean allowing the public to come to watch us. Engagement means engaging with the public, listening to the public and allowing them to feel that their contribution is valued and incorporated into the way that we run our system.

I think that outreach and engagement are absolutely key. I completely agree that, in the end, this is about trust. The only thing we're doing here is about shoring up trust between the public and the politicians.

[Translation]

**Abdelhaq Sari:** I completely agree with you, because when we want to raise public awareness, the objective is to gain the public's trust.

Do you think that the behaviour or words of a few members who focus on the details rather than addressing the issues in a comprehensive way sometimes undermine the process to gain public trust?

[English]

**Daniel Greenberg:** I believe that one of the principles is enshrined in our code of conduct. I will read rule 11 of the code of conduct to the committee. It's very short, and I believe it answers the question exactly: "Members shall never undertake any action [and that includes speech] which would cause significant damage to the reputation and integrity of the House of Commons as a whole, or of its Members generally."

[Translation]

**Abdelhaq Sari:** In closing, I'm going to ask you a much more technical question.

We strongly agree on one point, which is raising awareness among members of the public, because they are stakeholders. Could you give us some concrete examples of action we could take to ensure that the public is involved in this exercise of transparency and trust?

[English]

**The Chair:** We are near the end of your time, Mr. Greenberg, but I am going to give you an opportunity to answer that, if you can, in a quick manner, or invite you to undertake to supply the committee with that response.

**Daniel Greenberg:** No, I can do it.

**The Chair:** Go ahead, sir.

**Daniel Greenberg:** I can give you one good example very easily: lay members of the standards committee. Our standards committee includes lay members who are not politicians, and I think that is one example of a practical way of improving trust in engagement between the public and politicians.

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

[Translation]

Thank you, Mr. Sari.

[English]

Mr. Greenberg, I want to thank you on behalf of the committee and all Canadians for being here today. You've provided us with valuable insight as our study continues on the Conflict of Interest Act.

I'm going to let you go now, with great thanks on behalf of the members of the committee and on behalf of Canadians as well. Thank you, sir.

**Daniel Greenberg:** Thank you.

**The Chair:** We're going to continue.

I have a couple of matters I want to bring to the committee's attention.

First of all, as you know, we received a list from the Prime Minister's Office the other day with respect to the meetings motion that was passed by the committee.

I'm not going to read the motion, but in my opinion, the list that was given to us was not complete, in the sense that the committee had asked in its motion—and this is the issue that I need direction on—for the times and dates when those meetings took place and what was discussed in those meetings. None of that was indicated in the correspondence that we received from the Prime Minister's Office, so I believe the list that was based on this motion and presented to the committee is incomplete. It didn't meet the subject of the demands of the committee, so I am seeking direction on this issue. What would members of the committee like me to do, given the fact that, again, I don't believe the information is complete?

Mr. Barrett, you had your hand up, so I am going to go to you first, sir, for comments on this, and I'm seeking the opinion of the committee as well.

I see your hand is up as well, Mr. Sari, and Mr. Hardy's.

Go ahead, Mr. Barrett, to start.

• (1205)

**Michael Barrett:** We passed a motion for the production of documents. We didn't get that; what we got was a document that seems to have been created for the purposes of responding to the committee. We asked specifically for records. What the Prime Minister's Office produced is now a record, but it wasn't a record that likely even existed when the motion was passed.

What should have been in there? We should have seen calendar entries. We should have seen emails, briefing notes, memos, anything that was prepared by the Prime Minister's Office or his department, the Privy Council Office, for these meetings or about the meetings.

The problem is that the committee ordered the production of records. It's not reasonable to say that what was produced aligns with what was ordered. There are no records of what was discussed. There are no details of the meetings.

Committees have two options in these situations: They can accept that when they issue an order, the recipients do not need to heed the order, which is binding on the recipient, or they can reme-

dy it. The remedy for the committee is to refer the matter to the House, because it's a contempt of members' privileges.

We're just getting started here. I believe that if the intent of the Prime Minister's Office and the Prime Minister is to do the right thing when given the chance and to respect the rights of members—of all members—they will furnish the committee with the records. If it is not their intent, then it is a question of the privileges of the members of this committee having been breached.

What's reasonable to do here? It is reasonable and fair that I move a motion that we refer the matter to the House. However, I would propose that we take a look at the calendar. The date by which this production order was to be fulfilled has passed. It was not clear—and the clerk can correct me if I'm wrong—if we accepted a standard for what a week is: whether we're talking business days or a calendar week and whether we're taking out the holiday.

I think the attempt was to see if we would be satisfied with what we received. Again, I don't believe it's a reasonable interpretation of the motion to furnish us only with those details.

The week has passed. It's October 20. I would propose that by October 29, the Prime Minister's Office furnish us with the materials ordered by the committee. Then we can consider what to do next.

It really is a binary: Either we accept that we can order, that we have those established powers, or we accept that we don't. We do have those powers, and it's important that they remain protected, because they aren't ours. They don't belong to me; they belong to members of the House. They belong to future members of the House, as they belong to past and current members, and we need to protect them.

• (1210)

I think the original order was for a week. This is a week and a half, but I'm going to be specific and give a date of October 29.

The committee doesn't need to do anything. The chair could furnish them with a letter. You've been charged by the committee to request this information from the Prime Minister's Office already. That has already happened. I know that the parliamentary affairs team is logged in and they're watching the meeting. They know. We don't need to pass another motion. We already did. Members of the Prime Minister's party sit on this committee. They can let him know: Prime Minister, we have a week and a half to respect the rights of members of the House of Commons and committees of the House.

If the intention was to satisfy this motion, if that is the spirit with which they wish to approach it, then we'll have the documents by the 29th, and if it's not, then it's a matter of contempt that should be referred to the House for consideration.

Let's appeal to everyone's better angels and see if we can get this done by the 29th. If not, I would bring a motion to the committee to refer the matter to the House.

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

You're quite right, in the sense that what I'm looking for is direction from the committee on how they want to proceed with this, if in fact they feel that all the information hasn't been provided based on what's in the motion.

Through the clerk, we sent the motion to the Prime Minister's Office and the Privy Council Office. They responded. There is the option of the chair sending a letter on behalf of the committee, but this is where I'm seeking guidance and feedback.

[Translation]

Mr. Sari, you have the floor.

**Abdelhaq Sari:** Before I answer you and say what I think, I'd like to consult my team for a moment to discuss this. I'd like you to suspend the meeting, Mr. Chair. Then I'll give you my point of view.

[English]

**The Chair:** I will give you that time for two minutes.

**Abdelhaq Sari:** Okay.

**The Chair:** I don't want to come back and have another suspension. You take two minutes and then we'll go from there.

The meeting is suspended for two minutes.

• (1210) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1215)

**The Chair:** I call the meeting back to order. Thank you for your patience.

I'm going to go to Ms. Church. There were some discussions that happened between the parties, and I think we can find a quick resolution to this.

Ms. Church, go ahead, please.

**Leslie Church:** Thank you, Mr. Chair.

We are, in principle, fine with returning the motion. We propose a friendly amendment to include that the motion apply to the Privy Council Office in addition to the Prime Minister's Office. We think that may elicit some of the additional records that Mr. Barrett is seeking.

**The Chair:** I'm going to have to refer to the clerk, because I don't have an official motion that we're discussing. If it's direction from the committee—and correct me if I'm wrong on this—perhaps the easiest way to deal with this, Ms. Church, is for me, on behalf of the committee, to send a letter to the Prime Minister's Office and the Privy Council Office clarifying what the committee's position was with respect to the motion and expecting a response from the Privy Council Office by October 29.

That might be the easiest way to deal with this, rather than going to a formalized motion, because we've already disposed of the motion. We can't amend something without a motion on the floor. I'm seeking guidance.

• (1220)

**Leslie Church:** I'm in your hands, Chair. That sounds reasonable to me.

**The Chair:** Does that sound reasonable to you, Mr. Barrett?

**Michael Barrett:** If I may, I think that if, on consensus, we're giving direction to you, Chair, to request the information consistent with the original motion and to include the Privy Council Office.... As a matter of principle, I think it's very important that we establish the rights of committees to order the production from departments and ministries, including the PMO and including the PCO. I very much appreciate the opportunity to be precise in this. What would be disappointing, but also damaging to the rights of committees and members, would be if we later found out, through an access to information request filed by a journalist or a member of the public, that there were records in the Prime Minister's Office.

What I would say is that this is the kind of good faith.... When I said, let's do this in a week and a half, that's exactly what I was hoping for, that it would include the Prime Minister's Office and the Privy Council Office. If all of the records, or 99% of them, are domiciled in the PCO, that's great, but if some exchanges that are captured by the original motion happened in the Prime Minister's Office and perhaps just weren't furnished to the committee originally, having those provided to us by October 29 would satisfy the intent of what we're looking to achieve. Then we would have established that the committee's right to that information is respected by the PMO and by the PCO.

That's really the only precision. I just want to make sure that we're not saying, "Okay, there's nothing that the PMO has, so we'll just go to the PCO."

As I said, if there's nothing pertinent, it is what it is, but if we later find out through another means that something was caught in an ATIP, it's a problem that then would need be rectified again by the committee or by the House. Let's just avoid it on the front end. I think that the spirit of what's being proposed by Ms. Church is exactly in line with the motion that the committee passed.

**The Chair:** I do take your point on that, Mr. Barrett. We have to proceed on the assumption that the information is available as well. It may not be available through the Prime Minister's Office, or it may be. That's up to them to determine. The one thing that the motion did not call for, in the spirit and intent of what Ms. Church is saying now, was to include the Privy Council Office in this. That's where we're at.

If it's the will of the committee—and I think this is the easiest path forward—I can write a letter to both the Prime Minister's Office and the Privy Council Office, reiterating what was in the motion and what the request of the committee was in the motion and ensuring that the information be provided to the committee by October 29. I think that would be the proper course of action here.

[Translation]

Mr. Thériault, you have the floor.

**Luc Thériault:** Mr. Chair, I'd like to remind you of a rule that I have already mentioned to the committee: The highest office requires the utmost exemplary behaviour, and that calls for the highest degree of transparency.

We are in a unique situation that we've never known in Canada. We also have to consider what the witnesses told us: Without transparency, the value of conflict of interest screens becomes relative. In this context, for everything to do with the Prime Minister's travel, work and meetings, he must meet the committee's requirements as soon as possible, since he has nothing to hide or be ashamed of. It seems to me that October 29 is an appropriate date.

I agree that we should undertake this process.

• (1225)

[*English*]

**The Chair:** Thank you.

[*Translation*]

Thank you, Mr. Thériault.

Mr. Sari, do you have any comments on that?

**Abdelhaq Sari:** Mr. Chair, this is more about the main issue at hand. I'll let Mrs. Church go first.

It appears that Mrs. Church does not wish to speak. In that case, I'll go back to the main issue you raised, Mr. Chair. I really liked the fact that you asked for guidance and feedback on the motion.

When I listened to my hon. colleague Mr. Barrett talk about his request, I thought it sounded like an update. I noticed that terms were added, such as the word “comprehensively”, and that the wording of the motions could be perceived differently.

Mr. Chair, you really have a lot of experience and, so far, we're very satisfied with the way the committee is operating. However, it is very important that the wording of motions be more specific, so that it does not leave too much room for perception and interpretation. This back-and-forth makes us lose a bit of time. In the future, when motions are drafted, I think it would be really good to be more specific.

We, the Liberals, are of the opinion that everything that was asked for was given. What was presented was exactly what the Prime Minister's Office provided. At one point, the people on the other side were proposing to update the definition of comprehensiveness. In my opinion, that will just delay our work. It gives the impression that we haven't responded to the request. In fact, we responded quickly, and as a result, some felt that we could go further. Perhaps people needed to be clearer and more specific at the outset. That was missing from the original request.

That's what I really wanted to say.

**The Chair:** Okay. Thank you, Mr. Sari.

Mr. Hardy, the floor is yours.

**Gabriel Hardy:** Thank you very much, Mr. Chair.

What I want to say is related to what was just stated. What we've been hearing from the beginning in committee is that we must proceed based on our principles; we have to stop getting bogged down in the details and demanding crossed t's and dotted i's.

I think we have a unique situation here. The Commissioner of Lobbying, who testified before the committee the other day, said that too often at meetings, no status reports are done and no notes

are taken. People run into each other and talk about issues that are important to the country, but the Commissioner has no notes on that and she is not aware either.

In response to that and in response to everything that is happening here, we're making a request, the essence of which is very clear, I believe. We want to know what's going on in the meetings. If the Prime Minister meets with fairly influential people, as we see here, in order to build Canada strong, he has nothing to hide. He should tell us what goes on at the meetings. The Conflict of Interest and Ethics Commissioner or the Commissioner of Lobbying appeared before the committee to tell us that there are too many meetings. A week later, we receive a list with no status report. We don't know when they met. We don't know the dates of the meetings. We don't know what was said in the meetings. We have to believe, in good faith, that the purpose of these meetings is to move Canada forward.

We are here to ensure that the public believes in our institutions. That is our role. I don't mind the request to table well-drafted motions, but I think everyone understands that our goal is to find out what's going on behind closed doors, in the interest of Canadians. I think we're getting somewhere today. We'll work as a team; we'll be able to get that. We hope we don't find out that this was already known on the Liberal side and that they intentionally delayed the process. If we want to work well for the advancement of the country, we have to stop getting bogged down in the details. We need to listen to the experts who come and tell us that we need more transparency, that we need to know who has been met with and at what time, and that we need records. When we ask for them, it's simply a matter of providing them.

That's what I wanted to say.

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

[*English*]

I don't have other hands up on this.

What I'm going to do with the clerk is reflect on what was agreed to, and I want to thank Ms. Church for proposing this.

The minutes will reflect that it was agreed, in relation to the motion adopted on October 8, 2025, and the documents received, that the chair will send a letter to the PMO and the PCO to reiterate the desire of the committee to receive the documents requested, no later than October 29.

Does that reflect the spirit of the conversation that we just had? Are we all in agreement with that?

**Some hon. members:** Agreed.

**The Chair:** Okay. Thank you for that direction. That closes that matter.

The second matter I want to bring up is the issue of witnesses for our Conflict of Interest Act study.

We have been reaching out to numerous witnesses from the lists that have been provided by all parties. The challenge that we're finding is that in the absence of any context for these witnesses, they're wondering why they're being asked to appear before the committee. Therefore, I'm asking all members of the committee to please provide a little bit of context for the witnesses who have been provided up to this point, so that we can relay that to them.

Oftentimes, I find that I've been answering questions that the witnesses have been asking us about the context of why they're coming or why they've been asked. After that, some have agreed and some have not agreed to appear, so I just need that context. It's for the sake of the clerk and the analysts when they invite the witnesses to appear.

The second issue is that there are witnesses who have outright denied wanting to appear before the committee on this study, so if there are other witnesses you would like, please furnish their names to the clerk as soon as possible.

We do have a list of witnesses who are lined up for the next couple of weeks, but the list is not reflective of the original list that was supplied. The witnesses who are coming are people who have been on the list and have been proposed by committee members and par-

ties, but some of them will not be appearing before the committee, so if there's anybody else....

Mr. Barrett, go ahead.

• (1230)

**Michael Barrett:** If we contact the clerk's office for the list of our witnesses who have declined, will she be able to provide that, Chair?

**The Chair:** We have it all in front of us here. Absolutely, 100%.

**Michael Barrett:** That's perfect. Thank you very much.

**The Chair:** What I'm going to suggest is that we be a little proactive on that and have the clerk send it out to you, rather than having you ask the clerk for it. Then we can see where we're at on the witness list. If there's anybody else who needs to be added, I encourage you to do that. It's just a bit of a challenge we're having right now, so I just wanted to bring it to the committee's attention.

If there's no other business, I want to thank you all for your attention. Thank you to the clerk, the analysts and the technicians.

This meeting is adjourned.

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