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Chair

The Honourable Shawn Murphy

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• (1530)

[English]

The Chair (The Honourable Shawn Murphy (Charlottetown, Lib.)): I would now, colleagues, call the meeting to order and welcome everyone here.

This meeting of the Standing Committee on Access to Information, Privacy and Ethics has been called pursuant to the Standing Orders.

The first witness here today is Mr. Nigel Wright, who is the chief of staff designate to the Office of the Prime Minister.

Before we start, and perhaps even before we hear from Mr. Wright, I just want to make a few opening comments about the nature of the hearing and hopefully this will serve as a framework for questions from committee members.

As I indicated, the witness before the committee is Mr. Nigel Wright, who is the chief of staff designate. He is accompanied by Mr. Joe Wild, the assistant secretary to the cabinet, who's here to answer any technical questions that may arise. As is well reported by now, Mr. Wright is from the private sector. He comes from a large, well-established Canadian firm with interests in many sectors, not only across the country, but from across the economic spectrum. It's also been reported that Mr. Wright may, after serving at a certain time with the Office of the Prime Minister, return to that company.

I want to remind all members that this inquiry is not, and the chair will not allow it to become, an inquiry into Mr. Wright's qualifications for that position. That determination has been made by others and it's not within the mandate of this particular committee. Any questions in that regard will be ruled out of order by the chair. It is my suggestion that the inquiry be restricted as to how Mr. Wright, the Office of the Prime Minister, the Government of Canada, and the Privy Council propose to deal with any real, perceived, or apparent conflict of interest. Mr. Wright has kindly provided this committee with documentation as to his arrangements with the government and which arrangements were completed with the assistance of the ethics commissioner.

Again, I would urge members to restrict their questions to those particular issues. Having made those very brief comments, I will turn the floor over to Mr. Wright.

Again, Mr. Wright and Mr. Wild, welcome to both of you to this committee.

You have an opening statement, I understand, Mr. Wright. The floor is now yours.

[Translation]

Mr. Nigel Wright (As an Individual): Mr. Chair and members of the committee, I would like to thank you for having invited me to appear before you today.

[English]

I am pleased to appear before this committee. I am committed to the principles of the Conflict of Interest Act and the concept of its administration by an independent officer of Parliament. These are important safeguards for the integrity of public office.

Appearing with me today, as the chairman has indicated, is Joe Wild, the assistant secretary to cabinet in the machinery of government secretariat, in the Privy Council. Joe drafted the ethical wall documents that I've provided to the committee.

As many of you know, in March of this year the Right Honourable Stephen Harper asked me to become his chief of staff, effective January 1, 2011. I accepted without hesitation.

[Translation]

It is a great honour for me to have been invited to serve the Prime Minister as his chief of staff and, through him, to serve our country. I was touched by his confidence in me, and I expect to live up to that confidence each and every day.

[English]

Until a few days ago I served as a managing director at Onex Corporation, a company that works to grow and build value in a portfolio of companies it invests in. Onex is a Canadian company and a great Canadian success story. I'm very proud of what we accomplished there. We helped our management teams build leading sustainable businesses and create thousands and thousands of jobs that would not otherwise exist.

Onex is entrusted with billions of dollars of capital from investors and it has a very enviable record over three decades of putting that capital to work to grow businesses, new factories, new products, new processes, and new jobs. My particular area of focus at Onex was aerospace manufacturing, and as a result I served on the board of two of Onex's affiliated companies, Hawker Beechcraft and Spirit. I have since resigned from those positions. As I say, I'm very proud of what we accomplished at Onex and I wish my former colleagues well.

[Translation]

My mandate at Onex has ended, and I will now dedicate 100% of my professional activities to exclusively serving the Prime Minister.

•(1535)

[English]

This committee has raised questions about my role at Onex and how it will affect my service to the Prime Minister. My personal experience is that Onex's interactions with government were quite limited. Only once in the past five years have I met with any federal official regarding any Onex business. That was when I accompanied the chief financial officer of Onex to discuss a matter relating to Canada's adoption of the new international financial reporting standards accounting rules with officials from the Bank of Canada. I don't expect issues to arise very frequently, and neither do I expect the ethical wall that we have established to hinder the service and advice that I will render to the Prime Minister.

At your invitation, I have come here to discuss the arrangements I have made on the advice and at the direction of the Conflict of Interest and Ethics Commissioner and the Privy Council Office. I wanted to appear as a private citizen before I begin employment so that the committee members' questions may be answered before I take up my duties.

[Translation]

I can tell you that at each step of the way, I sought out and followed to the letter the advice of the Conflict of Interest and Ethics Commissioner and her staff.

[English]

I have provided the committee with a number of documents. The first that I will discuss is a letter of agreement between Onex and me reciting the fact that I have taken a leave of absence from that company, and setting out the arrangements regarding any potential return.

The agreement states that if I choose not to return to Onex on or before January 1, 2013—almost two and a quarter years from now—I will be deemed to have voluntarily resigned. As well, the agreement makes an exception to the voluntary resignation principle in the event that Onex terminates me without cause or constructively dismisses me. The purpose of the leave is to avoid the forfeiture of savings and stock options that it took many years for me to earn.

The second set of documents that I will discuss are the ones that together define and provide for the administration of the ethical wall I referred to earlier. These documents have been reviewed and approved by the Ethics Commissioner, who is responsible for administering the act. She has indicated in the e-mail from her office, which I provided to the committee, that her determination of my full compliance with the act, as with any reporting public office holder, will be made upon completion of the confidential report and the publication of any declarations.

The ethical wall was prepared by Joe Wild and Yvan Roy, the deputy secretary to cabinet and counsel to the clerk of the Privy Council. Monsieur Roy is responsible for administering the ethical wall—or conflict screen, as it is sometimes known within government—and as supervisor of the ethical wall will be responsible for ensuring that it is adhered to among political staff in the Prime Minister's Office.

The Office of the Ethics Commissioner will monitor the subject matter of the ethical wall to determine whether changes to that subject matter are required from time to time. Monitoring and considering any changes are also obligations that I personally will have.

[Translation]

The arrangements that I have taken are those of any public office holder, who is subject to the strictest legislation in Canada's history, i.e., the Federal Accountability Act.

[English]

When the Conflict of Interest Act was created, Parliament set out five purposes, one of which was to facilitate people who have worked in the private sector to join the public sector, and vice versa. That is a good thing. It is what has allowed people from all walks of life to serve in government, including the highest level of government.

With that in mind, it was back in April that I began working with the Ethics Commissioner and others to ensure that my affairs were arranged in compliance with the act. The very first question I raised with the Office of the Ethics Commissioner was about public office holders on leaves of absence. I was told that the Ethics Commissioner accepts leaves with the proper protections in place and has done so with other individuals.

I then began disclosing my personal financial circumstances to the Ethics Commissioner and familiarizing myself with the Conflict of Interest Act. Her office recommended that a conflict screen or ethical wall be established. With that direction, I met with Monsieur Roy and Mr. Wild of the Privy Council Office and asked them to prepare an ethical wall that would prevent any potential conflicts from arising. That process has been ongoing and was completed this past Friday, when the Ethics Commissioner indicated her approval of the ethical wall documents that you have.

The maintenance and monitoring of the ethical wall will be an ongoing process involving the PCO, the supervisor of the wall, and the Office of the Ethics Commissioner. It will also require me to update those three offices should any information come to my attention requiring a change to the scope.

I have fully disclosed to the Ethics Commissioner my personal financial circumstances and I will be repeating that in a formal confidential report that the statute requires. The Ethics Commissioner's office will be posting my declaration online for everyone to see.

The ethical wall covers three areas that have been determined by the Ethics Commissioner with my agreement. As of now, the Ethics Commissioner has determined that these three areas, and no others, are areas of actual or potential conflicts. I have voluntarily added a fourth area, the Canadian aerospace manufacturing industry. Because my previous involvement in aerospace manufacturing was extensive, I decided it would be prudent to make the aerospace manufacturing industry in Canada part of the wall. I was not required to do so, but I have considered it prudent to do so.

In 2006 Parliament enacted a law administered by the Ethics Commissioner explicitly to provide for the avoidance of conflicts of interest for individuals intending to come from other walks of life into the Government of Canada. It established a complete and comprehensive system based on public and confidential disclosures, and it is working well.

• (1540)

[*Translation*]

I have full confidence in the Conflict of Interest and Ethics Commissioner and her ability, as an independent officer of Parliament, to ensure compliance with the act and that myself, just like all other public office holders, place the interests of Canadians before all others. That is the level of accountability that Parliament sought by adopting the Federal Accountability Act, and that Canadians are entitled to expect.

That is how I conducted myself, and there is nothing in my past to suggest that I will do things any differently. That is a public commitment I am willing to make.

I would like to thank you for having invited me and I would be pleased to answer any questions you might have.

[*English*]

The Chair: Thank you very much, Mr. Wright.

We're now going to go to the first round, for seven minutes each.

Mr. Easter.

Hon. Wayne Easter (Malpeque, Lib.): Thank you, Mr. Chair.

Welcome, Mr. Wright and Mr. Wild.

First and foremost, I might say that Onex—and your connection with Onex and the company—certainly has been a success in the business world. We congratulate you for that.

This, however, is the political world, and government doesn't run exactly like a business. Sometimes we think it should, but it certainly doesn't.

Since you have been named as chief of staff for the Prime Minister, there has been a lot of concern raised about the holdings of Onex and the number of companies—I think there are 40—that are connected to quite a number of departments. There's certainly the potential for a conflict of interest.

I know we, as well as the public, are very concerned about that, and especially the fact that, as you state in your letter, you're really on a leave of absence from Onex and will return to that company under very different rules from somebody else who, after working with government, would go into the private sector after certain cooling-off periods.

Mr. Chair, I do have a graphic that we would like to put up on the screens. I think it would make it easier to make the connections to at least some of the companies Mr. Wright has connections to. Is it possible to put that graph up on the screens?

The Chair: Is it in both official languages, Mr. Easter?

Hon. Wayne Easter: Yes, it is.

The Chair: Does anyone have any...?

Okay, go ahead.

Hon. Wayne Easter: Then can it be put up on the screens there?

The Chair: Well, I can't put it up, Mr. Easter. I don't know. You haven't made arrangements.

Hon. Wayne Easter: Yes, it's being done.

The Chair: Go ahead with your question now, Mr. Easter, while we put it up.

Hon. Wayne Easter: Mr. Wright, in your documents you outline five areas where you're using the ethical walls to try to prevent conflict of interest: aerospace is there, as are special taxation, taxation in the Canadian private equity sector, tax deductibility, and any other areas that the Ethics Commissioner may deem to be of concern.

I wonder if the clerk could hand those out. I think they're clearer than the graphs.

In any event, on the graph you have before you, Mr. Wright, when you look at everything from Cineplex and Indigo, in the cultural area; Allison Transmission in heavy equipment and fluids; you have mentioned Hawker Beechcraft aircraft, etc.; ResCare is involved and skilled health care groups are all involved in the health area. Onex itself and quite a number of others are on this chart.

In the blue on the inside of that chart, the red circles are companies you and Onex have connections to. The blue circles are the departments we feel are connected to companies.

You are going to be in the second or third most powerful position in the land. With what you've spelled out here on the ethical walls, how can you do your job as chief of staff, and how can you assure us that there will not be a conflict of interest, either when you're doing your job as chief of staff or when you go back to Onex within an 18-month period?

• (1545)

Mr. Nigel Wright: Thank you.

I'd like to first respond to—I'm not sure it was part of the question, but it was certainly stated—that I might return to Onex under rules that are different from anybody else. I don't think that's true, at all. I think there's a system established within the Ethics Commissioner's office around leaves of absence.

Particularly, the reference was made to the cooling-off period in section 35 of the Conflict of Interest Act. That section provides that nobody accepts a contract of employment with a company with which they have had direct dealings during the prior year in their role as a public office holder.

Definitionally, the construct of the ethical wall that I have put before the committee ensures that I will not have any dealings with Onex Corporation or any of its subsidiaries, let alone during the year before any return to Onex. I think the cooling-off period is a moot point. I think the rules apply to me as they would to anybody else in that regard.

Secondly, I think an important question has been asked about how the wall operates. The member has given me a slide with a number of departments of government listed on it. It's important to understand that the ethical wall is established around issues and topics and decision points, not around departments of government.

What the ethical wall sets out, I think very clearly, is that any matter or discussion or information that may relate to any of those areas that are subject to the wall—so anything touching an Onex company, Canadian aerospace manufacturing—will be diverted from me. People other than me will be involved in making decisions and briefings about those. They won't come close to me.

I think it's going to be quite straightforward. In my experience, and I can only speak to my personal experience, the interactions between government and Onex have been very limited. I think ethical walls like this have operated successfully in the past.

In my view, it's actually going to be very straightforward, and it's not going to hinder the service I'm going to render to the Prime Minister.

The Chair: Mr. Easter, your time is up. Thank you.

We're now going to move to Madame Freeman.

[Translation]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Wright, thank you for having accepted our invitation.

The Conservative government has always spoken out against the fact that people holding senior positions within the federal government could move from the private sector to the public sector, and vice-versa. In describing that situation, they talked about the phenomenon of the revolving doors. The Conservative government objected to that by denouncing the situation and announcing that it would put an end to it.

Mr. Harper appointed you as his chief of staff; you are a star on Bay Street. You have come from the private sector, from a corporation that is the largest employer in the Canadian private sector. As chief of staff, you will become the second most influential person in government. In your opinion, does that not constitute an ethical problem?

Despite the fact that you have implemented a system to compartmentalize information, you will be receiving and hearing confidential reports, and reviewing a large amount of information. Despite the fact that sections 34 and 35 of the Conflict of Interest Act set out the post-employment rules, you will not be able to ignore everything that you have heard, seen and read. You will also be privy to state secrets. You will bring all of that information as well as the privileged contacts you will have made to the private sector. Would you not agree that that raises an ethical problem?

• (1550)

[English]

Mr. Nigel Wright: Thank you for the question.

I think the problem this government saw was not so much that there was an interchange of people between the public and the private sectors; I think Parliament adopted an act encouraging people from all walks of life to come into government and for the opposite

to be true. The problem was a lack of transparency and a lack of statutory rules around what happened. So the Accountability Act and the Conflict of Interest Act were important reforms. They are reforms I'm personally very committed to—as the member knows, the very first legislation enacted after this government came into office.

[Translation]

Mrs. Carole Freeman: You are not answering my question, Mr. Wright. Do you not find it odd that you are moving from the largest private corporation in Canada to the most influential position in the country, second only to the Prime Minister? It appears that your mandate will be relatively short, following which you will be returning to the private sector with privileged information and contacts, and that raises an ethical problem.

[English]

Mr. Nigel Wright: I think it's just not true. I think the ethical wall we've established is going to prevent exactly that kind of information from coming to me.

I have acknowledged, in the form of the document you've seen, that this wall has been put in place. I've sent a memorandum to political staff throughout government and through PCO, through deputy secretaries—

Ms. Carole Freeman: No—

Mr. Nigel Wright: I'm sorry, Mr. Chair, I just need to respond to this, because it's a very important point.

I have asked that no information come to me that in any way relates to Onex or its businesses or the other areas. So I do not accept that any information will come to me. If it—

[Translation]

Mrs. Carole Freeman: Forgive me, but you are not answering my question. I am not simply referring to that ethical wall. I am talking about all the information that you will be able to gather as chief of staff. You will gain knowledge about everything going on in the departments, which might help you to create an even larger network post-employment. There is something wrong here in terms of ethics. That is my comment, I will now move on to a second question.

How will you be able to act as chief of staff? Onex does business with so many departments in so many areas, that you will constantly have to recuse yourself. How will you be able to carry out your duties of chief of staff? You will have to recuse yourself.

What will you do when the time comes to prepare the budget, the government's key policy piece? With all of your corporate ramifications, I wonder what kind of role you will play as chief of staff. Onex's activities are so pervasive that you will have to withdraw from almost all situations. Where will that leave you? How will you be able to advise the Prime Minister?

•(1555)

[English]

Mr. Nigel Wright: I would say first of all that information will not come to me. The kind of information that's governed by the Conflict of Interest Act is any information that touches on any matter in which I may have a private interest. None of that information will come to me, and I won't be participating in any conversations around that.

Another member has put in front of the committee a chart showing six potential conflicts.

[Translation]

Mrs. Carole Freeman: There lies the problem, Mr. Wright. You will not have access to the information. You will not be able to respond to anything since your corporate responsibilities are pervasive. You will therefore have to recuse yourself from everything. What will you do as chief of staff? I understand that there is an ethical wall, but will they be keeping you in a room? What will happen? I wonder what your role will be.

[English]

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Point of order, Mr. Chair.

Can the witness answer the question?

The Chair: We're going to give the remaining time to Mr. Wright to answer the question and try to deal, as best as possible, with the issues and questions that Madame Freeman raised.

Madame Freeman, it may not be the right answer or the answer you're looking for, but we're going to allow Mr. Wright to speak.

Mr. Wright.

Mr. Nigel Wright: Thank you, Mr. Chair.

At the crux, I think there were two questions. One is, will I receive information I should not receive. The answer is that the ethical wall is designed to prevent that.

Second is whether the areas of recusal identified by both the Ethics Commissioner and me are so broad as to render me ineffective in my service to the Prime Minister. The answer is no. My answer on that is that there will be limited, in my view—I won't know for sure, but limited—interactions going forward. I will not be party to any of those.

Mr. Easter has identified six potential conflicts in his chart. I think that's a limited number.

The Chair: Merci, Madame Freeman.

Mr. Martin, for seven minutes.

Mr. Pat Martin (Winnipeg Centre, NDP): Thank you, Mr. Chair. I thought the Conservatives were next, but I'm happy to go.

Mr. Wright, I didn't come with any audiovisual aids or anything like that, but I do find this graphic illustration enlightening. It gives us the scope of the problem as we see it.

I have a technical question first, just for accuracy. Did you say the Prime Minister first approached you in March?

Mr. Nigel Wright: Yes, I was first approached in March.

Mr. Pat Martin: And you were still a member of the board of directors of Hawker Beechcraft at the time? Or the CEO? Or what was your position?

Mr. Nigel Wright: I was a member of the board of directors of Hawker Beechcraft.

Mr. Pat Martin: And the F-35 decision was announced in July 2010?

Mr. Nigel Wright: I can't answer you as to when that was announced.

Mr. Pat Martin: It seems to me that the first news reports that you had been invited to be the chief of staff were about September, and at that time the newspapers had it that Mr. Harper had only approached you mere weeks prior to that. But you're saying he approached you back in March, while you were still actively promoting aerospace industry associated with the F-35.

Did you have a role to play partnering with Lockheed Martin trying to sell those precision attack planes between March and October, say?

Mr. Nigel Wright: Mr. Chair, I can say I have not had any conversations regarding the F-35 or Lockheed Martin with any public official, and I have not promoted—

Mr. Pat Martin: No, not with a government official, but marketing it internationally.

Mr. Nigel Wright: I'm sorry, I was going to answer the second part of what I heard the question to be. I have not promoted in any way to anybody the sale of that airplane, or the purchase of that airplane, for that matter.

Mr. Pat Martin: You've mentioned the term "ethical wall" about 30 times since you sat down here. It's as if you're trying to introduce some new idea to us, some new concept. I think this idea of an ethical wall is kind of a fatuous notion, personally. Walls in and of themselves don't have ethics. The ethics have to reside with the individuals, and it seems like this is a construct of convenience to defend the indefensible, which is your untenable position as chief of staff.

Mr. Wild has gone to great lengths to manufacture this notion that you're here to sell this ethical wall, but most of us don't have any confidence in blind trusts. People joke about them being venetian blind trusts, and I don't see why we should have any confidence in this new fabrication of an ethical wall. What's it made out of?

•(1600)

Mr. Nigel Wright: Mr. Chair, I agree with at least one thing that was in this statement and question that the member had. That is, that the ethics of the individual and all the individuals responsible for administering the wall are critical to it. So I agree with that. The purpose of the statute.... Common sense protection of my reputation and the reputation of the Prime Minister are absolutely critical. So this matters to me and it matters to the government. We will get it right.

Ethical walls—they go by different names, but “ethical wall” is certainly a name I've heard many times in the private sector—are very important, because that is actually how you communicate to a broad and complex organization what can and can't happen. Ethics on their own are not good enough, Mr. Chair. What they need is a system of administration to ensure that information flows properly and that where someone is unable to participate in a discussion, that someone being me, someone else knows about that and will participate in that discussion.

Mr. Pat Martin: Our experience is that the only way to elevate ethical conduct and ethical standards is by transparency and shining the light of day on the activities. There's no real assurance that your activities will be transparent. It will be self-policing by somebody who answers to you. Your underling will in fact be the ethical watchdog to make sure you don't cross any barriers, but you're his boss.

Would you also agree that your first loyalty, as the country's most senior public office holder, in a sense has to be the best interests of Canadians, and not the best interests of the company you came from?

Mr. Nigel Wright: I absolutely endorse that principle. By the way, not only my first loyalty but also the first loyalty of the deputy chief of staff, of every staff member in the PMO, and the Prime Minister himself is to the law of the land.

Mr. Pat Martin: But sir, how can you advise on any of the subjects such as Madame Freeman outlined? You can't even order pizza for the PMO, from what I can see here. Onex owned CiCi's Pizza Parlor. Every move you make, every breath you take puts you in a conflict of interest.

Mr. Nigel Wright: Mr. Chair, there are certain states in the United States where if I order pizza I probably shouldn't do it from CiCi's Pizza.

Mr. Pat Martin: Take income trusts, for instance. Let's look at some of the key items of the day. When somebody mentioned Indigo Books, that's also publishing, printing and copyright. One of the key issues being debated in the national discourse today is the new copyright legislation; it's broad, it's sweeping and expansive. You can't be involved in advising the Prime Minister on anything to do with copyright if your Indigo Books & Music is integrally involved in that debate. In fact, Heather Reisman herself is outspoken on that issue.

You can't be involved in anything to do with income trusts, which is another big debated issue. And there is credit, finances, mortgaging, the automotive industry, the aerospace industry, the health care industry, virtually everything that's important. We used to have a joke, myself and my friend I worked with, who always said that in his house he makes all the big decisions, but since he's been married there haven't been any big decisions for him to make. You're not going to be able to make any of the big decisions; you are only going to be able to deal with the little wee stuff.

The Chair: Your time is up, but we're going to ask Mr. Wright to answer the question.

Mr. Nigel Wright: Thank you, Mr. Chair.

I didn't hear a question, but I do want to answer one. What I'd like to answer is who in fact determines what I can and cannot be

involved in. The scope of the ethical wall was determined by the Conflict of Interest and Ethics Commissioner. It will be policed by her and her office. Determinations will ultimately be made by the Ethics Commissioner as to what I can or cannot participate in. I will abide absolutely by those.

There have also been questions raised about transparency. The wall itself is being made public and its scope is being made public. Any recusals that are required in respect of it will be made public. So I think people can have real confidence about both the transparency and the public nature of what's been put in place.

The Chair: Thank you, Mr. Martin. Thank you, Mr. Wright.

Mr. Poilievre.

Mr. Pierre Poilievre: Thank you very much, Mr. Wright, for being here.

I'd like to begin by agreeing with Mr. Easter that your record of success in the business world has been admirable. It is good to see people who have succeeded in private sector making the sacrifice to come to serve the country in the public realm. We're very much pleased that you're joining the government to serve in that capacity.

Just moments ago you were discussing the process you've undertaken with the Ethics Commissioner. Can you describe it in some greater detail?

● (1605)

Mr. Nigel Wright: Thank you.

As I mentioned, I first met with the Office of the Ethics Commissioner in April of this year. My first question had to do with leaves of absence that had been taken by other public officer holders and whether there's a system. I followed that up with two steps. One was to familiarize myself with the act to understand exactly how it might apply in my circumstances. The second was to make full disclosure of my own circumstances to the Office of the Ethics Commissioner.

During the summer I was advised by the Ethics Commissioner that an ethical wall or conflict screen should be established, after which I asked Mr. Roy and Mr. Wild to prepare that for me. That was reviewed and approved by the Ethics Commissioner on Friday of last week.

The next steps for me are to undertake the remaining statutory steps, which are to make full disclosure of my holdings in the confidential report required by the statute and to get the actual declarations from the Ethics Commissioner put on the public record as they relate to me.

Mr. Pierre Poilievre: The opposition has questioned and even attacked your motives in pursuing your work. I'd like to ask you, what is it that compelled you to come into this new role? What motivates you to do the job that you've accepted to do?

Mr. Nigel Wright: I appreciate that question, because a number of people not in this room have told me that they're very curious as to how this committee appearance goes. They think it is very valuable that people from outside of Ottawa, people who aren't insiders, get a chance to come and play a role in government, so long as they're doing so in compliance with the act and all of their ethical standards.

For me, really all my life, I would say, public policy has been a passion of mine. For three decades I've had some involvement in the political process. It manifested itself through the party system but also in things I've done in my community on a voluntary basis. I came here as a young man to be a staffer on the Hill, so it's been a real passion of mine.

To be asked to come in a senior role by a Prime Minister whose values align with mine in every single way just felt like a completely unique, once-in-a-lifetime privilege, impossible to do anything with other than say yes. So I come here very eager to get going, extremely committed to making this work and getting it right.

Mr. Pierre Poilievre: You come with an enormous track record of experience, an unimpeachable reputation, and you've been distinguished mostly, though not exclusively, by your work in the business sector of society. Can you comment, generally speaking, about what your background as a successful businessman brings as a skills set to the job you'll be doing in the Prime Minister's Office?

Mr. Nigel Wright: I think sometimes when I was in business I was working at really the kind of nuts and bolts level of the economy, making investments, figuring out how to make companies more productive, taking out waste, creating jobs and employment. I understand, as another member commented earlier on, that business and government are different, but understanding at the grassroots level actually how jobs are created, how employment growth occurs, how businesses grow is something that will be valuable. We are in a recovery, but it is in a fragile stage, Mr. Chair, and it needs good public policy.

I've also been a staffer in Ottawa. And maybe there are not enough people in this country who have experience in both how government works and how business works. I'm hoping to bring that to the service of the Prime Minister.

• (1610)

Mr. Pierre Poilievre: Can you explain the purpose behind the blind trust?

Mr. Nigel Wright: I don't know about venetian blind trusts. This blind trust follows a form that was created and drafted by the Ethics Commissioner. I transferred all of my controlled assets into the blind trust in late October. The blind trustee is the legal owner of them all now, and I'm not to have any communication of any sort—no direction, no advice, no information about what's in there. I do not know and will not know what's in there. Once a quarter I'll be told what the value of it is.

There is a direct link between the Ethics Commissioner and the blind trustee so that the Ethics Commissioner's office will have the ability to know what's going on, but the purpose of the blind trust is to remove me and any knowledge I may have about my controlled investments and have them administered by a third party.

Mr. Pierre Poilievre: I just want to make a clarification, Mr. Chair, because there seems to be some misunderstanding in the way this has been debated by some members. On the term "private interest", I will quote directly from the process for establishing a conflict of interest screen:

"Private interest" does not include an interest in a decision or a matter that is of a general application.

And as such, we have to recognize that there are going to be people in this public service world who come from different backgrounds and who the government interacts with, obviously. But that is a strength for our country. We look forward to inviting people from various sectors, in this case the business sector, but from all sectors, to make a future contribution to our country.

Thanks.

The Chair: Thank you, Mr. Poilievre.

Thank you, Mr. Wright.

That, colleagues, concludes the first round of seven minutes. We're now going to the second round of five minutes.

We'll start with Ms. Bennett.

Hon. Carolyn Bennett (St. Paul's, Lib.): Thanks very much.

Thanks very much, also, for providing the documents in advance. That's been very helpful to us.

I have a concern that you've taken a very transactional approach to the idea of government dealings with Onex. You've said, even with this diagram, that you think it's a limited amount of contact. But it's a veritable universe of public policy.

If only 1% of box office receipts are for Canadian films, would you be able to participate in a conversation about Canadian content on Canadian screens in Canada, for example? Would you be able to have a conversation about corporate tax cuts with borrowed dollars? Really, how can you do this?

The other piece is that we have some concerns that you're reporting to your inferior—somebody you can fire. That isn't usually the way this would be sorted out, in terms of having a separate officer from maybe the Ethics Commissioner's office or some other way of doing this. It seems odd that the person who will be managing your ethical screen is your junior, so to speak.

I guess the other piece is in terms of what you come in with and what you leave with. Is there a reason the code of conduct, in terms of the cooling-off period, wouldn't apply to you?

Mr. Nigel Wright: Mr. Chair, I'll answer the first two questions I heard, and I may ask the member to repeat the third question, because I'm not sure I understood it properly.

The first question had to do with what's in and what's out, what's covered and not covered, if I take a transactional approach. I think the essence of the ethical wall is the understanding that fair-minded people may differ as to what is or isn't covered. That decision will not be my decision.

Whether something is or is not covered by the ethical wall will ultimately be determined by the Ethics Commissioner. In doing so, she'll look at the statute, I believe, and she'll see that a private interest does not include a decision or matter that is of general application affecting a public office holder as one of a broad class of persons. She'll look to that definition in the statute.

The point I really want to make in answer to the question is that I won't decide on my own behalf. The Ethics Commissioner, who has approved this system, will make those decisions.

The second question has to do with the supervisor of the ethical wall within the PMO. I think the member will understand that there has to be somebody within the PMO to whom matters I cannot deal with will go. The supervisor of the ethical wall is that person. That person is the person on the other side of the ethical wall, if you will, who is able to receive communications or participate in briefings that I cannot. But that person is not the ultimate arbiter of what is or isn't covered by the wall, or whether the wall is or is not being effective. That person, by statute and by design of the wall, is the Ethics Commissioner.

I'm sorry, I missed the last part of the question.

• (1615)

Hon. Carolyn Bennett: The question is around cultural policy, screen time, corporate tax cuts. I mean, you've only declared aerospace. My concern is that when you go back into the private sector—and I think it's an odd thing that you're keeping this tether for what you've said is a once-in-a-lifetime opportunity—will you have to obey this guideline of a one-year cooling-off period?

Mr. Nigel Wright: Again, I'll be very quick.

There are two quick questions there. The first has to do with all kinds of matters that may or may not be covered by the wall. The fact is that I can't answer hypotheticals about what is or isn't on the wall; someone other than me will make those decisions.

The answer on the post-employment code is that I'm covered by the post-employment code. The statute applies to me. The statute does say that I will not accept an offer of employment with an entity with which I had direct and significant official dealings. That is true. I simply will not have those dealings with any Onex company.

The statement was also made in the question that I've only declared Canadian aerospace manufacturing industry as an area of scope, and that's not so. There are other areas of scope, including anything that touches on any of the companies listed in annex A of the documents provided.

The Chair: Do you have a question, something very quick? Or we could leave it.

Hon. Carolyn Bennett: I guess the post-employment piece is still.... You will have touched on almost everything in the PMO, on all matters of public policy, which is of concern to us, because we think Onex is affected by all of those policies. When you go back.... You're taking a very narrow view in terms of the transactional approach to Onex's companies instead of all of the matters of public policy.

If it says "an entity with which he or she had direct and significant official dealings during the period of one year", you will have set the

policy for all of them, or you will know what's coming down the pipe. It seems unusual that you wouldn't have to have the same one-year cooling-off period, for the reason for which this code was written.

Mr. Nigel Wright: I'll be very straightforward in my response, Mr. Chairman. The act applies to me as it does to everybody else. One day I assume this will happen: upon leaving the employ of the Prime Minister, I will be consulting with the Ethics Commissioner to determine how best to comply with the act. I will be complying with the code.

The Chair: Thank you very much, Ms. Bennett.

We're now going to go to Ms. Davidson, five minutes.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thank you very much, Mr. Chair.

Thank you very much, Mr. Wright, for being with us this afternoon, and Mr. Wild. We've been anticipating this day, and it's a pleasure to have you here.

I'd like to echo the comments of my colleague as well, to say how much we appreciate the fact that you are showing an interest in being a part of the government. I think it's very important that we can have people of your calibre who have the interest to give service to the country. So thank you very much for that. We appreciate it.

We talked a little bit before. My colleague asked you about the process you undertook with the Ethics Commissioner. You outlined a few of the things. You talked about the first meeting in April. You talked about looking into the leave of absence process and setting up the ethical wall and the people put in place to monitor that.

What would your impressions of that process have been?

Mr. Nigel Wright: Thank you.

It was actually very satisfying. I'm not sure I should do this, but I'll have to pay a compliment to the Ethics Commissioner and her office, because I uniformly dealt with people who were thorough, professional, inquisitive, clearly knew not just the statute, but the principles and objectives they're charged with upholding.

I did find a system was in place to deal with people like me. When I needed blind trust agreements, those were provided immediately. The questions around the disclosures I've made have been very detailed. The confidential report is an extremely detailed report and will be taking some of my time to complete.

In my view, it's clearly a tough system. The act is clearly the toughest act this country has ever had to deal with these matters. But it's being administered by people who really get it, in my view, and really want to make it work.

My sense and my belief going forward is that this system is working and will work in my case.

•(1620)

Mrs. Patricia Davidson: Now I want to talk to you or have you talk to us a little bit about the ethical wall, because I think there's maybe some confusion or misunderstanding about what this ethical wall is. Can you tell us what your expectations of that ethical wall are?

Mr. Nigel Wright: Sure. Thank you.

The ethical wall was established by my signing the acknowledgement that I am bound by it and distributing a memorandum to the distribution lists that the members see, advising people that it now exists.

The next step, as you might expect, is that briefing sessions, both within the PMO and PCO, will occur later this week to describe its functioning to the people charged with administering it and who will be dealing with it, and to receive any questions or clarifications that need to follow.

What will happen, both on the public service side of government and on the political side of government within ministers' offices, is that when anybody is preparing a briefing note or a policy initiative that they think might or might not touch on an area covered by the wall, they will elevate that to their direct report and ultimately to chiefs of staff within ministers' offices and the deputy chief in the PMO. On the public service side, it will go to Monsieur Roy and Mr. Wild.

Those individuals will set in place procedures that are outlined a little bit in the documents I've given—protected documents, password protections, double envelopes, all those kinds of things—to make sure that information is dealt with. The Prime Minister is never deprived of advice, so the information is dealt with by people other than me in a timely manner.

Whenever there's doubt about whether something touches on the wall or not, there's a process in place for that doubt to be elevated to the Ethics Commissioner in a documented process. So the question itself and the answer to it will be documented, I think to meet the standards of transparency that we want to see in place.

Mrs. Patricia Davidson: Mr. Wright, has this ethical wall been used before? Was there a template, as such, you set this up from, or was it just developed from scratch?

Mr. Nigel Wright: I didn't design it.

I wonder if the chair might permit Mr. Wild to respond to that question.

The Chair: Sure.

Mr. Joe Wild (Assistant Secretary to the Cabinet, Machinery of Government, Privy Council Office): Thank you, Mr. Chair.

All of the documents on the wall, other than the document that sets out the scope of the wall, are based on a few different sources of information. The first is a template and a checklist that I drew from the American Bar Association. It follows basically a typical practice used in most law practices in both the United States and Canada. It's also based on my own experience putting these sorts of walls in place when I was counsel with a crown corporation. It also draws on some of the information in the public domain on the wall that was

put in place under Mr. Shapiro, when he was the Ethics Commissioner, and former Prime Minister Martin.

Mrs. Patricia Davidson: Thank you.

[*Translation*]

The Chair: Thank you, Ms. Davidson.

Ms. Thaï Thi Lac, you have five minutes.

Mrs. Ève-Mary Thaï Thi Lac (Saint-Hyacinthe—Bagot, BQ): Good afternoon, Mr. Wright. Thank you for appearing before us this afternoon.

In your presentation, you said that you wholeheartedly accepted the Prime Minister's offer. You decided to reach an agreement with Onex, and you do intend to go back to work for them following your term of office in government. That, to me, is not a sign of a wholehearted commitment.

After your appointment, you have 120 days to provide the Conflict of Interest and Ethics Commissioner with a statement. You said that you came to testify here as a private citizen, and that your appearance was voluntary. But we know the hard line this government is now taking with regard to the appearance of witnesses.

Would you be as kind as you are today if, at a later date, the committee sees fit to invite you here again to testify and answer our questions? Earlier you indicated that you could not answer questions dealing with hypothetical situations.

If after having submitted your documents, i.e., within the 120 days mentioned earlier, the committee wanted to hear from you again, would you be just as kind as you are today or would you follow the hard line dictated by your government and not appear before us?

•(1625)

[*English*]

Mr. Nigel Wright: Thank you.

There are a couple of questions in there. One I want to address really clearly is that I have made one choice. That choice was to leave Onex to come to serve the Prime Minister, to devote 100% of my time, attention, and energies to serve the Prime Minister, and through him, this government and the country. My decision was made without hesitation and is completely in effect. That's the choice I've made. In 2013 I'll have another choice about whether to continue or what to do next. Today I've made one choice, and that choice is to come here to serve. That is what I'm about. It's what I'm going to do.

On the second question, what I want to say is that I'm here to answer any questions people may have today. I'm very pleased to answer any questions. Whether it's today or 120 days from now, I am not the right person to be answering questions about whether particular matters are inside or outside the scope. The whole design of the ethical law, Mr. Chair, is to remove from me the responsibility for determining whether I am in conflict in a matter or not. That's just good common sense. I would urge members to ask questions about the wall today.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: As chief of staff, you will have to take up positions with regard to the party and commit to key policies. You said that you came here in good faith, as a private citizen, and that you cannot answer questions that deal with hypothetical situations.

I simply want to know whether you will appear here again once you have taken up your duties. We might have other questions to put to you regarding information that we do not currently have, but that you will be providing within 120 days following your appointment. I believe that it will be up to you as chief of staff and the Prime Minister to make that decision.

[English]

Mr. Nigel Wright: Again, Mr. Chair, I appreciate the question. I think I have to give it the same answer. That is, the office and the person who is best able to answer questions on the scope of the wall will be the person who's actually making those determinations, which would be the Conflict of Interest and Ethics Commissioner.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: You said that you will not partake in discussions from which you have to recuse yourself. Will you avoid participating in discussions? If not, will you be physically absent?

[English]

Mr. Nigel Wright: Mr. Chair, it does mean that I will not be present in the sense that I can neither participate in nor listen to nor hear any conversations relating to matters that are the subject of the wall.

[Translation]

Mrs. Ève-Mary Thaï Thi Lac: Very well.

Should Onex acquire new corporations, you will be asking for a reference from the commissioner. We know that you asked for a reference and, recently, have received instructions from the commissioner. In April, you asked for a reference on your situation, and have recently received instructions.

If you were to ask for a new reference from the commissioner, would you withdraw from discussions during the time it takes to conduct the research and draft the response? If not, will you participate until you receive an indication to the contrary? What will be your position?

[English]

Mr. Nigel Wright: It's a very good question, Mr. Chair.

I think that in the administration of the wall, wherever there is any doubt and if that doubt leads to a reference to the Ethics Commissioner, and that takes a bit of time, that doubt is going to be resolved in favour of my not participating in that matter.

[Translation]

The Chair: Thank you, Ms. Thi Lac.

[English]

Mr. Albrecht, for five minutes.

• (1630)

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Mr. Chair.

Thank you, Mr. Wright and Mr. Wild, for being here today.

I think it's important at this point that we remind ourselves as a committee that we are not conducting a Governor in Council appointment review. Mr. Chair, you pointed that out very clearly previously.

The Prime Minister has certainly indicated his confidence in you. I think our primary role as a committee is to be sure that the process that is in place has in fact been followed and that we're confident that this will result in good service to Canadians, and one that has the highest ethical and integrity markers.

I want to run through the process briefly again. You indicated that in April you met with the Ethics Commissioner and then subsequent to that you took time to familiarize yourself with the act, and that the Ethics Commissioner from that recommended that a conflict of interest screen—or as you're terming it, “ethical wall”—be established. In fact, the Ethics Commissioner appeared here not too long ago and indicated to this committee that she had received total cooperation from you through that process.

I also have the privilege of serving on the procedure and House affairs committee. It was just a few weeks back when the Ethics Commissioner was talking to us about the importance of not having such rigid guidelines in place that it actually cuts government off from the possibility of having people like yourself, from the business community, the private sector, actually being able to serve Canadians.

I'm confident that Canadians can have confidence in the process you've indicated, in the transparency that is currently in place in the conflict of interest screen or the ethical wall, and also in your track record as a business person.

Mr. Martin suggested earlier that possibly you came up with this term “ethical wall” out of some daydream one day. But it's obvious from your presentation that this ethical wall is something that's being used in the private sector and in other government sectors.

I'm just wondering if either you or Mr. Wild could give some examples of other areas where these ethical walls or conflict of interest screens have in fact been implemented, how they have operated, and how the process may compare to the process you followed in this particular instance.

Mr. Nigel Wright: Thank you.

If it's okay, Mr. Chairman, I might just give a short response and then ask Mr. Wild to talk about precedents.

My response to the member's question is that I personally took a lot of comfort when this Parliament passed the Accountability Act and the Conflict of Interest Act. I think it was important legislation. It goes to the core of rebuilding trust in government.

Something that I think is also important to rebuilding trust in government is making sure that it's not just the preserve of people who've always been inside the system, that people can come from whether it is from business, the arts, or wherever. People can come from other walks of life—and yes, put in proper protections and procedures always, but without being on the basis of no evidence or just insinuation accused of having negative motives coming in. I think that's actually very helpful to connecting the government properly with the people from outside Ottawa.

On the question about other examples of walls, maybe that's for Mr. Wild.

Mr. Joe Wild: With respect to other examples of walls, the core principle behind this wall is that you have a process in which a scope has been identified, and you have a clear written understanding among all parties potentially involved in decisions or discussions as to what is or is not within that scope. As well, you have a process in place through which that information then gets flagged, so that it will not be shared with the person who is subject to the wall. I think that's a fairly typical conflict of interest screen or wall; as I mentioned, you would find examples of that in most major law firms. I have put those types of walls in place for Governor in Council appointees in a crown corporation I've worked in. So there are a number of examples out there.

I would also say that there's nothing particularly unusual in the structure of this particular wall in terms of what it's based on or its foundation. There are a number of approaches. One approach is that you simply place a memo on the file that says “this file is not to be shown to person X”. This procedure goes further than that, in that it clearly sets out what happens in the event that for some reason information does go to Mr. Wright when it shouldn't have. It makes clear who's responsible for ensuring that files are segregated, whether they are electronic or physical files, and it makes clear that any questions around scope are ultimately to go to the Conflict of Interest and Ethics Commissioner.

So in that sense, it's a well-documented process and procedure, and the fact that it's made public will mean that people will be able to judge whether it is being honoured.

•(1635)

The Chair: Thank you very much, Mr. Albrecht.

Mr. Martin, you have five minutes.

Mr. Pat Martin: Thank you, Chair.

Mr. Wright, I think what strikes me most is the extraordinary lengths people have gone to, to essentially make a round peg fit into a square hole, to craft things so that you would be suitable for this position when the sheer scale of the steps that have to be taken clearly indicates that you're not.

I'm reading through some of this arcane stuff that Joe has developed here. Point 7 is worthy of Sir Humphrey in *Yes Minister*. It says:

Should an official identify an issue which falls within the subject matter of the ethical wall, the official should raise the matter with his or her director, who will then discuss it with the Deputy Secretary for the secretariat, who will be responsible for referring this to the Deputy Secretary to the Cabinet...and Counsel to the Clerk.

You've created a whole mini-bureaucracy just to try to keep you away from documents. And it also says any such files shall be labelled as “not to be shown to Nigel Wright”. So half of the cabinet documents floating around or generated by the Harper administration will be stamped with “not to be shown to Nigel Wright”. Doesn't that strike you as absurd?

Mr. Nigel Wright: Mr. Chair, as I think Mr. Wild has said, the actual design and administration of the wall fit within well-established practices that have been used not only in the Government of Canada but elsewhere widely across this continent. So I'm not sure that I would describe it—no offence to Mr. Wild—as being elaborate, but certainly I wouldn't describe it as being unusual.

Mr. Pat Martin: You've even created a new category: the supervisor of the ethical wall. It sounds like something out of *The Wizard of Oz*. It's really odd.

One of the chief functions, as I understand it—I've never been in the PMO—of the chief of staff to the Prime Minister is to deal with a lot of inquiries from the chiefs of staff for ministers, to be a go-to guy. You won't be able to take meetings with most ministers, and you'll have to assign your deputy chief of staff to take those meetings.

Isn't it true that your deputy, under your direction, will be undertaking a lot of the work that would normally be done by the chief of staff? And if that deputy is under your direction or control, how are you completely arm's length from the issue?

Mr. Nigel Wright: Mr. Chair, one of the reasons I was very glad to come here today is to make sure the documents I presented are understood properly. It's why I wanted to appear. Therefore it's very important that I clear up any misconceptions in the readings of these documents.

The way the ethical wall is designed and will function is that any matter that touches on the Canadian aerospace manufacturing industry, areas identified by the Ethics Commissioner, the two tax policy areas identified, or any matter in which any of the companies listed on annex A as a private interest will be dealt with as the ethical wall determines.

That is not the same thing as saying that anything that is within the purview of the Department of Health is covered by the wall.

Again, I will not be the person making those decisions, but the wall is not built around departments of government. It's built around potential conflicts.

Mr. Pat Martin: If we look at item 6:

In the event that Nigel Wright comes into possession of government information from employees or appointees of the Government of Canada related to the subject matter of the ethical wall, Nigel Wright will notify the Conflict of Interest and Ethics Commissioner and the Supervisor of the Ethical Wall and immediately turn that information over to the Supervisor of the Ethical Wall.

Then a bunch of action gets triggered. An enormous amount of energy and administrative capacity is now dedicated to keeping you away from files.

Again, it's just crazy.

•(1640)

Mr. Nigel Wright: Mr. Chair, I don't accept the member's description.

I can only speak to my experience, and my experience is that the amount of interaction between Onex and the Government of Canada has been extremely limited. When we look at two other examples, Mr. Chair—

Mr. Pat Martin: But the number of issues that Onex deals with as government issues—

The Chair: Order, please.

Mr. Nigel Wright: Thank you, Mr. Chair.

When we look at two other examples of very senior public officials, Prime Minister Martin and the Honourable Belinda Stronach, both had very extensive business dealings. When I count the number of times it was published that matters came to their attention requiring recusal, it was between 10 and 15 a year.

Mr. Pat Martin: Belinda Stronach was outside the cabinet room more often than she was in.

The Chair: Okay, Mr. Martin, that's your time. Thank you very much.

We're now going to move on to Mr. Easter. Mr. Easter, you have five minutes.

Hon. Wayne Easter: Thank you, Mr. Chair.

I will admit I'm a little more worried than when I came in. Mr. Wild, you indicated screens have been set up in law firms, in Governor in Council appointments, etc. They are really often single or a few issues. This is the chief of staff to the Prime Minister, the centre of government. And when I look at this chart it seems to me you are creating a whole new system within the PMO to keep information away from the chief of staff. How can he do his job as chief of staff when he's not provided the information on the whole of the Canadian government? It's going to be pretty nearly impossible.

So I have a couple of direct questions to clear things up. Number one, Mr. Wright, one of the big plans of the federal government now is corporate tax cuts. We think the money could be spent in other places. Will you be dealing with the corporate tax cuts file?

Mr. Nigel Wright: Mr. Chair, the Ethics Commissioner has not indicated to me, based on the disclosure I've made to her, that general corporate income tax rates in Canada are subject matter for the wall.

Hon. Wayne Easter: So you will be dealing with that?

Mr. Nigel Wright: There's no requirement for me to avoid dealing with corporate tax rates as a matter of general application, as you see in the statute, and it does not affect the public office holder other than as a broader class of persons. If the Ethics Commissioner makes a different determination going forward, I guess that will be for her to determine.

Hon. Wayne Easter: I think, Mr. Wright, you make my point. These issues are so complex in government and the connections that you previously had, which you're going back to, are so complex, how can you do your job in the whole of government?

Mr. Nigel Wright: That's the second question, Mr. Chair.

I think the matter is very straightforward. I think the wall itself is clear. I think people will know what their functions are.

The ultimate decision-maker is very clear; it's established by statute. I expect this to be of minimum hindrance.

Hon. Wayne Easter: Can anyone tell us how much this is going...? I see a whole new bureaucracy here. As I go through the letters here, I see the need for a whole new bureaucracy designed to keep information away from you as chief of staff. It's unusual to have to set up a system within government to keep information away from the Prime Minister's chief of staff. That's unreal.

Anyway, going back to Onex, and this was asked earlier... It relates to the conflict of interest and post-employment code for public office holders. Section 28 says that "former public office holders, except for ministers...shall not, within a period of one year after leaving office", go to the job related to their former employment.

You indicated you are doing nothing different from what's in the conflict of interest code. But I submit to you that a secretary to a minister would have to stay away from a job related to their portfolio for a year, but you, on the day you walk out of the PMO, will be entitled to go back to Onex. There seems to be a double standard here. You are given special privileges that others do not have under the conflict of interest code.

•(1645)

Mr. Nigel Wright: Mr. Chair, the act governing me is the Conflict of Interest Act. The act does provide that

No former reporting public office holder shall enter into a contract of service with...or accept an offer of employment with, an entity with which he or she had direct and significant official dealings during the period of one year immediately before his or her last day in office.

By definition or the very design of the ethical wall I put forward to this committee, I will not have any direct or significant, or indirect or insignificant, dealings.

Hon. Wayne Easter: That is going to be pretty nearly impossible, given the connections.

Let me ask you one more question on Onex. While you're in your job at the PMO, will you continue to benefit from any benefits or bonuses from Onex?

Mr. Nigel Wright: Mr. Chair, with the greatest respect to the member, the person who will advise and make determinations about whether something is or is not possible under the act is the Conflict of Interest and Ethics Commissioner.

To the second question, I have already stopped earning. I will not earn any compensation of any sort from Onex during the leave of absence.

The Chair: Thank you very much, Mr. Easter.

We'll now go to Ms. Block for five minutes.

Mrs. Kelly Block (Saskatoon—Rosetown—Biggar, CPC): Thank you very much, Mr. Chair.

I too would like to join my colleagues in congratulating you on the work you've done in the business community, and we look forward to working with you going forward.

I've read through the documents you've submitted and I appreciate the process you have outlined to date and your positive experience thus far.

My first question is actually for Mr. Wild. I heard you describe your role with the ethical wall as the day-to-day administrator. Is that correct? Could you also explain the role of PCO in regard to the ethical wall?

Mr. Joe Wild: Certainly.

My role with respect to the wall involves really a couple of different aspects. First and foremost, my role is to assist the deputy secretaries and the clerk within the Privy Council Office to understand the scope of the wall, and to ensure that they are identifying matters coming to cabinet or going into the Prime Minister's Office for discussion or decision. If they fall within the scope of the wall, they will be properly flagged so they do not go to Mr. Wright.

I will also be responsible for assisting my boss, the deputy secretary to the cabinet, legislation and House planning, machinery of government, and counsel to the clerk. It's all one position. I realize it's a long title and people think it's two positions, but it's all one position.

I will be assisting him with his responsibilities by ensuring that on the Privy Council Office side of things, if there are any questions with respect to whether or not a particular item falls within the scope of the wall, there is consistency in the approach taken to those questions, and ultimately that they are resolved with the advice of the Conflict of Interest and Ethics Commissioner.

So that's the primary responsibility that we would have on the Privy Council Office side.

Mrs. Kelly Block: Thank you.

I want to go back and underscore the need for talented people from all walks of life, including from the private sector, to enter public service, and also the need to ensure proper protections are in place so that the transition from the private sector into public service and vice versa is integral.

It would appear that my colleagues across the way have suggested, Mr. Wright, that you are obligated to return to Onex once you leave. Can you explain your current relationship with Onex for us?

• (1650)

Mr. Nigel Wright: Thank you.

I have started a leave of absence from Onex. What that means, as I've already said, is I am earning no compensation there, have no contact with them, no longer have access to the premises, files, information, have told the Office of the Ethics Commissioner I will not have any business conversations with Onex. So it's a full separation in that regard.

The letter agreement that I have that I was asked to produce indicates that if I choose to return to Onex in 2013, then I may do so,

unless they terminate my position before that. If I choose not to, then my leave of absence will turn into a voluntary resignation, and I think what Onex is saying there is basically make a choice. They'll want to move on at some point. So there's no obligation on their side to keep an offer open, and there's no obligation on my side to return.

Mrs. Kelly Block: Do I have time?

The Chair: One minute.

Mrs. Kelly Block: One minute. Can I share my time with Mr. Calandra?

The Chair: You certainly can.

Mr. Paul Calandra (Oak Ridges—Markham, CPC): How much time is there? I'm sorry, not much time.

I actually quite enjoy the chair, I have to be honest with you. I wonder if we took out "chief of staff" there and put in Paul Martin's name, if we could even fit all of the little circles that the people opposite have created and put in place. I mentioned the other day all of the things that he would have to recuse himself from if we followed those standards with respect to.... I suppose he would never have been the finance minister of Canada if we had done that.

It appears to me that we have a process that was put in place, a process that was followed. We have a commissioner to assist. We have examples in the private and the public sector to follow. It strikes me that as others have said, you've been very successful. You have helped create jobs and preserve a lot of jobs in this country. It's clear that your business will help, your past experiences will certainly help us, help you in your current role.

I suppose the members opposite might have some trouble with the fact that Mr. Easter is quite right. This is unusual, because I would suspect that for Liberals, ethics are quite unusual, when they're so obsessed with their entitlements in the past. And this new process, where we brought in the highest ethical standards with the Accountability Act, it's somewhat unusual to them and it has taken them a while to get back to an understanding that we do things differently around here.

I know I haven't given you a lot of time, but I'm more interested in the blind trust and how that works, because you know, a lawyer goes back to being a lawyer in this place, members of Parliament. An insurance broker is an insurance broker.

The Chair: Mr. Calandra, your time is up. Could you just ask a very brief question in ten seconds?

Mr. Paul Calandra: I'm sorry. I'll stop it at that. It's the blind trust I'm interested in.

Mr. Nigel Wright: The blind trust was set up under agreements that are standard form documents created within the Office of the Ethics Commissioner. It was set up with an arm's-length trustee owned by one of the Canadian chartered banks, and all of the controlled assets, as that term is defined in the act, were moved into that blind trust in October.

The Chair: Before we go to Ms. Freeman, I have an issue. Perhaps I'll direct it to you, Mr. Wild, because it's a technical issue and I'd like your clarification, if that is possible.

Under section 4 of the act, which I'll quote here, "a public office holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests". I'll underline private interest.

The act goes on, and as Mr. Poilievre pointed out, it provides that private interest does not include an interest in a decision that is of a general application. So my problem, or where I'm becoming somewhat confused, is how is that line drawn? What steps would one take to distinguish between a so-called "private interest" on the one hand and an interest of a general application, on the other hand? In this case, what would be distinguishing between Mr. Wright's private interest and the interest of Onex?

Could you elaborate further on any interpretations that you have to assist this committee?

• (1655)

Mr. Joe Wild: Thanks, Mr. Chairman, for the question.

I'm always loath to enter into an exercise of interpreting the Conflict of Interest Act, given that that's the role of the Conflict of Interest and Ethics Commissioner. Ultimately, she is the one who determines where that line is between a private interest and what falls within a general application exception to a private interest. That is exactly what the commissioner has done in developing the scope of how this wall was constructed. It wasn't me or anyone in the Privy Council Office who developed the interpretation about what were going to be matters that were of general application or not. It ultimately came down to what the commissioner determined.

To speak to it in the most generic of senses, the idea of general application would be, for example, making an amendment to the Income Tax Act or the Criminal Code that simply applies to taxpayers or citizens across the board that isn't designed to try to promote or drive a specific policy outcome in a very specific arena.

I realize I'm giving you something very generic, but for me to go any further than that, I'd have to step into the shoes of the commissioner, and that's just not something I feel would be appropriate for me to do, given her role with respect to actually providing the interpretation of this legislation.

The Chair: Do you agree with me that this is really the gist of this debate? Because if you interpret it very narrowly, which some members obviously have, it would restrict Mr. Wright's activities greatly. If you restricted it in another manner, it's all one of interpretation and it really comes right down to that term "private interest", does it not?

Mr. Joe Wild: I think what I would say, Mr. Chairman, is that ultimately the scheme of this act is to have an independent officer of Parliament in the form of the commissioner be the arbiter of those very questions. That is her role. I would hope that having constructed the legislation, Parliament has expressed its views as to what it wishes this regime to be; it has expressed its views as to what the purpose of this act is, including to facilitate interchange between the private and public sector. With all of those things in mind, there is trust in the role that the commissioner is playing.

From at least my side in terms of the public service, we fully respect that is the role that Mary Dawson is playing as the

commissioner, and we try not to get into making definitive interpretations around the act as a result of that.

The Chair: Thank you for your comments.

Madame Freeman, *vous disposez de cinq minutes*.

[*Translation*]

Mrs. Carole Freeman: Thank you, Mr. Chair.

Mr. Wright, I would like to come back to a question I asked earlier and to which I did not receive a clear response. It is regarding the budget, which is perhaps the most significant piece of government legislation. I am talking about the annual budget that the government will table in the House.

Clearly, the budget contains so many areas in which Onex has a stake that you, in all likelihood, will not be able to participate in developing the government's centrepiece legislation. I would like to know how you can justify the work that you will carry out as the Prime Minister's adviser if you cannot participate in the development of the government's centrepiece legislation, i.e., the budget.

[*English*]

Mr. Nigel Wright: Thank you.

It will be, as I think Mr. Wild has stated, for the Ethics Commissioner to determine whether there are aspects of any budget that cover matters within the scope of the ethical wall. If that determination is made, then I would recuse myself, remove myself from any of those deliberations.

I think it goes, Mr. Chair, to comments that you've made. I would expect in making those determinations the Ethics Commissioner would apply herself to the definition of "private interest" and consider whether the matters are of general application, whether they affect a public office holder—i.e., me—as one of a broad class of persons or not.

So that's a standard we apply as she makes that determination.

• (1700)

[*Translation*]

Mrs. Carole Freeman: Mr. Wright, I have listened to your presentation and the answers you have given to all the questions that were put to you here, this afternoon, and I am trying to understand how you will carry out your work.

Nothing that I have heard today has convinced me that you will be able to properly fulfil the duties of the Prime Minister's chief of staff, given all those restrictions. Moreover, the ethical wall you say has been implemented has become so complex. At any given time, you have to refer to either the staff or your assistant. If there is a disclosure, that must be brought to the attention of Ms. Dawson, the Conflict of Interest and Ethics Commissioner.

The ethical wall that was implemented as a way to allow you to do your work as chief of staff has considerably limited the scope of your work, given all of your interests in Onex. In my opinion, you have not really demonstrated that you will be able to fulfil all the duties that a prime minister should expect from a chief of staff.

[English]

Mr. Nigel Wright: Mr. Chair, I would make a couple of observations in answering that question.

First of all, my own view is that the matters covered by the law will be limited in number. As I said, it was 10 one year for Mr. Martin as prime minister, 15 another year, 11 times in one year for Ms. Stronach when she was a minister. In both cases, they were more extensive business dealings in Canada than these. So my own view is that it will not be burdensome. Ultimately, that's the prerogative of the Prime Minister to determine whether his office is functioning properly.

Secondly, I would say that the documents we put before you, in a few short pages, are extremely straightforward. Notifications occur within existing lines of reporting and where there's doubt they go to an already existing independent officer of Parliament for determination. I think it's very straightforward and will be very easy to understand.

[Translation]

Mrs. Carole Freeman: That is easy to understand, but complex. That ethical wall is complex. Do you understand what I am saying? You almost need an entire team to manage the implementation of that mechanism.

Thank you, Mr. Chair.

[English]

The Chair: Thank you, Madame Freeman.

We're now going to go to Mr. Poilievre, for five minutes. That will probably conclude it, I believe, colleagues.

Mr. Poilievre.

Mr. Pierre Poilievre: I'll just return to the point on which I closed at the end of my earlier intervention, because Ms. Bennett touched upon it in her remarks.

She commented on whether or not the chief of staff would have opinions, and express opinions, on the reduction of corporate tax rates, business tax rates on job creators, for example—suggesting that because of your background in business you would then be unable to comment on taxation for all businesses. By this logic, the fact that I am a consumer would mean I was in a conflict when I voted to reduce the GST. The fact that some members of the House of Commons coach little league means that they were in conflict when they supported the children's fitness tax credit. The fact that some members of the House of Commons are farmers would mean that they were in conflict when they voted to support agriculture.

If that principle were broadly applied, it would mean one of two things: either members of Parliament couldn't do anything, or we could only elect members of Parliament who have no recreational, family, community, commercial, or any other form of interest, because at some point they would be prevented from voting on something that would ultimately affect the broad class of people of which they are a part.

That brings me to the section in the act to which the chairman referred, which is section 2 under the definition of "private interest", because it foresaw that exact extreme, ridiculous, and Orwellian

interpretation. It prevented that interpretation from going ahead when it said that "private interest" does not include an interest in a decision or matter that is of general application; that affects a public office holder as one of a broad class of persons; or that concerns the remuneration of benefits received by virtue of being a public office holder.

So the first two being the most pertinent, if it is of general application, or if it is broadly applicable to a class of persons, then it is not something that could be defined as a private interest.

To conclude this, where is the line drawn, as the chairman asked earlier on? The line is drawn by the Ethics Commissioner, who's chosen by Parliament to interpret the act. And you have made the right decision by making all of your interests known to her—your background and your responsibilities—so that she can determine whether something falls under your private interests or whether it is simply of general application to a broad class of persons.

I just leave that as an open comment and welcome any response you might have.

• (1705)

Mr. Nigel Wright: Thank you. I think that was very well stated. It's how the act does work and should work.

I note that although the Right Honourable Paul Martin did not have the benefit of an independent officer of Parliament to help administer his system, he certainly seemed to be able to draw the same distinctions and make the same judgments the member was speaking about as Minister of Finance and Prime Minister, with very extensive business dealings—much more extensive than mine—in this country.

So I think that people can make it work. It was not notably a hindrance. It didn't create a notable bureaucracy at that time. Today we actually have an office created by statute to administer it. My view is that this will actually be very straightforward, not complex, and will work.

And it will protect fundamentally what we care about, which is that you can bring people into government to bring their outside experiences, their knowledge, their background to bear, and do so in a way that ensures with full transparency and full accountability that the interests of the people of Canada are served first and foremost.

That's my own personal commitment. It matters to me. It matters to this government. And that's the reason this legislation was the first piece of legislation introduced by this government into the House.

The Chair: Thank you, Mr. Poilievre.

You have two quick questions, Ms. Bennett.

Hon. Carolyn Bennett: I just want to go back to the fact that the wall would be administered by a person junior to you. If that isn't working, is there not a possibility that the Ethics Commissioner could second somebody to PMO or to PCO?

It's just.... This has never been tried before. In a conversation about a budget, let's say, which is about choices, there are going to be things that fall in your area. Is this junior person to you going to decide which parts of a budget conversation you can be party to?

Mr. Nigel Wright: I think it's a very well-intentioned question, so I appreciate it.

Part of my comfort, Mr. Chair, is because I know the deputy chief of staff in the Prime Minister's Office who is going to be the supervisor of the ethical wall. I think you actually need an individual like that within the PMO to be a go-to place if I'm not the go-to place. So I think it will work. I also know that he understands the statute, and his responsibility first and foremost as a public office holder to uphold the statute.

I'm open-minded. If the fear that the member has is that somehow this just cannot work, if that fear is well-founded, then I will be the first person to seek the advice of the Ethics Commissioner to see whether another system could work, or another solution be applied. But I take a lot of comfort, Mr. Chair, in the fact that very similar walls have worked in earlier circumstances, including with the Prime Minister of Canada. So I take a lot of comfort that it will work. I want it to work, and if for some reason it is not working, I will seek advice on how to make it work.

Hon. Carolyn Bennett: And after you're no longer in your job and are back at Onex, how do you deal with things that you have found out through your role in the PMO about upcoming policy that would affect a decision taken by the company?

• (1710)

Mr. Nigel Wright: I will obviously have a full exit briefing with the Ethics Commissioner and her staff, as is provided for under the act. I've read the act several times very thoroughly. I've thought very carefully about how it might apply to me in my circumstances. Again, I think it's a very well-intentioned question. The member knows that this is a hypothetical: would I possibly learn something that has no application to any of my prior life, but might have application to a future life that hasn't happened yet? This is something that may or may not happen.

I don't think it will be the first time it's ever happened to me. It would happen to any—any—reporting public office holder, whether going to a job they had never thought about, or going back to a job they had previously held. It would happen to anybody, and I think that I would do what everybody else would do, which is to get some counselling and advice on the way out. And by the way, that advice remains open to me even after having left public office. I still have the resources of that office to go to and seek advice.

I can tell you, Mr. Chair, that I have invested at least 20 years in business and my own reputation. I'm excited to come to Ottawa. I'm excited to come into public service, because I think I have something to offer and to contribute. In no way will I put myself in a position of undoing what's taken 20 years to build.

The Chair: Thank you, Ms. Bennett.

That exhausts the questioning.

On behalf of the committee, I want to thank you, Mr. Wright, for your appearance here today, and you, Mr. Wild.

I'm going to invite you, Mr. Wright, to make any closing comments or remarks you want to make to the committee at this point in time.

Mr. Nigel Wright: Mr. Chair, I have just a very few.

First of all, I want to thank the members. These are important matters. I think they've been treated as important matters, so I actually appreciate the invitation to come here to speak about them. I feel it's been a good conversation. I just hope that I've helped the members of the committee understand how the purpose and objects of the Conflict of Interest Act will be fulfilled and sustained by me and by people in the PMO during my time there.

Thank you.

The Chair: Thank you very much.

Mr. Wild, do you have any closing comments or remarks you want to make?

Mr. Joe Wild: No, thank you.

The Chair: Thank you very much.

I should point out that the committee will deal with the minutes of the steering committee, but what I'll do right now to allow members to leave is I'll suspend for one minute and we'll resume the meeting in one minute's time.

The meeting is suspended.

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_____ (Pause) _____

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The Chair: I call the meeting back to order.

Since we only have a few minutes left, the only remaining item of business this afternoon will of course be the approval of the steering committee meeting that was held earlier today. I'll just go over it briefly. What you have in front of you appended to the minutes is the agenda going forward.

Unfortunately Mr. Siksay is not here, but on Thursday, November 4, we only have the individual from Google until 4:30. This morning we talked about having him longer. We could have Madame Legault. This morning we decided to have Madame Legault talk to us about the whole concept of open government. The steering committee is making a recommendation that we proceed with a number of hearings on this issue, and Madame Legault would be able to provide us with the framework.

On November 18 we have tentatively scheduled to conclude our report on the Google issue. We will have heard all the witnesses by that time. Also, I should point out that the committee at some point is going to be inviting submissions from members of the committee whether we want to write reports on the individual annual performance reports of the various commissioners we heard from. We're not going to get into that now, but I want you to think about that in the future.

Then going over to November 23, the committee is recommending that we invite the Department of Foreign Affairs and the Department of the Environment to come before us with their very negative ratings by the Information Commissioner. We just want to know why they are having difficulty following the Access to Information Act.

Going on to November 25, it becomes a little more tentative. At this point we're tentatively talking about Bill C-23, which we expect to be referred to this committee, and which we expect to clear the House prior to then. We've allocated two meetings for that. Again, this is a little tentative moving out, but that's November 30.

December 2 we have allocated to finalizing draft reports. Then, depending on Madame Legault's advice to us, we have allocated the meetings of December 6 and 9 to continue the study on open government.

Then we've tentatively slotted December 14 to hear from the lobbying commissioner regarding new regulations.

You can see it's probably a little firmer closer in; once we get out, it's a little more tentative. There's nothing in the minutes that varies from what I just indicated.

We have Mr. Albrecht.

• (1715)

Mr. Harold Albrecht: Mr. Chair, just for the record, I may have misunderstood you, but I think you said November 25 we're looking at Bill C-23, and it should be Bill C-29.

The Chair: I said Bill C-23?

Mr. Harold Albrecht: I think you did.

The Chair: If I did, the schedule says Bill C-29. It's late in the day. Bill C-29 is the right one.

Ms. Bennett.

Hon. Carolyn Bennett: I think the conversation we had last week led to an overall concern that officers of Parliament report to Parliament, but there seems to be a problem with understanding what parliamentary privilege means in terms of how we can do our job in having them report to us when they come before us and can't tell us the whole story. I think that is for all of the commissioners. And I do believe that the legal counsel to the House of Commons....

I believe this committee needs to look at the framework across government institutions for the fact that officers of Parliament have to report to Parliament but then get to decide which bits of information they give parliamentarians, and how we can do our job if when they come they apologize and say they can't tell.

The Chair: Ms. Bennett, you're correct. I'm not totally clear that it relates to the schedule there, but you're right.

Just to keep you up to date, based upon our difficulty with the lobbying commissioner, I did give you what my interpretation of the law of Parliament was at the hearing. I did subsequently write the parliamentary counsel, Mr. Rob Walsh. I got his letter earlier today. It wasn't in both official languages; he expects the French translation to come tomorrow. It will be circulated to the committee members tomorrow. It basically confirms that Parliament has the right—and we've been over this before—to ask these questions and get answers, and the commissioners cannot come to the committee saying their act says this so they can't say anything. That's not the law at all. But that has to be balanced with what's in the public interest and that has to be dealt with by this committee. I don't know if it really behoves us to get into the whole thing right now.

Mr. Albrecht.

• (1720)

Mr. Harold Albrecht: Mr. Chair, I disagree. They did not say they wouldn't be able to divulge. They couldn't divulge during the time the investigation was going on, and the problem this committee is getting into over and over again is that we want to do the investigations instead of letting the lobbying commissioner, the ethics commissioner, the information commissioner do their job. That's their job, and if we're going to do all of their jobs, then we might as well sit for 24 hours a day and let them go.

The Chair: I don't disagree with you. It's not our job to investigate any—

Mr. Harold Albrecht: But that's what Ms. Bennett was asking for in the last meeting.

Hon. Carolyn Bennett: Mr. Chair, in the College of Physicians and Surgeons, the college has to divulge the investigations that are ongoing, anonymized. If it is found to be of no merit, it stays undisclosed. If there's bound to be a problem, then you disclose the name.

I guess I would wonder whether Mr. Walsh would come and give us a bit of a tutorial on this in terms of his interpretation so we aren't spinning around trying to do an investigation. I don't think that's our intent, but I think it would be clearer if there were guidelines for all officers of Parliament as to what they can and cannot tell parliamentary committees.

The Chair: I think we're actually getting ahead of ourselves here. I have the opinion. I will circulate that tomorrow and we can have this discussion later on.

I don't think there's any disagreement. It's not our job to investigate the matter. We have to be very careful. There are innocent reputations. In fact, just because someone has complained about someone else, that doesn't give us the right as members of Parliament to broadcast it in the media or to go over it at a parliamentary committee.

On the other hand, we have a situation with the lobbying commissioner. She is coming to the committee and saying she's not going to reveal any investigations, she's not going to reveal anything about any investigations as she answered to Madame Freeman. And then she said if there are any violations, she reports them to the RCMP. To me, there is a bit of a problem there, but again, that's something for the committee to discuss at a future date.

So the chair would entertain a motion to approve the minutes as circulated.

A question, Ms. Davidson?

Mrs. Patricia Davidson: Yes. Did you say that on Thursday we were only having Google for one hour?

The Chair: One hour, yes, and that's a change from this morning, yes.

Mrs. Patricia Davidson: Okay.

I'll move that.

The Chair: Approval of the minutes has been moved.
(Motion agreed to) [See *Minutes of Proceedings*]

The Chair: There is no further business.
The meeting is adjourned.

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