



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
OTTAWA, CANADA  
K1A 0A6

The Standing Committee on Procedure and House Affairs has the honour to present its

## FIFTY-FOURTH REPORT

1. On October 19, 2006, pursuant to Standing Order 108(3)(a)(viii) and section 33 of the *Conflict of Interest Code for Members of the House of Commons*, the Standing Committee on Procedure and House Affairs began consideration of matters relating to the Code. On November 7, 2006, the Committee established a Subcommittee specifically to examine the forms used in connection with the Code. Early in 2007, the Committee widened the mandate of the Subcommittee by extending it to the Code itself. The Subcommittee reported to the main Committee in June 2007, and the Committee now reports as follows.
2. This Report consists of two parts. In the first part, the Committee explains the changes it proposes to the Code, with the exception of minor, technical or consequential changes. The second part is an Appendix consisting of the Code itself, showing the provisions that the Committee believes should be amended, and new provisions that should be added.

### A. Purposes and Principles

3. The Committee recommends that there be an addition to the interpretation section of the Code to clarify that the purposes and principles in sections 1 and 2 are not intended to stand alone as rules or obligations, being much too general for that purpose. Instead, they serve as aids to the interpretation of the rest of the Code.

### B. Change in Designation

4. It will be noted that in the interpretation section of the Code, the current title, “Ethics Commissioner,” is changed to “Conflict of Interest and Ethics Commissioner.” This reflects a change in terminology that will be introduced once the relevant provisions of the *Federal Accountability Act*, which amend the *Parliament of Canada Act*, come into force. Because the new title of the position is lengthy, for ease of reference the Committee recommends that the term “Commissioner” be used throughout the English text of the Code. No substitution is required in the French, because the title “commissaire” is already used.

### C. Interpretation

5. The terms “gift” and “other benefit” are used in the Code. It is clear from the wording that a gift is an example of a benefit. There is no definition, however, of “benefit.” The Committee recommends that this term be defined. The Committee also recommends clarifying that a gift or other benefit received from a riding association or political party is included in the definition.
6. The Committee finds the term “child” in the definition of “family members” potentially confusing, because it is clear that some of the included individuals will, in fact, be adults. We recommend substituting the term “son or daughter.”

### D. Rules of Conduct

7. Sections 8 through 10 of the Code prohibit Members from using their office to further their own or their family’s private interests, or to improperly further the interests of another person. The Committee notes that the reference to “person” might be interpreted to exclude such organizations as corporations, associations, or partnerships, and so recommends that the term “entity” be added to make it clear that improperly furthering any private interests is prohibited.
8. Section 12 of the Code requires a Member who has a private interest that might be affected by a matter before the House or a committee of which the Member is a member to disclose the matter. The information is then transmitted to the Clerk of the House, who forwards it to the Commissioner, who makes it public. The Committee recommends that there be a formal record of the disclosure in the *Journals*. The Committee also recommends that a new provision be adopted governing situations outside the House or a committee. Members involved in parliamentary business in any other context should be required to disclose any private interests that might be affected, and subsequently file a notice in writing with the Commissioner, which notice should be made public.

### E. Gifts or Other Benefits; Sponsored Travel

9. The Committee recommends one small change regarding gifts and other benefits (sections 14 and 15 of the Code): increasing from 30 days to 60 days the deadline for reporting their receipt.
10. With regard to sponsored travel, the Committee recommends clarifying that a trip paid wholly *or substantially* from the Consolidated Revenue Fund or the other listed sources is not within the ambit of this provision. Members are often treated to incidental hospitality when travelling, particularly when abroad, and this does not change the fundamental nature of the travel. As with gifts and other benefits, the Committee recommends that the reporting deadline be changed to 60 days after the end of the trip.

## F. Contracting

11. The Committee makes several proposals to the provisions relating to government contracts (sections 16 to 19 of the Code). First, we recommend adding contracting by means of a subcontract to the general prohibition on contracting with the government. Second, we recommend that the *manner* of contracting not be relevant to the prohibition. At the current time, a Member is prohibited from contracting personally with the Government of Canada, with no exceptions. In contrast, having an interest in a partnership or private corporation that contracts with the government, while also generally prohibited, is permitted if the Commissioner is of the opinion that the interest is unlikely to affect the Member's obligations under the Code. In view of the ease in which a private corporation or partnership can be established, the Committee believes that this distinction serves no useful purpose and recommends eliminating it.
12. Subsections 17.(2) and 19.(2) of the Code provide that, in certain circumstances, Members may comply with their obligations under the Code by placing their interests in a trust. Section 19 establishes seven conditions that the trust must meet: the approval of the Commissioner, arm's length trustees, and so on. The Committee compared those provisions with the requirements of section 99 of the *Federal Accountability Act* (the applicable part of which was not yet in force when this report was written). That provision adds sections 41.1 to 41.5, which also deal with trusts, to the *Parliament of Canada Act*. Among the new rules, all trusts from which a Member may derive a benefit must be disclosed, and non-family trusts must be wound up, if possible. There is an exception for trusts that meet the requirements of the *Conflict of Interest Act*. That Act applies to public office holders, which, in the parliamentary context, means ministers and parliamentary secretaries. The exception thus does not apply to other Members of Parliament, because there is no such exception for trusts that meet the requirements of the Code.
13. The Committee has concluded that this was an oversight on the part of the drafters of the *Federal Accountability Act*, and that an amendment is needed to subsection 41.3(3) of the *Parliament of Canada Act*. To that end, the Chair of the Committee has sent a letter to the government requesting that the matter be studied and the appropriate change made. If the *Parliament of Canada Act* is not changed, it would appear that the use of trusts as a mechanism for complying with the Code will no longer be permitted.

## G. Disclosure Statement

14. The Code requires all Members of the House of Commons to file a confidential disclosure statement upon election, and annually after that. The Committee recommends that a number of substantive changes be made to these provisions:
  - Only an asset or liability greater than \$10,000 should be included in the statement;
  - Credit card balances need to be disclosed only if the balance is greater than \$10,000 and that amount has been outstanding for more than six months;
  - A source of income below \$1,000 need not be disclosed;

- To comply with the *Federal Accountability Act*, trusts known to Members from which they could, currently or in the future, either directly or indirectly, derive a benefit or income should be disclosed;
- Compensation received from the Government of Canada as a result of expropriation should be declared as a benefit arising from a contract with the Government;
- Real property owned by a private corporation in which a Member or a member of the Member's family has an interest should be disclosed;
- It should be clarified that it is directorships and offices in organizations of a business nature, as well as trade unions, that should be disclosed. Both the positions and the organizations should be disclosed; and
- The time period for reporting a material change should be changed from 30 days to 60 days. There should be a definition of material change such that only matters needing to be publicly disclosed would be reported.

## **H. Disclosure Summary**

15. Following the submission of the confidential statement and consultation with the Member, the Commissioner prepares the public disclosure summary. The Committee has several recommendations with regard to this document. Currently, the Code states that the summaries are to be placed on file in the office of the Commissioner and made available to the public during normal business hours. With the agreement of the Committee, the Commissioner has also been faxing information to the public at their request. The Committee recommends that public access to these documents be further facilitated by expressly permitting faxes to be sent, as well as regular mail, and by requiring all disclosure summaries to be posted on the Web site of the Commissioner, as are the statements of ministers and parliamentary secretaries.
16. The Committee also recommends that public disclosure be made of the positions and the organizations for which confidential disclosure is required, and that the trusts that we recommended be disclosed confidentially also be publicly disclosed.
17. In 2006, some Members of the House were of the opinion that certain information relating to their family members – the place of employment of their dependent children – was being unnecessarily publicly disclosed. They felt that revealing this information could possibly place their sons and daughters at risk. In a report to the House in May 2006, in which the House concurred, the Committee recommended that such information not be included in the public summary. The Commissioner responded that he would use his discretion not to release this information. The Committee now recommends that this information be placed in the Code as an additional exclusion to the information required to be made public.

## **I. Opinions of the Commissioner**

18. The Committee is concerned that, from time to time, Members may seek an opinion from the Commissioner but the opinion is not forthcoming in time to be useful. We therefore recommend that there be an explicit instruction to the effect that, in any situation in which a Member seeks an opinion from the Commissioner, the latter should be obliged to provide it

in a timely manner. The Committee also recommends that the Commissioner should be obliged to respond to any written request for an opinion from a Member, rather than the decision as to whether to respond or not being left to the discretion of the Commissioner, as at present. We also recommend that the requirement placed on the Commissioner to keep an opinion confidential not apply if the Member has made it public.

#### **J. Inquiries**

19. At the current time, a Member who has reasonable grounds to believe that another Member has not complied with his or her obligations under the Code may request the Commissioner to conduct an inquiry. The Committee has concluded that a preliminary step is necessary in order to deal in an expeditious manner with requests that should not go forward. We therefore recommend that the Code explicitly require the Commissioner to conduct a preliminary review of all requests to determine whether an inquiry is warranted. The language we propose is broad, but is intended to cover requests such as those that fall outside the Commissioner's mandate, requests that reveal no reasonable grounds for the complaint, and requests that appear to be frivolous, vexatious or made in bad faith.
20. With regard to requests dismissed on the latter grounds, a report would still go forward to the House of Commons, permitting the Commissioner to continue to recommend that action be considered against the Member who made the request. With regard to any other reason for dismissing the request, notice of the decision would be made in writing to the parties concerned and Members could make this public if they chose.
21. The Committee also recommends the addition of certain procedural protections at both the preliminary review and the inquiry stage. All requests for an inquiry should be forwarded without delay to the Member who is the subject of the request, who should have up to 30 days to respond. Upon receipt of that response, the Commissioner should conduct the preliminary review and make a decision within 10 working days as to whether or not to go forward with an inquiry. As was discussed above, notice of that decision would be communicated in writing to both parties.
22. We also recommend that a standard of reasonable grounds be required before the Commissioner may indicate to a Member his or her concerns that the Member may not be meeting the obligations under the Code; Members should be permitted the same 30-day period to respond before the Commissioner makes a decision as to whether or not to proceed to an inquiry.
23. With the addition of those requirements, the Committee has concluded that the legitimate interests of Members in a timely and fair process can be better protected.
24. Currently, the Code states that once a request for an inquiry has been made, Members should respect the process and permit it to take place without commenting. The Committee recommends that this provision be removed. We believe that it is both unenforceable and an unwarranted restriction on freedom of speech.
25. The Committee also recommends clarifying the public role of the Commissioner once a request for an inquiry has been received, or a preliminary review or inquiry has commenced or been completed. We recommend that the Commissioner be restricted in his or her public comments to confirmation only that those events have taken place. No public comments of a substantive nature are warranted.

- 26. Once the Commissioner reports to the Speaker, who presents the report to the House, the Code mandates the procedures to be followed. The provision regarding deemed adoption of the report was inserted in the Code to ensure that a report from the Commissioner that is not critical of a Member would be adopted 10 sitting days after tabling, even if no motion for concurrence had been made at that point. The Committee believes that this period is too short, and recommends extending it to 30 sitting days. Note that this does not mean that the House *cannot* deal with it before that time (although it cannot deal with it during the period in which the Member concerned has a right to speak and has not done so). With the extension of time for deemed concurrence, the Committee also recommends that the Member who is the subject of the report be given an additional five sitting days, for a total of 10, during which he or she has a right to make a statement in the House. Comparable changes are made to the time periods in the situation where a report is critical of a Member.
- 27. At the current time, the Code states that the House may refer a report back to the Commissioner with or without instruction. The Committee feels that it is illogical to imagine that the House would refer a report back to the Commissioner without instruction as to what its concerns were. We therefore recommend removing that possibility. We also recommend that the Code be clarified to make it clear that referral is possible only before deemed disposition or consideration of a specific motion relating to the report has occurred.
- 28. In the course of its review of the Code, the Committee was made aware of the fact that the Code is silent as to whether documents could voluntarily be handed over to the authorities in the circumstances contemplated in section 29(1). That section requires the Commissioner to suspend an inquiry should the Commissioner have reasonable grounds to believe that an offence under an Act of Parliament has taken place. In that case, the Commissioner must refer “the matter” to the proper authorities. The Committee recommends some wording changes to eliminate possible ambiguity arising from the use of the word “matter” in the English version of the Code. More important, we recommend a more precise formulation of the duty of confidentiality to make it clear that documents and information shall remain confidential, except as required for the purposes of the Code, unless a court or the House orders otherwise.

## **K. Miscellaneous**

- 29. Section 30 of the Code requires the Commissioner to submit “any proposed rules for the administration of this Code” to the Committee. Following approval by the Committee and the House, the rules may come into effect. It has never been entirely clear what documents were intended to be covered by this provision. The Committee recommends amending the section to refer to “procedural and interpretative guidelines and all forms relating to the Code.” It is intended that this change will provide more guidance to the Commissioner, as well as codifying the current expectation that forms should be approved.
- 30. The Committee also recommends adding a provision requiring guidelines and forms to remain confidential until reported to the House.
- 31. Finally, in view of the importance of educating both Members and the general public about the Code and the role of the Commissioner, the Committee recommends making educational activities mandatory, instead of merely permissive as at the present time.

## L. Other Matters

32. The Committee wishes to briefly mention four issues that do not involve amendments to the Code. First, we think it would be advantageous for the Commissioner to develop guidelines to assist Members in applying sections 16 and 18 regarding contracting with the government. These provisions are complex and Members can be forgiven if they find them confusing. The committee also believes that guidelines be developed relating to the interpretation of the provisions regarding gifts and other benefits. It should be emphasized to Members that the starting point is a prohibition on their receipt. It is only if a gift or other benefit falls within the exceptions that a Member may accept it. It is not the case that any gift may be accepted as long as it is disclosed (if the value exceeds \$500).
33. The Committee also wishes that the Commissioner would include in the Annual Report more information about inquiries that he or she has conducted. In particular, more details about the costs of inquiries would be appreciated.
34. Finally, we suggest that any report to the House of Commons following an inquiry should respect to the legitimate privacy concerns of third parties and not include any personal information relating to them that is not essential to an understanding of the issues or conclusions.

## **Recommendations**

- 1. The Committee recommends that the *Conflict of Interest Code for Members of the House of Commons* be amended as provided in the Appendix to this Report.**
- 2. The Committee recommends that, until section 81 of the *Parliament of Canada Act*, as enacted by section 28 of the *Federal Accountability Act*, comes into force, the definition of “Commissioner” in subsection 3(1) of the Code be as follows:**

**“Commissioner” means the Ethics Commissioner appointed under section 72.01 of the *Parliament of Canada Act*.**
- 3. The Committee recommends that the new paragraphs 21(1)(b.1) and 24(1)(f) of the Code come into force on the coming into force of sections 41.1 to 41.5 of the *Parliament of Canada Act*, as enacted by section 99 of the *Federal Accountability Act*.**
- 4. The Committee recommends that guidelines be developed to assist Members in applying the provisions regarding contracting with the government.**
- 5. The Committee recommends that the Commissioner develop guidelines relating to the provisions regarding gifts and other benefits.**
- 6. The Committee recommends that the Annual Report of the Commissioner include more information, in particular with regard to the cost of inquiries.**
- 7. The Committee recommends that any inquiry report of the Commissioner to the House of Commons should respect legitimate privacy concerns of third parties and not include any personal information relating to them that is not essential to an understanding of the issues or conclusions.**

A copy of the relevant Minutes of Proceedings (*Meetings No. 28 and 56*) is tabled.

Respectfully submitted,

**GARY GOODYEAR, M.P.**  
*Chair*

**APPENDIX****ANNEXE****CONFLICT OF INTEREST  
CODE FOR MEMBERS OF  
THE HOUSE OF COMMONS****CODE RÉGISSANT  
LES CONFLITS  
D'INTÉRÊTS DES DÉPUTÉS****Purposes****Objet**

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| 1. The purposes of this Code are to  | 1. Le présent code a pour objet :   |
| <p>(a) maintain and enhance public confidence and trust in the integrity of Members as well as the respect and confidence that society places in the House of Commons as an institution;</p> <p>(b) demonstrate to the public that Members are held to standards that place the public interest ahead of their private interests and to provide a transparent system by which the public may judge this to be the case;</p> <p>(c) provide for greater certainty and guidance for Members in how to reconcile their private interests with their public duties and functions; and</p> <p>(d) foster consensus among Members by establishing common standards and by providing the means by which questions relating to proper conduct may be answered by an independent, non-partisan adviser.</p> | <p>a) de préserver et d'accroître la confiance du public dans l'intégrité des députés ainsi que le respect et la confiance de la société envers la Chambre des communes en tant qu'institution;</p> <p>b) de montrer au public que les députés doivent respecter des normes qui font passer l'intérêt public avant leurs intérêts personnels et d'établir un mécanisme transparent permettant au public de juger qu'il en est ainsi;</p> <p>c) de fournir des règles claires aux députés sur la façon de concilier leurs intérêts personnels et leurs fonctions officielles;</p> <p>d) de favoriser l'émergence d'un consensus parmi les députés par l'adoption de normes communes et la mise en place d'un organe indépendant et impartial chargé de répondre aux questions d'ordre déontologique.</p> |

**Principles****Principes**

2.(1) Given that service in Parliament is a public trust, the House of Commons recognizes and declares that Members are expected

2.(1) Vu que les fonctions parlementaires constituent un mandat public, la Chambre des communes reconnaît et déclare qu'on s'attend à ce que les

députés :

- (a) to serve the public interest and represent constituents to the best of their abilities;
  - (b) to fulfil their public duties with honesty and uphold the highest standards so as to avoid real or apparent conflicts of interests, and maintain and enhance public confidence and trust in the integrity of each Member and in the House of Commons;
  - (c) to perform their official duties and functions and arrange their private affairs in a manner that bears the closest public scrutiny, an obligation that may not be fully discharged by simply acting within the law;
  - (d) to arrange their private affairs so that foreseeable real or apparent conflicts of interest may be prevented from arising, but if such a conflict does arise, to resolve it in a way that protects the public interest; and
  - (e) not to accept any gift or benefit connected with their position that might reasonably be seen to compromise their personal judgment or integrity except in accordance with the provisions of this Code.
- a) soient au service de l'intérêt public et représentent au mieux les électeurs;
  - b) remplissent leurs fonctions avec honnêteté et selon les normes les plus élevées de façon à éviter les conflits d'intérêts réels ou apparents et à préserver et accroître la confiance du public dans l'intégrité de chaque député et envers la Chambre des communes;
  - c) exercent leurs fonctions officielles et organisent leurs affaires personnelles d'une manière qui résistera à l'examen public le plus minutieux, allant au-delà d'une stricte observation de la loi;
  - d) prennent les mesures voulues en ce qui touche leurs affaires personnelles pour éviter les conflits d'intérêts réels ou apparents qui sont prévisibles, ceux-ci étant réglés de manière à protéger l'intérêt public;
  - e) évitent d'accepter des cadeaux ou des avantages qui sont liés à leur charge et qu'on pourrait raisonnablement considérer comme compromettant leur jugement personnel ou leur intégrité, sauf s'ils se conforment aux dispositions du présent code.

### **Interpretation**

3.(1) The following definitions apply in this Code.

“benefit”

### **Définitions**

3.(1) Les définitions qui suivent s'appliquent au présent code.

« avantage »

<u>« avantage ».</u>	<u>“benefit” means</u>	<u>« avantage » s’entend :</u>	<u>“benefit”.</u>
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(a) an amount of money if there is no obligation to repay it; and a) de toute somme, si son remboursement n'est pas obligatoire;

(b) a service or property, or the use of property or money that is provided without charge or at less than its commercial value b) de tout service ou de tout bien ou de l'usage d'un bien ou d'argent, s'ils sont fournis sans frais ou à un prix inférieur à leur valeur commerciale

and includes a benefit received from a riding association or political party. incluant les avantages reçus d'une association de circonscription ou d'un parti politique.

“Ethics Commissioner”  
“commissaire”.

“Ethics Commissioner” means the Conflict of Interest and Ethics Commissioner appointed under section 81 72.04 of the *Parliament of Canada Act*.

“common-law partner”  
“conjoint de fait”.

“common-law partner,” with respect to a Member, means a person who is cohabiting with the Member in a conjugal relationship, having so cohabited for a period of at least one year.

“spouse”  
“époux”.

“spouse,” with respect to a Member, does not include a person from whom the Member is separated where all support obligations and family property have been dealt with by a separation agreement or by a court order.

Furthering private interests.

3.(2) Subject to subsection (3), A a Member is considered to further a person’s private interests, including his or her own private interests, when the Member’s actions result, directly or indirectly, in any of the following

“commissaire” Le commissaire aux conflits d’intérêts et à l’éthique nommé au titre de l’article 81 72.04 de la *Loi sur le Parlement du Canada*.

“conjoint de fait” La personne qui vit dans une relation conjugale avec un député depuis au moins un an.

“commissaire”  
“Ethics Commissioner.”

“conjoint de fait”  
“common-law partner.”

“époux” N'est pas considérée comme un époux la personne dont un député est séparé et dont les obligations alimentaires et les biens familiaux ont fait l'objet d'un accord de séparation ou d'une ordonnance judiciaire.

“époux”  
“spouse.”

Intérêts personnels.

3.(2) Sous réserve du paragraphe (3), Sont de nature à favoriser les intérêts personnels d'une personne, y compris ceux du député, les actes de celui-ci qui ont pour effet, même indirectement :

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| <ul style="list-style-type: none"> <li>(a) an increase in, or the preservation of, the value of the person's assets;</li> <li>(b) the extinguishment, or reduction in the amount, of the person's liabilities;</li> <li>(c) the acquisition of a financial interest by the person;</li> <li>(d) an increase in the person's income from a source referred to in subsection 21.(2);</li> <li>(e) the person becoming a director or officer in a corporation, association or trade union; and</li> <li>(f) the person becoming a partner in a partnership.</li> </ul> | <ul style="list-style-type: none"> <li>a) d'augmenter ou de préserver la valeur de son actif;</li> <li>b) de réduire la valeur de son passif ou d'éliminer celui-ci;</li> <li>c) de lui procurer un intérêt financier;</li> <li>d) d'augmenter son revenu à partir d'une source visée au paragraphe 21(2);</li> <li>e) d'en faire un dirigeant ou un administrateur au sein d'une personne morale, d'une association ou d'un syndicat;</li> <li>f) d'en faire un associé au sein d'une société de personnes.</li> </ul> |
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Not furthering private interests.

3.(3) For the purpose of this Code, a Member is not considered to further his or her own private interests or the interests of another person if the matter in question

3.(3) Pour l'application du présent code, ne sont pas considérés comme les intérêts personnels d'un député ou d'une autre personne ceux :

Exclusions.

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| <ul style="list-style-type: none"> <li>(a) is of general application;</li> <li>(b) affects the Member or the other person as one of a broad class of the public; or</li> <li>(c) concerns the remuneration or benefits of the Member as provided under an Act of Parliament.</li> </ul> | <ul style="list-style-type: none"> <li>a) qui sont d'application générale;</li> <li>b) qui le concernent en tant que membre d'une vaste catégorie de personnes;</li> <li>c) qui ont trait à la rémunération ou aux avantages accordés au député au titre d'une loi fédérale.</li> </ul> |
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Family members.

3.(4) The following are the members of a Member's family for the purposes of this Code:

3.(4) Pour l'application du présent code, sont considérés comme des membres de la famille d'un député :

Membres de la famille.

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| <ul style="list-style-type: none"> <li>(a) the Member's spouse or common-law partner; and</li> <li>(b) <del>a child—a son or daughter</del> of the</li> </ul> | <ul style="list-style-type: none"> <li>a) son époux ou conjoint de fait;</li> <li>b) <del>son propre enfant ou celui</del></li> </ul> |
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Member, or ~~a child~~ a son or daughter of the Member's spouse or common-law partner, who has not reached the age of 18 years or who has reached that age but is primarily dependent on the Member or the Member's spouse or common-law partner for financial support.

ses fils ou ses filles, les fils et les filles de son époux ou conjoint de fait, qui n'ont pas atteint l'âge de dix-huit ou qui, l'ayant atteint, dépendent principalement, sur le plan financier, du député ou de son époux ou conjoint de fait.

Interpretation:  
purposes and  
principles.

3.1 In interpreting and applying  
Members' obligations under this  
Code, the Commissioner may have  
regard to the purposes and principles  
in sections 1 and 2.

3.1 Pour l'interprétation et  
l'application des obligations  
prévues dans le présent code, le  
Commissaire peut tenir compte  
de l'objet et des principes  
énoncés aux articles 1 et 2.

Interprétation :  
objet et principes.

### Application

Application  
to Members.

4. The provisions of this Code apply to conflicts of interest of all Members of the House of Commons when carrying out the duties and functions of their office as Members of the House, including Members who are ministers of the Crown or parliamentary secretaries.

### Application

Application  
aux députés.

4. Les dispositions du présent code régissent les conflits d'intérêts de tous les députés, y compris ceux qui sont ministres ou secrétaires parlementaires, lorsqu'ils exercent la charge de député.

Assisting  
constituents.

5. A Member does not breach this Code if the Member's activity is one in which Members normally and properly engage on behalf of constituents.

Défense des  
intérêts des électeurs.

5. Le député ne manque pas à ses obligations aux termes du présent code s'il exerce une activité à laquelle les députés se livrent habituellement et à bon droit pour le compte des électeurs.

Jurisdiction  
of the Board  
of Internal  
Economy.

6. Nothing in this Code affects the jurisdiction of the Board of Internal Economy of the House of Commons to determine the propriety of the use of any funds, goods, services or premises made available to Members for carrying out their parliamentary duties and functions.

Compétence du  
Bureau de régie  
interne.

6. Le présent code n'a pas pour effet de limiter la compétence du Bureau de régie interne de la Chambre des communes pour ce qui est de décider si les députés utilisent convenablement les fonds, les biens, les services ou les locaux mis à leur disposition pour l'exercice de leurs fonctions parlementaires.

Activities  
outside

7. Nothing in this Code prevents Members who are not ministers of the

Activités extra-  
parlementaires.

7. Le présent code n'a pas pour effet d'empêcher les

Parliament.	Crown or parliamentary secretaries from any of the following, as long as they are able to fulfil their obligations under this Code:	députés qui ne sont pas ministres ou secrétaires parlementaires, dès lors qu'ils s'y conforment :
	(a) engaging in employment or in the practice of a profession;	a) d'occuper un emploi ou d'exercer une profession;
	(b) carrying on a business;	b) d'exploiter une entreprise;
	(c) being a director or officer in a corporation, association, trade union or non-profit organization; and	c) d'être un dirigeant ou un administrateur au sein d'une personne morale, d'une association, d'un syndicat ou d'un organisme à but non lucratif;
	(d) being a partner in a partnership.	d) d'être un associé au sein d'une société de personnes.
	<b>Rules of Conduct</b>	<b>Règles de déontologie</b>
Furthering private interests.	8. When performing parliamentary duties and functions, a Member shall not act in any way to further his or her private interests or those of a member of the Member's family, or to improperly further another person's <u>or entity's</u> private interests.	8. Le député ne peut, dans l'exercice de ses fonctions parlementaires, agir de façon à favoriser ses intérêts personnels ou ceux d'un membre de sa famille ou encore, d'une façon indue, ceux de toute autre personne <u>ou entité</u> .
Using influence.	9. A Member shall not use his or her position as a Member to influence a decision of another person so as to further the Member's private interests or those of a member of his or her family, or to improperly further another person's <u>or entity's</u> private interests.	9. Le député ne peut se prévaloir de sa charge pour influencer la décision d'une autre personne de façon à favoriser ses intérêts personnels ou ceux d'un membre de sa famille ou encore, d'une façon indue, ceux de toute autre personne <u>ou entité</u> .
Insider information.	10.(1) A Member shall not use information obtained in his or her position as a Member that is not generally available to the public to further the Member's private interests or those of a member of his or her family, or to improperly further another person's <u>or entity's</u> private interests.	10.(1) Le député ne peut utiliser les renseignements qu'il obtient dans le cadre de sa charge et qui ne sont généralement pas à la disposition du public pour favoriser ses intérêts personnels ou ceux d'un membre de sa famille ou encore, d'une façon indue, ceux de toute autre personne <u>ou d'une entité</u> .
Information not to be communicated.	10.(2) A Member shall not communicate information referred to in subsection (1) to another person if	10.(2) Le député ne peut communiquer ces renseignements s'il sait ou
		Favoritisme.
		Influence.
		Utilisation de renseignements.
		Communication de renseignements.

	<p>the Member knows, or reasonably ought to know, that the information may be used to further the Member's private interests or those of a member of his or her family, or to improperly further another person's <u>or entity's</u> private interests.</p>	<p>devrait raisonnablement savoir que ceux-ci peuvent servir à favoriser ses intérêts personnels ou ceux d'un membre de sa famille ou encore, d'une façon indue, ceux de toute autre personne <u>ou entité</u>.</p>
Attempts.	<p>11. A Member shall not attempt to engage in any of the activities prohibited under sections 8 to 10.</p>	<p>11. Le député ne peut tenter de se livrer à aucune des activités interdites aux termes des articles 8 à 10.</p>
Disclosure of a private interest: <u>House and committee.</u>	<p>12.(1) A Member who has <u>reasonable grounds to believe that he or she or a member of his or her family has</u> a private interest that might be affected by a matter that is before the House of Commons or a committee of which the Member is a member shall, if present during consideration of the matter, disclose orally or in writing the general nature of the private interest at the first opportunity. The general nature of the private interest shall be disclosed forthwith in writing to the Clerk of the House.</p>	<p>12.(1) Lorsqu'il participe à l'étude d'une question dont la Chambre ou un comité dont il est membre est saisi, le député est tenu de divulguer dans les plus brefs délais, verbalement ou par écrit, la nature générale des intérêts personnels qu'il <u>croit, pour des motifs raisonnables, que lui-même ou un membre de sa famille</u> détient dans cette question et qui pourraient être visés. Le greffier de la Chambre doit sans délai être avisé par écrit de la nature générale des intérêts personnels.</p>
Subsequent disclosure.	<p>12.(2) If a Member becomes aware at a later date of a private interest that should have been disclosed in the circumstances of subsection (1), the Member shall make the required disclosure forthwith.</p>	<p>12.(2) Si le député se rend compte ultérieurement de l'existence d'intérêts personnels qui auraient dû être divulgués aux termes du paragraphe (1), il doit sans délai les faire connaître de la façon requise.</p>
Disclosure recorded.	<p>12.(3) The Clerk of the House <u>shall cause the disclosure to be recorded in the Journals</u> and shall send the disclosure to the <u>Ethics</u> Commissioner, who shall file it with the Member's public disclosure documents.</p>	<p>12.(3) Le greffier de la Chambre <u>fait inscrire la divulgation dans les Journaux</u> et communique ces renseignements au commissaire, qui les classe avec les documents du député relatifs à la divulgation publique.</p>
<u>Disclosure of a private interest: other circumstances.</u>	<p>12.(4) In any circumstances other than those in subsection (1) that involve the Member's parliamentary duties and functions, a Member who has a private interest that might be affected shall disclose orally or in writing the general nature of the</p>	<p>12.(4) Dans les cas non prévus au paragraphe (1) qui mettent en cause ses fonctions parlementaires, le député est tenu, s'il a des intérêts personnels qui pourraient être visés, de déclarer verbalement</p>

private interest at the first opportunity to the party concerned. The Member shall also file a notice in writing concerning the private interest with the Commissioner, who shall file it with the Member's public disclosure documents.

ou par écrit dans les plus brefs délais la nature générale de ces intérêts à la partie concernée. Le député donne aussi un avis écrit concernant les intérêts personnels au commissaire, qui les classe avec les documents du député relatifs à la divulgation publique.

Debate and voting.

13. A Member shall not participate in debate on or vote on a question in which he or she has a private interest.

13. Le député ne peut participer à un débat ou voter sur une question dans laquelle il a un intérêt personnel.

Débat ou vote.

Private interest.

13.1 For the purpose of sections 12 and 13, “private interest” means those interests that can be furthered in subsection 3.(2), but does not include the matters listed in subsection 3.(3).

13.1 Pour l’application des articles 12 et 13, « intérêts personnels » s’entend des intérêts qui peuvent être favorisés de la façon décrite au paragraphe 3(2), mais ne vise pas les questions mentionnées au paragraphe 3(3).

Intérêts personnels.

Prohibition: gifts and other benefits.

14.(1) Neither a Member or any member of a Member's family shall accept, directly or indirectly, any gift or other benefit, except compensation authorized by law, that is related to the Member's position.

14.(1) Le député ou un membre de sa famille ne peut, dans le cadre de la charge du député, accepter, même indirectement, de cadeaux ou d'autres avantages, sauf s'il s'agit d'une rétribution autorisée par la loi.

Interdiction : cadeaux et autres avantages.

Exception.

14.(2) A Member or a member of the Member's family may, however, accept gifts or other benefits received as a normal expression of courtesy or protocol, or within the customary standards of hospitality that normally accompany the Member's position.

14.(2) Le député ou un membre de sa famille peut toutefois accepter les cadeaux ou autres avantages qui sont des marques normales ou habituelles de courtoisie ou de protocole ou des marques d'accueil habituellement reçues dans le cadre de la charge du député.

Exception.

Statement: gift or other benefit.

14.(3) If gifts or other benefits that are accepted under subsection (2) exceed \$500 in value, or if the total value of all such gifts or benefits received from one source in a 12-month period exceeds \$500, the Member shall, within 60 30 days after receiving the gifts or other

14.(3) Si un cadeau ou un autre avantage visé au paragraphe (2) a une valeur supérieure à 500 \$ ou si, sur une période de douze mois, des cadeaux ou autres avantages de même provenance ont une valeur totale supérieure à cette somme,

Déclaration : cadeaux et autres avantages.

benefits, or after that total value is exceeded, file with the Ethics Commissioner a statement disclosing the nature of the gifts or other benefits, their source and the circumstances under which they were given.

le député dépose auprès du commissaire, dans les trente soixante jours suivant la date de la réception du cadeau ou de l'avantage ou celle à laquelle la valeur totale dépasse 500 \$, une déclaration mentionnant la nature de chaque cadeau ou avantage, sa provenance et les circonstances dans lesquelles il a été donné.

Exception.

14.(4) Any disclosure made pursuant to the requirements of section 15 does not need to be disclosed as a gift or other benefit under subsection (3).

Exception.

Sponsored travel.

15.(0.1) Despite subsection 14.(1), a Member may accept, for the Member and guests of the Member, sponsored travel that arises from or relates to his or her position.

Déplacements parrainés.

Statement:  
sponsored travel.

15.(1) If travel costs of a Member for a trip that arises from or relates to his or her position exceed \$500 and those costs are not wholly or substantially paid from the Consolidated Revenue Fund or by the Member personally, his or her political party or any interparliamentary association or friendship group recognized by the House, the Member shall, within 30 60 days after the end of the trip, file a statement with the Ethics Commissioner disclosing the trip.

15.(1) Si les frais payables pour tout déplacement qu'il effectue dans le cadre de sa charge de dépassent 500 \$ et ne sont pas entièrement ou en grande partie pris en charge par le Trésor, par lui-même ou son parti, ou par un groupe d'amitié ou une association interparlementaire reconnu par la Chambre, le député dépose auprès du commissaire une déclaration faisant état du déplacement, dans les trente jours qui en suivent la fin.

Déclaration :  
déplacements  
parrainés.

Content of  
statement.

15.(2) The statement shall disclose the name of the person or organization paying for the trip travel costs, the name of any person accompanying the Member, the destination or destinations, the purpose and length of the trip, the nature of the benefits received and the value, including supporting documents for transportation and accommodation.

15.(2) La déclaration comporte le nom de la personne ou de l'organisation qui prend en charge les frais de déplacement, le nom de toute personne accompagnant le député, la ou les destinations, le but et la durée du déplacement, la nature des avantages reçus et leur valeur, ainsi que des documents justificatifs pour les frais de transport et de logement.

Contenu de  
la déclaration.

Publication.

15.(3) By January 31 of each year,

15.(3) Au plus tard le 31

Publication.

the ~~Ethics~~ Commissioner shall prepare a list of all sponsored travel, including the details set out in subsection (2), and the Speaker shall lay the list upon the Table when the House next sits.

janvier de chaque année, le commissaire établit une liste de tous les déplacements parrainés, en y incluant les détails prévus au paragraphe (2), et le Président la dépose sur le bureau à la prochaine séance de la Chambre.

Government contracts.

16.(1) A Member shall not knowingly be a party, directly or through a subcontract, to a contract with the Government of Canada or any federal agency or body under which the Member receives a benefit unless the Commissioner is of the opinion that the contract is unlikely to affect the Member's obligations under this Code.

16.(1) Le député ne peut sciemment être partie, directement ou par voie de sous-contrat, à un contrat conclu avec le gouvernement du Canada ou un organisme fédéral, qui lui procure un avantage, sauf si le commissaire estime que le député ne risque pas, du fait de ce contrat, de manquer à ses obligations aux termes du présent code.

Contrats.

Clarification.

16.(2) A Member may participate in a program operated or funded, in whole or in part, by the Government of Canada under which the Member receives a benefit if

16.(2) Le député peut participer à un programme qui est exploité ou financé, en tout ou en partie, par le gouvernement du Canada et qui lui procure un avantage, si les conditions suivantes sont respectées :

Précision.

- (a) the Member meets the eligibility requirements of the program;
- (b) the Member does not receive any preferential treatment with respect to his or her participation; and
- (c) the Member does not receive any special benefit not available to other participants.

- a) il satisfait aux critères d'admissibilité du programme;
- b) il ne reçoit pas de traitement préférentiel en ce qui concerne sa participation;
- c) il ne reçoit pas d'avantages particuliers auxquels d'autres participants n'ont pas droit.

Public corporations.

17.(1) A Member is not prohibited from owning securities in a public corporation that contracts with the Government of Canada unless ~~the holdings are so significant that the~~ ~~Ethics~~ Commissioner is of the opinion that the size of the holdings is so significant that it is they are likely to affect the Member's obligations under this Code.

17.(1) Le député peut posséder des titres dans une société publique ayant des liens d'affaires avec le gouvernement du Canada, sauf si le commissaire estime, en raison de l'importance de la quantité de ces titres, que le député risque de manquer à ses obligations aux termes du présent code.

Sociétés publiques.

Trust.

17.(2) If the **Ethics** Commissioner is of the opinion that the Member's obligations under this Code are likely to be affected under the circumstances of subsection (1), the Member may comply with the Code by placing the securities in a trust under such terms established in section 19 as the **Ethics** Commissioner considers appropriate.

Fiducie.

Partnerships and private corporations.

18. A Member shall not have an interest in a partnership or in a private corporation that is a party, directly or through a subcontract, to a contract with the Government of Canada under which the partnership or corporation receives a benefit unless the **Ethics** Commissioner is of the opinion that the interest is unlikely to affect the Member's obligations under this Code.

Sociétés privées ou de personnes.

Pre-existing contracts.

19.(1) Sections 16 and 18 do not apply to a contract that existed before the Member's election to the House of Commons, but they do apply to its renewal or extension.

Contrats préexistants.

17.(2) Si le commissaire estime qu'il y a un risque que le député manque à ses obligations aux termes du présent code dans les circonstances exposées au paragraphe (1), le député peut se conformer au présent code en mettant ses titres en fiducie selon les modalités prévues à l'article 19 que le commissaire juge appropriées.

Trust.

19.(2) Section 18 does not apply if the Member has entrusted his or her interest in a partnership or in a private corporation that is a party to a contract with the Government of Canada under which the partnership or corporation receives a benefit to one or more trustees on all of the following terms:

Fiducie.

19.(1) Les articles 16 et 18 ne

s'appliquent pas au contrat

conclu avant l'élection du député

à la Chambre des communes,

mais ils s'appliquent au

renouvellement ou à la

prorogation d'un tel contrat.

(a) the provisions of the trust have been approved by the **Ethics**

19.(2) L'article 18 ne s'applique pas si le député a mis en fiducie auprès d'un ou de plusieurs fiduciaires l'intérêt qu'il détient dans une société de personnes ou une société privée qui est partie à un contrat conclu avec le gouvernement du Canada dans le cadre duquel elle obtient un avantage, dès lors que les règles suivantes sont respectées :

a) le commissaire a approuvé les modalités de la fiducie;

Commissioner;

- (b) the trustees are at arm's length from the Member and have been approved by the ~~Ethics~~ Commissioner;
- (c) the trustees may not consult with the Member with respect to managing the trust, but they may consult with the ~~Ethics~~ Commissioner;
- (d) the trustees may, however, consult with the Member, with the approval of the ~~Ethics~~ Commissioner and in his or her presence if an extraordinary event is likely to materially affect the trust property;
- (e) in the case of an interest in a corporation, the Member shall resign any position of director or officer in the corporation;
- (f) the trustees shall provide the ~~Ethics~~ Commissioner with a written annual report at the same time as the Member files his or her annual disclosure statement setting out the nature of the trust property, the value of that property, the trust's net income for the preceding year and the trustees' fees, if any; and
- (g) the trustees shall give the Member sufficient information to permit the Member to submit returns as required by the *Income Tax Act* and give the same information to the Canada Customs and Revenue Agency.

Interest  
acquired by  
inheritance.

19.(3) Sections 16 to 18 do not apply to an interest acquired by inheritance until the first anniversary date of the acquisition.

- b) les fiduciaires n'ont aucun lien de dépendance avec le député et ont reçu l'agrément du commissaire;
- c) les fiduciaires ne peuvent consulter le député sur la gestion de la fiducie, mais ils peuvent consulter le commissaire;
- d) les fiduciaires peuvent toutefois consulter le député, sur autorisation du commissaire et en sa présence, s'il se produit un événement extraordinaire susceptible d'avoir des incidences importantes sur l'actif de la fiducie;
- e) dans le cas d'un intérêt dans une personne morale, le député est tenu de démissionner de tout poste d'administrateur ou de dirigeant de celle-ci;
- f) les fiduciaires remettent au commissaire un rapport annuel en même temps que le député dépose sa déclaration annuelle qui précise la nature et la valeur de l'actif de la fiducie, le revenu net de celle-ci au cours de l'année précédente et, le cas échéant, leurs honoraires;
- g) les fiduciaires donnent au député les renseignements suffisants pour lui permettre de fournir les déclarations requises par la *Loi de l'impôt sur le revenu* et donnent les mêmes renseignements à l'Agence des douanes et du revenu du Canada.

19.(3) Les articles 16 à 18 ne visent pas l'intérêt acquis par succession avant la date du premier anniversaire de l'acquisition.

Intérêt acquis  
par succession.

Disclosure statement.

20.(1) A Member shall, within 60 days after the notice of his or her election to the House of Commons is published in the *Canada Gazette*, and annually on or before a date established by the ~~Ethics~~ Commissioner, file with the ~~Ethics~~ Commissioner a full statement disclosing the Member's private interests and the private interests of the members of the Member's family.

Déclaration.

Reasonable efforts.

20.(2) Information relating to the private interests of the members of the Member's family shall be to the best of the Member's knowledge, information and belief. The Member shall make reasonable efforts to determine such information.

Efforts raisonnables.

Confidentiality.

20.(3) The ~~Ethics~~ Commissioner shall keep the statement confidential.

Confidentialité.

Content of disclosure statement.

21.(1) The statement shall

21.(1) La déclaration contient les renseignements suivants :

Contenu.

(a) identify and state the value of each the assets and or liabilities of the Member and the members of the Member's family and state their value that

a) les éléments d'actif et de passif du député et des membres de sa famille, ainsi que la valeur de ces éléments qui :

(i) in the case of a credit card balance, exceeds \$10,000 and has been outstanding for more than six months;

(i) dans le cas d'un solde de carte de crédit, dépasse 10 000 \$ et est en souffrance depuis plus de six mois,

(ii) in all other cases, exceeds \$10,000;

(ii) dans tout autre cas, dépasse 10 000 \$;

(b) state the amount and indicate the source of any the income greater than \$1,000 that the Member and the members of the Member's family have received during the preceding 12 months and are entitled to receive during the next 12 months, and indicate the source of that income;

b) le montant et la source de tout revenu de plus de 1 000 \$ que le député et les membres de sa famille ont touché au cours des douze mois précédents et sont en droit de recevoir au cours des douze prochains mois; ainsi que la source de ce revenu;

(b.1) Notwithstanding paragraph (b), every Member shall disclose to the Commissioner every trust

b.1) Malgré l'alinéa b), le député déclare au commissaire toute fiducie dont il connaît l'existence et dont il

known to the Member from which he or she could, currently or in the future, either directly or indirectly, derive a benefit or income;

- (c) state all benefits that the Member and the members of the Member's family, and any private corporation in which the Member or a member of the Member's family has an interest, have received during the preceding 12 months, and those that the Member and the members of the Member's family or corporation are entitled to receive during the next 12 months, as a result of a contract or subcontract with the Government of Canada, and describe the subject-matter and nature of each such contract;

(c.1) For the purpose of paragraph (1)(c), benefits include compensation resulting from expropriation by the Government of Canada;

- (d) if the statement mentions a private corporation,

(i) include any information about the corporation's activities and sources of income that the Member is able to obtain by making reasonable inquiries,

(ii) state the names of any other corporations with which that corporation is affiliated, and

(iii) list the names and addresses of all persons who have an interest in the corporation;

(iv) list the real property or immovables owned by the private corporation.

- (e) list the directorships or offices in a ~~all~~-corporations, trade or professional associations and or trade unions in ~~which held by~~ the Member or a member of the Member's family ~~is a director or officer~~ and list all partnerships in

pourrait, soit immédiatement, soit à l'avenir, tirer un avantage ou un revenu, directement ou indirectement;

- c) tout avantage que le député et les membres de sa famille, ainsi que toute société privée dans laquelle lui ou un membre de sa famille détient un intérêt, ont reçu au cours des douze mois précédents ou sont en droit de recevoir au cours des douze prochains mois dans le cadre d'un contrat ou d'un sous-contrat conclu avec le gouvernement du Canada, et une description de l'objet et de la nature du contrat;

c.1) Pour l'application de l'alinéa (1)c), sont considérées comme des avantages les indemnités découlant d'une expropriation reçues du gouvernement du Canada;

- d) si elle fait mention d'une société privée :

(i) les renseignements sur ses activités et les sources de ses revenus que le député peut raisonnablement obtenir,

(ii) le nom des autres personnes morales affiliées à cette société,

(iii) le nom et l'adresse des personnes qui détiennent des intérêts dans cette société;

(iv) les biens réels ou les immeubles dont cette société est propriétaire.

- e) les noms des postes de dirigeant ou d'administrateur que le député ou un membre de sa famille occupe ~~au sein d'une~~ personnes morales, ~~d'une~~ associations commerciale ou professionnelle et ~~d'un~~

which he or she or a member of his or her family is a partner; and

~~syndicats au sein desquels,~~  
ainsi que les noms des sociétés de personnes dont le député ou un membre de sa famille est un associé;

- (f) include any other information that the ~~Ethics~~ Commissioner may require.

- f) tout autre renseignement que le commissaire peut exiger.

Source of income.

21.(2) For the purposes of paragraph (1)(b), a source of income is

21.(2) Pour l'application de l'alinéa (1)b) :

Source de revenu.

- (a) in the case of income from employment, the employer;
- (b) in the case of income from a contract, the party with whom the contract is made; and
- (c) in the case of income arising from a business or profession, that business or profession.

- a) l'employeur est la source du revenu tiré d'un emploi;
- b) le cocontractant est la source du revenu tiré d'un contrat;
- c) l'entreprise ou la profession est la source du revenu d'entreprise ou de profession.

Statement:  
material change.

21.(3) The Member shall file a statement reporting report in writing any material change to the information required under subsection (1) to the ~~Ethics~~ Commissioner within 30 60 days after the change.

21.(3) Le député ~~signale par écrit dépose une déclaration faisant état de tout changement important apporté aux renseignements contenus dans la déclaration, dans les trente soixante~~ jours suivant le changement.

Déclaration :  
changements importants.

Material change.

21.(4) Material change means a change to any information contained in the disclosure summary pursuant to section 24.

21.(4) « Changement important » s'entend d'un changement apporté aux renseignements contenus dans le sommaire aux termes de l'article 24.

Changement important.

Meeting with the ~~Ethics~~ Commissioner.

22. After reviewing a Member's statement filed under section 20 or subsection 21.(3), the ~~Ethics~~ Commissioner may require that the Member meet with the ~~Ethics~~ Commissioner, and may request the attendance of any of the members of the Member's family, if available, to ensure that adequate disclosure has been made and to discuss the Member's obligations under this Code

22. Après avoir examiné la déclaration visée à l'article 20 ou au paragraphe 21(3), le commissaire peut exiger de rencontrer le député et demander la présence des membres de sa famille si ces derniers sont disponibles, en vue de vérifier la conformité de la déclaration et de discuter des obligations du député aux termes du présent code.

Rencontre avec le commissaire.

Disclosure summary.

23.(1) The ~~Ethics~~ Commissioner shall prepare a disclosure summary based on each Member's statement filed under section 21 and submit it to the Member for review.

Public inspection.

23.(2) Each summary shall be placed on file at the office of the ~~Ethics~~ Commissioner and made available for public inspection during normal business hours, and posted on the website of the Commissioner. Each summary shall also be available to the public, on request, by fax or mail.

Content of disclosure summary.

24.(1) The summary shall

- (a) subject to subsection (3), set out the source and nature, but not the value, of the income, assets and liabilities referred to in the Member's statement filed under section 20;
- (b) identify any contracts with the Government of Canada referred to in that statement, and describe their subject-matter and nature;
- (c) list the names of any affiliated corporations referred to in that statement; and
- (d) include a copy of any statements of disclosure filed by the Member under subsections 14.(3), and 15.(1)and 21.(3).
- (e) list the positions and corporations, trade or professional associations and trade unions disclosed under paragraph 21.(1)(e); and
- (f) list any trusts disclosed under paragraph 21.(1)(b.1).

23.(1) Le commissaire établit à partir de la déclaration du député un sommaire qu'il soumet à l'examen de celui-ci.

Sommaire.

23.(2) Le sommaire est gardé au bureau du commissaire et rendu accessible au public pour examen pendant les heures normales d'ouverture et il est affiché sur le site Web du commissaire. Chaque sommaire est aussi accessible au public, sur demande, par télécopieur ou par courrier.

Consultation.

24.(1) Le sommaire comporte les éléments suivants :

- a) sous réserve du paragraphe (3), une mention de la source et de la nature, mais non de la valeur, du revenu et des éléments d'actif et de passif indiqués dans la déclaration du député déposée conformément à l'article 20;
- b) tout contrat conclu avec le gouvernement du Canada dont fait mention cette déclaration, ainsi que l'objet et la nature du contrat;
- c) les noms des personnes morales affiliées mentionnées dans cette déclaration;
- d) une copie des déclarations visées aux paragraphes 14(3), et 15(1) et 21(3);
- e) les postes ainsi que les personnes morales, les associations commerciales ou professionnelles et les syndicats déclarés au titre de l'alinéa 21(1)e);
- f) toute fiducie déclarée au

Contenu.

titre de l'alinéa 21(1)b.1).

Categorization of interests.	24.(2) An interest in a partnership or corporation may be qualified in the summary by the word “nominal,” “significant” or “controlling” if, in the opinion of the <del>Ethics</del> Commissioner, it is in the public interest to do so.	Qualification.
Items not to be disclosed.	24.(3) The following shall not be set out in the summary:	Exceptions.
	<p>(a) an asset or liability with a value of less than \$10,000;</p> <p>(b) <del>a sources of income if the total amount of income from all sources was of</del> less than \$10,000 during the 12 months before the relevant date;</p> <p>(c) real property or immovables that the Member uses as a principal residence or uses principally for recreational purposes;</p> <p>(d) personal property or movable property that the Member uses primarily for transportation, household, educational, recreational, social or aesthetic purposes;</p> <p>(e) cash on hand or on deposit with a financial institution that is entitled to accept deposits;</p> <p>(f) fixed-value securities issued or guaranteed by a government or by a government agency;</p> <p>(g) a registered retirement savings plan that is not self-administered or self-directed;</p> <p>(h) investments in a registered retirement savings plan that is self-administered or self-directed that would not be publicly disclosed under this section if held outside the plan;</p>	<p>24.(3) Ne sont pas mentionnés dans le sommaire :</p> <p>a) l’élément d’actif ou de passif d’une valeur inférieure à 10 000 \$;</p> <p>b) <del>la les sources de revenu si le total des revenus de toutes les sources est de moins de</del> 10 000 \$ durant les douze mois qui précédent la date considérée;</p> <p>c) le bien immeuble ou réel que le député utilise comme résidence principale ou principalement à des fins de loisir;</p> <p>d) le bien meuble ou personnel que le député utilise principalement à des fins de transport, domestiques, éducatives, décoratives, sociales ou de loisir;</p> <p>e) les sommes d’argent en caisse ou en dépôt dans une institution financière habilitée à accepter des dépôts;</p> <p>f) les valeurs mobilières à valeur fixe émises ou garanties par un gouvernement ou un organisme gouvernemental;</p> <p>g) le régime enregistré d’épargne-retraite qui n’est pas autogéré;</p> <p>h) le placement dans un régime enregistré d’épargne-retraite autogéré qui ne serait pas déclaré au titre du présent article s’il était détenu hors</p>

- du régime;
- (i) an interest in a pension plan, employee benefit plan, annuity or life insurance policy; *i)* l'intérêt dans un régime de retraite, un régime de prestations aux employés, une rente ou une police d'assurance-vie;
  - (j) an investment in an open-ended mutual fund; *j)* le placement dans un fonds mutuel de placement à capital variable;
  - (k) a guaranteed investment certificate or similar financial instrument; *and* *k)* le certificat de placement garanti ou un instrument financier analogue;
  - (k.1) any information relating to the place or manner of employment of a son or daughter of the Member, or a son or daughter of the Member's spouse or common-law partner; and* *k.1) tout renseignement concernant le lieu ou la nature de l'emploi des fils ou des filles du député, ou des fils et des filles de son époux ou conjoint de fait:*
  - (l) any other asset, liability or source of income that the Ethics Commissioner determines should not be disclosed because
    - (i) the information is not relevant to the purposes of this Code, or
    - (ii) a departure from the general principle of public disclosure is justified in the circumstances.*l)* tout autre élément d'actif ou de passif et toute autre source de revenu qui, de l'avis du commissaire, ne doit pas être divulgué :
    - (i) soit parce qu'un tel renseignement n'est pas pertinent pour l'application du présent code,
    - (ii) soit parce qu'une dérogation au principe de déclaration publique se justifie en l'espèce.

Evasion.

25. A Member shall not take any action that has as its purpose the circumvention of the Member's obligations under this Code.

Contournement.

25. Le député ne peut prendre de mesures dont l'effet est de contourner les obligations prévues au présent code.

Request  
for opinion.

26.(1) In response to a request in writing from a Member on any matter respecting the Member's obligations under this Code, the ~~Ethics~~ Commissioner ~~may~~shall provide the Member with a written opinion containing any recommendations that the ~~Ethics~~ Commissioner considers appropriate.

Demande d'avis.

**Opinions****Avis**

26.(1) Sur demande écrite d'un député, le commissaire ~~peut~~doit donner un avis, assorti des recommandations qu'il juge indiquées, sur toute question concernant les obligations du député aux termes du présent code.

Confidentiality.	26.(2) The opinion is confidential and may be made public only by the Member, or with his or her written consent <u>or if the Member has made the opinion public.</u>	26.(2) L'avis est confidentiel et ne peut être rendu public que par le député, ou avec son consentement écrit <u>ou si le député a rendu l'avis public.</u>	Confidentialité.
Opinion binding.	26.(3) An opinion given by the Ethics Commissioner to a Member is binding on the Ethics Commissioner in relation to any subsequent consideration of the subject-matter of the opinion so long as all the relevant facts that were known to the Member were disclosed to the Ethics Commissioner.	26.(3) Le commissaire est lié par son avis dans toute nouvelle demande portant sur l'objet de celui-ci, pourvu que tous les faits pertinents dont le député avait connaissance lui aient été communiqués.	Nouvelle demande.
Publication.	26.(4) Nothing in this section prevents the Ethics Commissioner from publishing opinions for the guidance of Members, provided that no details are included that could identify the Member.	26.(4) Le présent article n'empêche pas le commissaire de publier des avis pour guider les députés, à condition de ne pas révéler de détails permettant d'identifier un député.	Publication.
<u>Timely response.</u>	<u>26.(5) In this section and in any other situation in which a Member seeks an opinion from the Commissioner, the Commissioner shall provide the opinion in a timely manner.</u>	<u>26.(5) Dans les cas visés par le présent article et dans toute autre situation où un député demande un avis au commissaire, celui-ci donne suite à cette demande sans tarder.</u>	<u>Réponse sans tarder.</u>
	<b>Inquiries</b>	<b>Enquêtes</b>	
Request for an inquiry.	27.(1) A Member who has reasonable grounds to believe that another Member has not complied with his or her obligations under this Code may request that the Ethics Commissioner conduct an inquiry into the matter.	27.(1) Le député qui a des motifs raisonnables de croire qu'un autre député n'a pas respecté ses obligations aux termes du présent code peut demander au commissaire de faire une enquête.	Demande d'enquête.
Form of request.	27.(2) The request shall be in writing, signed, and shall identify the alleged non-compliance with this Code and set out the reasonable grounds for the belief that it has not been complied with.	27.(2) La demande d'enquête est présentée par écrit et signée et elle énonce les motifs pour lesquels il est raisonnable de croire que le présent code n'a pas été respecté.	Forme de la demande.
Direction by the House.	27.(3) The House may, by way of resolution, direct the Ethics	27.(3) La Chambre peut, par résolution, ordonner au	Ordre de la Chambre.

Commissioner to conduct an inquiry to determine whether a Member has complied with his or her obligations under this Code.

commissaire de faire une enquête pour déterminer si un député s'est conformé à ses obligations aux termes du présent code.

Notice.

27.(3.1) The Commissioner shall forward without delay the request for an inquiry to the Member who is the subject of the request and afford the Member 30 days to respond.

Avis.

27.(3.1) Le commissaire transmet sans délai la demande d'enquête au député qui en fait l'objet et lui accorde la possibilité d'y répondre dans les trente jours

Preliminary review.27.(3.2) The Commissioner shall:27.(3.2) Le commissaire :Examen préliminaire.

(a) conduct a preliminary review of the request and the response to determine if an inquiry is warranted; and

(a) fait un examen préliminaire de la demande et de la réponse afin de déterminer si une enquête s'impose;

(b) notify in writing both Members of the Commissioner's decision within 10 workings days of receiving the response.

(b) communique par écrit sa décision aux deux députés dans les dix jours ouvrables suivant la réception de la réponse.

Initiative of Ethics Commissioner.

27.(4) If, after giving the Member concerned written notice and 30 days to respond to the Commissioner's concerns, the Commissioner has reasonable grounds to believe that a Member has not complied with his or her obligations under this Code, the Ethics Commissioner may, on his or her own initiative, conduct an inquiry to determine whether the Member has complied with his or her obligations under this Code.

27.(4) Si, après avoir donné un avis écrit au député lui accordant un délai de trente jours pour répondre à ses préoccupations, le commissaire a des motifs raisonnables de croire que le député ne s'est pas conformé à ses obligations aux termes du présent code, le commissaire peut, de sa propre initiative, après avoir donné par écrit au député un préavis raisonnable, faire une enquête pour déterminer si celui-ci s'est conformé à ses obligations aux termes du présent code.

Respect for the inquiry process.

27.(5) Once a request for an inquiry has been made to the Ethics Commissioner, Members should respect the process established by this Code and permit it to take place without commenting further on the matter.

Enquête à l'initiative du commissaire.

27.(5) Une fois qu'une demande d'enquête a été adressée au commissaire, les députés devraient respecter le processus établi par le présent code et permettre son déroulement sans formuler

Respect du processus.

d'autres commentaires à ce sujet.

<u>Public comments.</u>	<p><u>27.(5.1) Other than to confirm that a request for an inquiry has been received, or that a preliminary review or inquiry has commenced, or been completed, the Commissioner shall make no public comments relating to any preliminary review or inquiry.</u></p>	<p><u>27.(5.1) Le commissaire ne peut commenter publiquement un examen préliminaire ou une enquête, mais il peut confirmer qu'une demande a été reçue à cet effet ou encore qu'un examen ou une enquête a commencé ou a pris fin.</u></p>	<u>Commentaires publics.</u>
Non-meritorious requests.	<p>27.(6) If the <del>Ethics</del> Commissioner is of the opinion that a request for an inquiry <del>is was</del> frivolous or vexatious or was not made in good faith, <del>or that there are no or insufficient grounds to warrant an inquiry or the continuation of an inquiry,</del> the <del>Ethics</del> Commissioner shall so state in dismissing the request. <del>The <del>Ethics</del> Commissioner shall report the dismissal in accordance with in a report under section 28(6)</del> and may recommend that further action be considered against the Member who made the request.</p>	<p>27.(6) S'il est d'avis qu'une demande d'enquête <del>est</del> était frivole ou vexatoire ou n'a pas été présentée de bonne foi <del>ou qu'aucun motif suffisant ne justifie la tenue ou la poursuite d'une enquête</del>, le commissaire le précise lorsqu'il rejette la demande. <del>Le commissaire dans un rapport de sa décision, fait conformément au paragraphe 28(6) et il peut de plus recommander que des mesures soient prises à l'égard du député qui a fait la demande.</del></p>	Demande non fondée.
Inquiry to be private.	<p>27.(7) The <del>Ethics</del> Commissioner <del>is to shall</del> conduct an inquiry in private and with due dispatch, provided that at all appropriate stages throughout the inquiry the <del>Ethics</del> Commissioner shall give the Member reasonable opportunity to be present and to make representations to the <del>Ethics</del> Commissioner in writing or in person by counsel or by any other representative.</p>	<p>27.(7) Le commissaire procède à l'enquête à huis clos et avec toute la diligence voulue, en donnant au député, à tous les stades, la possibilité d'être présent et de lui faire valoir ses arguments par écrit ou en personne ou par l'entremise d'un conseiller ou d'un autre représentant.</p>	Huis clos.
Cooperation.	<p>27.(8) Members shall cooperate with the <del>Ethics</del> Commissioner with respect to any inquiry.</p>	<p>27.(8) Les députés sont tenus de collaborer avec le commissaire dans toute enquête.</p>	Collaboration.
Report to the House.	<p>28.(1) Forthwith following an inquiry, the <del>Ethics</del> Commissioner shall report to the Speaker, who shall present the report to the House when it next sits.</p>	<p>28.(1) Une fois son enquête terminée, le commissaire remet sans délai un rapport d'enquête au Président, lequel présente le rapport à la Chambre à sa prochaine séance.</p>	Rapport à la Chambre.
Report to be public.	<p>28.(2) The report of the <del>Ethics</del></p>	<p>28.(2) Le rapport du</p>	Publicité du rapport.

	Commissioner shall be made available to the public upon tabling in the House, or, during a period of adjournment or prorogation, upon its receipt by the Speaker.	commissaire est accessible au public dès qu'il est déposé à la Chambre ou, pendant une période d'ajournement ou de prorogation, dès qu'il est reçu par le Président.	
Report after dissolution.	28.(3) During the period following a dissolution of Parliament, the <del>Ethics</del> Commissioner shall make the report public.	28.(3) Si le Parlement est dissous, le commissaire rend son rapport public.	Rapport en cas de dissolution.
No contravention.	28.(4) If the <del>Ethics</del> Commissioner concludes that there was no contravention of this Code, the <del>Ethics</del> Commissioner shall so state in the report.	28.(4) Si le commissaire conclut que le présent code n'a pas été enfreint, il l'indique dans son rapport.	Aucune infraction.
Mitigated contravention.	28.(5) If the <del>Ethics</del> Commissioner concludes that a Member has not complied with an obligation under this Code but that the Member took all reasonable measures to prevent the non-compliance, or that the non-compliance was trivial or occurred through inadvertence or an error in judgment made in good faith, the <del>Ethics</del> -Commissioner shall so state in the report and may recommend that no sanction be imposed.	28.(5) S'il conclut que le député ne s'est pas conformé à une obligation aux termes du présent code, mais qu'il a pris toutes les précautions raisonnables pour éviter de l'enfreindre, ou que l'infraction est sans gravité, est survenue par inadvertance ou est imputable à une erreur de jugement commise de bonne foi, le commissaire l'indique dans son rapport et peut recommander qu'aucune sanction ne soit imposée.	Infraction sans gravité.
Sanctions.	28.(6) If the <del>Ethics</del> Commissioner concludes that a Member has not complied with an obligation under this Code, and that none of the circumstances in subsection (5) apply, <u>or is of the opinion that a request for an inquiry was frivolous or vexatious or was not made in good faith</u> , the <del>Ethics</del> Commissioner shall so state in the report and may recommend appropriate sanctions.	28.(6) S'il conclut que le député n'a pas respecté une obligation aux termes du présent code et qu'aucune des circonstances énoncées au paragraphe (5) ne s'applique, <u>ou s'il est d'avis est d'avis qu'une demande d'enquête est frivole ou vexatoire ou n'a pas été présentée de bonne foi</u> , le commissaire l'indique dans le rapport et peut recommander les sanctions appropriées.	Sanctions.
Reasons.	28.(7) The <del>Ethics</del> Commissioner shall include in the report reasons for any conclusions and recommendations.	28.(7) Le commissaire motive ses conclusions et recommandations dans son rapport.	Motifs.
General recommendations.	28.(8) The <del>Ethics</del> Commissioner	28.(8) Le commissaire peut	Recommendations générales.

dations.

may include in his or her report any recommendations arising from the matter that concern the general interpretation of this Code and any recommendations for revision of this Code that the ~~Ethics~~ Commissioner considers relevant to its purpose and spirit.

Right to speak.

28.(9) Within ~~five~~<sup>10</sup> sitting days after the tabling of the report of the ~~Ethics~~ Commissioner in the House of Commons, the Member who is the subject of the report shall have a right to make a statement in the House immediately following Question Period, provided that he or she shall not speak for more than 20 minutes.

Deemed concurrence.

28.(10) A motion to concur in a report referred to in subsection (4) or (5) may be moved during Routine Proceedings. If no such motion has been moved and disposed of within ~~10–30~~ sitting days after the day on which the report was tabled, a motion to concur in the report shall be deemed to have been moved and adopted at the expiry of that time.

Report to be considered.

28.(11) A motion respecting a report referred to in subsection (6) may be moved during Routine Proceedings, when it shall be considered for no more than two hours, after which the Speaker shall interrupt any proceedings then before the House and put forthwith and successively, without further debate or amendment, every question necessary to dispose of the motion. During debate on the motion, no Member shall speak more than once or longer than ten minutes.

Vote.

28.(12) If no motion pursuant to subsection (11) has been previously moved and disposed of, a motion to

formuler dans son rapport sur l'affaire des recommandations concernant l'interprétation générale du présent code ou sa modification, eu égard à son objet et son esprit.

Déclaration du député.

28.(9) Dans les ~~en~~<sup>inq</sup> ~~dix~~ jours de séance suivant le dépôt à la Chambre du rapport du commissaire, le député qui fait l'objet du rapport a le droit de faire une déclaration à la Chambre immédiatement après la période des questions, sous réserve que son intervention ne dépasse pas vingt minutes.

Adoption d'office.

28.(10) Une motion portant adoption du rapport visé aux paragraphes (4) ou (5) peut être proposée pendant la période réservée aux affaires courantes. Si une telle motion n'est pas proposée et soumise à une décision dans les ~~dix~~ trente jours de séance suivant le dépôt du rapport, une motion portant adoption du rapport est réputée proposée et adoptée à la fin de ce délai.

Étude du rapport.

28.(11) Une motion concernant le rapport visé au paragraphe (6) peut être proposée pendant la période réservée aux affaires courantes où elle est prise en considération durant au plus deux heures; à la fin de cette période, le Président interrompt les délibérations de la Chambre et met aux voix, sur-le-champ et successivement, sans autre débat ni amendement, toutes les questions nécessaires à la prise d'une décision. Pendant le débat sur la motion, aucun député ne peut parler plus d'une fois, ni plus de dix minutes.

Vote.

28.(12) Si aucune motion proposée aux termes du paragraphe (11) n'a fait l'objet

concur in the report shall be deemed to have been moved on the ~~15th~~ 30th sitting day after the day on which the report was tabled, and the Speaker shall immediately put every question necessary to dispose of the motion.

d'une décision dans les ~~quinze~~ trente jours de séance suivant le dépôt du rapport, une motion portant adoption du rapport est réputée proposée à la fin de cette période, et le Président met immédiatement aux voix toutes les questions nécessaires à la prise d'une décision.

Referral back.

28.(13) At any point before the House has dealt with the report, whether by deemed disposition or otherwise, the House may refer any report it back to the Ethics Commissioner for further consideration, with or without instruction.

28.(13) À tout moment avant d'avoir pris connaissance du rapport, par disposition présumée ou autrement, la Chambre peut le renvoyer au commissaire afin qu'il l'examine à nouveau, avec ou sans instructions.

Renvoi.

Suspension  
of inquiry.

29.(1) The Ethics Commissioner shall immediately suspend the inquiry into a matter if

29.(1) Le commissaire suspend l'enquête sans délai :

Sursis.

(a) there are reasonable grounds to believe that the Member has committed an offence under an Act of Parliament, in which case the Ethics Commissioner shall ~~refer the matter to notify the proper authorities of the Commissioner's belief;~~ or

a) s'il y a des motifs raisonnables de croire que le député a commis une infraction à une loi fédérale, auquel cas il en avise les autorités compétentes;

(b) it is discovered that:

b) s'il est constaté que les faits – actes ou omissions – visés par l'enquête font l'objet :

- (i) the act or omission under investigation is also the subject of an investigation to determine if an offence under an Act of Parliament has been committed, or
- (ii) a charge has been laid with respect to that act or omission.

(i) soit d'une autre enquête visant à établir s'ils constituent une infraction à une loi fédérale,

(ii) soit d'une accusation.

Inquiry  
continued.

29.(2) The Ethics Commissioner shall not continue his or her inquiry until the other investigation or the charge regarding the act or omission has been finally disposed of.

29.(2) Le commissaire ne peut poursuivre son enquête qu'à l'issue de l'autre enquête ou que s'il a été statué en dernier ressort sur l'accusation.

Reprise  
de l'enquête.

	Miscellaneous	Dispositions diverses	
Rules. Guidelines and forms.	30.(1) The <u>Ethics</u> Commissioner shall submit any proposed <u>procedural and interpretative guidelines</u> and all <u>forms relating to the Code rules for the administration of this Code</u> to the Standing Committee on Procedure and House Affairs for approval.	30.(1) Le commissaire soumet au Comité permanent de la procédure et des affaires de la Chambre tout projet de <u>lignes directrices sur la procédure et l'interprétation</u> et tous les formulaires relatifs au <u>règle d'application du présent code</u> .	Règles. <u>Lignes directrices et formulaires.</u>
Tabling of rules.	30.(2) Any <u>rules guidelines and forms</u> approved by the Committee shall be reported to the House and shall come into effect when the report is concurred in by the House.	30.(2) Les <u>règles lignes directrices et les formulaires</u> agrées par le Comité font l'objet d'un rapport présenté à la Chambre et entrent en vigueur dès l'adoption du rapport par celle-ci.	Dépôt.
Confidential until tabled.	30.(3) Until the <u>guidelines and forms are reported to the House, they shall remain confidential.</u>	30.(3) Avant d'être déposés à la Chambre, les <u>lignes directrices et les formulaires doivent demeurer confidentiels.</u>	<u>Confidentiel jusqu'au dépôt.</u>
Retention of documents.	31. The <u>Ethics</u> Commissioner shall retain all documents relating to a Member for a period of 12 months after he or she ceases to be a Member, after which the documents shall be destroyed unless there is an inquiry in progress under this Code concerning them or a charge has been laid against the Member under an Act of Parliament and the documents may relate to that matter.	31. Le commissaire garde les documents relatifs à un député pendant les douze mois suivant la cessation de ses fonctions parlementaires. Ces documents sont ensuite détruits, sauf si une enquête est en cours aux termes du présent code ou qu'une accusation a été portée contre le député au titre d'une loi fédérale et que les documents peuvent être pertinents.	Archives.
Confidentiality.	<b>31.1</b> Except as otherwise ordered by the House or a court, or as required for the purposes of this Code, the Commissioner shall keep confidential documents and information received pursuant to this Code, including documents and information received in the course of an inquiry that the Commissioner suspended in accordance to paragraph 29(1)(a) or documents and information referred to in section 31.	<b>31.1</b> À moins que la Chambre ou un tribunal n'en ordonne autrement, ou dans les circonstances requises pour l'application du présent code, le commissaire tient confidentiels les documents et renseignements reçus aux termes du présent code, y compris ceux reçus dans le cadre d'une enquête qu'il a suspendue conformément à l'alinéa 29(1)a) et ceux visés à l'article 31.	Confidentialité.

Educational activities.

Committee review.

Part of the Standing Orders.

32. The ~~Ethics~~ Commissioner may shall undertake educational activities for Members and the general public regarding this Code and the role of the ~~Ethics~~ Commissioner.

33. The Standing Committee on Procedure and House Affairs shall, within five years of the coming into force of this Code and every five years thereafter within every five-year period following the preceding comprehensive review, undertake a comprehensive review of the provisions and operation of this Code, and shall submit a report thereon, including a statement of any changes the Committee recommends.

34. This Code shall form part of the Standing Orders of the House of Commons.

32. Le commissaire peut organiser des activités afin de renseigner les députés et le public sur son rôle et sur le présent code.

33. Tous Dans les cinq ans suivant l'entrée en vigueur du présent code et tous les cinq ans par la suite à compter de l'examen exhaustif précédent, le Comité permanent de la procédure et des affaires de la Chambre procède à un examen exhaustif des dispositions du présent code et de son application, et présente un rapport assorti des modifications qu'il recommande, le cas échéant.

34. Le présent code fait partie du Règlement de la Chambre des communes.

Activités éducatives.

Examen par le comité.

Règlement.