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—
Chair

The Honourable Wayne Easter

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● (0850)

[*English*]

The Chair (Hon. Wayne Easter (Malpeque, Lib.)): We'll call the meeting to order.

Pursuant to the order of reference of Wednesday, November 8, the committee is studying Bill C-63, a second act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures.

Mr. Dusseault, on a point of order.

[*Translation*]

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): Mr. Chair, I would like to raise a point of order to clarify what is happening this morning. I am seeking your wisdom.

Our last meeting ended abruptly, before a motion had been put to a vote. That was done in a very cavalier manner. We had not even made a decision on the motion under consideration. I am therefore raising a point of order to find out why we are not picking up where we left off at the last meeting, that is, with debate on my colleague Mr. Poilievre's motion.

[*English*]

The Chair: The motion that you moved you can lift off the table at any time—now, later, tomorrow, or....

[*Translation*]

Mr. Pierre-Luc Dusseault: I would like to do that now, Mr. Chair.

[*English*]

Hon. Pierre Poilievre (Carleton, CPC): I'd like to speak to that.

The Chair: Okay.

Mr. Dusseault, do you want me to read the motion into the record?

[*Translation*]

Mr. Pierre-Luc Dusseault: Yes.

[*English*]

You can read it to remind everyone of what we're talking about.

The Chair: The motion reads as follows:

That, given ongoing media revelations that could implicate some Canadians in aggressive tax avoidance or tax evasion, the Committee invite Stephen Bronfman, Revenue Chair for the Liberal Party of Canada; and Leo Kolber, former Senator and former chief fundraiser for the Liberal Party of Canada, to appear before the Standing

Committee on Finance before November 30, 2017, to answer questions relating to their offshore assets in jurisdictions that are considered to be tax havens.

The floor is yours, Mr. Dusseault, and then I have Mr. Poilievre.

● (0855)

[*Translation*]

Mr. Pierre-Luc Dusseault: Thank you, Mr. Chair.

I do not want to repeat myself, but I am a bit disappointed that we have to resume debate on this motion. We could in fact have made the decision at the last meeting, last Thursday.

I would like to find out why the two people mentioned in the motion are now saying that they acted in full compliance with the law and can therefore invest their assets offshore. This affords those individuals quite a lifestyle and income, income that is obviously declared in those countries.

The purpose of this study is to find out what strategy is used so that we at the House of Commons Standing Committee on Finance can find ways to thwart those tactics. For my part, I find them absolutely deplorable and immoral. They say it is legal, but to my mind it is completely immoral. As legislators, we have to find a way to counter this circumvention of tax provisions which results in a very low rate.

These two individuals appear to be experts on that. They said they acted completely legally and that there is nothing wrong with what they did. So it is up to us now to hear from them so we can learn more and, above all, so we can find ways of addressing this. I will not repeat what I spent five minutes explaining at the last meeting. The purpose of my motion today is essentially the same.

I would like to get my colleagues' support so that we can hear these individuals' explanations and find ways of countering the immoral and excessive use of tax havens.

[*English*]

The Chair: Thank you, Mr. Dusseault.

Mr. Poilievre.

Hon. Pierre Poilievre: I'd like to thank the member for his original motion. He brought this matter to the attention of the committee.

[Translation]

I think it is important to talk about this. It is up to the Standing Committee on Finance to deal with matters related to income tax and taxes. There are major revelations about certain amounts that individuals who use tax havens have paid or rather have not paid. It is up to us to uncover the truth in this regard.

The tax rate for Canadians is rising. This represents a major burden for them, especially for members of the middle class, 87% of whom are paying more tax than they did two years ago, \$800 more, on average. The huge increase in government spending is of course one of the reasons for this burden. The fact that some Canadians, especially those who are well-off, use strategies, whether they are legal or not, to avoid paying their fair share could be another reason.

The government has increased the tax rate on farmers, small and medium-sized businesses, and people with diabetes. On the other hand, the billionaires who are able to hide their assets and money offshore are protected. They can use tax shelters not available to other Canadians who do not have those resources.

I believe my colleague from the New Democratic Party is correct in proposing that our committee study this matter. On behalf of the Conservative Party, I also call on the government to conduct this study in order to provide for transparency.

Thank you, Mr. Chair.

[English]

The Chair: Are there any other speakers or am I going to the question?

I'm going to the question.

Hon. Pierre Poilievre: I'd like a recorded vote.

(Motion negated: nays 5; yeas 4)

The Chair: Before we go to the witnesses on division 10, we have a request for the project budget related to Bill C-63, a second act to implement certain provisions of the budget tabled in Parliament on March 22, 2017 and other measures. This expenditure, related to a number of witnesses who have come to present their views on Bill C-63, is in the amount of \$15,500.

Do we have a motion to accept the budget as presented?

• (0900)

Mr. Greg Fergus (Hull—Aylmer, Lib.): I so move.

The Chair: We'll vote on the motion.

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: We'll now turn to division 10, which relates to trade within Canada and the harmonization of energy efficiency requirements.

Witnesses, thank you for your patience. I know you've been here several times.

Mr. Fertuck is acting director general of the external and trade policy branch at ISED. Ms. Hill is special adviser in the strategy and innovation policy sector at ISED. Ms. Henry is director general, office of energy efficiency, Natural Resources Canada. Ms. Scharf is

director of the equipment division in the office of energy efficiency at Natural Resources Canada.

Is someone starting off with a short presentation? No.

Do you have any questions on division 10? Four people here are just dying to answer them.

Go ahead, Mr. Kmiec.

Mr. Tom Kmiec (Calgary Shepard, CPC): I have a question. Under clause 222, section 26 of the act is being repealed. I went to find out what section 26 of the act is about, and the bill says it's in regard to the Energy Efficiency Act. You can go through it. It talks about the publishing process with regard to the *Canada Gazette*. It seems to me that you are removing the requirement to publish changes to proposed regulations. Because the entire thing is being removed, that's how I read the section. Is that the effect? Is that the intention?

Ms. Joyce Henry (Director General, Office of Energy Efficiency, Department of Natural Resources): Thank you for your question.

That's not the intention. The intention is to just update the act.

This part of the act, section 26 of the Energy Efficiency Act, was put in place before the regulatory process that's now directed through a cabinet directive through Treasury Board, so there is already a requirement to consult with stakeholders and provinces and territories. It's over the same time period. It's 75 days. We're also governed by the World Trade Organization requirements for obligatory consultation on regulatory changes. What this does is it takes something out of the statute because it exists in other areas now.

Mr. Tom Kmiec: Is it a legislated requirement in the other statutes?

Ms. Joyce Henry: The cabinet directive is a directive that's published through the cabinet and implemented by the Treasury Board and the Treasury Board Secretariat.

Mr. Tom Kmiec: It's not a statutory requirement, then.

Ms. Joyce Henry: It's not a statutory requirement, but it does govern how departments operate when they're doing changes to regulations, and it is public.

Mr. Tom Kmiec: Are you asking us to remove a legislated requirement to consult and to publish in the *Canada Gazette* a regulation in exchange for a cabinet-level directive to Treasury Board to consult and to publish in the *Canada Gazette*?

Ms. Joyce Henry: Effectively, yes.

What I would say is that the cabinet directive is a long-standing directive. It's been in place for a number of years, and it's what governs departments in all the regulations that they do. My understanding is that there aren't that many pieces of legislation that still have a legislated requirement for consultations because it exists in other arenas that the government follows. The cabinet directive on regulation-making...I'm not sure if that's the technical term—

Mr. Tom Kmiec: Can you explain to me, then, if the cabinet wanted to change that directive, how fast could it do so?

Ms. Joyce Henry: It would have to be through a cabinet process, which I think would be led by Treasury Board. There's a process that occurs, and then the directive is a public document.

Mr. Tom Kmiec: It's a public document, so the public eventually would know if the government chose to stop gazetting regulatory changes. That would be a public document.

• (0905)

Ms. Joyce Henry: Sure. There is a very robust process of pre-consultation that we would do with our stakeholders and with provinces and territories anyway. We have very effective relationships. We talk to our stakeholders and we consult Canadians and the provinces and territories when we're making a regulation.

On top of that, there's a requirement before you go to the *Gazette*, part I, and when you're in the *Gazette*, part I, there's a certain time period you have to follow. Those changes have to be taken into account and considered, and then that goes back to Treasury Board before it becomes an effective regulation. There's a long-standing process.

The Chair: Are there any further questions?

On the repeal of the Agreement on Internal Trade Implementation Act, that act is being replaced by the new act. Is that correct?

A voice: Yes.

The Chair: Also, it seems to me that I read somewhere but I don't remember where: why is the Timber Marking Act being repealed?

Ms. Melanie Hill (Special Advisor, Strategy and Innovation Policy Sector, Department of Industry): I'll start with your first question with respect to the Agreement on Internal Trade Implementation Act. The Canadian free trade agreement replaces the existing agreement on internal trade from 1995, as that legislation is no longer required. As such, the Canadian free trade agreement implementation act will replace the Agreement on Internal Trade Implementation Act, and that's why that repeal is specified in division 10.

On your second question with respect to timber marking, it is a very outdated act from, I think, 1870. It applies to only three provinces. It required that timber being floated down inland rivers be marked.

The Chair: Yes, it's a little different now. Thank you.

The other question I had on this, though, is in terms of how the provinces and the Government of Canada came to an agreement on internal trade. What's the process for making changes in the future? We're not exactly at free trade within the country, even with this agreement. What's the process for making improvements or for new negotiations down the road? How is that done? Does it have to be amended by the legislation? What's the process?

Mr. Stephen Fertuck (Acting Director General, External and Trade Policy Branch, Department of Industry): In relation to changes or amendments to the Canadian free trade agreement, the practices in place would be similar to those that were in place with respect to the agreement on internal trade itself. Interestingly, the AIT over the course of the better part of 20 years in fact had 14 different so-called protocols of amendment. That was the process that was put in place to introduce administrative monetary penalties

and to strengthen provisions related to labour mobility requirements, and so on, within the agreement. All provinces and territories and the federal government would get together and agree on a new reform or net liberalization. There's a mechanism within that such that once each jurisdiction has agreed to it, there's an updating of the agreement itself, so you could see an amendment to the Canadian free trade agreement in a subsequent year which would incorporate that new net liberalization.

The Chair: Are there any further questions from any of the committee members on division 10?

With that, thank you very much.

We will go to clause-by-clause consideration of Bill C-63.

I should mention to committee members before we start that we will have an interruption at about 11:00. Members of the finance committee from Iraq are here, and they wanted to meet with our finance committee. Because we couldn't do that, we have invited them in just to observe how we operate. I know everybody will be on their best behaviour. We'll probably go through a round of introductions as well.

Pursuant to Standing Order 75(1), consideration of clause 1, the short title, is postponed, and we will go to clause 2.

• (0910)

Hon. Pierre Poilievre: On a point of order, Mr. Chair, we want to work as efficiently as possible on clause-by-clause. As you know, these processes can often be arduous. I speak on behalf of the Conservative delegation, and we're open to allowing passage on division. We know the outcome of the votes anyway, but we would like, with respect to the amendments, to have the opportunity to clarify some of the effects of those amendments.

We did receive them on Friday. I know that was the earliest we could get them. There are a few on which we are not 100% sure about what the effect of the amendment would be, and if it would be possible to have brief questions for the officials when they come up, I would appreciate that opportunity.

The Chair: That's not a problem. The legislative clerk has blocked areas where no amendments are in place and we can move them on division.

Officials from several departments are here. When we get to amendments, we'll take the time and you'll have the opportunity to ask questions however you wish to.

There are no amendments from clause 2 to clause 18.

(Clauses 2 to 18 inclusive agreed to on division)

(On clause 19)

The Chair: We have amendment PV-1.

Ms. May, the floor is yours.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

I will just remind committee members that I'm here because you passed a motion that requires that I be here. If you hadn't passed that motion, I could have presented these amendments, as is my right, at report stage, but this is an end run around changing the rules of legislation through PROC by having each committee pass identical motions. It was originally dreamt up by Mr. Harper's PMO and has been replicated by Mr. Trudeau's PMO.

This is just to state my objections to this process. At 11 o'clock I have a different clause-by-clause, on the arms trade treaty. I hope to be able to present all my amendments here before I have to go through the same exercise at a different committee at the same time.

I have to say that overall, this is a very good bill. I actually voted for sending it to committee. I think I'm the only opposition member who did.

However, there was a commitment made by the previous government. Mr. Harper committed in 2009 at the G20 summit in Pittsburgh to eliminate fossil fuel subsidies. This commitment was carried forward in the Liberal platform, and there is a recommendation at this point from all global financial institutions that every country eliminate its fossil fuel subsidies. It's the recommendation of the World Bank. It's the recommendation of the International Monetary Fund. It's the recommendation of the International Energy Agency.

This amendment I'm putting forward amends what is essentially an improvement on the status quo coming forward in this bill. On page 28 under paragraph 19(1)(b), there is a change to take us from a 100% writeoff for unsuccessful oil and gas drilling, otherwise known as Canadian exploration expenses, to reduce it to about a 30% writeoff. It is a step in the right direction, not fulfilling the promise initially made in 2009 by Mr. Harper and again by Mr. Trudeau in the election, but at least it's moving in the right direction.

It came to our attention that advisers in the oil and gas sector are advising their companies to speed up action, to do more unsuccessful oil and gas drilling before the deadline in this bill. Advice to oil and gas companies suggests that we have until the end of 2018 for oil and gas companies to continue to incur expenses and that if doing so is commercially possible, companies should consider accelerating their drilling.

My amendment is very straightforward. It's to close the transition period, so that unsuccessful oil and gas drilling will not receive a tax benefit at 100% until the end of next year, but that it will end this year. That's the effect of this amendment.

Thank you, Mr. Chair.

• (0915)

The Chair: Is there any further discussion on Ms. May's amendment PV-1?

Mr. Albas.

Mr. Dan Albas (Central Okanagan—Similkameen—Nicola, CPC): I would just say, Mr. Chair, while I appreciate that the member is wanting to hurry up the process, one of the biggest things that we heard during the pre-budget consultations when we visited right across the country was that many in the business community are feeling a lack of certainty when it comes to the way this

government approaches things, including consultations at which it can't meaningfully engage because there are so many different subjects, so for us to suddenly switch something would create less certainty.

I think that right now the business community is really suffering from a lack of that, so I will oppose this amendment.

The Chair: With that, we will vote on amendment PV-1.

(Amendment negated [See *Minutes of Proceedings*])

(Clause 19 agreed to on division)

(On clause 20)

The Chair: On amendment PV-2, go ahead, Ms. May.

[*Translation*]

Ms. Elizabeth May: Thank you, Mr. Chair.

I can now explain that PV-1 does indeed mean Green Party. The committee officials might originally have thought that the letter "G" in "Green" meant that it was a government amendment.

Amendment PV-2 pertains to the same thing as our first amendment, namely, the transition period for the acceleration of oil exploration activities. That is why it is not necessary to repeat all the words in amendment PV-1.

Thank you.

[*English*]

The Chair: Is there any further discussion?

We'll vote on the amendment.

(Amendment negated [See *Minutes of Proceedings*])

(Clause 20 agreed to on division)

(Clauses 21 to 169 inclusive agreed to on division)

(On clause 170)

The Chair: We have amendment NDP-1.

Mr. Dusseault.

[*Translation*]

Mr. Pierre-Luc Dusseault: Thank you, Mr. Chair.

This amendment to clause 170 provides that the Minister of Finance shall not act unilaterally as regards the excise duty on cannabis. This is exactly what the provinces are now demanding from the federal government. The provinces feel betrayed by this government right now.

During preliminary discussions on excise duties on cannabis, the provinces clearly pointed out that most of the responsibilities related to legalization would fall to them and to the municipalities. During our prebudget consultations, we heard that the municipalities are worried about the burden this will place on them and the shortfall in the tax base owing to regulation and the need to ensure that the legalization process goes smoothly. For the federal government, this is not a heavy burden, at least not in terms of taxes. It simply requires that certain provisions be removed from the Criminal Code and that basic rules be established, which the provinces may then modify as they wish. The provinces will bear most of the responsibility.

In the preliminary discussions, the provinces' position was laid out for everyone. The provincial finance ministers indicated that sharing the excise duties on cannabis on an equal basis was not an acceptable formula. Despite this, the government came back two weeks ago with a proposal to share the excise duties equally. The provinces do not agree with this formula; it is another slap in the face. They have to address the matter again and present their position to the Minister of Finance.

That is why this motion provides for consultation in order to establish principles and objectives and conclude an agreement on coordinated taxation of cannabis. This is exactly what the provinces want. Adding clause 8.71 would require the minister to consult the other parties and come to an agreement, which he has thus far refused to do. His approach has been one of confrontation and a lack of respect for what the provinces want.

I urge the government and all members of this committee to support this motion, which would make it possible to reach a consensus, appropriate taxation and, above all, a sharing of the tax revenues that is fair to those who are really responsible for regulating cannabis. I therefore invite my colleagues to support this amendment.

• (0920)

[English]

The Chair: Thank you, Mr. Dusseault.

I know that the official opposition would like to hear from some of the witnesses on this one. We're dealing with part 4, the Federal-Provincial Fiscal Arrangements Act. If we could have some officials come forward, we'll have a discussion.

We have Mr. Coulombe and Mr. Mercille. We're open for discussion.

Mr. Poilievre.

Hon. Pierre Poilievre: The effect of this amendment would be to require a meeting or a discussion among federal and provincial officials on the share of taxation each level of government would receive from the taxation of cannabis. Is that correct?

The Chair: Do you have a copy of the proposed amendment before you?

Mr. Gervais Coulombe (Chief, Excise Policy, Sales Tax Division, Tax Policy Branch, Department of Finance): Yes.

The Chair: Go ahead, whoever wants to take this on.

Mr. Pierre Mercille (Senior Legislative Chief, Sales Tax Division, Tax Policy Branch, Department of Finance): The way

I read the amendment, it requires an invitation of the representative from the province. It's not totally clear whether it requires unanimous consent before an agreement is entered into with the willing province. It's a little bit ambiguous in that sense.

Hon. Pierre Poilievre: But it would require a meeting of some kind.

Mr. Pierre Mercille: If the amendment were adopted, it would require the Minister of Finance to invite his provincial counterparts.

Hon. Pierre Poilievre: Okay.

That's all, Chair.

The Chair: In the absence of this amendment, what happens? What's the process now?

Mr. Gervais Coulombe: If I may, the Minister of Finance has already started discussions at the federal, provincial, and territorial levels on the need for a coordinated approach on cannabis taxation. Those discussions will likely continue at the upcoming meeting of finance ministers in December. For that reason, this amendment may not be necessary in terms of the process that has already started and that is taking place.

The Chair: Ms. O'Connell.

Ms. Jennifer O'Connell (Pickering—Uxbridge, Lib.): That was going to be my point. To my understanding, this has already happened. The invitation has already happened. The meeting is in December.

The Chair: Mr. Dusseault.

[Translation]

Mr. Pierre-Luc Dusseault: I know there will be a meeting in December, but the provinces are not satisfied with the discussions thus far. At the first meeting, the provinces said that sharing cannabis tax revenues on an equal basis was not acceptable. Two weeks ago, the Department of Finance published a draft bill and a consultation document, asking the provinces once again what they think of equal sharing. It is as though the department had not understood a thing from the discussions.

As a result, I am not confident that the Minister of Finance will understand, at the consultations in December, that the provinces want more than 50% of the revenues. During that meeting in December, he will simply maintain his position that revenues should be shared equally, regardless of what the provinces say. He will attend the meeting, but he will not listen to what is being said. He will have made his decision and will act accordingly, whether the provinces like it or not.

The purpose of amendment NDP-1 is to arrive at a mutual agreement of principles and objectives. The proposed measure in this amendment would prevent the minister from unilaterally maintaining the equal sharing of revenues, which is what he wants. It would require him to reach some kind of agreement with the provinces, whether mutual or consensual. Reaching an agreement is important, regardless of the type of agreement.

The government will push ahead with its agenda and sign one-off agreements with each province, as it did with health transfers. That is the approach of a government that imposes its ideas. It holds consultations—bravo!—, but they serve no purpose because it does not listen; it keeps pushing and signs. The government holds consultations and it looks good, but it does not budge from its position. This is what happened in the past and it will happen again this time.

• (0925)

[English]

The Chair: Is there any further discussion on amendment NDP-1?

Mr. Pierre-Luc Dusseault: I'd like a recorded vote.

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

(Clause 170 agreed to on division)

(Clauses 171 to 175 inclusive agreed to on division)

(On clause 176)

The Chair: We're starting with division 2, Asian Infrastructure Investment Bank agreement act.

We have amendment CPC-1 from the official opposition.

Who is taking the floor on CPC-1?

Mr. Tom Kmiec: I am. It's my amendment.

After having heard the witnesses and the minister speak to this, I'm unsatisfied that this is the right thing to do with Canadian taxpayer money. I'm proposing this amendment to remove those five lines from the bill.

My concerns are that we are rushing into this. We will be financing infrastructure projects overseas while we know we have a \$2-billion deficit here in infrastructure spending between what the government intended to do and actually has done. Fewer than 30 projects out of 174 have been completed in Alberta. There are other concerns from international experts regarding the purpose of the Asian Infrastructure Investment Bank. I took the time to read what China's President Xi Jinping has said on it. He distinctly connects the one belt, one road initiative with the AIIB. The Asian Infrastructure Investment Bank is supposed to further the interests of China's foreign policy, and I don't really see why Canada should be financing that.

The second part is that witnesses before the committee said that a human rights and environmental review had been done of each and every single project. If they had done that, they would know that, actually, there's been a total lack of transparency, because that documentation is not available online. Through this project and future loan guarantees, so as the loans are paid out, if we proceed with paying our share into it, buying our voting share, we would be financing pipeline projects and Asia would be receiving loan money indirectly from the Canadian taxpayer. I think fundamentally that's wrong. We can't be doing such things when seemingly the Canadian government is opposed to supporting energy jobs in Canada while we're making it easier for them to be financed overseas. I think that's

wrong. President Xi Jinping has said this furthers China's foreign policy interests.

There's one other part. Witnesses said repeatedly that this is an opportunity for Canadian construction companies to bid on these projects. They tried to make the connection that these Canadian companies might receive these funds in the future. That's also incorrect. Canadian companies could already bid on the projects. I have taken the time to look at international reviews of these infrastructure projects that have been financed by this bank, and with regard to international relations with the Asia Pacific, Jeffrey D. Wilson from the Asia Research Centre at Murdoch University points out that in the majority of the contracts, preference is given to Chinese construction contractors in AIIB-funded projects. This is a gentleman who took the time to review the procurement and bidding process and found that Chinese contractors in fact do get preference when bidding. I just don't see the wisdom in spending \$375 million U.S. at this point.

I'd like this amendment to pass so we don't waste taxpayer money.

• (0930)

The Chair: Mr. Poilievre and then Mr. Dusseault.

Hon. Pierre Poilievre: I find it interesting that this government, which is opposed to pipelines, is in favour of using Canadian tax dollars to fund them abroad. The Green Party leader is here today. She said she wants to end fossil fuel subsidies but she votes in favour of a bill that would subsidize the transport of fossil fuels in Asia through the construction of pipelines funded by Canadian taxpayers. It's clear that there's no objection to pipelines outside of Canada and there's no objection to subsidizing fossil fuels. As long as those subsidies don't help Canadian workers, the Liberals and the Green Party are just fine with those subsidies.

Our party believes in creating jobs and opportunity here at home. We also have to tackle the growing problem of inequality where wealthy international financiers are making a fortune off the backs of taxpayers around the world, and in particular, here in Canada. These so-called infrastructure banks are designed to transfer the risk of mega construction projects off of the backs of the investor and onto the backs of the taxpayer. We believe in the free market where risk and reward go together. We do not believe in socialism for the wealthy, welfare for the wealthy, and that is exactly what these infrastructure banks are.

We call on the government to champion the free market and more equality and to stand up for Canadian jobs, workers, and taxpayers, and not the interests of making the wealthy wealthier in faraway lands.

Thank you.

The Chair: It's probably not proper for me as chair, but I do believe that Mr. Poilievre's facts are wrong that the Liberals are opposed to pipelines. I believe the Prime Minister came out and said that if they meet the environmental guidelines...and did support energy east, etc., but in any event, Mr. Dusseault.

[Translation]

Mr. Pierre-Luc Dusseault: Thank you, Mr. Chair.

I would like to explain my support for the Conservative amendment, which seeks to reduce Canada's contribution to this Asian infrastructure bank to zero.

This contribution would take up to \$480 million from the Treasury, from the international development budget—I do not think we have repeated that often enough—, to fund infrastructures in Asia. In my opinion, this decision is ill-advised.

We are told that this contribution will promote Canadian interests abroad. Come on. I do not know if anyone around the table really believes that investing in this bank will promote Canadian interests abroad. If we want to put the interests of Canadians first, I think we can do that in many other ways. We can spend \$480 million in our economy rather than investing it abroad, especially since those Asian infrastructures will probably operate on a user-pay basis.

I do not think that money will ever come back to Canada. It will go into the pockets of a foreign bank, whose executives are questionable. Personally, I am doubtful about the safeguards. What safeguards does that bank have? Some witnesses have said that the protections against corruption are insufficient.

I appeal to all members of this committee to support this motion, and thank the Conservatives for proposing it. Once again, if we had \$480 million to spend in Canada, I would not invest it in that Asian bank. I would invest it instead in our economy, in Canadian entrepreneurs and SMEs, at home, in Sherbrooke, and right across the country.

• (0935)

[English]

The Chair: Thank you, Mr. Dusseault.

I have on my list Ms. May and then Mr. Albas.

Ms. Elizabeth May: Thank you, Mr. Chair.

Under the strange rules which I find myself here, I'm normally not allowed to comment on amendments that are not my own, but since I was directly attacked by Mr. Poilievre, I'd like to make it very clear that I support this amendment, because it's not an infrastructure bank in Asia to build pipelines; on the contrary, it's the Asian Development Bank, and one of its primary goals is to alleviate poverty. Since 2015, our money has gone to—

Some hon. members: Oh, oh!

An hon. member: Go ahead.

An hon. member: [Inaudible—Editor]

Ms. Elizabeth May: The Asian Development Bank funding...? Okay. I apologize, Mr. Kmiec.

I would make it very clear that there's no money in this budget going to build pipelines in Asia. I oppose fossil fuel infrastructure anywhere in the world. Under the current commitments that Canada has made for its overseas funding, it said very clearly, just recently in Bonn at COP23, that the funds we provide overseas are also going to go through a lens, and that they are not to be promoting any increase in fossil fuel use, infrastructure, or emissions overseas. That's a very clear commitment on our foreign assistance at this point.

The Chair: Thank you, Ms. May.

Mr. Albas, and then Mr. Poilievre.

Mr. Dan Albas: Mr. Chair, I certainly appreciate Ms. May's trying to clarify the comments.

However, Mr. Kmiec has done a fair bit of research on which projects have been approved, and among them are pipeline projects in Asia. I would encourage all members of the House of Commons to familiarize themselves with it.

When we had officials here, we asked whether or not these projects were financially feasible. Unfortunately, the officials said they were not feasible if they were to be done on their own without some sort of government backing which would encourage investors to put in money to see those projects go forward.

We have energy east. The government likes to say it made a business decision and decided not to go forward. Canadians would be quite alarmed to hear that we are actually fortifying investors in Asia to do pipeline projects and we are not doing the same in Canada. It seems the government has been playing footsie with a slow, inevitable march toward realignment.

I don't think there's been a proper debate in either House of whether or not we want to turn our back on multilateral relationships which have created a lot of stability in the world. I think there should be a debate as to whether or not we should be proceeding. When you have these small developments go bit by bit, we are actually inching toward that without having a proper discussion.

Last, again referencing our multilateral past, Mr. Chair, you of all people should know, in your capacity as member of the Canada-U.S. Parliamentary Group, it may end up being quite provocative to be investing this kind of money when we have allies, such as the United States and Japan, which probably would not look kindly upon this, particularly at this time when we're trying to close the gap with NAFTA negotiations, or trying to close the gap with the trans-Pacific partnership.

The Chair: Mr. Poilievre and then Ms. O'Connell.

Hon. Pierre Poilievre: Mr. Chair, it is important for members to know what they're voting on. The leader of the Green Party said we're voting on the Asian Development Bank. That is wrong. We are not voting on the Asian Development Bank. We're voting on the Asian Infrastructure Investment Bank. She also said this will not fund pipelines. In fact, Mr. Kmiec has done a tremendous amount of research on the projects already approved by the Asian Infrastructure Investment Bank.

I have the project list which Mr. Kmiec has assembled. It includes a natural gas infrastructure and efficiency improvement project in Bangladesh. This is a gas transmission pipeline capacity increase in that country. Then there is a second project, the trans-Anatolian natural gas pipeline project to be co-financed with the World Bank. That's in Azerbaijan. It again is a natural gas pipeline.

By supporting this bill, the leader of the Green Party is supporting subsidies for fossil fuels. She, moments ago, said she was against that. Now she's voting for it. The government is supporting subsidies for fossil fuels in faraway lands. It puts every regulatory obstacle possible in the building of a pipeline between Alberta and New Brunswick, a project that would have created countless jobs for energy workers in the west and refinery workers in the east. It would have allowed us to get fair prices for Canadian oil, and eliminate our reliance on Saudi Arabian and Venezuelan oil. That project has been blocked by countless regulatory obstacles that this government has put in its way.

Meanwhile, it is forcing the same out-of-work Canadians to pay, on their taxes, for pipelines in Bangladesh and Azerbaijan, projects that will surely profit the world's well-connected and wealthy elite, but projects that will do literally nothing for the Canadian economy. On this side, we will be standing up for Canadian workers, Canadian jobs, and Canadian taxpayers. We will not support this bank which is designed to pad the pocketbooks of the world's well-connected and wealthy.

● (0940)

The Chair: Ms. May, I know you've been challenged, and I also know the rules. The floor is yours, and then we'll go to Ms. O'Connell.

Ms. Elizabeth May: My first point is that to vote for an omnibus budget bill this large, my own lens is, do I approve of about 99% of what's in there?

In terms of this item, the Asian infrastructure bank, I will be watching closely. The commitments the government has made are not to fund...and I shouldn't use the word "pipelines", because I'm not against pipelines. It's a question of what's in them. Also, improvements in efficiency in the use of natural gas in a country like Bangladesh arguably reduce greenhouse gases in that country.

As for the nonsense that was just said, and with all due respect, Mr. Poilievre, on the energy east pipeline, which was withdrawn from consideration by its proponent, in credible analysis by energy economist Andrew Leach at the University of Calgary, I think he makes a very strong point that, with Keystone approved, TransCanada just didn't have enough market for two pipelines. Also, that pipeline, if completed as planned, was going to have a mixed amount of content. About 80% of what was to go through the energy east pipeline was mixed bitumen with diluent, for which there is no refinery in Atlantic Canada that can process it. It was primarily an export pipeline.

We have these debates, and I don't think that amendments to Bill C-63 in clause-by-clause is an appropriate place for a pipeline debate, but I do think it's important to set the record straight. In this government, unfortunately, the Liberals are all for pipelines. They approve them all over the place. Personally, and for the Green Party, it's not about the pipelines. It's what's in the pipeline, and we will oppose any pipeline of bitumen mixed with diluent, which is a substance that can't be cleaned up and poses a risk wherever it is shipped.

The Chair: Okay. We go all around the block on issues at this committee, Ms. May. There's no question about it.

Ms. O'Connell and then Mr. Albas.

Ms. Jennifer O'Connell: Mr. Chair, I never thought I'd see the day when I would hear the Conservatives say they're so against socialism for the wealthy, because that's what I remember from the last 10 years, but that's okay. We'll talk about the fact of jobs. The question was about jobs for Canadians. Well, I think our two records can speak for themselves. Some of the worst job records we saw from the previous government.

In terms of pipelines, another one.... We'll see the records show for themselves how many were completed by the previous government. In terms of subsidies for fossil fuels, I think the Conservatives are having a really hard time with their messaging, because our job numbers are doing very well and our economy is growing. They want to really twist and turn and get to whatever they can in terms of messaging around some of these amendments, and really, what we heard from the officials, if you'll recall, was that part of Canada joining the Asian infrastructure bank was about having a seat at the table to start influencing and changing the conversation and changing behaviour. If we're not at the table, we really can't influence that.

To pretend for one second that Canada should not be involved in a global economy, I mean, again, coming from Conservatives, it's something that I'm very surprised by, especially from these former Harper Conservatives. It's just absolutely shocking to me. I think the point is—and I think most Canadians see the fact—that we are living in a global economy. If we want to move and make progress on things such as infrastructure, international development, environmental standards, and labour standards, Canada has to have a seat at the table.

That's what we heard about. It's not about operating in one silo or another and only doing things in Canada and never talking or interacting with global markets or global businesses. I don't think that's what the previous Harper Government did, but now, because they really can't talk about the economy because of their track record, they have to twist themselves into pretzels to really talk about subsidies for fossil fuels. Really, this is about having a seat at the table and changing the conversation and Canada having that influence to move to a sustainable global market.

● (0945)

The Chair: Thank you, Ms. O'Connell.

It looks like we have a full-court press. From the official opposition, we have Mr. Albas, Mr. Kmiec, and Mr. Poilievre.

We are on amendment CPC-1. I think we're going broadly around it, but go ahead. The floor is open.

Mr. Dan Albas: Mr. Chair, just to make sure people are correct on the record, median wages from 2005 to 2015 rose 12.2%. Canada was one of the only areas in the developed world where we saw median wages go up as compared to other places. We also had the great recession, which some people might say could have easily gone into a depression if not for the good work done by the previous government. I think most members would say that could be a difficult thing, particularly during minority years. As well, during the time I was here, Mr. Chair, Canada did the best out of all of our partners in coming out of that recession, with 1.2 million jobs after the recession. That record is there.

Also, when we talked about doing international development or multilateralism, we would talk about child and maternal health care plans so more children would be born whose parents would be able to take care of them. Those are the kinds of things we did.

The trans-Pacific partnership was something the previous government invested a lot of time in, because we saw Asia and the Pacific in general as a good place to be doing business.

That's how we did it. We did not do it, though, by subsidizing pipelines. As a British Columbian, I have to say that when we see investments of \$36 billion in proposed investment not go ahead in the Pacific LNG project because of the enormous amount of regulatory pressure put on it by this government.... They put a regulatory cap on its emissions, and it made the project non-viable. Only now do we find out that they are willing to subsidize natural gas projects and other types of projects like that in other countries.

This is the problem. The government can say it is all about multilateralism, but at the end of the day you are taking taxpayers' money and placing it to the benefit of taxpayers in other countries. I think many people may just say that if we're not going to be supporting projects here in Canada, why are we supporting those projects? I really do hope the government members take note of this, because at the end of the day you have to go to your constituents and say to them that \$375 million U.S. was.... You were at this committee, and you didn't say anything other than supportive bromides.

Thank you.

The Chair: We are moving fairly far astray from the Asian Infrastructure Investment Bank, but we went down this road, so I'll have to allow us to complete it.

We have Mr. Kmiec and then Mr. Poilievre.

• (0950)

Mr. Tom Kmiec: We have gone down this road now, so to that amendment, I'm trying to remove the funding component to the Asian Infrastructure Investment Bank.

However, since we talked about employment numbers, you would know that CANSIM table 282-0011 shows that job numbers are pretty much the same as they were all the way back in about June or July of last year, because there was a drop and it came back up. I'd be really careful, then, about using whatever employment numbers you want, because I can use StatsCan numbers to demonstrate to you that half of the drop in the unemployment rate is due to workforce participation dropping. There are fewer people looking for work. People are dropping out of the workforce because of all the tax hikes. It's not worth looking for work. That's not me; that's StatsCan. Just go look at the data. It's right there.

To the amendment, it's been said that this isn't about pipeline infrastructure projects in Asia. It is about them, though, because there are 21 projects already on the books. The day the government announced it was going to join was the day the TANAP Azerbaijan project was approved. It was the exact same day, so how could you not know?

The witnesses said there was a human rights and environmental record review done on every single project, which means the

government would have been reviewing it ahead of time before joining this project. It would have known that \$375 million U.S. of taxpayers' money would be going to finance the loans being given to these pipeline projects. It has to. Inevitably it will go there. Middle-class taxpayers are going to be financing two pipeline projects overseas, and I don't see how that's fair to the widows or how that's fair to the orphans or how it's fair to taxpayers in Canada to be financing those projects.

Witnesses have also said before this committee—in error—that this is an opportunity for Canadian companies to bid and that they could bid on these projects ahead of time. I have experts from Australia and Asia saying that this is furthering China's foreign policy interests, not Canada's, and that Chinese contractors are preferred contractors when it comes to bidding on these projects, so this money very well may go to financing middle-class jobs in China and the elite who will be getting these loans. “De-risking” was the term used for what this money is going towards, but de-risking whom? Well, it's de-risking those people who are fortunate enough to have a seat at that table. We are not purchasing a seat at the table. We are not going to be a member of the board of governors or the board of directors of this bank.

We may, perhaps in the future, but we get less than a 1% voting share for this money, and I just don't see the value. I don't see the bang for your buck. Back in Alberta, we say, “Get 'er done”. I don't see us “getting 'er done” here.

The Chair: Thank you, Mr. Kmiec.

Next is Mr. Poilievre, and then Mr. Fergus. Hopefully we can—

Hon. Pierre Poilievre: Mr. Chair, the comments from across the way demonstrate that the Liberals do not even understand what free trade is. They think free trade is a group of political grandees getting together in a faraway land and deciding how to spend other people's money through complex international institutions unaccountable to the people who pay for them. That is what this so-called Asian infrastructure bank is. It will take a total of \$100 billion in tax dollars, from working people around the world, and put it into the hands of a well-connected, well-lobbied for, well-lawyered few. They will be able to use that money to secure loan guarantees and loans, and the losses that will result from projects gone bad will then fall on the backs of the world's taxpayers, of which Canadian taxpayers will be responsible for half a billion dollars.

That's not free trade. What the government doesn't understand is that countries don't trade—people trade. Individuals buy things from one another across borders. In a true free-trading economy, the government should remove the barriers to the flow of goods and services across those borders. It should not forcefully expropriate the money of the taxpayers in those countries to provide financial assistance to wealthy international investors well connected enough to get their hands on it.

That is effectively the difference here. We believe in voluntary exchange, where buyer and seller trade things because each believes they are better off with what they get than with what they had. They believe in forcing people to contribute to projects they don't support and often don't even know about in faraway lands they've never been to.

We are going to continue to support true free trade over here on this side of the House of Commons, and not these programs of socialism for the wealthy and the well connected.

Thank you.

• (0955)

The Chair: We have Mr. Ferguson, and then Mr. Lightbound.

We are on the Asian Infrastructure Investment Bank agreement act amendment, but I will admit that we are a little broader than that in the discussion.

Go ahead, Mr. Ferguson.

Mr. Greg Ferguson: Mr. Chair, well, it did start off with the discussion, and I'd like to thank the honourable member from Calgary for his analysis. I think it's not entirely reflective of the full diversity of the benefits of the Asian Infrastructure Investment Bank, but the most important thing is that we have a full discussion of the benefits and perhaps some of the disadvantages.

Good people of reasoned perspectives can have a fair debate. What I really don't appreciate is the lack of coherency, I would say, in terms of the arguments being marshalled by some of my honourable colleagues opposite, in terms of pulling in little bits and pieces and then conflating them into a conclusion which will support an ideological perspective that they may have.

I don't think anyone on this side said that the AIIB is a free trade agreement. I'm not certain where that came from. We were talking about different aspects of different measures in which we would want to support.... We'd like to support free trade. We also want to support and be a part of the global community to make sure there is going to be, Mr. Chair, a fair development, which is going to be happening all over the world, because Canada....

Mr. Chair, let me back up a bit. I come from the perspective that it's very important for all of us to have self-interest, but if all that we have is self-interest, what kind of people are we? We need to have some idea of being able to work with our neighbours and with our brothers and sisters around the world. We cannot just stick.... Canada is not an island to stay unto itself, to invest only in itself and only for things which only benefit ourselves. We need to make sure that we are part of a larger global community and we take our perspectives in doing so. I have no problems doing that, and I'm certain that honourable members, in most contexts, would probably agree with that perspective as well. I think that is key and that's important.

This is one tool in which we are able to do that, and it's one tool which I'm proud Canada is taking a step toward being a part of. Part of our long and proud history over the last 80 years, certainly throughout the 20th century, is in being part of these multilateral organizations which seek to improve the welfare and well-being of citizens around the world. It's one thing I'm proud of.

It's interesting that the honourable member also brought up issues in regard to the economic record of the previous government, saying that we would have gone into depression. It's fascinating that they used the term "depression", because every economist, every statistic, would demonstrate that their economic record was only second to that of another prime minister, R.B. Bennett, during that depression era, in terms of annual economic growth.

When you take a look at the anemic record that existed then compared to the 3.5% growth that we have now, Mr. Chair—

The Chair: Greg, I would like if we could—

Mr. Greg Ferguson: It's just because the door was opened.

The Chair: I know we went very broad on this, but I don't want to get into a debate on this government versus that government. I think we went far enough on that point.

Mr. Lightbound.

Mr. Joël Lightbound (Louis-Hébert, Lib.): I'll be very quick.

I want to thank Mr. Kmiec for his extensive research on the Asian infrastructure bank. I'm sure he would have noted that on many of the projects he's mentioned, the World Bank is a co-lender.

If we push his reasoning, I guess he would suggest that Canada should exit from the World Bank or reconsider its engagement. However, I don't see that Canadians have an appetite for disengaging from institutions such as the World Bank. I think Canadians have a strong desire to see Canada being part of the discussion about development around the world.

I am curious if his reasoning was that Canada should exit institutions such as the World Bank. In the interests of staying on the proposed amendments, I am not seeking an answer necessarily right now, but if he wants to, I'd be happy to hear it.

• (1000)

The Chair: We'll give him the opportunity, if he wants to answer now, and then maybe Mr. Poilievre can close this debate and we'll vote on CPC-1, and then go to CPC-2.

Mr. Kmiec.

Mr. Tom Kmiec: I'd be happy to. This is turning out to be a bit like question period now, but I'll actually answer the question.

My answer is no, of course not, but you're asking us to spend \$375 million U.S. of new money. Not every project has World Bank money attached to it.

Let me give you as an example the Duqm port commercial terminal and operational zone development project. The project status right now is that it's under construction. If your government had been reading about the project, reading the newspapers, and reading the analyses of it, you would know that there are massive concerns about the abuse of migrant workers and unfair labour conditions for those migrant workers in Oman. I refuse to believe that this government somehow would have done a human rights review, as the witnesses said, and not have noticed that fact at some point.

We're transferring \$375 million U.S. of new money that will be financing the loans that will eventually make their way to this project. Of course, for each of these projects, you don't give all of the loan money up front; you give it in pieces over time. Canadian taxpayer dollars will go towards this Omani project where there are human rights concerns. Not all projects are funded by the World Bank. Some projects receive money—some, not all. The IMF is giving money to some of them as is the ADB, but not to all of them.

The unique thing about this bank is that it's led by the Chinese government and is explicitly for the purpose of one belt, one road, or OBOR, initiative. The one purpose behind this project is to find opportunities to further China's economic interests. They have said that explicitly and repeatedly.

All we're getting here is less than 1% of the shares and no seat at the table. We're not on the board of directors. We're not involved anywhere. We're not talking about institutions that are part of the Bretton Woods institutions, which we have been part of for 50-plus years. We're talking about a new institution not led by one of our allies.

The Chair: Mr. Poilievre.

Hon. Pierre Poilievre: Mr. Chair, again, I think I have to reiterate what members across the way have said.

Mr. Kmiec has done phenomenal service to Parliament through his research and through the data he has dug up. He is really leading the charge on this file.

I have to respond to Mr. Fergus, however, who says that this is about selflessness and altruism, that we need not be so selfish, and that we need to show generosity. This is another classic Liberal contradiction. They are very generous with other people's money.

If the Liberals believe that the best way to help the world's most needy people is to invest in an infrastructure bank, why don't they do it with their own money rather than forcing Canadian taxpayers to fund it? We on this side believe that free trade helps everyone. This is not free trade. This is forced taxation to fund a faraway bank that will help wealthy people in a faraway land to protect their own financial interests at Canadian taxpayers' expense.

Normally, international aid programs are designed to help the world's poor. The Liberals have now conjured one up to help the world's rich, the investment bankers and private equity fund managers. Those who will invest in these projects will get underwritten by Canadian taxpayers. A half a billion Canadian tax dollars will be poured into the pockets of the wealthy elite who are going to benefit from it.

We are moving a motion under the name and the leadership of MP Kmiec to cancel this expenditure and keep that half a billion dollars in Canada, in the hands of the people who earned it.

The Chair: Mr. Fergus, let us hope yours will be the last comment in this round.

Mr. Greg Fergus: I hope it is, Mr. Chair.

I'm certainly not a fellow to have a sensitive skin. I'm certain the honourable member didn't imply that I, speaking as a Liberal and as an individual, don't spend my own money in supporting causes, not only in Canada but around the world. I don't think he knows me well

enough to know whether or not, as an individual, I do that. Let me just assure him and state for the record that a fair bit of my salary and a fair bit of my family's work is for activities that are certainly not in my personal interest—a narrow economic benefit—but to help out my neighbours not only in my community but around the world.

• (1005)

The Chair: We'll vote on CPC-1.

Mr. Dan Albas: I request a recorded vote.

(Amendment negated: nays 5; yeas 4 [See *Minutes of Proceedings*])

The Chair: Amendment CPC-2 relates to the same clause.

Mr. Kmiec.

Mr. Tom Kmiec: This second amendment specifically deals with lines 4 and 5 of clause 176, on page 239.

During testimony, the minister and the witnesses used a different number from the number available in the budget document. In Bill C-63 it is \$375 million U.S., while on page 181 of the budget it says that budget 2017 proposes to invest \$256 million over five years for Canada to join the Asian infrastructure bank. I'm simply trying to amend it to reduce the number to match what the budget said was the correct amount to spend. I've never quite understood the discrepancy between the two numbers. Perhaps the Liberals wanted to double down...which the numbers almost match. As my colleague Mr. Albas mentioned, this would also help the government avoid some currency exchange risk if we convert the currency to Canadian dollars instead of keeping it in U.S. dollars, because we might approve it, but since currencies are traded freely and they might change, the government might wind up paying more money than what was intended and approved.

I think we've gone over all the deficiencies of the Asian infrastructure bank. This is really just about what's on page 181 of the budget document, which is \$256 million over five years. There's a discrepancy there with the \$375 million U.S. in Bill C-63.

The Chair: Ms. O'Connell.

Ms. Jennifer O'Connell: Mr. Chair, while I appreciate Mr. Kmiec's amendment to clarify the numbers, we heard testimony from the officials of where the difference in numbers was. One was that Canada is setting an upset limit of \$375 million U.S., but currently there is only \$199 million U.S. worth of shares available. The idea is that since Canada is not a founding member, should additional shares be available, Canada could purchase more, up to that upset limit. We heard that testimony. I thought it was made very clear, but I'm happy to clarify that the initial investment is \$199 million U.S. that's available, and that it's an upset limit, should any additional shares become available after other members choose what share limit they will move forward with. That's the clarification and that's what we heard in testimony from officials.

The Chair: We have officials here. If anybody wants them to come forward, make that request.

Mr. Kmiec.

Mr. Tom Kmiec: Join us.

The Chair: If people have questions on this issue, you're entitled to ask them.

I have Mr. Kmiec first, and then Mr. Sorbara.

Mr. Tom Kmiec: Since we have the officials here, may I start with the initial \$199 million that Madam O'Connell referenced. When would this future money be requested, and how would parliamentarians have a say in whether the money is disbursed or not?

Ms. Nicole Giles (Director, International Finance and Development Division, International Trade and Finance Branch, Department of Finance): The additional funding would be requested if there was the availability of shares. When the shares become available to purchase, if the government wanted to purchase those shares, at that point the funding would be requested and it would be returned to Parliament through the estimates process as part of the regular appropriations process.

Mr. Tom Kmiec: But the budget actually says \$256 million over five years. Did the government change its intentions from back in March and now have new intentions? Would those intentions potentially change in the future? That's the issue here. Are you saying that at a future time, the government may choose to purchase extra shares if those shares become available, and it wants to keep the money that Parliament would approve on the side, in a separate bank account for future use, for potential future purchases of these shares?

•(1010)

Ms. Nicole Giles: In the budget the exact amount is being requested for the shares that are currently available for purchase. The legislation provides the up to maximum amount for Canada's possible maximum shareholding allocation based on the bank's formula. The delta and the difference would not be appropriated or set aside in budgets until the regular estimates or appropriation process had gone through. So in accordance with budget 2017, while the legislation will provide for a potential upper cap, the appropriation at this point is limited to the \$199 million.

Mr. Tom Kmiec: Here's the issue I have. The header says "Payments out of Consolidated Revenue Fund—Initial subscription".

My understanding of something that says "initial subscription" would be exactly that: \$256 million, or \$199 million U.S., purchase initial subscription. Future subscriptions should then return here in a bill format when parliamentarians could debate and question the wisdom and whether this was the right decision or the wrong decision. I think most members know where I stand on this. We could then return here to have a secondary debate. Perhaps we could call it, "second subscription", or "another subscription", but this refers to "initial". My understanding of "initial" would be that it would be \$256 million, not \$375 million U.S.

Ms. Nicole Giles: The initial subscription describes the first capital that's being put into the bank by the founding members and by the members who are joining in the second round.

When we talk about additional subscriptions down the line, that normally relates to a general capital increase, which would be seen as a subsequent subscription. The initial subscription speaks to the larger initial capitalization of the bank, and that's why that language is used. It is distinguishing that from the initial purchase from Canada to a potential subsequent purchase up to our maximum allowable share allocation.

Mr. Tom Kmiec: This sounds like I'm going out to buy a car for \$10,000 and instead of getting a loan for \$10,000 I get a loan for \$14,000 because I might want to do some upgrades, get new tires, or fix something on the car.

What this sounds like is you're asking for more money than you need because you may want to use it in the future to invest in this bank some more. Am I misunderstanding it?

Ms. Nicole Giles: An important distinction is distinguishing between the legislative process and the appropriations process. The legislative process is requesting legislative authority to purchase up to the maximum allowable share that Canada could have under the allocation formula. The appropriation, which is budget 2017, is only speaking to the \$199 million. If the decision was taken by the government to make additional share purchases at that point an additional appropriation would be requested by the government and that would be brought back to Parliament.

Mr. Tom Kmiec: Okay.

The Chair: Would it have to go through the budget process at that stage?

Ms. Nicole Giles: That is correct.

The Chair: I have Mr. Sorbara and then Mr. Albas.

Mr. Francesco Sorbara (Vaughan—Woodbridge, Lib.): Thank you, Mr. Chair.

Good morning, everyone.

The question I had was answered in terms of the initial funding amount. To increase that it would have to go through the process again, so that was answered.

My understanding is that this current funding allocation will occur over a five-year period.

Ms. Nicole Giles: That is correct.

Mr. Francesco Sorbara: Okay. That is it.

I just wanted to add one comment on the banter that went back and forth on the earlier discussion of the Asian Infrastructure Investment Bank. My understanding is that there are obviously a number of countries, I would say dozens of countries, that are participants in the Asian Infrastructure Investment Bank.

Ms. Nicole Giles: That is correct.

There were 57 founding members. Currently, there are 80 current and prospective members.

Mr. Francesco Sorbara: Many of those members can be defined as countries that we do an enormous amount of trade with and obviously have growing economies with many of them located in the Asia-Pacific region.

Ms. Nicole Giles: That is correct.

Mr. Francesco Sorbara: Many of those countries are also signatories to the agreement that the Conservative government signed in the trans-Pacific partnership, otherwise known as the TPP.

•(1015)

Ms. Nicole Giles: We have not done that cross-comparative analysis, but we can certainly do so.

Mr. Francesco Sorbara: Is it safe to assume there's some crossover?

Ms. Nicole Giles: There is indeed overlap.

Mr. Francesco Sorbara: Yes, there is overlap. Many of the countries with which the Conservative government, which these individuals were part of, signed onto the TPP, are part of the Asian infrastructure bank. Correct? I just wanted to put that out there.

That's it, Mr. Chair.

Thank you.

The Chair: Mr. Albas and then Mr. Poilievre.

Mr. Dan Albas: Going back to the issue of the effect of Mr. Kmiec's motion to make an amendment, you've already said that the government could at a later date decide that it wants to purchase more shares. Technically, it could ask for those appropriations to do so and they would have to come back to Parliament. Is that correct?

Ms. Nicole Giles: For the appropriations they would have to come back to Parliament, correct.

Mr. Dan Albas: So, why would we not want to...? I can see why government members, obviously, don't want to cross their own government, but again, they've said that the initial share was in the public interest. They could support Mr. Kmiec's amendment. If the government made a good decision, it could bring those results back, and then we could have a further examination on that. But right now, this is speculative. We've already raised a number of concerns, and I think that the government would be well positioned.... I think there would then be a benefit, Mr. Chair, to having the government come back and make more persuasive arguments than we're hearing today for additional monies. I think that would create better accountability. I think it would create a little more transparency around the government's intention. I think we would have a much finer debate because then we would actually be able to put the government's investment in the so-called bank and be able to see what came out of it. I'm going to be supporting Mr. Kmiec, and it does not sound like this will interrupt the government's plan. It will simply make sure that, if it wants more money, it'll have to come back to Parliament and ask for it.

The Chair: Now we have Mr. Poilievre and then Mr. Kmiec, and hopefully that's it.

Hon. Pierre Poilievre: I have to respond that Mr. Sorbara once again conflated free trade with grand international governmental institutions headed up by political insiders and international financiers. There is a difference. We believe in the free flow of goods between peoples. Free trade is about knocking down

government barriers so those goods can flow. This is not a free trade institution. If anything, it is an anti-trade institution. It will principally fund the export of Chinese goods westward, away from Canada, by building on the Silk Road strategy of the Chinese government. That Silk Road does not point towards Canada. It points away from Canada.

As for the facts, Japan, arguably the most important market to which TPP would give Canada access, is not a member of the Asian Infrastructure Investment Bank, so the member across is incorrect in suggesting that this bank is merely a reflection of TPP. There is no benefit to Canada's TPP initiative in pouring half a billion dollars into this bank.

Thank you.

The Chair: Now we have our final point.

Mr. Kmiec.

Mr. Tom Kmiec: Mr. Chair, I just want to reiterate what Mr. Albas said. I think, as parliamentarians, what we should be doing as much as possible is matching the legislative and appropriation processes as closely together as we can, because it's then easier for us to track the money when things do go wrong, and they sometimes do. It also makes it easier for future parliamentarians who come in here, and I'm speaking as one of the new parliamentarians who was elected in 2015. The estimates, appropriation, and legislative processes do not always match, and that makes it very difficult for members of Parliament to track the money as it's being spent.

What I'm simply trying to do is match it with what's on page 181 of the budget so that the comparison between what was spent and what is being asked for will be easy to make in the next budget. I think it's a very reasonable request that whatever the government proposes to do be reflected in the legislation. I think that's the very minimum. We saw the Speaker make a ruling and split four components out of it based on a new standing order. I think the same principle applies here. The substance has not changed; it's the amounts that have changed. As parliamentarians, I think we owe it to our constituents to be able to track and report the money as best we can, and this would make it simpler.

•(1020)

The Chair: Okay.

I will call the vote on amendment CPC-2 to clause 176.

Mr. Tom Kmiec: I'd like a recorded vote.

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

The Chair: For the same clause, clause 176, we have amendment NDP-2.

Mr. Dusseault, the floor is yours.

Mr. Pierre-Luc Dusseault: Mr. Chair, this is a very reasonable amendment. I hope all members will be able to support it. It's a transparency amendment. I will read it to make sure that everyone is on the same page on this amendment:

The Minister of Finance must, at the end of each fiscal year, prepare a report setting out the payments which were made to the Bank out of the Consolidated Revenue Fund during the previous fiscal year as well as the purpose of each payment and must cause the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the report is made.

It's very simple. It's to have the Minister of Finance, after each year, table a report saying what the payment amount to the bank was and for which projects was the money used. It is very reasonable. It will give Canadians transparency over their own money. Canadians pay tax every day. They expect the government to be responsible with their money.

We are in front of a *fait accompli* that government will go ahead with this investment in the Asian bank. The main thing they should do is at least provide transparency over the money that is spent by this bank and over which projects were financed.

I ask every member to support that amendment. It's very simple. It doesn't impede the government from going ahead with this project, but at least Canadians will see where their money went. It's not the government's money. It's Canadians' money. As I've said before, I don't think it's the best way to spend Canadians' money, but if the government decides to do so, at least please be transparent and provide Canadians with the details of that spending.

I hope I have the support of every member.

The Chair: Thank you, Mr. Dusseault.

I have Ms. O'Connell.

I would like to ask officials, following Ms. O'Connell's comments, what the process is now to try under the bill, without this clause to have transparency, to inform the public of where monies are being spent.

Ms. O'Connell.

Ms. Jennifer O'Connell: Mr. Chair, that's my question for the officials.

Can you outline how? You already mentioned in your earlier statement how it shows up in estimates. Can you outline what the process will be in terms of outlining to parliamentarians the funds that are spent?

The Chair: Ms. Giles.

Ms. Nicole Giles: I'll be very happy to.

Transparency on payments and expenditures is a critical aspect of Canada's international assistance engagement and, indeed, on how all funding from the international assistance envelope is spent. That includes funding that goes to international financial institutions such as the AIIB. There's a multitude of different reports where all of this information is already reported. If Canada joins the AIIB and makes these payments, this would become part of those reports.

That includes the statistical report on international assistance that follows the report to Parliament on the Government of Canada's official development assistance under the ODAAA, Official

Development Assistance Accountability Act. That is quite a robust narrative report. I think this year's version was quite thick, describing in some detail the projects that are funded with international assistance funding, the results that are achieved for it, and the purposes for which the money is used. The statistical report that's associated with that provides very detailed financial statements.

We also report on our international assistance, which would include this funding, to the bank through our OECD DAC reporting, which is a requirement of our membership to the OECD DAC. That information also appears twice a year, which speaks to the funding that would be made as part of these payments as well as the purpose of those funds.

Last, in terms of Canada's more domestic, slightly more parliamentary focused process, the payments to the AIIB would also be reported in addition to those external reports. Those payments would also be reported through the estimates process as well as in the public accounts, which provides further transparent reporting.

• (1025)

The Chair: Is there anything further?

Ms. Jennifer O'Connell: No, that clarified it.

The Chair: Mr. Albas, and then Mr. Dusseault.

Mr. Dan Albas: You rhymed off a couple of different ways the government will be reporting. I don't think the estimates really give anything other than just a number. While numbers are helpful because they're easy to count, sometimes they don't always measure what counts to the person who's reading it, because there's more than just dollars and cents. Are those other reports tabled in Parliament?

Ms. Nicole Giles: The report on the Government of Canada's official development assistance, which is required under the ODAAA legislation, is tabled in Parliament every year before September 30, or if the House is not sitting during that period, within five days of the House starting to sit again.

Mr. Dan Albas: I do think there has been enough public interest raised by many of the members at this table, although maybe not by all, to warrant having a report specific to the Asian Infrastructure Investment Bank simply because of the nature of it. I would encourage all members to support this amendment. Again, when we give delegated authority to a minister or to the Governor in Council, that goes with a tremendous amount of ability, and we should be able to ask to have reports specific to parliamentarians so that we can share with our constituencies what the government is doing with those specific expenditures and with that delegated authority.

Thank you.

The Chair: Thank you, Mr. Albas.

Mr. Dusseault.

Mr. Pierre-Luc Dusseault: Thank you for the answer.

You mentioned a lot. Where exactly would we be able to find project-by-project information, how much Canadian money went to which project? Can you clarify which document you're referencing?

Ms. Nicole Giles: Canada's official development assistance report, the one that's tabled in Parliament as part of the ODAAA, does include project-by-project information on, for example, the Asian Development Bank, the Inter-American Development Bank, and the EBRD. That focus is pertaining more generally to Canada's international assistance.

All these banks also have their own annual reports, which provide very detailed information on a project-by-project basis, and that is particular to all the projects undertaken by the banks.

Mr. Pierre-Luc Dusseault: I understand the bank will issue a report saying what they finance, and I'm sure Mr. Kmiec has a lot of these reports saying which projects the banks were involved in. However, it doesn't say where Canadian money was spent. You said it's a Canadian report on project-by-project information, but you just mentioned this bank, this bank, and this bank, so it's not project-by-project reporting, from what I understand.

Is there any way we can see project by project where Canadian money was spent on the Asian infrastructure bank precisely, not on all that and international development financing, but on this issue today? Maybe you could clarify this. Do the reports the infrastructure bank will publish say which country provided money project by project?

Ms. Nicole Giles: The way the Asian infrastructure bank is set up for its capitalization is that the Canadian funding goes into that capitalization and then is leveraged for a series of different projects. Therefore, you're not able to say that for this \$1 Canadian, 50¢ of it went to this project, and 25¢ of it went to this project, and 25¢ went to that project. It is done slightly differently in some of the other development banks where, on occasion, specific funds are set up separately from the general capitalization of the bank. In those cases, we're able to track those specific projects, but the way that most of the general capital for these development banks is set up is that there is not a Canadian portion that can be discretely tracked. It's a general capitalization.

Is there anything you wanted to expand on that, Neil?

• (1030)

Mr. Neil Saravanamuttoo (Chief, Multilateral Institutions, International Finance and Development Division, International Trade and Finance Branch, Department of Finance): Just to clarify, if Canada has a 1% shareholding, then essentially 1% of all projects would be funded with resources that were provided, for instance, by Canada. I think the key point here, as Dr. Giles has mentioned, is that we've provided share capital to the bank. The bank then takes that share capital and uses it to leverage up on international capital markets through borrowing, which it then uses to provide project financing. As has been mentioned, it's very difficult to say that our funds are used in these specific projects other than to say that with a 1% shareholding we can attribute roughly 1% to everything.

Mr. Pierre-Luc Dusseault: I gather that the answer is, no, we can't see, project by project, which ones are financed by Canadian money. That's why my amendment is so important. It will oblige the

government to do the work and to find out where Canadian money was spent. I'm not sure that 1% by project is really an answer to that question. I don't think it's respectful to Canadians to just say that every project is financed 1% by Canadian money. I would be interested to see all the projects and see whether they really fit into Canadian interests when we 1% finance every single project that this bank takes up.

Your answer doesn't tell me that we will see what my amendment wants to provide to Canadians. That's why it's so important. The actual mechanism is not enough. That's why we need this one—to make sure that the Minister of Finance gets the answers that I want and that I think most Canadians would want.

The Chair: Mr. Kmiec.

Mr. Tom Kmiec: I typically don't like doing hypotheticals, but with regard to the \$375 million U.S., if the government in future saw an opportunity to purchase an extra portion of shares for whatever reason—let's say this Chinese-led bank decided to do that—would this reporting mechanism that Mr. Dusseault is proposing then capture future payments and provide a means for Parliament to track the money if future disbursements were made for share purchases as well?

Ms. Nicole Giles: Any disbursements that are made and that are funded through the international assistance envelope, which includes this AIIB shares purchase, are reported in the series of reports that we've listed and that we've spoken about. That includes the report that's tabled to Parliament every year. Any future payments or purchases would be included in that reporting.

Mr. Tom Kmiec: But this would be a separate report. If this amendment passes, which I hope it will, this would create a separate report specific to AIIB share purchases and, as Monsieur Dusseault is indicating, specific to project transfers of money. Is that your understanding of this?

Ms. Nicole Giles: We would report upon the purpose and the payments that were made in accordance with the language in the amendment. However, in terms of our ability to distinguish and to separate out a Canadian dollar within an AIIB project from, for example, a British dollar or an Australian dollar, whether or not that reporting requirement is there for a separate report, we're not able to distinguish out because of the way in which the bank functions, which Neil has explained in some detail. That money goes to broader bank capital. It's not dollar by dollar that we're able to track.

We will, of course, continue to report on the activities of Canadian international assistance funding, regardless of this amendment. If it's a separate report or if it's incorporated into other transparent reporting, that would, of course, cover the AIIB. But the reporting would be similar to the reporting we have for other development banks where we're not able to distinguish and track Canadian dollars separate from the projects that the bank is funding as a whole.

Again, we can't distinguish a Canadian dollar from an Australian or British dollar in these cases with these banks. That's also how it works for the World Bank, the Inter-American Development Bank, the Asia Development Bank, and the EBRD.

•(1035)

The Chair: Does that conclude the discussion on NDP-2?

Mr. Pierre-Luc Dusseault: Could we have a recorded vote, please?

The Chair: Yes.

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

(Clause 176 agreed to on division)

The Chair: There are no amendments from clauses 177 to 196, which include division 3, division 4, division 5, division 6, and part of division 7.

(Clauses 177 to 196 inclusive agreed to on division)

(On clause 197)

The Chair: Mr. Dusseault on amendment NDP-3.

[*Translation*]

Mr. Pierre-Luc Dusseault: Thank you, Mr. Chair.

Let us move on then. This pertains to the many changes to the Canada Labour Code.

This amendment, the first that relates to this part of the act, would replace the words "24 hours" with the words "seven days", on line 5, page 252.

The bill stipulates here that the employee must be given at least 24 hours' notice of changes to their shift. A number of witnesses have stated, based on the real family and personal experiences of Canadians today, that 24 hours is very little notice. In our opinion, it is not reasonable to inform those individuals that they have to work or do overtime the next day, with less than 24 hours' notice. In the first part of my amendment, it is proposed that seven days' notice be required to change shifts. I think that is reasonable. Further, that is what the witnesses who appeared before the committee told us.

As to points b) and c) of my amendment, I propose that the same lines be deleted, that is, lines 22 and 23 on page 252, and lines 26 and 27 on page 254. I am referring to the French version of the bill of course. This is to prevent the employer from using excuses regarding the refusal of a work shift. In both cases, the wording is the same: "threat of serious interference with the ordinary working of the employer's industrial establishment." To our mind, in the NDP, and to the witnesses who appeared before the committee, the employer's

right to refuse is too broad. The employer could simply claim that it would interfere with the working of the establishment.

What does "threat of serious interference with the ordinary working of the employer's industrial establishment" mean?

If an employee refuses a shift, any employer can say that it threatens the operation of their plant or workplace. The scope is too broad. In both cases, we retain the two other possible reasons, those in points a) and b), but we remove the reason in point c).

I would like my colleagues' support on this to ensure that these new rights in the Canada Labour Code do indeed become a reality. If we allow employers to use reasons that are so vague and broad in scope, they will be approved since they comply fully with the act. The new provisions would therefore essentially be useless, and requests from employees who are unable to assert their rights will always be refused.

I hope my colleagues will support the amendments I would like to make to these three provisions.

•(1040)

[*English*]

The Chair: We're dealing with part 5, division 8.

Are there any officials in the room who want to come to the table for questions on the Canada Labour Code? No. Thank you for that.

We have a vote in about 25 minutes. Do we have agreement to go until about 11 o'clock?

Some hon. members: Agreed.

The Chair: Okay, we have agreement to do that.

Mr. Albas.

Mr. Dan Albas: Mr. Chair, while I've been very supportive of Mr. Dusseault today, I would like to ask a few questions because I'm not sure of the entire effect of his amendments. Could I ask officials to break down the amendment the NDP have proposed, proposal by proposal, and what that would mean?

The Chair: I assume you have the copy of the amendment.

Ms. Hill.

Ms. Margaret Hill (Senior Director, Labour Program, Department of Employment and Social Development): Unfortunately, we couldn't hear the question.

Mr. Dan Albas: I asked you to break it down.

Ms. Margaret Hill: Which one in particular?

Mr. Dan Albas: It's his amendment that he just spent the last few minutes speaking about. Again, that would be NDP-3.

Ms. Margaret Hill: Yes. Would you like us to walk you through what it would do?

Mr. Dan Albas: Yes.

Ms. Margaret Hill: Okay. I'm sorry.

The amendment would amend the legislation to require an employer to provide at least seven days' notice rather than 24 as set out in the legislation prior to changing a period or shift during which an employee is due to work or adding another work period or shift to an employee's schedule.

The second amendment proposes to remove the exception where an employer would not be required to provide advance notice of a change in situations where the change to or addition of a work period or shift is necessary to deal with the situation that the employer could not have reasonably foreseen and that presents or could reasonably be expected to present an imminent or serious threat of serious interference with the ordinary working of the employer's industrial establishment.

The third amendment proposes to remove the exception that would not allow an employee to refuse to work overtime to fulfill family responsibilities where it is necessary for them to work overtime to deal with a situation that the employer could not have reasonably foreseen and that presents or could reasonably be expected to present an imminent or serious threat of serious interference with the ordinary working of the employer's industrial establishment.

The Chair: Just to clarify because it may show up on the record wrong, I think you meant the difference between seven days and 24 hours. The way you stated it, it almost sounded like 24 days. So that would be the difference. Is that right?

Ms. Margaret Hill: I'm very sorry, we can't hear.

The Chair: That's strange. Try the earpiece.

My point was, just for the record, in your response you said the difference between seven days and 24, and I really think you meant 24 hours.

•(1045)

Ms. Margaret Hill: Yes, I did. My mistake. I'm sorry for the confusion.

The Chair: Mr. Albas, do you have any further questions?

Mr. Dan Albas: No. I just wanted to run through it.

Thank you.

The Chair: Is there any further discussion on NDP-3?

Then I'll call the question.

Mr. Pierre-Luc Dusseault: I would like a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

(Clause 197 agreed to on division)

(Clause 198 agreed to on division)

(On clause 199)

The Chair: We have CPC-3 in the name of Mr. Albas.

Mr. Dan Albas: Thank you, Mr. Chair and colleagues.

We did hear testimony from the CFIB in regard to concerns that smaller and medium-size enterprises may not be able to comply in a timely way with the requirement in the legislation for an employee to

be notified whether their flexible work arrangement has been approved.

My proposal is simply to bump it up to from 30 days to 90 days, which, given the complexity and diversity of the federal regulated labour space, I believe would give those small and medium-size businesses the capacity to be able to respond in a timely way. Again, 30 days, I believe, is too quick, and 90 days is still within enough of a timely basis without having too much of an onerous side.

I would hope that members of the committee would give it all due consideration. I look forward to hearing some support from all sides. Thank you.

The Chair: Is there any further discussion?

Mr. Francesco Sorbara: Mr. Chair, witnesses, these changes would only apply to federally regulated workplaces. Is that correct?

Ms. Margaret Hill: It applies to federally regulated private sector workplaces, not the federal public service.

Mr. Francesco Sorbara: Federally regulated private sector workplaces. Thank you.

Has it generally been the tradition that legislation introduced by the federal government for federally regulated private workplaces is then adopted by the provinces to cover their jurisdiction as well?

Ms. Margaret Hill: As you know, under the Constitution, responsibilities for labour issues are shared between the federal government and the provinces and territories. Part III, which is the part that relates to flexible work arrangements, applies to the federally regulated private sector. Provinces and territories have it within their full domain to make legislation changes to their labour standards that affect workers and workplaces within their jurisdiction.

The Chair: Mr. Albas.

Mr. Dan Albas: I just want to clarify that, again, the people I'm thinking about, Mr. Chair, are not so much the Bank of Montreal, RBC, or some of the other large, federally regulated private workplaces. We're thinking more of trucking companies that are small but are doing work interprovincially. We're thinking about the many railroads that cross provincial boundaries but may not necessarily have the same capacity as the larger ones, and about the small companies that perhaps are doing work offshore of Canada in oil and gas. To be fair, oftentimes these small firms are already doing these things on a regular basis, to keep their staff.

We are talking about the administrative burden and suggesting, instead of it being a hard and fast 30 days, that they have 90 days to come up with and submit a full scheme. I would hope there would be some flexibility, because this is an area where we should not be adding more burden to small firms that are already struggling. It's one more disincentive to performing and hiring. If there are new requirements that come on, especially with a diverse workplace, again, some people may say they don't want to hire, given the uncertainty or the extra paperwork. We want to avoid that.

• (1050)

The Chair: Okay, we're ready for the question on amendment CPC-3

Mr. Dan Albas: I would like a recorded vote.

(Amendment negatived: nays 6; yeas 3 [See *Minutes of Proceedings*])

(Clause 199 agreed to on division)

The Chair: There are no amendments to clauses 200 to 205.

(Clauses 200 to 205 inclusive agreed to on division)

(On clause 206)

The Chair: We have amendment NDP-4. We might get through this amendment before we have to leave.

Mr. Dusseault.

[*Translation*]

Mr. Pierre-Luc Dusseault: Thank you, Mr. Chair.

I'll try to do this quickly, despite the rather broad scope of this amendment to the Canada Labour Code. The first point pertains to the part entitled "Family Responsibility Leave", the second point concerns the part entitled "Leave for Victims of Family Violence", and the third point relates to the part entitled "Leave for Traditional Aboriginal Practices".

In the case of the family responsibility leave, the bill sets out three unpaid days. The first point of my amendment would change the leave to five paid days. With respect to the leave for victims of family violence, the bill provides for 10 unpaid days, but the second point of my amendment would change that to 10 paid days. That is entirely consistent with the recommendations of numerous witnesses. In fact, most of the witnesses we heard from on the matter told us that 10 unpaid days of leave was inadequate for victims of family violence.

There is no way that a man or woman experiencing family violence will be able to afford to leave their home and flee the domestic violence, possibly going to a shelter, if those 10 days of leave are not paid. The witnesses were pretty clear about that. Victims would be more likely to stay and put up with the violence than to use this unpaid leave of absence. They will not leave the place they call home if it means not being paid for 10 days. We are talking about people who are often in financial hardship, so it is absolutely outlandish to think that they would be willing to flee their violent situations on the premise that everything will be fine all because they have 10 days of unpaid leave. The witnesses made no bones about the fact that the measure was inadequate. My

amendment, therefore, would ensure that those 10 days of leave were paid.

Multiple witnesses raised another issue I'm sure everyone at the table recalls. I'm referring to the exception set out in subclause 206.7 (3) of the bill. I completely understand the intent behind the provision—to prevent the perpetrators of violence in the family from having access to the leave. We heard, however, that, in a number of provinces, police often apply the double-charge principle. That means that an officer responding to a domestic violence situation can charge both parties, since the officer does not necessarily know all the facts when arriving on the scene and, so, takes both individuals to the police station. Once they have been questioned and the investigation has been completed, one individual clearly emerges as the source of the problem and the person who has violated the Criminal Code. Only that individual, therefore, will be charged with the facts uncovered by the investigator.

In cases where both parties are charged, victims would not be able to access the leave for victims of family violence. As I see it, the exception is too broad in scope. While I understand its purpose, it could cause collateral damage, which would prevent some individuals from using the leave. It goes without saying, then, that the exception should be removed so as not to achieve the exact opposite of what is intended. Witnesses who work in the area are the ones who flagged the problem of double charging in Canada; it was not me. They are aware of the problem and are very concerned that the exception would prevent some people from accessing the leave.

As for the leave for traditional aboriginal practices, my amendment would ensure the leave was paid, the idea being the same as with the other types of leave.

• (1055)

The last point in amendment NDP-4 would give the Governor in Council regulatory authority to consult with aboriginal governments and organizations before adding traditional aboriginal practices to the list of activities set out in subclause 206.8(1), in other words, hunting, fishing, harvesting, and any practice prescribed by regulation. The purpose of the amendment is to explicitly state that the addition of any traditional aboriginal practices by regulation to the list requires the consultation of aboriginal governments and organizations. With all due respect, a department official should not be the one deciding whether an activity constitutes a traditional aboriginal practice and whether it should be added to the list by regulation. Aboriginal stakeholders would have to be consulted to ensure the proper recognition and respect of the rights of aboriginal people.

Those are the amendments I am proposing. I hope they will spark a fruitful debate in which all members are able to have their say and that the majority of members will support the amendments.

[*English*]

The Chair: Is there any discussion on this amendment?

Mr. Ferguson.

[Translation]

Mr. Greg Fergus: First of all, I'd like to thank the member for raising the issue with the committee, which heard from department officials on the subject. It's an issue I thought a lot about, and I looked for further information. Second of all, unfortunately, I don't think Mr. Dusseault's amendments would completely fix the problem, which we all recognize exists. In some provinces, charges are laid against both parties in situations involving domestic violence. Initially, the members of the couple point the finger at one another. Later, the preponderance of evidence allows the court to determine which party is the true victim of violence and to dismiss the charges against that individual. I tried to find more information on that.

Mr. Chair, can the witnesses answer some questions on the matter?

[English]

The Chair: We'll have to go to the questions for the witnesses when we return.

We have to suspend this meeting and go to vote, but I would mention to members that when we do come back we will have the Iraqi delegation here and we will meet with them first. The meeting will be suspended and we will have separate interpretive devices. The staff will set it up so that we can have a quick meeting with them and then we'll get back to business.

The meeting is suspended until after the vote.

• (1100) _____ (Pause) _____

• (1135)

The Chair: If everybody's here, we shall reconvene.

Again, thank you. It was a pleasure to meet with the Iraqi finance committee. We wish you well on your deliberations over the remainder of your time in Canada.

When we suspended, we were dealing with amendment NDP-4 to clause 206.

Mr. Fergus, you had the floor.

[Translation]

Mr. Greg Fergus: Thank you very much, Mr. Chair.

My question is for both witnesses. I want to be sure of something. The purpose of the measure is to ensure that victims of family violence are entitled to take a leave of absence in order to deal with the awful situation they are in.

When witnesses appeared before the committee—

• (1140)

[English]

The Chair: Just a minute, Greg.

Ms. Hill, are you getting the translation?

Ms. Margaret Hill: We're not getting anything.

The Chair: Just make sure. Your channel 1 should be English.

Ms. Margaret Hill: Yes.

The Chair: Okay. Go ahead, Greg.

[Translation]

Mr. Greg Fergus: My question is for Ms. Hill and Mr. Gagnon.

I would just like to be sure that the measure will serve its purpose. Even though, in some provinces, both parties to family violence are charged, the employer still has the flexibility to grant the victim a leave of absence.

Is that right? Do I understand the measure correctly?

[English]

Ms. Margaret Hill: That is absolutely the case. It's very important to remember that the Canada Labour Code establishes minimum standards and is always aimed at balancing employee and employer needs and interests. The employer is always able and has the discretion to provide more than the minimum standards provided in the code. There is nothing in the code that prevents them from doing that.

In the case of domestic violence leave, an employer can always provide leave for someone who they think would benefit from it as a result of their being a victim of family violence. They could always pay the leave, should they wish, and they can always provide more leave, if the employer wishes.

Mr. Greg Fergus: I want to make sure. Again, the idea is that we certainly don't want the perpetrator of the violence to have access to this, but in the case where there are double charges, or a mutual charge, in cases of violence in those jurisdictions, there is not an unintended consequence that the person who is the victim, or the preponderant victim, of the violence, is going to be penalized by these measures, as the clause is currently written. Am I correct?

Ms. Margaret Hill: You are absolutely correct.

Mr. Greg Fergus: Can you talk a bit about it? Can you reassure the committee? I want to make sure we have this right. This is not a partisan issue at all. This is an issue that I think is very important, that we ensure that those who... As you know, not all charges are the same. We want to make sure that the real perpetrator of the violence is the one who will not be eligible for this leave.

[Translation]

I'd also like to make sure that the victim will have access to this leave.

[English]

Ms. Margaret Hill: I can assure you emphatically that the intent of this leave is to provide an employee who is a victim of family violence with leave in order for them to deal with the situation in their life or the life of a minor child. The Canada Labour Code provides minimum standards. An employer always has the right to be more generous, and we know that many employers do this—they are more generous.

I would also say, reflecting the fact that the new leave is intended to provide people who are in horrific circumstances with leave, that it only provides one specific circumstance when someone would not have that right, and that is if through the justice system they are identified as the perpetrator. I would say also that the exception reinforces that the employer can provide leave in the case where it is probable—not possible, but probable—in the circumstances that the individual is the victim of domestic violence—

A voice: The perpetrator.

Ms. Margaret Hill: Sorry. The perpetrator.

The Chair: Mr. Albas.

Mr. Dan Albas: Some witnesses brought up that there are some jurisdictions that, as a matter of course, will charge in a domestic dispute too...anyone that's involved.

What effects would that dual charging...? First of all, does that occur? Second, how would that impact without this amendment?

• (1145)

Mr. Réal Gagnon (Senior Policy Analyst, Strategic Policy and Legislative Reform, Labour Program, Department of Employment and Social Development): Is that without the amendment or with the amendment?

Mr. Dan Albas: Well, actually, we'll start with the amendment, please.

Mr. Réal Gagnon: Okay, so without the amendment, as it is written now, what proposed subsection 206.7(3) does is actually remove the entitlement you have in subsection 2. There is the leave to which an employee is entitled, and then there's the exception, when it is not entitled. There's nothing in there that says the employer is banned from, or the employer is not allowed to.... Of course, the employer here cannot substitute himself for the judicial system—who says who and all that stuff.

For example, the person has experienced violence in his or her life and the person is not at work that day and is calling. Whether the person is at a shelter or a police station, and says, "I cannot go in. I'll let you know later on, but there's violence in my life", that's all the person needs to say.

Eventually the employer, as you know, may request a kind of explanation or documentation. However, then the question is, can the employer say, "That's okay, I understand. I'll give you the leave." I'm maybe implying here, can the employer take reprisal because the person was not entitled, but that doesn't mean the employer cannot give it. There's a section in the act that prevents reprisals for applying for a leave.

The employee eventually is recognized.... Well, here we don't need to be guilty; we need to be accused. If the person is accused but eventually it's, no, he shouldn't have been accused, then it's an issue between the employer and the employee. It's an unpaid leave. The person was already absent, but the employer cannot make reprisals against the employee.

Does that answer your question?

Mr. Dan Albas: I was asking about the cases where we heard from witnesses that there could be potential impacts in regard to dual charges being laid. I was asking specifically if that had anything to do with this conversation, if there are any jurisdictions that do that.

Again, I just remember one witness raising the concern that it could happen.

Ms. Margaret Hill: To clarify, when you say dual charges, do you mean there were two individuals involved in one incident?

Mr. Dan Albas: My understanding is that one witness had said that there are some jurisdictions which will, as a matter of fact, just

charge any participants in a domestic assault, not knowing the particulars. I hadn't heard of that before, so I'm asking if that is done in some provinces or territories. If so, how would that factor in with this amendment or with the bill in general?

Ms. Margaret Hill: We are not aware of that situation.

Mr. Dan Albas: Okay, that's helpful to me.

Thank you.

The Chair: Mr. Dusseault.

[*Translation*]

Mr. Pierre-Luc Dusseault: Thank you, Mr. Chair.

I'm shocked that you aren't aware of the possibility. The bill is clear in this regard. It does not, in fact, refer to prosecution, which is the later stage in the process initiated by the director of public prosecutions, but, rather, to the laying of charges, the first step in the process once a crime has been committed. To my mind, that is too broad, so I am proposing that the entire paragraph be removed to prevent this type of situation from happening.

Would it be possible to indicate that the leave is available only to victims? I realize we don't want to put the employer in a situation where they would have to judge a domestic dispute and state that such and such a person was the victim. That is not necessarily the role of the employer.

Is there a way to fix the problem? Do you at least acknowledge that there is a problem in cases where both parties are charged, in other words, when a victim's employer might refuse to grant the leave because the victim had also been charged?

[*English*]

Ms. Margaret Hill: I'll begin by clarifying something. We are not aware of provincial police practices with respect to charging people involved in incidents of domestic violence. That's what I interpreted the question to be.

The purpose of this exception provision and why it's important to keep it is to set a high and fair threshold for denying people who are experiencing violence in their life the right to take the proposed leave. The exception provision allows the leave to be denied in only two circumstances—the ones I mentioned earlier. If the provision were removed, an employee who's charged with an offence, as you noted, related to the act of family violence for which they're requesting leave.... Being charged with an offence is a formal process that involves the judicial system. That individual could benefit from the leave if the exception is removed. In addition, an employee who probably, considering the circumstances, committed the act—which means that it's very likely, and not just possible, that the employee is the perpetrator of the violence—would also benefit from the leave.

• (1150)

[Translation]

Mr. Pierre-Luc Dusseault: Is there a solution that would not refer to charges given the practice of double charging? Is there a way to find the right balance?

[English]

The Chair: Mr. Gagnon.

[Translation]

Mr. Réal Gagnon: The problem is that it can take time before a determination is made as to who is the perpetrator and who is the victim. The leave will be pointless if it takes a year or two for the justice system to finally work out who the victim is and who the guilty party is. It takes way too long to identify who the victim in the situation is in order for real victims to access the leave.

Mr. Pierre-Luc Dusseault: Are you not concerned that, as a result of the provision, real victims who had been charged could be denied the leave? Witnesses told us that was a possibility. Are you not concerned that that could happen?

[English]

Ms. Margaret Hill: To reiterate, the objective is to set a high and fair threshold to make sure that people who are in situations of family violence are not denied the leave. We think this is a good balance.

I would also draw the committee's attention to the fact that this exception mirrors exactly the one in the Canada Labour Code that relates to leave related to the death or disappearance of a child as the result of a crime. It's exactly the same provision.

[Translation]

Mr. Pierre-Luc Dusseault: Very well, but it doesn't make it any better simply because the exception exists elsewhere.

[English]

The Chair: We'll go to the question on NDP-4.

Do you want a recorded vote?

Mr. Pierre-Luc Dusseault: Yes.

(Amendment negatived: nays 5; yeas 4 [See *Minutes of Proceedings*])

The Chair: We'll turn now to amendment NDP-5.

Mr. Dusseault.

[Translation]

Mr. Pierre-Luc Dusseault: Thank you, Mr. Chair.

My next amendment has to do with the same part of the bill and would make changes to pages 260 and 261.

In both places, the bill states that the period of leave can be no less than one day. The first occurrence appears in lines 28 and 29 on page 260. The provision reads as follows: "The leave of absence may be taken in one or more periods. The employer may require that each period of leave be of not less than one day's duration." Witnesses told the committee that that made no sense. The first occurrence pertains to family responsibility leave, and the second concerns leave for victims of family violence.

When an employee has a family obligation, they will be required to take a full day of leave. If a situation arises and the person has to take time off for a family responsibility, they will have to take a full day of leave. What's more, since my amendment was defeated, the person will not be paid for that day of leave. They will not be able to take three hours or the afternoon off, for instance. They will absolutely have to take a full day. That makes no sense given the actual day-to-day lives of Canadians. They should instead be entitled to the equivalent of three days of leave. Unfortunately, my amendment to provide for five days of family responsibility leave was defeated, so employees will have access to just three days a year, which they will have to take at least a day at a time. They won't have the option of taking a total number of hours per year equivalent to three days times 7.5 hours.

All my amendment does is remove the sentence after the period in both cases: in subclause 206.6(2) for family responsibility leave, and in subclause 206.7(4) for leave for victims of family violence. Consequently, the subclauses would simply read "The leave of absence may be taken in one or more periods."

It is not necessary to specify that the leave of absence has to be taken in minimum increments of one day. I think my amendment would address the comments we heard from witnesses. Practically speaking, employees may need to take only one, two, three, or five hours of family responsibility leave at a time, not necessarily an entire day. That makes perfect sense, and the amendment is more than reasonable. It would not change the spirit of the bill. It would simply give employees the option of spreading the leave out over the year by taking it in increments of hours, not full days.

• (1155)

[English]

The Chair: Is there any further discussion?

Mr. Fergus.

Mr. Greg Fergus: I'd like to ask Ms. Hill or Mr. Gagnon a question.

It seems to me that the following sentence after this amendment, the part that would be removed, says that "the employer may require that each". I'm sorry. Let me start again.

I'll read the entire definition of "Division of Leave". Proposed subsection 206.7(4) says:

The leave of absence may be taken in one or more periods. The employer may require that each period of leave be of not less than one day's duration.

I note the word "may".

Ms. Hill, can you explain why the legislation is written that way, please?

Ms. Margaret Hill: I think you've zeroed in on exactly the correct word, and that's "may". The purpose of this provision is to recognize the intent of the new leave for employees, but to also recognize that there's always a need to balance this against the needs of employers. There's nothing in the legislation as it is now that prohibits an employer from providing the leave in any amount of time that they wish.

It's very important to recognize that in many industrial sectors and types of businesses in the federally regulated private sector it may be very difficult, for operational or administrative reasons, for some employers to let their employees take time off for a few hours and return to work afterwards in the same day. In the consultations that were held prior to this legislation being developed, that was something that came across very strongly from employers, and from large employers as well as small ones. The legislation as it is now provides employers with the flexibility to require that the leave be taken in periods of at least one full working day, but it will not prohibit them from offering it in other periods.

•(1200)

[Translation]

Mr. Greg Fergus: Just to reiterate, then, employers asked for that flexibility. The bill allows employers to divide a day of leave into a number of periods or to grant the leave in one-day increments, depending on their operational requirements.

[English]

Ms. Margaret Hill: That is correct.

The Chair: That is correct. That's what you said.

Is there any further discussion?

Then we'll vote on amendment NDP-5 to clause 202.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

The Chair: We turn to amendment PV-3.

Ms. May, the floor is yours.

Ms. Elizabeth May: Thank you, Mr. Chair.

Returning to the same basket of amendments to the concerns about ensuring that these welcome provisions to provide leave for people who are victims of violence are meaningful, I refer specifically to the testimony in drawing up this amendment from the Canadian Labour Congress and the Canadian Union of Public Employees, that financial security is essential for people who are victims of violence. In the interests of time, I'll only refer to one bit of testimony from Elizabeth Dandy, who referred to the fact that survivors of family violence “require stable, ongoing paid employment to enable them to leave violent relationships and seek safety... Many survivors won't be able to afford to take the leave if it is unpaid.”

My amendment at this point, as you can see, would change line 10 on page 261 to include “is entitled to and shall be granted a leave of absence with pay”. That's my amendment, and I hope that members of the government, of the Liberal Party, on this committee will consider and vote for this. It will strengthen Bill C-63 in a way that you'll all be very proud of for a very long time.

Thank you.

The Chair: Is there any discussion on Ms. May's comments?

Hearing none, then I'll call the question.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Ms. May, on amendment PV-4.

Ms. Elizabeth May: Again, this is an attempt to ensure that there is as much adequacy of the leave of absence as possible. Instead of saying that it “shall” be not less than one day's duration, my amendment would change that to indicate that each period of leave “may” be of less than one day's duration. That is to make it workable in the real life situations of people who have been victims of violence.

Thank you, Mr. Chair.

The Chair: Is there any further discussion on amendment PV-4?

Mr. Fergus.

Mr. Greg Fergus: My question is for Ms. Hill and Mr. Gagnon.

What would be the implications of this change to go from “shall” to “may”?

Ms. Margaret Hill: Sorry, just to be certain, are you suggesting that the word “may” would be replaced with “shall”?

Mr. Greg Fergus: It's the contrary.

Ms. Margaret Hill: So is it an amendment to an amendment?

Mr. Greg Fergus: No, sorry, maybe I misread Ms. May's amendment, but I thought that's....

Ms. Elizabeth May: That's correct.

Mr. Greg Fergus: Thank you.

Mr. Réal Gagnon: If this amendment were accepted, the last sentence would read, “Each period of leave may be of less than one day's duration.” Am I correct?

Ms. Elizabeth May: No, that's an incorrect reading of the current act.

•(1205)

Mr. Réal Gagnon: No, no.

Ms. Elizabeth May: Yes, my amendment is to—

Mr. Réal Gagnon: If—

Ms. Elizabeth May: With my amendment, you could take take less than a day.

Mr. Réal Gagnon: That is already what the language of the act allows. It was explained previously that the employer may give less than a day, or, if for operational reasons for whatever industry or sector, they cannot allow, for example, an employee to go for two hours, and then let this employee come back for the rest of the day, the employer also has the flexibility to request at least one day. The flexibility of “may be of less than one day” is already in the language of the provision.

The Chair: Ms. May.

Ms. Elizabeth May: Just to explain, the discretion here is entirely the employer's to state that there will not be permissible leaves of less than a day. The evidence before the committee was that many survivors will require only an hour or two to attend to tasks, to attend to psychiatric appointments, counselling for their child, or whatever is required, and that, especially when leave is unpaid, to have to take a whole day at a minimum rather than part of a day is unnecessarily difficult and adds additional stress to the people this bill is trying to help.

The change I am suggesting, just to be clear, is to put the benefit of this provision with the victim. I recognize that the employer may prefer to say, "You have to take a whole day; I'm not going to give you part of a day", but I suggest that this is at least as important as a Canadian's right to vote. In that case, employers must give every employee, regardless of their job category, the time it takes to run out and vote. I'm asking for the same degree of flexibility to allow an employee who is dealing with a family member or who is personally the victim of violence to take, especially since it's not a paid leave, just a few hours out of their day as a right, and not to give the employer the ability to say that the employee has to take a whole day or nothing.

The Chair: We'll vote on the amendment.

(Amendment negatived [See *Minutes of Proceedings*])

(Clause 206 agreed to on division)

(Clauses 207 and 208 agreed to on division)

(On clause 209)

The Chair: We have amendment NDP-6.

Mr. Dusseault.

Mr. Pierre-Luc Dusseault: Mr. Chair, this was a consequential amendment, if NDP-5 had carried. Given that it didn't, I don't see the reason to debate this amendment.

The Chair: It is not moved, then.

(Clause 209 agreed to on division)

The Chair: There are no amendments to clauses 210 to 261, which include divisions 9, 10, 11, 12, and 13.

(Clauses 210 to 261 inclusive agreed to on division)

The Chair: Shall the short title carry?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the schedule carry?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the title carry?

Some hon. members: Agreed.

An hon. member: On division.

The Chair: Shall the bill carry?

An hon. member: We want a vote.

The Chair: Okay, we'll vote.

(Bill C-63 agreed to [See *Minutes of Proceedings*])

The Chair: Shall the chair report the bill to the House?

Some hon. members: Agreed.

• (1210)

Mr. Dan Albas: Yes, the chair has to have some responsibilities.

The Chair: Thank you to the witnesses, Margaret and Réal, for dealing with the Canada Labour Code division.

With that, I thank you. We could have gone until nine o'clock at night, but my golly, we made good progress.

Thank you all.

The meeting is adjourned.

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