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Tuesday, May 2, 2017

—
Chair

Mr. Bryan May

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

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• (1135)

[English]

The Chair (Mr. Bryan May (Cambridge, Lib.)): Good morning. Pursuant to the order of reference of Wednesday, October 26, 2016, Bill C-243, an act respecting the development of a national maternity assistance program strategy and amending the Employment Insurance Act regarding maternity benefits, we're here today to go through clause-by-clause consideration.

Pursuant to Standing Order 75(1), consideration of clause 1, the short title, and the preamble will be postponed.

Does clause 2 carry?

(Clause 2 agreed to)

(On clause 3)

The Chair: Is there any discussion around clause 3?

Mr. Robillard.

[Translation]

Mr. Yves Robillard (Marc-Aurèle-Fortin, Lib.): Good morning everyone. I went to the trouble of jotting down a few notes, which I will read to help you better understand why the amendments I am proposing today are fair and appropriate.

My first amendment pertains to clause 3, line 22, on page 2 of the English version.

In the French version, that would be clause 3, line 29, on page 2. I'll introduce my amendment in both languages, since it appears earlier in the English version.

I'll begin with the French version of the amendment and explain the rationale behind it. Then, I'll introduce the English version. I will proceed that way for the other amendments as well.

My first amendment seeks to amend the French version of Bill C-243, in clause 3, by replacing line 29 on page 2 with the following:

d'autres fonctions. Les consultations devraient porter notamment

The amendment would change "portent notamment sur" to "devraient porter notamment sur" in the French version. That would make the consultation measure less prescriptive and more flexible. The purpose is to not restrict or limit the minister. The minister

shouldn't be limited to the specified list of considerations should he wish to broaden the scope of the consultations.

The author of the bill is of the view—and I am sure my colleagues would agree—that new and pertinent considerations could conceivably arise and need to be added to the list of consultation issues mentioned in clause 3.

• (1140)

[English]

In English, my first recommendation is that clause 3 be amended by replacing line 22 on page 2 with the following:

consultations should include an assessment of

Ms. Anju Dhillon (Dorval—Lachine—LaSalle, Lib.): Is that "consultations"?

Mr. Yves Robillard: No, I'll explain why. "Sultations" is half of the word "consultations", of course, which is being cut up by the change of line. What we're doing here is just replacing the word "must" with the word "should". You had my reason in French, so that is my first recommendation.

The Chair: Is there any discussion?

Madam Sansoucy.

[Translation]

Ms. Brigitte Sansoucy (Saint-Hyacinthe—Bagot, NDP): What bothers me about this amendment is that it makes the entire bill merely a suggestion. In other words, the minister would be free to consult on the topics listed or disregard them. As I see it, that's what the word "should" means. If the minister wants to broaden the scope of the bill, great. He has the flexibility to do that.

What I don't like about the word "should" is that it gives the minister the flexibility to do it or not, for better or for worse, as the case may be. To my mind, the consultations "must include", not "should include", an assessment of certain considerations.

Thank you.

[English]

The Chair: Is there any further discussion?

(Amendment agreed to)

The Chair: Mr. Robillard.

[Translation]

Mr. Yves Robillard: My second amendment seeks to amend the French version of Bill C-243, in clause 3, by adding after line 3 on page 3 the following:

f) les différents types de milieux de travail au Canada relativement à l'égalité des sexes et l'incidence d'un programme national d'aide à la maternité sur l'égalité des sexes en milieu de travail.

My reason for putting forward the amendment is that a strategy for a national maternity assistance program has to take into account different types of workplaces and the program's impact on gender equality in those workplaces.

[English]

The Chair: Thank you, sir.

Is there any discussion?

(Amendment agreed to)

The Chair: Thank you.

Mr. Robillard, you're on a roll.

[Translation]

Mr. Yves Robillard: My third amendment seeks to amend the French version of Bill C-243, in clause 3, by replacing line 6 on page 3 with the following:

ministres fédéraux, tient des consultations auxquelles il invite les repré-

The keyword in this amendment is “invite”. We prefer language that is more encouraging, rather than binding. The original clause indicated that the minister had to hold consultations with the representatives and stakeholders listed.

What my amendment does is give the stakeholders in question greater flexibility. Given the importance of the issue under consultation, I am confident that the players concerned will accept the invitation.

● (1145)

[English]

In English, I would like that the bill in clause 3 be amended by replacing line 6 to 8 with the following:

comes into force, hold consultations to which representatives of the provincial and territorial governments responsible for employment and other relevant stakeholders are invited to participate, for the

Here it's essentially the same as in French. We switch the word “with” with “to which” at the beginning of line 6 and add, after the word “stakeholders” on line 8, the words “are invited to participate”.

The Chair: Thank you, sir.

(Amendment agreed to)

(Clause 3 as amended agreed to)

(On clause 4)

The Chair: Now we are on to clause 4.

Mr. Robillard.

[Translation]

Mr. Yves Robillard: My fourth and final amendment seeks to amend the French version of Bill C-243, in clause 4, by replacing line 12 on page 3 with the following:

4 (1) Dans les trois ans suivant la date d'entrée en vi-

I am proposing that the minister be given three years to lay before each house of Parliament a copy of a report setting out the conclusions of the consultations. That would give him ample time to consult the stakeholders specified, as well as those not yet considered. The extra time would be especially useful when it comes to compiling the information and writing the report to be laid out before each house of Parliament.

[English]

Finally, in English, my last amendment is that Bill C-243, in clause 4, be amended by replacing line 14 on page 3 with the following:

“House of Parliament within three years after the day on”

It's the same as in French. I'm suggesting that we give the minister three years, rather than two, to report the conclusions of the consultations on a national maternity assistance program to each House of Parliament.

The Chair: Any discussion?

Mr. Zimmer.

Mr. Bob Zimmer (Prince George—Peace River—Northern Rockies, CPC): I respect the honourable member's amendment, but I have a simple question. Why?

You said to give more time. Certainly, two years is more than enough. Your own member put forward the bill. Is your own member in agreement with your request to extend the time that this is actually going to be implemented?

One of the concerns was that this really won't get going until after this Parliament is over. This just pushes that puck farther down the ice. I want to know why it is necessary. Two years is lots of time.

Mr. Yves Robillard: We discussed that. We are all for the three years in order to give more time. Maybe we'll still be there in the second part, so we can continue.

● (1150)

The Chair: To answer your question, though, Bob—

Mr. Bob Zimmer: Actually, it's his amendment. That's why I'm asking him.

The Chair: Fair enough.

Mr. Bob Zimmer: I'm asking you to explain, why? It's obviously your amendment. You thought it up, so why?

Mr. Yves Robillard: I thought that two years was not enough. That's it.

Mr. Bob Zimmer: With respect, did you talk to the minister and have a conversation?

Mr. Yves Robillard: No. It's for him now to go on. He's the minister. I'm just suggesting—

Mr. Bob Zimmer: Is the three-year idea your idea, or is it somebody else's idea?

Mr. Yves Robillard: It's my idea.

Mr. Bob Zimmer: It's interesting that you put forward an idea whereby you're asking to extend it, but you haven't consulted with the minister to ask if that's sufficient time. To me, this just looks like stalling, the stalling of a really good policy that your side supports. I'm trying to get to the bottom of why the stall.

If we want to implement a good strategy for this maternal health care benefit that you all say you agree with, why are we making this and the people who are affected wait even longer?

Mr. Yves Robillard: I repeat, my suggestion is for three years to give more time to prepare something more complete.

The Chair: Can I just add that this isn't stalling in terms of the implementation of the program. We're talking about a report of it.

Mr. Bob Zimmer: It's still part of the timeline. It's stalling.

The Chair: I totally understand.

What I was going to interject is this. You had asked whether the member who submitted this was in agreement to this. Yes, he is.

Mr. Bob Zimmer: Does he know that?

The Chair: Any further discussion?

Madam Sansoucy.

[*Translation*]

Ms. Brigitte Sansoucy: I would react differently if I didn't know that clauses 6 and 7 of the bill were eventually going to be removed. This deals strictly with the consultations. I don't see the point of putting it off until after the next election, especially since the minister will be asked to submit a report. Theoretically, the minister's mandate comes to an end with the next election.

I'm absolutely fine with a two-year consultation period. I don't see why it's necessary to extend that timeline until after the next election, especially since we know that the main substance of the bill is going to be removed.

[*English*]

The Chair: Mr. Fonseca.

Mr. Peter Fonseca (Mississauga East—Cooksville, Lib.): Thank you, Chair.

I believe with this bill, it would allow for the EI changes to come into effect and then to evaluate those. It would give it that time. That is my understanding. Maybe that is why we're looking to extend that time.

The Chair: Any further debate?

(Amendment agreed to)

(Clause 4 as amended agreed to)

(On clause 5)

The Chair: Now we're on to clause 5.

Mr. Long.

Mr. Wayne Long (Saint John—Rothesay, Lib.): Mr. Chair, we can just vote on clause 5.

The Chair: Any discussion?

Mr. Bob Zimmer: I would like an explanation of the language. I just have French in front of me. I don't have the translation.

The Chair: We'll get the translation for you.

Mr. Bob Zimmer: It's the French version, but it doesn't talk about the English version. We just have two French lines side by side here.

The Chair: I'm going to ask the clerk to explain where we're at. There is a bit of an order issue with this.

Mr. Philippe Méla (Legislative Clerk): Do you have a copy of the bill by any chance?

Mr. Bob Zimmer: I do.

The Clerk: The first line of clause 5 of the bill, 5.1, says, "Within three years". In French, it says, "*Dans les cinq ans*".

The Chair: It's a clerical error.

Mr. Bob Zimmer: Fair enough.

• (1155)

The Chair: You need to actually move the amendment, sir.

Mr. Wayne Long: We don't support the amendment.

The Chair: Okay.

Mr. Wayne Long: We want to strike clause—

The Chair: It's a moot point then. If you don't move it, you don't move it.

Mr. Wayne Long: Okay.

With respect to clause 5, I would like to move that we strike clause 5.

Hon. Pierre Poilievre (Carleton, CPC): Take it out all together...?

The Chair: Take it out all together.

Any discussion?

Mrs. Vecchio.

Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC): Could Mr. Long explain to me why he would like that struck?

Mr. Wayne Long: As a group we did meet and we went through these clauses, clause five and a few others to follow, and just thought from this perspective that this is a new bill. and there are going to be some unknowns moving forward. We thought that some of these issues in clause 5 would somewhat handcuff us with respect to timelines. Again, it's a new bill. It's a new motion moving forward. We felt that what we wanted was as much flexibility as we could have on that.

The Chair: Any further discussion?

Mr. Zimmer.

Mr. Bob Zimmer: Was the mover of the bill consulted on this?

Mr. Wayne Long: Yes.

Mr. Bob Zimmer: We talked about stalling before and I just see more ability to stall. I think what Ms. Sansoucy referred to is that it just gives the ability for this to be stalled.

Mr. Wayne Long: Explain—

Mr. Bob Zimmer: There's a defined timeline right now and even then, it's long. To open that wide open, to me, it takes the teeth away from getting this implemented. The potential is there for it not to be implemented. It could be 20 years before it's finally studied enough that it's implemented. I see your reason why there should be three years, but even that is too long. Removing that, to me, is problematic.

Mr. Wayne Long: Thank you for that, Bob.

I don't see it as a stall at all. It's a reality that this is something new. Again, for maximum flexibility for us moving forward, we feel that some of these requirements handcuff us. We did meet, we did discuss it, and we would like to strike it.

The Chair: Madam Sansoucy.

[*Translation*]

Ms. Brigitte Sansoucy: My wish is for all Canadian women, everywhere in the country, to have access to a program like the one Quebec has had since 1983. I sincerely hope that the conclusions of the consultations confirm what a positive measure the program has been for women in Quebec and how unfortunate it is that such a program has not been available to Canadian women since 1983.

Keeping clause 5 means that the government could not hold consultations and simply move on to something else. It means creating the framework so that the focus does not shift until the desired outcome is achieved.

The witnesses we heard from were clear. The need is clear. The purpose of the consultations is not to determine whether this is a good idea. The bill clearly gives every Canadian woman access to preventative withdrawal in relation to the health and safety of her pregnancy.

I don't understand the reason for removing the clause because all it does is keep the focus on the issue until the various recommendations are implemented. That's all the clause does.

[*English*]

The Chair: Thank you.

Is there any further discussion?

Mr. Wayne Long: Yes. I'll just close that off. This is a member's bill. We've met, consulted, and discussed it with the member. We're also moving the member's wishes forward.

The Chair: Thank you.

Seeing that there is no further discussion, shall clause 5 carry?

(Clause 5 negated)

(On clause 6)

The Chair: Again, we'll have Mr. Long, please.

● (1200)

Mr. Wayne Long: After consultation, debate, and discussion with the member, and respecting his wishes, we would like to strike clause 6, please.

The Chair: Is there any discussion? There is a lot of discussion.

Go ahead, Madam Sansoucy.

[*Translation*]

Ms. Brigitte Sansoucy: Mr. Chair, I'd like to make a comment.

I'm going to vote in favour of this clause, but once a bill is passed in the House of Commons, to my mind, it becomes the House's bill, legislation that we, the committee, are studying. It is no longer the bill of its proponent, whose wishes we should respect.

I'm very glad that the member introduced this bill. Now that it has been passed in the House, it belongs to all of us. It is from that standpoint that I am approaching this.

[*English*]

The Chair: Thank you.

Yes, Bob.

Mr. Bob Zimmer: Just for clarity—I think I might have an older document—which clause are you referring to? You said clause 6. The original document that I have is referring to EI. What is the clause 6 that you are referring to?

The Chair: EI is right.

Mr. Bob Zimmer: Just for clarity then, clause 6 states, “despite subsection (2), benefits under this section are payable to a major attachment claimant who has obtained a certificate completed by a medical doctor attesting....” This is stuff that is integral to the bill. Again, I'm curious why.

Mr. Wayne Long: Thanks, Bob.

We met with the proponent of the bill. Again, to allow maximum flexibility moving forward, this is what the mover of the bill wanted, so I'm respecting his wishes. That's why I'm moving that we strike clause 6.

The Chair: I just want to interject also and allow the clerk to provide some clarity on this as well.

The Clerk: If you recall, the Speaker ruled on the bill and indicated that those parts of the bill needed a royal recommendation and the bill would not be able to proceed to the third reading, if those parts were in the bill, as they were at the time. That is the reason they need to be taken out.

Mr. Bob Zimmer: Just for clarity of those in the room, and respectful of the Speaker, what that talks about removing is where:

job functions may pose a risk to her health or to that of her unborn child and whose employer is unable to modify her job functions or reassign her to another job for each week of unemployment in the period

(a) that begins the earlier of

(i) 15 weeks before the week in which her confinement is expected, and

(ii) the week in which her confinement occurs;

To me, this is integral to the bill. I just wonder if everybody knows that this is being pulled out. It's one thing to hear the Speaker's ruling, but it's fairly significant in terms of what the bill is saying or what it's not going to say following this.

Mr. Wayne Long: Mr. Chair, I'm just looking for clarity from Bob.

When you say "everybody", who do you mean? You say that you want to make sure everybody knows it's being pulled out.

Mr. Bob Zimmer: That's not relevant to what I'm speaking about. I'm actually talking about the amendment.

Mr. Wayne Long: I'm just looking for clarity as to what you meant.

Mr. Bob Zimmer: Yes, that's what I'm referring to, that everybody understands what's being withdrawn here.

Mr. Wayne Long: Who's everybody?

Mr. Bob Zimmer: If you need that clarity, Wayne, it's everybody in this room, or maybe everybody out in Canada who has been following this bill.

I just want to make that point. Thank you.

Mrs. Karen Vecchio: I respect that I have not been here for the entire reading of this bill. However, if you don't mind, on the royal recommendation, from my understanding this was just taking the block of time during which someone would receive maternity benefits and putting it at the beginning of the pregnancy rather than at the end when the child is actually born.

Is there a difference? When we're looking at this royal recommendation, that's one of my questions. The benefit period is already defined as 52 weeks or 50 weeks of payable, and all you're doing is moving it down the ladder of where it goes. At the end of the day, it's still going to be the same amount of money. I recognize from the budget that there's a bit of difference. In the budget we have to recognize that sometimes if we're looking at the parental leave, there's going to be a little difference.

Specifically with this bill itself, can someone explain that to me? If a person is going to be off 15 weeks, 12 weeks, or eight weeks, they're going to lose those weeks after the birth of the child. Where is this impact on royal recommendation actually found? I'm very concerned about the clarity of that royal recommendation. They're not receiving more benefits. They'd be receiving the same amount of benefits. It's just going to be on or before the birth of the child.

• (1205)

The Chair: Pierre.

Hon. Pierre Poilievre: I have a quick question for the clerk. Who can grant royal recommendation?

Mr. Philippe Méla: A minister can.

Hon. Pierre Poilievre: Great, and the minister supports the bill, so we have a royal recommendation granted. That should solve the problem.

Ms. Brigitte Sansoucy: The minister voted against.

Hon. Pierre Poilievre: No, but I mean the members say that they now support the principle of the bill, and the government is going to....

Presumably we're going to be passing the bill out of the room and into Parliament. With that in mind, the government will be supporting the bill and we have a royal recommendation.

Mrs. Karen Vecchio: Maybe if we could go back and actually clarify this—

The Chair: I don't presume to speak for the minister.

Please, the clerk would like to clarify.

The Clerk: The way the royal recommendation works is that there are two parts to it. There is the money issue. Generally speaking, when you increase the amount of money that comes out of the consolidated revenue fund, usually it would require a royal recommendation. The other criterion is the terms and conditions of the royal recommendation.

To give you the example of the one that we have in front of us right now, the Employment Insurance Act probably had a royal recommendation attached to it when it was passed. The terms and conditions of the royal recommendation were the way the employment benefits were distributed—that is, eight weeks before the birth of the child and seven weeks after. Those are the terms and conditions.

As soon as you touch the terms and conditions, you need a new royal recommendation to move those weeks basically backwards or forwards, depending on which way you want to move them. That's the reason.

Mrs. Karen Vecchio: I appreciate that. Basically, we are accepting the first point, because the money is going to remain the same. It's that we're not going to accept those....

The first point is very obvious. It's going to be the same amount of dollars at the end of the day, whether it's before or after. The amendment does not support the change of making it eight weeks versus seven weeks. That's what I understand, if we're looking at parts one and two. The support there is not to extend the eight to 12 weeks on the pre-birth of the child.

I have it. Basically, the idea of this bill is not being supported by removing this clause.

The Chair: Is there any further discussion?

Pierre.

Hon. Pierre Poilievre: The point I was making earlier is that, if the minister supported the concept in the bill, it doesn't matter if it needs a royal recommendation because the minister can grant that recommendation. What the government is really saying here is that they just don't support it. That's really the beginning and the end because the House of Commons could pass a budget through a private member's bill if the government agreed to it and provided a royal recommendation.

A private member's bill could pass almost anything as long as the government decided to grant a royal recommendation. When governments don't support the private member's bill in question, they don't grant that recommendation. So let's come down to the issue and not say this procedural rule from 600 years ago is getting in our way. At the end of the day, if the minister wanted this passed, this would be passed.

The Chair: Is there any further discussion?

Bob.

Mr. Bob Zimmer: With all that discussion, I would ask the question back. Is that amendment still sought from your side, from the government side?

Mr. Wayne Long: We've met. We've consulted. We've discussed. We've met with the member who brought this bill forward. We also feel that the changes or the items brought forward from budget 2017 more than cover for this. Again, we've met with the mover of this bill. I don't know if I'm allowed to say his name here, MP Gerretsen, and he is asking that we strike that.

We talked about it. We think the changes we've seen in the budget cover this. That's why we want it struck off at his request also.

• (1210)

The Chair: Is there any further discussion?

Seeing none, shall clause 6 carry?

Hon. Pierre Poilievre: I'm sorry, we're in favour of the clause. We're not striking the clause.

The Chair: This is just simply striking the clause. There's no amendment.

Hon. Pierre Poilievre: We're just voting on the clause, not on an amendment to strike the clause.

The Chair: Exactly.

Let's try that again. All those in favour of clause 6?

(Clause 6 negated)

(Clause 7 negated)

The Chair: Now, on to the fun stuff.

Shall the short title carry?

Some hon. members: Agreed.

The Chair: Shall the preamble carry?

Mr. Long.

Mr. Wayne Long: Thank you, Chair.

With respect to the preamble, we would like to move to delete lines 19 to 23 on page one.

The Chair: Is there any discussion?

Mr. Bob Zimmer: I'm just counting the lines here that he is referring to.

The Chair: Fair enough. I believe it starts at "Whereas" and ends at "children".

Bob.

Mr. Bob Zimmer: Could you just give the rationale, please?

Mr. Wayne Long: I think those lines are basically universally understood. Again, we discussed it as a committee and I'm respecting MP Gerretsen's wishes to strike that out.

Hon. Pierre Poilievre: Our position is to keep the wording as is.

The Chair: All those in favour of the amendment?

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

The Chair: Shall the preamble as amended carry?

Some hon. members: Agreed.

The Chair: Now we are on to the title.

I believe, Mr. Long, you are up again.

• (1215)

Mr. Wayne Long: We would like to shorten the title and replace it with "An Act respecting the development of a national maternity assistance program strategy".

The Chair: Thank you. Is there any discussion?

Mr. Bob Zimmer: Just to be consistent, what's the rationale?

Mr. Wayne Long: We think it's a much clearer title, and again, we talked about it as a committee. We just thought that the original one "amending the Employment Insurance Act (maternity benefits)" was somewhat implicit in it. We just thought that this title was a much better, shorter—

Mr. Bob Zimmer: Does the bill as amended even involve the Employment Insurance Act any longer? That's my next question.

Mr. Wayne Long: I don't have an answer for that. We would just like to change the title. We think this is a much better title.

The Chair: Madam Sansoucy.

[*Translation*]

Ms. Brigitte Sansoucy: I would simply like my fellow member to clarify what he just said, so I understand what he means.

Mr. Long, you said you talked about it as a committee. Can you tell us, specifically, which committee you're referring to and who is on it?

[*English*]

Mr. Wayne Long: I thank you for that. For clarity, I don't know if I ever said "committee". If I did, I apologize for "committee".

Ms. Brigitte Sansoucy: Okay.

Mr. Wayne Long: We discussed it with the proponent of the bill

[*Translation*]

Ms. Brigitte Sansoucy: Very well. Thank you.

[*English*]

Mr. Wayne Long: —and we felt this title was a much cleaner title. Sorry, my apologies.

The Chair: Is there any further discussion?

(Amendment agreed to)

The Chair: Shall the title as amended carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Mr. Bob Zimmer: We're abstaining.

Some hon. members: Agreed.

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

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Good work, everybody.

Some hon. members: Agreed.

Congratulations to Mr. Gerretsen and his staff for all the hard work they did in getting the bill to this stage.

The Chair: Thank you very much, everybody.

Thank you to our stand-in clerk and our stand-in member of Parliament, Mr. Fonseca.

We are adjourned and will be resuming in subcommittee, so vamoose.

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