



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

43rd PARLIAMENT, 1st SESSION

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# Standing Committee on Procedure and House Affairs

EVIDENCE

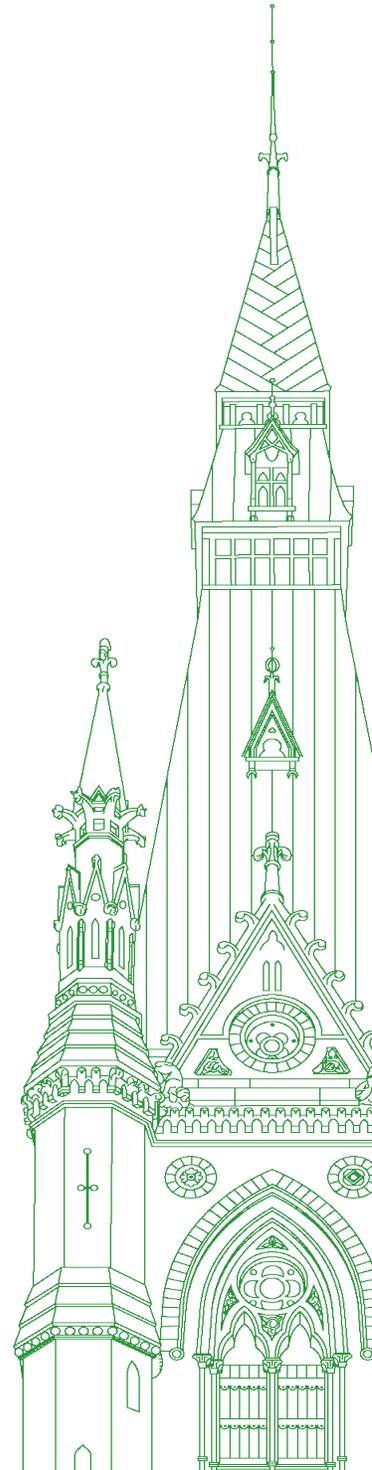
**NUMBER 019**

**PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT**

Tuesday, June 2, 2020

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Chair: Ms. Ruby Sahota





## Standing Committee on Procedure and House Affairs

Tuesday, June 2, 2020

• (1105)

[*English*]

**The Chair (Ms. Ruby Sahota (Brampton North, Lib.)):** Good morning, everyone. I call this meeting to order. Welcome to meeting number 19 of the House of Commons Standing Committee on Procedure and House Affairs. Pursuant to the order of reference of May 26, 2020, the committee is meeting on its study of parliamentary duties and the COVID-19 pandemic.

Pursuant to the motion adopted by the House on May 26, the committee may continue to sit virtually until Monday, September 21, to consider matters related to the COVID-19 pandemic and other matters. Certain limitations on the virtual committee meetings held until now are now removed.

As was just mentioned, the committee is now able to consider other matters and, in addition to receiving evidence, the committee may also consider motions as we normally do. As stipulated in the latest order of reference from the House, all motions shall be decided by way of a recorded vote. Finally, the House has also authorized our committee to conduct some of our proceedings in camera specifically for the purpose of considering draft reports and the selection of witnesses.

As you know, part of our committee meeting today will be in camera. I have a reminder that in camera proceedings may be conducted in a manner that takes into account the potential risks to confidentiality inherent in meetings with remote participants, such as the ability of people in close proximity to overhear the proceedings.

Members of the committee, the clerk and the analysts should participate in the proceedings with their camera on. Staff are allowed to participate. One staff per member is allowed to participate, as is one from the House leader's office and the whips' offices as well. They should make sure that their cameras are off. They should also make sure that their mikes are muted. I'm just going to paraphrase some of this stuff and get through it.

Interpretation in this video conference will work very much like it does in a regular committee meeting. You have the choice, at the bottom of your screen, of "floor", "English" or "French". As you are speaking, if you plan to alternate from one language to another, you will need to also switch the interpretation channel so that it aligns with the language you are speaking. You may want to allow for a short pause when switching languages. When you're not speaking, your mike should be on mute. To raise a point of order in this meeting and to get my attention, please unmute your mike and say that you have a point of order. After that, anyone who wishes to

speak to the point of order should raise the hand in the participant toolbar. Also, finally but most importantly, headsets are strongly encouraged. Please do make sure that you have your headsets or a mike. That will help the interpreters and will help all of the committee members to be able to participate properly in this meeting.

I would like to welcome back Mr. Anthony Rota, the Speaker of the House of Commons, for our meeting number 19.

We have received your opening statement in both official languages. Thank you very much for that.

I'd also like to welcome the whole House administration team that we have with us today, including Mr. Charles Robert, Clerk of the House of Commons; Mr. Michel Patrice, deputy clerk, administration; André Gagnon; and Philippe Dufresne. Mr. Aubé is back with us again today too.

Thank you for being here.

The Speaker will be here for the first half of the meeting. That will be for approximately 90 minutes. It may go over a little bit. For the second half of the meeting, for the in camera portion, we will also have with us Scott Jones, from the Canadian Centre for Cyber Security. That portion of the meeting will be in camera. Along with Scott Jones, we will still have the House administration here with us.

Without further ado, I would like to welcome you back, Mr. Speaker. Please take your time to make your opening statement. We will have two rounds of questions after you speak. As long as you're here, we'll be having questions with you. After that, we will continue and carry on with questions for the rest of the administration.

Thank you.

[*Translation*]

**Hon. Anthony Rota (Speaker of the House of Commons):** Thank you, Madam Chair, for your invitation to appear before the committee as it embarks on the second phase of its study of parliamentary duties and the COVID-19 pandemic.

The committee's order of reference asks that it look at what changes might be needed to enable the House to meet during this pandemic. It encourages the committee to adopt a gradual approach, beginning with hybrid sittings, and asks the committee to consider the issue of remote voting.

[English]

As I noted in previous appearances, through collaboration among the parties, the House has already adapted many of its usual practices in response to the current circumstances. For example, it has met with a reduced number of members physically present and suspended the application of certain rules to allow for sufficient distancing. It has authorized standing committees to meet virtually and has created a special committee, composed of members of the House, that has met in person virtually, and as of last week, in a combination of the two in a hybrid format. All of this took place with minimal adaptation of the Standing Orders.

In addition, over the past several weeks, the House administration has assessed our technical readiness for hybrid or virtual sittings of the House and their procedural implications. Last month I shared with you, Madam Chair, the committee and the House leaders, two documents showing how the House administration is ready to support such sittings. The solution has been developed in keeping with the guiding principles that I outlined during my appearance before the committee on April 21.

I am pleased to report that many of the technical issues around accessibility, connectivity, user-friendliness, security, sound and visual quality and real-time interpretation have been resolved. The success of virtual and hybrid meetings of committees, including the Special Committee on the COVID-19 Pandemic, which reproduces some aspects of the chamber proceedings, has demonstrated that it is possible to conduct deliberative functions in this setting. Therefore, the focus of my comments today will be on the procedural implications of virtual sittings and on the decision-making process.

As I noted in my appearance before the committee on May 4, many of the House procedures and practices could be adapted to accommodate virtual hybrid sittings. For example, a general provision could be added to the Standing Orders to allow the Speaker, in case of emergency and following consultations with House leaders of all recognized parties, to adjust the application of any standing order or practice to permit the virtual participation of members. This would be similar to Standing Order 1.1, which allows for the participation of members with disabilities. Such a general provision would provide flexibility as technologies change. It would also limit the need to change the many references in the Standing Orders that suggest the physical presence of members.

• (1110)

[Translation]

If the House were to decide to take this approach, the Speaker would make a statement outlining the emergency and how they propose to apply the rules.

An analysis of our procedures and practices has identified four key areas that, in my view, could be adjusted through this general provision. These areas are described in the information note provided to the committee on May 13. These areas are the presence of members, the transmission of documents, the manner of participating in proceedings, and decision-making.

[English]

First, with respect to the presence of members and in keeping with the exclusive right of the House to regulate its internal affairs, the House could indicate that it considers that those who are participating by video conference in a sitting of the House or a meeting of a committee count for the purpose of quorum. This would entitle all connected members to fully participate in the deliberations of the House committee.

With regard to the second point, although the tradition is for paper copies of documents to be tabled or presented to the House, it could be determined that documents transmitted electronically are equally valid. Again, the House has already begun to take steps in this direction, having decided in 2019 to accept electronic responses to petitions and more recently to allow petitions, committee reports and other documents to be filed electronically with the clerk during the pandemic.

In terms of how members participate in the sittings of the House, certain adjustments would have to be made in order to ensure that opportunities for members to intervene are effectively maintained while keeping order and decorum. In recognizing members to participate in different categories of business, the chair is already assisted by lists submitted in advance by the parties, although members are still expected to rise in their place to be recognized when their turns come.

In a virtual or hybrid setting, the chair would continue to use these lists without relying only on a physical signal from each member wanting to intervene. For impromptu moments, such as questions and comments, we could make use of features built into the video conferencing system, such as the “raise hand” function. If members participating virtually intend to move motions for which notice is not required, they could be asked to transmit the text to the table in advance, a practice that is already occurring.

The chair would continue to have the responsibility to preserve order and decorum, ensuring, for example, that members do not use displays or props in the camera shots and that members keep their microphones off until they are recognized by the chair. However, the committee may wish to consider whether additional guidelines could assist members and the chair in preserving decorum and dignity in the House.

The way that the House makes its decisions is perhaps the most complex issue to consider. The chair would have to proceed very carefully when putting questions to the House for a voice vote or when asking for unanimous consent so as to ensure that the will of all members is properly understood.

• (1115)

[Translation]

With regard to electronic voting in the context of recorded divisions, should the House decide to implement a system to allow members to vote remotely, a number of principles must be kept in mind. The most important principle is the integrity of the voting process. Members will want to feel confident that the system is secure and failsafe and that they're the only people voting.

I understand that our technical team has developed a conceptual solution for electronic voting that uses our existing toolsets and security platforms. It could be adapted to any requirements that the House might have.

[*English*]

The system should allow members to know when they are voting, what they are voting on and how much time they have to vote. It must meet accessibility standards and display text in both official languages. Finally, it should allow results to be given to the chair quickly and accurately. Such a system could provide secure notifications to members whenever a recorded division is to be held, inviting them to vote using a House-managed device. Since members will be able to read the text of the motion in an application, it might not be necessary to ensure that members were connected to the virtual meeting to hear the Speaker reading the question.

Members could vote at any point during the 15- or 30-minute period while the bells are ringing.

If the House were to adopt a hybrid model where some members are present in the chamber and others are participating virtually, it will have to consider whether all members should vote using the same method, so as to ensure that all members are treated equally.

[*Translation*]

These are but a few of the details and options that the committee may want to consider regarding the issue of remote electronic voting. Similarly, should it be the will of the House, I know that our procedural and digital services experts stand ready to assist in making the necessary adjustments to our practices to accommodate remote voting and virtual participation in proceedings.

[*English*]

My officials and I would be pleased to answer any questions that you may have on this topic.

Thank you for having me this morning.

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

We will begin our first round of questions.

MP Tochor, for six minutes.

**Mr. Corey Tochor (Saskatoon—University, CPC):** I believe we changed the speaking order and John Nater was going to take the first question.

**The Chair:** Okay. That's not a problem.

Go ahead, Mr. Nater.

**Mr. John Nater (Perth—Wellington, CPC):** Thank you, Madam Chair.

It's a pleasure to join this committee. Even though I'm no longer a permanent member of this committee, it's always nice to come back.

Thank you, Mr. Speaker, for joining us virtually from what looks like West Block.

I want to follow up on some of the security measures. I know we'll be going in camera, so I want to keep this at a bit of a high

level. I want to know some of the principles or factors you would consider important when looking at the security measures for remote or virtual voting.

• (1120)

**Hon. Anthony Rota:** One of the biggest things for security is making sure that the person who is there is the one voting and ensuring, if we do have a vote, that this takes place. I could go into more detail on that, but I believe that's probably something you'll do more in camera, as it's more on the technical end of things. That is probably the biggest thing. We need to making sure, as far as security goes, that those participating feel comfortable with what's going on.

One thing we have implemented, which will be put forward, is a 10-second delay. There's been some concern about it. Some say it's there for muting or censoring what MPs are saying. That is not what it's for. The 10-second delay is there in case somebody penetrates the security system or security wall and puts something on the screen that is not appropriate or makes statements. That 10-second delay would allow us to block and stop this and allow the member to continue after. That would probably be one of the bigger ones.

Mr. Nater, security kind of covers a large area, so is there any particular area in security that you are concerned about that maybe I can zero in on?

**Mr. John Nater:** No. Thank you, Mr. Speaker. I would just note that Don Cherry only had a seven-second delay. Obviously we're going for the full 10 seconds, so that's good.

I think the concern a lot of people would have is about safety and ensuring that those voting are in fact permitted to vote, that parliamentarians are voting and not a member of their staff or a member of the whip's office, for example. If a vote is happening, it should in fact be MP John Nater at his iPhone making the vote, rather than someone else voting on my behalf.

**Hon. Anthony Rota:** Staff have worked on many different variations and different possibilities. Ultimately it comes down to what the House is comfortable with, so the House has to make the decision on what it would like to see as far as voting goes. There are so many possibilities. Whether it's voting one at a time or whether it's on a screen and you toggle "yea" or "nay", it really comes down to what the House is going to be comfortable with and what it will allow to happen.

My concerns originally were with security and voting. I'm very comfortable with a lot of the public voting, based on what I've seen to date and what has been done in other parliaments. As far as a secret ballot goes, I'm still not 100% there, but as far as public voting goes, because it is public and you can verify how you've voted, at this point I'm very comfortable with the technology that has been presented.

**Mr. John Nater:** Thanks for that, Mr. Speaker.

One thing that's been brought up in the past is that we're all on the Zoom feature. We use video. Would it be possible to do a recorded division via roll call votes, similar to what we do in the House of Commons, where members are required to have their video on? It may take a bit more time, but I'm wondering if voting that way would be simple.

Would verifying by face and doing a roll call vote that way be an option, Mr. Speaker? It's a low-tech option in a high-tech world.

**Hon. Anthony Rota:** Whatever the House decides on could be an option, and that is definitely one of them. Certainly, as I said, it could be the roll call where you have the face showing up—you know it's them, and they're speaking—or where they're at their screen and they push a button “yea” or “nay”. There might even be some biometric or some code that has to be put in to verify the person.

Again, depending on what the House decides, yes, that is an option.

**Mr. John Nater:** Great. Thanks for that.

On this next question, I just want a high-level response, because I know we'll be going into more detail later. Has there been collaboration with the Communications Security Establishment on these types of platforms, whether it's on remote voting or the Zoom platform itself?

**Hon. Anthony Rota:** I believe so.

Yes, there has. I just checked with the Clerk, and yes, there has.

I know we've collaborated with a lot of different countries around the world to see what they have been doing. There seems to be a lot of co-operation and collaboration going on when it comes to both video conferencing and procedures.

• (1125)

**Mr. John Nater:** That's great.

Talking about our counterparts, currently, literally as we speak, the U.K. House of Commons is dividing on the future of virtual voting there. I have my eye on Westminster as we speak. It looks like they have completed dividing and are probably tallying the votes; it will be interesting to see.

To that measure, our committee counterpart in the U.K. has talked a little bit about how they would expand and retract certain types of procedures. As the pandemic worsens or improves, there would be more of a dimmer switch rather than an on-off switch. Would you suggest a similar approach here, one where we can go on and off, and expand and retract as needed, for different measures?

Madam Chair, I see that you're cutting me off because of my time. I will respect that.

Thank you.

**The Chair:** I wanted you to at least finish your thought, but we are over time now.

Next up we have Madam Petitpas Taylor.

**Hon. Ginette Petitpas Taylor (Moncton—Riverview—Dieppe, Lib.):** Thank you so much, Madam Chair.

Thank you, Mr. Speaker, for being with us once again. We certainly appreciate all the work you have been doing and all the work your team has been doing in order to get us prepared to work in a new era. We certainly recognize that the pandemic has forced us to innovate and has forced our teams to work around the clock to make sure that we have the tools that are needed. To start, then, I simply want to thank you.

During your opening statement, Mr. Speaker, you indicated that a number of technical issues had to be resolved in order to move forward. One of the issues you mentioned was connectivity. I'm wondering if you could elaborate on the steps we're taking in order to ensure that we can resolve the area of connectivity.

**Hon. Anthony Rota:** The staff here and in IT and in the Clerk's office worked very closely with all the MPs to make sure that everything could work. Connectivity was especially a problem in rural and remote areas. It's important that we look at this in light of, for instance, someone who has to come in to Parliament. If they come in and there's a snowstorm, or something causes a problem, it's up to them to get to Parliament to make sure they can vote. Similarly, if you're in a rural area, or you're at home and your connectivity is not that great, you can go to your office or you can go find a place where you can connect.

I can see that Ms. Blaney, for example, is probably in her office. I know that she has some issues. She is a prime example of how we can make it work.

Connectivity was one of the issues we were concerned about, but it certainly put broadband access on the front burner for all Canadians in both rural and metropolitan city areas. When we're looking at connectivity, I think we've pretty well come to the end of it. There are a couple of small exceptions where it could be a little bit of a difficulty, but overall it's been working out very well.

Our ambassadors have been working with everyone. Again, I notice that pretty well everyone has one of these headsets on, which makes a difference. It makes it easier for everyone to hear what you're saying, because we're getting a clear voice coming across. We found that with other microphones, there was an echo, because it was echoing throughout the chamber. No matter how good your microphone is, there is still that bit of a problem, and one that especially affects the interpreters.

I don't believe connectivity is a large issue, overall. Occasionally we get some glitches, but overall, connectivity is very good.

**Hon. Ginette Petitpas Taylor:** So would it be safe to say, Mr. Speaker, that all 338 MPs would have connectivity? I'm not saying that it would be perfect connectivity, but would they have access to the appropriate connectivity to do the work that is required in a hybrid setting or for remote voting?

**Hon. Anthony Rota:** Yes, if they're willing to.... It is possible. It is there for everyone.

**Hon. Ginette Petitpas Taylor:** Excellent.

I have another question with respect to standing orders. During your opening statement, you certainly gave a good overview of some of the work that needs to be done, but could you just tell us, very quickly, which standing orders you think are going to require some work in order to make sure that a hybrid setting could work and also that remote voting would be an available option?

Would there be a list of standing orders that you think this committee should really look at in order to make it work?

• (1130)

**Hon. Anthony Rota:** Yes, our Clerk and his staff have gone through the Standing Orders and they have a list of changes that would have to be made to make them work. There's nothing major. The other option would be to pass one standing order that would make the modifications that would allow the Speaker to make those changes.

Again, it comes back to the House to determine how they would like to handle it. I would recommend that when the Clerk comes back on, you could go through that. I could go on for the full hour just about the details and the small changes, but again, there would be small changes along the way to all of the Standing Orders or to many of the Standing Orders, but not a major change.

Basically, when we're in a hybrid situation, it's business as usual. The difference is just in location.

**Hon. Ginette Petitpas Taylor:** That's great. I have one other question. Do you believe, with the tools we have in place at this time, that if necessary we would be prepared to proceed with a hybrid sitting model? Also, do you believe that we would be prepared to move forward with remote voting? Do we have the tools we need to be able to do that at this point in time?

**Hon. Anthony Rota:** Yes. I feel comfortable that it would go on, and if you would allow me, I'd like to answer in a little bit more detail about what Mr. Nater referred to as the U.K. model, in which they have certain numbers of people and they're starting to rethink their hybrid model.

When you look at the Canadian model we worked on, all 338 MPs have access, can speak, and can vote—or could vote, let's say—whereas under the British model there are 650 MPs but only a limited number would be allowed in the House and limited numbers would be allowed to participate electronically.

I would have serious reservations if we were to go with some model like that. With the model we've developed here, everyone, all MPs, can participate in a virtual hybrid sitting.

**Hon. Ginette Petitpas Taylor:** Thank you, Mr. Speaker.

**The Chair:** Thank you. You're under time.

Next up we have Madame Normandin.

[*Translation*]

**Ms. Christine Normandin (Saint-Jean, BQ):** Thank you, Madam Chair.

Again, I want to thank our witnesses for taking the time to answer our questions. It's always enlightening to hear from them. We greatly appreciate their contributions.

I have a question that would help shed light on Ms. Petitpas Taylor's question. Currently, in the Special Committee on the COVID-19 Pandemic, we find that we're somewhat limited with respect to question period, while Parliament's role is much broader than this.

If we wanted to start adding certain tasks tomorrow morning, for example, in practical terms, would anything prevent us from tabling unanimous consent motions? In the short term, could this be done with our current tools?

**Hon. Anthony Rota:** According to the study conducted so far, the technology is in place. The technology isn't an issue. However, the House must decide what it wants to do.

**Ms. Christine Normandin:** The House must decide how to proceed with the vote on the motion. Is that right?

**Hon. Anthony Rota:** The House must make decisions about everything that happens in the House. If the House were to decide tomorrow to allow the votes, it would be possible.

**Ms. Christine Normandin:** So, the tools are in place.

**Hon. Anthony Rota:** Exactly.

**Ms. Christine Normandin:** Perfect.

I have another question about the 15-minute or 30-minute bell. If we decide to proceed with remote voting, do you already have some technology options? For example, we could receive telephone alerts that are similar to weather alerts. Also, in the event of a fire, we often receive an alert on our computer. However, I've noticed that the alert is often only in English.

Has this been taken into consideration? Is the technology already in place for this?

**Hon. Anthony Rota:** The software exists. When there's a vote, a notification is sent to all members. Mr. Aubé could talk about this in more detail when the committee meets in camera later, unless he wants to talk about it now. The notification will be sent to all members and they'll be able to vote, from what I've seen. However, the House must decide how this will work.

Right now, a bell rings to summon the members. Instead, the software would send a signal to the members, who would have 15, 20 or 30 minutes to vote. They would vote while the bell is ringing, whereas now they vote when they return to the House. Of course, this scenario applies to electronic voting. For a recorded division, the scenario would be a little different. The House must decide which approach it feels comfortable with.

• (1135)

**Ms. Christine Normandin:** Thank you.

My next question is for Mr. Gagnon and it concerns the procedure.

I gather that, if we want to implement procedural rules, they must be timeless, because technology will surely evolve much faster than the rules themselves. We must find a balance.

In terms of the approach, should the technology tool be specified in the rules of procedure or should we instead give ourselves a set of criteria that the technology tool must meet? Which approach would be the most useful in the future?

**Mr. André Gagnon (Deputy Clerk, Procedure):** Good morning, Ms. Normandin.

Thank you for your question.

The second option seems to be the option that the Speaker referred to in his presentation. The best example is when a member wants to rise on a point of order. In the recent virtual and hybrid proceedings, a reference was made to the fact that members could use the “raise hand” function. Conceivably, a year from now, this could be a new function provided by new technology. Getting into these details certainly wouldn't be helpful to the House. You would be forced to amend the rules multiple times simply based on the availability of the technology.

Mr. Speaker was referring to an aspect where, once a general motion has been adopted, the Speaker could specify the terms of application and adapt them to the current reality.

**Ms. Christine Normandin:** Thank you.

When we decide to implement the hybrid Parliament or electronic voting, should the House's procedures already set out the way in which the parties will need to agree on whether to accept the electronic tool suggested by the House?

**Hon. Anthony Rota:** The House must decide what it wants to do. These details will be established based on the recommendations of this committee. When the recommendations will be made to the House, the House must make a decision on the parameters. The Speaker and the administration must implement the House's decisions to ensure that the House runs properly.

**Ms. Christine Normandin:** I want some clarification on this before my time runs out.

When the House introduces a tool, should the rules of procedure already state whether it must be accepted unanimously or by a majority vote?

Should we establish a procedure for this type of technology tool, or should we have a free hand?

**Hon. Anthony Rota:** I can—

[*English*]

**The Chair:** That's all the time we have, unfortunately. We're over time. Perhaps you can save that answer and fit it in somewhere else.

Next up is Ms. Blaney.

**Ms. Rachel Blaney (North Island—Powell River, NDP):** Hello, everyone. It's very nice to be with you all today and, of course, it's always lovely to see you, Chair.

The first question I have is around the Standing Orders. From what you just told us, basically there's a list of standing orders that the Clerk's office has looked at. It sounds like there's a bit of discussion about whether we should review all of those standing orders or move one standing order change that would allow the Chair to oversee that.

A request to see what standing orders would need to be modified was in our last report. I think I would still like that to come before the committee. I think that's a pretty significant question to review.

As I look through this process, one of the things I feel strongly about is that there should be an incremental approach where we evaluate what we're doing, see how it's working, and then have a process. You spoke in your report about consultations with the House leaders, but I think we need a more formal process.

Will you make sure to table with this committee all the standing orders that should be at least understood to be reviewed? If we're going to be making a recommendation on what we should do with that, we would need to know that.

The second part is how we would look at an incremental approach that would allow parties to have a review process and have that very important feedback come back to the House.

• (1140)

**Hon. Anthony Rota:** Most definitely. I have spoken with the Clerk and his staff. They have gone through it and gone through the different standing orders. They do have a list and some suggestions for the committee on what could be changed and how we could do it.

Very basically, we continue business as usual but done a little bit differently. It's making sure that how we do it a bit differently in a virtual manner, in a hybrid manner, is acceptable to all the parties and, more importantly, to all the members. We do not want to infringe on anyone's privilege.

The incremental approach is something we've been slowly doing, because we've added a little bit more and a little bit more as we've gone along. Again, it will be up to the committee what they want to recommend and up to the House on how quickly they want to make that incremental increase of use of whatever changes they want. Any change will be incremental, and that's basically what it comes down to, I would think. Again, this is something that the House has to decide as a whole, and they will adopt it as they see fit.

**Ms. Rachel Blaney:** I really believe strongly that we need that evaluation process that allows all recognized parties to have a voice at the table. This is an important part of looking at our democracy.

I also think there's another thing we have to look at, which is the change of our workplace. Although we are still doing the work the best we can, and this is why we're here to study how we can do the work in the House of Commons, I just want to recognize.... You talked earlier about connectivity. Predictability matters. If I was in a different part of my riding for an emergency situation, I would not necessarily know that there was going to be a vote. I wouldn't be able to access that information. I think that is important.

The other reality is we have parenting happening. What I mean by that is there are MPs who are home-schooling their children as well as doing their parliamentary functions. If they were in Ottawa in the House, they certainly wouldn't be doing that. I think when we look at certain things like bells and some of these other standing orders, we have to recognize that.

I want to make sure there will be a process of evaluating some of these key changes. It isn't business as usual for so many of our parliamentarians, and I think we have to find a way to recognize that. That's just one of the things that I had a bit of a rant about there.

The other part I want to know about, Mr. Chair, is around connectivity and what happens "if". During a COVI committee, what is the process if somebody gets pushed off? I mean this to reflect the fact that, if we want to do something in the House, there are numbers that are required for certain things. Five people have to stand to force a vote. There are all these different functions. If somebody is knocked off, I'm wondering what the process is and whether we've done an evaluation of how often that is happening, both in committees and the COVI committee as well.

**Hon. Anthony Rota:** We can get you some statistics on that, but overall it's been very good. Once someone is connected, we do get the odd one who misses out; but if someone gets knocked off, say, during something crucial like a vote or during discussion, the process of getting back on usually works out fairly well. That's something they'll have to work out among themselves and make sure.

The important thing is that the individual members get to the best possible locations. I know that you, Ms. Blaney, have a rural portion to your riding, as do I, so I understand cellphones not working or dead spots and I understand what no Internet connectivity is all about. Overall, the votes are usually brought forward in a way that people would have a good idea when they would be happening. It's making sure they are in a place where they will have connectivity. It is a lot like, say, if members are coming to the House to vote and there's a snowstorm and they can't make that last mile or can't come in. It's very similar to being in a place where they can't get connected. That's something to consider. Again, we would have to look at different cases or different possibilities for that happening.

• (1145)

**The Chair:** That's all the time we have.

Next up, for five minutes.... Is it Mr. Nater again? I think I have the order a little messed up. Who would like to go for the Conservatives?

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** I think it's me, Madam Chair.

**The Chair:** Absolutely, go ahead.

**Mr. Garnett Genuis:** Thank you, Madam Chair.

Thank you, Mr. Speaker, for being here.

On April 23, 2013, the all-wise, intelligent Speaker Scheer had a great ruling about the rights of members in terms of the process of seeking recognition. I wonder, just as we think about the process of seeking recognition, whether you agree with Speaker Scheer's ruling from 2013, and whether you are guided by it when deciding how to recognize members.

**Hon. Anthony Rota:** I have the note here. It's the Warawa ruling.

Most definitely. It is the right of every member to be recognized, and one thing that really concerned me up front was member's privilege and making sure that they have the right to be in the House. That was one of the concerns I had with the U.K. system, where not everyone was participating at the same time or on the same level. I think we've overcome a lot of that, where, with the system that we've developed as far as hybrid goes, those members in the House and those members participating virtually can come together in a place and actually have an equal voice.

**Mr. Garnett Genuis:** Yes, but just to pinpoint, the issue is not so much the question of presence in that ruling; it's about the right to speak, and in particular the fact that the right to speak is not dependent on presence on a party list. I'll just quote what I think is the key line. He says, "The right to seek the floor at any time is the right of each individual member of Parliament and is not dependent on any other member of Parliament."

Being guided by this ruling, Speaker, how would you ensure that principle would be respected in a virtual Parliament, that I, as a member participating online, would have the right to seek the floor, to seek the Speaker's eye, and that my right to do that should be equal to that of a member who is in the chamber, whether he is on the list or I am?

**Hon. Anthony Rota:** Yes, that's something that has come up and it's something to consider and it will be up to the House to decide what it would like to do with that.

When we look at it, we see that in a hybrid system members can call a point of order or call for attention to raise a point. It can be done by voice, so they unmute and state a point of order or state that they have something to say. The other way is if they want to stand to speak on a topic, there are applications where they can raise their hand and it does appear on a list for the sitting Speaker, which I believe would be probably just as good—I won't say better, but it's there and it's on a list and it's in your face.

I know in the House, when you're sitting, your peripheral view sometimes is not as good as your direct view. By having the list, everyone who raises her or his hand is on that list or is basically visible to everyone. This is opposed to being in the House where there are people sitting on the side who might be missed when they rise to speak. There are pros and cons to both ways of doing it.

**Mr. Garnett Genuis:** At the end of the day, the point is that it has to be worked out that members have the right to seek the eye of the chair, not just for points of order, but also to be able to speak. It seems like we're in agreement on that principle.

**Hon. Anthony Rota:** Most definitely. That is a key part of being a member of Parliament.

**Mr. Garnett Genuis:** Let me shift to another topic before we wrap up.

You've been Speaker for this Parliament and you were a chair occupant in the last Parliament. My sense is that even when Parliament is sitting physically, the chamber is relatively empty for the vast majority of the time. It seems to me that there isn't really a problem with having a physical Parliament for the vast majority of the time. It's really the question of what happens during question period, for example, and what happens during votes. We could have a regular physical Parliament with 40 members there, because that's frankly the normal thing in Parliament.

Connected to that, I wonder if, for expanding space, the visitors' gallery could be turned into part of the chamber. Could members speak from the visitors' gallery? Could we turn the visitors' gallery into part of the chamber to facilitate greater spacing?

• (1150)

**Hon. Anthony Rota:** Everything is possible. It depends on what members decide on and different possibilities. It really does depend on the House.

When we talk about presence in the House, a lot of the time when debate is happening, the House is not full; it's mainly during question period or when votes take place. One of the things that concerns me about saying "okay, you're only allowed 40" is parliamentary privilege, which you brought up earlier. Who determines who that 40 is?

When I send out an invitation or a recall of the House, it is to everyone. It's not up to the Speaker or any rules to determine who doesn't show up or who can or can't show up. That would be one of my main concerns.

**The Chair:** Thank you so much.

Next up we have Dr. Duncan for five minutes.

**Hon. Kirsty Duncan (Etobicoke North, Lib.):** Thank you, Madam Chair, and thank you so much, Mr. Speaker, for joining us today. I too would like to thank you and your colleagues for all the work that has been done on our behalf.

I'm wondering whether you would be willing to table with our committee all jurisdictions that have adapted their procedures and practices to have hybrid sittings during the COVID-19 pandemic.

**Hon. Anthony Rota:** I've instructed our Clerk and the administration to co-operate fully with PROC. Whatever you need, I'm sure they'll be able to work with you and make it available.

**Hon. Kirsty Duncan:** Thank you so much, Mr. Speaker.

Could you list all parts of a sitting day that are now included in the hybrid sittings, please? Just list them, please.

**Hon. Anthony Rota:** Okay. We start off with ministerial statements. Then we go to petitions. Then we have declarations and then statements to ministers. We have taken four steps. Again, it's incremental. We started with three, originally, and now we've added some. Depending on what the House decides, we could extend it even further.

**Hon. Kirsty Duncan:** Do you know how many committees are up and running now, please?

**Hon. Anthony Rota:** There are seven committees.... It's nine. We're up to nine now.

I'm sorry. We have tabling of documents as well. That has been added recently to the House sitting.

There are nine committees that are sitting virtually. It seems to be working fairly well, as is this one.

**Hon. Kirsty Duncan:** Thank you so much.

Are you able to tell me how many parliaments are using virtual or remote voting, please?

**Hon. Anthony Rota:** I'll have to defer to the Clerk. We don't have an exact number right now.

**Hon. Kirsty Duncan:** Would you be willing to have that tabled with the committee, please?

**Hon. Anthony Rota:** We'll make sure that comes to the committee with the information right away, yes.

**Hon. Kirsty Duncan:** Thank you.

You said during your opening statement that we're ready for virtual voting. Can you outline the reasons why you believe that we are ready for virtual or remote voting, please?

**Hon. Anthony Rota:** Okay. What I'm saying is that we're technically ready for virtual voting and in a hybrid situation. The technology is in place. It has been tested in other places. After seeing what is there, it really comes down to the comfort level that individuals are ready to live with.

I know that with what I've seen so far I don't see a problem with a public vote or an open vote. If on division people are making their voices heard, then you can check what has been registered. I still have certain reservations about a secret ballot, because once it's in there, if something is tampered with, there is no way of checking it, whereas on a vote that's open, you can check on it right away and confirm that it is what you voted—

**Hon. Kirsty Duncan:** Could I jump in there? Can you tell me in what areas this has already been tested, please?

**Hon. Anthony Rota:** Do you mean in which countries?

• (1155)

**Hon. Kirsty Duncan:** Yes, please.

**Hon. Anthony Rota:** They've tested it in the U.K. It seems to have gone well.

**Hon. Kirsty Duncan:** Perhaps you could also table with the committee the results of that testing from the U.K.

Could I ask about accessibility? I know that was an area that you were concerned about and that you said we have addressed. Have we addressed all challenges with accessibility, please?

**Hon. Anthony Rota:** Yes, all access with accessibility is there. If anything has to be done, whether a member needs special adaptations.... Let's say they have a visual impairment, or anything else that is in the way. It can be adapted. Basically, it's going on the standing order, which allows the Speaker to accommodate for anyone with a disability, whether it's a wheelchair or whether it's visual. You can adapt to make sure that accessibility is there for everyone.

**Hon. Kirsty Duncan:** Thank you so much, Mr. Speaker.

I believe that's my time.

**The Chair:** You are correct.

Mr. Doherty, you have five minutes.

**Mr. Todd Doherty (Cariboo—Prince George, CPC):** Thank you, Madam Chair.

I think the biggest concern that I have is, again, Mr. Speaker, about parliamentary privilege. I'll remind those who are listening that this privilege is to ensure that members are not impeded or interfered with in any way or form in representing the electors. I've said this a number of times, Mr. Speaker, and if you've listened to any of my speeches, you know that I feel very strongly that the House does not belong to us. It belongs to the electors, who put the 338 members of Parliament there. In everything we are doing to this point, we must ensure that parliamentary privilege is protected.

I'm heartened to hear some of your comments, but in one of your notes, you mentioned this with respect to privilege and decorum:

As is the current practice, the Chair maintains order and decorum and makes decisions with respect to points of order. Therefore, the Chair can intervene on any matter of decorum on its own initiative or on a point of order raised by a member. In this regard, the virtual environment makes it possible for the Chair to mute a member's microphone.

Now, going back to my colleague Garnett Genuis' comment about seeking the eye of the Speaker and getting the attention of the Speaker, would muting a microphone be seen as a violation of privilege, in your view? In the House, a member can at least continue to stand and state his case, even against the wishes of the Speaker; at least in the House that voice is still heard.

**Hon. Anthony Rota:** Parliamentary privilege is the biggest issue that I feel we have to consider, to make sure there is no one blocking someone from making a statement, or from saying what they have to say, or from acting on what they want to get forward. One thing about privilege, when you look at the description, is that it has to be intentional blockage. If somebody is out there trying to sabotage another member, and it's done intentionally, that's where a question of privilege comes up. That's what we have to look for.

As far as muting a mike goes, one of the things that happen in the House, as you mentioned, is that when the Speaker stands, the microphones all go dead, which is the same as muting everyone. I don't see it being any different.

**Mr. Todd Doherty:** But it is.

**Hon. Anthony Rota:** I would like to say that muting the microphone is an option for the chair of the committee, or the Speaker for that matter. One other thing—and I'll let you in on a little secret—is that the minute it gets muted, the member can just unmute it and keep going and be disruptive. Now, I'm hoping this doesn't become the practice in our future meetings, but it is a possibility. It's not like you're muted indefinitely; it's just muted for a short term. It's something that hasn't had to be used up until now. What's happened is that, when it's been brought up, most members recognize that the point has been made and continue from there.

● (1200)

**Mr. Todd Doherty:** Another challenge we've had with the Zoom medium is that there are 49 members per screen. You've stated that members can simply raise their hand if they have a question. I've been on numerous Zoom meetings, and I'm sure our colleagues have, where members have not been seen but had raised their hand. Again, this goes back to the question of privilege.

How do you propose to get away from that inability to see the member?

**Hon. Anthony Rota:** I guess I owe you an apology; I didn't explain enough exactly what raising your hand means. You push the button and your hand goes up, which shows up on a list, so electronically, you're front and centre. As far as raising your hand—

**Mr. Todd Doherty:** I'm very aware of that, but the maximum number of thumbnails that can viewed at a time is 49, so there are challenges. I'm aware of the chat side and that you can raise your hand, but we have all been on Zoom meetings where speakers have been missed.

**Hon. Anthony Rota:** No, the sidebar has a list of all the people. It's not the thumbnails we're talking about. A list shows up with a hand that's up. It's basically an electronic hand, it's not the physical hand of the member.

**The Chair:** That's all the time we have.

Next up, for five minutes, is Mr. Gerretsen.

**Mr. Mark Gerretsen (Kingston and the Islands, Lib.):** Thank you very much, Madam Chair.

Mr. Speaker, thank you for taking time to be here.

Just to conclude where you were leaving off with Mr. Doherty, I think the virtual hand-raising feature creates an actual list on your screen. It's probably more bulletproof in making sure everybody gets on there.

Going back to Mr. Doherty's questions about privilege and speaking, I think what he was getting at is that even after the microphone is muted by the technician, somebody can continue talking. The truth is that nobody should be talking unless they've actually been recognized by the chair. Is that correct?

**Hon. Anthony Rota:** That's the way it works in the House. Basically, the same orders that apply in the House would apply.

**Mr. Mark Gerretsen:** Further to that, because we are a House that recognizes two official languages, if the only language you spoke was French and people continued speaking with their microphone off, in English, then that would never get translated. Therefore, you don't have the same capacity to keep speaking with the microphone muted in the House that you would if it were unmuted.

That's correct too, right?

**Hon. Anthony Rota:** Yes.

**Mr. Mark Gerretsen:** Going to the issue of connectivity, you used the example that it's a member's responsibility to get to the Hill and to be present, even if a snowstorm comes up that could impede the member. Of course it's not an issue of parliamentary privilege because it's not intentional. In terms of getting to the House, if doesn't matter if you live 197 kilometres away like I do or if you live on the other side of the country in a remote, rural area.

On of the things I find extremely fair in the system we've developed is that it doesn't matter if it costs me \$200 in mileage or \$2,500 to fly someone across the country, as well as everything else involved in his or her transportation. The point is the House plays a role in getting people fairly and evenly distributed, in terms of the costs associated with it, from their point of origin to Ottawa.

That's correct, right?

**Hon. Anthony Rota:** Yes.

**Mr. Mark Gerretsen:** Would you not also agree that it is equally important for the House to play a role in making sure each member of Parliament, regardless of where they are, gets the same access to the same quality of Internet to the best of Parliament's ability if we're going to use a hybrid model like this?

**Hon. Anthony Rota:** Most definitely.

Our IT ambassadors have been working with individual MPs to ensure they have what it takes to connect. It's pretty well there with everyone. I believe there are two MPs who have had difficulty, but arrangements have been made so they can connect and take part. I feel confident that it's there.

Again, whether you live 197 kilometres away or 2,500 kilometres away, it's up to MPs to get to the House any way they can. If there's a snowstorm, or whatever happens, that's an issue they have to deal with individually. It's the same thing with connectivity. I would expect them to either go to their offices or see what would be the best method for them to connect to the Internet.

• (1205)

**Mr. Mark Gerretsen:** However, you would agree that it should not be unjustifiably more expensive for one MP to get that level of access to the Internet than another. If I live in an urban area and it only costs me \$40 a month, or it costs someone in a more rural area \$150 a month, we should all be treated the same, should we not?

**Hon. Anthony Rota:** You're dealing with policy that I think would be more on a political level than on a procedural level, but in principle, I will say yes.

**Mr. Mark Gerretsen:** I have one more quick question. I have 30 seconds left.

You talked about roll call and how we would do that. Somebody, I think it was Mr. Nater, brought up a recorded division. Are you aware of any other jurisdictions that are doing a recorded division like that and have the number of MPs that we do?

**Hon. Anthony Rota:** The number of MPs is probably the key to what we have. I think the closest we can come to is the U.K., but they've done things a little differently and I'm not sure they are quite there. With what we have, when you look at smaller jurisdictions, they've actually gotten to that point where they can have a vote. Again, when you have a smaller number in the chamber, it's a lot easier; 338 is not an easy number to deal with, but with what I've seen so far, it is not unmanageable and it's not impossible.

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

Next up for two and a half minutes is Madame Normandin.

[*Translation*]

**Ms. Christine Normandin:** Thank you, Madam Chair.

I'll pick up from where I left off.

I gather that the idea would probably be to not establish, through an amendment to the Standing Orders, what the electronic voting platform will be. In light of this, if we launch the procedure for enabling electronic voting and the House's technical support team comes up with a platform, who will decide whether the platform will be used, should no changes be made to the rules of procedure? For example, as things stand now, if one party agrees and another party disagrees, how would we decide whether to use the platform?

**Hon. Anthony Rota:** When changes are proposed in the House, the members must decide what they want to implement. If they decide that they don't want the system, no one can force them. Personally, I wouldn't want to force this. The House must decide what it wants.

**Ms. Christine Normandin:** As things stand now, does this mean that the parties would need to unanimously agree on an electronic platform, or would this decision be made by a majority vote, if the rules of procedure don't include anything about this?

**Hon. Anthony Rota:** An amendment to the Standing Orders requires a majority vote. So the majority makes the decision.

**Ms. Christine Normandin:** Perfect.

I want to ask a question about rising to speak in the House. I already pointed out that, if I speak French after turning on the French channel, for example, my voice may be lower and the Speaker may not hear me. The Speaker may hear people who are physically present better than people who are online.

Would it be a breach of parliamentary privilege if we were to say that, in a hybrid Parliament, everyone must raise their hands electronically only?

To your knowledge, would it be a breach of parliamentary privilege to ask that everyone have an equal opportunity to request permission to speak?

**Hon. Anthony Rota:** Again, the House must make this decision. Neither the Speaker nor the administration can make this decision. For example, if the committee's report states that things should be done this way and the report is tabled in the House, the House must decide by majority vote how to proceed.

• (1210)

**Ms. Christine Normandin:** My question is more about whether, to your knowledge, it would be a breach of parliamentary privilege to tell members in the House that they can't speak to request recognition and that instead they must raise their hands electronically.

**Hon. Anthony Rota:** If the House decides on this rule, it wouldn't be an issue. Again, the House must make a decision. If the House agrees, then it will be acceptable.

**Ms. Christine Normandin:** Perfect. Thank you.

[English]

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

Next up is Ms. Blaney, for two and a half minutes.

**Ms. Rachel Blaney:** Thank you, Mr. Speaker.

One of the things we've been discussing is around distance voting and that there should be an incremental approach. I wonder if the Clerk and the House office has done any work on what that might be like. What might the first step be in terms of moving towards voting from a distance?

Also, I've heard you mention a secret ballot. I wonder where that idea is coming from. I don't recall, except when electing the Speaker, that in the House of Commons we have any secret ballots. It's certainly not something I'm comfortable with.

If you could speak to those two things, I would appreciate it.

**Hon. Anthony Rota:** The secret ballot happens under two circumstances, if I'm not mistaken. I'm looking to the Clerk for confirmation. Yes. One is, of course, for the election of the Speaker, and the other one is for private members' business.

I'll hand it over to Mr. Gagnon, who will be able to answer that much better than I will, because it happens so rarely. It's only happened once to me while I've been here, since 2004, with a slight interruption in 2011.

Mr. Gagnon.

**Mr. André Gagnon:** Thank you, Mr. Speaker.

Ms. Blaney, yes, election of the Speaker and also an appeal of the Procedure and House Affairs decisions regarding private members' business are types of situations where there can be a secret ballot.

**Ms. Rachel Blaney:** Thank you so much.

I would like to go back to the original question: Is there a thoughtful plan? Have you done any work in your role around voting and the incremental steps that we might take?

**Hon. Anthony Rota:** Yes. If you look at all the work that's been done to date, it's basically been done with the view of seeing about what we can add next and what is comfortable as well as what is feasible. Doing something that's feasible but we're not comfortable with is not something that we want to rush into, because you want to make sure that members of Parliament are able to do their jobs in a way that they are not threatened.

Those are the two main areas, but yes, we are progressing gradually, and we are open to pretty well everything that's out there that's happening in the House. When we did our hybrid test, we tried so many different things, everything from voting to bringing up a point of order, and it was all handled very well.

**Ms. Rachel Blaney:** Sorry, Mr. Speaker, but what was the model of voting? Could you just tell us what was practised in that process?

**Hon. Anthony Rota:** I have to refresh my memory. It's been a while.

We did the voice vote, yeas and nays, so no, we did not do the actual voice vote. If we do bring it back, I would expect that we would have whatever model is suggested. It would have to go through a test run to make sure that it works well and that it is something that would be secure and something that we can trust.

**The Chair:** Thank you, Mr. Speaker. I allowed some extra time for you to be able to finish up your thought there.

**Hon. Anthony Rota:** It's much appreciated.

**The Chair:** We do have a little bit of extra time. I'm throwing this out to the committee members.

It is going to take a process of about 10 to 15 minutes to switch to in camera, so even though we have extra time, I'm of the mindset that we cut off this portion of the meeting and switch to in camera. We are going to have most of the House administration still here with us; it's just the Speaker who we will be missing. Then we can continue on.

At the end of the meeting, hopefully, if we have enough time, I want to discuss our work plan so that all the parties are on board for the meetings going forward, so we will suspend.

Clerk, could you explain just a little bit to the members how to go about proceeding in camera?

• (1215)

**The Clerk of the Committee (Mr. Justin Vaive):** Yes, Madam Chair.

The members of Parliament who are currently on the Zoom meeting can just stay where you are connected and, in the meantime, we will start getting on board the authorized people who are permitted to be in the in camera portion of the meeting.

As the Chair indicated, it should take us approximately 15 minutes to do that. We do have another witness who will be joining the meeting as well, so we have to get him on board.

Thanks.

**The Chair:** Thank you, Mr. Speaker, for being here today. Maybe at the end of the study, we might need to have you back, but the committee will determine that, and, hopefully, you will be able to make yourself available. We really appreciate your being here.

**Hon. Anthony Rota:** Thank you, Madam Chair. It's a pleasure, as always, to be here with you and the committee, and I'm looking forward to the report.

Thank you.

**The Chair:** Thank you.

With that said, we will suspend. We will try to be back on in 10 minutes.

*[Proceedings continue in camera]*

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