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Chair

Mrs. Deborah Schulte

Standing Committee on Environment and Sustainable Development

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• (1540)

[English]

The Chair (Mrs. Deborah Schulte (King—Vaughan, Lib.)): We are starting the meeting.

Welcome to the Parks Canada staff. Thank you for being at the table with us to help us answer any questions that might come up as we move through clause-by-clause consideration.

I'll recap where we were last Tuesday. We stood down the first clause because it was a definition and we needed to deal with that. It's right at the top of my list here, so we're still holding that. Also, I ruled Ms. May's motion inadmissible, and we voted down CPC-1.

Mr. Jim Eglinski (Yellowhead, CPC): Yes, that's correct.

(On clause 2)

The Chair: We are now on NDP-1. We had just had that brought forward to us.

Mr. Stetski was able to speak to it, I believe. Didn't you speak to it?

Okay, we just got to it. Why don't you speak to it, then? We'll get started on that one.

Mr. Wayne Stetski (Kootenay—Columbia, NDP): Thank you.

The purpose of this is just to bring Rouge in line with other national parks by including proposed subsection 6(1), which is:

The Park is dedicated to the people of Canada for their benefit, education and enjoyment, subject to this Act, and it must be maintained and made use of so as to leave it unimpaired for the enjoyment of future generations.

That is in all the other acts, and for some reason it wasn't in the preliminary part of the Rouge Park bill.

I would also like to ask the national parks staff if there is any particular reason why that clause wasn't included in the Rouge bill.

Ms. Pam Veinotte (Field Unit Superintendent, Rouge National Urban Park, Parks Canada Agency): Thank you very much for the question. I think it's important to look at the act in its entirety. If you look at section 4, which is the reasons for establishment, I think you see what all the stakeholders who came together determined was the vision for the park and the reasons for establishment.

The dedication, as you referred to a dedication clause, is bringing something new into the section that you included it under, and we are not certain what impact that would have, in terms of something that no one is seeing, on the stakeholders and others we've been working and consulting with. We have concerns about bringing that in at this point.

The Chair: Go ahead.

Mr. Wayne Stetski: Are these actual concerns about what it might say or do, or concerns about the fact that it hasn't been talked about by the group so far?

Ms. Pam Veinotte: Jim, do you want to...? Did I summarize that?

Mr. J.G. (Jim) Rossiter (Counsel, Parks Canada Legal Services, Parks Canada Agency): It's the second one.

Ms. Pam Veinotte: Yes, I think it's that second one, the concern of something brand new coming in at the very last minute. I think there is agreement on the reasons for establishment of the park and the vision for the park, and that's found in section 4.

The Chair: Mr. Aldag, go ahead.

Mr. John Aldag (Cloverdale—Langley City, Lib.): Just to clarify, is that section 4 of Bill C-40? I'm trying to find...

Ms. Pam Veinotte: Yes, sorry, that's section 4 in Bill C-40, the Rouge National Urban Park Act.

Mr. John Aldag: What I was going to ask, and it's very much in line with Wayne's questioning.... We were told that the ecological integrity piece came in to bring it in line with the Canada National Parks Act, so it is interesting that the dedication clause is missing.

I would be curious to see what section 4 says, to give it that kind of...

Ms. Pam Veinotte: Maybe I can read section 4, Madam Chair, if that's okay.

The Chair: Yes, please.

Ms. Pam Veinotte: It says:

Rouge National Urban Park, which is described in the schedule, is established for the purposes of protecting and presenting, for current and future generations, the natural and cultural heritage of the Park and its diverse landscapes, promoting a vibrant farming community and encouraging Canadians to discover and connect with their national protected heritage areas.

Mr. John Aldag: As you were reading, I was following along. I don't know if Mr. Stetski would agree, but it would seem it takes the official Canada National Parks Act dedication clause and tailors it to the Rouge, so that would cover off that piece. If Mr. Stetski would agree, then I think we would not need this clause in there.

Mr. Wayne Stetski: For me—and I am trying to put it into the context of the Rouge—the dedication clause in the parks act talks about leaving it “unimpaired for the enjoyment of future generations”.

I didn't really hear that in section 4. That, to me, was a very important statement that occurs with all other national parks.

The Chair: I'll read it again, because I think it might cover that:

Rouge National Urban Park, which is described in the schedule, is established for the purposes of protecting and presenting, for current and future generations, the natural and cultural heritage of the Park and its diverse landscapes, promoting a vibrant farming community and encouraging Canadians to discover and connect with their national protected heritage areas.

That does address future generations. There's discover and connect, and enjoyment's just a little.... I'm hoping that discovering and connecting is enjoying.

• (1545)

Mr. Wayne Stetski: I don't think it's as strong. I'd still like to put this forward. If we end up voting on it, we'll vote on it.

The Chair: Okay. Are there any other comments?

Mr. Aldag.

Mr. John Aldag: If I could just summarize what I'm reading, although it may not be exactly the same wording, Wayne.... From my perspective I'd be satisfied in accepting what Ms. Veinotte from Parks Canada had shared as having that protected. From my perspective, I think it would be redundant to accept the amendment as put forward.

The Chair: Does anybody else have anything else to say?

Ms. May.

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

Technically, I am only allowed to speak at the discretion of the chair because this isn't my amendment, but I appreciate the chance to say that the language Mr. Stetski's put forward is the traditional language that goes with national parks, in terms of the commitment. The language of "unimpaired for the enjoyment of future generations" is quite different from enjoyment for future generations. As Wayne just said, it's much stronger and it's consistent.

In the first version of the bill—and why I'm so pleased there's a second version of the bill—this was going to be a second-rate national park where ecological integrity wasn't respected. I think that's why the purpose, under section 4 of Bill C-40 is not as strong as what was just put forward in this proposed NDP amendment.

The Chair: Thank you for that.

Ms. Elizabeth May: I can just speak to it. I can't vote on it, can I?

The Chair: No.

It comes down to what's being discussed. You could argue that Rouge is not the pristine space. It's already somewhat impaired. It's a matter of trying to....

Go ahead, Mr. Aldag.

Mr. John Aldag: As a final comment, if I heard what Parks Canada indicated, it would be a concern for me, too, to hear that this hadn't been discussed. It seems like there have been a lot of very finely detailed negotiations to get to this piece. If we could be jeopardizing something, we'd have to really look at the risks of doing that. Again, the message I'm hearing is that Parks Canada is happy with the legislation as it's being put forward. That makes me happy with the legislation as it's being put forward, without the amendment.

The Chair: If there's no further discussion, I'll bring it to a vote.

(Amendment negated)

The Chair: The next one up is one that was brought to us last week, which is CPC-1.1.

Normally Mr. Fast would be moving this, because it's his amendment. I'm going to need someone to move it to get it on the floor.

Mr. Jim Eglinski: I'll move that motion, Madam Chair, as soon as I find it.

The Chair: We'll stand by till everybody finds it.

Okay. It's talking about clause 2, replacing lines 15 to 17 with the following:

Conservation or restoration must be the first priority of the Minister when

Mr. Jim Eglinski: That's right.

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): It's replacing the words "Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes must be the first priority of the Minister when" with what's here.

The Chair: Yes, it is. That's how I take it.

Is there any discussion?

Mr. Jim Eglinski: Yes. Quite a few of us over yesterday received some correspondence from a Mr. Tom Lee, who's a former head of Parks Canada. This wasn't solicited or anything like that. I think it just came out. I got it the same way all of you did.

I'd just like to read it into the record.

"Chairman and Members of Committee, I have belatedly become aware of the Committee's review of the above draft legislation. As an individual who was head of Parks Canada from 1993 to 2002 I would like to express my views on the legislation.

"I fully support the establishment of this national urban park. I had the opportunity to participate in preliminary ideas on this proposal during my tenure and fervently hope that this is only the first of a series on national urban parks which will bring Canadians into greater contact with both Canada's natural features and its historical and cultural resources. I will, therefore limit my comments to my one major concern, the use of the term ecological integrity, for which I have three concerns.

"Firstly, as applied to the Rouge Park, it is an objective that is never intended to be achieved or even closely achieved and could only be even closely achieved by violations of parts of the Act including those for agriculture. To argue that an ecological integrity is "a continuum" which might range from say 5% to say 90% is disingenuous, particularly when agriculture will remain a continuous part of resource management: a position which I support and is supported by legislation.

"Secondly it is not necessary to include this term as an overall objective for all lands when the legislation could easily be drafted to provide...zoning for those lands which would be specifically targeted toward achieving the maximum ecological integrity possible, for example conservation zone.

“Thirdly, the inclusion of ecological integrity as the primary management objective is, and I know that is was not the intention of the proponents of this clause, 'double speak', with broad and potentially negative implications to the entire national parks system. The Committee has already seen some of the implications for this in some of the testimony. The fact that there is a ski hill or a townsite in an existing national park is neither an argument for agriculture in Rouge or an argument for more ski hills and townsites in the rest of the national parks system. The point is that this argument does not have to be and should never be opened.

“Thank you for the opportunity to make this presentation and best wishes in your deliberations.”

This is exactly what Mr. Fast's concerns and our side's concerns were. This gentleman, a pretty well-known expert in the field, listened to our deliberations. I would just like to bring that into play.

Thank you, Madam Chair.

● (1550)

The Chair: Okay.

Next up is Mr. Shields.

Mr. Martin Shields (Bow River, CPC): Thank you.

I have another document, which came from Kevin Van Tighem, as some of you probably know. He was the first conservation biologist in Waterton Lakes National Park during the 1990s, the best national park in Canada. I just want to get that part in there, that he was at—

The Chair: We've heard that a few times.

Mr. Martin Shields: Now that we've established his credentials, he said:

For this very reason, I oppose the application of an ecological integrity standard to the Rouge National Urban Park. In my opinion there's an important distinction between a national park and a national urban park that risks being lost if the change is made, and it is a distinction [that is essential] to keep the national park management to the highest possible conservation standard while enabling promoting the establishment of more nationally-protected and near-urban parks in the future.

Here are another couple of phrases:

It is dangerous on the one hand because it risks lowering the political bar for ecological integrity in the other national parks where that standard has been and will continue to be vital for heading off ill-advised development proposals and occasional assaults on the whole idea of national parks.

Finally, he said:

By setting ecological integrity as the standard for the Rouge—and remember, ecological integrity is not an empty phrase; it has a very specific meaning—Canada risks creating a legacy of ongoing conflict and crisis as interest groups point out that farming is incompatible with maintaining a full suite of naturally-occurring species and processes and that allowing intensive use by urban visitors creates too many unnatural stresses on the ecosystem. The ecological integrity standard will be used as a wedge and a hammer for ongoing social conflict of pretty much every use and activity in the Rouge.

Thank you, Madam Chair, from Kevin Van Tighem.

The Chair: Thank you for that.

Mr. Aldag.

Mr. John Aldag: I worked previously with Mr. Lee and Mr. Van Tighem, and I know they are reputable characters. When we had Parks Canada in last week, I put out a question—specifically to Mr.

Watson, the current CEO—about how organizations evolve in their thinking. The question that I put was this: where is Parks Canada today on its thinking concerning ecological integrity?

I would say that, if we go back to the testimony, we heard very clear statements from Mr. Watson, but I will turn to the Parks Canada witnesses at the table now. As people within the system today, not retired, not outside of the system, but part of the ongoing conversations about ecological integrity, could you speak to that concern?

I guess, really, I'm trying to get the Parks Canada perspective, today, on the appropriateness of ecological integrity in the legislation as it has been put forward related to the Rouge National Urban Park legislation that is before us.

● (1555)

Ms. Pam Veinotte: Is it okay if I take this one?

Ecological integrity is extremely important for the Government of Canada, for the Province of Ontario, for stakeholders, and for Parks Canada itself. We can look at the decades of experience that Parks Canada has had in applying ecological integrity, and we can also look at the Canada National Parks Act, and at the varied situations and places that ecological integrity has been applied.

The Rouge is unique. However, we do believe that by working with our partners we can apply ecological integrity in an urban setting. Because of that experience we have had—and we have now had almost two years of managing the land in the Rouge—I believe we can do great things. We are already demonstrating the great things we can do, so we don't see it affecting the application of ecological integrity in the rest of the system.

Mr. John Aldag: Thank you.

The Chair: Thank you.

Is there anything else?

Mr. Stetski.

Mr. Wayne Stetski: I just wanted to add that we had a discussion a few minutes ago about leaving the dedication clause out because it hadn't been adequately discussed with some of the stakeholders over the years. Ecological integrity was one of the key primary focuses for the groups that have been pushing for the Rouge for many years, and for that reason alone, it is absolutely worth leaving it in.

The Chair: Mr. Kent.

Hon. Peter Kent (Thornhill, CPC): Thank you very much, Madam Chair.

To come back to this, we realize, and the CEO of Parks Canada said on Thursday, that Ontario made inclusion of ecological integrity conditional on the transfer of the land. It was absolutely conditional.

I think that the committee may be under a bit of a misimpression, based on the testimony of the CPAWS witness last week, who talked about the regulations for the Ontario protection of the Oak Ridges Moraine. I would just like to suggest that Ontario doesn't have a basis.... Those protections do not apply to the Ontario lands that are subject to transfer now.

Certainly, from my understanding over the years, all stakeholders have agreed that conservation should be the first priority, and that farming should continue and be celebrated—and we've heard that in a variety of ways. I'm still concerned, and Mr. Latourelle, in his testimony, sees the possibility of what I'd call a poisonous seed, that future governments, or future forces, may try to use this ecological integrity but misapply it to an urban park to crack it open.

You heard that the farmers have some trepidation that, in fact, one day someone may come in and interrupt the commitment that is contained and provided for in Bill C-18. They fear that someone may use “ecological integrity” to overwhelm and reverse that element and that protection for the farmers, for the agricultural land.

The Chair: I think we've heard the same kind of discussion from testimony last week and this week.

If there's nothing else that needs to be said today, then I'd like to vote on this amendment.

(Amendment negatived)

The Chair: All right.

Now we're on PV-2, if everybody can pull that up.

• (1600)

Ms. Elizabeth May: Thank you.

[*Translation*]

It's the second amendment put forward by the Green Party.

[*English*]

It's very straightforward. Again, as we were just touching on the ongoing issue of agricultural use in the Rouge area, my amendment proposes to replace lines 18 to 21 on page 1, which right now reads, “for greater certainty, [the subsection on maintaining ecological integrity] does not prevent the carrying out of agricultural activities”. What my amendment tries to do is to ensure sensitivity of the agricultural activities to the other, larger issues of watershed health.

This phrase would replace lines 18 to 21 with:

considering all aspects of the management of the Park, including the carrying out of agricultural activities and their impact on watershed health and the health of the Park's natural ecosystems.

It's an attempt to ensure that, in management, the agricultural activities face a threshold for agricultural activity that is different from the threshold for agricultural activity that isn't adjacent to an area where you're protecting ecological integrity.

The Chair: All right. Thank you very much.

Would anybody like to speak on this one?

Mr. Aldag.

Mr. John Aldag: It's not so much to speak on it, but to turn to our Parks Canada witnesses to provide comment on it.

When I had first read this, I thought that it was, perhaps, redundant because I saw that we already had the statement in there of “all aspects of the management of the Park”. To me, that seems to be broad and inclusive. I didn't know what the benefit was of bringing in the extra qualifiers. I just saw it as already being broad and inclusive.

I don't know if Parks Canada wants to comment on whether we need to add qualifiers, or if the existing wording is sufficient to deal with the kind of concern that Ms. May has raised.

Ms. Pam Veinotte: Yes, I think it's very important the way the amendment is structured now in terms of proposed subsections 6(1) and 6(2). I think we have clarity in proposed subsection 6(1) about how the maintenance or restoration of ecological integrity will be the first priority when considering all aspects of the park. But very important to the farming community is the fact that their interests are well represented in proposed subsection 6(2), and it's very clear. I think it's important not to qualify something that is already very clearly spelled out in proposed subsections 6(1) and 6(2).

Again, given the situation that you heard about from the farmers represented by Mike Whittamore of Whittamore's Farm last week when he testified, I think that inclusion of proposed subsection 6(2) is extremely important.

The Chair: Mr. Eglinski.

Mr. Jim Eglinski: Madam Chair, I can't consider this amendment. I look at it, and I just see it as the start of what we've been concerned with right from the beginning. It's the first start of ecological integrity trying to chip away at little factors. That is why our argument has been so strong to not have ecological integrity, because this is what's going to continually happen in the future with this urban park.

The Chair: Does anybody else have anything else to say before we put it to a vote?

(Amendment negatived)

(Clause 2 agreed to)

The Chair: Next up is amendment NDP-2.

Over to you, Mr. Stetski.

• (1605)

Mr. Wayne Stetski: In the balance of our amendments, we are looking to strengthen the act in a number of ways. In this one, section 8 of the act is replaced by changing the words to “The Minister must establish a committee” and then adding conservation organizations as well as organizations and experts that the minister considers appropriate.

The Chair: I'm going to make a ruling before we start discussion, because it is actually inadmissible. It's similar to what we had last week.

I'll say it again:

...an amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent Act, unless the latter is specifically amended by a clause of the bill.

We do not have that clause in front of us, so I'm going to rule that inadmissible.

Next up is amendment NDP-3.

Mr. Stetski.

Mr. Wayne Stetski: Again, this is looking to strengthen some aspects by adding the following:

The management plan must set out a management approach, by area, that includes the following:

The list includes ecological integrity objectives and indicators and provisions, measures for the protection and presentation of Aboriginal and other cultural heritage, measures for agricultural heritage, environmental guidelines, and a report on the state of the park and the progress that has been made towards achieving the objectives, as well as any amendments to the management plan.

Again, this is just strengthening the wording.

The Chair: I appreciate all the work that you did for these. A lot of thought has been put into it, but in this case, I have to make a similar ruling. Again, we are working on a clause that is not before the committee, so I'm going to also rule this inadmissible. Sorry.

We now have amendment NDP-4.

Mr. Wayne Stetski: Basically it's the same thing. These are all put in place. They're all consistent with Bill C-18's overarching objective, which is to ensure that ecological integrity is the priority in the management of the park.

This one goes to new proposed subsection 12(2):

(2) Before issuing a permit or authorization under subsection (1), the superintendent must

(a) ensure that a thorough assessment of the environmental impact of the proposed activity has been conducted;

(b) ensure that there has been meaningful consultation with Aboriginal organizations, stakeholders and the general public; and

(c) be satisfied that all reasonable measures will be taken to avoid or mitigate any adverse environmental impact that may result from the proposed activity, including in relation to the Park's ecological integrity.

It's the same question, Madam Chair.

The Chair: I think you know how this is going to go, sorry to say. Again, good work but this is inadmissible in this clause-by-clause assessment. Thank you.

The last one of these is NDP-5.

Mr. Wayne Stetski: I'll read it really slowly so that it takes longer to get to the inadmissible part.

Voices: Oh, oh!

Mr. Wayne Stetski: This one has the same objective of trying to ensure that ecological integrity is the priority in the management of the park. New proposed subsection 16(1.1) would read as follows:

(1.1) A disposal may be made under subsection (1) only if the Governor in Council is satisfied that

(a) there is no reasonable alternative to the disposal;

(b) cost is not the sole or primary justification for the disposal; and

(c) the environmental impact of the installation or maintenance of public infrastructure has been taken into consideration and all reasonable measures will be taken to mitigate any adverse environmental impacts that may result, including in relation to the Park's ecological integrity.

●(1610)

The Chair: Again, thank you for all your work, but I have to consider this out of order as well. It is amending a section of the act that's not before us and being considered by this committee. That one I will rule as inadmissible as well. Thank you.

Mr. Eglinski.

Mr. Jim Eglinski: I'm just reading through the amendment. Would it be proper for me to ask the Parks Canada people a question in relation to it?

The Chair: Generally, if I'm going to rule it inadmissible, it really isn't going to be before the committee, so you can't really do that.

Mr. Jim Eglinski: Okay.

The Chair: But I don't see any reason why you couldn't talk to them about this at another point.

Mr. Jim Eglinski: All right. I just would have asked for some clarification.

The Chair: We're not going to consider it, so once we start getting into it, I think that would be a bit of a problem.

Mr. Jim Eglinski: Thank you, Madam Chair.

The Chair: Okay.

Mr. Aldag, do you have anything?

Mr. John Aldag: I do. It's for a clarification of which clause we're on.

You're going to call the question, "Shall new clause 2.1 carry?", right?

The Chair: No. Hold on a minute.

Mr. John Aldag: The question I need to ask is this. We had a proposed amendment from Mr. Robb that came up last week. There was a new proposed subsection 6(3).

The Chair: Yes.

Mr. John Aldag: I'd like to ask Parks Canada a question about that. It would be bringing it forward from the floor to get their comment on the appropriateness—

The Chair: You would have to bring that forward, if you want to do that.

Mr. John Aldag: I'm just asking when I would do that. Which clause would that be under? Where are we at on this right now?

The Chair: You're not going to be happy with me, because we adopted clause 2, and it would have been in clause 2.

Mr. John Aldag: Okay. That was....

The Chair: Nobody's going to like me. I'm glad I brought cake.

By unanimous consent, which I'm not sure you're going to get—

Mr. John Aldag: No, let's say I made a technical error. I spoke with Mr. Robb last week and said that I would raise it at the appropriate time. I thought we were at the appropriate time.

The Chair: We were at the appropriate time when we were doing clause 2, because he wanted to add it to clause 2.

Mr. John Aldag: Yes. I just—

The Chair: By unanimous consent we can go back and open that up and you can put it on the floor.

Do I have the unanimous consent from the committee to do that?

Some hon. members: No.

The Chair: I don't have unanimous consent. I'm sorry.

We are now on clause 3.

(Clauses 3 to 6 inclusive agreed to)

(On clause 1)

•(1615)

The Chair: Now we have to go back to clause 1. We stood that clause because of the definition. We couldn't pass it because there was a possible amendment to the definition, but that definition has not been adopted in the amendment, so I have to rule on it. I have to read my ruling.

Just so you know, I am ruling on amendment CPC-0.1. In terms of definitions, the interpretation clause can only be amended if the bill has been amended in a way that requires such a change, so this is not the place to propose a substantive amendment. This did not come up

as a clause passed, so in essence, I rule it inadmissible because it's not referenced and it's not in any of the amendments adopted. That's another inadmissible.

(Clause 1 agreed to)

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill carry?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

The Chair: We are done on the Rouge Park, plus the clause-by-clause consideration. Thank you all very much. Good job to all of you. I think there was a lot of very good information brought forward to be considered and I appreciate the staff being here to help us through with some of those decision points.

[Proceedings continue in camera]

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