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Tuesday, May 10, 2016

—
Chair

The Honourable Larry Bagnell

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•(1145)

[English]

The Chair (Hon. Larry Bagnell (Yukon, Lib.)): Good morning. This is meeting number 20 of the Standing Committee of Procedure and House Affairs for the first session of the 42nd Parliament. This meeting is in public and is being televised.

In our first 15 minutes today, we'll continue our inquiry into the question of privilege related to the matter of premature disclosure of the contents of Bill C-14. In the second hour, we will resume our study of initiatives towards a family-friendly House of Commons. The Clerk of the Ontario Legislative Assembly will appear by video conference.

What we're planning to do, because our time has been truncated, is to just have the opening statements by the Clerk and the Law Clerk.

You have lots of time, because we're not going to do the hour of questioning now. We'll postpone that to another time—so we don't infringe on anyone's privilege by not getting questions and start another case.

Voices: Oh, oh!

The Chair: We'd like to welcome again our regular visitor, Marc Bosc, the Acting Clerk of the House of Commons.

Thank you for making so much time for us on our study and for other reasons.

We also have Philippe Dufresne, Law Clerk and Parliamentary Counsel.

Hopefully you'll both have a few things to say to us.

Whoever wants to start could start.

Mr. Marc Bosc (Acting Clerk of the House of Commons, House of Commons): Thank you, Mr. Chairman.

In fact, I have prepared remarks. We were both prepared to answer your questions, but we will obviously put that off to another time.

We're pleased to be here to follow up on the question of privilege that was referred to the committee on April 19, 2016.

[Translation]

Questions of privilege are important opportunities for the House to debate and define both individual and collective privileges and, if the case warrants, to consider how a specific breach of privilege may be avoided in future. In order to fully understand the role that the committee plays in this process, it may be helpful to review the

procedures governing questions of privilege and, particularly, the difference between the role of the Speaker and role of the House and its committees in this regard.

[English]

As Speaker Regan clearly stated in his ruling of April 19, the role of the Speaker in relation to questions of privilege is a very defined and limited one.

The citation from page 141 of *House of Commons Procedure and Practice*, Second Edition, cited by the Speaker in his ruling bears repeating:

Great importance is attached to matters involving privilege. A Member wishing to raise a question of privilege in the House must first convince the Speaker that his or her concern is *prima facie* (on the first impression or at first glance) a question of privilege. The function of the Speaker is limited to deciding whether the matter is of such a character as to entitle the Member who has raised the question to move a motion, which will have priority over Orders of the Day; that is, in the Speaker's opinion, there is a *prima facie* question of privilege. If there is, the House must take the matter into immediate consideration. Ultimately, it is the House which decides whether a breach of privilege or a contempt has been committed.

•(1150)

[Translation]

In short, the role of the Speaker is limited to deciding whether, at first glance, the matter complained of merits priority treatment. It is then up to the House itself to decide on the matter. In most instances where the Speaker finds a *prima facie* case of privilege, the resulting motion debated in the House directs the Standing Committee on Procedure and House Affairs to consider the matter, where a more detailed examination of the circumstances surrounding the breach can be considered.

[English]

In many ways, a study on a question of privilege is analogous to any other study conducted by the committee. The Standing Orders permit the committee to send for the necessary persons, papers, and records, and, as "master of its own agenda", the committee is free to organize its study as it wishes. The committee may choose to dedicate one or several meetings to the consideration of the matter, and may, but is not required to, report back to the House with its findings or recommendations.

On previous occasions where this standing committee has undertaken a study on a question of privilege, the committee has often invited the member who raised the question of privilege to appear as a witness. If other members are directly implicated or affected by a question of privilege, they are often also invited to appear to describe the effect of the breach on their work. When departments or ministries of the government may have relevant information to provide, the appropriate minister has appeared before the committee, accompanied by senior departmental officials.

[Translation]

In 2001, a similar question of privilege was referred to the Standing Committee on Procedure and House Affairs by the House after the Speaker ruled that the disclosure of details about a bill to the media before its introduction in the House constituted a *prima facie* question of privilege.

In conducting its study, the committee heard from the member who initially raised the question and ultimately moved the motion. The Minister of Justice, as well as senior officials from the Privy Council Office, also appeared.

In response to a previous question of privilege that same year on a similar topic, the government had already initiated an administrative review by a private company regarding the disclosure. Therefore, to aid in its study, the committee exercised its right to request documents and receive a copy of the report.

[English]

As a result, in terms of process, a summary of the committee's hearings, or any other documents or reports examined in the course of its study, then becomes the basis for a report should the committee wish to prepare one. The report may then be presented to the House, and a motion for concurrence in the report may eventually be moved, debated, and ultimately subject to a decision by the House. In the past, reports on questions of privilege have usually included the context surrounding the question of privilege and any concrete recommendations that the committee feels are helpful.

The committee may, but is not required to, recommend specific sanctions against a particular member of the House, a member of the public, or any other agency or group. As an example, the 40th report of the committee prepared in 2001, in relation to the case I described earlier, summarized its findings but did not recommend any sanctions. Ultimately, the committee concluded that it could not find that a contempt of the House had been committed or that the privileges of the House and its members had been breached.

If the House of Commons then proceeds to concur in the committee's report, either by unanimous consent or following the normal rules of debate for such matters, its contents are formally adopted by the House, and, where the recommendations or sanctions are specific, they become formal orders of the House requiring action or response.

• (1155)

[Translation]

As the committee considers how it would like to approach its study of this question of privilege, the House administration remains ready to provide the committee with the process support it requires.

We look forward to answering any questions you may have next time.

Thank you.

[English]

The Chair: Does the committee mind if I ask a technical question on what he just said?

An hon. member: By all means.

The Chair: When you said that the sanctions could be against a member or anyone in the public, does anyone in the public include any staff who are on the Hill, and any senators?

Mr. Marc Bosc: Yes. Well, senators.... I mean, the committee can state what it wishes, but you have to think of how you accomplish those sanctions.

The Chair: Thank you.

Are there any other technical questions?

Mr. David Christopherson (Hamilton Centre, NDP): I gather that both our witnesses will be back at the beginning of the next meeting, Chair?

The Chair: At a time we set aside for them, yes.

Mr. David Christopherson: That's fine. Mine would be content questions.

Thank you.

The Chair: Mr. Richards.

Mr. Blake Richards (Banff—Airdrie, CPC): Mr. Chair, do we have a sense of when we can expect this? Are we shooting for next week, or...?

The Chair: I think once we let the witnesses go, we'll talk about that. Is that okay?

Mr. Blake Richards: Fair enough.

The Chair: Thank you very much.

We appreciate this. We know you're busy. Sorry to have to call you back again. Someone called a vote, and there you go.

Mr. Marc Bosc: We're available at the committee's wishes.

The Chair: Okay.

Everyone now has their calendar. The three open slots here are May 19 for the first hour, May 31 for both hours, and June...well, virtually all of June, but June 2.

Mr. David de Burgh Graham (Laurentides—Labelle, Lib.): My preference would be May 31, because I can't be here on the 19th.

The Chair: Any other input?

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): We have drafting instructions. You're suggesting—

Mr. David de Burgh Graham: I was saying May 31 only because I'd like to be here, and I can't be here on the 19th.

The Chair: I wouldn't be surprised if drafting instructions took longer than an hour, too, because we have a lot of stuff.

Mr. Scott Reid: Yes, that was my feeling too.

Mr. David de Burgh Graham: We should take the full two hours for that.

A voice: [*Inaudible—Editor*]

Mr. Scott Reid: Is that a yes?

The Chair: My understanding is yes. They're going to be proposing a number of recommendations, and I think if we...in the fall, and I think we should use our time wisely to make sure we have influence on those.

Mr. Scott Reid: You know what? I don't think there's any reason to avoid May 31. That sounds fine.

The Chair: Is that agreed? We'll see if they're available on May 31 for an hour? Okay.

We're tying up business before we go on. The emergency hours motion I think we should try to get done as quickly as we can.

I saw Andrew; I wrote him a note yesterday in the House, and he went up to talk to the Speaker, Scott, so I think he hadn't done anything until that. I think he went up to talk to the Speaker to set up a time to meet. Hopefully they'll get back to us soon.

Mr. Scott Reid: All right. That sounds good.

• (1200)

The Chair: Yes.

David, did you have something to say?

Mr. David Christopherson: No, I'm just drumming the table.

Voices: Oh, oh!

The Chair: Blake.

Mr. Blake Richards: I'm okay with May 31. My only concern is that we're then getting to the point where there aren't a lot of meetings left. I do think it's important this gets dealt with.

I understand the committee hasn't made a decision to have the minister, although I believe the committee should be making that decision. We've had some trouble in the past with this committee in getting ministers to come. They indicate their scheduling is difficult.

I would suggest we might want to ask the minister to provisionally set aside some time when one of our meetings might be occurring in June, so we can be sure it would be possible for that to happen should the committee decide to have the minister. I sure would not want to see another one of these excuses that the minister is not available for several months. We can't have that. That'll be unacceptable. I think it would be advisable we do everything we can to prevent that from occurring.

The Chair: Any comments?

Mr. David de Burgh Graham: I don't have a problem with that. [*Inaudible—Editor*] it's a preparation, that's fine.

The Chair: Sure. We will let her know.

Yes, Scott.

Mr. Scott Reid: I would like to invite Laura Stone, the reporter at the *Globe and Mail* to whom this information was leaked, as a witness as well.

Mr. David de Burgh Graham: [*Inaudible—Editor*] claim journalistic privilege and—

Mr. Scott Reid: There's actually no legal journalistic privilege. That is a convention, and I have no doubt she'll honour that convention.

But it is very hard to believe, reading what's written here, that this was not meant as very much a deliberate strategy that came from the very top. About the information that was leaked, Mr. Chan asserted at a previous meeting that it was purely negative—that is, it only said what wasn't in the bill—but it said so in a very thorough and exhaustive manner.

I'm reading from the article, that says it's “a bill that will exclude those who only experience mental suffering, such as people with psychiatric conditions”. It goes on to say this:

The bill also won't allow for advance consent, a request to end one's life in the future, for those suffering with debilitating conditions such as dementia. In addition, there will be no exceptions for “mature minors” who have not yet reached 18 but wish to end their own lives.

These prompted, in the very same story in which this was leaked, a response from Kay Carter's daughter, and that set the tone for all initial discussion of the legislation—which was that such condemnation as occurred, such criticism as occurred, was entirely on the bill not going far enough.

So this was a brilliant exercise, I think a brilliant and very successful exercise, in misdirection of the public debate on what is the most important piece of legislation in the 42nd Parliament. That could not have occurred because some low-level staffer leaked it out. This was very much part of a strategy. My guess is that it came directly out of the Prime Minister's Office. I do not blame the Minister of Justice, per se, for this, although she may or may not have known what was going on.

This deserves a proper investigation. Speaking to the reporter seems a reasonable place to start.

The Chair: I think we should wait until we ask Law Clerk the questions before we discuss witnesses, and also decide whether or not we're doing that in public. Is that okay?

So can we suspend for a minute until we get our...?

Yes, David.

Mr. David Christopherson: I just want to clarify where we are.

Mr. Reid made a recommendation, but it's not a motion. Calling in the reporter is a big deal, I think. I'm not sure we've done that before. That's the direction I was going to go in—

Mr. Scott Reid: I have no idea if we have, to be honest.

Mr. David Christopherson: Okay. All right. I just wanted to make sure nothing was decided now.

It's all going to be decided later? Okay.

The Chair: I think so, yes.

Mr. Scott Reid: Mr. Chair, I would like to deal with something that Mr. Christopherson didn't say but must be on his mind.

It is not my intention to put the reporter in the kind of position that has occurred in the past, where an assertion is made that if they fail to reveal their source, we're going to take some kind of...they're in contempt of Parliament or something like that. That's not my purpose. My purpose is to try to get more information about how this happened.

This is, I fear, the first of what might become a pattern if it's allowed to go on—that is, not the revelation of all information in the bill in advance but rather of select details that help frame the debate, so as to effectively mislead the public and redirect debate, through the selective release of information, to a body other than Parliament.

There's a reason why bills are introduced in Parliament first, and there's a reason why the entire bill is released, not just the bits the government wants to get out in order to set the stage so they can get the best publicity when dealing with a piece of legislation. That's without reference to the actual content of this bill. I'm trying to be agnostic as to what I think of the bill itself when I make this explanation.

• (1205)

Mr. David Christopherson: Fair enough, and I appreciate the clarification. It's just that, again, the media does have an independent role. It doesn't mean they can run roughshod over anything any time they want, but, boy, I've been around here a while, as you have, Mr. Reid, and I'm just not aware that this has been done. Virtually every issue of privilege comes here because some reporter reported something, and our issue is the sending of that information, the releasing of that information, not the reporter's side of it, which is kind of the catcher's mitt part of it.

We just want to be very, very careful about starting to haul in reporters as witnesses, because Parliament has an incredible amount of power, and as a committee of Parliament we have that power. We have to be very, very careful about how that power is exercised, especially when we're starting to run into the rights and role of the media in a democracy. That's not to say that we can never go there, but we have to deal with this with the greatest of sensitivity and consideration.

The Chair: I'm going to suspend. We have our witness here in a couple of minutes, and we'll continue this discussion.

• _____ (Pause) _____

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The Chair: I'd like to welcome Deb Deller, the Clerk of the Legislative Assembly of Ontario.

Thank you very much for taking the time to speak to us via video conference. I know you're quite busy there.

You may make an opening statement, and then we'll have a round of questioning from the three parties present at the table here.

• (1210)

Ms. Deborah Deller (Clerk of the Legislative Assembly of Ontario, Legislative Assembly of Ontario): My statement will be fairly brief. I'm not sure how much our experience here at the Ontario Legislative Assembly can help you.

In and around 2008, we had a committee that was having similar discussions to yours around how to improve work-life balance for MPPs. I will say I think it was clear through the deliberations of that committee that the job that you folks do is by its very nature not particularly family friendly. There are challenges that are different, depending on whether you're an in-town member, for example, or an out-of-town member, and whether you have families where your children are school-aged or younger than that.

I think it is quite a difficult subject to kind of come to terms with. I think what we found, too, was that there really isn't any kind of cookie-cutter approach that could be applied that would solve the problem for all members. Every member has a different situation. What we at the Legislative Assembly, in terms of the administration, have tried to do is to offer whatever assistance and service we can to try to improve that for members.

That being said, I will give you a little bit of commentary on what kinds of procedures we have in place and what kind of services are available to members in an attempt to try to improve work-life balance. I can start with the administrative or physical plant area that you're considering. I've looked at the questions you've provided me, and I can tell you that we have an employee assistance program at the Ontario Legislature. It's available to all employees and it's available to the members as well. That program will provide individuals with financial advisers, elder care resources, mental health counselling referrals, and in some instances child care referrals.

We are corporate members of an organization called Kids and Company. That organization provides child care options that can be tailored to suit specific needs. This is particularly beneficial to members, or would be particularly beneficial to members; it provides full-time and part-time child care. There is an emergency child care backup service. There's a nanny placement service. There is extended child care for hours outside the regular nine to five. There are some summer programs that are offered and, again, this organization also provides some elder care.

Having said that, it is a service that is available to all members and all staff. We have found, though, that there is very little uptake in that service. There is a day care that is in the Queen's Park complex. It is not in the legislative building; it's two buildings east of us. It is a day care that is privately run. The Legislative Assembly has no involvement in the operation of that day care, but it is available to members and staff.

In terms of the physical plant, we have over the last several years converted all of our washrooms to make them family friendly. They all, including the male washrooms, have change tables for babies. There are highchairs in the dining room. We have a quiet room that's really intended for meditation and religious rites. Then, in terms of the members' allowances, there is an allowance that is provided for family trips between their residence and Queen's Park.

I should probably add here that there is a very tolerant legislative staff who sometimes get pressed into service for short periods of time when a member might have his or her child in attendance and has to run to the House for a vote. We also provide lots of children's programs, March break programs, tour programs, and that kind of thing that members' children are certainly allowed to avail themselves of.

•(1215)

In terms of our procedure or our schedule, in 2008 the House hours were changed and the calendar was changed somewhat. Our calendar currently sees the House sitting from the Tuesday following Family Day, which is the third Tuesday in February, to the first Thursday in June, except this year where they've extended it to the second Thursday in June, then from the Monday after Labour Day in September to the second Thursday in December.

The sitting schedule was changed in 2008, so we currently sit four days a week, Monday through Thursday. On Monday we start at 10:30 in the morning going right into question period. The House meets until roughly noon. We come back then at 1 p.m. and sit through until 6 p.m. On Tuesday and Wednesday, the House commences at 9 o'clock in the morning. We sit until 10:15 a.m., break for a short 15 minutes, and come back for question period until roughly noon. Then the House reconvenes again at 3 p.m., again until 6 p.m. Thursday it is 9 a.m. until noon, and then 1 p.m. to 6 p.m. for private members' business.

The morning meetings that we now have replaced what was probably an average of two meetings in the evening every week, and that was the discussion about whether it was more family friendly to sit more regular hours. I will say that the reviews on that have been mixed. I think it's still the subject of debate. I think family-friendly hours mean something entirely different to an out-of-town member than to an in-town member.

On your list of things to talk about, you also had voting. Our voting is much like yours. It's either a voice vote or a recorded division. A recorded division always takes place immediately or it can be deferred by any whip of any party to the next sessional day, so we have a proceeding on each sessional day that is called deferred votes. Any votes held over from the previous day will be taken up at that point.

Members must be in the chamber to vote, and in committees the votes occur very similarly. They are immediate, although any member can ask for a 20-minute waiting period before the vote is taken.

In terms of technology, probably our experience hasn't been particularly great. We haven't leveraged technology to the fullest extent that we maybe could. We are currently working on a mobile strategy, which we hope will allow greater access to parliamentary documents from members' tablets and phones. Members currently do have access to the Assembly's network from home or from their constituency offices via VPN, and our broadcast and web streaming of House proceedings allows offsite monitoring of the business of the House.

Last, you also had some discussions about alternate debating chambers, and I'm assuming by that you mean the Federation

Chamber in Australia and Westminster Hall in the U.K. I don't have much to add on that except we do not have an alternate debating chamber. It has been discussed from time to time in legislative committee, but so far the members haven't really settled on a particular usefulness of that idea.

That's all I have by way of presentation. I'm happy to answer questions.

The Chair: Thank you very much. We appreciate your taking the time.

We'll start with Ms. Vandenberg.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Thank you.

Thank you very much for touching on most of the issues in your presentation that we've been addressing in this committee.

I'd like to talk a little bit about the hours and the changes that were made in 2008. You noted that was when it went to a four-day week. I just want a clarification. Is the period on Thursday afternoon from 1 p.m. to 6 p.m. specifically dedicated to private members' business?

Ms. Deborah Deller: We did not go to a four-day week in 2008; we'd previously had a four-day week. In 2008 the calendar changed somewhat to create morning sittings as opposed to evening sittings.

Ms. Anita Vandenberg: Okay.

Ms. Deborah Deller: To answer your specific question, Thursday afternoon private members' business commences right after routine proceedings, which start at 1 p.m. and usually last about half an hour. We do three items of private members' business on Thursday afternoon. That lasts two and a half hours. There is then a possibility of government business occurring after private members' business. Private members' business usually ends sometime between 4:30 p.m. and 5 p.m. on Thursday, and then we move into government business.

•(1220)

Ms. Anita Vandenberg: Okay.

With the change in the hours, what was the impact on the people who had families?

I'd also still like to go back to the fact that it's four days. Have you found that, since doing that, more women have run and been successful? Has the number of women gone up because of that?

Ms. Deborah Deller: We've seen an increase in the number of members in our legislature in the last two elections. I don't think, though, I can point to the reason for that, specifically.

Ms. Anita Vandenberg: You mentioned that there's very little uptake on the child care provisions. Is that because there aren't that many members with children? Or are there quite a few?

Ms. Deborah Deller: I think there are quite a few members with children. I do think, though, that for most of them, they have already made their own arrangements. Many of them, particularly if their children are school-aged, don't bring their children to Toronto with them regularly, so their child care issues are in the riding. I think most of them have already made arrangements that satisfy them.

The uptake we could see would potentially be around emergency child care or last-minute arrangements that somebody might need to make in a pinch.

Ms. Anita Vandenberg: I also notice that question period is earlier in the day. What was the reason for that?

Ms. Deborah Deller: There was a desire, I think particularly on the part of the government, to have a more specified time for question period. Previously it followed routine proceedings, and routine proceedings could take anywhere from 40 minutes to an hour and a half, so there was a little bit of uncertainty about when question period would start and end. There was a desire on the part of particularly the government members to have more certainty about that. In order to do that, it had to be separated from routine proceedings. It was made a stand-alone proceeding and moved to the morning.

Ms. Anita Vandenberg: Do you find it makes members' time more efficient by having question period early in the day?

Ms. Deborah Deller: I know that everybody's day starts earlier. Whether or not it's more efficient, that's probably something you'd have to ask members.

Again, members who have different roles in the House have a different experience. I think probably for cabinet ministers it's good for them. By noon their responsibility in the House, unless they have legislation that's related to their ministry, is done. They can get on with the business of their ministry.

On the other hand, for the opposition, for some of those members it's the same situation. If they have things to do in the afternoon, their afternoon can be largely free. At the same time, it does require a much earlier start time for things like question period and the committees that each caucus has.

Ms. Anita Vandenberg: So in fact it's the predictability of the timing that's more important than the specific time of the day.

Ms. Deborah Deller: Whether it's more important or not, I can't say, but that was what led to the change.

Ms. Anita Vandenberg: In terms of the timing of votes, you mentioned that the votes can be deferred to the next day. How often are votes happening spontaneously, where committees have to be suspended and people's schedules are interrupted, or particularly votes that are late in the day?

Ms. Deborah Deller: We very rarely anymore have a vote that actually occurs spontaneously. There are some votes that cannot be deferred—on an adjournment motion, for example—but most votes can, and they almost always are.

That said, we typically have one or two votes during deferred votes after question period on any given day. In very rare circumstances, we might have as many as four.

•(1225)

Ms. Anita Vandenberg: And that gives a measure of predictability, in terms of the timing of votes, for the purposes of members scheduling their day?

Ms. Deborah Deller: Absolutely.

Ms. Anita Vandenberg: And you've found that's been a positive change?

Ms. Deborah Deller: I think it was positive for the members. As you say, it gives them some predictability.

I should say that the votes on private members' business are not deferrable, so those votes always occur on Thursday afternoon.

Ms. Anita Vandenberg: All of the votes are on Thursday afternoon for all the—

Ms. Deborah Deller: Private members' business.

Ms. Anita Vandenberg: That's because private members' business only occurs one day of the week?

Ms. Deborah Deller: Thursday afternoon, that's right.

Ms. Anita Vandenberg: Is that something members have found to be a positive thing? Obviously, for us, we have private members' business each day. By having it all together, is that something that members have typically said is a good thing?

Ms. Deborah Deller: We've never experienced anything but having private members' business on a single day, so they don't really have anything to compare it to. However, I think they do like it. I think Thursday afternoon ends up having a different tone to the debate. The members have guests who are there specifically for private members' business.

I think they do enjoy the fact that it is all on one single day.

Ms. Anita Vandenberg: And they would they be able to leave for their constituencies earlier if they weren't attending the private members' business, because there are rarely government votes on Thursday afternoon. Would that be—

Ms. Deborah Deller: Yes. If any government business comes to a vote, it's almost always deferred until Monday, but on Thursday each item of private members' business is voted on.

The Chair: Thank you.

Mr. Schmale, seven minutes.

Mr. Jamie Schmale (Haliburton—Kawartha Lakes—Brock, CPC): Thank you very much for your comments. I appreciate your time here today for this very valuable conversation we're having.

The first question might be a little difficult for you to answer, but I'm curious, because it might lead into my next round. In terms of the amount of members who have their spouses in Toronto, do you know roughly—it doesn't need to be exact—how many that would be?

Ms. Deborah Deller: I am sorry, I don't know.

Mr. Jamie Schmale: No problem.

Ms. Deborah Deller: Do you mean in Toronto regularly, or—

Mr. Jamie Schmale: Through their secondary residence in Toronto. They would actually move their family to Toronto to take part in—

Ms. Deborah Deller: There are very few of those.

Mr. Jamie Schmale: Okay.

Now, during this process, I spoke to a few staff members who had talked about question period being moved to earlier in the day. Many said that means their day starts early, but the end time did not change. They were actually working longer.

I see you smirking, so probably you have heard that too.

For families, I can see that for those with children, it would be very difficult to spend the morning with their child, even see them in the morning at all, if they're working as staff and have to be ready for question period right at around 10:30 or 11:00, I believe you said.

Ms. Deborah Deller: Yes.

Mr. Jamie Schmale: I'm curious; with you being part of the staff, what does that do to your day, if anything?

Ms. Deborah Deller: That's a good question.

Look, you have to be careful, I think, when you're thinking about hours, because as I say, what suits some members doesn't suit others, and there is an impact on staff as well.

What we did was that we effectively traded two evenings a week, which was the average that the House would sit during any sitting period, for three mornings a week, three two-hour periods, that are always.... We ended up in fact increasing the number of hours that the House actually sits.

You're right, it does create this situation where the staff in and around the chamber can't just arrive right at the time that the House is scheduled to sit. They have to be there ahead of time to make sure that they're prepared, that the microphones are all working and so on. So I think for the staff, it created some issues around scheduling for us—for Hansard staff, broadcast staff, some of the clerks. They might have previously been able to come in a bit later in the morning to compensate for the later night, but now we can't do that, so we've had to alter shifts.

With all of that said, though, one of the things I said to the committee, when they were considering that here, is that we will make the adjustment to make sure the House works. The more important thing is that the House works for the members.

• (1230)

Mr. Jamie Schmale: Right.

You mentioned a few things in terms of the House and said you haven't used technology well. I'm curious when you say that, because we're having constant debates on the members' calendar, in order for our staff, our spouses, our families, whomever, to see the calendar. It's somewhat of a complicated process here right now.

Can I ask how you were dealing with that? How do members share their calendars with their families and staff?

Ms. Deborah Deller: The parliamentary calendar is posted. I think yours is too.

Mr. Jamie Schmale: I meant personal calendars, sorry, my apologies.

Ms. Deborah Deller: Really, the personal calendar of members is left up to the member and his or her staff. I think most members have a staff person who's responsible for scheduling. Many times those staffers are in communication with the member's family to make sure that they're aware of any events. Sometimes they're consulted with, because a lot of events are in the evening or on the weekend.

To my knowledge, and in my experience, the constituency staff, as well as the staff at Queen's Park, work in coordination with each other in developing the calendar. But beyond that, I would say for us,

for the assembly staff, we have little or no involvement in members' personal calendars.

Mr. Jamie Schmale: To your knowledge, are members on their own to use whatever method, like a Google calendar, so to speak, or do you have a provided calendar through your House intranet?

Ms. Deborah Deller: [*Inaudible—Editor*] calendar is Microsoft Outlook, but members are free to use any other application they want or any other calendar app.

Mr. Jamie Schmale: To your knowledge, you haven't heard of any security issues with that or any other problems that have arisen by using just Outlook?

Ms. Deborah Deller: No, none.

Mr. Jamie Schmale: Okay.

In terms of the legislative calendar—I don't have it in front of me, I do apologize—and the sitting weeks, blocks of sitting weeks, on average do you sit for two weeks straight, then a constituency week? Or is it three? Is there a set pattern?

Ms. Deborah Deller: In 2008 we actually used the House of Commons model to have more constituency weeks and then fewer sitting weeks in a block. It is roughly three or four weeks, and then a week's break, another three or four weeks, and then a week's break. Every now and then, for example this year, the calendar doesn't work particularly well because there are certain specific weeks, like March break week, Easter week, that kind of thing. I think this spring we ran into a situation where the House would have been sitting for seven weeks straight, and then would have a week off, and then a week on, and then another week off. By motion the House made an amendment to the calendar to alter that.

The Chair: Just on a point of order, we don't have any off weeks or break weeks. We just have constituency weeks here.

Voices: Oh, oh!

Ms. Deborah Deller: Constituency weeks: I know better than anyone that constituency weeks are not exactly holidays.

Mr. Jamie Schmale: It was a suggestion as well.

I guess I only have a few seconds left.

The Chair: Yes.

Mr. Jamie Schmale: Then I will say thank you very much for your comments. I do appreciate them.

The Chair: Next up is Mr. Christopherson, your old friend.

Mr. David Christopherson: Deb, it's good to see you again.

Ms. Deborah Deller: It's good to see you.

Mr. David Christopherson: It's been a while.

I'm just going to jump into a couple of things here and pick up on Jamie's last question. We had a long-time staffer come in, a veteran, who talked about how he thought the three weeks worked best in terms of the demeanour of politicians, the demeanour of the place, the tone and everything.

I've taken into account the variation in the way you do it now at Queen's Park. The recommendation was that less than three and we're not as efficient, more than three and we start to get into some tensions just being together that long, given the things we do. Do you have any thoughts on that, Deb?

Ms. Deborah Deller: I think it's a valid point. I think what I've noticed is that since we've had more constituency weeks built into the calendar in fact there is this kind of cooling-off period that occurs every now and then. Everybody goes away, finds out what's happening in the constituency and what's really important in the job they do, and then they come back ready to get the business of the House.

I think in that respect, yes, it's made an improvement in the overall climate of the legislature. On the occasion when we've had only one or two weeks in between constituency weeks, I think it's true that it's not a very productive period of time. There isn't enough time for committees to get really anything of any value done.

So I'm inclined to agree that a three-week block of sitting time is probably minimal, and I would say you don't probably want to go past seven weeks.

• (1235)

Mr. David Christopherson: Seven? We're nowhere near seven. My goodness.

Voices: Oh, oh!

Mr. David Christopherson: It reminds me of my mom's saying, which was, "Don't go away mad, just go away."

Moving on, another issue that came up, Deb, was the number of points. You may recall that back in the day—I think you were deputy clerk at the time—we brought in the point system. We adopted the system that's here. We transported that to Queen's Park, and I understand it's working well. One of the issues that has come up—and it's one that stays with me, again, just from having been around so long—is the number of members who are maybe not bringing their family here as often as they would like because of the politics around the reporting mechanism.

Again, you will recall that back in the day we moved to the point system because there was an inherent unfairness in reporting dollar values. Howie Hampton, who had to come from Rainy River, spent a lot more money going to the capital than I did when I was an hour or so down the road from Toronto. We moved to that point system, but now what we're finding is that especially younger members—they're getting younger—with a number of kids are worried about the politics of that reporting mechanism.

The suggestion was made about whether there is some way we can modify the point system, not in any way to prevent the transparency that's there now, but so there isn't this standout number that one of my counterparts with three or four kids is going to generate. Denise is coming up in June, and I think it's the first time this year she's had a chance to come up, but that's one or two points over the course of the year. It hardly even gets noticed, but if I had three kids, that one trip alone... Also, the younger your kids are, the more you want them to be with you to experience it.

Anyway, there are two points. One, do you have this issue? Has it come up at all since the point system has been in place at Queen's Park? Second, do you have any thoughts that come to your mind as to how that can be reported in a way that doesn't make it stand out for the member but the public still doesn't lose their right to transparency and accountability?

Ms. Deborah Deller: It's not something that has come up either at the Board of Internal Economy or with me privately with members. It may be that the way we report it, which is sort of in aggregate, so you can't really see individual trips, might be the reason why it's not as much of an issue here. I don't know.

Mr. David Christopherson: Well, get ready, because you're probably not quite caught up to the full disclosure pattern we're into, but if you're not there yet, it's coming. Take that with you.

By the way, it's so great to see you again. It really is. It has been a long time. I was Deputy Speaker for a year as part of the 13 years I was there, and I was a House leader, so we worked together very closely. It's great to see a long-time friend.

The last point would be, again, the presentations from staff talking about their kids and their participation, and how much it meant to them as a staff member to be able to bring their children here. We have gone in the opposite direction over the last while. Stoffer's no longer here to give us the all-party party, and "Halloween" is gone, although there's some semblance of it. But it's not like it used to be.

It sounds like it's still going full steam ahead at Queen's Park. I wondered if you would either recap or elaborate on that for us.

Ms. Deborah Deller: I'm a good case in point, I think. For me, too, the job has not been particularly family friendly. When my kids were little, I had long hours and spent long days away from them—I missed my son's first birthday, in fact—but they also had the benefit of having some experiences that other kids just didn't get. They were frequently at this building and got to know it and the people in it very well. They still talk about their experiences in those days.

Just yesterday I ran into one of our members who has a little girl who's about two. She's very comfortable here. She and I had a conversation. I think there was a time when she was afraid of the black robe, but she's gotten used to that now. She too is very used to being here. You will remember that when Chris Stockwell was the Speaker, he had two young children, and they used to play ball hockey in the hallway right outside the Speaker's apartment on the third floor.

• (1240)

Mr. David Christopherson: I have pictures of my daughter dribbling a basketball down the hallways.

Ms. Deborah Deller: Not much has changed. We make a real effort to welcome the children of members and the children of staff. As I say, there are certain programs—the March break program, for example, which we make available to the public—that we make available particularly to the children of staff and members. They come in, they make paper maces, they do scavenger hunts and all kinds of things.

We also have some colouring books about the building—crayons, connect the dots, that kind of thing—so that if a staffer's child is there visiting, or a member's child, we have things they can use to help them keep busy.

Mr. David Christopherson: Throw that in front of some of the members sometimes, too.

Deb, thanks so much. I really enjoyed discussing this. It was great to see you again. Take care.

Ms. Deborah Deller: Thank you.

The Chair: Now we'll move on to Mr. Graham.

Mr. David de Burgh Graham: Thank you.

I'll take up where David left off. How does travel by family work? Do the points apply to the individual, or can a whole family go on a single point? Is each dependant given their own point, or do they travel as a group on a point?

Ms. Deborah Deller: One return trip equals one travel point. If there's more than one individual, they're using more than one point.

Mr. David de Burgh Graham: So a member with four kids will use an awful lot of points in a trip.

Ms. Deborah Deller: They are entitled to 64 travel points, or at least round trips within their 64-trip travel allotment. There is a list of qualifying family members who can use the points.

Mr. David de Burgh Graham: How many members fly rather than drive? Federally, obviously most members fly, but in Toronto it's probably quite a few less.

Ms. Deborah Deller: Yes, that's one other thing to keep in mind, that the federal House of Commons has a different challenge. You have members from much longer distances. I would say that we have members who, if they can make the drive within about four hours, more typically drive. For anything longer than that, they're flying back and forth.

Mr. David de Burgh Graham: If they drive, do they have to report their family members in the car with them as separate points, or do they go on the one point?

Ms. Deborah Deller: No, they don't have to report them.

Mr. David de Burgh Graham: You said that the day care is private and operationally independent of the chamber, but I'm curious, if you can answer some of the questions, about operationally how it works. Is there a long waiting list? Is there any capacity for drop-in? Does it stay open long, if the House sits long? It's this kind of operational question, about usability to members.

Ms. Deborah Deller: No, it's not tailored to the House, so it sits the regular hours that any day care sits. I think you need to pick up your child by six o'clock in the evening. The last time I checked, there was a wait list—not a long wait list, but a wait list nevertheless. As I say, it operates independently of the Legislative Assembly.

Mr. David de Burgh Graham: Is it open to members and their staff, or all staff of the House? How does it work?

Ms. Deborah Deller: It's open to the public, but it's predominantly used by staff. There have been members who have used it. I don't think there's any member currently using it.

Mr. David de Burgh Graham: Understood.

On another topic, when we have a bill here, it typically takes four days to get through a government bill, this kind of thing. There are less than a third of the number of members in Queen's Park than are here. How long does each member get, because they speak more than once, and how long does it take to get through a bill, typically, in terms of sitting days or sitting hours?

Ms. Deborah Deller: For debate time, each caucus gets a one-hour lead-off on any piece of legislation; thereafter it's a 20-minute allotment of time. After seven hours of debate, it reduces to 10 minutes per member. Following every speech, there is then a 10-minute period for questions and comments.

As to the length of time for a typical bill, we see many bills now being time-allocated. In order to time-allocate a bill, the government has to have allowed for... Second reading either has to have occurred, with the debate having collapsed naturally, or they have to allow for at least six and a half hours of debate at second reading before they can move a time allocation motion. Time allocation then requires a two-hour debate, and after that, whatever amount of time they've allocated to the further consideration of that bill is what we'll see.

I guess typically we would see... I've seen bills, with unanimous consent, pass in the blink of an eye and others take months and months. If the government were pressed and wanted to get a bill through the House and committees, they could usually do it in about six days.

● (1245)

Mr. David de Burgh Graham: Okay. Thank you.

I was going to share my time with Ms. Petitpas Taylor.

The Chair: Ms. Petitpas Taylor.

Hon. Ginette Petitpas Taylor (Moncton—Riverview—Dieppe, Lib.): Ms. Deller, first of all, thank you so much for joining us this morning. As you're well aware, PROC has been asked to look at policies to make Parliament more family friendly. That was the first part of the work that was given.

After the past few weeks or few months, we've seen that it's more than that. It's also looking at improving work-life balance for us and also looking at making Parliament more inclusive. For that, I have a bit of a potpourri of questions for you. They may not really follow, but they're just important questions that I really want to ask.

First and foremost, what is the average age of your sitting members right now in Ontario?

Ms. Deborah Deller: I'm going say first of all that we don't have a defined benefit pension plan here for members, so the average age is getting higher. At this point I would say it's probably in the mid-fifties.

Hon. Ginette Petitpas Taylor: Do you think this is perhaps why not many people are using the Kids and Company program—because their kids are probably a lot older?

Ms. Deborah Deller: It could be. We haven't polled the members, so I can't really say for sure. Certainly there are a number of members with young children, but as I say, by and large they already have their own arrangements in place.

Hon. Ginette Petitpas Taylor: What's the percentage of female members in Ontario?

Ms. Deborah Deller: We currently have 38 female members out of a House of 107.

Hon. Ginette Petitpas Taylor: At one point during your presentation, you talked about washrooms, saying that all of your washrooms were suited for both men and women, if they had young children. I have a specific question: do you guys have any gender-neutral washrooms in your House?

Ms. Deborah Deller: Yes. We have gender-neutral washrooms, and those same washrooms are fully accessible. They're single washrooms, so that visitors and staff members who require a little bit of extra space can manoeuvre in them.

Hon. Ginette Petitpas Taylor: Here is one last question, with respect to decorum in the House. Do you guys have any specific policies with respect to keeping the House a bit more civilized in Ontario?

Ms. Deborah Deller: If you're suggesting that our House is a bit more civilized than yours, I'll pass that along to the Speaker, and he'll thank you.

Aside from the normal rules around decorum in the House, which are quite similar to the ones you have yourself, and a Speaker who makes a valiant attempt to make sure those rules are adhered to and that there is at least a level of civility going into the debate in the House, I don't think we're doing anything special here that other parliaments aren't.

Hon. Ginette Petitpas Taylor: Thank you so much.

The Chair: Mr. Richards, you have five minutes.

Mr. Blake Richards: Thanks.

Thank you for being here. I wanted to start with a couple of questions surrounding some of the private members' business and the question period. The first question I have, though, is how many MPPs are in the Legislative Assembly there?

• (1250)

Ms. Deborah Deller: There are 107.

Mr. Blake Richards: It's about a third, then, of what we have in the House of Commons. I was noting, looking at your typical calendar for a week, that the hours you sit on Monday to Thursday, I would say, are quite similar to the number of total hours we would sit Monday through Thursday here in the House of Commons. Of course, we have a Friday on which we sit as well.

It looks as though the main difference is that there would be one fewer question period by not having a Friday sitting. Also, you have about two and a half hours less time for private members' business in the Legislative Assembly there than we have. Of course, you have a

third of the members, so proportionally that still probably gives you more per member by way of time for private members' business.

I can see the impact we would have here, if we were to approach this the way the Liberal government is hoping to do, which is to get rid of the Fridays; that's something they're seeking to do. I think the effect we would have would be to see less time for private members' business here. We would also see less time for question period, and therefore the opposition would lose those opportunities and so would individual members of the governing party. That's obviously a concern that I have.

I want to move to question period. Typically, your question period now is at 10:30 Monday through Thursday. When would it have been held prior to the changes that you made?

Ms. Deborah Deller: It was in the afternoon. We used to come into the House at 1:30 p.m. and do routine proceedings, and question period was part of routine proceedings. So it could occur any time between 2 p.m. and 2:30 p.m.

Mr. Blake Richards: Understood. You've obviously already indicated that one of the consequences of moving it earlier in the day is that the start time is much earlier for many people to prepare for question period. I guess the one difference you would have there... and it sounds like you've had some concerns and feedback around that, with people feeling that it hasn't been helpful to them. I think that's what I was hearing. I'll let you tell us if that is actually the case.

One further thing to consider is that people are coming from different time zones. Everyone coming in to Toronto to sit there would be coming from the same time zone. In our case, we have people coming from two-hour or three-hour time zone changes. I happen to be from Alberta so it's a two-hour change for me. For my colleagues in British Columbia, it's a three-hour change. For Monday, my flight gets in around one o'clock in the morning. A lot of people coming from B.C. on a Sunday evening would get in around the same time, at one o'clock in the morning. The impact of an earlier start on someone coming from British Columbia on a Monday could be pretty significant, with their day starting at seven o'clock in the morning when they're still at four o'clock in the morning Pacific time. I can see the potential challenges this could create.

In relation to question period, have you had feedback on starting earlier? It sounded like you had. Has it been problematic for some people? Have you had feedback on other unintended consequences of those changes?

Ms. Deborah Deller: I think it was an adjustment in the beginning. We had to make adjustments in order to accommodate that. We had to make adjustments in committee time, for example, because mornings were typically used for committee meetings. After making those adjustments, there were still mixed reviews. I think some members prefer it because their day is much more predictable, or as predictable as a member's day can get.

Other members who just really don't like it.... Members will tell you that as the day progresses, and the news cycle progresses, things can come up later, after question period is done, and they have to wait till the next day before there's any consideration of it in question period.

There's that issue. There is the very early morning start time. Reviews with respect to the legislative staff are mixed. We made some adjustments to schedules, and I think we have handled it very well, with very minimal disruption. I'm not sure you can say that the decision was good or bad. It depends on whom you speak with. You make a good point about time zones. There are considerations that you have to take into account that we didn't have take into account. Those are important considerations.

•(1255)

Mr. Blake Richards: From the statements you made earlier about being careful when we're making changes to hours, I think any change we make may be friendly for some members and their families and not so friendly for others, so we should be proceeding carefully. Is that a fair comment?

Ms. Deborah Deller: That would be my advice, yes.

The Chair: Thank you.

Ms. Sahota.

Ms. Ruby Sahota (Brampton North, Lib.): Hello. Thank you for being here today.

First of all, I find that the programs and services you offer at the Ontario Legislature are amazing. The summer program, the March break program—they sound very exciting. As Mr. Christopherson said, they would be fun even for some members.

Do those programs usually take place when the kids are off school in a sitting week? Is that when you find them most beneficial?

Ms. Deborah Deller: It's good when the kids are off school—when the House is sitting and even when it's not. At March break, for example, the House doesn't sit but the program is offered and many members avail themselves of it. Some out-of-town members find March break a perfect time to bring the kids to Toronto and spend the week there.

Ms. Ruby Sahota: And you're finding high levels of participation in this program over the day care program you have?

Ms. Deborah Deller: Those programs are always fully booked.

Ms. Ruby Sahota: I definitely think it's a good idea, and something that maybe we should try here. I don't know how many members will fly into Ottawa on an off week, but certainly there are other opportunities where we could have it throughout the year. It's something to talk about, for sure.

I'd like to find out when you removed the Friday sittings. You said it wasn't 2008. Do you remember what year it was, and if you were the clerk at that time or the deputy?

Ms. Deborah Deller: I was here, because I remember the Friday sittings. When the House sat on Fridays it did not meet on Wednesdays, so it was still a four-day week. Wednesdays were reserved for cabinet and caucus meetings, and some committees would meet in the afternoon, but the House did not meet and it met for half a day until one o'clock on Fridays.

The change to sitting on Wednesday and dispensing with the Friday occurred sometime in the early eighties, but I'd have to check.

Ms. Ruby Sahota: That sounds similar to our week, in a way; however, the House does sit on Wednesday, but we do have our caucus meetings and it starts a little later in the day.

Do you know what the debate was around the main purpose of changing the hours, creating more predictability, and perhaps at that point, even if you weren't around, why the Wednesday was switched to the Friday?

Ms. Deborah Deller: Yes. It had to do with out-of-town members not being able to spend enough time with family. There was a push to get rid of the Friday sitting so that those members who had to travel could get home in a decent time to spend with their family and have some constituency office hours.

Ms. Ruby Sahota: From what you may know, do a lot of the members have constituency hours on the Fridays?

Ms. Deborah Deller: A lot of them have constituency office hours on Friday, and many of them even on Saturday.

Ms. Ruby Sahota: It's not brought up a lot, but there is hesitation to make change. You know, we have to be careful about what change we make because it does affect everyone differently, but that doesn't mean we shouldn't strive to make changes that may be for the overall good of family friendliness and inclusiveness just because we may be afraid to make a mistake. We should always be willing to adapt and change and try new things.

Oftentimes we're worried about political blowback, about what people will think, about public perception. It's not brought up often, but that is the internal fear that a lot of members may have to even bring up this topic or to speak up. They hesitate because they don't want to be seen as that person who wants to work less, quote-unquote.

Was that a similar fear for your legislature, and how did you resolve that?

•(1300)

Ms. Deborah Deller: You know, it's always a fear. It's too bad. I'm going to be completely blunt here and say that I think this bashing of politicians and the work they do has become a popular sport. It's really unfortunate. I wish members would stand up for themselves. The hours are terrible. They spend lots of time away from their families, particularly out-of-town members.

And you're right that frequently, whenever there is a change, there is an attempt by those who are commenting on it to suggest that maybe the change is made in order to somehow give the members some undeserved benefit. What happened here in 2008, when they wanted to get rid of the night sittings, was that they felt they wouldn't be able to withstand the public criticism of having fewer hours in the legislative chamber, so the question was not so much about whether they needed that many hours in the legislative chamber, but about what would have the least negative reaction from the public. That's why they were keen to replace the evening sittings with morning sittings. We ended up, in fact, with more hours of House time in the week rather than fewer hours. I'm not sure in the end how that necessarily improved work-life balance.

You made a comment at the beginning of your question about resistance to change. I think that's largely true, especially in a parliament. However, I think it has to be considered change, and you have to think about what might be the unintended consequences.

A small example of that is what happened here in 2008. Initially they had every day, including Monday, start at 9 a.m. Those were the hours when the House first adopted them. The out-of-town members then argued that previously they might have been able to travel on Monday morning to get to Queen's Park on time. With a 9 o'clock start time, they were now having to leave their homes Sunday evening, in many cases missing Sunday dinner with their families in order to be here for 9 o'clock on Monday morning. There was an amendment made to the hours, so now on Monday we start at 10:30. It was a small compromise, but it was something the committee hadn't really considered when it made the recommendation to change the hours.

Ms. Ruby Sahota: Thank you so much for all the detail you've provided.

The Chair: Thank you.

Our time has expired, but I have one follow-up question.

On the Thursday afternoons, when you have private member votes and the government votes are deferred, do all the members stay for those votes, or do some who go a long way away try to sneak out Thursday afternoons?

Ms. Deborah Deller: With private members' business on Thursday afternoon, for those three votes we take for private members' business, not all the members are in the legislature. But they also typically cross party lines, so the vote is not necessarily party by party. I think there isn't as much of a need for all members to be there. If we move on to government business on Thursday afternoon, if there is a vote, it will in all likelihood be deferred until Monday.

The Chair: Thank you very much for appearing today. I know you're busy, but this has been very helpful for us. We really appreciate your time.

We are adjourned.

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