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## **Standing Committee on Finance**

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**EVIDENCE**

**Thursday, June 13, 2019**

—  
**Chair**

**The Honourable Wayne Easter**



## Standing Committee on Finance

Thursday, June 13, 2019

• (1535)

[English]

**The Chair (The Honourable Wayne Easter (Malpeque, Lib.)):** I shall call to order the meeting today pursuant to the order of reference of Monday, June 10, Bill C-101, An Act to amend the Customs Tariff and the Canadian International Trade Tribunal Act. We're dealing with clause-by-clause of the bill.

If there are any questions from anybody as we go through this, we have witnesses from the Department of Finance, International Trade and Finance Branch: Patrick Halley, Director General, International Trade Policy; and Michèle Govier, Senior Director, Trade Rules. As well, from the Department of Foreign Affairs, Trade and Development, we have John Layton, Executive Director of the Trade Remedies and North American Trade Division.

Are we ready to roll? Okay.

(Clause 1 agreed to on division)

**The Chair:** There is a new clause proposed by the CPC in amendment CPC-1.

Mr. Poilievre.

**The Honourable Pierre Poilievre (Carleton, CPC):** I suspect this one will just be a friendly amendment. The proposal would see that all of the surtaxes collected on steel and aluminum imported from the United States should be used to compensate the economic losses incurred by domestic steel producers and other industries as a result of the tariffs imposed by the United States on Canadian steel and aluminum products.

The government has made promises to do that. I'm sure they will have no problem putting it into law.

**The Chair:** I guess everyone has the amendment before them, so it's not necessary to read it out.

I will have to rule it out of order and inadmissible, and I will give you my reasons.

Bill C-101 amends the customs tariff—

**Hon. Pierre Poilievre:** Yes, that's not friendly.

**The Chair:** —by suspending subsections 55(5) and 55(6) for two years. The amendment seeks to appropriate all amounts collected under certain surtaxes and use them to compensate domestic steel producers for economic losses incurred as a result of tariffs imposed by the United States.

As *House of Commons Procedure and Practice*, third edition, states on page 770:

An amendment to a bill that was referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, CPC-1 is a new concept that is beyond the scope of the bill.

In addition, as *House of Commons Procedure and Practice*, third edition, states on page 772—and I know Tom's not here to order the page stated—

Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.

In the opinion of the chair, the amendment proposes a new scheme that seeks to appropriate funds from the public treasury and alter the terms and conditions of the royal recommendation.

Therefore, for both of those reasons, I rule the amendment inadmissible.

**Hon. Pierre Poilievre:** Chair, given that there would be unanimous support for this amendment, I would challenge the chair.

**The Chair:** You can do that.

The chair has been challenged.

Clerk, I guess you have to take a vote on whether the ruling of the chair is upheld or not. Am I, or am not, correct on that?

**The Clerk of the Committee (Mr. David Gagnon):** Whether they want to have a recorded vote or just do it by a show of hands, the question is: Shall the decision of the chair be sustained?

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

**The Chair:** It will be a recorded vote.

**Mr. Michael McLeod (Northwest Territories, Lib.):** I'm not clear what the vote is actually on. What is the wording?

**The Clerk:** Shall the decision of the chair on Mr. Poilievre's amendment be sustained?

**Mr. Todd Doherty (Cariboo—Prince George, CPC):** He doesn't understand what was said.

**Mr. Michael McLeod:** I asked for clarity on the wording, and I got it.

(Ruling of the chair sustained [See *Minutes of Proceedings*])

**Hon. Pierre Poilievre:** Mr. Dusseault, *Et tu, Brute?*

**Some hon. members:** Oh, oh!

**The Chair:** Pierre, Mr. Dusseault is the former chair, so what else could he do? He has to abide by the rules.

**Some hon. members:** Oh, oh!

**The Chair:** There's also a new clause 1.1 proposed by the NDP.

On amendment NDP-1, Mr. Dusseault, the floor is yours.

[Translation]

**Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):** Thank you, Mr. Chair.

I hope that you'll rule this amendment in the package admissible. I'm confident that this will be the case, since the amendment is directly related to the testimony that we heard just yesterday from the United Steelworkers representatives. These people were interested in playing a greater role in the Canadian International Trade Tribunal. They not only want to participate in its hearings, they also want the option of filing complaints with the tribunal.

My amendment seeks to achieve this objective by proposing a new definition of "domestic producer" in the Canadian International Trade Tribunal Act. Under this new definition, the employees and the unions or associations representing them would be considered domestic producers. As a result, they could file complaints through the complaint system set out in the act. If this definition were added, the unions and employees would be considered domestic producers. They could have a voice, and they could use the complaint and dispute settlement system set out in the act.

[English]

**The Chair:** Thank you, Mr. Dusseault. I will have to rule that amendment as inadmissible as well because it's beyond the scope of the bill. We did hear what witnesses had to say yesterday, but it is beyond the scope of the bill and I'll explain why.

The amendment seeks to define "domestic producer" in the interpretation clause. As *House of Commons Procedure and Practice*, third edition, states on page 773:

The interpretation clause of a bill is not the place to propose a substantive amendment to a bill unless other amendments have been adopted that would warrant amendments to the interpretation clause. In addition, an amendment to the interpretation clause of a bill that was referred to a committee after second reading must always relate to the bill and may neither exceed the scope of nor be contrary to the principle of the bill.

It's the opinion of the chair that the proposed amendment is a substantive amendment to the interpretation clause, and, therefore, I rule the amendment inadmissible.

Go ahead, Mr. Doherty.

• (1540)

**Mr. Todd Doherty:** Mr. Chair, you've ruled twice now on two different amendments that in the opinion of the chair, with regard to the scope of the bill, both are outside the intent of the bill. Since I am new to this committee, could the chair please explain what he believes the intent of the bill is?

**The Chair:** If you go back to *House of Commons Procedure and Practice*, it explains this pretty clearly. It's beyond the scope of the bill.

**Mr. Todd Doherty:** What, in the chair's view, is the intent of Bill C-101?

**The Chair:** I'm not going to get into a debate with you on the ruling. Bill C-101 gives the Minister of Finance another tool to deal with the surge in steel imports, and to deal with it appropriately.

**Mr. Todd Doherty:** What would that be?

**The Chair:** What we're dealing with here is the bill that makes that possible. All I as the chair can do is to rule on whether amendments are admissible based on our rules and practices and on the procedures outlined in various documents around this place. In those two cases, they are not. The other three or four amendments in our deck are, I believe, admissible.

**Mr. Todd Doherty:** Mr. Chair, the reason I ask is that you've been here a lot longer than I have, and sometimes I think we tend to walk through those doors and common sense tends to kind of go out the window. In no way is that referring to you chair; I just mean overall, Mr. Chair.

I just want to know, because Bill C-101 in laymen's terms would be there to protect our domestic producers. Am I correct in that assumption?

**The Chair:** Yes, and more than that.

**Mr. Todd Doherty:** Correct: and more than that.

The reason I offer this is that if Bill C-101 is here and being developed and passed and put forward to protect our domestic producers against, well, the protectionist measures proposed by those south of the border, as well as dumping by other countries, it would make sense if we reread the original motion that was put forth by the CPC: that it's only to remedy any harm or trade injury to our domestic producers, and that any tariffs or surtaxes that have been collected would then be paid and "shall be used to compensate economic loss incurred by domestic steel producers".

Mr. Chair, that goes to the direct intent of Bill C-101; it's not outside of Bill C-101. If your argument is that it doesn't fall within the intent of Bill C-101, I think that is a faulty argument.

• (1545)

**The Chair:** Mr. Doherty, we've already ruled on that. We had a challenge to the chair. The ruling of the chair was upheld.

**Mr. Todd Doherty:** It was the chair's opinion that it fell outside of the intent of the bill.

**The Chair:** We can only deal as a committee with legislation that is within the parameters of a bill that the government presents to us.

**Mr. Todd Doherty:** That's fine, but would you not agree—

**The Chair:** If you were talking about general trade practices within that scope and how we handle them, your argument would be valid, but the scope of this bill does not allow us to go that far. It's beyond the scope of the bill, and I've ruled that way.

(On clause 2)

**The Chair:** We will move on to clause 2. There are no amendments to clause 2. Shall clause 2 carry?

**Hon. Pierre Poilievre:** Mr. Chair, I just want to comment on that.

**The Chair:** Clause 2 is on the floor. Go ahead.

**Hon. Pierre Poilievre:** The bill summary says:

This enactment provides for the repeal of subsections 55(5) and (6) of of the Customs Tariff and their subsequent re-enactment two years later. It also makes consequential amendments to the Canadian International Trade Tribunal Act.

Those acts have as their purpose the application of tariffs, customs and duties. The amendments that were proposed dealt with tariffs, customs and duties, so they're entirely within the scope of the bill and serve precisely the purpose that the bill was set out for.

I appreciate that you've been trying to protect your Liberal friends from having to vote on those amendments. They'd rather duck and hide than take a stand, and your rulings on those amendments have helped them to do that, but frankly, the amendments are entirely in order, as they relate directly to the bill at hand.

**The Chair:** I've already ruled on the amendment being out of order. They're inadmissible, and that's the end of that.

**Hon. Pierre Poilievre:** I have a point of order.

**The Chair:** If you have some questions you want to ask witnesses about clause 2, you're welcome to do it, or how it interrelates....

**Hon. Pierre Poilievre:** A point of order.

**The Chair:** A point of order. Yes.

**Hon. Pierre Poilievre:** There were a couple of irregularities in the vote challenging the chair. One of the Liberal members admitted to being confused about what the vote was about, and that may have caused some difficulty in properly conducting the challenge vote.

**The Chair:** We're not—

**An hon. member:** Point of order, Chair.

**The Chair:** Go ahead.

**Hon. Pierre Poilievre:** Secondly.... Yes, they think it's hilarious, you know, and then having a good laugh about serious matters relating to international trade and people's livelihoods....

**An hon. member:** Point of order.

**The Chair:** There is a point of order.

**Hon. Pierre Poilievre:** Mr. Chair, I would like to seek some clarification. If a committee challenges a chair and the chair being challenged is still behind the microphone conducting the vote, how can that vote be properly carried out in an objective fashion?

**The Chair:** That is how it operates in Parliament. The chair did not vote on the amendments. The clerk called a recorded vote on whether the challenge to the chair would be upheld or not. The chair's decision was upheld by a substantive majority, with members of different parties supporting the chair. That ruling is passed and done, but if you have questions on any of those areas for the officials who are here, then you're welcome to it.

I do have a second point of order, from Mr. Sorbara.

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

I just wanted to ask again, have you ruled this clause to be out of the scope of the bill?

**The Chair:** Yes. The proposed new clause 1.1 in CPC-1 has been ruled inadmissible; the other proposed new clause 1.1 in the amendment NDP-1 has been ruled inadmissible, and we are on clause 2.

**Hon. Pierre Poilievre:** I have a point of order, Mr. Chair.

**The Chair:** Yes.

**Hon. Pierre Poilievre:** On the challenge vote, I just seek some clarification. If a member, while in the conduct of voting, concedes that he or she is not sure what he or she is voting on, then it calls into question whether the challenge vote was actually legitimate. It's possible that more than one member of the government side was confused about what they were voting for or against. In fairness, part of that is that—

• (1550)

**The Chair:** It's not a point of order, but we'll allow him to discuss it a little bit, and we'll then go to yours, Mr. McLeod.

**Hon. Pierre Poilievre:** —when you vote on a challenge, you vote yes if you want to uphold the chair and no if you want to challenge the chair. A lot of people might assume that when they're voting yes they're actually voting yes in favour of the amendment. In fact, the effect of the vote is precisely the opposite of the intention in case of such confusion.

Furthermore, in terms of the yes that someone might vote during a challenge function, they might be thinking, yes, I agree that we should challenge the chair, and when members admit that they're confused about that, there should be no shame in it. It's possible for that to happen. But I noticed then that the parliamentary secretary started to issue voting instructions verbally. The parliamentary secretary is a quasi-member of the executive branch of government, something for which I congratulate her. It's an honour to serve as a parliamentary secretary, but it is not appropriate for the executive branch to be at this table dictating to people how they should vote.

**The Chair:** I think you are into debate, Mr. Poilievre.

**Hon. Pierre Poilievre:** We agree with the presence of the parliamentary secretary. I think she has added a great deal to the conversation on many days, but it is wrong for parliamentary secretaries to issue instructions to members of the committee. That's where the line is crossed and I want you to make sure that members of the governing delegation, who are here today, feel comfortable expressing their own will, both that they know what they're voting on and that they don't feel any sort of intimidation or pressure in doing so.

**The Chair:** All right.

Could we now go to Mr. McLeod, who I think was wondering if the chair's decision shall be upheld.

**Mr. Michael McLeod:** Mr. Chair, I appreciate his concern, but I want to reassure the member that it was clear to me what I was voting on, so he doesn't have to worry about it.

**The Chair:** Okay. Shall clause 2 carry?

(Clause 2 agreed to on division)

**The Chair:** There's a proposal for a new clause 2.1, and I remind the members once again that if there are questions for the officials, they are here for that purpose. You're welcome to ask them.

Mr. Dusseault on NDP-2.

[Translation]

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

The purpose of the amendment is to address a situation that I find very problematic, especially for the industry. Only two of the seven product categories were subject to safeguard measures, following the tribunal's analysis and decision and the subsequent order of the Minister of Finance.

My amendment is quite clear. It seeks to protect the five other product categories:

2.1 (1) If no order has been made under subsection 55(1) of the *Customs Tariff* in respect of concrete reinforcing bars, energy tubular products, hot-rolled sheets, pre-painted steel or wire rods within four months after the day on which this section comes into force, the Minister of Finance must cause a report to be tabled before each House of Parliament on any of the first 15 days on which that House is sitting after the expiry of that four-month period.

(2) The report must include the reasons why no order has been made.

The industry is concerned that five product categories will face risks and disruptions. Unlike the two other categories, these categories aren't subject to safeguard measures. The witnesses who appeared before us didn't say that the five other product categories would be protected in the future. For the sake of transparency, we're asking the Minister of Finance to table a report within four months of the coming into force of this section to explain why, if applicable, protection measures haven't been enforced.

We want to make the process transparent, especially since people in the industry expect the government to stand up and support them, particularly with respect to the five product categories that I listed. These categories aren't currently subject to safeguard measures. As a result, these categories face risks, unlike the two categories for which protection measures have been granted.

• (1555)

[English]

**The Chair:** Okay. The amendment is on the floor and has been explained.

Ms. Rudd.

**Ms. Kim Rudd (Northumberland—Peterborough South, Lib.):** Just as a point of clarification, I think, when my colleague talks about “no industry participation”, if he remembers, the witnesses yesterday did talk about the panel that has been struck, in which industry is very engaged.

Part of that conversation was about what mechanisms will be looked at going forward, because we recognize that this is a new world we're in, and we need to make sure that we're always nimble and ready for what the next situation brings. I guess the other point was really about understanding that the scope of what those safeguards could be and should be was one of the roles of this panel.

In a more formal way, my comments would be that the customs tariffs require that certain evidentiary standards—and we heard that from the panel—must be met in order for the Minister of Finance to

recommend the imposition of provisional safeguards: goods that are imported in such conditions that cause or threaten to cause serious injury to domestic industry and the existence of critical circumstances.

We heard that from yesterday's panel, as well as the previous panel of officials, who were talking about making sure that the surges are well investigated in order to make sure they understand where those surges are coming from and why they're coming in that manner. As well, a variety of considerations could affect the government's approach to safeguard actions, including information gathering from domestic producers and stakeholders going back to the panel and the broader sector generally.

For those reasons, Chair, I believe this amendment should be defeated.

**The Chair:** Is there any further discussion? Are there any other comments? Are you ready for the question on NDP-2? All those in favour?

(Amendment negated)

**The Chair:** Next, still dealing with the same section, we have a new clause 2.1 proposed in NDP-3.

Mr. Dusseault.

[Translation]

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

Once again, the goal is to increase transparency with regard to “the impact on employment in Canada of the use of steel from domestic and foreign producers in the construction, maintenance and repair of public works, federal real property and federal immovables.”

For a long time, the NDP has been asking for more transparency in public contracts when it comes to the use of Canadian steel. The NDP wants explanations on the source of the material used for the construction, maintenance and repair of public works. This would show whether the Government of Canada is helping our industries, primarily by purchasing steel products locally. This aspect is extremely important for many parts of the country.

The amendment requires the minister to table a report in each House within six months of the coming into force of this section, in order to show the process for assessing the impact of public contracts on employment in the steel industry in Canada.

• (1600)

[English]

**The Chair:** Thank you, Mr. Dusseault. The amendment is in order.

Ms. Bendayan.

[Translation]

**Ms. Rachel Bendayan (Outremont, Lib.):** Thank you, Mr. Chair.

I also want to thank my NDP colleague for proposing this amendment. However, I believe that the amendment should be rejected.

I think that there are other more appropriate and effective ways to ensure transparency on this issue. For example, a study could be conducted by a parliamentary committee. The Standing Committee on International Trade recently completed a study on the implications for Canada of tariffs imposed by the United States under section 232 of the United States' Trade Expansion Act. The study worked very well.

There are already other ways to ensure transparency. I therefore propose that this amendment be rejected.

[English]

**The Chair:** Thank you, Ms. Bendayan.

Are there any others who want to speak on this?

Then we'll call the question on amendment NDP-3.

(Amendment negated)

**The Chair:** We're still dealing with new clause 2.1, an amendment proposed by the NDP, and now amendment NDP-4 in that regard.

Mr. Dusseault.

[Translation]

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

I hope that the fourth time will be the charm.

The purpose of this amendment is to implement a tool so that the Minister of Finance can prepare a report on "the sufficiency of the resources allocated to the Canada Border Services Agency for the administration and enforcement of the *program legislation*, as defined in section 2 of the *Canada Border Services Agency Act*, with respect to steel." Once again, the minister must table the report in the House within six months of the coming into force of this section.

This is a matter of increasing transparency and giving the Canada Border Services Agency the capacity to intercept steel products that cost less than the normal estimates. As witnesses told us yesterday, CBSA plays a key role in ensuring the integrity of our borders and in preventing us from being inundated with low-cost, low-quality steel products. That's its role. However, some experts in the field have criticized CBSA's work. According to them, CBSA is sometimes too lax and is lacking in resources.

As the Standing Committee on Finance, we must ask the minister to provide a report within six months of the coming into force of this section to ensure that CBSA has sufficient resources to carry out its mandate to protect our borders. In this case, the focus is on protecting the steel industry, which is under external pressure. CBSA must ensure that low-cost, low-quality steel doesn't enter the country.

[English]

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

Is there any further discussion?

Mr. McLeod.

**Mr. Michael McLeod:** Thank you, Mr. Chair.

Amendment NDP-4 refers to the sufficiency of resources allocated to Canada Border Services Agency. I think we all agree that CBSA

has a tremendous role to play, but I'd like to point out that in April 2018, the government announced over \$30 million over five years and \$6.8 million per year on an ongoing basis to strengthen trade enforcement, and most of that money will be going to the CBSA to beef up its enforcement and investigative capacity.

That translates to 40 new jobs, a 50% increase in the number of employees fully dedicated to trade remedy investigations and compliance. The government has made the investment and will continue to review the appropriate allocation of resources.

**The Chair:** Mr. Dusseault.

[Translation]

**Mr. Pierre-Luc Dusseault:** I want to thank my colleague for his explanation. I also want to thank him for the initial efforts to strengthen our border and CBSA's capacities.

However, nothing in his explanation prevents him from supporting my amendment. The amendment requires the minister, within six months of the coming into force of this section, to table a report in the House on the progress made and the sufficiency of the investments, in order to show both Houses that the efforts are having an impact and that the investments are producing results.

I don't see how my colleague's explanations run counter to my amendment. Ultimately, we all have the same objective.

• (1605)

[English]

**The Chair:** All right, is there any further discussion?

All those in favour of amendment NDP-4?

(Amendment negated)

**The Chair:** Those were all of the amendments relating to the proposed new clause 2.1.

Shall clause 3 carry?

(Clause 3 agreed to on division)

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill carry?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

**The Chair:** We don't need to reprint the bill because no amendments were agreed.

Thank you very much to the witnesses, Mr. Halley, Mr. Layton and Ms. Govier, for coming.

We have a wee bit of business to deal with related to this bill. Do members have a copy of the project budget?

All right, this is a request for the project budget for us actually to deal with Bill C-101, the bill we just dealt with.

**An hon. member:** It's a little late, isn't it?

**The Chair:** We're always ahead of the game here, Tom.

This is for the witness expenses. The request is for an amount of \$4,500 to study Bill C-101, An Act to amend the Customs Tariff and the Canadian International Trade Tribunal Act.

So moved by Mr. Sorbara.

Go ahead, Mr. Dusseault.

[*Translation*]

**Mr. Pierre-Luc Dusseault:** I wonder whether \$500 per working meal is the standard cost. Since there are 10 of us at this table, the cost amounts to \$50 per member. That's a bit expensive, especially given the questionable quality of yesterday's meal.

[*English*]

**The Chair:** It's standard practice to put \$500 in for working meals. The price varies. I believe you said it was about \$300.

**The Clerk:** Sometimes it is less.

**The Chair:** It can be \$300, and sometimes a little less, depending on the meal, so that's the answer.

Are there any further questions?

All those in favour of the allocation of \$4,500 for this study? We don't have to spend it all.

(Motion agreed to)

**The Chair:** That concludes the business for today. Thank you very much.

The meeting is adjourned.

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