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# Standing Committee on Canadian Heritage

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Chair: Mr. Scott Simms





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• (1105)

[English]

**The Chair (Mr. Scott Simms (Coast of Bays—Central—Notre Dame, Lib.)):** I call the meeting to order. Welcome back, everybody.

Welcome to the Standing Committee on Canadian Heritage as we take a look at, are concerned with and are enveloped in Bill C-10 and clause-by-clause consideration.

Before I give the floor to Ms. Dabrusin, I want to say that we likely will be interrupted towards the end of the meeting.

Now, I'm going to use Eastern Time, of course. We are anticipating that the bells will ring at 12:30 Eastern Time for a vote. The way this normally works is that if we want to extend the meeting into bells for a period of time that is okay with us, we have to ask for consent to do that. Otherwise, I just adjourn the meeting right there and then so that we can go and vote. I'm not asking you about this right now, obviously. We'll figure that out when we get there, as we are masters of our domain.

Let's go back to the topic at hand. We are considering Bill C-10 in clause-by-clause consideration.

Ms. Dabrusin, you have the floor.

**Ms. Julie Dabrusin (Toronto—Danforth, Lib.):** I believe that Mr. Housefather is right after me, and I'd like to cede the floor to him, please.

**The Chair:** Very well. Go ahead, Mr. Housefather.

**Mr. Anthony Housefather (Mount Royal, Lib.):** Mr. Chairman, I beg your indulgence. I'd like to propose a motion. I listened very carefully to what happened last Friday and I'm hopeful that this motion will end the impasse that we have had.

Mr. Chair, I'd like to propose the following motion:

That the Committee:

1) Ask the Minister of Justice to provide a revised Charter Statement on Bill C-10, as soon as possible, focusing on whether the Committee's changes to the Bill related to programs uploaded by users of social media services have impacted the initial Charter statement provided, in particular as relates to Section 2(b) of the Canadian Charter of Rights and Freedoms.

2) Invite the Minister of Justice and the Minister of Canadian Heritage accompanied by relevant department officials to appear before the Committee as soon as possible to discuss the revised Charter statement and any implications of amendments made by the Committee to the Bill.

I believe, Mr. Chairman, that limiting the motion to those two points that I've heard every member of the committee support should yield a motion that we can all adopt.

The clerk has a copy of the motion, Mr. Chairman, in both official languages, and I will wait to speak until everybody receives it.

Thank you.

**The Chair:** Yes, indeed. Thank you, Mr. Housefather.

I'm just looking around the virtual room to see if everyone has received a copy of what he is talking about. I see a lot of thumbs, but if someone does not have it, can you get my attention, please?

Okay. It appears everybody has it.

Mr. Housefather, you have the floor for your motion.

[Translation]

**Mr. Anthony Housefather:** Thank you very much, Mr. Chair.

We have all realized that, in the last three meetings, we have accomplished almost nothing. We kept talking and talking, and then talking louder, but we even had no success in passing proposals on which there seemed to be consensus. In fact, we had clear consensus on two items.

First, we want the Minister of Justice to give us a revised charter statement as quickly as possible. That will help us to address the comments we have seen in the media and heard from some members of the committee.

Second, after we have received that statement, we want the Minister of Justice and the Minister of Canadian Heritage to testify before our committee as soon as possible.

Opinion is divided on what we should do from now until those two conditions are met.

If we could at least adopt this proposal, we could move forward by asking the legal people to give us a new charter statement and by choosing a date for the Ministers to appear.

[English]

I do this, colleagues, in the hope that this is something we can all support. There is no reason to filibuster a motion like this, because this motion is exactly what everyone is saying they want, and it doesn't presuppose what the committee will or will not do with respect to clause-by-clause study on the bill—which is where we've had our differences—before the time we receive the charter statement.

I'm hopeful, Mr. Chair, that this will receive the unanimous support of the members of the committee. It's yet another effort. I think we can all work together. We have worked together well in the past. I'm trying my best and I think all of us are trying our best to find that solution. I hope this is the case.

Thank you, Mr. Chair.

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

I'll remind everybody—and I'm not saying this was done by you, sir—that when you're switching from one language to the other, please take a pause before you do that, because sometimes the first part of your sentence gets lost during that switch. You've actually been pretty good about that, Mr. Housefather, but it just occurred to me that when you switch from one language to the other, it would help us greatly if you could pause before you proceed.

Go ahead, Mr. Louis.

**Mr. Tim Louis (Kitchener—Conestoga, Lib.):** Fantastic.

I just wanted to echo Mr. Housefather's opinion. We have all been working well together, and I think that the motion that he's put forward has really blended together everything we've talked about. We've heard from our arts organizations looking for support. We all support free speech. I think that this motion strikes the balance and lets us keep working together in a way that we know we can.

I just wanted to add my support to this motion from Mr. Housefather. I think we can continue working forward together and get this done as soon as possible for the right reasons.

I appreciate that.

**The Chair:** Ms. Ien is next.

**Ms. Marci Ien (Toronto Centre, Lib.):** Mr. Chair, good morning.

In fact, this is a team sport. It is about working together. We have done so extremely well until this point. I look forward to working with my fellow colleagues to continue doing just that. I'm in full support of what Mr. Housefather has put forward here and hope that this really means we can move forward and do what needs to be done.

Thank you so much, Mr. Chair.

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

[*Translation*]

Mr. Rayes, the floor is yours.

[*English*]

I'm sorry; could those who have already spoken lower their hands, please? Thank you very much.

[*Translation*]

Go ahead, Mr. Rayes.

**Mr. Alain Rayes (Richmond—Arthabaska, CPC):** Thank you, Mr. Chair.

I would like to congratulate Mr. Housefather for his efforts. As always, he is trying to find a compromise that is acceptable to us

all. We also intended to propose an amendment to try and find common ground.

Consequently, much as my colleague Mr. Shields did at the last meeting, I would like to ask whether it is possible to take five or 10 minutes for my party colleagues and myself to discuss Mr. Housefather's proposal. We could then compare it to the one we wanted to introduce ourselves and see whether any small amendments to it are appropriate.

I am not confirming anything right away, but I sincerely believe that we could find some common ground. I would like the members of our party to have some time to consult together before expressing an opinion on it.

• (1110)

[*English*]

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

Looking around the room, I don't think I see an exception to his request. We will take, I'm going to say, up to 10 minutes. As we normally do things, once you've decided to come back on to the meeting, can you please just turn off your video to start and then turn on your video again when you're ready to come back? That way I can gauge when we're ready to reconvene.

Let's suspend for up to 10 minutes. Thank you, everyone.

• (1110)

(Pause)

• (1125)

**The Chair:** I call the meeting back to order.

Monsieur Rayes, you have the floor.

[*Translation*]

**Mr. Alain Rayes:** Thank you, Mr. Chair.

I had my hand up just now to ask for a moment to react to Mr. Housefather's proposal. With your permission, I would like to hand the floor to Mr. Waugh, so that he can propose an amendment.

However, I would not like to get in the way of my colleagues Mr. Champoux and Ms. McPherson and their right to speak, if they also have something to say. I know that the end of Friday's meeting perhaps caused some frustrations. Everyone was tired. I didn't want to offend Mr. Champoux by not letting him speak. I feel that I misunderstood the instructions at that time.

I don't know the established order of speakers, but, at the appropriate time, I would like to let Mr. Waugh introduce an amendment to Mr. Housefather's motion as a compromise.

[*English*]

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

As you know, I am loath to break the speaking order. It's pretty sacrosanct here, as you know, and in a virtual world it is even more so. I will do as you wish, however.

I am seeking the permission of two speakers ahead of Mr. Waugh. Monsieur Champoux is the first one and Ms. McPherson is the second. I'm just looking to both of them to see if I can get a thumbs-up from them, or to Mr. Waugh to propose something. If they would like to speak, right now Mr. Champoux is next in line.

[*Translation*]

**Mr. Martin Champoux (Drummond, BQ):** I would prefer to wait to hear what Mr. Waugh and his team have to propose in connection with the motion that Mr. Housefather introduced.

Thank you.

[*English*]

**The Chair:** That now brings us to Ms. McPherson.

**Ms. Heather McPherson (Edmonton Strathcona, NDP):** Thank you, Mr. Chair.

I'm happy to hear from Mr. Waugh. I just want to ensure that this is not going to be another filibustering situation in which we don't actually get the floor back until two hours have passed. If we can confirm that, then that would be great.

**The Chair:** I'm not sure how Mr. Waugh wants to deal with that. I'll go to Mr. Waugh right now.

You can respond to that if you want to, sir, but I still have Ms. McPherson and Mr. Champoux.

I'll tell you what I'm doing. Sometimes I allow people to intervene if they've been asked a direct question. This has been more like a direct request. If it's all the same to you, Mr. Waugh, if you plan on speaking at great length, which I'm sure you're capable of doing, we'll say that I'm going to have to cut you off, because I'd like to stick to the original list, but we have a request to go to you over the other two speakers.

Mr. Waugh, I'm going to give you the floor.

**Mr. Kevin Waugh (Saskatoon—Grasswood, CPC):** Thank you, Mr. Chair.

I want to thank our colleagues, Mr. Champoux and Ms. McPherson.

First off this morning, I want to thank Mr. Housefather for bringing another motion forward. That's good.

I think the clerk has what we have drawn out by now—at least, I hope the clerk has it. If so, Mr. Chair, I'd like to read it into the record. Is that okay?

Good. Everything is there. Hopefully, the members of the committee, all 11 of us, have what I'm going to propose here as a subamendment, both in English and in French. I move the following:

That the motion be amended by replacing the word “programs” with the word “content”; by replacing the words “Justice and the Minister” with “Justice, the Minister”; by adding the words “, and Dr. Michael Geist” after the words “relevant department officials”; by adding the word “separately” after the words “to appear”; and by adding the following:

3) Will consider, notwithstanding any Standing Order or usual practice, additional amendments to the bill, including to clauses previously disposed of, arising from the evidence received through points 1 and 2 above, provided that the amendments are submitted no later than 7 days following the completion of both points 1 and 2.

I know that on the government side they're going to reach out to the justice minister and the Minister of Canadian Heritage. I would like just to say that I hope that this happens as soon as possible. If we have three proposed meetings for next week, which is a constituency week, hopefully we could fit all three into Monday, Wednesday or Friday.

In essence, Mr. Chair and members of the Canadian heritage committee, we too would like to move on. We've seen in the last two weeks a lot of talk and not a lot of action.

By the same token, Mr. Chair, the three people we would like to hear from are very important: the Minister of Justice, the Minister of Canadian Heritage, and, as we also would like to get the other side, Dr. Michael Geist. Many of us here have followed him on social media in the past. I can tell you that when the Conservatives were in government, he was a thorn in their side, and likewise now with the Liberals. This is not partisan. This is just a person who we think has been pretty balanced on this issue, and I would think that all committee members who have followed him would think so.

When you're in government, you don't agree, but when you're in opposition, you kind of do. I can say from the Harper years that Dr. Geist was pretty hard on the Conservatives too, but he also has a very good view that I think we've seen on social media in the last several weeks, a view that is gaining a lot of traction. He has knowledge. I think that if we could get the justice minister, the Minister of Canadian Heritage and Dr. Geist for next week, that would be great.

There you go, Mr. Chair. I was fairly short on that.

● (1130)

**The Chair:** Yes, and I'm fairly short as well.

Nevertheless, just to summarize what has been proposed in a subamendment, I'm going to allow this conversation to unfold right now. I may at some point over the next little while refer to the clerks and suspend for just a short period of time, only for clarification. Right now, I think I'm pretty sure that I know what the intention here is. If I could, I'll just quickly summarize.

You're subamending Mr. Housefather's motion, Mr. Waugh, to take out the word “programs” in the second sentence and to include the word “content”. Also, in addition to the Minister of Canadian Heritage and the Minister of Justice, you want to invite Dr. Michael Geist from the University of Ottawa.

Also, if I get this right—and I'll just summarize and not go into detail—point number 3 is about “additional amendments” needed and going through the motions of bringing to the floor additional amendments that may be needed because of the first two points.

**Mr. Kevin Waugh:** Well said, Mr. Chair.

**The Chair:** Thank you. That's a shocker.

Nevertheless, now I'm going to return to the original speaking order. On my screen I have it inverted, but, Ms. McPherson, if it's okay, I'm going to go to Mr. Champoux, because that was the original order.

[*Translation*]

**Mr. Martin Champoux:** Thank you, Mr. Chair.

My thanks to my Conservative colleagues. I acknowledge that there has been some openness on their part, which is something I have not seen for a few meetings. That is refreshing.

The first part of the amendment proposed to Mr. Housefather's motion, which is intended to replace “programs” with “content”, is perfectly acceptable, in my opinion. However, I have serious reservations on the issue of inviting witnesses.

If we invite Mr. Geist, I feel that we will also have to agree to invite other witnesses.

Mr. Geist is certainly a credible witness. Our Conservative colleagues have quoted him a lot in recent weeks. In a real sense, he has somewhat joined the debate. He has expressed his opinion a lot on social media. So we are very familiar with his position and we have a good idea of what he would tell the committee.

However, I feel that Mr. Geist is not necessarily the supreme authority or the supreme arbiter for the committee's work. As I understand it, he would be invited more or less to counterbalance the testimony of the Minister of Justice and the Minister of Canadian Heritage. He would provide the opposing view to any proposals made in the charter statement or in answering any questions that the members of the committee might have.

Whatever the case, I feel that the natural counterbalance to the testimony of Ministers is not testimony from outside experts but from members of the opposition parties. In our teams, we have people who are also experts on these matters. If we are not experts ourselves, we have references at hand who are familiar with our activities.

While I am grateful to my colleagues for the openness they have shown this morning to move our work forward, I do not feel that it is a good idea to open the door and invite other witnesses. I know various people in arts and entertainment, for example, who were invited to testify before the committee and who have been contacting us a lot for several weeks. They are concerned by the way the committee's work is going and by the obstacles we are currently experiencing. They would also like to be heard just as much as Mr. Geist, and rightly so.

So I am uncomfortable with that part of the proposed amendment. I do not feel that it is a good idea to open the door and invite witnesses again on this issue. I feel that we have the resources we need in our teams to get a proper handle on the issue and express a very clear opinion about it. Hearing from the Ministers, as has been requested from the outset, would accommodate the initial request of our Conservative friends and we would also have the assurances we require. I feel that we could move this important bill forward in that way.

That's my opinion. Of course, we are only just starting to discuss it, so I will stay tuned.

• (1135)

[*English*]

**The Chair:** Before we do that, I just had a request from the legislative clerk to have a conversation, so I'm going to suspend literally for just two minutes. Please don't go far. It will be a quick suspension.

• (1135)

(Pause)

• (1135)

**The Chair:** We have received the proposed subamendment and the legislative folks have had a look at it and we just had a discussion. They brought up a good point.

On the first part, about content, we're fine. Providing Dr. Michael Geist as an extra guest is fine. The problem is with number 3. If you're proposing to go back to do this, you know that unanimous consent is required. What this tries to do is seek a majority decision to revisit these points. Unfortunately, that's not how it works. In the spirit of co-operation, I don't know if you would like to have another run at that, but obviously since number 3 is inadmissible, it makes the amendment inadmissible.

Before I go to Ms. McPherson, I'm going to go to Mr. Waugh to seek his opinion, since it is his amendment, but as I've just noted, it is inadmissible because of number 3, and we cannot circumvent a requirement of unanimous consent.

Go ahead, Mr. Waugh.

• (1140)

**Mr. Kevin Waugh:** Thank you, Mr. Chair.

Thanks for the clarification from the clerks here this morning.

Yes, that's a good point.

**The Chair:** Would you like some time, sir?

**Mr. Kevin Waugh:** Yes, I actually need a little time. To us, number 3 was very important.

**The Chair:** I understand.

**Mr. Kevin Waugh:** That was our arguing point, actually, when Mr. Housefather brought this motion last week. I hate to say it, but I think it is admissible by virtue of the “notwithstanding any Standing Order or usual practice”.

I don't know. Do we need another five minutes, Alain? I'm speaking out loud here, and I know I shouldn't be, but this was our hill to die on, so could we get a pause?

**The Chair:** Yes. Also, I'm going to consult about what you just brought up about the “notwithstanding any other practices” phrasing. I will consult about that as well, and you go back and consult and have a chat.

Again, folks, turn off your cameras. We're going to suspend. When you're ready to come back, please turn on your cameras once more.

• (1140) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1150)

**The Chair:** Welcome back, everybody.

It is as I suspected. I did check with the legislative staff here, and I want to point something out. I understand that within the House there are many times when we use the term “notwithstanding” in reference to certain Standing Orders or usual practices. In other words, we put aside certain rules because we want to put something forward. Let's bear in mind that at committee, things run differently.

If the rule had been made by the committee, then we could do as you asked, notwithstanding a certain provision created by the committee. However, there is this thing, our bible. This is what is dictated to us by the bible, so we cannot do the “notwithstanding” because it is part of the Standing Orders, and the House—not the committee, but the House—will not allow us to do that. Therefore, it remains inadmissible.

I see that Ms. McPherson is next, but Mr. Waugh, we broke with you when you asked whether it was admissible. With the patience of Ms. McPherson, may I return to Mr. Waugh?

I'm going to ask you to please keep it brief. I don't want to start arguing your point of content. Try to keep it just to what you discussed before we broke.

Thank you.

• (1155)

**Mr. Kevin Waugh:** You're ruling that our current point 3 is out of order, right?

**The Chair:** Correct.

**Mr. Kevin Waugh:** May I propose that points 1 and 2 stand, and that point 3, then, would read “suspend clause-by-clause consideration of Bill C-10 until the completion of both points 1 and 2”? It's very simple.

I hope the clerk has notification of that by now. Points 1 and 2 would still be the same. Point 3, because you've made the ruling, would be that we suspend the clause-by-clause consideration of this bill until the completion of both points 1 and 2. That's as short as I can make it for you.

**The Chair:** I don't want to proceed without giving indication whether this is applicable or not. I think I know where this is going, but since I am not an expert, I'm going to ask Mr. Méla, if he has a copy, to come on board and have a quick discussion.

**Mr. Philippe Méla (Legislative Clerk):** Mr. Chair, I don't have a copy right in front of me.

**The Chair:** My apologies. When I said Mr. Méla, I meant to say you or the clerk, or whoever would like to talk to us about what was just requested by Mr. Waugh.

Go ahead, Mr. Méla.

**Mr. Philippe Méla:** I'll take a shot at it.

What Mr. Waugh indicated would make sense, in the sense that it's admissible and it may achieve what he wants to achieve, in a

way. It's not going to achieve the point of reopening any clauses, since we know that requires the consent of the committee.

The way it has been spelled out would do what Mr. Waugh is looking for. That's pretty much all I can say on that.

**The Chair:** Let's go to our clerk.

Aimée, would you like to add to that?

**The Clerk of the Committee (Ms. Aimée Belmore):** No, I agree with Mr. Méla. It's very clear what the consequence of this new provision would be, and it wouldn't be in conflict with any of the rules about taking and reopening votes.

As a side note, just in the last 30 seconds I received the amended version, but I have it unilingually. I will need to arrange translation before I can distribute it.

**The Chair:** I wanted to go to both clerks. I wanted to get both of their opinions on this to make sure everyone was clear about what is happening. We will get you the copies in just a few moments, but I wanted Mr. Waugh to illustrate the points. I think that's sufficient right now. He now has a new amendment on the floor that we are going to discuss.

That said, we will go back to our originally scheduled program.

Ms. McPherson, you have the floor.

**Ms. Heather McPherson:** Thank you, Mr. Chair.

It is really nice to be here today and to have us all working collaboratively to get some work done on this legislation and to actually start to do our jobs. It's also nice that we are hearing from more than one or two members of this committee today.

I have a couple of questions about the subamendment that Mr. Waugh has brought forward.

First of all, I'm wondering whether or not it is necessary for us to do those meetings separately. That seems to me like a very big waste of time. If we could have one meeting for the ministers to come, that would be preferable, from my point of view. I feel that as we try to move forward with this, to hold three solid meetings aside for this seems excessive. It seems a bit—if I'm feeling cynical—like maybe a delay tactic, so I would be interested in hearing from Mr. Waugh, perhaps, about why he feels that there need to be three separate two-hour meetings.

The other question I have is that if the ministers aren't able to come next week, for example, would that mean that we would just completely stop the work we're undertaking within this committee? That seems problematic to me as well.

I'm wondering if the clerk, the analysts or anyone could provide some clarity on whether or not we could use unanimous consent to pass the original number 3 that Mr. Waugh had put forward and if that might be a way that we could get around this so that we could continue to do our work. We could continue to look at the legislation but also make sure that we are addressing the concerns that are being raised in Mr. Waugh's amendment.

• (1200)

**The Chair:** Just so I'm clear, Ms. McPherson, before we move on, there are two things. Number one, you would like to see number 3 dealt with from a unanimous consent perspective. You would like to put that question to the committee. Is that correct?

**Ms. Heather McPherson:** I'd actually just like to put that question to the clerk to see if that is a way in which we could in fact deal with it, if that would meet what Mr. Waugh and his colleagues were trying to achieve in the initial amendment. This is getting a little complicated and a little bit into the weeds, so I'd like some perspective from some of the specialists that we have on this call, but I'd also like to just encourage us to continue the work and find a way to do that.

**The Chair:** I can provide some clarification, because I've had this discussion already. There is a way by which you can.

I'll do this very slowly so that everybody understands.

Ms. McPherson was asking if we can seek unanimous consent to go back to other amendments that we've already covered under Bill C-10. There is a path to do that, and I'll go to the clerk in just a few moments to seek clarification, but this is how it can work.

You could adjourn the motion with a clarification. If you adjourn this motion—the debate on the motion—provided that you also have a clarification that you want to seek unanimous consent, it's not a dilatory motion. We can debate it if you wish, and then go to that very thing that you want to get to. Then, upon that, following that, we can go back to Mr. Housefather's motion or the amendments that have been proposed.

I hope that was somewhat clear.

I will ask the clerk. Go ahead, Aimée. Rescue this poor man.

**The Clerk:** Thank you, Chair. You're doing quite well.

What Mr. Simms was saying is that if it's the desire of the committee at this point to deal with the unanimous consent provision in order to allow itself the latitude to reopen decisions that were already taken, you can't really circumvent that without having unanimous consent. It can't be decided by a majority decision.

One way to get to determining whether or not there is unanimous consent would be to adjourn the debate on the motion currently under consideration and any proposed amendments, deal with the unanimous consent issue and then resume debate on the motion. The way to do that in the same meeting is to not propose a dilatory motion.

On the difference between a dilatory motion and not, voting to adjourn debate on a motion is a dilatory motion. You can't go back to it on the same meeting. By voting to adjourn debate on a motion provided that we do these other things afterwards, it becomes debatable and amendable. The minute you put a qualifier in there, it no longer becomes a dilatory motion. When you've satisfied the terms of the qualifier, when you've dealt with the unanimous consent provision allowing you to reopen provisions of the bill, you would then return to consideration on the motion before you, if that is the condition that you have put in.

If we require more clarity on this, I'm happy to provide it. Honestly, it's the difference between dilatory and non-dilatory and debatable and non-debatable. If you choose to put a qualifier in, it's not dilatory. It is debatable and amendable, and you would be able to return on the same meeting to what you are currently considering.

• (1205)

**The Chair:** Thank you.

Ms. McPherson, we're going out to deal with that, and we'll come back in following that. We can do that in the same meeting. Sorry if this is taking too long, but this is what you were asking, correct? About getting to—

**Mr. Martin Shields (Bow River, CPC):** I have a point of order.

**The Chair:** On a point of order, Mr. Shields, go ahead.

**Mr. Martin Shields:** For clarification, when the clerk referred to returning to debating the motion, which motion is it, our subamendment or Mr. Housefather's motion? What would we be returning to?

**The Chair:** We would return to the subamendment as proposed.

**Mr. Martin Shields:** That is Mr. Waugh's.

**The Chair:** Yes.

**Mr. Martin Shields:** Thank you.

**The Chair:** Ms. McPherson, the second point I wanted to bring up to you was that you had a specific question to Mr. Waugh. Would you like to ask it very quickly? In saying that, I have Mr. Aitchison next in the speaking order.

Mr. Aitchison, do I have your tacit approval to go to Mr. Waugh with a question?

**Mr. Scott Aitchison (Parry Sound—Muskoka, CPC):** You have my wholehearted approval, Mr. Chair.

**The Chair:** Excellent. With that enthusiasm, what choice do I have?

Ms. McPherson, do you want to quickly pose your question?

**Ms. Heather McPherson:** Mr. Waugh, I just wanted some clarity on why “separately” is in your motion. I'm wondering whether or not it would be possible for us to ask questions of your guests or the witnesses you've suggested within one meeting. I don't understand why all three of them have to be separate.

Thanks. It's not that hard a question.

**The Chair:** Mr. Waugh, very quickly, please, go ahead.

**Mr. Kevin Waugh:** Yes, let's remove the word “separately” in the second motion here that I have. I agree.



The other thing, Mr. Chair, is that maybe the NDP and the Bloc want to bring one too. We have proposed Dr. Michael Geist as our witness; maybe they want one, and I see no reason why they couldn't do that.

**The Chair:** I have to put each and every individual horse in front of a cart here, sir. I have to go along in order. I understand and appreciate your enthusiasm to get this done.

Mr. Aitchison, you have the floor.

**Mr. Scott Aitchison:** Thank you, Mr. Chair.

To be clear, we're now discussing Mr. Waugh's amendment as amended with a different clause 3. Is that what we're talking about now?

**The Chair:** Yes. The first one was inadmissible. The second one, which you have now, that is the one we are currently debating. What was just talked about was the situation whereby you could try to go to unanimous consent. That was asked by Ms. McPherson, but we are currently on Mr. Waugh's amendment.

**Mr. Scott Aitchison:** Okay, then I'll be as quick as I can be.

What I like about this is I'm hearing a lot of agreeing and I'm hearing a lot of people coming up with solutions, and that's great. It's a demonstration of us all trying to move forward here.

I think it is important to have Dr. Geist. He's the research chair on Internet and e-commerce. He's an expert. I think we all agree that this is important for the cultural sectors in our country. We absolutely all agree there, but I think we would also all agree that we don't want to do anything that might have the potential or the opportunity to infringe upon freedom of expression, and that's why we need to take this pause. It's to make sure our charter statement is correct and to hear from a non-partisan expert who seems to have distaste for Conservatives as much as anything else, so that's probably positive for everybody at the committee. I think that pausing our clause-by-clause consideration puts the fire to the feet of the ministers. It's important for them as well, so they'll get here as quickly as possible and we can keep moving.

I think this is a reasonable compromise that demonstrates that we're happy to keep moving as well, but we want to hear from the ministers and we want to hear from Dr. Geist, and until we do, we won't continue, because we want to make sure that we're not infringing in any way whatsoever on Canadians' freedom of expression.

Thank you, Mr. Chair.

**The Chair:** Mr. Rayes is next.

• (1210)

[*Translation*]

**Mr. Alain Rayes:** Thank you, Mr. Chair.

I would like to go back over what has been suggested. I too will try to be brief.

As a consequence of the motion that Mr. Housefather introduced this morning, I feel that all parties have a real willingness to find an acceptable compromise.

First, as you can see, we have been assured that point 3 is in order.

Second, Ms. McPherson pointed out that separate meetings could give the impression that we want to delay the process. That is not the case. Given the importance of this issue, the goal is actually to give everyone the time to ask questions without feeling pressured. However, if that is your feeling, taking out the word "separately" would not be a problem in any way. Mr. Waugh has already confirmed that. I feel that one meeting, perhaps two at the most, would be enough to hear the three witnesses.

Now, with all due respect to Mr. Champoux, I would like to pick up on his comment about Michael Geist. We are at this point today because the bill took a different turn following the removal of the original section 4.1. I do not want to go back over the long arguments I made during the three most recent meetings, but, at the start, the proposal in the bill was to add that section to the Broadcasting Act. Then it was eliminated. I could go back on the attack, and so on, but let's just say that, after we have been told that the fears we had were not warranted, the government finally submitted new amendments to correct the situation.

Why do we want to invite Michael Geist? As Mr. Champoux correctly explained, it is because he is an expert in this area, an extremely critical one. We are well aware on our side that he was just as critical of the former government. So for us, it is not a partisan issue. He is not Conservative in any way and he has not been appointed by Conservatives. Actually, he is an emeritus professor in this area of law. He receives financial support from the government for his research chair and his work on this issue.

To add to Mr. Champoux' comments, I must say that we all agree that we have to help our cultural milieu. All parties agree on that. Some try to accuse us of being anti-culture, but I don't want to get into partisan games. That is not the issue; the issue is freedom of expression and the Canadian Charter of Rights and Freedoms. That's why we would like to have some explanations and a counter-balancing view. All members could ask questions. When we started, the witnesses we heard from came to discuss the bill, but that changed as we went along. That's why we would like to invite a witness of that calibre who could tell us about the other side of the coin. We would then be free to continue our work together.

As I said I wanted to be brief, I will bring my comments to a conclusion. We would have no objection if the other parties wanted to propose a witness of their choice to come to talk to us about the issues of freedom of expression and the Canadian Charter of Rights and Freedoms. I am certain that Mr. Waugh could change his amendment, if needed. If we were to add a session and, above all, if we were to take out the word “separately”, as Ms. McPherson has asked, we could very well hear from the Ministers at one meeting and two or three witnesses at another meeting. In that way, we could hear from witnesses who would provide explanations consistent with the perspective of the other opposition parties. That might even apply to the Liberal government. In the case of the Liberals, however, as two of their Ministers would be appearing before us and would be accompanied by their senior officials, I don't see how it would be possible for them to find witnesses with greater expertise. However, I feel that it would be legitimate for the Bloc Québécois and the NDP also to propose an expert of their choice to come and testify.

Let me repeat that we are making this request strictly because the bill has evolved since we started and has taken a different turn after section 4.1, as initially proposed, was removed. If that key item, which affects users of social media, had not been removed, we would not be here today.

I will conclude my remarks here because I certainly don't want them to be considered as obstruction. I would just like to tell the other opposition parties that we are ready to make this very acceptable compromise that will get us out of the impasse we have been in for almost two weeks. If they had agreed to hear from the Ministers when it was first requested, we wouldn't be here, of course, but I don't want to go back over that. We are reaching out to the other parties so that, together, we can come to an acceptable compromise.

[English]

**The Chair:** Before I go to Ms. Harder, I'm starting to read the room a little better now in terms of what you just mentioned.

Mr. Rayes, were you suggesting to subamend Mr. Waugh's amendment to take out the word “separately”?

I'm seeing a lot of nods, because if a committee so desires, we can dispense with that right away.

Do I see any objection with subamending that right away?

There are no objections.

(Subamendment agreed to)

**The Chair:** We're taking the word “separately” out of his amendment.

For those who have just joined us, such as Ms. Harder, Mr. Waugh is proposing to do the following with Mr. Housefather's motion: In point 1, he takes out the word “programs” and replaces it with the word “content”, and in point 2, he would invite the Minister of Justice, the Minister of Canadian Heritage and Dr. Michael Geist to appear before the committee, and not separately.

In point 3, he would suspend clause-by-clause consideration of Bill C-10 until the completion of both points 1 and 2.

Ms. Harder, you have the floor.

• (1215)

[Translation]

**Mr. Alain Rayes:** Mr. Chair, could I clarify something I said? I will do so quickly.

[English]

**The Chair:** Go ahead, Mr. Rayes, and then Ms. Harder is after you.

[Translation]

**Mr. Alain Rayes:** I just emphasized that, if the other parties want to hear from other witnesses, we could make a change to our amendment, if that is where the problem lies, so that it is possible for each party to hear from someone of their choice.

So I just wanted to emphasize that. I am not proposing anything along those lines right away. After the discussion, if it can remove an obstacle, we would be open to that proposal.

[English]

**The Chair:** Thank you.

Ms. Harder, please go ahead.

**Ms. Rachael Harder (Lethbridge, CPC):** Mr. Chair, I wonder if Mr. Shields had his hand up before me.

**The Chair:** Ms. Harder, I have you, and then Mr. Housefather, Mr. Champoux and Mr. Shields.

**Ms. Rachael Harder:** I have a quick comment on this motion. I think we're making significant—

[Translation]

**Mr. Martin Champoux:** A point of order, Mr. Chair.

[English]

**The Chair:** One moment. I have Mr. Champoux on a point of order.

[Translation]

**Mr. Martin Champoux:** When Ms. Harder was speaking, we had no interpretation into French.

[English]

**The Chair:** Since it was English to French, I'll keep talking right now.

Ladies and gentlemen, I come to you from the proud part of central Newfoundland.

[Translation]

**Mr. Martin Champoux:** The interpretation is back, Mr. Chair.

[English]

**The Chair:** Ms. Harder, you have the floor.

**Ms. Rachael Harder:** Thank you, Chair. I have a brief comment here.

First off, I think this motion is being strengthened as we go along. Ms. McPherson has offered to change it from “separately”, and we’ve obviously agreed to take that out. I think that’s fine.

I think point 3 is very important. It is that we would suspend clause-by-clause consideration of Bill C-10 until the completion of both points 1 and 2. We know why this is important: It is because we feel that this charter statement is absolutely necessary in order to make the best decisions going forward.

Hearing from those witnesses is going to also give us a better understanding of this bill. Here’s why that is of utmost importance: We see that the Minister of Heritage himself is struggling to answer some really basic questions about this bill. If he himself doesn’t have a full understanding of what this legislation does and does not do, and is not able to clearly communicate on that point, then I’m confused as to why this committee would be expected to have a clear understanding of this piece of legislation.

I think it’s incumbent upon all of us, then, to seek the input from those who would be able to give us better insight and help us to clearly understand the parameters of this bill and what it does. Within that, I’m talking about witnesses, but I’m also talking about the charter statement, which we know will have fundamentally changed since the bill was first introduced in the fall, which was when the original charter statement was provided.

Obviously, because of those changes, a new charter statement is the responsible thing to seek, and it will help us do a better job as legislators and rightly represent Canadians.

Thank you.

• (1220)

**The Chair:** Go ahead, Mr. Housefather.

**Mr. Anthony Housefather:** Thank you, Mr. Chairman.

When I put forward the motion, I tried to create a consensus on two points: one, that we get a charter statement; two, that the ministers testify about a charter statement put out by the Department of Justice. It wasn’t to create ministers as a panel of witnesses that were partisan. The ministers were there to deal with a statement put out by the Department of Justice. However, if there is a desire, I can also think of many experts who are as proficient in this matter as Michael Geist is. If there is a desire to have an expert panel for each of the four parties represented on the committee—not three of the four, but all four—can I suggest that we subamend Mr. Waugh’s proposal to say that we would have two different panels? We would have one with the ministers and their officials, hopefully on Friday of this week, so that we can move forward, and one at our next meeting, on the Monday of the next week, with each party putting forward an expert witness to testify on that panel.

If we could subamend Mr. Waugh’s proposal to do that, hopefully then we would have a consensus to move forward and get everything done. We could then move back to clause-by-clause study after the charter statement, the ministers’ appearance, and the expert panel. Even if I wanted to continue clause-by-clause study at this point, I can see, based on our last three meetings, that we’re never going to have the ability to actually do that until these things happen.

I look to Mr. Waugh, but I would be happy to subamend his amendment to do that. Maybe I just did.

**The Chair:** I have to go to Mr. Champoux.

[*Translation*]

**Mr. Martin Champoux:** Thank you, Mr. Chair.

The same thought occurs to me. After all the time we have spent on this, if the Ministers are not ready to come and testify as soon as possible, and if the new charter statement is not yet ready, we have a problem.

So, basically, I agree. I had a former colleague who used to say that, often, to come to a decent agreement, everyone needs to leave a little blood on the table. Compromises have to be made and this one seems acceptable to me. We will count on our Liberal colleagues to put all the pressure they need for the Ministers to be ready to come and testify before the committee as quickly as possible. We all agree that “as quickly as possible” is this Friday. Then, at the next meeting, as Mr. Housefather proposed, we could welcome one witness per party represented around this table. We could then finally resume our work and hope to be able to see Bill C-10 adopted. The bill is so important for our industry.

The compromise is perfectly acceptable, I feel. So I am in favour

[*English*]

**The Chair:** Okay, let’s go back to what was just said prior.

Mr. Housefather, I’m going to call you to the floor once again, if it’s okay.

You moved a subamendment. We’re going to seek clarification on what that subamendment is.

**Mr. Anthony Housefather:** Certainly, Mr. Chairman. As opposed to Mr. Waugh’s original amendment, which simply added Dr. Geist, I would propose to replace the words “Dr. Michael Geist” with “an expert panel consisting of one witness from each party that would testify”.

So that everyone understands my meaning, we’d have one panel with the two ministers and their department officials and one panel that would consist of one expert named by each party on this committee.

**The Chair:** Okay. Things are going fast and furious here.

I’m sorry, Mr. Housefather; I didn’t mean to cut you off. Were you finished?

**Mr. Anthony Housefather:** Yes.

**The Chair:** Mr. Housefather, I’m going to encapsulate what you just said. Here’s a précis of what’s been done, just so that everyone has the same understanding.

What Mr. Housefather wants to do with his subamendment is to take the amendment of Mr. Waugh, maintain “Minister of Justice” and “Minister of Canadian Heritage”, but instead of “Dr. Michael Geist” have “an expert panel with one witness from each recognized party”. That would be four in total: one each from the Liberals, Conservatives, Bloc, and the NDP. I see Mr. Housefather nodding, so I'm assuming that characterizes what he wants to do.

We can open up debate on that if you wish, or we can proceed to a vote. Do I see hands? I know you have your virtual hands up. Now I see that hands have to go up if you wish to discuss it.

Very good. I have to go back to the speaking order, which now shows Mr. Shields.

• (1225)

**Mr. Martin Shields:** Thank you, Mr. Chair.

Just for clarification, we had a unanimous vote that we could go back and deal with clauses after we get those statements. Is that correct?

**The Chair:** No. The way it works, Mr. Shields, is that we had to rule out number 3 as it was originally opposed. We need to have unanimous consent in order to reopen amendments that we have already dispensed with.

What I mentioned to Ms. McPherson is very simply that in order to do that, I have to ask that you adjourn this debate with a clarification or a qualifier that you will proceed to a unanimous consent. In other words, we're going to road-test this thing, go to unanimous consent and see if it is there.

If it is or if it isn't, we get to go back to Mr. Housefather's motion, which has been amended and now subamended.

I hope that's clear as mud.

That's the issue of unanimous consent. We have to exit, do it, and come back in.

**Mr. Martin Shields:** That's a good statement, clear as mud. I mean, when was mud clear? That's interesting.

What I do find is interesting in the discussion about adding witnesses from all, and Mr. Housefather would know this, is that often when things change during the process of dealing with an issue in court, lawyers often ask for recalling of witnesses because more information and more testimony has come forward.

I understand what he is doing by adding those witnesses, as has been asked for, because that's what you would want to do. That's why we had suggested that at the beginning.

I think that's important, and I appreciate his work to try to facilitate our work. We are in a process in which things are changing, and everybody gets the opportunity to recall on this particular issue because it has changed significantly in the last few weeks. I appreciate that.

Thank you, Mr. Chair.

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

Now we have a quick clarification. As my reverend friend would say, please open your hymn books to the amendment from Mr.

Waugh. We are now currently on a subamendment by Mr. Housefather to require a panel of four witnesses, one from each party, in addition to the Minister of Justice and the Minister of Canadian Heritage.

Go ahead, Ms. Harder.

**Ms. Rachael Harder:** Thank you.

Chair, not to complicate things more, but—

**The Chair:** I don't know if that's possible, madam.

**Ms. Rachael Harder:** Yes.

Actually, just in hopes of speaking some clarity, is there any chance of getting the amendment and the subamendment in writing so we know exactly what it is we're discussing right now?

**The Chair:** Just for clarification, we do have the amendment put forward by Mr. Waugh—

**Ms. Rachael Harder:** Yes—

**The Chair:** —but I don't think we have the subamendment yet. Aimée, our clerk, says we don't have it yet. That's why in each and every turn I'm trying to explain what it is.

Again, the subamendment that you do not have is from Mr. Housefather, and it states that instead of Dr. Geist, we would have an expert panel of one person selected by each recognized party at the committee, which would be four different panel experts, along with the Minister of Justice and Minister of Canadian Heritage.

Go ahead, Ms. Harder.

**Ms. Rachael Harder:** Okay. He's subamending point 2, correct?

**The Chair:** Yes. That is correct.

Keep in mind we have already decided to take out the word “separately”.

**Ms. Rachael Harder:** Right. Unanimous consent was granted for that. Understood.

**The Chair:** Correct. Right now we're in number 2. That's what Mr. Housefather proposed.

**Ms. Rachael Harder:** Okay.

I know you're doing your best, Mr. Chair, to keep us on board and help us through this. I am wondering, though, and thinking that it is the custom of this committee to stop and make sure we have something in writing, both for clarity purposes and for translation purposes for the Bloc member, my colleague Mr. Rayes.

Is that possible?

• (1230)

**The Chair:** It is possible. We have two things that complicate the situation. We have a vote coming soon within the House of Commons, so we could be in suspension when that happens. The complicating factor is whether I can get unanimous consent from the committee to reconvene after this quick suspension, even if the bells are ringing.

**Ms. Julie Dabrusin:** I have a point of order, though, Mr. Chair.

**The Chair:** I'm sorry. We have a point of order.

Go ahead, Ms. Dabrusin.

**Ms. Julie Dabrusin:** As I understand it, Ms. Harder can speak but she cannot vote, and as far as I understand it, none of the voting members has raised an issue with the wording of this subamendment.

**The Chair:** Okay. We're wandering into debate there.

[*Translation*]

**Mr. Martin Champoux:** A point of order, Mr. Chair.

[*English*]

**The Chair:** Go ahead, Mr. Champoux.

[*Translation*]

**Mr. Martin Champoux:** Mr. Chair, as Ms. Harder has indicated, I am a stickler on the translation issue and I recognize the importance of having both English and French versions at hand when we debate and vote. However, considering the little time we have before us, I will make an exception in this case, given the importance of what we are about to decide and the joy that flows over me at finally finding a solution to the problem that has been holding us back.

I understand the amendment and the subamendment perfectly well. I am ready to move to a vote as soon as my colleagues are.

[*English*]

**The Chair:** Okay. That said, we still have people on the list to speak, but since we now have what seems to be.... We're okay with not having it in writing, but I'm going to again repeat the subamendment by Mr. Housefather, which states that we take the name "Dr. Michael Geist" out and we provide one name from each recognized party on the committee for an expert panel, along with the ministers of justice and Canadian heritage. That is what's being proposed. Everything else is intact.

I see Mr. Aitchison next.

**Mr. Scott Aitchison:** Thank you, Mr. Chair.

We've taken out the word "separately" because we've said that it's okay for all of them to appear together. On Mr. Housefather's subamendment, do we need to actually have some time frames around this expert panel that is coming at a different time than the ministers are? Will one meeting suffice for the expert panel? I'm wondering if there's going to be any discussion about that.

**The Chair:** Mr. Aitchison, I may be so bold as to paraphrase Mr. Housefather. Mr. Housefather, if I'm not getting this right, please feel free to stop me, which I enjoy.

What he's asking for is to do this before we reconsider going back to clause. I think the implication as to bringing in the four people for the expert panel and the two ministers was that it should be as soon as possible, right? I see Mr. Housefather nodding, so that's as soon as possible.

**Mr. Anthony Housefather:** Mr. Chair, just to repeat—

**The Chair:** Do you have a point of order, Mr. Housefather?

**Mr. Anthony Housefather:** I'm sorry. I thought you wanted me to clarify.

**The Chair:** No, I was trying to do it for you, but if I've mis-characterized, then....

Mr. Aitchison, since you have the floor, can I give the floor to Mr. Housefather?

**Mr. Scott Aitchison:** Maybe he can actually answer my question. I mean no disrespect, sir, but you didn't answer my question.

I'm wondering if we need to put some time frames around the expert panel. Is it going to be one meeting? Do they need more than one meeting? That's what I'm wondering about.

**Mr. Anthony Housefather:** To my good friend Mr. Aitchison, what I had said was that I was hoping the ministers could come on Friday and that the expert panels could be convened for Monday.

I would see two meetings, one with the ministers as soon as possible and one as soon as possible after that with the expert panel.

**The Chair:** Yes. Thank you.

Mr. Aitchison, I should have been clear. I apologize. Whenever I say "as soon as possible", that's the next meeting.

**Mr. Scott Aitchison:** Okay. I appreciate it. I heard all that. What I was asking about, though, is if there needs to be something in the motion that speaks to that or if this is sufficient the way it is.

**The Chair:** Let me just put my own interpretation on it very quickly: If it passes in terms of who is coming in, I will endeavour to do that ASAP, because I get that this is the direction from the committee, or at least that's how I hear it.

After Mr. Aitchison, I have Mr. Waugh.

**Mr. Kevin Waugh:** You've pretty well touched on some of the points that I was going to bring up, Mr. Chair.

Maybe what we do need, though, is the Minister of Justice for one hour by himself, the Minister of Canadian Heritage for one hour by himself, and the panel next week, if we form that panel either Monday or Wednesday.

We're a week away here. We might need some time to put this panel together. That would be a two-hour meeting. I know that you want to talk about this, but I just thought I would throw out the idea of one hour for the Minister of Justice, one hour for the Minister of Canadian Heritage separately, and then two hours for our panel next week.

• (1235)

**The Chair:** Actually, Mr. Waugh, I'm glad you did that, only because it spells out some of the logistics involved here. For instance, in the case of the four people, our clerk, Aimée, has to find these people and book them and so on and so forth. I appreciate your bringing that up more than you know.

Just for the committee's permission here, I don't think we need to formalize the timing and so on and so forth, other than understanding that we will endeavour to do this as soon as we can, starting with the meeting on Friday, as proposed by Mr. Housefather. We can see logistically how this can work out.

I'm going to Mr. Champoux.

[*Translation*]

**Mr. Martin Champoux:** Mr. Chair, I think that Mr. Rayes had his hand up before mine. I was just going to ask for the vote.

[*English*]

**The Chair:** I don't have him up that way, but nevertheless, since you are ceding your time, we'll just proceed in that way.

Mr. Rayes, go ahead.

[*Translation*]

**Mr. Alain Rayes:** I will be quick so that Mr. Champoux can ask for the vote.

I want to make sure that we are all agreeing on the same thing: we are going to hear from the experts after we have heard from the two Ministers. That order is important, because the experts will be reacting to the Ministers' comments.

I see nodding.

I just want to make sure that, if, for any particular reason, the Liberals are not able to convince the Ministers to be here on Friday, they will come on Monday and the meeting with the experts will simply be put back.

Is that the case?

Thank you.

[*English*]

**The Chair:** I don't need to repeat that, correct? I see enough nodding heads around the room. It's a critical mass of nods, if I could use the term, to proceed in that way.

My goodness, I don't see any hands up. What is going on with this world?

Anyway, seeing that there is no further discussion or no further debate, that brings us to a vote.

Let's be clear. We're voting on Mr. Housefather's subamendment to the motion put forward by him. What it states, very simply, is that we're going to take out the part that suggests Dr. Geist as a witness and replace it by saying that we're going to have an expert panel with one witness proposed by each recognized party—one

from the Liberals, one from the Conservatives, one from the Bloc, and one from the NDP—along with the Minister of Justice and the Minister of Canadian Heritage. We will do this as soon as possible over the next little while, before we go on to anything else. That is the subamendment.

I am pausing to see if anyone has a question for clarification.

I don't see one. We will go to a vote.

(Subamendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

**The Chair:** Now we will go back to the amendment put forward by Mr. Waugh. There are three paragraphs. In paragraph 1, he takes the word “programs” out to put in the word “contents”.

In paragraph 2, the subamended amendment is, instead of Dr. Michael Geist, we now have an expert panel of four people in addition to the Minister of Justice and the Minister of Canadian Heritage.

Paragraph 3 would suspend clause-by-clause consideration of Bill C-10 until the completion of both points 1 and 2, which I just read.

That is the amendment from Mr. Waugh. Seeing no discussion or debate—I see a lot of thumbs up—we will go to Madam Clerk for the vote. Shall the amendment carry?

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

**The Chair:** Now we will return to the main motion of Mr. Housefather, which now includes three points, not two. I don't need to talk about this again. We are all clear as to what it is.

Shall the motion of Mr. Housefather carry?

• (1240)

[*Translation*]

**Mr. Alain Rayes:** Yes.

[*English*]

**Mr. Scott Aitchison:** Yes.

(Motion agreed to on division [*See Minutes of Proceedings*])

**The Chair:** That's carried. You're a beautiful bunch.

All right. The bells are ringing, and you know what that means. We have to go and do our duty.

Folks, thank you very much. I want to thank our guests as well, who played the part of spectators but nevertheless had a very important function—even you, Mr. Fillmore. Good job. Thank you.

All right, folks. We will adjourn until our next meeting, which will be this coming Friday at the usual time and usual place.

The meeting is adjourned.









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