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Chair: The Honourable Judy A. Sgro



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• (1530)

[English]

The Chair (Hon. Judy A. Sgro (Humber River—Black Creek, Lib.)): I call this meeting to order.

This is meeting number 58 of the Standing Committee on International Trade.

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022. Therefore, members are attending in person in the room and remotely using the Zoom application.

I would like to make a few comments for the benefit of the witnesses and members.

Please wait until I recognize you by name before speaking. When speaking, please speak slowly and clearly. For those participating by video conference, click on the microphone icon to activate your mike and please mute yourself when you are not speaking.

With regard to interpretation, for those on Zoom, you have the choice, at the bottom of your screen, of either floor, English or French audio. For those in the room, you can use the earpiece and select the desired channel.

I remind everyone that all comments should be addressed through the chair. For members in the room, if you wish to speak, please raise your hand. For members on Zoom, please use the "raise hand" function. The clerk and I will manage the speaking order as well as we can, and we appreciate your patience.

Please also note that during the meeting, it is not permitted to take pictures in the room or screenshots on Zoom.

Should any technical challenges arise, please advise me. Please note that we may need to suspend for a few minutes in order to ensure that all members get to participate fully.

Today we are meeting for clause-by-clause consideration of Bill C-282, an act to amend the Department of Foreign Affairs, Trade and Development Act (supply management).

I will now welcome the officials who are with us today to answer questions we may have during the clause-by-clause consideration.

From the Department of Agriculture and Agri-Food, we have Tom Rosser, assistant deputy minister, market and industry services branch.

From the Department of Foreign Affairs, Trade and Development, we have Aaron Fowler, associate assistant deputy minister,

trade policy and negotiations; Stacy-Paul Healy, deputy director, tariffs and market access law division; and Doug Forsyth, director general, market access.

Thank you very much for joining us today.

We will start our consideration of Bill C-282. I need to provide members of the committee with some instructions and a few comments on how the committee will proceed with the clause-by-clause consideration of Bill C-282.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause will be subject to debate and a vote. If there is an amendment to the clause in question, I will recognize the member proposing it, who may explain it and speak to it. The amendment will then be open for further debate. When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the bill and in the package each member received from the clerk. Members should note that any new amendments must be submitted in writing to the clerk of the committee.

The chair will go slowly to allow all members to fully follow the proceedings properly.

Amendments have been given an alphanumeric number in the top right-hand corner to indicate which party submitted them. There is no need for a seconder to move an amendment. Once it is moved, you will need unanimous consent to withdraw it.

During debate on an amendment, members are permitted to move subamendments. These subamendments must be submitted in writing. They do not require the approval of the mover of the amendment. Only one subamendment may be considered at a time, and that subamendment cannot be amended. When a subamendment to an amendment is moved, it is voted on first. Then another subamendment may be moved or the committee may consider the main amendment and vote on it.

Once every clause has been voted on, the committee will vote on the title and the bill itself. If amendments are adopted, an order to reprint the bill may be required so that the House has a proper copy for use at report stage. Finally, the committee will have to order the chair to report the bill to the House. That report contains only the text of any adopted amendments as well as an indication of any deleted clauses.

We will now move into the clause-by-clause consideration.

(On clause 1)

• (1535)

Mr. Tony Baldinelli (Niagara Falls, CPC): Madam Chair, if I may, at this point I would like to propose an amendment to clause 1. Perhaps I could read that for the benefit of everyone here. It reads as follows: that Bill C-282, in clause 1, be amended by replacing lines 8 and 9 on page 1 with the following:

and functions set out in subsection (2), the Minister may consider not making any commitment on behalf of the Government

That is the proposal that I would like to make, Madam Chair.

The Chair: Okay. That is exactly what's before us in writing.

Mr. Seeback.

Mr. Tony Baldinelli: Madam Chair, do I get an opportunity to speak to that right now?

The Chair: You can. You have the floor.

Mr. Tony Baldinelli: Madam Chair, thank you for this opportunity.

Thank you to our witnesses for being here today.

As everyone knows, we've been looking at this legislation over the past couple of weeks with regard to supply management, and I believe that we can all say that we support supply management and its existence in Canada to protect our domestic sectors. In fact, as I mentioned last time, I dare say I am probably the only member of this committee who has actually worked for one of the supply-managed sectors. I was a lobbyist during my time at Hill+Knowlton, and we had as our client the Dairy Farmers of Ontario. They were a client of mine, and I worked with them closely over a five-year period. I support supply management and what it means to our sector.

During the hearings, listening to the testimony of the various stakeholder groups that came out, there was a theme that we continued to hear, and it was always one of predictability and stability. Those who came from the supply-managed sectors would talk about wanting this piece of legislation because of the predictability and stability that it would provide. However, those in non-supply-managed sectors would also talk about that predictability and stability being put at risk because of what this legislation could potentially mean if it was adopted by this government, so I have great concerns.

As I mentioned last time during my comments, as legislators we're here to try to make the best bill possible. I'm trying to see if there is a better way to do it, to take a flawed bill and make it a bit better. As we heard during the testimony, even the honourable member who sponsored the bill hadn't reached out to trade experts to seek their opinion on whether this bill would bring about some challenges and difficulties for Canada. He said that it's essentially like Bill C-216 from the previous Parliament, and those comments were on the record—in the blues, as he said—and we could simply take those comments and go with them. Well, I found some concerns.

When I did that, I had the opportunity to read those blues. In June of 2021 some of the witnesses with us today spoke out against that piece of legislation and raised some concerns about it setting a dangerous precedent. When we're here now examining this bill, those concerns are not as strong, so I just have those questions.

That's why I believe it would have benefited us to actually have the opportunity to bring in some trade experts and to hear their views.

I'm not going to read into testimony the comments about the previous bill and the comments of our witnesses here today who made comments on Bill C-216. I don't want to get into that. I just want to reiterate some of the concerns.

One of the gentlemen who live in my riding is retired now. He was a government employee. He worked with the Competition Bureau. He was here when supply-management systems were established. He came to me and raised his concerns about Bill C-282. I believe everyone has received a copy of the letter he submitted today. He talked about the bill not being needed.

He said this:

The bill is not needed to show support for supply management. As some have already suggested to the Committee, Bill C-282 does not address supply management itself but rather attempts to dictate Canada's approach to future trade negotiations.

As a trading nation, Canada's success internationally has been the ability to be flexible in trade negotiations and adjust as needed to achieve an agreement good enough for all Canadians, including the supply management sector. It is undeniable that over the years and the multitude of [successful] trade agreements negotiated around the world, Canada has earned a reputation as being a fair, knowledgeable, and respected negotiator. However, Bill C-282 sends a concerning signal that Canada's trade negotiators no longer have the necessary discretion to discuss the supply management sector during future trade negotiations.

In my view, this signal is not needed, and it will likely be perceived as a negative by the international trade community. If [this] bill becomes law, most trading partners will be looking for compensation in some form in return for honouring Canada's request to keep supply management off the table.

• (1540)

Those are just some of the concerns. I think that adequately expresses some concerns I have too with regard to this bill.

Again, my hope here, in sitting on this international trade committee, was to listen to the feedback and try to make this bill a bit better for everyone so that it could address the concerns of all agricultural sectors.

It's almost an analogy of parents in a family. You don't love one child more than you do another. I felt that was what was happening here. We had one sector asking for special consideration, essentially, over the views of others. That is why I propose this amendment, to provide a little more flexibility to the government as it moves forward.

I table this for my colleagues' consideration.

The Chair: Thank you very much.

I have Mr. Virani and then Mr. Seeback.

Mr. Arif Virani (Parkdale—High Park, Lib.): Thank you very much, Madam Chair.

I'll just note that I have a lot of respect for Mr. Baldinelli—I'll say that clearly and publicly. I note it's with a lot of consistency that we hear, pretty much at every meeting, strong affirmations about Conservative support for the supply management sector, yet in the same meetings, including right now, we have efforts to amend the bill to make it weaker and less supportive of that very same sector the Conservatives purport to support.

I would strongly indicate that if you inject discretionary language into lines 8 and 9 of clause 1, as Mr. Baldinelli's amendment does, it would effectively make supply management optional. It would give the ability to any government going forward, of any political stripe, to effectively sacrifice our supply-managed sectors.

That is not what we are seeking to do with this bill. I don't think that is what any party was seeking to do when it voted in favour of this bill at second reading. I frankly find it a bit surprising that the Conservative Party, or at least Mr. Baldinelli, is attempting to do that very thing with this amendment.

Now, I would just point out for clarification for the record, and for anyone at home who's watching House of Commons committees, that the notion of hearing at an additional meeting from further trade experts was mooted by Monsieur Savard-Tremblay in a motion he formally presented at the last meeting, which I proposed to amend so that it would be crystal clear that we could spend one of the two meetings Monsieur Savard-Tremblay proposed on hearing from further trade experts—exactly what Mr. Baldinelli just mentioned. The Conservative Party then filibustered the vote on that motion. I find it a little less than ideal that they're raising that same issue they obstructed at the last meeting.

I'll end my comments there. The Liberals will be voting against CPC-1.

Thank you.

The Chair: Next is Mr. Seeback.

Mr. Kyle Seeback (Dufferin—Caledon, CPC): Well, it's great that the parliamentary secretary can tell all of his members how they're going to be voting on this in advance of their consideration of it, but I guess that's how things work in the Liberal Party.

I quite frankly find it exhausting to listen to a member from Toronto tell members of this committee that they don't care about supply management. I spent the last two-week break visiting dairy farms and other farms in my riding—of which I have hundreds—and explaining to them the concerns that we have with this bill. Everyone there was understanding, including the dairy farmers I spoke to, so I'll take no lessons from Mr. Virani, from a downtown Toronto riding, telling me about whether or not I support supply management. I support it by the fact that I visit the farms in my riding often to discuss what the issues are.

With respect to this amendment, it actually enshrines what our long-standing policy in this country has been, a policy that the Liberal Party actually used when it negotiated the CPTPP and granted access to the supply-managed sector. They're the ones who did it, Madam Chair, and they did it because they had to. If there were no access to supply management, there would be no deal on the CPTPP. What the Liberals are now saying is that somehow by passing this they'll still be able to sign trade agreements.

Well, Madam Chair, the only way they're going to do that is if no other country in the world that we enter into a trade agreement with has any interest in any of our supply-managed sectors. I'm not an expert on the economies of every country in the world, but I suspect that's not the case. What Mr. Virani is effectively saying is that we will then not have those kinds of trade agreements, or they'll be less ambitious, or perhaps, Madam Chair, when they bring forward enabling legislation, they will just repeal Bill C-282 so they can give away access in supply-managed sectors. I find all of his comments ironic.

This is a well-thought-out amendment by Mr. Baldinelli. I'll be voting in favour of it. My Conservative colleagues, because we live in a democracy, will have the choice on how they're going to vote.

• (1545)

The Chair: Next is Mr. Savard-Tremblay, please.

[*Translation*]

Mr. Simon-Pierre Savard-Tremblay (Saint-Hyacinthe—Bagot, BQ): I see that we have no party lines today. That's great! It's a new thing.

So here's my opinion. This amendment proposes that we replace “the Minister must not make any commitment on behalf of the Government of Canada, by international trade treaty or agreement” with “the Minister may consider not making any commitment on behalf of the Government of Canada, by international trade treaty or agreement”.

This amendment simply removes all substance from Bill C-282. It takes all of the teeth out of it. It takes away any opportunity to prevent one minister from legally forcing another minister to put supply management on the table. It opens the door again. We are back to what we already had, which was verbal commitments from all sides to supply management and, in the end, no binding legislation. It completely distorts the bill.

If that's what you want, instead of passing an amendment, vote against clause 1. It will amount to the same thing.

[*English*]

The Chair: Thank you very much.

Is there any further discussion?

We'll go to Mr. Arya.

Mr. Chandra Arya (Nepean, Lib.): Madam Chair, again I want to reiterate that with Canada as a trading nation, having 60% to 65% of our GDP coming from trade, I think that as legislators we have the responsibility to consider what is good for Canada. Sometimes we do politics and we work on support for bills and legislation and take actions based on political considerations, but this bill, when it becomes legislation, is not going to be in the interests of Canada.

Knowingly, we are shooting ourselves in the foot. Knowingly, we are creating problems for our future international trade agreements. Knowingly, as one witness put it, we are setting one farmer against another and, in rural Canada, one neighbour against the other. Also, 90% of the exporters of agricultural products agree with the exporters who have vehemently come out against this bill.

I think that as elected members of Parliament who are sitting here to uphold the best interests of all Canadians, we have to seriously look into the consequences of the decision we are making today in voting for this bill.

That's all I have to say at this stage, Madam Chair.

The Chair: Thank you very much.

Not seeing any further discussion, just for the information of the committee, if CPC-1 is adopted, CPC-2 and LIB-1 cannot be moved due to a line conflict.

Mr. Chandra Arya: Can you repeat that, Madam Chair?

The Chair: If CPC-1 is adopted—if Mr. Baldinelli's motion is adopted—CPC-2 and LIB-1 cannot be moved due to a conflict in the lines. Once a line of a clause has been amended by the committee, it cannot be further amended by a subsequent amendment, as a given line may be amended only once.

I'm going to ask for a recorded vote on CPC-1, Madam Clerk.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

The Chair: The amendment does not carry.

On CPC-2, Bill C-282 amends the Department of Foreign Affairs, Trade and Development Act...

I'm sorry. Do you want to move CPC-2, Mr. Seeback?

• (1550)

Mr. Kyle Seeback: Yes, I do, Madam Chair.

Everyone has a copy. Do I have to read it, or can we just proceed to the discussion of it?

The Chair: I think we can proceed to a discussion, unless somebody wants you to read it. I think that's fine.

Would the witnesses require Mr. Seeback to read out CPC-2?

Mr. Richard Cannings (South Okanagan—West Kootenay, NDP): The translation is bad.

The Chair: We'll take a second here to check the translation.

A voice: I think we are okay, Madam Chair.

The Chair: Mr. Seeback, are you moving CPC-2?

Mr. Kyle Seeback: I am moving CPC-2.

The Chair: All right, thank you very much. Our translation issue is all right.

I need to now make a ruling on CPC-2. Thank you for moving it.

Bill C-282 amends the Department of Foreign Affairs, Trade and Development Act to restrict the Minister of Foreign Affairs from making certain commitments with respect to international trade re-

garding tariffs and the tariff rate quota for certain goods. The amendment seeks to institute a compensatory regime that would be applicable to anyone affected by international trade.

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.

It is my opinion, Mr. Seeback, that the amendment is inadmissible.

Mr. Kyle Seeback: Madam Chair, I'm going to challenge the chair's ruling on that.

The Chair: Okay. We'll need to have a vote on it.

The Clerk of the Committee (Ms. Sophia Nickel): The vote is, shall the decision of the chair be sustained?

The Chair: The decision of the chair was that it's not admissible.

(Ruling of the chair sustained: yeas 6; nays 4)

The Chair: Thank you very much.

On LIB-1, we have Mr. Arya.

Mr. Chandra Arya: Madam Chair, I move that Bill C-282, in clause 1, be amended by replacing line 9 on page 1 with the following:

give due consideration to the net benefit to Canada before making any commitment on behalf of the Government

As I said earlier, I'll make it very brief.

This bill is a big problem, and not only during the negotiations of any future trade agreements. In my view, it will start affecting Canada negatively even before certain agreements come for negotiation.

Currently, if I'm not wrong, there are free trade agreements negotiated with India, Indonesia and several other countries. The negotiators of the countries who are negotiating with Canada may use this bill as a tool to demand concessions or to prevent themselves from offering any concessions that Canada desires.

As I mentioned earlier, it is our responsibility as elected members of Parliament to look at what is in the best interests of Canada, not our partisan political interests. Supply management is well entrenched, and its supporters are quite vocal and very organized. We can't support a bill that goes against the interests of most of the farmers in the country just to respond to pressure from this small group of farmers, and not—

• (1555)

The Chair: Thank you very much, Mr. Arya.

I need to make a ruling on your proposed amendment.

Bill C-282 amends the Department of Foreign Affairs, Trade and Development Act to restrict the Minister of Foreign Affairs from making certain commitments with respect to international trade regarding tariffs and the tariff rate quota for certain goods. The amendment seeks to remove these restrictions.

Again, as the *House of Commons Procedure and Practice*, third edition, on page 770, states:

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.

As such, there is no debate. LIB-1 is inadmissible.

Mr. Kyle Seeback: I am challenging that ruling.

(Ruling of the chair sustained: yeas 7; nays 4)

The Chair: Thank you.

We will move to amendment CPC-3.

Mr. Kyle Seeback: I'm not going to move amendment CPC-3, Madam Chair.

The Chair: Is anyone else moving it? No. Okay.

We have amendment CPC-4.

Mr. Arif Virani: I'm sorry, Madam Chair, but I missed that. Was CPC-3 withdrawn?

Mr. Kyle Seeback: Yes.

The Chair: Now we have amendment CPC-4.

Mr. Kyle Seeback: Thank you, Madam Chair.

We've heard testimony here that this bill seeks to entrench Canada's position, which is to not negotiate away access to supply management, but we've also heard that is Canada's position unless it needs to grant access to supply-managed sectors in order to conclude a trade agreement. We heard that from government officials with respect to the renewal of USMCA. If dairy were off the table, would that have been renewed? The answer is somewhere along the lines of highly unlikely. I think the same thing could be said for CPTPP: If no access to the supply management sector had been granted, then CPTPP would not have been concluded.

What this amendment does is to actually codify what Canada's policy is, which is that we will not negotiate on supply management unless we have absolutely no other choice. That's what this amendment seeks to do.

We heard extensively from stakeholders about their concerns with the absolute nature of this bill. Tree of Life suggested this:

If this Bill becomes law, it will remove the ability of Canada's trade negotiators to properly assess the costs and benefits of potential trade-offs in the context of negotiations as well as run the risk of damaging our relationships with our valued trading partners.

The Canadian Canola Growers Association have said this:

If passed, Canada's attractiveness as an FTA partner would diminish, adversely impacting Canada's ability to launch and enter new negotiations. Canada's leverage in successfully renewing CUSMA under President Trump or in negotiating membership to and conclusion of CPTPP would have been greatly diminished if such a Bill were in place.

• (1600)

The Chair: Mr. Seeback, I'm sorry, but this process is that you move amendment CPC-4, and if it's before us appropriately then we have a debate and discussion on it, but I have to make a ruling on it and—

Mr. Kyle Seeback: How was amendment CPC-1 in but all the others out? I think we're entitled to an explanation of that. I find this deeply troubling. Amendment CPC-4 is not so divergent from CPC-1 that it is inadmissible. What's the actual explanation?

I find this incredibly disappointing.

The Chair: We have very specific rules in *House of Commons Procedure and Practice*, third edition, which states on page 770 that an amendment to a bill that is referred to a committee after second reading is out of order "if it is beyond the scope and principle of the bill."

Mr. Kyle Seeback: Why is it beyond the scope? What's the determination? What's the explanation? We're entitled to that.

The Chair: Circumventing the restrictions set out in the bill is contrary to the principle of the bill. That is the reason it is inadmissible.

Mr. Kyle Seeback: I don't see how that's different from CPC-1.

The Chair: Well, I'm sorry, but it is. I'm ruling CPC-4 as inadmissible.

We then go on to new clause 2. Is that correct?

Hold on, we still have to vote on clause 1.

Mr. Kyle Seeback: No, I'm challenging the chair.

The Chair: Okay, that's fine. It's your right to do that.

(Ruling of the chair sustained: yeas 6; nays 4)

Mr. Kyle Seeback: The goodwill on this committee is dead.

The Chair: Shall clause 1 carry?

(Clause 1 agreed to: yeas 6; nays 5)

The Chair: CPC-5 would create a new clause 2.

Would someone like to move CPC-5?

Mr. Kyle Seeback: I'm not moving any further amendments.

The Chair: That's fine.

I'm not seeing anyone move CPC-5.

(Amendment withdrawn)

The Chair: We have CPC-6.

Is it being withdrawn?

• (1605)

Mr. Kyle Seeback: I'm not moving the amendment.

Mr. Colin Carrie (Oshawa, CPC): I'd like to—

Mr. Kyle Seeback: There's no point. It's probably out of order.

Mr. Colin Carrie: I'd like to, Madam Chair.

The Chair: You'd like to move CPC-6.

Mr. Colin Carrie: I would, yes.

The Chair: It is in order.

Mr. Colin Carrie: Madam Chair, I think we all realize that we're in a minority situation, and there are certain agreements that are presently under way. This is a huge change in policy, so I think it's really important for our trade partners and for trust for Canada internationally that we have some type of transitional understanding that agreements that are under way aren't going to be affected by this, Madam Chair.

We have a precedent for this. You'll remember the original TPP that was negotiated, and under that negotiation there was a certain piece of supply management—I think it was 3% access. The original TPP also included the United States. It was President Obama's deal, so it would have been that set percentage. Under the Liberal government at the time, the Prime Minister decided not to sign that but came up with the new comprehensive TPP. Then we had to renegotiate CUSMA, and another 3% was given away.

I understand that we've had a lot of witnesses who were very mistrustful of governments in general because they had a deal, and then basically they lost because the government of the day decided to trade away more.

This is the argument. Mr. Seeback, with the first amendment, talked about it, so I think we should have a reasonable transitional provision in this bill if we're going to move forward with it, so that our trading partners know that there will be some certainty and that Canada's word at the negotiating table won't change.

The Chair: Thank you very much.

Is there any further discussion on CPC-6?

Mr. Arif Virani: Madam Chair, my hand was raised.

The Chair: Mr. Virani.

I'm sorry, I don't always see your hand up there.

Mr. Arif Virani: It's okay. Thank you, Madam Chair.

I would simply say that the promise to protect supply management has been made and articulated, and I think all this statute is

doing in this very short private member's bill is entrenching what is already the policy of the Government of Canada. There's no reason for enacting a transitional provision, because the policy is effectively already operative. This is just formalizing what is already operative in terms of the Canadian government's policy, so I wouldn't see any need to adopt CPC-6.

Thank you.

The Chair: Is there any further discussion? I'm not seeing any.

Madam Clerk, would you please call the vote?

(Amendment negatived: nays 6; yeas 4)

The Chair: Shall the title of the bill carry? Do we need a vote on it?

Mr. Kyle Seeback: Yes.

(Title agreed to: yeas 8; nays 3)

The Chair: Shall the bill carry? We'll have a recorded vote, please.

(Bill C-282 agreed to: yeas 7; nays 3)

The Chair: Shall the chair report the bill to the House? We'll have a recorded vote again, please.

(Reporting of bill to the House agreed to: yeas 7; nays 4)

The Chair: Thank you all very much. That concludes the clause-by-clause on Bill C-282. I will report it to the House, as directed by the committee.

Just for the information of the committee, on Monday we will be returning to the IRA and the discussion about the Washington travel. On Thursday, we will start on the non-tariff barriers and the motion from Mr. Seeback. Is everybody good with that? Okay.

I move adjournment.

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