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Chair: Mr. Robert Morrissey

Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

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• (1555)

[English]

The Chair (Mr. Robert Morrissey (Egmont, Lib.)): I call the meeting to order.

Committee members, we have a quorum and we have the time-line from the end of the last vote in the House of Commons.

Welcome to meeting number 66 of the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities.

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022. There will be members appearing virtually in today's meeting.

To ensure an orderly meeting, I would like to make a few comments.

Before speaking, please wait until I recognize you by name. Those appearing in the room or virtually have the option of choosing to participate in the official language of your choice by using the interpretation icon at the bottom of your screen, and in the room the headset will provide interpretation services for you. If there's an interruption in interpretation services, please get my attention, and we'll suspend while it's being corrected.

As I said, unless there are exceptional circumstances—which we do not anticipate—in order to participate verbally in the meeting, you have to have a House of Commons approved headset. Those members of the committee appearing virtually can participate in all votes in the House by simply indicating yes or no by thumbs up or thumbs down.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Friday, February 3, 2023, the committee will continue its study of Bill C-35, an act respecting early learning and child care in Canada.

Today we're resuming a clause-by-clause meeting. As the name indicates, this is an examination of the order of the bill. We're now into our third committee hearing on the bill.

The proceedings are the same. Amendments have been given an alphanumeric number to indicate which party submitted them. There's no need for a seconder to move an amendment. Once 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 is moved, which is where we're at when we resume, 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 done, we will adopt the title of the bill, and an order to reprint the bill may be required. Finally, the committee will have to order the chair to report the bill to the House.

I would like to welcome, again, representatives from the department who are available to answer technical questions related to the bill. They have all been introduced and are the same departmental experts who were with us from the start of the clause-by-clause review.

To begin, let's go back to where we were when we adjourned the last meeting. We had circulated the language for clarification of the subamendment of Madame Saks to the NDP amendment 5. It's the subamendment to NDP-5. That's where we had closed on Friday when the committee adjourned. We're at the subamendment of Ms. Saks.

Is there any discussion? If not, I will go to a vote on the subamendment of Ms. Saks.

Ms. Ferreri, you have the floor on the subamendment.

Ms. Michelle Ferreri (Peterborough—Kawartha, CPC): Thank you so much, Mr. Chair. I want to pick up where we left off.

The Conservatives have been pretty open that we want to ensure that everybody is included in this bill and that children and child welfare are at the forefront of this discussion.

The pillars of Bill C-35 put forth by the Liberals were quality, availability, affordability, accessibility and inclusiveness.

The NDP amendment asked for an assessment of the progress being made respecting that system, including information on the “quality, availability, affordability, accessibility and inclusiveness of early learning and child care programs and services”. That was the amendment they put forth.

The Liberals put forth a subamendment, and it removed two key pillar words: “availability” and “accessibility”. Then we recessed, and it was brought to my attention that they would put these words back in because they were caught for not having them in there.

Mr. Chair, I guess I'm asking why these two words around this bill were taken out in a subamendment. What was the reasoning to remove two of the pillars, availability and accessibility, when we're looking at this legislation? These are the two biggest issues that we see in child care in this country.

Ms. Ya'ara Saks (York Centre, Lib.): Chair, my recollection from the last meeting we had is that there was a submission that we would hear all members at this table on what needed to be in the subamendment to this clause. At that time, I asked for unanimous consent, and I believe that's where we rest in terms of this discussion. Thank you.

• (1600)

Ms. Michelle Ferreri: Through you, Mr. Chair, for clarification, are we not going to get an answer on why those two words were removed?

The Chair: I think the matter has been addressed. It's a matter of debate.

Is there further discussion on the subamendment that's currently on the floor?

Ms. Gray is next, and then Madam Gazan.

Mrs. Tracy Gray (Kelowna—Lake Country, CPC): Thank you, Mr. Chair.

On this subamendment, where now the words “availability” and “accessibility” have been re-entered, yes, we unanimously agreed to add those words back in, but I guess the point for reference here is that we never had justification from the government, from the Liberals, for why they removed two of the pillar words, “availability” and “accessibility”, from their subamendment.

Yes, we know they're back in and that's what we're voting on here now, but during the time of asking for unanimous consent, there was no opportunity for debate, so here we are, debating the subamendment now, and when we have unanimous consent, we can't get into discussion.

The question now, through you, Mr. Chair, is on why those words were removed from the subamendment at this 11th hour. We're in one of the last clauses that we're looking at for this child care bill. Why did the government, at the very end of this stage, take out the words “availability and accessibility”, which were two of the five pillars of this legislation?

The Chair: The chair simply recognizes the speakers who want to participate in the debate. It's not for me to answer questions as they relate to how we got there. Anybody is open to participate in the discussion and debate on the subamendments currently on the floor.

We'll go to Ms. Gazan and then Ms. Ferreri.

Ms. Leah Gazan (Winnipeg Centre, NDP): I have a procedural question.

I'm hearing that we're still on the subamendment. We haven't voted on the unanimous consent. Is it still on the floor? I don't remember whether we voted on that. Are we going forward after that?

I don't think we voted on the unanimous consent. Did we?

A voice: Yes.

Ms. Leah Gazan: Okay, we did. That's my fault. We voted on it. Sorry; that was my fault.

The Chair: Go ahead, Ms. Ferreri.

Ms. Michelle Ferreri: Through you, Mr. Chair, what I would clarify here as the critic to this bill is that in following up on the emails that I've been given, it is my job to ask why this was taken out. I appreciate that you may not want to answer, but if we don't know that there is another agenda here.... Conservatives have been fighting from day one, saying that this is not a universal child care bill because it excludes tons and tons of families, and the wait-list, the accessibility, the affordability are huge issues.

It is benefiting those who are in the system tremendously. I will not dispute that. However, as the critic, and from the emails I've received after watching this committee, I see these two pillars of availability and accessibility as basically the two biggest issues in accessing child care.

On the record, I just want to understand why those two words were removed in a subamendment put forth by the Liberals.

The Chair: Go ahead, Ms. Saks.

Ms. Ya'ara Saks: Through you, Chair, I will say this: In my job as the parliamentary secretary moving this legislation through, it is my role to hear all the members of this committee when there are issues we can agree on and to move legislation forward on behalf of families, children and Canadians.

The will of this committee was to give unanimous consent for the language that is in the bill at the subamendment time. Through you, Mr. Chair, I think if we can debate on it as amended under consent, it would be far more productive in moving this legislation along.

Thank you.

Ms. Michelle Ferreri: We have it on the record. It's fine if that's what you want your answer to be. I was giving you another opportunity to say it.

Of course we gave unanimous consent to put these words back in; I was just giving an opportunity for you to explain, because now there is a lack of trust from the public on why these two words were removed when we've been very vocal that we are trying to represent all Canadians.

The Chair: Ms. Gray is next.

• (1605)

Mrs. Tracy Gray: Thank you, Mr. Chair.

On this subamendment, which does now have “quality, availability, affordability, accessibility and inclusiveness” back in it, it's just very interesting and telling that the government hasn't been forthcoming in explaining why they took out the “availability” and “accessibility” part of their subamendment.

We know that it's back in, but I think for context we need to understand why, as we vote on this subamendment, it was taken out. We haven't had any rationale from the government. We have the parliamentary secretary here. It's really telling that the government does not want to disclose why they initially took out “availability” and “accessibility”. We've had silence over there.

It's really concerning, especially considering that we're talking about a government bill. As we move forward with the implementation of this bill—as we know, the provinces have signed agreements—it's concerning to know that perhaps “availability” and “accessibility”, in the back of the government's mind, aren't really two important pillars, which they originally had at the forefront of this bill. The government is not willing to make any comment, which I think is saying a lot without saying anything.

Thank you, Mr. Chair.

The Chair: Seeing no further debate, I will call for a recorded vote on the subamendment of Ms. Saks.

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

(Amendment as amended agreed to: yeas 10; nays 1 [*See Minutes of Proceedings*])

The Chair: Given that NDP-5 was adopted, the Bloc Québécois amendment BQ-3 cannot be moved because there is a line conflict.

Shall clause—

An hon. member: Chair [*Inaudible—Editor*]

The Chair: Because NDP-5 was adopted, the amendment put forward by the Bloc Québécois as BQ-3 cannot be moved, because there is a line conflict.

An hon. member: You said BQ-3.

The Chair: Yes, it's BQ-3. It cannot be moved, so it cannot be put into debate. Once you adopted NDP-5, it nullified that part because of the line conflict.

Shall clause 16 carry as amended?

Do I see that clause 13 as amended carries unanimously?

Clause 13 is carried, then, as amended.

Shall clause 17—

Mrs. Tracy Gray: On a point of order, Mr. Chair, just to clarify, I believe you said clause 13, but we're on clause 16. Just for the record, I wanted to make sure you....

The Chair: Thank you for pointing that out. I was thinking 16 and I don't know why I said....

Let's go back again. Shall clause 16 carry as amended?

(Clause 16 as amended agreed to [*See Minutes of Proceedings*])

The Chair: There is unanimous consent. Clause 16 is carried as amended.

Shall clause 17 carry?

(Clause 17 agreed to)

The Chair: Thank you, committee members. That concludes our clause-by-clause consideration.

We will go to the preamble. Is there any amendment on the preamble?

Madame Bérubé, do you have an amendment on the preamble?

• (1610)

[*Translation*]

Ms. Sylvie Bérubé (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Yes. Amendment BQ-4 moves that Bill C-35, in the preamble, be amended by replacing line 10 on page 1 with the following:

care, while respecting the jurisdiction of the provinces;

The purpose of this amendment is to enshrine in the preamble the importance of respecting provincial jurisdiction over family policy and early childhood education. It's important that this be included to guide decisions made based on the bill.

[*English*]

The Chair: Thank you, Madame Bérubé.

As chair, I must ensure that the orders or rules adopted by the House of Commons are followed, and your amendment is not admissible based on the same ruling I made earlier.

[*Translation*]

Ms. Sylvie Bérubé: Mr. Chair, I challenge your ruling.

[*English*]

The Chair: My ruling is that the amendment is inadmissible. Madame Bérubé has challenged my decision. It is not debatable and it goes immediately to a vote.

Mr. Clerk, we will have a recorded vote on the decision of the chair.

Ms. Ya'ara Saks: Just to clarify, Clerk, is it that I am voting on sustaining the chair's decision?

The Chair: I'm sorry; let me clarify that. The vote is on whether the committee accepts the ruling of the chair.

(Ruling of the chair sustained: yeas 6; nays 5)

The Chair: The ruling of the chair has been upheld.

Is there an amendment on the preamble?

Go ahead, Madame Bérubé.

[Translation]

Ms. Sylvie Bérubé: Amendment BQ-5 moves that Bill C-35, in the preamble, be amended by adding after line 19 on page 1 the following:

Whereas the Government of Canada recognizes the unique and leading-edge expertise of the Government of Quebec in the development and implementation of accessible and affordable educational child care services, that government having developed an innovative child care model in 1997 as part of its comprehensive family policy designed to give Quebec families a better work–or study-life balance, access to generous maternity and parental leaves, and services that are suited to self-employed workers and those with atypical hours of work;

This amendment is important for guiding interpretations of this bill and the actions that will result from it. Our amendment clearly enshrines in the bill Quebec's historical capacity and expertise with respect to its jurisdiction and family policy. I urge all my colleagues to support it.

• (1615)

[English]

The Chair: Thank you, Madame Bérubé.

Your motion is inadmissible since it has not been made necessary by a previous amendment to the bill. The amendment seeks to make a substantive modification by adding new elements to the preamble. As *House of Commons Procedure and Practice*, third edition, states on page 774:

In the case of a bill that has been referred to a committee after second reading, a substantive amendment to the preamble is admissible only if it is rendered necessary by amendments made to the bill. In addition, an amendment to the preamble is in order when its purpose is to clarify it or to ensure the uniformity of the English and French versions.

In the opinion of the chair, the proposed amendment is substantive. Therefore, I rule the amendment inadmissible.

Do you accept my ruling?

[Translation]

Ms. Sylvie Bérubé: Mr. Chair, I challenge your ruling.

[English]

The Chair: Mr. Clerk, we'll call a recorded vote on the ruling of the chair on the inadmissibility of Madame Bérubé's amendment.

(Ruling of the chair sustained: yeas 6; nays 5)

The Chair: The ruling of the chair has been upheld. We will now move to an amendment from Madame Gazan, I believe.

No?

It's Madame Bérubé. Madame Bérubé, you have the floor.

[Translation]

Ms. Sylvie Bérubé: Thank you, Mr. Chair.

Amendment BQ-6 moves that Bill C-35, in the preamble, be amended by adding after line 3 on page 2 the following:

Whereas the Government of Canada recognizes that, because of the special and unique nature of the jurisdiction of the Government of Quebec relating to early learning and child care and because Quebec developed accessible, affordable and quality educational child care services as part of its family policy of 1997, the Government of Quebec did not agree to the multilateral framework since it intends to retain sole responsibility for this matter within its boundaries;

This amendment is important because it recognizes all the work done by the Quebec government for over 25 years now in the area of family policy and early childhood education. The Government of Quebec declined Ottawa's invitation to participate in the meetings to develop the multilateral framework and learning. The reason for that is simple: Quebec is responsible for its own jurisdiction and takes full responsibility for its family policy and educational framework. In this sense, it is not accountable.

Once again, I urge my colleagues to vote in favour of this amendment and recognize Quebec's jurisdiction in this matter.

The Chair: Thank you, Ms. Bérubé.

[English]

Your amendment, identified as Bloc Québécois 6, is inadmissible since it has not been made necessary by a previous amendment to the bill. The amendment seeks to make a substantive modification by adding new elements to the preamble. As, again, *House of Commons Procedure and Practice*, third edition, states on page 774:

In the case of a bill that has been referred to a committee after second reading, a substantive amendment to the preamble is admissible only if it is rendered necessary by amendments made to the bill. In addition, an amendment to the preamble is in order when its purpose is to clarify it or to ensure the uniformity of the English and French versions.

In the opinion of the chair, the proposed amendment is substantive. Therefore, I rule the amendment inadmissible.

[Translation]

Ms. Sylvie Bérubé: Mr. Chair, I challenge your ruling.

• (1620)

[English]

The Chair: Mr. Clerk, we'll call for a recorded vote on the decision of the chair that the amendment is not admissible.

(Ruling of the chair sustained: yeas 10; nays 1)

The Chair: We will now move to amendment NDP-6.

Madame Gazan, you have an amendment to the preamble.

Ms. Leah Gazan: Yes. It's that Bill C-35, in the preamble, be amended by adding after line 29 on page 2 the following:

Whereas the Government of Canada is committed to upholding the right of Indigenous peoples to be consulted in order to obtain their free, prior and informed consent for legislation pertaining to Indigenous children;

There are a couple of reasons this is important. One is that the committee approved the amendment contained within the bill, which makes it a necessary change.

The other thing is that I know Ms. Reddin indicated that amending the bill by adding “free, prior and informed consent” served no purpose. However, in the framework agreement that was signed, there is mention that indigenous peoples have a right to self-determination over matters impacting their kids. The very definition of self-determination is actually “free, prior and informed consent”, so the framework confirms that.

I'm merely stating what's already stated in the framework. If there was a concern about free, prior and informed consent, then perhaps they should have looked at that when they were developing the framework in consultation with indigenous peoples. In the framework, they recognize self-determination. Again, self-determination is defined as the right of indigenous peoples to free, prior and informed consent on matters impacting children.

The Chair: Thank you, Ms. Gazan.

Your amendment is admissible because of the acceptance of the amendment to the preamble that was adopted on Tuesday, April 25. Your amendment today to the preamble is consistent with the clause change that was adopted earlier by the committee. It is admissible, so we'll open the floor for debate.

Ms. Saks, you have the floor.

Ms. Ya'ara Saks: Thank you, Mr. Chair.

I'd like to acknowledge my colleague. She is a fierce advocate for indigenous families and children. I stand with her today in her statements and the many things that she advocates.

I know you come to this with a fierce love and compassion and a desire to truly push us all toward reconciliation.

I would like to clarify that Ms. Reddin's comments were about the implementation and were not meant to say that FPIC is not of any value.

I'll keep my comments brief. We are fully committed to these principles. I don't think there's a single member of this committee or in this House who is not. However, I want to remind all of us that there is a process and a table where UNDRIP is in the framework so that it can be effectively implemented in our legislation, including free, prior and informed consent. It is currently in process, and as servants of the Crown, we want to make sure that indigenous leadership does not see pre-emptive legislation or the interpretation of that.

I want to ensure that we're fully supportive of protecting all children and indigenous children. I thank my colleague for her advocacy and understand the importance of this being in the preamble. However, I would like to remind all of us of the importance of both principle and process.

Thank you, Chair.

The Chair: Thank you, Ms. Saks.

We'll now go to Ms. Ferreri and then Ms. Gazan on Ms. Gazan's amendment to the preamble.

Ms. Michelle Ferreri: Thanks, Mr. Chair.

It's hard not to get frustrated in these discussions: “Yes, no. We care about you, but we don't.” That is what we hear. I think the Liberals campaigned on “nothing about us, without us”, and yet they're saying “We think you're doing a great job, but we're not actually going to do anything about it.”

As Conservatives, I think what's also frustrating is that we supported this amendment. Obviously we believe that indigenous people should absolutely have the choice to decide what happens with their children—they should be consulted—just as we feel that every parent should have the choice to choose what is best for their children. That is what we fought tirelessly for—

• (1625)

[*Translation*]

Ms. Sylvie Bérubé: I have a point of order, Mr. Chair: There's no interpretation.

[*English*]

The Chair: We'll suspend for a moment, Madame Bérubé.

I'm told that the translation has resumed.

Ms. Ferreri, you have the floor.

Ms. Michelle Ferreri: Thank you, Mr. Chair.

This speaks volumes to where we're at and our commitment to allowing parents, regardless of—

[*Translation*]

Ms. Sylvie Bérubé: Mr. Chair, the sound quality is not good.

[*English*]

The Chair: I'm sorry, Ms. Ferreri. We'll have to suspend. There's a sound quality problem in the committee room. We'll suspend for a few moments while we get it corrected.

• (1625)

(Pause)

• (1630)

The Chair: Okay, we'll resume.

For the benefit of the translators and interpreters, there will only be one mike open in the room at a time. That will be for the person who is speaking.

The floor was Ms. Ferreri's when we suspended.

You have the floor.

Ms. Michelle Ferreri: Thank you, Mr. Chair.

I think this is very important. I was talking with my colleague. There's a motion right now, an amendment to the preamble, that was put forward by the NDP:

Whereas the Government of Canada is committed to upholding the right of Indigenous peoples to be consulted in order to obtain their free, prior and informed consent for legislation pertaining to Indigenous children;

This was put forth as an amendment, and the Conservatives supported it. We've heard from the Liberals that they're not going to support this suggestion for the preamble that has been put forward.

The Chair: Go ahead, Ms. Saks.

Ms. Ya'ara Saks: My comments were just outlining the procedure and process in relation to this. I did not give any indication of how we would be voting. I would like that corrected for the record, please.

The Chair: That's a point of order.

Go ahead, Ms. Ferreri.

Ms. Michelle Ferreri: Thank you.

Well, I hope they do support it, because.... What I want to have on record here is that we have supported this. I think it is exactly the thing we are fighting for in this bill. When we look at Bill C-35 and why we supported this amendment put forth by my NDP colleague....

I respect her greatly and I know how fierce she is for indigenous rights. Conservatives believe in the rights of parents to choose what is best for their children, and it is a similar that conversation we are having. This bill continues to have winners and losers, because there are parents on wait-lists who will never have access to this program. These small, entrepreneur-owned businesses are shutting down because they can't afford it.

There was a woman who wrote to me and—

• (1635)

Ms. Ya'ara Saks: On a point of order, Mr. Chair, entrepreneurs aren't relevant to the language of the preamble.

Ms. Michelle Ferreri: They certainly should be, Mr. Chair. If entrepreneurs don't matter to the Liberals, I think we have a big problem for women and feminism.

The Chair: Madame Ferreri, the convention is to keep your comments to the motion currently on the floor.

Ms. Michelle Ferreri: Thank you.

My point is that we have been adamant and we've been the only party saying we want parents to have the freedom to choose. We want all children included in this bill. That's why we will support this amendment. Again, we've seen the Liberals not supporting this.

I want to say this: There's a quote that came to me yesterday. It's on a public forum, the Coalition of Independent Childcare Providers of Ontario, and it says, "Why are so many home childcare providers closing? I just filed my taxes: 56% of incoming funds went directly back into my program." They are closing because they cannot afford to stay open because of the way this legislation is written.

That's all I have to say, Mr. Chair. Thank you.

The Chair: Thank you, Ms. Ferreri.

I believe, Ms. Gazan, that you had the floor.

Ms. Leah Gazan: Yes. Thank you, Mr. Chair.

Through you, I have a very great working relationship with my colleague on the FEWO committee. We all do, actually. It's a lovely committee.

I think it's important, though, when we're talking about free, prior and informed consent as it relates to indigenous people, to go back historically to when it was legislated that we didn't even have rights over our children. That was in law. That was in the Indian Act. We're moving on from there.

I have to commend colleagues around the table who have taken this position. We didn't even have rights over our children, in fact, when they shipped them off to residential school. If we opposed that, we would be arrested.

Now it's 2023. We saw a motion pass in the House of Commons today. We had families there—we're talking about impacts on families—who were so touched and shocked that this motion passed. I know that as we're talking about how, as I said before, no indigenous parent would argue against this.

I want to commend my colleagues who are supporting this, taking this brave step and knowing the sky isn't going to fall and that it's going to be a better day for all families when we recognize our rights as parents to make decisions about our kids. I just want to thank my colleague for her comments and thoughtfulness, and for the time she has spent listening and having hard conversations. I commend all my colleagues in the House who have had brave, hard conversations with me about some of these matters. It means a lot to me as a human being, but it also means a lot to indigenous people throughout the country.

I'll accept the will of the committee, but I also want to thank everybody for journeying through this discussion with me and all of us.

Thank you.

The Chair: Thank you, Ms. Gazan.

Seeing no further discussion, we have on the floor of the committee the amendment of Ms. Gazan.

Go ahead, Ms. Saks.

Ms. Ya'ara Saks: Mr. Chair, I request a vote on division.

The Chair: All right.

(Amendment agreed to on division: yeas 7; nays 4 [*See Minutes of Proceedings*])

The Chair: The amendment to the preamble was adopted on division.

Shall the preamble as amended carry? Do I see consensus on the preamble carrying as amended?

Some hon. members: Agreed.

The Chair: Shall the short title carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Some hon. members: Agreed.

The Chair: Thank you.

That concludes the clause-by-clause debate on Bill C-35. I thank all committee members for their input and discussion, as well as departmental officials for showing up to answer technical questions on the bill.

With that, Mr. Clerk and committee, the meeting is adjourned.

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