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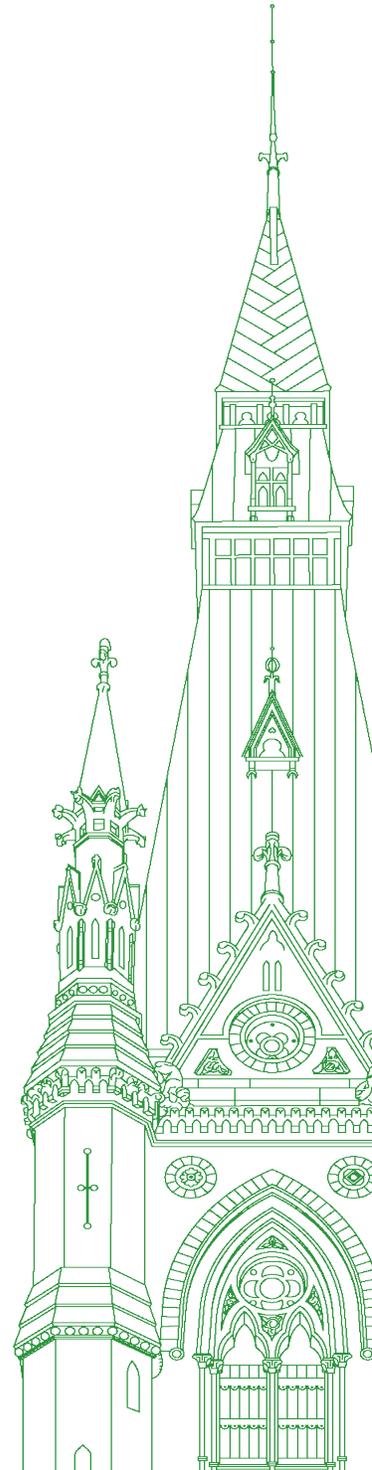
43rd PARLIAMENT, 1st SESSION

Board of Internal Economy

TRANSCRIPT

NUMBER 006

Monday, June 1, 2020



Board of Internal Economy

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• (1505)

[English]

Hon. Anthony Rota (Speaker of the House of Commons): I want to welcome everyone.

[Translation]

Welcome to the sixth meeting of the Board of Internal Economy.

[English]

I want to thank everyone for coming and for being in our virtual space today. As you know, this is all done through video conference and it is being televised, so we have people out there watching. I'm sure they're all very riveted to the screen. Welcome to everyone who's watching.

We'll start off today with the minutes from our previous meeting. Is everyone okay with the meeting? Are there any comments? Should anything be brought up?

We'll accept the minutes and continue.

Two, is there any business arising from the previous meeting? Okay.

The next step, then, number three, is the ratification of the walk-arounds. The three items were signed by all members in the past couple of weeks.

The first item is communication with constituents during the COVID-19 situation. Is everyone still okay with that? We can ratify it? Good, that one's done.

The second item is House of Commons preventative measures during the COVID-19 situation. Is everybody fine with that? Then we'll continue.

The third item is constituency office expenses related to COVID-19 prevention in the workplace. Is everybody fine with that as well?

Yes, Mr. Strahl.

Mr. Mark Strahl (Chief Opposition Whip) : I'm sorry, but just going back a bit—we kind of cruised through this—I don't believe I signed off on the “communicating with constituents” part. We moved quite quickly through this, and I'm trying to follow along on my iPhone. I have a question on this part of the agenda.

I guess printing and mailing services restarted today. The previous policy allowed us to print materials in our ridings until June 30. I just want to make sure we're still being allowed to print materials

in our ridings until June 30. I'm a little unclear as to whether or not that's allowed for all products. Is it still strictly for COVID-19-related communications? How strictly is that being interpreted?

I know that a lot of our colleagues will want to move ahead, but I just want to make sure we aren't being too restrictive on printing in the ridings scenario. I think it will help clear the backlog right now if we do allow some flexibility for printing to occur in the ridings. I just want clarification on how that clause is being interpreted.

Hon. Anthony Rota: I will pass that on to Ms. Rebekah Kletke. Maybe she can answer that question and make sure that we have it all covered.

Rebekah, it's all yours.

Ms. Rebekah Kletke (Chief Operations Officer, Parliamentary Precinct Operations): The purpose of our presentation today is to give an update on the original “communicating with constituents during the COVID-19 situation” initiative, as well as to ask for an extension of the policy changes that were put into effect surrounding that initiative. As well, we'll be talking a little about some adjustments we've made internally to the services we'll be providing to MPs.

Very quickly on your question, Mr. Strahl, on the content for the current initiative that allows MPs to print externally, we are reviewing that content and ensuring there is some COVID-19, but we are not applying a strict percentage on the content to allow it to go ahead or not with external printers.

During the implementation of the communicating with constituents program, we've been able to serve the needs of 150 MPs. Actually, this week, it's up to 200 requests that we've received. Those requests are currently at various stages of production. Those 150 requests alone have generated over 1,300 emails with external suppliers and MPs, and a lot of administrative back and forth. On average, there have been 12 days between the submission of a request and the delivery of the product to external providers for delivery to Canada Post, around the same time frames we see with our own printing and mailing services time frames.

There have been several other challenges related to the program. To your point, Mr. Strahl, we see expanding content needs and other service needs coming in, such as envelopes and stationery. The availability of Canada Post has been a challenge, as well as availability of external suppliers in some regions of the country. The challenges are outlined in detail in the submission you received last week.

Even though we've been able to find solutions to some of the challenges with the program, we have still decided to reopen the printing and mailing services to meet the needs of MPs. We will be reopening with a limited format in order to continue to expedite the production time frames and distribution of materials.

Another key aspect of limiting the formats will allow us, as the House administration, to manage our staffing levels and respect physical distancing protocols on the floor of our production facility. We keep the health and safety of our employees front of mind in this decision. Other services, such as envelope processing and personalized stationery, will also be available to members. The program approved by the board on April 17 will continue to be available to members to communicate COVID-19-related messages with external service providers until the end date originally approved by the board.

The decision we're seeking from you today is to consider extending the policy changes related to the inclusion of logos and COVID-19-related messages from local community, government or not-for-profit organizations that would be of interest to constituents and to encourage donations for registered Canadian charities on matters related to COVID-19 in printing content for the remainder of the fiscal year, whether it's printed internally or externally.

We look forward to expanding the suite of printing services to meet the evolving communication needs of MPs, and I will be happy to take your questions.

• (1510)

Hon. Anthony Rota: Do we have any questions?

[*Translation*]

Ms. DeBellefeuille, you have the floor.

Mrs. Claude DeBellefeuille (Whip of the Bloc Québécois): Thank you, Mr. Chair.

Actually, I want to make sure I understand what this is all about. You're proposing to extend until the end of the fiscal year, March 2021, the suspension of regulations and policy that were supposed to end on June 30.

You also suggest that members of Parliament could communicate information related to COVID-19 through advertisements for food banks, or solicit donations that are related to COVID-19. Having said that, will we also be able to communicate content that is not related to COVID-19 in future parliamentary mailings?

Before the House was suspended, several members had already sent business cards or stationery to the printing department. Will the work of the printing department resume where it left off or will requests related to other aspects be set aside altogether?

• (1515)

Hon. Anthony Rota: Ms. Kletke, you have the floor.

Rebekah Kletke: Briefly, I would say yes to both questions.

Mrs. Claude DeBellefeuille: In short, if members have put work on hold, work which was delayed because of the suspension, that work will resume. Do I understand you correctly?

Rebekah Kletke: Yes, that's it.

Mrs. Claude DeBellefeuille: Thank you.

Hon. Anthony Rota: Very good. Are there any other questions?

[*English*]

Mr. Mark Strahl: I apologize for jumping ahead, Mr. Rota. Clearly, I should have just waited for item number four. I appreciate Rebekah's presentation.

Again, we're extending the policy until March 2021, but we are only extending the external printing exemption until June 30. Is that what we agree to?

Ms. Rebekah Kletke: Correct.

Mr. Mark Strahl: Thank you.

Hon. Anthony Rota: Perfect. When I heard the answer, I was kind of worried that she wasn't answering you directly, but she got to it and it was part of the next presentation, so it all worked out very well.

[*Translation*]

Are there any other questions or comments? Are we all in agreement?

[*English*]

We'll continue then.

The next one will be the implementation of the proactive disclosure requirements of the Access to Information Act in the House of Commons. The presenters will be Daniel Paquette, chief financial officer; Philippe Dufresne, law clerk and parliamentary counsel; and José Fernandez, deputy chief financial officer.

We'll let Daniel start.

Mr. Daniel Paquette (Chief Financial Officer, House of Commons): Thank you, Mr. Chair.

If you want to follow along, I know you have a lot of material in the binder related to this topic, but I'll be using the shorter deck to really walk through some of the key items here, and that deck is entitled, "Implementing the Proactive Disclosure Requirements". That is for you to follow along with the presentation. Also in the materials you have are all the mock-ups that'll show you how the information will appear when we are able to publish to meet the requirements of the act. Today I'll really just focus on the items that pertain to the information that's going to be published and not necessarily on the format or the look and feel.

I won't be spending much time on slide 2 of the deck. It's just for background information. It really provides you an overview of the evolution of the last almost 20 years of what we've done around disclosure for the House of Commons. Obviously, I'm here today for that last step, in which 2020 will be the first disclosure, to comply with Bill C-58.

Slide 3 highlights some of the changes to what will be disclosed for members. With regard to travel, we will now be disclosing all travel incurred using House funds. For members, that will mean the detailed disclosure for travel that was basically covered by the MOB, not only the travel that was using the travel points system. For hospitality, there are no changes in the information that's going to be disclosed in terms of what we have been doing versus what the bill requires.

With regard to contracts, the column on the resources provided by the House will no longer be part of the quarterly report disclosure going forward. All contracts for which the member is the contracting authority will now be disclosed. In this case here, that means that all expenses incurred that would not already be disclosed under either travel, hospitality or the travel summary will be subject to detailed disclosure in this particular category. These expenses will be disclosed quarterly again, but they will not be cumulative as has been the case in the past, and they will still be published within 90 days of the quarter end.

On slide 4, changes for the presiding officers and House officers, there will be no changes to the information to be disclosed for travel or hospitality for these groups. When it comes to contracts, it is similar in that all expenses incurred that are not disclosed in the categories of travel, hospitality and salaries will also be disclosed in this category and again at the quarterly disclosure within 90 days of the period end.

One of the places we'll see the most significant changes is in relation to the House administration. I have that on slide 5. In all categories those disclosures will now start to happen. When we get to the travel and hospitality, it's all-encompassing so it will be all travel and all hospitality for all employees of the House, which will be disclosed in these detailed listings. For the contracts, we'll be looking at all contracts over \$10,000, and we will also be disclosing the call-ups on standing offers that will be over \$10,000 within that particular reporting period.

The expenses, again, are always disclosed quarterly, but what will be different for the administration is that this publication will be within 60 days of the quarter end, not 90 days. It's a little quicker after the period end.

Slide 6 gives you a bit of the changes pertaining to parliamentary diplomacy and committees. To meet the requirements for this group, changes are being made to the existing reports to meet all the requirements of the act. Parliamentary diplomacy will maintain their existing reports but add reports around delegations, around hosting and operating expenses, and around conferences. These reports will be published on the parliamentary diplomacy website also within 60 days. For committees, liaison has approved two proposals. One is a modification to the existing activity in the expenditure reports to break down the hospitality items. The new detailed travel expenditure report will also be added. Both of these will be disclosed on the committees website.

● (1520)

Also for this group, in order to meet the requirements of this act, IIA has asked for one additional resource, for the funding to cover at least 70% of the cost of that resource for the IIA.

[*Translation*]

In addition, the Access to Information Act provides two exceptions to proactive disclosure: security and parliamentary privilege. It is the Speaker of the House who has the authority to decide, and the administration will communicate to everyone in due course the process and criteria governing these exceptions. We will also conduct an analysis of all existing House contracts to determine the application of these exceptions, if any.

In conclusion, the administration has modified its tools and practices to meet the requirements of the act and we have a communication and training plan that is ready to be deployed to implement these changes.

To that end, we are here today to recommend to the Board of Internal Economy that it approve the recommendations presented in the submission. Specifically, we are asking the board to approve the proposed approach, changes to the disclosure reports, necessary amendments to the members' by-laws, changes to the Members' Allowances and Services Manual, and funding to cover the equivalent of 70% of a full-time employee.

We're ready to answer your questions. Thank you.

Hon. Anthony Rota: Are there any questions or comments?

[*English*]

We have Mr. Strahl, followed by Ms. Bergen.

Mr. Mark Strahl: First of all, Mr. Paquette, can you be clear that everything you're proposing here is required by the act? Is there any flexibility, or did the ship sail when royal assent was given to this bill?

Mr. Daniel Paquette: We have been working with the legal counsel to make sure we were just disclosing what's required by the act, which is why some of the pieces, like the resources provided by the House, are not required and are not going to be in these detailed listings, but the interpretation has been taken to the extreme. We've worked with everybody in the organization to try to make sure we were meeting the requirements and not going overboard.

Mr. Mark Strahl: Can you confirm if the requirement for designated traveller expenditures being separated from...? I found it interesting that the House administration reporting requirement is a cumulative amount—that's what I understood you to say—that it will be a global number, or would it say, "Mr. Paquette took the following trips"?

Mr. Daniel Paquette: It will say, "Mr. Paquette took this particular trip." There will be detailed disclosure for all employees. This is different from what we'll see in the rest of the public service, where it's all employees and not just senior officials.

Mr. Mark Strahl: Okay. I have been concerned, and I've raised this issue before. If we're bound by the act, then.... I don't think I probably voted in favour of it.

When we allow our disclosure to put targets on our families, I have real difficulty with that. We saw this during the last election, when members and their designated travellers were singled out, targeted and exploited for partisan gain. Quite frankly, I don't know if there's room in this presentation for us to take another look at that. Perhaps we need to have a greater discussion around it.

I am troubled by what is meant to be shining a light on what members do actually discouraging members from taking advantage of the opportunities to reunite families. We all claim, from the Prime Minister on down, that we want this to be a more attractive place for families, for young professionals to engage in the political process, and then we absolutely eviscerate them because of the disclosure rules we have. People simply won't use the travel, etc., because they know their political opponents will target them for it.

I know we're bound by the law, and we obviously need to do whatever is required. We should consider having a discussion in the future about whether there is an unintended consequence here that punishes people with families—young families, especially—and will discourage those folks from either travelling so that they can keep their families together, or will discourage those people from seeking office at all.

I will leave it there. I don't know if we can deal with it right now, but I would certainly want to have that discussion in the future.

• (1525)

Hon. Anthony Rota: I believe that Monsieur Dufresne has an answer for Mr. Strahl.

Monsieur Dufresne.

Mr. Philippe Dufresne (Law Clerk and Parliamentary Counsel, House of Commons): I would add that we have reviewed the legislation. It is a broad legislation in terms of proactive disclosure. There are exceptions, as was indicated, in the Speaker's ability to invoke parliamentary privilege or invoke security with regard to the parliamentary precinct for expenditures of House administration.

We will look at the implementation of this. We will continue to monitor it to see if there are unintended consequences. This is something that can be looked at, monitored and possibly addressed. At this stage, this is the interpretation of the requirements as they stand.

Hon. Anthony Rota: Mr. Strahl, is everything fine? Okay.

We'll go to Ms. Bergen and then to Madame DeBellefeuille.

Ms. Bergen.

Hon. Candice Bergen (House Leader of the Official Opposition): Thank you very much, Mr. Chair.

My first question is to follow up on the answer. I was under the assumption that this proactive disclosure was mandatory as per the act, and there wasn't necessarily room for interpretation. If there is, then I would suggest...because I agree very strongly with what my colleague, Mr. Strahl, brought forward.

Rather than wait to see if there are unintended consequences, I suggest we discuss those here, as well as any others, and try to address them now. If the act prescribes this to a T, then we have no choice. I guess you can elect a Conservative government and we

could always change it again. I would rather that we try to deal with it at this point and try to make it the very best, so that we are complying with the act and we are disclosing what we need to disclose, but we don't have the consequences that we have identified here that could happen.

My other question has to do with the Speaker making these decisions. Is it prescribed in the act? I'm wondering how the Speaker would make the decision. Would it be at the request of a particular MP? What's the process and does the act lay that out, or how does the Speaker decide what doesn't need to be disclosed?

Mr. Philippe Dufresne: I think there are two parts to your question.

First, what is being proposed here as a framework is the framework that, in our view, is required by the act as it stands. Now, there is the ability for the Speaker to make exceptions in specific cases, with respect to both parliamentary privilege and to security. On the specific process as to how that is implemented, if there are issues raised by members, they will be able to bring them to the attention of the Speaker.

It is provided explicitly in the act that the Speaker may make this determination, and if he does, on the basis of privilege, the information will not be disclosed. That decision will not be reviewable, whether in courts or before the Information Commissioner.

In terms of the exception for security, it deals with information disclosure for House administration and the parliamentary precinct, and it requires consultation with PPS.

Beyond that, there are more details that could be brought forward in terms of the documentation, templates and so on. However, those two specific exceptions exist and can be raised by members in individual cases, and that's something we'll be looking at.

• (1530)

Hon. Anthony Rota: Ms. Bergen, do you have any follow-up?

Hon. Candice Bergen: I want to say thank you. It's good to see the templates of what the new disclosure will look like. It would be good if we could share those with our caucuses so they're aware, as well.

My question wasn't quite answered, and it could be because this is a new process. My point is that if there's any way that we can try to address the issue around our designated traveller, where our partner or spouse could be targeted for political gain, we want to try to mitigate that.

[Translation]

Hon. Anthony Rota: We will continue with Ms. DeBellefeuille.

Mrs. Claude DeBellefeuille: Mr. Chair, I think the transparency that this law promotes does encourage greater disclosure than before. I agree with Ms. Bergen on all the templates and on how to make it user-friendly and fairly easy for citizens to consult. I think it is quite a remarkable piece of work.

If members of our caucuses are to be more transparent and enter their data properly, the source platform and financial portal must be better adapted to reduce the time spent in front of screens filling out travel statements, among other things.

Both as a senior officer and as a member of Parliament, I'm experimenting with the portal. I do it on-screen as a member of Parliament, then I do it by hand as a senior officer. I was wondering if, when the act comes into force, the source platform and the financial portal will be adjusted and changed with respect to travel reports.

Hon. Anthony Rota: Mr. Paquette, you have the floor.

Mr. Daniel Paquette: Thank you.

The member's portal platform will be adjusted to ensure that all information required for disclosure is obtained. With respect to the paper process for senior officers, we do not anticipate any immediate changes, but we are currently reviewing this.

In light of recent developments, we need to update our processes to better collect information and submit it electronically. I am already meeting with the business process teams to carry out a project, in the not too distant future, to update our practices to reduce the administrative burden on members. We are working on it and it is certainly on our radar.

Mrs. Claude DeBellefeuille: Also, you talk about training for MPs in your work plan. How do you plan to organize the members' training? Will you be delivering it to caucuses? How do you plan to deliver this important training to the different caucuses?

Mr. Daniel Paquette: The communication plan is ready. We will use all available platforms. We can meet caucuses in groups or online. Documents with instructions will be sent out. We have even prepared videos. All possible options have been considered to accommodate the needs and preferences of members.

Mrs. Claude DeBellefeuille: All right, thank you.

Hon. Anthony Rota: We'll continue with Mr. Julian.

Mr. Julian, you have the floor.

Mr. Peter Julian: Thank you very much, Mr. Chair.

I agree with my colleagues Mr. Strahl, Ms. Bergen and Ms. DeBellefeuille. When I look at all the forms that will be available online, I see the level of detail for partners and children. It talks about the exact location where the trips were made. Members can go to the Speaker and ask that this information not be made available to the general public. I understand the reasons one might have for doing that, but it seems to me that it also creates a certain imbalance. As Mr. Strahl said, we do not have time to go into this in depth today, but it seems to me that we need to take a closer look at the rules on how the Speaker could withhold information on the basis of privilege.

I understand there's some concern. I also understand the law we passed. It seems to me that we need a clearer framework to define how a member of Parliament could get out of this obligation. Members of Parliament may have very good reasons for doing so. As we know, some of their constituents may be engaged in some really unhealthy activities. Having access to all of this information about MPs' travel can be a cause for concern. I understand that.

At the next meeting of the Board of Internal Economy, could we determine in what situations this information could be withheld on the basis of privilege?

• (1535)

Mr. Philippe Dufresne: The exception to privilege exists in law, and the Speaker will have to apply the interpretation of privilege as interpreted by the courts, that is, the rights of members, the immunity of the House, or a disclosure that would impede the proper functioning of the House.

With the exception of the security exception, it is limited to the security of persons and buildings within the parliamentary precinct. There is a framework that exists in the law. I indicated earlier that the template and the technical implementation of this will be clarified, but the content of the obligation and the content of the exception exist in the law, as well as the disclosure obligations, including expenses for travel of dependants and spouses.

What we are presenting here is really the template for the implementation of compliance with these obligations that are in the law, but there will be a case-by-case application by the Speaker if it can be established that the disclosure of a given piece of information from the House Administration will infringe either on privileges or on security in the precinct.

Hon. Anthony Rota: Are there any other questions?

[English]

We'll have Mr. Strahl, followed by Ms. Bergen.

Mr. Mark Strahl: I just want to be very clear. When I was first elected, all of the travel that occurred for my office, which was for me, any of my family and any of my staff, came under my name. It was all disclosed and it was a global figure. Now, obviously it's per trip. That decision, as I recall, was not a legislative one. It was a board decision made in 2012 or so.

Am I right that it was an internal Board of Internal Economy decision to parse out dependant and designated traveller expenses so that they were separate line items on our public disclosure statements?

I think it's very critical that we understand this. We might be going back in time here, but I think we need to look at it. Is it required that my designated traveller information is revealed by this act, or does that reference back to a Board of Internal Economy decision made a number of years ago?

Second, I don't know if anyone has done this work, but it seems to me—and I say this for the public more than anything—that the requirements now for an opposition member of Parliament are much more detailed and much more stringent than they are for members of cabinet. The requirement for disclosure for travel and other expenditures is much lower for cabinet members than for members who are not even public office holders, in terms of that part of the act.

I would like a response to the previous question especially.

• (1540)

Mr. Philippe Dufresne: Mr. Strahl, with respect to the proactive disclosure for travel expenses for members, the act, in section 71.05, indicates explicitly that it must include “the total cost for each of the following classes of expenses, including the costs for any other person such as a spouse or dependant who participated in the travel”. There is an explicit reference in the legislation, which is distinct from the situation prior to the legislation.

Hon. Anthony Rota: Mr. Strahl, did you have a follow-up to that? No.

We'll go to Ms. Bergen.

Hon. Candice Bergen: Just to follow up on that, I think the report that we will now be required to put is the name, which I know is public, of the designated traveller or staff member. It looks like there are some additional requirements we have put in that have not been necessarily explicitly asked for by legislation.

My question goes back, though, to the Speaker's decision. In your answer to Mr. Julian, Mr. Dufresne, I'm still not clear on a number of things. Would a member go to the Speaker ahead of time and say, “I took this trip with my spouse, and I feel that if it's disclosed my privilege would be breached or there would a security risk, and can you decide?” The Speaker would make the decision, and the Speaker might agree with that individual MP, so their expenses would not be disclosed and nobody would know about it.

What's the process according to the legislation? Would we know if Ms. Bergen's expenses had not been disclosed because the Speaker had deemed it a security breach on this particular trip, or is nothing said about it? I think we need just a bit more clarity, and if we don't have that, again, that might be something we need to discuss.

How does the Speaker decide? I'm just wondering. When the Speaker makes a decision in the chamber, he or she rises and gives their decision—there might be a point of privilege—and it's all very public. I know that you can't be public if you're trying to protect someone's safety and security or privilege. I just feel that we don't have enough answers, and you may not know those exactly either, which is fair, but I think there are some questions around how the Speaker makes those decisions.

Mr. Philippe Dufresne: What I can say, Ms. Bergen, is that the legislation creates the exception, so it creates the regime for proactive disclosure and then it indicates that the regime does not apply to information that has been determined by the Speaker to constitute a breach of privilege if it's disclosed or to constitute a threat to security of persons or infrastructure in the precinct for disclosure of information for the House administration. It then indicates that a determination on this by the Speaker cannot be challenged, that it is a final decision for the purpose of this part, subject to the rules of the Houses.

In terms of how and to what extent the Speaker's decisions would be made public and the level of detail that would go into them, I understand that detail has not yet been fully determined, but as you indicate, obviously if you disclose publicly information that you're determining you can't disclose publicly, that wouldn't make sense. In terms of how to determine and disclose that the Speaker has made such a determination, that is subject to being corrected by the chief financial officer. The details have not been determined

there, but certainly the exception exists and this is something that could be raised by members by bringing information to the attention of the Speaker.

• (1545)

Hon. Anthony Rota: Are there any other questions or is there any follow-up?

Hon. Candice Bergen: I may be the only one. I don't know what my other colleagues feel. I appreciate that the act is fairly general, then, but I think that's something we need to be talking about and setting some parameters around. We're setting the stage for what could be many years with many different Speakers and different parties in power. I think that even puts a lot of pressure and responsibility on the Speaker. Even today, we discuss requests from MPs for exemptions, and that's all done in public when those decisions are made.

I don't know how the others feel, but I do feel on that part that there are a number of things that will be new for our members of Parliament, and to be informed that you will be disclosing your information and your colleague may not actually have to because the Speaker could decide and nobody will know, I think that's problematic. If the act doesn't provide for clarity on that, I think we need to have some clarity on that before we move ahead on this.

Hon. Anthony Rota: Mr. Strahl.

Mr. Mark Strahl: On that, Mr. Dufresne, is there anything preventing the chair from exempting members of Parliament entirely? If the chair says he believes it's a breach of all members' privileges to have individual trip information disclosed because of, for instance, what Mr. Julian raised, it puts the security of all members in peril, or he believes there's a greater than zero chance that it doesn't, and then the chair says he's exempting everyone from that requirement—and I'm sorry to get into it here, but that's what our job is—are you saying this is not challengeable? Would that not pass a reasonable person test?

I'm trying to figure out if a chair could essentially run for office at the beginning of a Parliament and say, “As the chair, I will exempt all of you from providing this information because I believe it is a violation of your privileges to do so.” It raises questions that I don't feel we have answers to yet.

[Translation]

Hon. Anthony Rota: Mr. Dufresne, you have the floor.

Afterwards we will hear from Ms. DeBellefeuille.

[English]

Mr. Philippe Dufresne: As I indicated, the act gives the final word on this to the chair. It's not reviewable in any other place. This is similar to when the Speaker makes a ruling in the House on a prima facie question of privilege. The fact that it's an unreviewable decision doesn't take away from the responsibility to apply the rule at issue, and the rule at issue is the chair must determine if the publication of any given information would constitute a breach of privilege. It is constrained by that definition of parliamentary privilege and it is constrained by the notion of threats to security and the requirement to consult with the PPS. It is the chair's responsibility to apply this, but there is a criterion. It's not a complete discretion to make that determination.

[Translation]

Hon. Anthony Rota: Ms. DeBellefeuille has the floor.

We will then hear from Mr. Julian.

Mrs. Claude DeBellefeuille: I'm listening to my colleagues and I'm not sure I understand their concerns.

I believe that members of Parliament should lead by example. If I am a young mother—or a young father—and a member of Parliament, I must make an effort to reconcile my parliamentary duties with my family life. If the House makes available to us a number of points that are well known and known to all, I believe that we must be able, as politicians, to explain the situation to the public and set an example.

I don't necessarily share Mr. Strahl's or Ms. Bergen's fears. There will always be people who find that MPs are expensive and overspend. When we talk about family travel—i.e., husbands, wives and children—it illustrates very well that we are in a different era, where female and male MPs have family lives. They are parents or even grandparents, and they need to live that balance that everyone wants. I think that we need to own that fact and defend it, not try to evade the law and put a defence under the rug for fear of being misunderstood.

I'm all for discussing it, but the law comes into force on June 21. If all members of the House make reasonable travel arrangements to balance work and family and rigorously perform their parliamentary duties, I find it fairly easy to defend the fact that one can perform one's duties while being a spouse or a parent.

I do not understand the debate we are having to ask the Speaker to exempt us from releasing this information. In my opinion, we must take the lead and set an example and say that, yes, it is possible to do a public, political job, to have children and a spouse and to reconcile everything. The act provides for travel points in that sense to allow us to be balanced political leaders.

That is my opinion on this issue.

• (1550)

Hon. Anthony Rota: I didn't hear a question. I think it was more of a comment.

Mrs. Claude DeBellefeuille: Yes.

[English]

Hon. Anthony Rota: Now we'll go to Mr. Julian, and then Ms. Bergen.

[Translation]

Mr. Peter Julian: Thank you, Mr. Chair.

I don't think there's any contradiction. I agree with Ms. DeBellefeuille in principle, as I think everyone does. It's more a question of how this regulation can be applied. We will have to look into all these issues and, above all, provide recommendations to the Speaker on the kind of situation in which he could exercise this right. It could be in cases where threats have been made to a spouse or where children are targeted in some way, for example.

There are certainly exceptions to this principle. I do not think anybody is against it, but it is a power given to the Speaker, who is elected by members, and it will exist in the next Parliament; it is the duty of the Board of Internal Economy to determine under what circumstances it can apply. We are here precisely to provide a framework for these regulations. In my opinion, it is not clear in what kind of situation a member of Parliament could ask that this be applied, but I know exactly the kind of situation where this information should absolutely not be disclosed. My opinion will probably be different from that of the other members of the Board of Internal Economy.

So, I think it would be worthwhile to come back to this in the next session to discuss how best to frame these exceptions.

Again, I agree in principle. Personally, my son is an adult, so I have no concerns about that. I do not feel personally concerned, but I understand that other members may feel concerned or vulnerable with respect to this information. It would be good for us to have a discussion about the principles and how to apply the exceptions to privilege. That way we would all be on the same page.

I remind the House that when the Speaker of the House makes a ruling, it is part of the jurisprudence. Each Speaker refers to the decisions of his or her predecessors. For that reason, I think it would be a good idea to follow up on the discussions we have had today.

• (1555)

[English]

Hon. Anthony Rota: Now we'll go to Ms. Bergen, followed by Mr. Rodriguez.

Hon. Candice Bergen: Thanks, Mr. Chair.

I would reiterate a lot of what Mr. Julian said.

I do want to clarify for Ms. DeBellefeuille that I don't think any of us have issues with disclosing. I will say this though, just to give her a little context. You're fortunate, Claude, that you live fairly close to Ottawa, so you're not flying quite as much as some people who are in other parts of the country.

Also, and this is something else to take into context, all of the other parties really want to be doing work for their constituents and for all Canadians, so we do travel to other parts of the country. We meet to try to get a sense of what's happening in Atlantic Canada, to understand farming issues in Quebec, or to understand gun issues in Toronto or on the west coast. I know many of us, outside the Bloc, travel right across the country, because we do want to serve all Canadians. I also think that with travel there's probably more risk involved in terms of security issues or a privilege breach.

However, my biggest concern, and the question that has not been answered, as a number of us have now said, is just how the Speaker would be making those exemptions. How would that be publicized, and how would we go forward with that?

[Translation]

Hon. Anthony Rota: I now yield the floor to Mr. Rodriguez.

Hon. Pablo Rodriguez: Thank you, Mr. Chair.

I wasn't planning to speak, but I think the debate is dragging on a bit and we're going around in circles. I thought it was all pretty clear. It brings openness, transparency and a certain balance, which I think is necessary, between the disclosure of this important information to Canadians and the discretion that the Speaker can exercise. I think that is why we should move forward. I did not think we would spend that much time on this, honestly.

Hon. Anthony Rota: I think we've reached a point where we're going around in circles, as Mr. Rodriguez just said. However, I see that there is no consensus and that some people are not comfortable with this project.

I would suggest that we do more analysis and come back to this at the next meeting of the Board of Internal Economy. In the meantime, if you are agreed, we'll ask the clerk to provide us with more information. At our next meeting we'll discuss it further and perhaps everyone will be more comfortable and agree, or at least have a better understanding of the issue.

Let us therefore put this issue aside and continue with item 6, that is, the temporary extension of transition support for former members of Parliament due to the COVID-19 pandemic.

The first speaker will be Mr. Pierre Parent, Chief Human Resources Officer. He will be followed by Mr. Daniel Paquette, Chief Financial Officer.

Mr. Parent, you have the floor.

[English]

Mr. Pierre Parent (Chief Human Resources Officer, House of Commons): Thank you, Mr. Chair.

The objective of this submission is to seek the Board of Internal Economy's approval of temporary exceptions to some of its bylaws and policies regarding transition support services for members who are not seeking re-election or were not re-elected in the 43rd general election. I will refer to these two groups as "former members". This is naturally due to the COVID-19 situation.

The existing transition support provisions have been put in place to help former members transition out of their roles as members. Former members who wish to pursue new career opportunities and

entrepreneurial paths or to transition into retirement have access to a transition support budget in the amount of \$15,000, which can be used for counselling, education, training, other eligible career transition expenses, as well as accommodations, meals and incidentals for four round trips in Canada.

• (1600)

[Translation]

The situation caused by the COVID-19 pandemic resulted in the temporary closure of educational institutions and the partial suspension of air travel by several carriers. As a result, former members of Parliament have contacted the House Administration to request an extension of the transition period so that they may receive their career transition services or begin or complete an education or training program. Some of them have received notices of cancellations of study programs that would have been started in the spring or summer, while others have already begun to take advantage of transition support services but will not be able to complete their program within the established timelines.

In light of these impacts, it is recommended that, as part of the response to this unusual and exceptional situation caused by the COVID-19 pandemic, both the transition period set out in Standing Order 113 of the Members' By-Laws, during which Members of Parliament may avail themselves of transition support services, and the time limits set out in Standing Order 113.1(3) and Standing Order 114 of the Members' By-Laws, within which Members of Parliament may be reimbursed, be extended.

Details of the proposed extensions can be found in the table on page 3 of the submission.

[English]

We are happy to answer any questions board members may have.

[Translation]

Hon. Anthony Rota: Are there any questions or comments?

[English]

I'm not seeing any. I believe we can proceed with this. Everybody is nodding.

We will move on to item number seven.

[Translation]

There's been a request for an exemption, so I'm going to ask Mr. Paquette, Chief Financial Officer, to explain it to us.

Mr. Paquette, you have the floor.

[English]

Mr. Daniel Paquette: Thank you, Mr. Chair.

I am here today to present a request for exception pertaining to a member's expense claim for external printing. The submission provides a summary of the timelines and the facts of the situation.

The expense claim is for external printing in excess of the 5,000 copy limit allowed in the current member's policy. The member incurred these expenses during the period after the internal printing facilities were closed and before the board approved its alternative measures during the COVID pandemic.

The member's policy requires that all printing in excess of 5,000 similar copies must be done through our internal printing facilities to ensure conformity to the policy and, very importantly, access to the preferred mail rates. The current policy also makes the member personally responsible for any amount in excess of the allowed limits.

[Translation]

Given the current situation, the member is asking the Board of Internal Economy to consider a departure from existing practices. The administration proposed two options in the submission. The first option would be to maintain current practices and have the member be personally liable for the excess amount. The second option would be to allow an exceptional waiver and that the excess amount be charged to the budget of the member's office.

We are seeking direction from the Board of Internal Economy on this matter.

[English]

Hon. Anthony Rota: Mr. Holland, do you have a question?

Hon. Mark Holland (Chief Government Whip): Thank you very much, Mr. Chair.

It's not a question; it's a comment.

We make a lot of requests for people who make mistakes, and it's very uncommon that I would suggest a member bring this forward.

I appreciate that normally these matters wouldn't come forward, but after I spoke with Mr. Blois, I realized it was an honest mistake that was happening around wanting to get out information on COVID-19. We did change the policy a couple of weeks later, and in this case, the member is proposing that he charge his member's—

• (1605)

Hon. Anthony Rota: I believe we have a problem with the bandwidth on Mr. Holland's line. It's breaking up. I know I'm struggling, so I could imagine what an interpreter would have to go through. I'm not sure now we solve that.

Mr. Holland, maybe you could try again, and we'll see if we can hear it.

Hon. Mark Holland: I'll try to be very brief and to the point. I don't know if anybody can hear me. I'm not sure what's happened. It seem to have had a major technological malfunction here.

Mr. Mark Strahl: The government should come up with a program to get high-speed Internet to Toronto.

Hon. Mark Holland: Ajax could use better Internet.

I will try. I don't know what to say. Can folks hear me right now?

Hon. Anthony Rota: We can hear you. There is some kind of breakup in there. I can make out what you're saying, but I can understand that an interpreter would have a hard time taking it and translating.

I'll ask you to continue and maybe you can repeat it in French, if you like.

Hon. Mark Holland: I was just going to say that the member acknowledges that he made a mistake. I just feel that it was an honest mistake. It was an effort to communicate around COVID-19, and I know there was a lot of anxiousness that a lot of members had. The policy for external printing was changed a few weeks later.

The member is not proposing to charge the House of Commons central budget, but is suggesting that he charge his own MOB. Given that it would go against his own MOB, and given the fact that I think the error was made innocently, and having had conversations with him, I would seek approval from the board to provide support on that basis.

Hon. Anthony Rota: Okay, that time everything went smoothly. I don't know what you did, but it almost seems like a light came from your computer. You lit it and we heard you. I'm not sure if it was divine intervention.

We'll hear from Madam DeBellefeuille, and then Mr. Strahl.

[Translation]

Mrs. Claude DeBellefeuille: Thank you, Mr. Chair.

My question is for Mr. Paquette.

Are many of the members who inadvertently made this mistake paying for the expense without having requested an exception from the Board of Internal Economy?

Hon. Anthony Rota: Mr. Paquette, you have the floor.

Mr. Daniel Paquette: I am currently aware of only one case, but it is not at all on the same scale. We are only talking about a few hundred dollars. It is not on the same scale as the situation we are talking about.

[English]

Hon. Anthony Rota: Now we'll go to Mr. Strahl.

Mr. Mark Strahl: Quickly, I know what we're going to do here is to charge the member's office budget. It didn't take a lot of work to figure out that a lot of the staff members had come over from Mr. Brison, so I'm a little unsure. I've been involved in politics at the staff and MP levels for a number of years, and you've never been able to do what he did, certainly not without the approval of PAMS.

He was a month ahead of where the policy was, but there was apparently enough COVID stuff in there to allow it. Was the printing expense within the acceptable range? I know that issue was raised in our previous document. The cost for some external suppliers was way too high and PAMS had to go back and either say no or negotiate. Was the range acceptable?

I certainly have never heard of members going out on their own and mailing things under anything other than the negotiated frank rate or the rate for unaddressed ad mail. What was the additional cost because the member went outside of the contract for unaddressed ad mail that the House of Commons has with Canada Post?

• (1610)

Hon. Anthony Rota: We'll go back to Mr. Paquette.

Mr. Daniel Paquette: The member did meet the requirement. There was COVID-19 content in the document. The printing itself was within reasonable parameters, and the cost for printing, although a little higher than we'd seen, was not excessive.

The big part of the cost was the post, because, from my understanding, it was the printer who went to Canada Post and got the normal bulk rate, no corporate discounts whatsoever. Canada Post was not aware that this mailing was for a member of Parliament, so it didn't invoke any of the advantages we have for that. That's where the large majority of his excess cost came from. It's the postage, because it was a third party that mailed it for him.

Mr. Mark Strahl: That's my question. Are we allowed to use our MOB for bulk mailing? We're trying to retroactively cover him a bit here because of what he did. He made a mistake, but does the mistake ever extend to...? What is the cap on postage? Is that the 5,000? Is that where that comes in? I'm trying to understand this.

We want to give some grace when mistakes are made, even though we might have questions about them, but the mailing part is concerning to me because we have never had a policy allowing us to contract for bulk mail, not that I'm aware of. That is what I'd like to know. What was the difference in cost between what he did and what would have been done had he waited a month and been approved?

[Translation]

Hon. Anthony Rota: Mr. Paquette, you have the floor.

[English]

Mr. Daniel Paquette: I don't have the exact difference between what it would have cost had we processed it ourselves and what it cost him doing it on his own.

The 5,000 limit is just on the printed materials. There has to be more than 50% difference in the material if you are going to print more than 5,000. At this point, we really don't have that many specifics in our guidelines on the limitations of using any kind of mail couriers for packages or things of that nature. We don't have that in our parameters. It's really just about the printed copies.

I don't have the specifics of what would have been the cost for us, at this point. We can probably get it for you after the meeting.

Mr. Mark Strahl: I would just say, if we take members at their word that it was an honest mistake, and obviously the buck stops with those of us who sign off on these things, so, if it's charged to

his MOB.... We don't want to put a member out \$13,000 or whatever it would be, but I would simply say I hope that when other members come with the same honest mistake type of defence, that we extend similar grace in those situations and not simply act based on what colour hat we wear around the table.

Hon. Anthony Rota: Are there any other comments or questions?

Do I understand that we have consensus here?

Everybody's in agreement, so we will proceed in the way it's proposed. Very good.

If I can, I'm going to go back to item number five, the brief comment from the clerk. The proactive disclosure requirements will be coming into effect on June 21, whether we like it or not, so I don't have much of a choice there, but I do have a commitment from the clerk that they will come back and explain what the exemptions are and whether the person travelling, the family member, is actually named or what information is disclosed, and they'll have a lot more detail on that for us.

If it's okay with you, we'll let that one pass and have the information come back to us.

Do I have agreement on that?

Ms. Bergen.

Hon. Candice Bergen: I don't think that's ideal.

I'm not sure if we're being told by the law clerk. If we have an option, I would say no, that your initial decision was the right decision. If the law clerk is saying we don't have an option, then we don't have an option.

That would be my position. I support your initial decision, unless we don't have an option, and then we're basically just being asked if we approve of the templates, which we do, but I don't think that you did get a consensus on this moving forward.

• (1615)

Hon. Anthony Rota: I'll defer to Mr. Dufresne on that.

Mr. Philippe Dufresne: The proposal was to put in force the implementation of the legal obligations, i.e., the templates for the disclosure, and that we as the administration would come back with the process and the details for the use of the Speaker's powers to exempt certain elements of information. That would come at an upcoming board meeting, but the approval would be sought to put in place measures for proactive disclosure as indicated today and required by the legislation.

Hon. Anthony Rota: Ms. Bergen, do you have a follow-up question before we go on? No?

Mr. Holland.

Hon. Mark Holland: I want to be clear on that point. As I understand it, there is no flexibility in terms of what the board can do here. I am sympathetic to the fact that folks have concerns, but I am hearing that there is no flexibility in terms of what we can adopt.

Some of the matters that were being discussed are not even necessarily being changed, for example, the disclosure on designated travellers. It is my understanding that this matter before us is not amending that. I understand that members would have other concerns with it.

The only question is really about the discretion of the Speaker. Maybe I could ask the question more directly and it might clear it up a bit so that folks aren't left with the impression that this discretion is broad. While technically the Speaker could rule that there was an infringement of privilege or security, that ruling would still need to respect that any Speaker who was occupying the chair would be burdened with a need to respect the spirit of the act.

As I understand the spirit of the act, it is disclosure, and if there is a security concern, it's a bit hard for me to understand that security concern when the disclosure is not in real time. I could understand that there would be a security concern if it were in real time.

I think I'm hearing from folks that if there is an act, it doesn't make sense for them to belabour it and they have to accept it, and I think that's where we are. There are some specific questions as to the power the Speaker holds, and I think those powers would probably be defined as rather exceptional in nature and would still need to adhere to the spirit of the act.

There are some technical questions regarding the incredibly rare circumstances in which there would be an unforeseen security concern or infringement of privilege, in which the Speaker would have a ruling, but those would be very limited circumstances, I would think, would they not?

Hon. Anthony Rota: Monsieur Dufresne, did you want to comment on that before we go to Mr. Strahl?

Mr. Philippe Dufresne: It is constrained. It has to be a breach of privilege. That is not an unlimited category, and it has to be a threat to security of persons in the precinct, following a consultation with PPS. There are certainly parameters, and I would agree that the spirit of the act is for disclosure. Again, the act does provide for those specific exceptions, and that's what we would be coming back to the board with in terms of the specific parameters of those exceptions, but the proactive disclosure regime would be put in place.

Hon. Anthony Rota: Mr. Holland, you're fine?

We'll go to Mr. Strahl.

Mr. Mark Strahl: Obviously, if things need to be done to meet legal obligations, we're not going to stand in the way while awaiting more information on that interpretation, which I do not think is extremely narrowly defined. I think it's fairly broad. As we've seen, privilege in the House can relate to everything from being on a bus caught behind the Prime Minister's motorcade to someone being denied the ability to speak during S.O. 31 statements. Privilege is broadly defined, so I don't think we can say it's going to be narrow here.

My point is we've entirely glossed over a request for new funds or an FTE or 70% of an FTE. I don't want to gloss over that. To me, we have no.... I'm a little concerned right now. I believe that's for.... Is the JIC getting the extra money? No one is travelling right now and won't be for the foreseeable future. Is this FTE necessary because of new expertise that is required? It would seem to me that the workload of the unit would likely have been reduced. Do we have the ability to shift that, or is it entirely...?

• (1620)

Hon. Anthony Rota: Mr. Janse was frozen for a few seconds, but he'll answer the question. Go ahead.

Mr. Eric Janse (Clerk Assistant, Committees and Legislative Services Directorate, House of Commons): The extra FTEs are required by the International and Interparliamentary Affairs Directorate. As you know, Mr. Strahl, they are a joint directorate, House and Senate, so they deal with the two different financial and HR systems. The volume right now keeps the staff they have on hand for such work already fully occupied. Now with the requirements of Bill C-58, they simply could not produce everything that needs to be produced in light of the new legislation, so therein lies the genesis of the request for the FTE, which would be split 70% for the House, 30% for the Senate.

Hon. Anthony Rota: That's very good.

Are there any further questions or comments?

We'll proceed, and we will have a further report at our next Board of Internal Economy meeting on the items that were of concern.

In the meantime, I would recommend that if any other topics come up on this issue, please let us know through my office or the clerk's office, and maybe we can have a more fulsome report or come back and answer any questions that may occur.

[Translation]

Ms. DeBellefeuille, do you have a question or comment?

Mrs. Claude DeBellefeuille: I see the meeting's winding down, Mr. Chair. It's 4:20 p.m., and we had planned to go until 5:00 o'clock.

After your conclusion, would you allow me to ask Mr. Patrice a short question regarding the interpretation of parliamentary sub-committees?

Hon. Anthony Rota: Absolutely, there is no problem.

Are there any other questions? No.

We will continue.

Mr. Patrice, can you answer the question, or do you require further details?

Mr. Michel Patrice (Deputy Clerk, Administration, House of Commons): Your question was about interpretation, Ms. DeBellefeuille, correct?

Mrs. Claude DeBellefeuille: In fact, according to the last motion adopted last week, parliamentary committees have recovered their usual powers, that is, they can discuss matters other than COVID-19 and other motions, and the subcommittees are back. During the adjustment and transition period, parliamentary committees were instead setting up informal committees, which were the equivalent of subcommittees. Simultaneous translation was also discussed. Even the Bloc Québécois members agreed not to have access to any interpretation.

In light of last week's motion, you will understand that, if committees regain their usual powers, all members must also be able to regain all their privileges in subcommittees, that is, to be able to communicate and be heard in their own language and to hear the language of other members.

Is the House prepared to extend that welcome to all members of Parliament?

Mr. Michel Patrice: Ms. DeBellefeuille, I'm going to ask Mr. Eric Janse to answer, since he's the ideal person, being the director for committees.

Mr. Eric Janse: Thank you for your question, Mrs. DeBellefeuille.

Indeed, according to the motion that was passed by the House last week, committees, which are now allowed to sit, have more powers than they had before, including the right to sit in camera. It used to be a little more complicated with Skype and two devices. Now our colleagues in the IT department have found a solution using Zoom. It's much easier.

To answer your question, yes, subcommittees and steering committees can now meet with access to interpretation. However, this takes the same resources as a public committee meeting; in terms of scheduling, the committee whips have agreed to take this into consideration.

• (1625)

Hon. Anthony Rota: Ms. DeBellefeuille, do you have any questions?

Mrs. Claude DeBellefeuille: I think we've scheduled a meeting of whips this week to come to an agreement on these various orga-

nizational matters, because for us it is preferable, and even required, to hold subcommittees with access to interpretation.

There may be some provisions that need to be discussed with the whips so that the committees can be held with access to interpretation this week. So there may be some changes. That's what I understand.

Hon. Anthony Rota: Perfect. Mr. Rodriguez, do you have a question or comment?

Hon. Pablo Rodriguez: Mr. Chair, I'd have a comment.

I have always assumed that the subcommittees could function in a normal way and that they would have access to translation. That is, of course, the least we could do.

Mrs. Claude DeBellefeuille: Excuse me, Mr. Rodriguez, you meant to say "interpretation," didn't you?

Hon. Pablo Rodriguez: Yes, access to interpretation.

Hon. Anthony Rota: Are there any other comments or questions about this?

Mrs. Claude DeBellefeuille: If I may be allowed to draw a brief conclusion, Mr. Chair, I trust the Liberal whip, Mr. Mark Holland, and Mr. Mark Strahl to inform the committee chairs that committee proceedings must now be interpreted.

Hon. Anthony Rota: Do you have a comment, Mr. Julian?

Mr. Peter Julian: Mr. Chair, I completely agree with Ms. DeBellefeuille. It is important that we have simultaneous interpretation in the executive committee meetings. I myself have noticed that, during meetings of the Standing Committee on Finance, this has not been the case for several weeks. I am therefore pleased that Ms. DeBellefeuille has raised this issue. It was important. It's easy to resolve, and it's fundamental to the functioning of Parliament.

Hon. Anthony Rota: Are there any other comments?

Since there are no further comments, we are adjourned.

We will see each other again at the next meeting.

Thank you.

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