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Standing Committee on Citizenship and Immigration

Wednesday, February 13, 2008

• (1530)

[English]

The Chair (Mr. Norman Doyle (St. John's East, CPC)): We do have a quorum in the room, so I would ask people to please come to the table.

I want to welcome the departmental officials back to the table once again. I don't believe I'll bother to introduce them again, as they were here on Monday. So welcome, and thank you for coming back again.

We are going to be considering Bill C-37, An Act to amend the Citizenship Act. The departmental officials are here, of course, to help us in that regard.

I want to welcome legislative clerk Mr. Marc Toupin here today as well. Welcome to the table.

Did I hear a point of order?

Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.): It's just a general point.

Have we invited all the witnesses? Some witnesses were exempt from the invitation. Could you clarify how we picked the witnesses who will testify in front of us, and why some witnesses were omitted?

The Chair: Were some of the witnesses omitted?

Hon. Jim Karygiannis: They were not invited.

The Chair: We had a group of witnesses submitted to us, and I think we just went down the list and invited them.

Hon. Jim Karygiannis: Do you want to go through that list, Mr. Chair?

The Chair: Do you have the list? No, It's not here.

Hon. Jim Karygiannis: Was a member of my family on the list I submitted?

The Chair: Yes, they were.

Hon. Jim Karygiannis: Why was she omitted?

The Chair: We just went down the list. It was my understanding that we went down the list as they came, and I think that on Monday I indicated to the committee that we did have one person left on the list. I think if you check the blues, you'll see that I indicated to the committee we had one person left, who was your daughter.

Hon. Jim Karygiannis: She was not invited to begin with.

The Chair: Well, I don't know if she was or not.

Hon. Jim Karygiannis: Could you ask the clerk if she was invited?

The Clerk of the Committee (Mr. Andrew Chaplin): I did not contact her.

Hon. Jim Karygiannis: Is there a particular reason she wasn't invited or contacted, Mr. Chair?

The Chair: I have no idea.

An hon. member: I'll speak to that.

The Chair: No, I have Mr. Telegdi first.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): I'm going to let you handle this one. It would have been nice to have the Canadian Council for Refugees. They made a submission and would have come here today.

I'm a little concerned, and I think we'd better have the steering committee look at this in the future and then have the committee approve it, because this has not been an overly satisfactory process. But then we did make the motion that we were not going to hear any more witnesses as of the last meeting.

But it really isn't proper, and I want to make sure this does not repeat itself in the future.

Then I would like to speak-

The Chair: Is it the Canadian Council for Refugees you're talking about?

Hon. Andrew Telegdi: That's right. They were given virtually no notice and were unable to come on Monday. They could have come today. It would have been worthwhile hearing from them. But the reality is.... Well, I'll speak to this afterwards.

The Chair: Okay.

Hon. Jim Karygiannis: Mr. Chair, on the issue I asked you about before, I don't think Mr. Batters has anything to do with it.

The Chair: Are you on that point as well?

Hon. Jim Karygiannis: Mr. Chair, my question to you is that the witness's name was submitted in due time, properly submitted, and was omitted. Either the witness was omitted on purpose by you and the clerk or it was an oversight.

I don't think Mr. Batters-

The Chair: Let me address that point.

I had absolutely no idea we were nearing the end of our list so quickly. When we had our meeting on Monday, it was my understanding that we would be continuing with this bill and would invite additional witnesses. In the meantime, Mr. Komarnicki's motion on Monday intervened, and as a result, we are not calling any more witnesses.

• (1535)

Hon. Jim Karygiannis: Mr. Chair, may I point out to you, and then leave it at this, that all the other witnesses on the list were invited, with the exception of my daughter.

The Chair: She would have been invited.

Hon. Jim Karygiannis: Having said that, sir, I don't think due diligence was done.

The Chair: I think she would have been invited. Actually, there's no way of telling whether she would or would not. But if the witness list had continued today, we would have continued to call people in. But it didn't happen that way.

Do you wish to comment?

Mr. Dave Batters (Palliser, CPC): You just clarified it. There was a motion passed on Monday, and that is the explanation for Hon. Jim Karygiannis.

The Chair: Yes.

Mr. Bevilacqua.

Hon. Maurizio Bevilacqua (Vaughan, Lib.): Mr. Chairman, obviously the points raised by Mr. Karygiannis are things that I'm sure you will take note of in the future, as well as the clerk, as well as the point raised by Mr. Telegdi. But at this point I would like to proceed to the orders of the day.

The Chair: Good point, sir, and I think we will do just that.

Hon. Andrew Telegdi: Before you start, I went through the bill and I didn't see any problems with it in terms of what was proposed. I will register again the concerns of the Council for Refugees. I registered a concern about what happens to second generation born abroad.

From my end, we can do this very quickly, because let's face it, we got blackmailed into it, and we'll take it because it's an improvement over what's there now. But it has created another problem, which did not have to happen. We could have come out with a bill that was enhanced with very little work. I want Mr. Davidson to know that we will be back and we will be fixing that.

In the meantime, just to let you know, Mr. Chair, from our end, we can put it through very quickly.

The Chair: Okay.

Mr. Karygiannis.

Hon. Jim Karygiannis: As a procedural point, if I may, what resources will the department be using, what method will the department be using, to reach the people who are affected? We had some figures that 368,000 first-generation Canadians were born abroad between 1982 to today. We had in the past asked what resources the department had expended on advertising for lost Canadians, and they promised to come back to us with figures.

Before we move in this fashion, that we say, okay, we're only going to take first generation, what method will the department be establishing, what protocol will they be establishing, to reach out to the 368,000 first generation born abroad, plus the 114,000 born abroad between 1947 and 1977? Do they have a method? Do they have an advertising budget? I'd like to get clarification on that before we move in that fashion, because we can have people who are affected and lose their citizenship without knowing it.

The Chair: Okay, since we are going to be able to move through the bill very quickly, I think we can entertain a couple of questions beforehand.

Mr. Davidson or Mr. Komarnicki, who would answer that question?

Mr. Ed Komarnicki (Souris—Moose Mountain, CPC): The point is that I know a certain amount of debate is healthy, but we said we would start with the bill itself, we would finish that, and then there may be some issues that this member may want answered. But the first order of business was that we would start with clause-byclause of the bill, and I think that's what we should do. If he wishes to deal with some other issue relative to the bill, he can—at a different time, but not this time.

Hon. Jim Karygiannis: Mr. Chair-

The Chair: No, not on that point, Mr. Karygiannis.

First of all, I'm going to go to Mr. Bevilacqua, and then I'll come back to you, Mr. Telegdi. I think we've had a great deal of cooperation in trying to get this bill passed. I don't want to stifle anyone's concerns before going to clause-by-clause. It's only 20 minutes before 4 o'clock and we have until 5:30, so I think we can afford to be a little bit lenient here and allow a bit of wide-ranging concern to be enunciated.

Hon. Maurizio Bevilacqua: Chairman, that's precisely the point I was going to make.

Mr. Komarnicki, as you probably know, we in the opposition have actually stated our issues. You've known also that my colleagues have worked very hard on this issue, and it's an issue that we deeply care about.

But in fairness to Mr. Karygiannis, what he's asking is a very simple, straightforward question. We're going to move forward on this bill. What are the resources and what methodology will be applied to make the words on this bill reality?

So a little bit of flexibility on your part would be quite helpful.

• (1540)

The Chair: I think I'll refer that to Mr. Davidson.

Would you like to make a comment on that, sir?

Mr. Mark Davidson (Director, Legislation and Program Policy, Citizenship Branch, Department of Citizenship and Immigration): Thank you, Mr. Chair. I'd be happy to try to answer that question, but I'm not prepared today for a detailed answer to the question, because this goes to the issue of how the bill will be implemented.

We certainly have the intention of doing a number of changes. We'll have to make some significant changes to our kits and forms, our training packages, and in particular to our communication messages within the Department of Citizenship and Immigration and indeed with other government departments—for example, Passport Canada. As we're getting ready to implement the bill, we will certainly have a detailed communication plan. We'd be more than happy to share that with the committee as it's developed, if the committee would be interested.

The last point I'll make is to highlight the way this bill is structured: there's no application required for individuals who will become citizens as a result of this, and there's no deadline for them to take action on their status. It's not a situation in which individuals will have to know x by x. They will become citizens by force of law, and it's not required for them to take certain action by a specific date.

As I said, if the committee is interested, we'd be happy to come back as we get ready to implement the bill down the road.

The Chair: Thank you, Mr. Davidson.

Mr. Karygiannis is next. Then Mr. Telegdi, I think, had a question.

Hon. Jim Karygiannis: Mr. Chair, my concern is how the department would be able to reach out to my daughter and the 368,000 other individuals who were born abroad and say, "Be careful, you're the first ones. Be careful that your offspring are not born abroad." Can Mr. Davidson provide me with assurances that this would be done?

The other thing is that we put a sunset clause in this bill for three years and come back and revisit it after three years. I want assurances about the 368,000 after 1977, the 114,000 before 1977, as well as the numbers that we have extrapolated. Mr. Davidson could sit there and we could talk about numbers, but it could be a million people born abroad between 1997 and 2020. I want to have assurances that these people will be advised.

My child was born abroad. I wasn't advised of anything. How will my child know? These are children in child-bearing years. How will they know to come back to Canada quickly so that their babies—my grandkid tomorrow, my daughter's baby—will not be stuck in the lurch? How would the department move to have those assurances?

If they say they're going to do something, then I would recommend that we put a sunset clause on this bill, especially on the first generation, and that we revisit it in three years. That's fair to say, because if the department fails us in the first three years and they haven't done due diligence, as they hadn't done due diligence.... The minister and the deputy minister stood there and said, "We've advertised", and they have to write a letter of apology. We asked for figures on how they advertised and we still haven't got them. So the department is not forthcoming with doing due diligence and respecting the work we're doing on this issue. Twice we didn't get budgets and twice we didn't get anything. The only thing we got here was an ad, and when we asked for more, it wasn't forthcoming. We haven't received information we asked for.

I'm not sure how they have breached this committee's works, so I want to be reassured, or else I would move that we put a sunset clause on the bill for three years.

The Chair: Mr. Davidson, can you offer any reassurances there? Do you wish to comment?

Mr. Mark Davidson: I can certainly assure the committee that the Department of Citizenship and Immigration, and indeed other departments, will do their utmost to update our communication tools and to work with other groups. For example, we have an excellent relationship with the Mennonite Central Committee. We have many networks that take advantage to get these messages out to the population, to the group Mr. Karygiannis is talking about.

• (1545)

The Chair: I have to go to Mr. St-Cyr.

[Translation]

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Chairman, I also think that the unanimous report we adopted contained a number of recommendations calling, among other things, for Citizenship and Immigration Canada to take steps to increase public awareness of existing mechanisms. The department is set to respond to these recommendations at a later date.

The committee will have the chance to check and see if the department did its job properly. Personally, I do not think we need to incorporate follow-up mechanisms into the framework of the legislation. This should be part of our parliamentary work. If Mr. Karygiannis wants this incorporated into the legislation, then he can table an amendment to that effect during the clause by clause stage.

We agree with the content and current wording of the bill and we intend to vote in favour of it. We hope that it will quickly be sent back to the House for third and final reading, and then sent to the Senate.

As mentioned, we were not able to hear from representatives of the Canadian Council for Refugees. However, I have personally taken the initiative of calling them to discuss a number of issues of concern to them. I would imagine each one of you did likewise. I am ready to proceed to the clause by clause stage.

[English]

The Chair: I'm still prepared to hear a few more interventions before we get on to our bill.

Hon. Jim Karygiannis: I absolutely want to go on with this. I think a lot of lobbying has been done. However, I am sure that everybody around this table needs to know how these children will be approached. Failing to hear a specific plan as to how this is going to be done—"we're going to work with this department", "we're going to do this", and "we're going to do that".... And looking at the track record of this department when it comes to providing answers as to how they've reached out—twice, Mr. Chair—I would move that we either put a review clause in or sunset clause to review how this department has done outreach three years down the road.

Let me ask this question. Would Mr. Davidson have any objection to that, or does he have any difficulties with it? I think that will hold their feet to the fire.

The Chair: If any such motion is going to be put forward, hang on to it until we get into clause-by-clause. It was my understanding that we were moving through clause-by-clause fairly quickly. I don't know where I got that impression—

Some hon. members: Oh, oh!

The Chair: Anyway, I think I'll go to Mr. Komarnicki, then Mr. Telegdi, and then I'll go to you.

Did you have a comment about this?

Mr. Ed Komarnicki: Just to say this. We've been around this bend for a long time. Many stakeholders are saying that the bill as it is is a bill they're prepared to accept, and they want us to get it through both Houses as soon as possible without amendment.

Mr. Karygiannis had all kinds of objections or things he wanted to see different in the bill, but we came through with a unanimous report and we're at this place where we have to decide: do we want this bill to go forward and be passed and become law for the many thousands who are affected, or do we want to play games and make amendments that will change this legislation, which will not have that effect? It won't, and we'll see where it goes. If you're prepared to risk and deal with the thousands or hundreds because you want to see something in this bill that can be dealt with outside the bill, then do it at your own peril, if you wish.

My sense is that this bill, if it's going to succeed, will have to succeed without any substantive amendments. There may be clerical stuff or whatever—fine. But to start dealing with, "If I can't get this amendment, I want that amendment".... We're past that stage. If we do that, and we can, don't expect it to get through the House in the fashion we're talking about.

• (1550)

The Chair: I'm going to Mr. Telegdi. He's been quite patient.

Hon. Andrew Telegdi: As I've said before, this could certainly have been a better bill. But the fact of the matter is that by passing this bill the way it is now, we'll get it through the House and we'll get it through the Senate, which will mean that it will have a direct positive impact on possibly hundreds of thousands of people who have been wrongfully denied citizenship.

On the day this bill becomes law, we're going to have what I will call "Davidson stateless people" and "Conservative stateless people" created each and every day. Every day that this is law we're going to have more stateless people. The numbers are not necessarily that big, but they will grow.

We as a committee can haul in the officials—not necessarily Mr. Davidson, because we have deep throats in the department—and we will find out where the problems are. We'll have them in and we'll swear them in and we will deal with the problem at that point in time.

But for the immediate situation right now, Jim, I think we want to put it through to deal with all those people who have been suffering because of a bad piece of legislation. We can take comfort in that.

But then we're going to have to be very vigilant, because we are creating another problem. The only sad part for me is that it didn't have to be that way. We could have made a relatively simple amendment, but we're getting a push-back from the bureaucracy.

So we'll take this now, but we will be back very quickly and will make those demands.

So fair notice is served that this department had better come back with a good plan, because it's going to be grilled.

The Chair: Briefly-

Hon. Jim Karygiannis: I'm just wondering whether Mr. Komarnicki is saying "my way or the highway" and putting Russian roulette in our heads, saying "blow your brains out". If this is the way he wants to do this, he certainly is not reacting to objections that are coming. One, his department, with the minister right here, misled us the first time, and we got a letter of apology. Two, his department did not give us the figures. Three, what is the difficulty, if we either have a review clause in there for three years, so that we can make sure we have no new lost Canadians, or have a sunset clause? What is the difficulty here?

The Chair: We'll have a brief comment from Mr. Batters, and then I'm going to wrap it up with Mr. Bevilacqua.

Mr. Dave Batters: Thank you, Mr. Chair.

I want to be somewhat conciliatory. I agree with what Mr. Telegdi had to say, excluding some of the political rhetoric. I actually support what Mr. Karygiannis says, in that there should be some follow-up for people like his daughter, some notification.

But with all due respect to my colleague Mr. Karygiannis, I think he knows, and Mr. Telegdi knows, and members opposite know that we have a pretty good bill here. It may not be 100% what they want, but it's going to be a great relief to a great number of people. I think that outside this bill.... In our opinion there's no room for amendments, with the timelines we face, in this bill. But I believe what Mr. Karygiannis says: that outside this bill we have to seek some assurances from the department and the minister that there is a plan to communicate to people the ramifications, should they choose to or by happenstance have a child abroad—people in the exact situation of your daughter, Jim. I think we should be asking the department those questions: what type of advertising is going to go out and what type of communication?

But I think that's something for tomorrow and another day, Jim.

Hon. Jim Karygiannis: Can I just offer something-

The Chair: Very briefly.

Hon. Jim Karygiannis: Can we have a parliamentary review of this bill in four years, or three years?

Mr. Dave Batters: We can't put it in the bill.

Hon. Jim Karygiannis: Why not? What's the problem? What is the problem with a parliamentary review of the bill?

Mr. Ed Komarnicki: I think we've said enough. It's time to get to clause-by-clause. That's where we're going.

The Chair: I'm going to Mr. Bevilacqua first, and then we'll try to wrap it up.

Hon. Maurizio Bevilacqua: Mr. Chairman, first of all, I think the officials from the Department of Citizenship and Immigration have heard the message. One of the great benefits you have as officials is that although we spend a great deal of time writing the laws of the land, you also have the great privilege of implementing those laws. I know that you all take that responsibility quite seriously, but we are talking here about an important issue, an important issue related to loss of citizenship. There's no greater concern to a person's life than to lose citizenship as it relates to one's participation in one's country.

So I hope you are taking these messages extremely seriously. At the end of the day, we can call you back at any time, as you know; a committee can call back officials to get updates whenever we like and whenever we decide. That is also a way we could proceed, but at this point, since the history of this report is that it's a unanimous report, I think we should proceed to clause by clause.

• (1555)

The Chair: Thank you, Mr. Bevilacqua.

I think officials have been given direction here, and I think the parliamentary secretary has as well. I'm sure the minister will be hearing about it in short order.

Mr. Davidson, you had a comment you wanted to make.

Mr. Mark Davidson: In response to Mr. Bevilacqua's question, we have heard loud and clear. I can assure you that the minister will be aware of these comments today. The deputy minister will be aware of these comments. We've heard the message from the committee loud and clear, so there's no question. We entirely agree with you: this is a very serious matter and an exercise in good communication that is essential, not only as the bill is getting ready for implementation but also afterward.

The Chair: Thank you very much. I appreciate all the interventions.

Now I think I'm getting an indication from the committee that we should go to clause-by-clause consideration.

(On clause 1)

Hon. Jim Karygiannis: Can you read clause 1, please?

The Chair: Clause 1? There's an awful lot of reading here.

Clause 1 reads as follows:

1. The definition "certificate of renunciation" in subsection 2(1) of the Citizenship Act is replaced by the following:

"certificate of renunciation" means, unless a contrary intention appears, a certificate of renunciation issued under this Act;

(Clause 1 agreed to)

Hon. Maurizio Bevilacqua: Mr. Chairman, may I propose that clauses 2 to 14 carry?

The Chair: Do we want to proceed in that way? No?

We have an intervention there. We will have to call clause by clause.

Mr. Ed Komarnicki: I'm not so sure we need to go clause by clause, but I just want to point out that in clause 13.... You were going clauses 1 to 14; in clause 13—

The Chair: Do we need to go ahead to clause 13? Can't we just proceed from clause 1 to clause 14, and then when we get to clause 13...?

Mr. Ed Komarnicki: I think we probably could go to clause 12, because clause 13 needs to have a word added in.

The Chair: I don't think there's agreement from Mr. St-Cyr to proceed in that way.

(On clause 2)

Hon. Jim Karygiannis: On proposed paragraph 3(3)(a) under clause 2, Mr. Chair—

The Chair: Just one moment, Mr. Karygiannis. Say that again.

It's clause 2, proposed paragraph 3(3)(a). Okay.

Hon. Jim Karygiannis: Can we read that and get an explanation as to what that means from the department?

The Chair: "The person renounced his or her citizenship"-

Hon. Jim Karygiannis: No, it's subclause 2(2), proposed paragraph 3(3)(a), subsection 3(3), page 8.

The Chair: Page 8, subclause 2(2), says, "Despite anything in this Act...a person shall not be granted"—

Hon. Jim Karygiannis: No, it's subsection 3(3), and it's page 8.

• (1600)

The Chair: Page 8, subsection 3(3)...?

That's not clause 2, by the way. That's why you had us all-

Hon. Jim Karygiannis: It says "Clause 2(2)" and "Paragraph 3 (3)(a)", "Subsection 3(3)".

The Chair: Do you have that?

Hon. Maurizio Bevilacqua: Mr. Chairman, it's better to look through the book that he has.

Mr. Mark Davidson: Mr. Chairman, I suspect the confusion may be that when Mr. Karygiannis is talking about a page number, I presume he's referring to the clause-by-clause page number.

The Chair: Oh, okay.

Subsection 3(3)? Is it this one here?

What is your concern about it?

Hon. Jim Karygiannis: Can the department tell us exactly what it means regarding adopted children? Does it mean that if somebody adopts a child and that child becomes a citizen, their children, if they were born abroad...? That doesn't seem to me the first generation born abroad.

The Chair: Mr. Davidson.

Mr. Mark Davidson: Mr. Chair, this clause is the clause that has the effect of limiting citizenship by descent and citizenship by adoption to the first generation. As the minister announced in May, and as the committee agreed in December, citizenship by descent would be limited to the first generation, and that is the effect of this clause.

It also has the effect, in the context of adopted children, of indicating.... You will recall Bill C-14, in which the Citizenship Act was amended in order to limit the distinctions between adopted children and natural-born children. This provision also indicates that children who have been adopted abroad will be treated in the same manner as if they had been natural children born abroad.

If a Canadian citizen born in Canada has a child born outside of Canada, that natural-born child would be considered in the first generation. Likewise, if they have an adopted child outside of Canada, that adopted child would be treated the same as their natural-born sibling. That is the effect of this clause.

The Chair: Does that answer your question, Jim?

Hon. Jim Karygiannis: If I understand it right, Mr. Chair, especially in the South Asian Punjabi community, where there are a lot of adoptions...I believe you go to a *gurdwara*, and it's called the give-and-take ceremony, whereby you can adopt somebody. If a child is adopted, will that child not be able to adopt anybody else, or will that child not be able to have any children born abroad?

Mr. Mark Davidson: If that child's citizenship flows through the adoption, they would be treated the same as if the parent had—

Hon. Jim Karygiannis: So they will not be able to adopt anybody else in the future?

Mr. Mark Davidson: They may be able to adopt in the future, but citizenship would not flow directly from that adoption.

Hon. Jim Karygiannis: So it would be a sponsorship?

Mr. Mark Davidson: That is correct, just as, if they had a naturalborn child outside of Canada, that natural-born child would also not have citizenship directly.

The Chair: Does that answer your question, Jim?

Shall clause 2 carry?

Hon. Jim Karygiannis: Mr. Chairman, in that particular clause on page 8, I would like to include the words:and a parliamentary review happen within five years from the adoption of this bill.

The Chair: You are going to have to have that properly drafted, according to the legislative clerk. You just can't....

Are we getting into amendments here now?

Hon. Jim Karygiannis: No, I just want to know whether the legislative clerk could put the words I said on paper. It's not very hard to do. It was done in the Transportation of Dangerous Goods Act, which plainly stated that a parliamentary review would be done within five years.

Mr. Dave Batters: Call the question.

[Translation]

Mr. Thierry St-Cyr: Mr. Chairman, perhaps if we could agree on the principle, we could then discuss the wording. However, if, as I believe, the committee cannot agree on the principle, then the next step, discussing the wording, is out of the question.

[English]

The Chair: Mr. Komarnicki, what's your take on that?

• (1605)

Mr. Ed Komarnicki: I think it's a fair point. We can put a vote to that principle, and if it's defeated, you don't have to look at the specific wording, if that's the issue. I think we know the intention of where he wants to go. Put it to a vote, and if it fails, let's move on.

The Chair: Okay. Could you repeat what you're looking for?

Hon. Jim Karygiannis: It's that a parliamentary review be done on this legislation within five years.

This is not a sunset clause. This is a legislative review that asks, are we succeeding; are we going in the right direction; has the department done the right thing in advertising and letting people know, if they're first and second generation?

The Chair: You've heard Mr. Karygiannis' motion, I suppose you could call it, that a sunset clause be included—not a sunset clause, but that a parliamentary review take place in a five-year period.

(Amendment negatived [See Minutes of Proceedings])

(Clauses 2 to 12 inclusive agreed to)

(On clause 13)

Mr. Ed Komarnicki: There was an issue that Mr. Davidson can explain, but there seems to be, at least in the English version, either a typo or something missed in subclause 13(3), where it says—

The Chair: This is page 9 in the bill, page 43 in your book. Does everyone have clause 13 open, on page 9?

13. (1) In this section, "other Act" means An Act to amend the Citizenship Act (adoption), chapter 24 of the Statutes of Canada, 2007. Is it right there?

Mr. Ed Komarnicki: It's page 10 of the bill.

The Chair: Do you have page 10 in the bill, Mr. Davidson?

Mr. Mark Davidson: Yes, thank you, sir.

The Chair: We should go a different way, instead of-

Mr. Mark Davidson: Yes. If the committee members go to page 44 of the clause-by-clause, I think they'll find the little typo that exists here.

This clause is repeating a lot of the language that exists in Bill C-14, which has recently received royal assent and come into force. There are three provisions here that use the phrase "on or after January 1, 1947" in the English.

In the third example of this phrase, which is the example on page 44—again, only in the English—the word "or" is missing from the provision.

The Chair: What's missing, again?

Mr. Mark Davidson: It's the word "or". You'll see on line 8 of page 10 of the bill that it says—and it doesn't make sense, of course —"a decision was made abroad on after January 1, 1947". That's a typo. It should be "on or—

The Chair: "On or after January 1, 1947".

Mr. Mark Davidson: There's no problem in the French. As I say, it was a typo that—

The Chair: Okay. That's not a problem. I think that can be done very easily.

Is somebody moving that we include the word "or"?

Mr. Ed Komarnicki: I'll so move.

The Chair: Okay.

(Amendment agreed to [See Minutes of Proceedings]

(Clause 13 as amended agreed to)

The Chair: I call clause 14.

(On clause 14-Order in Council))

[Translation]

Mr. Thierry St-Cyr: I would just like to propose a minor amendment, as was the case with another bill before a committee. Unfortunately, I cannot recall which one. I propose that the following words be added at the end of clause 14: " but no later than 180 days after the day on which this Act receives royal assent".

This would be a purely technical amendment aimed at ensuring that if the government does not have time to pass the orders to proclaim the act in force, because of elections or for some other reason, then the act will come into force six months after it receives royal assent. This mechanism is already included in other bills.

• (1610)

[English]

The Chair: You're modifying clause 14, so could you read into the record what you're saying there?

Hon. Jim Karygiannis: What page are we on?

The Chair: We're on the last page, page 10 of the bill, which is page 46 in your binder, and clause 14: "The provisions of this Act...".

Mr. St-Cyr.

[Translation]

Mr. Thierry St-Cyr: I will read it slowly, so that the interpreters can keep up. I propose that the following words be added at the end of clause 14: " but no later than 180 days after the day on which this Act receives royal assent".

[English]

The Chair: Is there a problem here, Mr. Davidson?

Mr. Mark Davidson: Mr. Chair, the bill was written in such a way that the coming into force of this provision would be structured so that it was coordinated with regulatory amendments that are required.

As I indicated before on the issue of the communication plan, this is a complex bill, and the communication plan, the training, the preparation of forms, and making sure that those messages to the Canadians outside of Canada are ready and have been finely tuned is a complex area. We would want to make sure we are ready not only from the regulatory perspective but also from the communication plan perspective.

Bill C-14 came into force in six months with an amendment very similar to that proposed by Mr. St-Cyr, and the department implemented the bill as planned within six months. This bill is significantly more complicated, more challenging from an implementation point of view, and so I would caution the committee that having a very firm implementation like this runs the risk of our not being ready in time, should we identify any regulatory challenges, for example, as we get ready for implementation.

The Chair: Okay—

Mr. Mark Davidson: I'm sorry, I have one final point.

But let me assure the committee that this is a bill that the government clearly sees as a priority, and so there's no question that we want this bill to come into force. It's simply a question of making sure we're ready to bring the bill into force in such a way that it accomplishes what the committee themselves would like us to do.

The Chair: Next are Mr. Telegdi, Mr. Komarnicki, and then Mr. Karygiannis.

Hon. Andrew Telegdi: If the government saw this bill as a priority, it would have been here over a year ago.

But anyway, let me ask whether you would you have any trouble with 360 days.

Mr. Mark Davidson: It's a challenge now to say exactly what period of time would be required. The advantage of structuring the bill as it is, which is quite common with pieces of legislation, is that if we find, as we get ready to implement, that there's a glitch with it that we hadn't anticipated, we're not caught with a hard deadline, so that we are sure we have all of our mechanisms in place, that the communications that are necessary are there. With a hard deadline, the challenge is that we may be forced to implement when we're not 100% ready.

Hon. Andrew Telegdi: Maybe you can give me some idea as to when you see this implemented. How many lost Canadians are going to die as lost Canadians? Do you have any idea?

Mr. Mark Davidson: As I've indicated, we believe this bill needs to be implemented, but we also believe it needs to be implemented when it's ready and when the regulations are ready.

Hon. Andrew Telegdi: The committee would like to have some kind of idea. Is it ten years from now, fifty years from now...?

The Chair: We've made a great effort here at committee to get this bill into the House and over to the Senate, and now we find that 180 days is not good, 360 days is not good.... We need to get some indication.

I have a list of people here, so I'm going to go with the list I have. • (1615)

Hon. Andrew Telegdi: Let me just finish the last question.

But you're going to start implementing the part about people born abroad right away, aren't you?

Mr. Mark Davidson: As I indicated in my summary in the last question, we need to be ready with those communication messages before the bill comes into effect, because we need to be warning people in advance that the provisions will come into effect.

Hon. Andrew Telegdi: But after the bill passes and somebody is born abroad under the definition of this thing, does this apply to them at that point?

Mr. Mark Davidson: No. It will only apply to them once the coming into force has passed. Royal assent does not—

The Chair: Okay.

Hon. Andrew Telegdi: I wouldn't feel so bad if you said two years or three years—some kind of date. But now I'm just sitting here.... Surely to God you guys must have thought of something; you can't be that naive about this. Give me some comfort that this is going to be in place before I die.

The Chair: Well, having said that

I'm going to go to Mr. Komarnicki, and then over to Mr. Karygiannis, and then to Mr. Bevilacqua.

Mr. Ed Komarnicki: I think we should put the question to a vote very quickly, but having said that, I think obviously the department knows the sentiment that we want them to move along with this thing in an expeditious fashion. But they want to get it right, they want to do the appropriate communications, and Mr. Karygiannis has indicated as much.

You also have to remember that no one loses citizenship under this bill. In fact, there will be some who are benefited as this thing goes forward. And when the act goes into place, it's going to make the citizenship retroactive to the date of the loss, which goes back many years, or to the date of birth, as I understand it.

So this is not the average kind of bill that we deal with in many cases. This one already has built into it some things that will take care of the situation on a retroactive basis, regardless of when it's put into effect. I think we should give the department the appropriate time they need to get the job done right. As it sits here, it says it will come into force at a time that the Governor in Council determines. That's not an unusual process for this bill.

I would ask that the motion for 180 days be defeated.

The Chair: I'm going to go to Mr. Karygiannis, Mr. Bevilacqua, and Mr. Carrier.

Hon. Jim Karygiannis: Chair, what I think we're hearing is that the department needs time—be it 180 days, be it a year, be it two years—for communications packages and all that stuff. I'm going to go back to saying I think we need to call the department back in. If they want an open-ended 180 days or a year, I think we need to do a review, and they must undertake to come back to this committee. It should be written in stone that two years from now, they come back and apprise us of what is happening.

You cannot let the department open-end it. We have let this department many times before run open-ended, and we've seen what the changes are, be it with IRPA, be it with the 80 points going back to six to seven points, and everything else.

Therefore, I would like to move that we enclose in here a parliamentary review, for this department to come back to the committee mandatorily two years from today to brief us on what's happening. That's not very difficult to do.

The Chair: We've already had that motion, and it was defeated.

Hon. Jim Karygiannis: But we did not know they wanted an open-ended day for-

The Chair: Okay, we'll finish discussion on this with Mr. Bevilacqua and Mr. Karygiannis and Madam Chow.

Hon. Maurizio Bevilacqua: I think it's a valid question that members of this committee are asking in relation to a timeframe.

I know a little about how departments work and I can tell you that you have a list of priorities. I guess the immigration department would have a list of priorities. The question I have is, within the work plan that all departments have, within the allocation of resources that all departments have, where does this fit?

In the work plan, you usually have a timeline which you operate within; at least that's the way it was when I was in a department. We used to lay out more or less when the bill was going to come in, when it was going to be implemented, and the type of resources to be applied.

Usually that's a big hint. If there aren't that many resources allocated towards the bill, then you know it's not a priority. We've done the best we could in a very bipartisan way to arrive at this conclusion, but I must say that we need a little more assurance from the department that in fact this is as important to the department as it is to this committee.

• (1620)

The Chair: If we were to put in there one year, could we not put in a year and have the department come back in a year and say they're still not ready on this, that they need an extra three months, or what have you?

Is that a reasonable thing to request, Mr. Davidson?

Mr. Mark Davidson: Let me respond to that and to the other comments.

This is a priority for the minister and certainly a priority for the government and for the department. Frankly, the fact that the department is here around the table is evidence of that. Implementing this bill is absolutely a priority for the department.

In terms of your question, Mr. Chair, if the bill is amended to say that it will come into effect in 365 days, then if we came back to you in 365 days minus 30—in other words 30 days before—saying we have a challenge here, the only way it would not come into effect would be through a new piece of legislation. We would have to have a piece of legislation that would change that hard date. It would then have to go through the House, the committee, and the Senate. This is the challenge with a hard date in an implementation.

But I can assure you that implementing this bill is very much a priority for the government and for the department.

I hear questions about what a reasonable date is, and I understand where committee members are coming from. At the moment, what I can say is, six months...? I cannot conceive how the department could be ready, with all of the regulatory requirements and all of the communication requirements there are. I cannot conceive how that could happen. Likewise, would we be ready in five years? Absolutely; it's equally inconceivable that we would take that long.

I can assure you that we certainly will be implementing this bill as an important priority of the department.

The Chair: I have to give people a chance to speak in the order they give it to me here. I just can't go skipping over people, even though your interventions might be appropriate to what Mr. Davidson has to say.

Mr. Carrier, Madam Chow, Mr. Telegdi, Mr. Batters.

Are you on the list too, Mr. Karygiannis?

Hon. Jim Karygiannis: No.

The Chair: I want to go to Mr. Carrier.

[Translation]

Mr. Robert Carrier (Alfred-Pellan, BQ): Thank you.

I am nonetheless surprised to see just how long it takes before an act comes into force.

We wanted to cooperate with the government because it was anxious to pass this bill. In addition to all of the work and preliminary studies we do here, once the bill is adopted on third reading, it still needs to be passed by the other house. People must not forget this stage in the process. We never know when the other house, the Senate, will send the bill back to us.

We are congratulating ourselves on doing our job and passing a bill, when in fact we have no idea of how long it will take before the legislation comes into force. The purpose of our amendment is to set a deadline so that if the government is the least bit serious about matters, it will appoint a special team to oversee the implementation of the legislation without delay. I believe the opposition parties truly want the same thing.

Regardless of what transpires, if the government is serious, it must move immediately to appoint a team to oversee coordination efforts with other acts. It must not wait until the Governor General has given royal assent before getting down to work. All of these stages will require some time.

In my view, we are almost misleading people into thinking that we have adopted an act. Given everything that must be done, we have no way of knowing when an enactment order can in fact be issued. We need to set a target date. Six months is a long time. The act must come into force now.

The government is not short of funds. If it is short on resources, then it needs to find qualified people who can devote themselves exclusively to communicating with other departments or who can make the linkage with other acts so that the legislation can come into force quickly. Clearly, if no timetable is set, the process will be drawn out and the next legislature will find itself discussing the same problem.

For that reason, I support my colleague's proposed amendment.

• (1625)

[English]

The Chair: That's a very good point, Mr. Carrier.

Madam Chow.

Ms. Olivia Chow (Trinity—Spadina, NDP): I spoke to Madame Faille and Mr. Siksay before I came here today. They described to me how long this committee—and you know how long—has studied this issue.

At the end of the day, I believe that Parliament is supreme. If we say "within 365 days", that's a whole year. I sense a consensus that this is a priority for all of us. I understand that some of the war brides and others are getting on in age. Let's try.... I would support an amendment to say within 365 days.

Two days ago I asked the department whether there was a budget allocation from the department on this issue. "We aren't sure." Do they have a public communication plan? "We are not sure."

Well, the committee has studied this issue for two years, and the bill came forward on December 10. You just heard from me how long this issue has been around.

I'm hearing that there's a willingness to extend from six months to a year, which is totally reasonable.

Mr. Chair, if there is some reason the department cannot get it done within a year, I say there is no reason Parliament—the next Parliament, or this Parliament—can't put something through, if that's the case. But let's have a deadline.

I urge people to put in a deadline. At least then there's a sense of hope. If we don't do it, the people who are watching this will ask us when this issue will actually be implemented. We'll say soon. What is soon? It will be eventually. When?

I would much rather give an answer. It's better for the minister and it's better for the government to say "within 365 days".

The Chair: That's a very good point as well, Madam Chow. Thank you.

I have four more, and then I think we really need to move along on this.

I'm going to hear Mr. Telegdi, Mr. Batters, Mr. Karygiannis, and Mr. St-Cyr.

Mr. Telegdi, let's try to not repeat the same stuff over again.

Hon. Andrew Telegdi: Mr. Chair and members of the committee, Mr. Davidson said that the minister is committed. I have listened to Lucienne Robillard, and she was committed. I have listened to Elinor Caplan, who sat on this committee, and she was committed. I listened to Denis Coderre; he was on this committee and he was committed. I listened to Judy Sgro; she was on this committee, she was a minister, and she was committed. I listened to Mr. Volpe, and he was a minister, and he was committed. I listened to Monty Solberg, and—no, scratch him, he was not committed. He didn't believe in a citizenship...in doing it. Now I'm listening to another minister, Finley, and she is committed.

I really get the impression that all these commitments are coming from the bureaucracy. I want to make sure the bureaucracy has that line, and I very much support the "within 365 days". If they have problems, then let them understand that their feet are going to be held to the fire. They'll have a pretty good reason as to why that should be done. I've seen too many ministers who have been committed and I haven't seen any legislation.

Should I move the subamendment, "within 365 days"? Okay, I move the subamendment: "within 365 days".

Hon. Jim Karygiannis: Mr. Chair, may I add to that subamendment?

The Chair: I was going to entertain that subamendment from you, Mr. Telegdi, but we only have three more people. I want to give everyone a chance to have a word or two on this, and then we will entertain your subamendment. Some people have been very patient on this. I want to go to Mr. Batters, Mr. Karygiannis, and Mr. St-Cyr.

• (1630)

Mr. Dave Batters: Mr. Chair, can you give me 15 seconds before I start?

The Chair: Okay. I'll probably go to somebody else and come back to you, Mr. Batters.

Hon. Jim Karygiannis: We want to hear what he has to say, Mr. Chair.

Mr. Dave Batters: Mr. Chair, I agree in principle with what Mr. Carrier, Madam Chow, and Mr. Telegdi said. I think it's very important to have a clearer indication from the department.

Mr. Davidson, with all due respect, sir, there's a big difference between.... You said you hope it could be implemented within 365 days, but you wouldn't want to tie yourself to that in case it wasn't quite ready, and then you'd have this target. The next example you used was "five years is inconceivable". There's a lot of time, though, in between those times.

I think what we could go forward with in this committee is—we have the blues and we have Hansard—your saying something along the lines that "this department is going to endeavour to bring this into force within one year; we're going to all due diligence; this is a priority for the department and for the government, and we're going to do all we can to implement it within one year". Then the war brides do have an answer, and they recognize that if it gets to be 14 months, then the department's blowing it.

When we come to this committee and say, as the minister's instructions are, that we have a great bill in front of us and that with the time allotments in this Parliament it either goes through or, if there are amendments, it could be delayed again and we could get absolutely nothing....

Mr. Telegdi, your point is well taken. This minister is committed. This minister wants to get this done. We can all get it done today and go through all the clauses. But if we start getting into amendments, the life of this Parliament could expire, and we could again end up with absolutely nothing.

The Chair: Okay. Those are good points as well.

I want to try to bring things back to order, please. Mr. Karygiannis is next. Then we're gong to wrap it up with Mr. St-Cyr. Then if there's any subamendment to the amendment....

Mr. Karygiannis.

Hon. Jim Karygiannis: Mr. Chair, we hear that the minister is committed. We hear that if it's not this way it's the highway. I don't see where the problem lies, if we give this department 365 days and they come back to us and say, this is what we've done; we've succeeded. I don't see that at all as being a problem. If my Conservative colleagues see it as a problem, then I will only summarize that this minister is not committed, that they're not committed, and that we're only doing a PR exercise.

I would say, in fairness to Mr. Telegdi's motion, that I would like to add an amendment that says that in 365 days they also have to come back and tell us what they have done and report to us.

The Chair: Okay. Thank you.

Mr. St-Cyr.

[Translation]

Mr. Thierry St-Cyr: Thank you, Mr. Chairman.

I must say that I am a little surprised by the reaction to my amendment. I had said in committee that I did not want to move any substantive amendments. I really did feel that I was being respectful of the Bloc's position. I am truly surprised by how things are going, since I considered this to be a purely technical amendment. The Governor in Council would not need to adopt any regulations in order for this act to take effect. All that would be required is an order.

Naturally, it could take a little longer to let people know who the act works, but there is no reason why the act could not come into force before that happens. At least those who have been made aware of the act's provisions will be protected. As for the others, we will find a way of getting the information to them later.

In my opinion, this debate is not quite rooted in reality. As parliamentarians, all we want to do is ensure that if the Governor in Council does not issue an order within 365 days, the act will in fact come into force. Quite simply, this is an amendment of a purely technical nature, and nothing more. I think government members will agree with me that Cabinet can easily meet and adopt an order within 365 days.

CIMM-12

• (1635)

[English]

The Chair: Thank you.

Did you have a comment, Mr. Komarnicki, that you wanted to make?

Mr. Ed Komarnicki: Yes, just briefly.

I've been recognized here, Jim.

It's just to indicate that-

The Chair: There might be a solution here, and I want to take advantage of it, please.

Mr. Ed Komarnicki: We started this process by saying there's a unanimous report. The bill came forward. It is not unusual for bills to say that it would come into effect at the time we've claimed by the Governor in Council. We're not presuming what the department needs or doesn't need. They know the urgency of the situation, and we're going to start to superimpose something on them and put some obligations on them.

We said this: the bill as is will get unanimous support and approval from all of us, and it will go forward for sure. If you impose some other condition, regardless of what it is, on the department, you will not have unanimity from this side of the House. Do what you want, but if this bill is to get passed without amendment, it will go forward on a most expedited basis.

If it doesn't go through unanimously...you're entitled to make the amendment. Just know that we will not be supporting it, and that's fairly significant. So I would say weigh it carefully, because we've come this far, and we don't need that amendment. We have the assurance of the minister; we have the assurance of the department that they will put this through as soon as reasonably possible. Take that into consideration. But this side will not be supporting a timeframe.

The Chair: Everyone has had a good kick at this, and I think it's time to fish or cut bait on it. We can listen to all the interventions for the next hour and still not get anywhere.

I think we should get back on track here now. We have an amendment....

Order, please.

An hon. member: Call the question.

The Chair: Order, please.

I'm almost inclined to let these little side meetings take place at a time like this, because we're trying to get something through here.

Mr. Dave Batters: Mr. Chair, can we have a little recess?

The Chair: That's a good idea.

I'm going to suspend for ten minutes maximum.

• (1655)

The Chair: We're reconvening our meeting. I apologize for going overtime on the recess.

(Pause)

We will deal with the subamendment by Mr. Telegdi. Do you want to repeat the subamendment?

Hon. Andrew Telegdi: Yes. It's "within 365 days of royal assent".

The Chair: Okay. Do you want to repeat it for us?

Mr. Marc Toupin (Procedural Clerk): In English it would read: or at the latest, 365 days after this act has received royal assent

Hon. Jim Karygiannis: We have a subamendment after Mr. Telegdi's.

The Chair: Would you just hang on a minute, Mr. Karygiannis? I have a subamendment here from Mr. Telegdi—

Hon. Jim Karygiannis: And you have another subamendment from me, Mr. Chair.

The Chair: Well, would you mind if I dealt with Mr. Telegdi's subamendment first? Then if we need to deal with yours, we will.

I want the legislative clerk to make it clear to us how the subamendment reads. Could we please give some attention to the legislative clerk?

Mr. Marc Toupin: I think what I'll do, Mr. Chair, is read it in French, because the amendment is before me in French. It would read:

[Translation]

"but no later than 365 days after the day on which the Act receives royal assent".

[English]

The Chair: Okay. There's no translation of that, so it's all Scotch to me. We've essentially changed 180 days to read 365 days.

• (1700)

Mr. Ed Komarnicki: From royal assent.

The Chair: Yes, from royal assent.

Is everyone clear on that? That's the subamendment.

Okay, the procedure, according to the legislative clerk, is to vote on the subamendment now.

Hon. Maurizio Bevilacqua: Mr. Chairman, is it possible for the individual who moved the 180 days to withdraw the motion?

The Chair: Yes, he has, because we're on the subamendment by Mr. Telegdi, which was....

It's not withdrawn? Okay, I'm sorry.

So we deal with the subamendment first, the 365 days?

(Subamendment agreed to)

The Chair: Shall the amendment as amended carry?

Hon. Jim Karygiannis: Mr. Chair, I have a point of order. Do you deal with a subamendment first, or a subamendment and then with the addition to the subamendment? My subamendment to Mr. Telegdi's was—

The Chair: The clerk tells me you deal with the subamendment first, and we adopted that, and if there is—

Hon. Jim Karygiannis: I'm sorry, was that the legislative clerk or the clerk of the committee? Which clerk, Mr. Chair?

The Chair: It was the legislative clerk.

And if there are further subamendments, we deal with the further subamendments. So that subamendment has passed now.

The second subamendment coming from Mr. Karygiannis is ...?

Hon. Jim Karygiannis: It's that we have a report to this committee within the 365 days from the department as to.....

The Chair: Are you sure you want to put that forward, Mr. Karygiannis?

Hon. Jim Karygiannis: Why not?

The Chair: Because it's not going to fly, I don't think.

Do you want us to vote on it? Okay.

You've heard Mr. Karygiannis's subamendment.

(Subamendment negatived [See Minutes of Proceedings])

The Chair: Do we have any further subamendments? Which one should I deal with now, Mr. Legislative Clerk?

We're on the amendment as amended by Mr. Telegdi.

(Amendment agreed to [See Minutes of Proceedings])

(Clause 14 as amended agreed to)

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: Thank you for your attention.

Now we will go to Mr. Komarnicki.

Mr. Ed Komarnicki: Given that we've moved this far and gone this far....

The bill's already done.

The Chair: The bill was passed, yes.

Mr. Ed Komarnicki: I propose a motion that the following be added to the committee report of Bill C-37 to the House:

That the committee recommend to the House that Bill C-37 be passed at all remaining stages, without further amendment, as soon as possible.

The Chair: That's what we've been working on all of today.

(Motion agreed to)

The Chair: Do you have that clear, Mr. Clerk?

Is there any further business?

Mr. Davidson, and then Mr. Karygiannis.

Mr. Mark Davidson: Mr. Chair, I think the committee should take a moment to reflect on what you've done today. You've had an amazing challenge in front of you and you've heard from very compelling witnesses over the past year. I think you should be commended for the amazing work you've done on this file and on this bill.

I think it's appropriate for all of us to recognize the work that has been done by all of the witnesses who've come forward to you. I would just say bravo!

The Chair: Let's not forget—and I was reminded by Mr. Bevilacqua—that the legislative staff has done some amazing work on this. I want to thank all of you.

Thank you, committee members. You've been very patient with the whole thing.

• (1705)

Hon. Andrew Telegdi: Just for the record, may I say that I recognize Meili Faille and Bill Siksay for their tremendous—

The Chair: Yes, for the wonderful work that they've done as well.

Mr. Karygiannis.

Hon. Jim Karygiannis: For the record, Mr. Chair, we may not be alive; however, future generations.... What we did right here today was create a whole slew of new lost Canadians.

The Chair: Is there any further business?

There being no further business, the meeting is adjourned.

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