Standing Committee on Citizenship and Immigration

Thursday, June 9, 2022

[English]

The Chair (Mrs. Salma Zahid (Scarborough Centre, Lib.)): Good morning, everybody. I call this meeting to order.

Welcome to meeting 28 of the House of Commons Standing Committee on Citizenship and Immigration.

Given the ongoing pandemic situation and in light of the recommendations from health authorities, as well as the directive of the Board of Internal Economy on Thursday, November 25, 2021, to remain healthy and safe all those attending the meeting in person are to maintain two metres of physical distancing and must wear a non-medical mask when circulating in the room. It is highly recommended that the mask be worn at all times, including when seated and that you maintain proper hand hygiene by using the provided hand sanitizer in the room. You must refrain from coming to the room if you are symptomatic.

I will remind you that all comments should be addressed through the chair. When you are not speaking, your microphone should be on mute and your camera must be on.

Pursuant to the order of reference of Wednesday, May 4, 2022, we will resume consideration of Bill C-242, an act to amend the Immigration and Refugee Protection Act, regarding temporary resident visas for parents and grandparents.

First, I would like to welcome the sponsor of the bill, Mr. Kyle Seeback.

I don't see him here.

Okay, that's not a problem. We are joined by officials from the Department of Citizenship and Immigration: Michèle Kingsley, director general, immigration; Alexis Graham, director, social and discretionary policy and programs; James Seyler, director, immigration program guidance; and Ben Mitchell, counsel.

We are also joined by the legislative clerks today to provide us advice.

Thanks for joining us.

We are ready to start clause-by-clause consideration. I want to inform the members of some instructions that we need to follow as we go through the clause-by-clause consideration. This is the first one we are having in this session.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively. Each clause is subject to debate and a vote.

If there are amendments to the clause in question, I will recognize the member who is proposing the amendment and who may explain that amendment. The amendment will then be open for debate. When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the bill or in the package each member received from the clerk of the committee. Members should note that amendments must be submitted in writing to the clerk of the committee.

I will try to go slowly so that I allow all the members to follow the proceedings properly. If there are any questions, please raise your hand and get my attention. Amendments have been given an alphanumeric number in the top-right corner to indicate which party submitted the amendment. There is no need for a seconder to move an amendment. Once moved, you will need unanimous consent to withdraw that amendment.

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

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

Are there any questions? Is everyone clear? Does anyone need clarification before we begin the process?

Okay.

Pursuant to the order of reference of Wednesday, May 4, 2022, we will begin clause-by-clause consideration of Bill C-242, an act to amend the Immigration and Refugee Protection Act, temporary resident visas for parents and grandparents.

Pursuant to Standing Order 75(1), consideration of clause 1, the short title, is postponed.
We will begin with amendment NDP-1, numbered 11777709, which proposes new clause 1.1. This is on page 1 of the package.

Would the member like to move this?

Yes, Ms. Kwan.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you very much.

Madam Chair, I'd like to move the amendment. Should I read the amendment into the record? Do I need to do that?

The Chair: Yes, you can read that.

Ms. Jenny Kwan: All right.

I move to amend Bill C-242 by adding, before line 5 on page 1, the following new clause:

1.1 Subsection 14(2) of the Immigration and Refugee Protection Act is amended by adding the following after paragraph (c):

(c.1) special circumstances to be taken into account in the processing of temporary resident visa applications;

(c.2) a review process for decisions made in relation to temporary resident visa applications;

Madam Chair, the reason I'd like to move this amendment is so that there could be an appeal process in place for rejections. As we know, oftentimes people are not able to have their application reviewed after it's been rejected. The process that's available to them is extremely onerous, and in many cases effectively not available.

We know that there are extenuating circumstances that happen in people's lives. I cited during committee, with witnesses, examples such as applicants whose applications are rejected because their financial situation changes at the last minute and for the short term, but their entire application is ultimately rejected as a result.

I'm moving for an appeal system to be established and for special circumstances to be allowed to be taken into consideration. The amendment does not spell out what that appeal process would look like. It would be left to the government to make that determination and set up that structure. However, the call for an appeal process to be established is what this is about, and for special circumstances to be taken into consideration.

I hope members will consider this.

The Chair: Thank you, Ms. Kwan.

I will have to give a ruling on this amendment. The amendment that Ms. Kwan just moved seeks to amend subsection 14(2) of the Immigration and Refugee Protection Act, which deals with regulations related to requirements and selection. The amendment also seeks to introduce a review process that is not contemplated by Bill C-242.

House of Commons Procedure and Practice, third edition, states the following on page 771:

...an amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent Act, unless the latter is specifically amended by a clause of the bill.

Since section 14 of the Immigration and Refugee Protection Act is not being amended by Bill C-242, and also because the introduction of a review process is a new concept, this amendment goes beyond the scope of the bill. Therefore, it is the opinion of the chair that the amendment is inadmissible.

This ruling is non-debatable.

Ms. Jenny Kwan: Thank you, Madam Chair.

I'd like to challenge your ruling.

The Chair: Shall the ruling be sustained?

We have seven yeas and four nays, so the ruling of the chair is sustained.

Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC): Madam Chair, on a point of order, I think there was some confusion among some of the members about the vote. It's not going to change the result, but out of respect for members, so that their votes can be on the record as they want them, it sounds as though there's a consensus to retake the vote to allow members to clarify their vote so that there's no—

The Chair: We have already had a recorded vote, and I made it clear that we were voting on whether the chair's ruling should be sustained. That's what we were voting on, and the vote has already been conducted.

Mr. Garnett Genuis: Is there unanimous consent to allow any members who want to change their vote to do so?

The Chair: No, we don't have unanimous consent.

The ruling of the chair has been sustained.

Ms. Jenny Kwan: Can we suspend for a minute, Madam Chair?

The Chair: We can. The meeting is suspended for a few minutes.

Mr. Garnett Genuis: On a point of order, we were seeking the unanimous consent of the committee—

Okay, I'll let someone else propose it, then, if that will be better received.

Mr. Sukh Dhaliwal (Surrey—Newton, Lib.): Your main concern was that she should be able to change her vote.

The Chair: All conversations should be addressed through the chair. There should be no direct conversations.

Mr. Sukh Dhaliwal: We are only seeing if Ms. Kwan could change her vote.

Mr. Garnett Genuis: Is there unanimous consent to allow members who wish to change their vote to do so?
Mr. Sukh Dhaliwal: I would bring in that Madam Kwan should be the one who should be allowed to change the vote. Do we have—

Mr. Garnett Genuis: But nobody else should?

The Chair: Wait one second....

Is there unanimous consent to allow the members to change their vote?

Go ahead, Mr. Benzen.

Mr. Bob Benzen (Calgary Heritage, CPC): I didn't exactly understand what I was voting on. I inappropriately voted yes, and I should have voted no, so I would like to change my vote to no, if that's possible.

The Chair: Okay, so Mr. Benzen's vote is changed to nay.

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

The Chair: Now we will move to amendment G-1.

Please, attention, order.

We have amendment G-1, number 11814366. It's on page 2 of the package that was provided.

Ms. Lalonde, would you like to move the amendment?

Mrs. Marie-France Lalonde (Orléans, Lib.): I would like to withdraw it.

The Chair: Okay. Ms. Lalonde has withdrawn this amendment.

(On clause 2)

The Chair: We will now move to clause 2. Is there any debate on clause 2?

Mrs. Marie-France Lalonde: Can we just pause for a second, Madam Chair?

The Chair: Okay, we will have a short pause.

Mrs. Marie-France Lalonde: Thank you, Madam Chair.

The Chair: Is everyone ready? We'll come back to order.

We are on clause 2. Is there any debate on clause 2?

Go ahead, Ms. Lalonde.

Mrs. Marie-France Lalonde: Yes, Madam Chair, I would like to bring an amendment to Bill C-242 in clause 2, lines eight to 15. I have the amendment here in both official languages to be shared with the members of the committee, if I may.

The Chair: Yes, you can.

That amendment will be circulated to all the members, please. I will suspend the meeting for a few minutes so that all the members and the legislative clerks can have a look at the amendment.

Mr. Garnett Genuis: We may have a problem with it. If we suspend, we may not be able to resume if bells start. I do want to flag that.

The Chair: The bells have started ringing, so do I have unanimous consent before we suspend the meeting that we can continue our meeting for the next 15 minutes?

Mr. Garnett Genuis: That's fine with me. I just wondered, technically, are we allowed to resume—

The Chair: If we receive unanimous consent....

Mr. Garnett Genuis: If we receive it prior to suspending, okay.

The Chair: Do I have unanimous consent to continue the meeting for the next 20 minutes?

Some hon. members: Agreed.

The Chair: The bells are ringing for 30 minutes. We can do it for 20 minutes, and then members can vote.

Mr. Garnett Genuis: We can vote from here. Is that right?

The Chair: Yes.

I'll suspend the meeting for a few minutes in order to allow all members to have a look at the amendment. Thank you.

The Chair: I call the meeting to order.

Ms. Lalonde.

[Translation]

Mrs. Marie-France Lalonde: Thank you, Madam Chair.

My motion in amendment reads as follows:

That Bill C-242, in Clause 2, be amended by replacing lines 8 to 15 on page 1 with the following:

Temporary resident visas — parents and grandparents

15.1 (1) The Minister may give instructions respecting an application for a temporary resident visa made by a foreign national to visit a Canadian citizen or permanent resident who is their child or grandchild, for an extended period in Canada, including instructions respecting selection criteria and conditions that may or must be imposed in respect of that foreign national, including the period authorized for their stay.

Compliance with instructions

(2) An officer must comply with the instructions before processing an application and when processing one.

Amendments to instructions

(3) An instruction that amends another instruction may, if it so provides, apply in respect of an application referred to in subsection (1) that is pending on the day on which the amending instruction takes effect.

Publication of instructions

(4) The instructions must be published in the Canada Gazette.

Act includes instructions

(5) Unless otherwise indicated, references in this Act to “this Act” include the instructions.

[English]

The Chair: I would like to give my ruling on the amendment.
Bill C-242 amends the Immigration and Refugee Protection Act to allow a parent or grandparent who applies for a temporary resident visa as a visitor to purchase private health insurance outside Canada and to stay in Canada for a period of five years. The amendment seeks to add the possibility for the minister to give other instructions respecting applications for a temporary resident visa that are not contemplated by Bill C-242.

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

An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.

In the opinion of the chair, adding the possibility for the minister to give new instructions not envisioned in Bill C-242 is beyond the scope of the bill. Therefore, I rule the amendment is inadmissible.

**Mr. Sukh Dhaliwal:** I bring a motion forward to challenge the ruling of the chair.

**Some hon. members:** Oh, oh!

**The Chair:** We will go to a vote.

Shall the ruling of the chair be sustained?

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

**The Chair:** Now we are back on clause 2. Is there any debate?

Order, please. Shall clause 2 carry?

(Clause 2 agreed to: yeas 6; nays 5)

(Clause 3 agreed to: yeas 6; nays 5)

(On clause 4)

**The Chair:** On clause 4, we have amendment NDP-2 on page 4 of the package as provided.

Would Ms. Kwan like to move that amendment?

**Ms. Jenny Kwan:** Yes, I would, Madam Chair.

I would move that Bill C-242 in clause 4 be amended (a) by replacing line 2 on page 2 with the following:

> tion must prepare a report in respect of a reduction to the mini-

Also, it would amend clause 4 (b) by replacing line 7 on page 2 with the following:

> visit that child or grandchild, including in respect of any special circumstances to be taken into account in the process of temporary resident visa applications and a review process for the decisions made in relation to those applications.

Madam Chair, this is related to the report back to Parliament from the minister. Given that I wasn't able to get the appeal process and special circumstances to be amended in the act itself, as it was deemed out of scope, at the very minimum I'm hoping that members will support having the minister respond to this concept in the report back to Parliament.

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

Before we go into any debate, I want to make it clear to all the members that if NDP-2 is defeated, then amendment NDP-3 will also be defeated as it is consequential.

**Mrs. Lalonde.**

**Mrs. Marie-France Lalonde:** Madam Chair, I certainly appreciate Ms. Kwan's decision in moving this amendment. Unfortunately, I don't feel comfortable in supporting it. While the government welcomes the opportunity to review the existing super visa program criteria and prepare a report to Parliament on the current income requirements, including special circumstances examining a review process for TRVs, these are beyond the scope of Bill C-242.

If the committee wishes for the government to implement these changes to temporary resident visas more broadly, there should be a more comprehensive analysis of the issue before making legislative changes.

**The Chair:** Is there any other debate?

We agreed that we would suspend the meeting 10 minutes before the vote, and it's 10 minutes. Do I have unanimous consent to continue for another five minutes?

**Some hon. members:** Agreed.

**The Chair:** Okay.

Seeing no further debate, shall NDP-2 carry?

**Mrs. Marie-France Lalonde:** We would like a recorded vote.

**The Chair:** We will have a recorded vote, Madam Clerk.

(Amendment agreed to: yeas 6; nays 5)

(On clause 5)

**The Chair:** We have amendment NDP-3, number 11779836, which is on page 5 of the package which was provided by the clerk.

Would Ms. Kwan like to move the amendment?

**Ms. Jenny Kwan:** Yes, Madam Chair. I move that Bill C-242, in clause 5, be amended (a) by replacing line 19 on page 2 with the following:

> tion does not provide for a reduction to the minimum income re-

Also, it moves that clause 5 be amended (b) by replacing line 24 on page 2 with the following:

> or grandchild or the circumstances or review process referred to in subsection 4(1), the Minister must table in each

This is a consequential amendment to the previous amendment that was passed, effectively asking that the minister respond to Parliament, including the issues around an appeal process and under special circumstances.

**The Chair:** Ms. Lalonde.

**Mrs. Marie-France Lalonde:** Thank you, Madam Chair.

Again, I'm a little bit troubled. I feel that I cannot support this.
Currently, a super visa applicant’s host—child or grandchild—and a co-signer, who must be the host’s spouse or common-law partner, must provide evidence that they meet the income requirement, which is equal to or above the low income cut-off. The low income cut-off is the income threshold, established by Statistics Canada, “below which a family will...devote a [much] larger share of its income on the necessities of food, shelter and clothing than the average family.”

A requirement to report or evaluate existing income will provide an opportunity to ensure that hosts are able to provide the basic necessities to their parents and grandparents for the duration of their extended stay in Canada, and, I will say, in addition to the other members of the family in the household unit.

At this point, I don't feel that I can support this amendment, Madame Chair.

The Chair: I see by the clock that there is less than five minutes until the vote.

We will suspend the meeting and come back after all the members have voted.

○ (1150) (Pause)

○ (1200)

The Chair: Do I have unanimous consent to resume the meeting?

Some hon. members: Agreed.

Amendment NDP-3 is on the floor. Is there any debate?

We will have a vote on NDP-3.

(Amendment agreed to: yea 6; nays 5)

(Clause 5 as amended agreed to: yea 6; nays 5))

The Chair: Shall the short title carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Ms. Lalonde.

○ (1205)

Mrs. Marie-France Lalonde: I would leave it to you, Madam Chair. I was thinking that it may be amended, but actually, no, because we lost the vote. I’m sorry about that.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

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

Some hon. members: Agreed.

The Chair: That’s it. Congratulations on getting through this.

Mr. Genuis.

Mr. Garnett Genuis: Madam Chair, in terms of the subject matter of the bill, I wonder if we can discuss it, because there was an item that was ruled out of scope, and I know there have been cases in the past where committees have sought to make recommendations that relate to a bill, even when it’s been determined that they can’t make certain amendments. I want to put that out there for discussion.

The Chair: In regard to Mr. Genuis’s question, nothing can be put in this report, so it will have to be a separate report.

Ms. Kwan.

Ms. Jenny Kwan: Thank you, Madam Chair.

I wonder if I can move this motion, which is related to the work that we have just completed and, particularly, to the amendment that I tried to move forward that did not pass. I would like to move that the committee report to the House its support for the creation of the review mechanism recommended in the following amendment proposed to C-242: that the Immigration and Refugee Protection Act be amended by adding a provision for “special circumstances to be taken into account in the processing of temporary resident visa applications” and “a review process for decisions made in relation to temporary resident visa applications”.

The Chair: I will suspend the meeting for two minutes to get the opinion of the legislative clerk.

○ (1210) (Pause)

○ (1210)

The Chair: I call the meeting to order.

Go ahead, Ms. Lalonde.

[Translation]

Mrs. Marie-France Lalonde: Thank you, Madam Chair.

[English]

I would like to bring an amendment to my colleague's motion.

It would read that, pursuant to Standing Order 108(2), the committee has considered C-242, an act to amend the Immigration and Refugee Protection Act, temporary resident visas for parents and grandparents.

The Chair: We have an amendment.

Mr. Garnett Genuis: I have a point of order.

Where is that amendment being placed in relation to the text?

Mrs. Marie-France Lalonde: I haven't seen the text.

The Chair: We'll have one person at a time, please, and all conversations through the chair.
The motion Ms. Kwan has moved will need some time to get translated before it can be circulated to the members. Would the members like to continue or suspend the meeting for a few minutes, so it can be translated and circulated to the members as it’s not in both official languages?

Mrs. Marie-France Lalonde: Yes, please. I need to make sure where to put my amendment. That would be very nice.

The Chair: We will suspend the meeting for a few minutes, so the motion can be translated and circulated to the members.

The meeting is suspended.

Mrs. Lalonde moved an amendment to that motion.

Mrs. Lalonde.

Mrs. Marie-France Lalonde: Thank you very much, Madam Chair.

As I was reading my amendment I missed the last sentence of my amendment. I ask for unanimous consent from my colleagues to read my last sentence, please.

The Chair: Do we have unanimous consent?

Some hon. members: Agreed.

The Chair: Ms. Lalonde, please read your amendment.

Mrs. Lalonde.

Mrs. Marie-France Lalonde: The way it would be is that we would be striking “that the committee report to the House” and adding, “that, pursuant to Standing Order 108(2), the committee has considered Bill C-242, an Act to amend the Immigration and Refugee Protection Act (temporary resident visa for parents and grandparents), and wishes to make the following recommendation to the government and wishes to express its support for the creation of the review mechanism recommended in the following amendment proposed to Bill C-242”.

The Chair: We have an amendment proposed by Ms. Lalonde.

The meeting is suspended.

Mr. Dhaliwal.

Mr. Sukh Dhaliwal: Thank you, Madam Chair.

Madam Chair, I want to thank Madam Lalonde for bringing this amendment forward and, of course, Madam Kwan for bringing the amendment to this as well. Most importantly, we have to go back to the member who brought this bill forward, Mr. Seeback. In the last meeting, Madam Chair, you probably noticed that I congratulated him for starting this conversation, because this topic of a super visa for the parents and grandparents is a very important issue that I know we are facing in our constituencies.

I also want to thank and congratulate Minister Sean Fraser as well, for acting so fast to bring in the super visa limit to five years and then extending it for two more years—and they can stay here for 10 years—and for considering the insurance companies.

Madam Chair, I come home to the riding of Surrey—Newton, which is a very diverse riding. There are 120 languages spoken in that riding, and there are over 65 different communities that live in—

Ms. Jenny Kwan: This is a filibuster.

Mr. Sukh Dhaliwal: If Madam Kwan feels this is a filibuster, then we will stop and take a vote on this motion, as well, please. I wanted to put a very thoughtful process into this on what can be done and what can't be. Let's take a vote, then. Then I'll probably start speaking to the amendment if it passes.

Mrs. Marie-France Lalonde: As my colleague was stating, I think there was a lot of goodwill all throughout this process that took place to try to bring forward the consideration. It's very interesting for me the spirit of collaboration we've started. When I think about C-242—and I think my colleagues on both sides realize the importance of this—I have to say that I did congratulate Mr. Seeback myself, because I was very happy to see the goodwill we had in this committee, Madam Chair.

The Chair: Thank you.

We have an amendment on the floor that has been moved by Ms. Lalonde. Seeing no debate, we can vote on the amendment proposed by Ms. Lalonde.

(Amendment negatived: nays 6; yeas 5)

The Chair: We have a motion on the floor moved by Ms. Kwan.

Go ahead, Mr. Dhaliwal.

Mr. Dhaliwal has the floor. I would like to ask all the members to maintain order at the committee.

Mr. Sukh Dhaliwal: Thank you, Madam Chair.

Madam Chair, I really feel very passionate about this topic and, even though some members might feel the other way around, I would love to take my time here to talk about the bill that is in front of this committee.

Madam Chair, as I said earlier, I come from Surrey—Newton, which is a very diverse riding. There are 65 different countries—

The Chair: One member is speaking, so please allow the member to speak.

Mr. Dhaliwal has the floor. I would like to ask all the members to maintain order at the committee.

Mr. Sukh Dhaliwal: Madam Chair, I'm going to be very short and sweet, and I'm going to ask for the vote. If you can give me an opportunity without disturbance—

The Chair: Yes, the floor is yours.

Mr. Sukh Dhaliwal: I have friends on the other side, Madam Chair. I have a tremendous amount of respect, no less, for Mr. Jasraj Singh Hallan. He comes from Calgary Forest Lawn.
If you look back, Madam Chair, I immigrated to Canada, and my first stop in Canada was in Calgary. Calgary was home to me, and my two daughters were born in Calgary. I understand how diverse his riding is and the amount of work that he does, not only in his riding of Calgary Forest Lawn but in other ridings that come to him as well. I'm sure, Madam Chair, Mr. Hallan, my brother-like friend, would be able to appreciate the importance of this super visa and also the appeal process.

At the same time, we have to be efficient in the House as well. When we bring this to the House, we have to make sure that we act in a way that does not stand in the way of House proceedings.

Taking that into consideration, Madam Chair, I should not exclude Mr. Brunelle-Duceppe.

Mr. Brunelle-Duceppe, I just wanted to tell you that I come from a riding that's very diverse. There are a lot of new francophones moving into my riding, and I'm very proud that there's an École Gabrielle-Roy there. Even though the students are bused into that school, I have seen elderly parents bringing their grandchildren to that school in person as well, so it's affecting every single community. I'm a big supporter of the francophone community outside of Quebec to have representation outside of Quebec. It's affecting every family.

The super visa is very key to the community of Surrey—Newton and many other communities. I certainly would love to support the super visa process, but at the same time, the minister has shown leadership and he brought those changes.

With that, Madam Chair, I want to thank you and the other committee members. I think they're getting anxious to go.

Please maintain order. Don't have side conversations. All the conversations should be addressed through the chair.

Mr. Dhaliwal, thank you.

Seeing no further hands raised, we will call for the vote.

(Motion agreed to: yeas 6; nays 5)

The Chair: We are past 1 p.m., so the meeting is now adjourned.
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