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Tuesday, November 13, 2007

—
Chair

Mr. Barry Devolin

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• (1535)

[English]

The Clerk of the Committee (Ms. Bonnie Charron): Honourable members of the committee, I see a quorum.

[Translation]

So we can proceed to the election of the chair.

[English]

I am ready to receive motions to that effect.

Mr. Rod Bruinooge (Winnipeg South, CPC): I would like to move a motion that Mr. Barry Devolin become the chair of this committee.

The Clerk: There is a motion by Mr. Rod Bruinooge that Mr. Devolin be chair of the committee.

Are there any other nominating motions?

Is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

The Clerk: Mr. Devolin is duly elected as chair of the committee.

Before inviting you to take the chair, we will now proceed to the election of the vice-chairs.

Pursuant to Standing Order 106(2), the first vice-chair must be a member of the official opposition.

[Translation]

I am ready to receive motions for the position of first vice-chair.

[English]

Hon. Anita Neville (Winnipeg South Centre, Lib.): Thank you.

I would like to put forward the name of Nancy Karetak-Lindell as a vice-chair, please.

The Clerk: We have a motion by Madam Neville that Madam Nancy Karetak-Lindell be elected as first vice-chair of the committee.

Are there any other motions?

Is it the pleasure of the committee to adopt that motion?

(Motion agreed to)

The Clerk: Madam Nancy Karetak-Lindell is duly elected first vice-chair of the committee.

I am now prepared to receive motions for second vice-chair. The second vice-chair must be a member of an opposition party other than the official opposition.

We'll go to Monsieur Lemay.

[Translation]

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Madam Clerk, I nominate Ms. Jean Crowder for the position of second vice-chair.

The Clerk: Mr. Lemay nominates Ms. Crowder for the position of second vice-chair of the committee.

[English]

Are there any other motions?

Is it the pleasure of the committee to adopt that motion?

(Motion agreed to)

The Clerk: Madam Crowder is duly elected second vice-chair of the committee.

I now invite Mr. Devolin to take the chair.

The Chair (Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC)): Thank you.

I just wanted to say thank you to the committee and introduce myself to some of you who I don't know. Most people pronounce my name by saying DEV-olin, so I won't hold that against Rod. But it's actually de-VOL-in.

As you know, I am new to this committee, but I look forward to working with you and to learning more about these issues. This is also the first time I have chaired a parliamentary committee, so I encourage you to be gentle with me, and if I move a little slowly at first on some of the rulings, I ask your indulgence.

It's my understanding that our next order of business is to consider a set of routine motions that has been distributed. Rather than going through each, if anyone has any concerns about these motions or would like to propose any changes, we would consider those.

Does anyone want to...?

Mr. Rod Bruinooge: Actually, Mr. Chair, we would like to put forward a recommendation, and that is in relation to the subcommittee makeup. I felt, and I think other members of our party felt, that we put our chair in a difficult position to maintain his role as—

The Chair: We have a point of order.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): My understanding is that the agenda for this meeting was simply to elect the chair and the vice-chairs and that we would not be considering any other business at this committee meeting.

The Chair: Sorry, it was my understanding that we would be electing the chairs and dealing with the routine motions. Was that correct?

Is there a concern about dealing with the routine motions today?

Ms. Jean Crowder: Normally we would have notice of what was going to be on an agenda, so it's highly unusual for us to consider something that's actually not on the agenda without giving all committee members ample time to prepare for it.

The Chair: We'll go to Mr. Storseth.

Mr. Brian Storseth (Westlock—St. Paul, CPC): Thank you, Mr. Chair.

It's been my understanding that this is a fairly routine procedure that's been going on all day today with the new committees and that the routine motions are simply some of the housekeeping that we need to get done as a committee. There are no rookies here any more. We should all be prepared to deal with some of these most basic items, I would think.

The Chair: I know that the routine proceedings were in the briefing binder that was distributed. I know they were in the one that I got, but I don't know about it going to all committee members.

Ms. Crowder.

Ms. Jean Crowder: My understanding is that the parliamentary secretary is now proposing changes. When the routine proceedings were simply a rollover of what we had in the past, it was a simple matter. I understand from what the parliamentary secretary is saying that he wants to introduce some changes. I think it should be a notice on the agenda and that perhaps it would be helpful to have some of those suggested changes in advance so we could review and consider them.

The Chair: It has been brought to my attention that one of the routine motions that we could be considering today is the notice of motion provision that determines how many hours notice is necessary. Until that is passed, there actually is no requirement that there be a period of time until we consider this business.

I would prefer to go ahead with this today. I'm in the hands of the committee. I'm looking for more input here. Basically we have two options. We can defer the consideration of routine motions until the next meeting, or we can deal with them today and then be ready to move on with more business. It is my understanding that other committees do deal with this. It is also my understanding that these have in fact been distributed to all members of the committee through the briefing book.

• (1540)

Ms. Jean Crowder: Mr. Chair, could I have a clarification, then? If we're being presented with this and just asked to consider what's before us, I think many of us probably wouldn't have any problems with this, but I understood the parliamentary secretary to introduce a change.

The Chair: That is correct, that is exactly what happened.

Maybe, Mr. Bruinooge, you could quickly explain what your proposed change is, and then we can make a determination whether people may need time to consider it or not.

Mr. Rod Bruinooge: The change that I wanted to propose was simply to add a Conservative member to the subcommittee, so that the chair isn't required to represent the government's position at the subcommittee and can remain the non-partisan entity on that subcommittee. This was the proposal that I wanted to make.

The Chair: I understand that before the summer, in this committee, the subcommittee was comprised of four members—one from each of the caucuses. I do know that on the immigration and citizenship committee on which I sat, there was the chair plus one member from each caucus, the notion being that one of the caucus members could represent their agenda and it precluded the chair from having to act in a partisan fashion while in subcommittee, but to be non-partisan and neutral in the committee. So we did it in that committee in deference to the chair, not to put him in an awkward situation.

Monsieur Lemay.

[Translation]

Mr. Marc Lemay: What I have just heard from the parliamentary secretary is quite surprising. When the Liberals were in power, it was the Conservatives who had the parliamentary secretary or another member from the governing party removed from committees and subcommittees.

I feel that the Subcommittee on Agenda and Procedure should be made up of the chair, the two vice-chairs and a member from the other opposition party. We used to be four and we must continue to be four. Furthermore, at all the meetings we had—I have a lot of respect for the chair who preceded you—we never had any kind of conflict or problem because we worked by consensus.

I do not see why we would change that today, and this is the reason why we are going to vote against the motion, clearly.

As for the routine motions, they are the same—I repeat, the same—as we had last session. I suggest that we pass them quickly so that we will be able to start work on Thursday if possible, or next Tuesday.

[English]

The Chair: Thank you.

Mr. Storseth.

Mr. Brian Storseth: Thank you very much, Mr. Chair.

I really don't see a major change being made here. We're not asking for any extra votes on the committee, we're simply asking to be able to choose which one of our members represents the Conservative Party at the subcommittee.

I have had the opportunity to work on the transportation committee with the Honourable Mr. Scott. That committee worked in a very good non-partisan fashion and this was the exact structure we had. We had a chair who ran the meetings and we had a representative from each party who was there for partisan purposes. I think that's the most constructive way to move forward with this. I really don't see this to be a significant change.

The Chair: Maybe Mr. Bruinooge would clarify the motion. Previously there were four members of the steering committee and each had a vote. Is what you're proposing that a fifth member be added, but that the chair would no longer have a vote so there would still be one vote for each caucus at the subcommittee?

• (1545)

Mr. Rod Bruinooge: Yes, that's correct.

The Chair: Mr. Lemay, does that address your concern?

[*Translation*]

Mr. Marc Lemay: No. I think we should continue to have four people, end of discussion. The chair, the two vice-chairs and a representative from the other opposition party, because the committee does not vote. It just makes recommendations and works by consensus.

I attended all the meetings and all we did was to decide who was coming to give evidence, when and where. That is what we did last session. I suspect that they want to add someone else, and I do not agree with that. Let us stick with four people.

[*English*]

The Chair: Thank you, Monsieur Lemay.

Mr. Scott and then Ms. Neville.

Hon. Andy Scott (Fredericton, Lib.): I'm not a member of the committee, so I hesitate to get engaged too much, but I just want to bring your attention to the uncomfortable position that you find yourself in when you have four members and you're saying that the chair wouldn't vote. In reality, if it ever happened that there was a two-two tie—I've been there, and you don't want to be there—the reality is that becomes more troublesome for the chair than anything else that might actually happen.

The Chair: Thanks.

As I said, I have been on committees where it has been set up both ways, with four and with five. We're not breaking fresh ground in whichever decision we make.

Ms. Neville.

Hon. Anita Neville: I need some clarification.

Mr. Bruinooge indicated that it would be a member of the Conservative caucus who would attend. Does that mean it would be a member, or would it be the parliamentary secretary?

The Chair: Mr. Bruinooge.

Mr. Rod Bruinooge: Technically it could be any member of our committee. However, it would more likely than not be me.

Hon. Anita Neville: Then I certainly could not support such a proposal. I don't think the executive branch of government should be part of the steering committee of a legislative committee of the House of Commons. I would not support the motion.

The Chair: Mr. Bruinooge.

Mr. Rod Bruinooge: If the member opposite, Madam Neville, would be interested in a friendly amendment to my motion making it a member of our party who isn't the parliamentary secretary, we'd be happy to entertain that friendly amendment, if that's what she'd like.

The Chair: It seems to me like there's opposition to the idea. I'll bring it to a vote and maybe we could resolve this quickly.

Mr. Bruinooge has moved that the subcommittee on agenda and procedure, which currently has four members—the chair, who is from the governing party, the two vice-chairs, and a member of the other opposition party—be expanded so that there would be an additional government member on that committee, bringing the total to five; that the chair would no longer be a voting member; and that the additional Conservative member would not be the parliamentary secretary.

All in favour of Mr. Bruinooge's motion?

(Motion negated)

The Chair: Just before I ask anyone for any other comments on the notice of motions, I believe 48 hours is the typical timeframe. If that's agreeable with the committee, then someone should make a motion that we make it 48 hours notice.

Hon. Anita Neville: Are we not going in order here? Have we agreed—

The Chair: Sorry. I had thought when we started that we were probably going to adopt the whole thing, rather than going through them step by step.

Ms. Crowder.

Ms. Jean Crowder: I wish to move that the notice of motion be 48 hours.

The Chair: Okay. I'd like to proceed in this way. I appreciate that it might be a bit confusing for some.

So we have a motion from Ms. Crowder—

Mr. Rod Bruinooge: And I'll second that, Mr. Chair.

The Chair: —seconded by Mr. Bruinooge, that the notice of motion be 48 hours.

Ms. Crowder, you're simply inserting 48 hours into the paragraph as it appears?

Ms. Jean Crowder: Yes. My understanding is that these are exactly the proceedings we adopted at the last committee, and the hours were just left blank so we could reconfirm them. So if that is exactly the motion....

The problem with dealing with this without advance notice is that I'm taking it on face value that these are exactly the proceedings we passed last time—

• (1550)

The Chair: As am I.

Ms. Jean Crowder: So based on that, I'll suggest we insert the 48 hours there.

The Chair: Okay.

All in favour of Ms. Crowder's motion to insert 48 hours in that clause?

(Motion agreed to)

Mr. Rod Bruinooge: Mr. Chair.

The Chair: Yes, Mr. Bruinooge.

Mr. Rod Bruinooge: I would like to bring forward another motion, and this is in relation to the section “Staff at in camera meetings”. We would like to propose that on top of each one of the committee members having one staff person available to attend in camera meetings, each party be able to designate an additional one person to be at in camera meetings, because in the past we've seen times when some of our staff who are involved with committee meetings are unable to be present. I know the Bloc and the NDP share common staff, and I hope this would be agreeable to all parties.

That's the motion I'm making, a minor change to this section on “Staff at in camera meetings”.

The Chair: It is my understanding, under the rule as it's currently written, that if there was an in camera meeting, no staff member, even from the whip's office, could come into the room. And you're suggesting that be changed to say one staff member plus one additional party staff person?

Mr. Rod Bruinooge: Correct—that each party be able to designate one additional person who may or may not be a committee member's staff.

The Chair: Okay.

Ms. Crowder.

Ms. Jean Crowder: Mr. Chair, part of the reason this became so important was that when we went in camera there was often mass confusion about who should be in the room and who should be out of the room. To simplify it, we agreed to reduce it to one staff member per one committee member so there was some coherence around it.

I don't see any real reason.... If the opposition decided to choose a staff member from the whip's office, that would be within their purview, but for us to add additional members doesn't seem reasonable.

The Chair: Any other comments?

Mr. Chris Warkentin (Peace River, CPC): Mr. Chair, could I get clarification as to how it's currently written? My understanding is that currently the only people available to them during in camera meetings are the staff who are hired by the offices. My understanding is that currently there is no provision for party staff or staff from other offices to attend with members.

Could I get some clarification on that? I believe that would be helpful, because I think, as Ms. Crowder pointed out, if we can trade, that may work to facilitate an end to a means. If I could just get some assurance on that front, that would be helpful.

The Chair: It is written, “each committee member be allowed to be accompanied by one staff member at an in camera meeting”. I don't read it to say “accompanied by one of their staff”—

Mr. Chris Warkentin: Okay, perfect.

The Chair: So if you were to bring another staff person from another office with you, depending on the issue, you would be restricted to one staff member per caucus member in the room.

Mr. Chris Warkentin: Okay. Very good. Thank you.

The Chair: And just so I understand, if there are four Conservatives here and they have four staff members there and

someone comes from the whip's office, that person is not allowed in the room.

Mr. Chris Warkentin: And they can trade off, then, with other staff members. Okay. Very good.

The Chair: Mr. Bruinooge, did you move that this be changed?

Mr. Rod Bruinooge: I did, yes.

The Chair: There's a motion on the floor that an amendment be made such that the paragraph would read: that, unless otherwise ordered, each committee member be allowed to be accompanied by one staff member at an in camera meeting, and additionally, each party would be allowed one staff member in that meeting.

All in favour...?

Some hon. members: No.

The Chair: Well, I think this is going to be voted down. I was just trying....

Mr. Lemay.

[*Translation*]

Mr. Marc Lemay: Mr. Chair, with all due respect, I have to explain something to you. We have interpretation here, and very often we have to wait for them to finish so that we can understand what was said. I have a great deal of respect for Mr. Bruinooge; did I understand his proposal correctly? Let us take Ms. Crowder. If there was a meeting in camera, she would be able to have someone from her staff, plus someone from her party. That is how I understand the proposal. So we in the Bloc would each have the right to have one person, as at present, plus someone from our party. If that is the proposal, we agree. I wanted to make sure that I had understood it.

• (1555)

[*English*]

The Chair: It is my understanding that Mr. Bruinooge is saying one staff member per caucus member, plus one additional person from the party.

Ms. Crowder.

Ms. Jean Crowder: You're saying one additional person from the party. In effect, that would mean four additional people who would be....

The Chair: Potentially.

Mr. Scott.

Hon. Andy Scott: I don't think this is worth a big debate. Part of the reason here is so that we distinguish an additional person from simply being able to have someone from the whip's office for one of the four of us. It has to do with responsibility for that person.

At an in camera meeting, if there are four people here, with four staff people, and they're assigned in some fashion to the people who are here, there's a responsibility piece that is lost when you add to the number. It's a little less accountable. And I know that accountability is a....

But that's the reason, just for the record. The discussion in the past has been about that. When there's someone sitting back here, it's my job to see to it that the person who is sitting back here, because I'm here, recognizes this as an in camera meeting, and I can hold them to be responsible.

The Chair: Okay.

If there are no further comments, I'd like to ask you, Mr. Bruinooge, is the way I stated it the way you want it stated?

Mr. Rod Bruinooge: Yes.

The Chair: Okay.

Mr. Bruinooge's amendment is on the floor, that each caucus member in the room would have one staff, plus there could be one more per caucus.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: Are there any other comments or suggestions, or can I ask for a motion that we accept the routine motions as amended?

Mr. Albrecht moves that we accept the routine motions as presented, with two changes—the first, which we just discussed, in terms of the staff; and the second, in terms of the insertion of 48 hours' notice.

All in favour of the routine motions as presented and as amended?

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

The Chair: Yes, Mr. Bruinooge.

Mr. Rod Bruinooge: At this time, I would like to bring forward a motion.

Due to the fact that former Bill C-44 has been reinstated as Bill C-21; that as a committee we have proceeded through a number of witnesses, and in the opinion of the government are at the stage of proceeding to clause-by-clause; and that this is an important plank of our government, having just received a mandate by Parliament to proceed with extending the Canadian Human Rights Act to first nations people, I would like to put forward the motion that as a committee we proceed to clause-by-clause on Bill C-21.

Mr. Todd Russell (Labrador, Lib.): Mr. Chair, a point of order.

We just adopted the routine motions and the rules for our committee, which said we had to give 48 hours' notice of any motions or substantive motions to be considered by the committee. I would argue that's certainly out of order and certainly it was never intended to be on the agenda for this particular meeting, so I think it would be pushing it a little far to accept this as an agenda item for discussion right now.

The Chair: I guess the only point I would make is that it's been drawn to my attention that in the notice of motions provision it says:

That 48 hours' notice be required for any substantive motion to be considered by the Committee, unless the substantive motion relates directly to business then under consideration.

It is committee business.

•(1600)

Mr. Todd Russell: No, there's currently no business under consideration except the routine motions that have been put before.

All this is now new business, a new bill, with, supposedly, maybe some amendments. I mean, it doesn't make sense to try to push the agenda, sir, farther than you have already.

The Chair: Right, so that should be tabled.

Mr. Lemay.

[*Translation*]

Mr. Marc Lemay: Let's all calm down for a moment. First, the bill was tabled today. Second, the House will have to agree that it be studied in committee, and that has not yet been done. We have to have the bill in front of us. At the moment, it is not. It is not physically here today.

Third, Mr. Chair, the only items on the agenda today were to elect the chair and the vice-chairs, and to pass the rules of procedure. I do not think that we can get involved with anything else today. I agree with my colleague Mr. Russell: any motion has to be made in English and in French and it has to be tabled with 48 hours' notice. I could comment on the meeting that was supposed to be held on November 15, but we will start debate on that later. At the moment, I do not think that the parliamentary secretary's proposal can be dealt with today.

[*English*]

The Chair: Okay.

Mr. Storseth.

Mr. Brian Storseth: Thank you very much, Mr. Chair.

While I have a great deal of respect for my colleague across the table, Mr. Lemay, he is wrong on this. As of 10 o'clock this morning, this was referred to committee as committee's only business at this point in time, and therefore it wouldn't need 48 hours' notice. I think your ruling is perfectly correct.

In this committee, there are not a lot of new faces on the other side. Everybody has sat through these consultations. Everybody has known the importance of this. I understand that it's in some of the opposition's apparent best interest to stall human rights to first nations people, but we will continue to push this as the most pressing piece of legislation that we have before this committee right now. I think it's incumbent upon all of us to take the time to calm down, as Mr. Lemay said, and sit down and work this out and get this done for first nations people.

As a matter of fact, the only new face across the table I see is the former Minister of Indian and Northern Affairs, who would definitely recognize the importance of this.

The Chair: Thanks for saying you agreed with my ruling, but I actually hadn't made one yet. I think that I would like to put discussion of Mr. Bruinooge's motion over to the next meeting, for a variety of reasons.

Our next scheduled meeting is Thursday.

Ms. Crowder.

Ms. Jean Crowder: Mr. Chair, I don't know if the committee is aware that the Speaker has a reception on Thursday at 3 p.m. for the National Aboriginal Achievement Awards, and I think it would be really important for the committee to put in an appearance there. Whether we want to either delay the start of the meeting or postpone the meeting, I think it would be an important statement, showing commitment of this committee and support for the National Aboriginal Achievement Awards. So I would move that we actually not meet on Thursday.

The Chair: Okay, and that the next meeting would be on Tuesday?

Mr. Lemay.

[Translation]

Mr. Marc Lemay: I move that the next meeting take place on Tuesday, November 20, and not November 15, so that we can accept the Speaker's invitation. I so move.

[English]

The Chair: Is anyone opposed to not meeting on Thursday and having our next meeting on Tuesday the 20th? Okay?

Hon. Anita Neville: I have maybe one issue.

The Chair: Yes, Ms. Neville.

Hon. Anita Neville: Mr. Chair, I would like very much for this committee to have an opportunity to look at supplementary estimates as well as hearing from the minister as soon as possible, and I'd like to focus on the supplementary estimates.

The Chair: Okay, thank you.

At our next meeting, one week from today, the one piece of business that is on our agenda is now Bill C-21, I believe, formerly Bill C-44. That is something we need to proceed with.

I guess there's some discussion in terms of how we proceed with that. Mr. Bruinooge's proposal is that we would move immediately to clause-by-clause. We'll deal with that motion on Tuesday, so that would be one option. I guess if the committee does not want to go to clause-by-clause, then we'll need to have some discussion about how we will proceed with Bill C-21.

We will also need to have a discussion about future business in general for the committee. Again, drawing from my experience with other committees, typically there would be a discussion at the full committee to put forward ideas for future business. Then the subcommittee would take that list of proposals and try to come up with an agenda to bring back to the committee. I don't know if that's the way it worked here in the past, but I'd like to know if that's acceptable.

Ms. Crowder.

• (1605)

Ms. Jean Crowder: A question on the supplementary estimates. We have a timeframe here, and we're fairly time crunched, because my understanding is that we have to review those before the beginning of December.

The Chair: I will be prepared to report back to you a week from today on that matter.

So next Tuesday we will proceed with Bill C-21, and the first item on the agenda.... Monsieur Lévesque.

[Translation]

Mr. Yvon Lévesque (Abitibi—Baie-James—Nunavik—Eeyou, BQ): Mr. Chair, at the end of last session, I moved that we hear from the people from Kawawachikamach, and given that we are not meeting on Thursday, I would like us to discuss the motion at our next meeting, next Tuesday. So this is my notice of motion about hearing from the Naskapis of Kawawachikamach.

[English]

The Chair: All right. We'll add that motion to the agenda for our next meeting on Tuesday. So, effectively, at our next meeting we will be talking about what we do first or how we do it.

Ms. Crowder.

Ms. Jean Crowder: Sorry, I don't want to belabour the point too much, but the reporting deadline for the supplementary estimates is Wednesday, December 5. So I wonder if we could not ask for a scheduling of the minister to come before the committee. I think we would all agree that supplementary estimates is part of what we have to do, and there are only four meetings left between now and when that reporting has to be completed, so I don't know that we have to wait until Tuesday to consider asking the minister to come before us around supplementary estimates. And given that the minister's time is highly scheduled, I wonder if we shouldn't go ahead and ask for that meeting, wherever it can fit into his schedule.

The Chair: To clarify, you're proposing that I send a letter to the minister asking him if he will appear. We'll do that. And I'll be able to report back on that on Tuesday.

Mr. Bruinooge.

Mr. Rod Bruinooge: The minister has indicated to me that he will make himself available at the earliest opportunity. Should there be a meeting that is available prior to the end of November, I can imagine we'd probably be able to get him scheduled for that. So I don't think that will be a problem.

The Chair: Okay, good. Hopefully, we'll have an answer in that regard on Tuesday.

Is there any further business?

Mr. Albrecht.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): I would like clarification in terms of the procedure for next Tuesday. Will we simply be discussing Mr. Bruinooge's motion, or will we actually begin clause-by-clause on Bill C-21?

The Chair: We will begin the meeting by considering two motions, one from Mr. Bruinooge and one from Monsieur Lévesque, regarding Bill C-21. The outcome of those two discussions and votes will determine how we proceed.

Mr. Harold Albrecht: I want to go on record as saying that I think it's incumbent upon us to get moving on this, especially since we've again postponed a meeting; we're not meeting Thursday, we're meeting next Tuesday. Then if the motion is delayed another day, it drags this on. We've been working at this for a long time, and it's time to move on and act on it.

The Chair: Any further question?

All right, I think we're ready to adjourn. Thank you.

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