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Thursday, June 3, 2010

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Chair

Mr. Garry Breitkreuz

Standing Committee on Public Safety and National Security

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• (1530)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): I'd like to bring this meeting to order. This is meeting number 23 of the Standing Committee on Public Safety and National Security. We're continuing with our study of Bill C-391, An Act to amend the Criminal Code and the Firearms Act (repeal of long-gun registry), which was referred to us on Wednesday, March 3, 2010.

We are continuing to debate a motion that is on the table.

My speakers' list indicates that Mr. Rathgeber had the floor. We will continue with that.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): On a point of order, Chair, as is the custom here, we leave time to address motions that have been brought before the committee at least two days in advance. Unfortunately, the bells began ringing just as we were about to address the motion that I'd brought to the committee two days in advance of our prior meeting.

I'm more than happy to continue with the discussions that are taking place; however, I'd like to be secure in the knowledge that in the last 15 minutes we will address the motion that was properly brought to the committee two days in advance. We are addressing a motion that was brought from the floor, as opposed to motions that had been brought to committee's attention two days in advance and according to the rules.

The Chair: Okay. Let me suspend for a minute to consult the clerk. Before I do, I'll say that I understood we were dealing with the motion that stemmed from the first 15 minutes, throughout the entire meeting. We had 15 minutes set aside at the beginning of the meeting for motions, so—

Mr. Borys Wrzesnewskyj: No. If you check the agenda, you had set aside 15 minutes, but it was only for one of the two motions.

Now I've been told there is actually a third motion that has been brought to the committee—

The Chair: Yes.

Mr. Borys Wrzesnewskyj:—and I'm sure we could schedule the time for that particular motion as well.

The Chair: Okay. Let's suspend for a moment while I consult with the clerk as to the proper procedure.

• _____ (Pause) _____
•

The Chair: Let's reconvene.

In consulting the clerk, I am advised that motions are generally dealt with by consensus. If we can get an agreement, we could spend the last five minutes, or whatever time you think would be appropriate, to deal with that, but we would require a consensus.

If we don't, then we could set aside a time at a future meeting, such as next Tuesday's, or any other date that would be acceptable to the members of this committee.

I put that to you. Do you want to deal with the motion in the last five minutes today or would you prefer as a committee to put that forward to a future meeting?

Mr. Norlock.

• (1535)

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you very much, Mr. Chair.

I've been on this committee going on about four and a half years, I guess, and when the member of the opposition, Mr. Wrzesnewskyj, says it's the tradition of this committee.... In the four and a half short years that I've been on the committee, it has not necessarily been the practice.

It occurs sometimes. At other times, committee business supercedes it, or there isn't an agreement and the committee goes on with other business until such time as it's appropriate to deal with that. I think that's the advice the clerk has given you.

The Chair: Yes.

Mr. Rick Norlock: And I think it's accurate advice.

It's inaccurate to say that something is the habit of this committee, to say that we always deal with notices of motion or motions that have been brought forward 48 hours before.

The Chair: I don't know if we need any more discussion on this. I can put it to the committee if you wish. We can deal with it in the last five minutes today if we have consensus.

Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): To give everybody their due opportunity, we should really move it over to Tuesday. On Tuesday we are going to be studying the report on Corrections, so I think it would be appropriate to leave it until then.

The Chair: We'll leave some time at the end of the meeting.

Ms. Mourani.

[Translation]

Mrs. Maria Mourani (Ahuntsic, BQ): Thank you, Mr. Chair.

I would like to take this opportunity to ask that my motion also be heard next Tuesday. I have already tabled a motion.

The Clerk of the Committee (Mr. Roger Préfontaine): Could you repeat what you just said?

Mrs. Maria Mourani: Since we will deal with Mr. Wrzesnewskyj's motion next Tuesday, I would like us also to deal at that same time with the motion I have tabled some time ago.

[*English*]

The Chair: The clerk has informed me that there are actually three motions before the committee. I suggest that we consider these at the end of our meeting on Tuesday. We might need half an hour if we do all three. Is that in order?

Some hon. members: Agreed.

The Chair: Okay. We'll put it on the agenda, Mr. Clerk, for next Tuesday at 5 p.m.

Okay. Let us now return to the business of this—

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Chair, what is the third one?

The Chair: Mr. Holland...?

Mr. Joe Comartin: I'm not concerned unless it's—

The Chair: You probably received it in your office. I don't have the motions in front of me but there are three.

Mr. Holland.

Mr. Mark Holland (Ajax—Pickering, Lib.): The third motion is with respect to the prison farms.

The Chair: Oh, that's right.

Mr. Joe Comartin: Thank you, Mr. Chair.

The Chair: Okay. That's taken care of.

We will now continue with Mr. Rathgeber.

Mr. Brent Rathgeber (Edmonton—St. Albert, CPC): Thank you, Mr. Chair.

When we last gathered in this room, we were debating a motion put forward by the member from Ajax—Pickering that, “pursuant to Standing Order 97.1(1), this committee recommend to the House of Commons that the House “not proceed further with Bill C-391, An Act to amend the Criminal Code and the Firearms Act (repeal of long-gun registry), because the Committee”—and I need to underscore the next part—“has heard sufficient testimony that the bill will dismantle a tool that promotes and enhances public security and the safety of Canadian police officers”.

I would submit to this committee through the chair that I think the evidence we have heard is much to the contrary of the expressed wording of Mr. Holland's motion. In fact, I outlined some of that evidence on Tuesday. In fact, I think that when we adjourned on Tuesday, I was talking about the Mayerthorpe incident.

The Mayerthorpe incident, as the members will undoubtedly recall, was mentioned by Chief Blair, the Chief of the Toronto Police Service and head of the Canadian Association of Chiefs of Police, as

an incident where the long-gun registry somehow promoted the safety of front line officers, and I found that very, very remarkable.

I referred to the CACP magazine—the Canadian Association of Chiefs of Police—in which they do in fact list the Mayerthorpe massacre in support of their position or in their advocacy in support of the long-gun registry and against Ms. Hoepfner's bill. A very short excerpt says:

Following the killing of four RCMP officers, the RCMP used registration information in the Canadian Firearms Information System to link a long gun recovered at the scene to a licensed owner. This helped police focus their investigation and identify and convict two accomplices.

Well, that's true as far as it goes, but that wasn't the question.

Mr. Chair, you will recall that the question I posed to Chief Blair was specifically with respect to front line officer safety. I was talking about the Mayerthorpe massacre, a tragic event that occurred two and a half hours northwest of Edmonton—where I live—in March 2005. I remember the day very well. Mr. Roszko had two unregistered rifles.

I was not aware that there was quite a lot of interest in the proceedings of this committee. An individual who was listening to my explanation of the Mayerthorpe incident on Tuesday wanted to correct my lack of knowledge of firearms. I readily admit that I am not as familiar with the names and model numbers of firearms as I might be.

This individual—I'm not going to read his name—claimed to be a friend of the brother of one of the fallen officers. He has seen the effects the shootings had on the fallen members' families and he always wants to make sure that individuals have the right facts. Although he certainly agrees with my premise, he wanted to correct my lack of knowledge about restricted and prohibited weapons.

The rifle James Roszko used was a Heckler and Koch model 91, which is the civilian version of a military assault rifle. There is no firearms manufacturer called Koch and Hegel, as I think I referred to it on Tuesday. He states, “While you are correct that the Heckler and Koch 91 is a semi-automatic, it is, in fact, prohibited by name as part of the C-68 prohibitions by order in council”.

“Specifically”, he says, “G3 rifles and variants, including the Heckler and Koch HK 91, HK 91 A2, HK 91 A3, HK G3 A3, HK G3 A3 ZF, HK G3 A4...” are therefore prohibited firearms and they are not restricted. Also, according to the agreed statement of facts in the Cheeseman-Hennessey case, the firearm given to Roszko was a scoped, bolt-action hunting rifle, not a shotgun, as I referred to it erroneously on Tuesday.

But that doesn't change any of the facts. The fact remains that Mr. Roszko, who had no respect for the law, no respect for order, and ultimately no respect for himself—he ended up taking his own life—did not register those two very dangerous weapons, one of them being the Heckler and Koch model 91 and the other being the 9mm Beretta handgun.

As members will recall, what started out as civil enforcement of the repossession of a truck, over a 24-hour period, more or less, turned into the worst massacre in RCMP history.

• (1540)

When the civilian enforcement officers had trouble gaining access to seize the vehicle, they called in the RCMP for assistance. The RCMP went to assist the civil bailiff. In the course of that attempted seizure, they discovered a marijuana grow operation of some considerable size. They got warrants and seized the drug plants, and then I guess they waited for Mr. Roszko to return so they could effect an arrest.

Things went very badly thereafter. Mr. Roszko somehow snuck back onto his farm unbeknownst to the four RCMP officers, and into a Quonset where he had stashed the aforesaid Heckler and Koch model 91. I think he probably had the 9mm Beretta on his person. In any event, when the officers went into the Quonset he mowed them down, one by one, in a tragic, tragic, horrific massacre that to this day is a black mark in the annals of Canadian crime.

The lessons to be learned from the Mayerthorpe massacre are severalfold. First of all, Roszko did not register his firearms, so if the RCMP had in fact done a Canadian firearms registry search before they entered that Quonset—and there's some dispute as to whether or not they did—the information would have been inaccurate. It would have told them that Mr. Roszko had no registered firearms.

What we do know is that the RCMP and the people of Alberta have mourned these four brave officers through videos, through charity hockey games for their families, and through the Fallen Four Memorial in Mayerthorpe.

But these four officers were not prepared for the heavily armoured Mr. Roszko who was holed up with two unregistered rifles. So any suggestion that the Mayerthorpe massacre in any way supports the proposition that the long-gun registry promotes front line officer safety is just erroneous.

It is true that months and years later... Well, there was a third weapon recovered at the scene, and it was a registered hunting rifle, not a shotgun. It was hunting rifle that was registered to the grandfather of one Shawn Hennessey. The RCMP were able to link that unfired registered rifle back to Mr. Hennessey, and then, through an elaborate and very expensive “Mr. Big” sting operation, they were able to prosecute and ultimately convict Mr. Hennessey and his brother-in-law, Dennis Cheeseman, of aiding and abetting the murder of the four officers. Hennessey and Cheeseman are now serving time in a federal penitentiary somewhere.

I concede that the long-gun registry did assist in the investigation of the aiders and the abettors, but it did absolutely nothing to protect the front line officers who were tragically, tragically murdered by an individual who had no respect for law and did not register his rifles.

With respect to the motion, I suggested on Tuesday—and I'm going to reaffirm my belief—that I suspect this motion was actually drafted months ago, prior to Mr. Holland's attempt to stack this witness list in favour of the adversaries of Bill C-391, because if in fact he had been able to produce his witness list and no others, then perhaps we would have heard overwhelming testimony against Bill C-391.

But of course, through some procedural manoeuvres and, ultimately, negotiation with Ms. Mourani, who was very helpful,

we were able to get a balanced list of witnesses. We heard evidence for and against the value of the long-gun registry, and for and against the efficacy of Bill C-391.

Certainly, the evidence that I've heard—the vast preponderance of evidence—would support Ms. Hoepfner's proposition that the long-gun registry has done little, if anything, to reduce crime. It's a huge bureaucratic nightmare for those who are forced to comply with it. It has been expensive. There's much dispute over the current cost. We know that the original overrun costs were well over a billion dollars.

• (1545)

The RCMP are flagging the number of \$4.1 million as its current operating costs. The Canadian Taxpayers Federation calls that number nonsense and believes that the actual cost of the long-gun registry, on an amortized basis, is more like \$106 million.

But in any event, it's a lot of money—\$106 million is a lot of money—and we know it's not \$4.1 million. Those who propose that number I think do a disservice to the debate, for the following reason, Mr. Chair.

Everybody knows—and I think even the witnesses and I suspect the members on the other side of the table will probably concede—that the registry in its current form is ineffective. We know that close to half, if not half, of the firearms in Canada are not registered. Thankfully, there has been amnesty from prosecution since 2006, I believe.

Many, many firearms are not registered, through neglect, or wilful blindness, or known amnesty and therefore immunity from prosecution, or blatant disrespect for the law, which is the majority when it comes to organized crime and hardened criminals. For whatever reason, the registry doesn't even purport—even by its proponents—to accurately reflect all of the firearms in Canada.

So it's going to cost millions and millions of dollars to rectify that if this bill is defeated. The Liberal Party, surprisingly to me, did not propose any amendments to this bill, because its leader was “spoof-balling” about taking out the criminal sanction for not registering and turning it into more of a ticketing offence, similar to a highway traffic offence for speeding or failing to stop at a stop sign—something that wouldn't come with a criminal sanction. I was kind of expecting an amendment, but there is no amendment.

Perhaps there will be another bill with this amendment to decriminalize the sanction for not registering, but in any event, if Bill C-391 is defeated and the long-gun registry is to carry on in its existing form—or in any form, for that matter—I think it's to be assumed that it's going to cost millions and millions of dollars, if not close to a billion, to bring it back up to speed and make it even remotely accurate and reflective of the current state of gun ownership in this country. So it is a lot of money, no matter whose figures you choose to accept.

Of course, the Auditor General appeared before this committee and was very critical of the long-gun registry in its infancy. She was the one who pointed a finger at the billion-dollar overrun and the lack of efficacy. She hasn't studied it since then. I think she was called as an opposition witness; she certainly wasn't on our witness list. I'm not sure which of the three opposition parties called Ms. Fraser. In any event, she wasn't particularly helpful to their case that the long-gun registry is now operating efficiently and the taxpayers are getting good value for it, because she simply hasn't studied it.

The evidence I've heard, and I'm sure Mr. Holland, if he wakes up, will tell me if he has a different recollection of the evidence, but—

Mr. Mark Holland: You're filibustering. What am I supposed to do?

An hon. member: You have a job to do, Mr. Holland. You have a job to do.

Some hon. members: Oh, oh!

The Chair: Order.

Mr. Brent Rathgeber: Since Mr. Holland's motion specifically uses the words that "...the Committee has heard sufficient testimony that the bill will dismantle a tool that promotes the public security and the safety of Canadian police officers", I thought it would be instructive for this committee, before we vote on this motion, to review some of the evidence we have heard.

The first witness was Candice Hoepfner, MP for Portage—Lisgar, who is of course the sponsor of the bill and is admittedly not unbiased. But her evidence raised a couple of points.

She says that, statistically, individuals who have a licence to use and/or possess a firearm are actually 50% less likely to commit a crime than individuals without a licence. Ms. Hoepfner testified that the long-gun registry is at best "a partial investigative tool" that police officers cannot rely on and that this bill—and this is very, very important—will not end licensing.

• (1550)

Ms. Hoepfner has spoken in the House. She has spoken in the media as to the merits of Bill C-391. She makes a very valid and very compelling point with respect to her bill not affecting licensing in any way, shape, or form.

There was considerable agreement from all of the witnesses that licensing is where the authorities, the state authorities, whether they're the RCMP, which administers the firearms registry, or whether they're the municipal police officers.... It's through the licensing provisions that people who ought not come into possession of firearms are weeded out. One has to submit to a criminal records check. One has to comply with rigorous safety checks. Unless you can pass the safety checks and the criminal records check, you're not getting a licence.

So it's through the licensing provisions that there is valuable gun control, Mr. Chair. It's not through the long-gun registry, which only talks about who owns the weapons, not who's going to come into contact with them. As many of the witnesses testified, it really is only valuable when it comes to counting weapons. It's in the licensing provisions that people who ought not to come into contact

with weapons are denied the licence and therefore denied the legal opportunity to come into contact with those weapons.

I think Ms. Hoepfner is quite right on that point—and others—and certainly I commend her and thank her for all the hard work that she has done on this file.

Then we heard from Chief Rick Hanson, the chief of the Calgary Police, who has testified before this committee and the justice committee. I will read a couple of his quotes for the benefit of the members who may have forgotten what Chief Hanson had to say. He said:

It is vitally important to maintain criminal sanctions for the illegal possession of restricted and prohibited weapons, but in my opinion, the registry only marginally addresses the broader issues of gun crime and violence in Canada.

Under questioning from the opposition, Chief Hanson stated that Canada needs "a comprehensive gun strategy", but that the registry "goes too far". For criminals, he said, the risks are worthwhile because the consequences are minimal. Most guns used in the commission of crimes are handguns and a large portion are smuggled into Canada. That's certainly with respect to the organized crime that's a problem in his city of Calgary, and certainly in my city of Edmonton, and my friend Ms. Glover's city of Winnipeg.

This is key, Mr. Chair: no direct links have been made between the existing gun registry and the behaviour of criminals. I think that's a very valid point.

Mr. Holland is fond of saying that there are only three rogue police chiefs in all of Canada and that Chief Blair speaks for the other x minus three, whatever that number is. Statistically that might be right, but I think before we decide how we're going to vote on this motion that would recommend to the House that it proceed no further with Bill C-391, we have to do a qualitative analysis of what the respective chiefs said, not just count hands.

I think a quantitative analysis of the police chiefs is insufficient. I think we have to actually look at the quality of their arguments and what they're saying.

Speaking of individuals who had a great deal to say, we had Jack Tinsley, who was with the Winnipeg Police Service for 33 years, 11 years of that on SWAT. He testified that drugs are the underlying cause of most crime.

Criminals do not obtain firearm licences and do not register their guns. The long-gun registry is not a proven deterrent of violent crimes.

He also told this committee that it is not a useful investigative tool, and this is very, very important and the subject of some controversy. Ultimately, I think, this committee, if and when it has time, should look into this issue of officers having been silenced, stopped from speaking out.

I know that this question was put specifically to Chief Blair. He unequivocally denied that he or anybody under his command has silenced or muzzled any officers with respect to their views on Bill C-391.

•(1555)

I take the chief at his word, but we have heard, and not necessarily from Toronto, so I take the chief at his word..... But we have heard anecdotes from coast to coast to coast in this country, anecdotes of police officers, who will not let us use their names, not ironically, Mr. Chair, who want to come out in favour of Bill C-391. They don't believe the long-gun registry is an effective tool of law enforcement.

Neither Chief Blair nor Charles Momy from the Canadian Police Association speaks effectively or accurately for them, but they won't speak out because they're scared that they're not going to be promoted or they're going to spend the rest of their time writing out tickets to senior citizens with fake bus passes. I know that's not a very welcome job to a police officer: to be on parking patrol for the next 20 years of your life.

So we have heard that, and I think it's important that officers have been stopped from speaking out. That's according to Jack Tinsley. He told us about New Zealand, a country that I've never been to but should go to, because New Zealand scrapped the registry after seven years. Australia's program has been a failure. Violent crime actually increased in Australia during the tenure of the long-gun registry.

On the same day that we heard from Mr. Tinsley, May 6, 2010, we heard from Dave Shipman, also from the Winnipeg Police Service, a veteran of 25 years, with 19 years in the homicide and robbery division. He was very candid with his testimony. He was very humble.

He told us, Mr. Chair, that in his experience, domestic homicides were perpetrated by legal gun owners with legal long guns where no previous domestic disturbances had occurred, and that—this is important—the long-gun registry did not stop these from happening.

He was in homicide and robbery. He acknowledges that from time to time, and maybe more often than time to time, long guns are used in domestic disturbances, but the preponderance of those were without any history of problems at that residence, and the long-gun registry didn't stop these from happening. The long-gun registry was useless in stopping that offence or even in solving it.

Mr. Shipman told us that criminals do not register their guns. The majority of guns they use are either stolen or smuggled into Canada and the long-gun registry has not deterred the illegal possession of these guns.

In northern Canada, it is not designed to deter the illegal possession of the guns. Even if the long-gun registry worked to the maximum of the way in which it was designed, it would only be a registry of people who lawfully own and possess those guns. It can't possibly help law enforcement track illegal possession of guns. It's not even designed to do that.

Mr. Shipman confirmed what members on this side of the table have always suspected: that the long-gun registry is about counting guns. Many legally owned guns are outside the registry. I talked about that a few minutes ago. Amnesties are going to cost millions and millions of dollars to get 50% of the firearms that are currently domiciled in Canada registered, if the government decides that this long-gun registry has value. Certainly, with respect to long guns, I don't think so.

Mr. Shipman told us that most police officers don't use the registry. In fact, they don't even know how to use the registry. This was very remarkable and cogent testimony, Mr. Chair. We know from Charles Momy and the Canadian Police Association, from Chief Blair, the head of the Canadian Association of Chiefs of Police, and from Marty Cheliak, who is the superintendent at the registry, that police forces are going coast to coast as we speak to.... I know they've been in Saskatoon, Winnipeg, Estevan, and elsewhere; they've been all over the country. In fact, we have a copy of their power-point deck, where they teach front line officers how to use a—

•(1600)

The Chair: I'm sorry. I'm going to have to interrupt you. As is the custom at this committee, when the bells start ringing, we suspend the committee. We're suspending only.

Listen, members: we're suspending only. We will reconvene about 10 minutes after the vote is completed, once we have a quorum. This is a suspension only.

• _____ (Pause) _____

•

•(1650)

The Chair: I'd like to bring this meeting back to order after our vote in the House.

I've been given notice that we have a point of order.

Maria, on your point of order, please go ahead.

[*Translation*]

Mrs. Maria Mourani: Thank you, Mr. Chair. Has Mr. Rathgeber finished?

[*English*]

The Chair: Mr. Rathgeber has the floor, but you have a point of order, so go ahead.

[*Translation*]

Mrs. Maria Mourani: Can I make my point of order?

The Clerk: Mrs. Mourani, he has not finished but the Chair gives you the floor for your point of order.

[*English*]

The Chair: No, he has not concluded. You have your point of order, so speak to it and then we'll go back to Mr. Rathgeber.

[*Translation*]

Mrs. Maria Mourani: I would like to raise two or three things relating to the motion. I do not know if it really is a point of order.

Mr. Chair, it is not a point of order. I do not feel comfortable raising this as a point of order and I would rather let Mr. Rathgeber finish his statement. Then, I will have three minutes to make my point.

I am sorry if I mispronounced your name, sir.

[*English*]

Mr. Brent Rathgeber: Do I have the floor?

Mr. Chair and members, just to sum up, I believe this motion put forward by the member for Ajax—Pickering does not accurately reflect the evidence that we've heard in these committee meetings—far from it, I think.

I think the preponderance of evidence that I've heard.... And certainly I've discussed much of the evidence with Ms. Hoepfner and Ms. Glover and others, and we are firmly of the view that the police officers and the experts who were called, not necessarily the ones who represented their organizations, but the front line officers, testified that in fact the long-gun registry does not promote public safety and certainly does nothing to promote the safety of Canadian police officers.

So with those comments, Mr. Chair, I'm encouraging all members of this committee to vote against Mr. Holland's motion, and I cede the floor to Ms. Mourani.

The Chair: Go ahead, but very briefly.

[*Translation*]

Mrs. Maria Mourani: Thank you, Mr. Chair.

Since the beginning of the debate on this motion, I have remained silent. Now, I feel we should at least explain why we will support the motion.

Our position on Bill C-391 has always been very clear, right from the start. We are opposed to this Bill. We feel it is a bad piece of legislation because it will have a negative impact on public safety in Quebec and Canada, and because we think it could not be amended.

It cannot not be amended, as we have been told by several persons such as Mrs. Cukier and other people representing victims groups.

Furthermore, we did not and will not have any amendments for the Bill. We believe the issue has been fully debated. As far as I am concerned, the die is cast and Mr. Holland's motion will only confirm that the debate is over and that we should not continue studying this piece of legislation.

We will support the motion. I find it unfortunate that, during all those meetings, we have not listened to the voice of Quebec. The Quebec public safety minister has spoken to the committee but does not seem to have been heard. Quebec has not really been heard on this issue.

I have also found it regrettable that, during this whole debate, there has been a tendency to try and discredit some chiefs of police. Personally, I found that regrettable, especially when someone seemed to say that Mr. Blair had muzzled police officers who do not support the registry.

As we say in French, “les carottes sont cuites”, the die is cast, and the only thing left to do is to vote to put an end to the filibustering.

So, we will support the motion. Thank you, Mr. Chair.

• (1655)

[*English*]

The Chair: Okay. We will have our—

Yes?

Mr. Dave MacKenzie (Oxford, CPC): Mr. Chair, go ahead and call the vote, but we would request a recorded vote.

The Chair: Okay. We will go ahead and do that right now.

(Motion agreed to: yeas 6; nays 5)

The Chair: The motion carries. This meeting stands adjourned.

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