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—
Chair

Mr. Dean Allison

Standing Committee on Foreign Affairs and International Development

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• (1005)

[English]

The Chair (Mr. Dean Allison (Niagara West—Glanbrook, CPC)): Order, please.

Pursuant to Standing Order 108(2), we're going to do a briefing on the policy regarding absentee and extraterritorial voting in Canada.

This is meeting number five. I want to welcome the Department of Foreign Affairs and International Trade today.

Thank you very much for taking the time to be with us, once again on short notice. It's unfortunate that there are never weeks and weeks of notice. You're always very accommodating. We appreciate that.

We have a number of individuals here from the department. I know that Madame Dubé is going to speak. She is the director general at the geographic strategy and services bureau.

Madame Dubé, maybe you can introduce your colleagues. Then, of course, you have opening statements—I'm assuming you guys know how this works—and we'll then have a chance to ask some questions. We have about 40 minutes left.

Once again, we apologize for being a little bit delayed, but our original delegation was a little late, so the domino effect does ensue. That's where we're at.

Welcome, Madame Dubé. We'll turn the meeting over to you.

Ms. Roxanne Dubé (Director General, Geographic Strategy and Services Bureau, Department of Foreign Affairs and International Trade): Thank you very much, Mr. Chair.

Indeed, I am here today accompanied by Mr. Alain Tellier, and I would prefer him to give you his proper title.

Mr. Alain Tellier (Director, Treaty Law Division, Department of Foreign Affairs and International Trade): Thank you.

I'm the director of the treaty law division at Foreign Affairs.

[Translation]

Ms. Roxanne Dubé: I am also joined by Isabelle Martin.

[English]

Ms. Isabelle Martin (Deputy Chief of Protocol and Director, Diplomatic Corps Services, Department of Foreign Affairs and International Trade): I am the deputy chief of protocol and director of the diplomatic corps services.

Ms. Roxanne Dubé: I will make a very short statement, to begin, to clarify the Canadian policy, and we'll be very delighted to take your questions.

We're here today, as you know, to present to you on Canada's policy on absentee voting and extraterritorial constituencies.

Canada is an active proponent and supporter of democracy around the world. The government is proud to assist in the promotion and protection of free and fair elections. Indeed, Canada encourages foreign states to allow their citizens residing permanently or temporarily in Canada to exercise their right to vote in elections in their country of origin—namely, by absentee vote.

In 2010, Canada approved the establishment of polling stations in 25 elections. To date in 2011, Canada has facilitated absentee voting for 12 countries in Europe, Africa, the Middle East, Asia, and South America. The minister approved yet another absentee vote on Wednesday, October 4, 2011.

Canada will continue to support absentee voting; however, Canada will not accept requests for foreign polling where Canada is an extraterritorial constituency. Simply put, Canada is not a riding of a foreign country; this is an issue of sovereignty.

On February 12, 2008, Canada established a policy to refuse all requests by foreign states to include Canada in their respective extraterritorial electoral constituencies. This principled policy has been applied consistently since it was instituted in 2008. The policy does not target any particular country or region, and I would emphasize that.

[Translation]

Allow me to repeat this in French.

This principled policy has been applied consistently since it was instituted in 2008. The policy does not target any particular country or region. The policy is aimed at upholding Canada's sovereignty and reducing foreign interference in Canada's domestic affairs.

No one should represent Canada as a constituency in a foreign elected assembly. Having a foreign country unilaterally include Canada as part of its own voting districts could lead to the election of candidates who would be perceived as representing fellow Canadian citizens in a foreign elected assembly.

It may also lead, in some cases, to importing foreign political disputes to Canada. Foreign electoral campaigns in Canada have the potential to focus on domestic Canadian political issues or bilateral disputes, and to undermine social cohesion, inclusiveness and identity.

We have made this policy very clear. As I said earlier, we have applied it consistently. We expect foreign states to ensure that any voting planned in Canada is in full accordance with Canadian policy. [English]

Canada expects foreign governments to respect Canada's laws and government policies concerning their activities on Canadian territory, as we respect theirs when in their countries.

As always, Canada stands with the people of all nations who aspire to a stable and prosperous democracy, and we believe that in safeguarding our sovereignty we are leading by example.

[Translation]

Thank you very much, Mr. Chair.

[English]

The Chair: Thank you very much, Madame Dubé.

We're going to start with our first questioner, the critic for the NDP, Madame Laverdière. The first round will consist of seven minutes for questions and answers.

Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP): Thank you very much, Mr. Chair.

Thank you to my former colleagues for being here this morning to talk to us about this situation.

[Translation]

I listened carefully to Ms. Dubé's explanations. I understand that this policy was established in 2008. So, I assume that was after Italians voted in 2008, when Canada was a constituency in the Italian election.

I have a hard time understanding something. Let's take Tunisia as an example. Tunisia made a fairly similar request to 28 countries. Canada is part of a group of many countries. Canada is not a constituency in the Tunisian election. Tunisia created constituencies in certain locations and also designated a large region that covers all the other countries where Tunisians live.

This situation is similar to that of the French, who always vote to elect the assembly of French representatives abroad.

Among other countries, Tunisia made that request to the United States, whose situation is similar to ours and who willingly accepted the Tunisian proposal. Tunisia declared Germany a constituency, and Germany willingly accepted the request. There are a number of constituencies in France, which willingly accepted the Tunisian request.

Actually, out of the 28 countries Tunisia made the request to, Canada is the only one that refused. I am wondering what makes us so different in this matter from our very close allies, such as the United States, France or Germany.

•(1010)

Ms. Roxanne Dubé: Ms. Laverdière, you raise a number of points. Let me try to answer as quickly as possible.

On the one hand, I would like to focus on what happened in 2008. The Italian authorities sent Ottawa a request for Canada to be one of the foreign electoral constituencies. We received that request a few

days before the Cabinet discussions. The government of the day approved the implementation of a policy to not allow foreign electoral constituencies. However, it decided that Canada could be an electoral constituency in the Italian election one last time, since it was only a matter of days. So that was not an exception, as some insist.

On the other hand, you mentioned the unique Tunisian reality. I am glad you did, since it allows us to clarify the government's position on that extremely important and extraordinary election, which is about to take place. On September 21, the Canadian government sent a diplomatic note to the Tunisian authorities to specify that we fully agreed with and approved of establishing balloting stations for absentee voters at Tunisia's diplomatic or consular missions in Canada.

In addition, we even allowed a private location to be set up in Quebec City, so that Tunisian nationals, be they permanent or temporary residents, could also exercise their right to vote. We are currently discussing that with the Tunisian authorities. We sincerely wish to arrive at a solution that will enable Tunisian nationals to vote. We are confident that we will reach an understanding, while explaining that Canada cannot be a foreign electoral constituency in the Tunisian election—and it needs to be understood that this is a firm policy. We really hope to accomplish that.

I want to explain one more time why Canada, for its own benefit, wants a different policy from what some foreign governments have in place. What is a foreign electoral constituency? It is a voting district or riding whose boundaries are unilaterally determined by a foreign state—and this is the most important part—to include territory in Canada. The expression “extraterritorial electoral constituency” is often used. In this scenario, an elected candidate would represent people living or residing in Canada in a foreign legislative body. That foreign representative would hold a seat in a foreign legislative body, and his or her constituents would live or reside in Canada. We don't think that this kind of a situation is desirable. We have decided against this policy for reasons of social cohesion and national identity.

If I have any time left, I would like to raise another point about the French National Assembly. You are right to say that there is the Assembly of French Citizens Abroad, which is separate from the French National Assembly and the French Parliament. It is an assembly whose members are elected by French nationals abroad, and it advises the foreign affairs minister. However, that assembly holds no seats in the Senate or in the French National Assembly.

•(1015)

Ms. Hélène Laverdière: Allow me to add something quickly. Unless I'm mistaken, that assembly elects senators to the French Senate.

Ms. Roxanne Dubé: It elects senators, but not on a regional basis. Actually, the website of the French Senate specifies that the 12 senators representing French nationals abroad do not represent French citizens of a specific country or region. We are talking about the global French population. That is what's most important to understand about our policy. What we take issue with is Canada, alone or as part of another delimited area, being seen as a foreign country's electoral constituency.

[English]

The Chair: Thank you very much.

Mr. Dechert, sir, for seven minutes.

Mr. Bob Dechert (Mississauga—Erindale, CPC): Thank you, Mr. Chair.

Thank you, ladies and gentlemen, for being here.

Sorry?

The Chair: Hold on a second, please.

Hon. Dominic LeBlanc (Beauséjour, Lib.): I don't mean to interrupt my friend, Mr. Dechert, Mr. Chairman, but

[Translation]

His Excellency the Ambassador of Tunisia is here. I don't know if it's the will of the committee, but since this is a very interesting discussion, I am prepared to perhaps let him use my seven minutes of floor time. Since the ambassador is in attendance, I would like to allow him to explain his government's position, if the committee wishes.

[English]

The Chair: Why don't we wait and see how we're doing for time? There's always the possibility that we can bring him back at another time. Let's go....

Another point of order?

Mr. Kevin Sorenson (Crowfoot, CPC): Yes, Mr. Chair. As much as I want to hear the ambassador from Tunisia, that might be better for another time, because the bells will begin here at 10:30 or 10:40, and our committee will be cut short as it is.

The Chair: [Technical difficulty—Editor]

[Translation]

Ms. Hélène Lavergère: We are also prepared to give up our time for questions so that the ambassador can address the members of the committee.

[English]

Mr. Bob Dechert: Mr. Chair, on a point of order—

The Chair: Go ahead, Mr. Dechert.

Mr. Bob Dechert: —with the greatest respect to His Excellency, the ambassador, I do not think it's appropriate for him to be addressing this committee. The purpose of this meeting is to hear about the Canadian policy from Canadian officials. The government would object quite strenuously.

The Chair: All right. I understand and I take all these points. I think at this stage we're going to hear from our witnesses. We can certainly have a discussion about future business in bringing the

ambassador back. I think he should be given his due course on that. We'll take that under consideration for subcommittee meetings looking forward.

Mr. Dechert, I'm going to turn it back over to you, sir.

Mr. Bob Dechert: Thank you, Mr. Chair.

Thank you, ladies and gentlemen, for being here today and for your very full explanation of Canadian policy. I just wonder if you could elaborate on the situation with respect to Italy, what has happened since the policy has been established, and how Italy and other countries have been notified of the policy.

Ms. Roxanne Dubé: Allow me to go back to and explain what happened in 2008. As I said earlier—

The Chair: Excuse me. We're having a little problem with the mikes.

Okay?

Go ahead.

Ms. Roxanne Dubé: As I said previously, just at the time the cabinet was seized of its discussion with respect to the inclusion of Canada in extraterritorial...[Technical Difficulty—Editor]

Is it okay now? We'll try.

At that time, we were seized of the request by the Italian government to hold an election that would provide for Canada to be an extraterritorial constituency. I want to say that because it is our expectation that host governments in Ottawa would request such a privilege of the Canadian authorities.

• (1020)

At that time, we felt it would be useful to clarify the policy as a whole and not adopt an ad hoc response to these things. That's why we proceeded to cabinet at the time. We established the policy, but given the few days—literally—in which we received this request, we thought it would be the right thing to do to allow the Italian authorities to proceed with this system.

Since then, through diplomatic relations, and oftentimes bilateral diplomatic relations, we have communicated the new policy adopted in 2008. In light of the requests that we've received recently from France and from Tunisia, we thought it might be useful to have a circular, which we sent to all of the embassies, and yesterday we met with a quite well-represented diplomatic corps to re-emphasize the policies.

I wish to underline that we were quite confident that the approach of Canada was well understood, because as I said earlier, just in 2010 and 2011 we have received no less than 37 requests by governments to hold absentee voting. In fact, Mr. Chair, if you would like, I would be pleased to circulate the list of those countries and the particular elections in case.... Mrs. Martin has brought that list.

We think the Canadian approach with respect to elections in Canada is quite well understood.

Mr. Bob Dechert: I would appreciate it if you could table that list, Ms. Martin. That would be helpful.

A voice: I think it has been.

Ms. Roxanne Dubé: Oh? It has already been circulated.

Mr. Bob Dechert: Okay.

Just to clarify, then, with respect to any future Italian election where there might be a constituency that includes any of the territory of Canada, what is the policy?

Ms. Roxanne Dubé: We would expect that the policy adopted in 2008 would prevail.

Mr. Bob Dechert: Okay. So there's no grandfathering or anything of that sort?

Ms. Roxanne Dubé: No.

Mr. Bob Dechert: I know there's been some misunderstanding about that in the media.

Then on the question of the French elections, my understanding is there is no direct election by any Canadian or anybody resident in Canada of any member of the Senate or the National Assembly in France. Is my understanding correct? So there's in fact no difference in the treatment of people of French nationality or people of Tunisian or any other nationality?

Ms. Roxanne Dubé: Absolutely.

Mr. Bob Dechert: Okay.

Ms. Roxanne Dubé: This is not about any particular country. This is a policy that applies equally to all countries of the world.

Mr. Bob Dechert: Thank you, Mr. Chair.

The Chair: Mr. LeBlanc, sir, the floor is yours.

Hon. Dominic LeBlanc: Thank you, Mr. Chairman.

[Translation]

Thank you for the interesting presentation.

I have two quick questions.

I understand the idea of an extraterritorial or foreign constituency. I understand all that. However, I just feel like there is some confusion here.

In the example of the French Senate, unless I am mistaken, Ms. Dubé was trying to show that it was like a constituency that included the whole world and not just 24 countries. If we were talking about 120 and not 24 countries, it would have perhaps been more...

[Technical Difficulty—Editor]

• (1025)

[English]

I have a final question, Roxanne. This is not a legislature in the typical sense. It's a constituent assembly. If I understood the Tunisian point, it's not a legislature that's going to legislate laws that will apply on a territorial integrity in terms of Tunisia, but a unique one-year mandate...[Technical Difficulty—Editor]...some democratic elements and after one year it's

[Translation]

obsolete.

[English]

It's not an ongoing legislature in the traditional sense of... [Technical Difficulty—Editor]. I'm wondering if that unique example might not provide...[Technical Difficulty—Editor]

The Chair: This ends in 20 minutes. I was hoping we could get you through before we reboot the system. Let's reboot the system now. We're going to suspend for just two minutes to get this working. Then we'll come right back to you.

• _____ (Pause) _____

• _____

The Chair: Mr. LeBlanc, we are ready for your eloquence again. We're going to restart the clock—

Hon. Dominic LeBlanc: Well, Mr. Chairman, if members have heard the questions, I'm not sure we need to. It's the constituent assembly angle that I'm interested in, which I think makes a unique point, as opposed to a typical legislature.

The other example is this: aren't we splitting hairs a bit by saying that if it was the whole world other than France, it would be okay, but because it's 24 or 23 countries or something, it's different?

I'm wondering if Roxanne could address that.

Merci.

• (1030)

[Translation]

Ms. Roxanne Dubé: Allow me to explain in detail how things stand with the Assembly of French Citizens Abroad so that you can understand. Afterwards, I will explain very quickly what the new request we received from the French embassy consists of. The new request has been discussed bilaterally, and I won't go beyond a quick mention, just to clarify the subtle difference between the two.

France does have an Assembly of French Citizens Abroad or the AFE. That organization is headed by the Minister of Foreign and European Affairs. It was established in 2004 and plays an advisory role in the discussions and studies on issues faced by French nationals living abroad.

The assembly consists of 155 advisors elected by French citizens abroad, including Canada. The assembly is not part of either of the French Parliament's two houses. As Ms. Laverdière said, the assembly elects 12 senators to represent French citizens abroad. So we are talking about an indirect vote. Therefore, the French senators do not represent a specific region or country. They represent the whole world. So, as you can see, it is very indirect.

In this respect, there is no problem because Canada is not considered as an electoral constituency with a representative who would sit on the French National Assembly or the French Senate and who would represent the interests of Canadian nationals. That would be a problem for us.

That needs to be looked at in conjunction with the new proposal we just received from the French embassy. As you know, the French Constitution was amended in July 2008. A new clause was added that provides French citizens living abroad with representation in the French National Assembly.

The legislation for implementing that amendment was passed last April. The next election of French National Assembly representatives will be held in June 2012. Under the new legislation, the election should enable French nationals living abroad to be represented in the National Assembly.

In addition, that electoral law proposes 11 geographic constituencies, one of which would include Canada and the United States. We have received the French government's request and we are discussing it. We hope that, as with the Tunisian government, we will come to an acceptable solution while clearly explaining the ins and outs of the current 2008 policy to which we do not foresee any exceptions.

As for the talks with the Tunisian authorities, I prefer to leave it at what I have already said. I have mentioned our offer to the Tunisian authorities to establish balloting stations in their consular and diplomatic missions. I think that everything that comes after those discussions is done through bilateral relations. We are here today to explain the policy as a whole.

[*English*]

The Chair: Thank you.

All right. We're going to start our second round with Mr. Goldring for five minutes, and I think we'll have time for Madame Laverdière to finish up.

Mr. Goldring.

Mr. Peter Goldring (Edmonton East, CPC): Thank you very much, Mr. Chairman.

Thank you very much for appearing here today.

I'm looking at some of the points here that are being discussed and at the suggestion that it could lead to the election of candidates who would be perceived as representing fellow Canadian citizens in a foreign elected assembly. But would not the major concern, the overarching concern, be that by Canada consenting to or acknowledging or authorizing, it's giving authority to the structure of the constituencies, and thereby if somebody is elected in a foreign government to represent the constituency, would not Canada then be giving authority for them to represent the Government of Canada?

There are extensions on here that...you're giving an awful lot of acknowledgement to a formal structure. If you do have a member of the foreign government who is elected through this process and he is a part of that foreign government but he is elected to represent the Canadian constituency and the Canadian government has authorized it, don't you see a bigger overarching problem there sovereignty-wise, as well as many other issues...?

Ms. Roxanne Dubé: Yes. I think for us the issue here is that we think that elections involving voting districts that include Canadian territories should not be governed by foreign electoral law. We take issue with unilateral imposition of a law in our country that would provide for Canada and dual nationals in Canada to be represented into—

•(1035)

Mr. Peter Goldring: Well, regardless what other countries are doing around the world, I would think that it behooves us to give this kind of careful attention to our sovereignty issues. Given that Canada

really is the home of immigrants from around the world...virtually every country in the world has diasporas and people here in this country, and that literally could involve some 180 to 200 of these scenarios going on. I would be concerned here that by giving this authority you are giving away part of your sovereignty if push ever comes to shove.

Many of those who have come here in the diasporas from other countries come from particular political stripes, and for some of that, they're coming here because of difficulties in their country in the past. But there are large constituencies here of different political stripes that maybe could even prove to be embarrassing to Canada if it gave that official recognition to those political scenarios here in this country. Is that not an additional concern?

Ms. Roxanne Dubé: Thank you for your question.

I would certainly put it the other way by saying that we're undertaking a lot of effort to build the Canadian identity, to build social cohesion, and to invite a de-integration of all Canadians. So it's a balancing act. While on the one hand we more than want to invite and recognize the opportunity for those nationals who are here permanently or temporarily to be able to exercise their votes in their countries of origin—that's the absentee ballot system—we at the same time think it is in our best national interest to continue to build an approach that fosters cohesion and clarity.

As you say, if you are representing a number of nationals in Canada, well, presumably those nationals, many of them of dual nationalities, would expect you in that parliament abroad to represent you. So it creates confusion.

Mr. Peter Goldring: I think it's wonderful that we're inclusive and able to allow the voting here for the people, but to take the politics out of it.... To allow the access for the voting here, I certainly think that aids and helps democratic institutions around the world, but to put the Canadian stamp of approval on a political entity here, I would certainly agree with you that it would be hugely problematic.

The Chair: Thank you.

Thank you, Mr. Goldring.

We're going to finish up with Madame Laverdière.

Ms. Hélène Laverdière: Thank you, Mr. Chair.

[*Translation*]

I want to come back to my first question. Unless I am mistaken, Ms. Dubé, you have an issue with the constituents of a foreign representative being able to reside in Canada. According to you, it is a matter of national identity, social cohesion and integration. Unless I am mistaken, that is your argument.

That said, I have always had a hard time understanding Canada's position when a country like the United States, for instance, has no problem in that regard. However, the U.S. is very protective of its sovereignty and has at least as many immigrants as Canada. A country like France, which takes its sovereignty very seriously, sees no issue with this. Germany has no problem with it. I am trying to understand what makes Canada so special. Why is Canada alone in maintaining this position?

I also want to come back to the question asked by my colleague. In Tunisia's case, we are talking about a constituent assembly and not a parliament or a government.

• (1040)

Ms. Roxanne Dubé: Regarding the first point, simply put, the Canadian government feels it is in its national interest to not accept being part of a foreign electoral constituency. That is its policy. Other governments have their own policies. I would add that this issue is certainly different in a European context, for instance, where integration is very strong, and probably in the American context, where identity is perhaps different. However, I want to emphasize the fact that this is truly a Canadian policy.

As for Tunisia's specific situation, I do not want to get into any details. Let's just say that the constituent assembly we are talking about would have rather considerable powers, such as drawing up a constitution and probably passing legislation. That is very similar to the powers vested in the members of a national assembly.

[*English*]

The Chair: Madame Ayala.

[*Translation*]

Ms. Paulina Ayala (Honoré-Mercier, NDP): Thank you, Mr. Chair.

If a constituent assembly is formed, it may mean that the citizens living here for whatever reason—be they political refugees or other—will be able to participate when their country opens itself up to democracy. Some of them may decide to return to Tunisia, since that's the country they love. However, we are stopping them from doing so, and that worries me. Is there something behind that? Is Canada not trying to avoid conflicts with Tunisia's neighbours? Isn't that what's stopping us from allowing Tunisian citizens to vote so

that they can have a democratic country? Afterwards, we will send the army to other conflicts. And there you have it! Let's allow the citizens to vote so they can have a democratic system. Those same citizens living here may return home because they will be happy to contribute to their country.

Ms. Roxanne Dubé: Mr. Chair, I really want to clear up the misunderstanding with Ms. Ayala. The Canadian government truly wants Tunisian nationals, be they here temporarily or permanently, to be able to participate in the Tunisian democratic process.

However, the Canadian government expects foreign governments to respect Canadian laws and policies in terms of their activities on Canadian soil, in the same way we respect their laws on their soil. We are trying to find a solution that will enable the Tunisian government to adjust and that will help us properly explain the purpose of the existing policy.

As I was saying earlier, this is a policy that is widely understood and applied by all other diplomatic representatives in Canada at this time and that has not been problematic.

[*English*]

The Chair: Thank you very much.

I know that other people want to speak, but we're out of time and a next round would be going over our time.

I want to thank the officials for being here and for that clarification.

Now we're going to end the meeting. We'll have some further discussions at a later point in time. Thank you.

The meeting is adjourned.

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