

Standing Committee on Justice and Human Rights

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Wednesday, May 13, 2015

Chair

Mr. Mike Wallace

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● (1530)

[English]

The Chair (Mr. Mike Wallace (Burlington, CPC)): I call this meeting to order. Thank you for being here.

Today, for this hour, we're at the Standing Committee on Justice and Human Rights, meeting number 76. Today, pursuant to Standing Order 81(4), we're dealing with the main estimates: vote 1 under Administrative Tribunals Support Service of Canada, vote 1 under Canadian Human Rights Commission, votes 1 and 5 under Commissioner for Federal Judicial Affairs, vote 1 under Courts Administration Service, votes 1 and 5 under Justice, vote 1 under the Office of the Director of Public Prosecutions, and vote 1 under Supreme Court of Canada, referred to the committee on Tuesday, February 24.

We had the minister here for the first hour on Monday. Today, we're fortunate to have witnesses from the Department of Justice.

Mr. Legault, the associate deputy minister, will introduce the team that is with him. We will have some opening remarks from a number of the organizations and then we'll go to questions.

Mr. Legault, the floor is yours.

[Translation]

Mr. Pierre Legault (Associate Deputy Minister, Department of Justice): Thank you, Mr. Chair.

Joining me today from the Department of Justice are Donald Piragoff, Senior Assistant Deputy Minister of the Policy Sector and Marie-Josée Thivierge, Assistant Deputy Minister and Chief Financial Officer.

[English]

I'm also joined by officials from the Administrative Tribunals Support Service of Canada, Marie-France Pelletier, chief administrator, and Luc Robitaille, director general, corporate services. As well, from the Office of the Director of Public Prosecutions, Brian Saunders, director of public prosecutions, and Kathleen Roussel, deputy director of public prosecutions.

I'm glad to say that we also have in the room officials from the Canadian Human Rights Commission, the Office of the Commissioner for Federal Judicial Affairs Canada, the Courts Administration Service, and the Supreme Court of Canada.

As the minister was before you a couple of days ago and made some opening remarks, mine will be extremely short. As members know, the Department of Justice supports the Minister of Justice as he works to ensure that Canada's justice system remains relevant, fair, and accessible to all Canadians. We also support the Government of Canada's priorities by administering grants and contributions to the department's various funds.

We will be happy to answer your questions with respect to justice and the justice portfolio.

[Translation]

I will now yield the floor to my colleague Marie-France Pelletier.

She will be followed by Brian Saunders.

Ms. Marie-France Pelletier (Chief Administrator, Administrative Tribunals Support Service of Canada): Good afternoon.

[English]

Thank you, Mr. Chair, for this opportunity to appear before the committee. My remarks will be slightly longer but not too much, I promise.

As you are aware, the Administrative Tribunals Support Service of Canada, or the ATSSC, was established on November 1, 2014, with the coming into force of the ATSSC Act. The creation of the ATSSC is consistent with the government's commitment to improve the effectiveness and efficiency of its administration and operations.

[Translation]

The Administrative Tribunals Support Service of Canada is mandated to provide comprehensive support services and facilities to 11 administrative tribunals. This organization will strengthen capacity and modernize operations, while enabling us to better serve the needs of the administrative tribunals, thereby improving access to justice for Canadians.

[English]

With six months behind us, we can proudly look back and say that the ATSSC managed the commencement of its operations well and with minimal disruptions to its clients, the administrative tribunals, and to Canadians. During those first six months we have fully integrated and co-located corporate services teams.

[Translation]

In doing so, we have also been able to consolidate a number of legacy financial and human resources systems and have replaced them with common platforms that will better enable our capacity to manage in these areas.

We have also maintained secretariats dedicated to providing specialized core mandate services to each administrative tribunal we serve.

[English]

We've developed and begun to implement our governance structure, which allows for full participation of senior executives, both in corporate and secretariat services, in decisions regarding the overall management of the ATSSC. Our governance structure also provides for the engagement of chairpersons at key stages on matters that may have an impact on their administrative tribunals.

[Translation]

We have conducted a rigorous budget allocation exercise through extensive consultation with secretariat executive directors and tribunal chairpersons.

This budget planning process was very well received, as it demonstrated our commitment to meeting the needs of the tribunals we serve, while ensuring stewardship and probity in the expenditure of public funds.

[English]

We have undertaken an operational planning exercise for the upcoming year of operations and will also undertake a strategic planning exercise to plan for the years ahead. In this first year of operations and beyond, we are committed to monitoring ATSSC and tribunal requirements very closely to be able and prepared to respond to emerging needs responsibly.

Though we have made great strides since our creation, our work is by no means done. As the ATSSC continues to evolve into a fully functional service-oriented organization, we remain committed to working with the administrative tribunals to support them in meeting their statutory obligations, while respecting their independence.

[Translation]

Our continued success in meeting our mandate, while fostering an organizational culture based on service delivery excellence and engagement, requires sound management of our resources.

As you may recall, the legislation that created the ATSSC included a provision for the resources of the tribunals to be managed through deemed appropriations following the ATSSC's coming into force on November 1st.

The creation of the ATSSC did not result in increases in funding, rather it was created within the existing budgetary envelopes for each of the tribunals.

[English]

This represents our first main estimates for your consideration.

ATSSC's planned expenditures for fiscal year 2015-16 are \$78.6 million. This includes \$60.9 million requested as appropriations through these main estimates and \$17.7 million in respendable recoveries through a vote-netted authority.

These planned expenditures and associated appropriations are consistent with amounts previously appropriated to the tribunals through estimates in 2014-15 and prior years. Of these funds, 88.7% is allocated to operational expenses.

● (1535)

[Translation]

The remainder will be allocated to statutory expenditures (such as the employee benefit plans). This spending will support the wideranging and important services that the ATSSC provides to all the tribunals it serves. Approximately \$63.7 million is dedicated to programs directly supporting the mandate of tribunals.

[English]

These activities include the provision of expert core mandate services, such as research, analysis and legal support, and registry services

Approximately \$14.9 million is allotted to internal services operations, which include key support services such as IT, translation, procurement, finance, human resources, and communications, among others. As I've indicated previously, we will continue to monitor the budget and implement strategies to direct funds where they are needed the most to continue to be responsive and flexible to the needs of the tribunals we serve, as well as to ensure that public funds are spent responsibly.

[Translation]

The ATSSC has taken strides toward putting in place a serviceoriented organization that contains many promising opportunities.

The organization is fortunate to count on dedicated employees who are fully intent on maintaining the administrative tribunals' outstanding reputation and the quality of the work they perform.

[English]

The ATSSC is committed to a vision of setting the standard for service excellence, efficient and effective operations, and support for improved access to justice for Canadians.

Mr. Chair, this concludes my remarks.

The Chair: Thank you very much.

Mr. Saunders, I believe you have a presentation.

Mr. Brian J. Saunders (Director of Public Prosecutions, Office of the Director of Public Prosecutions): Yes.

Good afternoon, Mr. Chair and honourable members. Thank you for inviting us here today.

[Translation]

I propose to provide you with a quick overview of our main estimates.

[English]

The budget authorities we seek are principally for carrying out the mandate of the Office of the Director of Public Prosecutions—or the Public Prosecution Service of Canada—under the Director of Public Prosecutions Act. The main elements of that mandate are to provide advice to investigative agencies where requested, and to initiate and conduct prosecutions within federal jurisdiction.

In addition, we seek budget authority for the work of the office of the Commissioner of Canada Elections. As you are aware, on October 1, 2014, as a result of the coming into force of amendments to the Canada Elections Act, that office was transferred to our organization.

The commissioner's mandate is to ensure compliance with, and enforcement of, the Canada Elections Act and the federal Referendum Act. The commissioner carries out his investigative functions independently of the ODPP. Those employees are now ODPP employees, and the commissioner's office budget forms part of our budget.

The budget authorities we seek for 2015-16 amount to \$170.7 million. We also have projected revenues credited to the vote for services recovered from other government organizations amounting to \$22.7 million. These two amounts are to pay for personnel costs of \$132 million, and operational and maintenance costs of \$61.4 million. I should point out that the latter amount includes \$45.1 million that we pay for the services of private sector lawyers who are retained to act as federal prosecutors.

Another way of looking at the money is to look at the programs to which the money is dedicated. First, \$130.5 million is for the drug, Criminal Code, and terrorism prosecution program. Second, \$38.7 million is for the regulatory offences and economic crime prosecution program, including \$22.5 million from projected revenues. Also, \$4.1 million is earmarked for the compliance and enforcement activities of the office of the Commissioner of Canada Elections. The remaining \$20.1 million is to be used for departmental internal services such as access to information, human resources, finance, communications, and security.

That concludes my opening remarks. We would be pleased to answer your questions.

The Chair: Thank you for being here today. To the officials from all the organizations, thank you very much.

We are going to go to rounds of questions.

Our first questioner, I am assuming, is Madam Boivin of the New Democratic Party.

Ms. Françoise Boivin (Gatineau, NDP): You're assuming correctly, sir, after 60...or how many meetings?

The Chair: Seventy-six.

Ms. Françoise Boivin: Okay.

[Translation]

Thank you for joining us today to shed some light on the main estimates for us. I sometimes get the impression that justice is the poor cousin of the budget. It certainly does not represent a large

percentage of it. Be that as it may, I feel that we have important work to do.

My first question goes to Mr. Legault.

Not too long ago, the Canadian Victims Bill of Rights was passed. But I see no substantial impact of it in your plans and priorities for the 2015-2016 year. I get the impression that, once again, you are going to be asked to perform miracles—and my congratulations for managing to do so—by making do with what you already have.

Am I mistaken?

● (1540)

Mr. Pierre Legault: Well, we still try to perform miracles, and generally to do what we can with what we have. That is quite clear.

That said, we are going to the Treasury Board to get the money allocated to us as part of that fund. That is in the works.

Ms. Françoise Boivin: This was my question. In the main estimates, can we see any impact of the Canadian Victims Bill of Rights?

From what you are saying, you are going to have to help the provinces with the implementation. Clearly, that sort of thing requires an expenditure.

Are you ready to implement the resources for 2015-2016?

If we look at the allocations, we see that the Victims Fund has not moved: it is still \$12.4 million, to be paid to non-governmental organizations. The Canadian Victims Bill of Rights is a big deal, but I really do not see its impact in the main estimates. Maybe I am not looking in the proper place.

[English]

Mr. Donald Piragoff (Senior Assistant Deputy Minister, Policy Sector, Department of Justice): Thank you for the question.

I believe the money is already in the fiscal framework of the Victims Bill of Rights Act. Currently the process is before Treasury Board to authorize the release of the money to the department. When that happens, I think the minister will be making a public announcement as to the amount, and the intended uses for the money. The minister had indicated—I believe it was in last year's budget, 2014—that there would be money going directly to some non-governmental organizations as well as to the provinces to assist them in the implementation of the Victims Bill of Rights Act, to help them with respect to restitution programs and things like that.

Ms. Françoise Boivin: Am I correct in saying that the budget for

Mr. Donald Piragoff: I believe there was a reference to it in last year's budget, 2014. The money is in the fiscal framework. That's why we're in Treasury Board, soon to get the authorization to spend the money. I think Parliament approved the money in last year's budget.

Ms. Françoise Boivin: As for the ombudsman, am I correct? I see a flat line, not in the sense of death but in the sense of it not moving upward with more obligation. Am I correct in what I read and what it looks like in the budget?

Mr. Pierre Legault: Yes.

Ms. Françoise Boivin: Mr. Saunders, I'm sure you read the *Calgary Herald* with great pleasure this morning. I was both a bit shocked and not, because that's pretty much what I hear on the ground too, not only for your prosecutors but for prosecutors in general. Just in case you haven't, it said:

Emails and documents obtained by the Herald from the Public Prosecution Service of Canada...through access-to-information legislation showed senior lawyers in the Alberta office have been warning superiors that under-staffing and a relatively junior workforce could place cases in jeopardy.

[Translation]

I will spare you a reading of the entire article, but I will say that it is quite troubling. I heard the reply that the minister gave in the House today, but I am not sure that I am comforted by it. With all the responsibilities that now fall to your department, especially all the terrorism-related matters, are there enough prosecutors, as the minister said, or is there still a way for the situation to be improved?

• (1545)

Mr. Brian J. Saunders: There is still a way for the situation to be improved, but we think we have enough resources to fulfill our mandate.

Ms. Françoise Boivin: All across Canada?

Mr. Brian J. Saunders: Yes, all across Canada, including Calgary. Both junior lawyers and experienced lawyers are helping us to fulfill our mandate. Up to now, there has never been a case we have had to withdraw from because of a lack of resources.

Ms. Françoise Boivin: Or because the case was not heard in a reasonable time.

I know that is a problem for provincial crown prosecutors. Perhaps you have just been lucky. Federal lawyers, whether they are crown prosecutors or other kinds of lawyers, say that things are moving quickly at the Department of Justice. With legislation changing all the time, the committee can also see how quickly things are moving. It is difficult to keep their heads above water.

However, you are not worried at all. Personally, I find it a little worrisome that people on the inside are telling superiors that there is a problem. But you seem to be admiring the emperor's new clothes.

Mr. Brian J. Saunders: We are aware of the potential risks. It is identified as a risk in our plans and priorities.

Ms. Françoise Boivin: Exactly.

Mr. Brian J. Saunders: We have a system for handling the problem. We ask our lawyers to fill out forms describing the way their time is used. We can see the number of cases in each office and the number of cases given to each lawyer.

We also look at the complexity of each issue. There are three categories: high, medium and low complexity. We take all that into consideration and we listen to what the lawyers have to say about their work because, often, the numbers do not tell the whole story. We feel we have enough resources for this year. During the year, we will look at the changes in the demand for our services and we may have to adjust our resources as a result.

Ms. Françoise Boivin: You cross your fingers and hope that there is not too much—

[English]

The Chair: Thank you for those questions and answers.

Our next questioner, from the Conservative party, is Mr. Dechert.

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

Thank you to all of our officials for being here. I'd just like to say on my behalf and on behalf of the committee that we're grateful for the good work that you and all your colleagues do at the Department of Justice, the Administrative Tribunals Support Service, and the Public Prosecutor service. I think your colleagues do a tremendous service to the people of Canada, so thank you for that.

I have a couple of questions about some of the increases I've seen in the spending in the estimates over the last year.

I'll start with you, Mr. Legault. The Department of Justice shows an increase of \$14.4 million in funding for the delivery of immigration and refugee legal aid in the provinces and territories. Can you give us a little more detail on those programs?

Mr. Pierre Legault: Indeed, in the 2015-16 main estimates, we are reflecting this \$14.4 million that you're talking about. It's composed of some temporary and some permanent funding. As far as the temporary funding is concerned, we have \$11.5 million for immigration and refugee legal aid for an additional two years going to 2016-17. We also have funding for court-ordered counsel in federal prosecutions, \$1.65 million in relief and program operations, \$1.28 million of which was made permanent.

Obviously, legal aid remains a very important part of our justice system to ensure that we have a fair, accessible, and relevant system for all Canadians.

Mr. Bob Dechert: Very good. I notice with respect to the new prostitution legislation, there's an allocation for an increase of \$1.9 million in support of funding for non-legislative measures to address prostitution. Can you give us some details of the types of programs this money will be applied to?

• (1550)

Mr. Pierre Legault: Yes. We have \$20 million in new funding that was announced, and of this, we will be receiving \$10.47 million over five years, and Public Safety will also be receiving some of that funding to the tune of \$9.53 million. We will be engaged, obviously, in making sure that the money reaches the communities and the people who are directly affected by prostitution, and in trying to get people out of the practice of prostitution.

Mr. Bob Dechert: Do you have any idea what these programs will look like at this point or are they still being developed?

Mr. Pierre Legault: The kinds of services that are provided are to help people with addictions, for example, who need trauma therapy, employment training, financial literacy training, perhaps some transitional housing if people have to be relocated and taken off the streets, emergency safe houses, drop-in centres, and things like that. We're going out to communities and people interested in the subject matter and asking for proposals, and the proposals will be assessed and then funding will be provided.

Mr. Bob Dechert: That's very helpful. Thank you.

I also noticed in the estimates an increase of \$11 million for renewal of the aboriginal justice strategy. Could you provide us with some specifics on how these programs help aboriginal communities?

Mr. Pierre Legault: Yes, the additional funding will be at the current level of \$11 million in 2016-17. Part of that will be in grants and contributions to the tune of \$9.8 million. There's also \$1.2 million that will be going to operating expenditures. Those are cost-effective measures that reach 800 communities across Canada and an untold number of people directly. It's a very efficient way to deliver services and reduce the impact on police forces and so on, so it's a good alternative.

Mr. Bob Dechert: Are these services delivered directly by Department of Justice officials, by aboriginal communities themselves, or by other NGOs?

Mr. Pierre Legault: No, we're providing money, and it's delivered by other organizations—

Mr. Bob Dechert: Primarily to aboriginal organizations, I'm assuming?

Mr. Pierre Legault: —and by us as well.

Mr. Bob Dechert: I have a question for Mr. Saunders, from the director of public prosecutions office.

The main estimates provide for an expenditure of \$130 million, and it comes under the rubric of "Drug, Criminal Code, and terrorism prosecution program". Could you give us more details and explain the effectiveness of these programs for the committee?

Mr. Brian J. Saunders: That program, as the title indicates, covers three areas.

The drug prosecutions form the majority of our prosecutions across the country. We are responsible for the drug prosecutions in every jurisdiction, except in Quebec where the charges laid by the Sûreté du Québec or the Montreal police force are prosecuted by the Province of Quebec prosecution service, and in New Brunswick, where the charges laid by municipal police forces are prosecuted by the province.

The Criminal Code refers largely to Criminal Code prosecutions in the north, in the three territories. We conduct all the Criminal Code prosecutions in the north. In the south we conduct fraud, organized crime related to drugs, and the terrorism prosecutions. We single out terrorism prosecutions as an element of that program because it's an important, high-priority element along with organized crime, as mentioned in our report on plans and priorities.

We estimate that last year we spent a little over \$4 million conducting terrorism prosecutions. You might know that at present there are 12 people before the courts, facing terrorism charges, and there are a number of people facing peace bond applications. That is an area where we expect there could be an increase in work, given the recent reallocation by the RCMP of members to work in that area

• (1555)

Mr. Bob Dechert: I would imagine those types of prosecutions are quite expensive.

Mr. Brian J. Saunders: They are, and we do put our most senior counsel on those prosecutions. They often take more than one counsel to conduct the prosecution, given the disclosure problems that could arise and the motions that might arise.

Mr. Bob Dechert: Interesting, thank you.

The Chair: Mr. Legault would like to add to it.

Mr. Pierre Legault: If I may, I referred to 2016-17 in my answer on the aboriginal justice strategy. Obviously we're talking about the main estimates for 2015-16, so that's a small detail.

The Chair: Okay, thank you. We got that.

Mr. Bob Dechert: You mentioned the drug prosecutions. Is the quantity of cases or the complexity of cases increasing or decreasing year by year?

Mr. Brian J. Saunders: In some cases it has levelled off in that area, and if anything, we're seeing in certain areas like simple possession, a slight downward trend in those types of cases. As I said, they do form a major part of our activity, but they've gone down to about 400 cases for simple possession in the course of the year.

Mr. Bob Dechert: These are for all forms of illicit drugs.

Are there any-

Mr. Brian J. Saunders: All the in-house are in there, yes.

Mr. Bob Dechert: Are there any particular drugs that are increasing more than others?

Sorry, am I out of time?

The Chair: You are definitely out of time.

But a quick answer to that question....

Mr. Brian J. Saunders: Increasing more than others...? No. There are some drugs that cause more concern than others. Drugs like heroin and fentanyl are drugs that are causing concern in communities and they're causing concern for the investigative agencies and for prosecutors.

The Chair: Okay, thank you for those questions and answers.

The next questioner is Mr. Casey from the Liberal Party.

Mr. Sean Casey (Charlottetown, Lib.): Thank you, Mr. Chair.

First, to Madame Pelletier, your organization provides support to the Social Security Tribunal. Is that right?

Ms. Marie-France Pelletier: Yes.

Mr. Sean Casey: There is a massive backlog of cases before that tribunal. How has that impacted the estimates that you're presenting here today?

Ms. Marie-France Pelletier: As I referred to in my earlier remarks, it's important to note that the estimates before you today are for \$60.9 million, and I indicated that \$17.7 million were out of a vote-netted authority. The vote-netted authority funds are the ones that are dedicated to the Social Security Tribunal. This is to recoup funds from the employment insurance and CPP programs.

Very little of the funds before you go to the operations of the Social Security Tribunal. In that case, it doesn't necessarily impact the main estimates numbers.

Mr. Sean Casey: If we vote to give you more money, can they go any faster?

Ms. Marie-France Pelletier: We'll always take more money.

Voices: Oh, oh!

Mr. Sean Casey: Thank you for that candid response.

To our friends from the Department of Justice, could I refer you, please, to the report on plans and priorities, on page 36? I wonder if you could help me understand something that falls under "Internal Services"? It indicates that the main estimates for 2015-16 are \$86.6 million, but the planned spending for the same year is \$117.5 million and there will be no change in FTEs. Can someone explain to me why there is such a dramatic difference between the main estimates and the planned spending within internal services?

Ms. Marie-Josée Thivierge (Assistant Deputy Minister and Chief Financial Officer, Office of Assistant Deputy Minister, Management Sector and CFO, Department of Justice): In part it is because the actual planned spending takes into consideration funding that we're going to get through the central votes, based on historical patterns of accessing those, for example, pay list expenditures, offsetting compensation increases, and also the carry-forward the department is entitled to from one year to the other. The main estimates is the voted authorities. The planned spending number is informed by other funds that one may receive throughout the year through other voted authorities, including central votes. It is informed by past spending patterns, as well as projected spending for the year.

● (1600)

Mr. Sean Casey: When you talk about a carry-forward from one year to the next, we have a lot of discussions in Parliament about lapsed funding. Can you tell me about these carry-forwards from one year to the next?

Ms. Marie-Josée Thivierge: The Financial Administration Act provides that you can carry funds from one year to the other. One of the principles is that you can never exceed your authorities, so as a result, departments normally come within authorities and are allowed to carry forward up to 5% of the voted authorities at year-end.

Mr. Sean Casey: Thank you.

Mr. Legault, I wonder if you could provide a little more light on the information you gave earlier in your testimony with respect to transfers to the provinces. Actually, I'm asking Mr. Legault, but as I think of it now, I think it was Mr. Piragoff. Anyway, here's my question.

The Victims Bill of Rights Act creates an obligation on the provinces to establish a mechanism to deal with requests for information and complaints that didn't previously exist. We spent some time before a committee talking about the impact that those new obligations would have on provincial coffers. I think I heard you, Mr. Piragoff, or perhaps it was Mr. Legault, talk about it being within a fiscal framework before Treasury Board, but not in the estimates, and the subject of some future announcement. Can you shed any more light on that? Given that the Victims Bill of Rights has received royal assent, given that these obligations now rest with provinces, given that these things are going to cost money, how much is in the envelope and where can we find that information?

Mr. Donald Piragoff: The process, as I recall and I'll double-check to make sure, is that I believe the money was voted by Parliament last year and is in the fiscal framework. Parliament essentially puts money into the government's bank account. Treasury Board is the bank manager, and the bank manager decides how much they'll give each department.

Right now, we'll go before Treasury Board with a submission to release money that is already in the fiscal framework for the purposes of implementing the Victims Bill of Rights. The amount of that money I can't disclose at this time because it's still a cabinet confidence. That's why I said the minister will make an announcement once he receives approval from Treasury Board to spend the money, and the money then will be transferred to the Department of Justice.

The minister has, I believe, indicated, and I believe there were some announcements, last year as to some of the purposes of the money. Some of the money will, as you indicated, go to the provinces. There are not necessarily obligations on the provinces to create complaint mechanisms, but this legislation said—because of the difference in jurisdiction between sections 91 and 92 of the Constitution—if the complaint is against a provincial institution, such as a crown attorney's office or the police, the complaint mechanism is that of the province.

The federal government indicated we would create our own complaint mechanisms. The minister did indicate there would be federal funding available to assist provinces in enacting complaint mechanisms similar to that of the federal government. The federal government also indicated with respect to the collection of restitution there are some very good programs in some of the provinces. Saskatchewan has a very good collection program for restitution. The federal government indicated we would also provide some funds for assisting provinces in improving their collection mechanisms for restitution and indicating Saskatchewan might be a good model. It's up to the provinces to decide the model they wish to use.

The exact amounts and the details, as I said, I can't disclose because it's still before our cabinet committee, which is Treasury Board.

The Chair: You can have one more quick question, Mr. Casey.

Mr. Sean Casey: We've spent some time here in recent meetings discussing fetal alcohol spectrum disorder. Can you identify anything within the estimates with regard to initiatives by the government with respect to fetal alcohol spectrum disorder?

Mr. Donald Piragoff: I'll have to get back to you on that if I might. I'm not aware of that at this moment.

Mr. Sean Casey: Is that quick enough?

The Chair: Yes, very quick.

Thank you for those questions and answers.

Our next questioner from the Conservative Party is Mr. Wilks.

Mr. David Wilks (Kootenay—Columbia, CPC): Thank you, Mr. Chair, and thank you, everyone, for being here.

I wanted to continue on the questioning that Mr. Dechert had for Mr. Saunders with regard to expenditures of the \$130 million through the drug, Criminal Code, and terrorism prosecution program, specific to the prosecution for drug offences. Do you have the ability to provide to the committee a breakdown of the prosecutions vis-à-vis minor possession, possession for trafficking, trafficking, and those types of things?

(1605)

Mr. Brian J. Saunders: Yes.

Mr. David Wilks: Do you have any statistics on you right now with regard to cannabis, marijuana, specifically?

Mr. Brian J. Saunders: No, I don't have the precise figures with me. I can tell you what we spend on average per year.

Mr. David Wilks: Please do.

Mr. Brian J. Saunders: It's about \$3 million to \$4 million.

Mr. David Wilks: Of the \$130 million that is available for expenditures on drug offences, the Criminal Code, and terrorism, what is the breakdown, because you said \$4 million? How much for drugs and how much for the Criminal Code then?

Mr. Brian J. Saunders: I don't have that breakdown with me today. I'm sorry.

Mr. David Wilks: Okay, if you can provide that, it would be great.

Do you also have any statistics with regard to terrorism and with regard to the number of investigations pursuant to section 83.28 of the Criminal Code, which is specific to terrorism, and the number of prosecutions, and the number of convictions?

Mr. Brian J. Saunders: In respect to investigations, we don't, as you know, conduct or direct the investigations. That's the responsibility of the police. I'm unable to speak to investigations that are ongoing. We'll only advise on investigations when requested by the police.

In terms of numbers of people who've received a recognizance with conditions, to date there have been none.

Mr. David Wilks: Okay, thank you very much.

Mr. Brian J. Saunders: The peace bond has been the vehicle that's been used.

Mr. David Wilks: Okay, good enough. Thank you.

I'm expecting this might go to Monsieur Legault or Mr. Piragoff.

Under the 2015-16 main estimates, it says:

As the primary legal services provider to other government departments and agencies, the Department of Justice collects fees for services rendered. An additional \$296.2 million is planned to be collected and expended in 2015–16 under the department's Net Vote Revenue Authority.

How much of that \$296.2 million is from fees, and what are the total expenses related to the provision of the legal services?

Mr. Pierre Legault: The NVA, what we call net vote authority, the \$296 million is what we expect we would be invoicing other departments for the services we provide to them in addition to our own A-base funding. Our expectation, obviously, is that we will bill that full amount against all the organizations. As such there is no breakdown per se of the \$296 million.

When it comes to our operations, you have to add that \$296 million to \$241 million of A-base in vote 1. Some of the money, obviously, may go to different groups within the Department of Justice, some will be for the benefit of specific client departments, and others will be for the Justice portfolio. Sometimes we need to provide advice to government and not, again, one specific department. That's part of it as well. You add these two amounts, roughly speaking, and that's the cost of the provision of legal services to the government.

Mr. David Wilks: You probably answered my question, but also, in 2013-14 there was a horizontal review of legal services to improve their delivery. Can you provide to this committee the results of that review?

Mr. Pierre Legault: We've gone through a number of exercises. One of them was the deficit reduction action plan that the government implemented across the government as a whole. Obviously, Justice was subject to that. We had to cut \$67.5 million from our budget. Part of that was from vote 5, part of it was from vote 1, basically our operations, which we did in a series of measures. For example, we merged some legal services, and we implemented some benchmarks in our operations, for example, in litigation and different types of cases. We reviewed some of our fiscal asset subscriptions, for example, and implemented a number of other optimization measures to become more efficient to meet that target. After three years, ending on March 31, 2015, we had achieved that objective.

We currently have another exercise, which is a legal services review, a review that started at the beginning of 2014. We are now in the second year of a two-year program to reduce our costs some more and also to avoid some costs in the future. All this for a total of about \$52 million. We're in the midst of it right now.

• (1610)

Mr. David Wilks: That's perfect.

According to the 2015-16 main estimates, while the government's base resources related to the cost of legal services were reduced as Justice underwent a strategic review in 2008 and the deficit reduction action plan, the net vote revenue authority has grown.

Can you explain why the cost related to delivery of legal services has increased?

I probably know the logical answer, but I wonder if you could provide us with some detail.

Mr. Pierre Legault: We have had some cost increases over the years, for example, salaries and things like that. At the same time, our budget allocated to the provision of legal services itself has not increased. If I'm not mistaken, it does decrease over time. The number of the NVA itself fluctuates from year to year, depending on what we expect in terms of demand on the part of our clients.

Mr. David Wilks: Lastly, within the 2015-16 main estimates, the actual operating expenditures for the Department of Justice in 2013-14 were \$308 million, and 2015-16 represents approximately \$242 million, a difference of \$66 million.

Could you explain the decrease of \$66 million in operating expenditures?

Mr. Pierre Legault: Part of that would be the impact of DRAP itself. Part of it will be the cut of the LSR, legal services review, in 2014-15. That would account for about roughly \$30 million. In addition to that, we've had a number of sunsetting programs that have terminated. That would account for the difference.

Mr. David Wilks: Thank you very much, Mr. Chair.

The Chair: Thank you very much, Mr. Wilks.

Thanks for those questions and answers.

The next questioner, from the New Democratic Party, is Madame Péclet.

[Translation]

Ms. Ève Péclet (La Pointe-de-l'Île, NDP): Thank you very much, Mr. Chair.

Mr. Saunders, you quickly went over this topic in your presentation, but I would like a few more details.

The Office of the Commissioner of Canada Elections now reports to you. Could you give me some more details on the amounts you mentioned briefly in your presentation?

Could you tell me the budget allocated to the operation of the Office of the Commissioner of Canada Elections?

Could you also compare the amount that office receives with the amount it received before?

Are we just talking about a transfer of funds? Will the budget be the same?

Mr. Brian J. Saunders: Since Ms. Roussel managed that project for us, I will ask her to answer that question.

Ms. Kathleen Roussel (Deputy Director of Public Prosecutions, Office of the Director of Public Prosecutions): The Act to amend the Canada Elections Act already included provisions whereby the employees and the budget of the commissioner's office

could be transferred. We therefore negotiated with Elections Canada and identified the employees from the commissioner's office. The employees and their salary budget were transferred to the Public Prosecution Service of Canada.

For salaries, there is no real change in the budget. For the other expenses, the operating and maintenance costs, we transferred what the commissioner had spent in previous years. But he also has access to treasury for any costs related to his mandate that are not covered by his allocation. That procedure is going to be maintained.

As for the commissioner's budget, what he spent last year and the projection for this year is pretty much the same, with one exception. The office literally moved last February, that is, in the previous financial year. That move resulted in unusual costs. Otherwise, the costs should be more or less the same. If there is an election, it is possible that the costs for investigations will increase. The commissioner will then seek an allocation from treasury.

• (1615)

Ms. Ève Péclet: How much money are we talking about?

Ms. Kathleen Roussel: For salaries, it is about \$2.5 million. For expenditures other than salaries, we are talking about \$1.5 million annually.

Ms. Ève Péclet: Very good.

The minister was asked a question about one program. There was an amount of \$1.6 million to support services to victims, do violence prevention in First Nations communities and increase support nationally for missing persons investigations. The minister said that, in the upcoming supplementary estimates, he was going to ask for \$2 million. He mentioned expenditures of about \$1.8 million just to fight prostitution.

Could you break down those costs?

If \$1.6 million is being transferred to another program, could you tell me the exact name of that program?

What will that amount be spent on?

As I do not know who can answer that question, I will not ask anyone in particular.

[English]

Mr. Donald Piragoff: I can answer that question for you.

In the current main estimates it looks as if there's a decrease, and that's because an existing program has sunset in the current year. The program is being renewed. It was announced in economic action plan 2014 that \$25 million over five years would be renewed to support the government's action plan to address family violence and violent crimes against aboriginal women and girls. Under the previous plan, which ran from 2010 and expired in 2015, the department had received \$1.6 million. That's why it indicates that we have lost \$1.6 million.

Under the new plan, the Department of Justice will get a larger allocation under that \$25 million, and we'll be receiving \$2 million. Actually, under the current allocation, Justice will increase by \$400,000 funding with respect to murdered and missing aboriginal women and violence issues.

Ms. Ève Péclet: That would be in the supplementaries, not in the main estimates.

Mr. Donald Piragoff: Yes.

Ms. Ève Péclet: What about prostitution? I know that the minister has addressed this issue particularly. The minister promised \$20 million over five years.

Mr. Donald Piragoff: That's right.

Ms. Ève Péclet: We would expect \$4 million for one year, if I'm correct in that, so how much money will actually be allocated in this budget?

Mr. Donald Piragoff: On prostitution, the government announced that \$20 million in new funding would be allocated by Parliament over five years. For that five years, Justice is receiving \$10.47 million over the five-year period. For this particular year, Justice is receiving \$1.9 million, which is what I believe the minister indicated.

It's for five years, but it's usually not cut into equal amounts every year. There's usually less money in the early years because of rampup and then there's usually more for ramp-down. That's why I said that it's the job of Treasury Board, as the bank manager, to determine how much money we get every year. If we get \$5 million over five years, it doesn't mean that we get a million dollars every year. Treasury Board determines a schedule as to how we get the money over that period of time.

[Translation]

Ms. Ève Péclet: That is great.

[English]

The Chair: You can have one more question.

[Translation]

Ms. Ève Péclet: Thank you.

I would like to go back to my colleague's question. I think it is extremely important. Part of the Canadian Victims Bill of Rights is going to be operated by the provinces. I know that the minister talked about some budget increase for child support centres. You have been asked the question several times before, but I would like to get you back to the issue.

Have you established or designated a program to handle the Canadian Victims Bill of Rights? Will that money be allocated by the department according to its plans and priorities? Are the studies, the investigations, that the department has conducted going to allow programs to be created for the provinces or the tribunals?

For example, we are talking about administrative tribunals. Are some aspects of the Canadian Victims Bill of Rights going to apply to administrative rights tribunals, for example?

Could you comment on that?

Thank you very much.

● (1620)

[English]

Mr. Donald Piragoff: As I mentioned to Mr. Casey, that matter is currently before Treasury Board, a cabinet committee. That committee determines how the money will be allocated to us. Even though Parliament allocates a certain amount of money, Treasury Board decides how much will be allocated to us for certain purposes, whether it goes to courts administration, to prosecution support, or to victims.

I can indicate, though, given the Victims Bill of Rights, we are expecting the money will go into the current victims fund, which will then likely be increased, and money then will be allocated to the provinces and organizations through the victims fund. It's just easier to manage one fund. The costs of administration are less, as opposed to managing many funds.

The Chair: Thank you for those questions and answers, Madam Péclet.

My name is on the list now, so I'm going to ask a few questions, if you don't mind. They'll be easy ones today. Also, I do appreciate the questions from my colleagues today. I thought they were very good.

To follow up on what's been asked, when does the member of Parliament...? It's been announced that we're doing something. It's in the fiscal framework, as you would put it, and it's in front of Treasury Board. When does it hit the paper so that a member of Parliament can see that it's actually being voted on to be expended?

Does something under the framework come into the main estimates or into the supplementaries? There's an example they're using now, but even with the money that has been sunset, I completely understand that you can't.... For a program that's sunsetting, obviously the bureaucratic level cannot reallocate money until it's approved by Parliament.

But on that \$25 million—I know you're only getting part of it—it was announced in a budget last year, and I don't understand why it could not have been reflected in this year's main estimates. It shows here that there's a deduction of \$1.6 million or whatever it is. It looks like we're not funding it anymore, but in fact we're funding more, on which I agree with you.

I don't understand why it wasn't reflected in the main estimates. Maybe somebody could explain that to me.

Mr. Donald Piragoff: I think on the Victims Bill of Rights I can explain that. The bill was only enacted in the third week in April when it received royal—

The Chair: Of this year?

Mr. Donald Piragoff: Yes, of this year. Therefore, that's why it's not in the main estimates. For next year it will likely be reflected in the supplementary estimates—

The Chair: Supplementary estimates....

Mr. Donald Piragoff: —because Treasury Board will authorize the release of the money and then they're going to have to put it forward to disclose that.

The Chair: I didn't realize that the bill hadn't been passed until this April.

Mr. Donald Piragoff: It was April.

The Chair: When are you required to put your money in for the main estimates to be approved? When is the deadline?

Ms. Marie-Josée Thivierge: We do work with a number of timelines. The main estimates align to the RPP, so for the 2015-16 RPP, the RPP is based on information that was available as of November 2014.

The Chair: Yes, way back.

Ms. Marie-Josée Thivierge: Maybe I can supplement what my colleague has said. In terms of the voting process, in our RPP, with respect specifically to the \$25 million that had been announced in budget 2014, on page 11 of the RPP—

The Chair: This year's or last year's?

Ms. Marie-Josée Thivierge: This year's. We've actually made a reference—

The Chair: I have it someplace.

Ms. Marie-Josée Thivierge: —that at the appropriate time we would be moving forward through the supplementary estimates process to secure the funding for the department.

• (1625)

The Chair: I appreciate that.

Just so I have a clear understanding, I had to underline here the net vote revenue and I would ask, does it net to zero? Are you recovering all the money? Does your invoice cover all your costs?

Mr. Pierre Legault: The invoice plus the A-base will cover the cost of our salaries, and operating costs, and so on and so forth, yes. We don't always use...for example, in the \$296 million we may underuse it, depending on the demand from the client. That's what we're authorized to charge other departments, but we may not actually invoice those departments.

The Chair: The minister—rightly so—compared the main estimates of this year to the main estimates of last year and noted that there's an increase. The actual expenditure is higher because of pay list and a number of other things that come into being. I don't think we had supplementary estimates (C) at this committee, but in the estimates to date that we see in the actual piece of 2014-15 it's an 8.2% increase. It's not huge, less than 10% for the year. If we had supplementary estimates (C) would they be reflected in that or is that too late for supplementary estimates (C) to be captured?

Ms. Marie-Josée Thivierge: To give an answer precisely on this, the number between the main estimates 2014-15, which was \$630.6 million, and the estimates to date for 2014-15, which is \$682 million.

The Chair: Yes.

Ms. Marie-Josée Thivierge: The difference, actually, captures the supplementary estimates (B), and the supplementary estimates (B) only.

The Chair: Okay.

Ms. Marie-Josée Thivierge: For the year 2014-15, the delta is essentially supplementary estimates that received royal assent in December 2014 for the supporting families experiencing separation and divorce initiative, the delivery of immigration and refugee legal aid, the aboriginal justice strategy, and comprehensive claims and self-government negotiations.

The Chair: Then on the grants and contributions piece I have two questions and a comment.

The first question is that the movement from the youth justice fund in grants went significantly down but the contributions, under "Contributions in support of the Youth Justice Fund", went significantly up. I'm assuming that's just money being transferred from grants to contributions.

Am I not correct?

Ms. Marie-Josée Thivierge: That's correct. That's a conversion that took place between grants and contributions.

The Chair: What is the difference between a grant and a contribution?

Ms. Marie-Josée Thivierge: Pierre, do you want me to do that or...?

Mr. Pierre Legault: A contribution has more conditions attached to it than a grant. As the recipients are more stable, there's a track record. We decided that it was important to reduce the administrative burden on some of those organizations by moving to a grant, so fewer conditions are attached.

The Chair: On contributions are there more conditions?

Mr. Pierre Legault: Yes.

Ms. Marie-Josée Thivierge: Alternatively, if you move to a contribution it might also be because the demand on the contribution side of the program was greater than on the grant side and over a certain period of time you make the conversion.

The Chair: Because both existed simultaneously anyway, right?

My second question is this. When I see a program like the supporting families fund, which we funded it in 2013-14, for which there was nothing in the main estimates for 2014-15, and which then appears again in these main estimates, is that because it's a two-year program and the money was allocated...? I don't understand why there was nothing last year and it's the same money that there was two years ago. It happens in a couple of spots. I just need to understand why that is.

Mr. Donald Piragoff: It was the family initiatives. It's the first one, I believe.

The Chair: I am looking under "Contributions". It's the third item, I think, "Contributions in support of the Supporting Families Fund".

Mr. Donald Piragoff: Okay.

The Chair: It was funded almost \$16 million in 2013-14, nothing in the mains in 2014-15, and then it shows up again in the mains this year.

Mr. Donald Piragoff: There are two parts to the family funding that is provided by Parliament. One is a program of grants and contributions, which is roughly \$16 million; \$15.5 million goes to the provinces, and \$0.5 million goes to non-government organizations. There is roughly another \$6.8 million that goes to the department for operating expenses, policy work, and things like operating garnishment of EI benefits and other government benefits to support family maintenance orders, for example.

The grants and contributions were renewed for three years. The operating expenses were renewed for only two years, pending an evaluation. The evaluation happened in 2011, and because the evaluation was very good, we expect that in the next sups for next year, there will be a process to renew.

• (1630)

The Chair: I have one more very quick question. Maybe I am completely misreading the English or don't understand. Under "Contributions", it says "Contributions from the Victims Fund". Shouldn't it be contributions "to" the victims fund?

Mr. Donald Piragoff: I am not sure. It depends on whether you are the recipient or the giver, I guess.

The Chair: I don't understand. Are we not voting to give money to the fund?

Mr. Donald Piragoff: We receive money from you, but then we give it out to Canadians.

The Chair: If you are getting money from the victims fund, Donald, we should put little brackets around it, I think, and get it back

Voices: Oh, oh!

The Chair: That is actually my time. You're getting off a little bit.... I did a comparison. I have one last little question on the plans and priorities document. There are some evaluation criteria; you have 60% in support of the criminal justice system in there somewhere. It is the same as the year before. Are we trying to improve people's view of...?

I am making a comment. It seems funny to me that we have the same criteria every year, that we hope 60% like the services we provide.

Thank you very much for that.

Mr. Donald Piragoff: If I could just answer.... Mr. Casey asked me a question. I have a partial answer for him.

The Chair: Okay, I'll let you answer.

Mr. Donald Piragoff: It will just take 30 seconds. It was with respect to FASD, which I know is a priority for you, Mr. Casey.

I don't know if there is any specific money in the budget for FASD. However, under the youth justice fund, which is a \$4.5-million fund we have for youth justice services, looking at supporting youth justice and emerging trends, FASD is a priority, and we are funding various programs. For example, we funded a program in Calgary, the McMan Youth Family and Community Services Association, with about half a million dollars for a FASD housing coordination project.

Also, not this year but a few years ago, we were in a joint research program with the Yukon government to determine the prevalence of FASD among youth in the Yukon courts.

There are other projects, but those are two that come to mind.

The Chair: Okay, thank you.

First of all, I wanted to thank the officials for joining us today and answering those questions. I know that dealing with estimates can sometimes be difficult for you, and I appreciate your coming.

We do have a series of votes on the estimates. We'll do that first, and then I have a comment. I believe Mr. Dechert has indicated he'd like to speak, so we'll do that.

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Thank you.
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ADMINISTRATIVE TRIBUNALS SUPPORT SERVICE OF CANADA Vote 1—Program expenditures.......$52,297,037
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(Vote 1 agreed to on division)

CANADIAN HUMAN RIGHTS COMMISSION

Vote 1-Program expenditures......\$19,650,241

(Vote 1 agreed to on division)

COMMISSIONER FOR FEDERAL JUDICIAL AFFAIRS

Vote 1—Operating expenditures......\$7,942,728

Vote 5-Canadian Judicial Council - Operating expenditures.......\$1,513,611

(Votes 1 and 5 agreed to on division)

COURTS ADMINISTRATION SERVICE

Vote 1-Program expenditures.....\$57,320,466

(Vote 1 agreed to on division)

JUSTICE

Vote 1—Operating expenditures......\$241,797,227

Vote 5-The grants listed in the Estimates and contributions......\$354,900,159

(Votes 1 and 5 agreed to on division)

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Vote 1—Program expenditures......\$149,298,354

(Vote 1 agreed to on division)

SUPREME COURT OF CANADA

Vote 1—Program expenditures......\$22,304,846

(Vote 1 agreed to on division)

The Chair: Shall the chair report vote 1 under the Administrative Tribunals Support Service of Canada, vote 1 under the Canadian Human Rights Commission, votes 1 and 5 under Commissioner for Federal Judicial Affairs, vote 1 under Courts Administration Service, votes 1 and 5 under Justice, vote 1 under the Office of the Director of Public Prosecutions, and vote 1 under the Supreme Court of Canada to the House, less amounts granted in interim supply?

Some hon. members: Agreed.

Mr. Bob Dechert: Yes, forthwith.

Ms. Françoise Boivin: On division.

The Chair: Don't worry. It will be on division and I will report, as Madam Boivin pointed out, that this was done by another committee who had met a mere 39 times or something, so I'm going to make sure we point out that we met 76 times.

Mr. Dechert, you have the floor first.

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

Following on your comment about the number of meetings that this committee has had, I may be a little premature but I believe we've come to the end of our agenda and I want to take this opportunity to propose a motion to thank our clerk, our analysts, and all the staff of the committee for their very hard work.

As you pointed out, we've had 76 meetings. We've met in the summer. We have reviewed a great deal of legislation and it has been hard work. The analysts have prepared some very helpful reports, and I think we really need to recognize their special efforts.

You know, Mr. Chair, I get more email messages from our clerk than I do from any of my family or friends; six in the morning, nights, and weekends. In fact, while we were sitting here—I don't know how he does it—I received a message from him in the middle of the meeting, so he's working some kind of magic.

I really think we all owe all of our staff a debt of gratitude.

I'd like to propose that as a motion and I hope it passes.

• (1635

Ms. Françoise Boivin: That is unanimous. For once, I agree with my colleague opposite.

(Motion agreed to)

Mr. Bob Dechert: I have one further comment. I'd like also, on my behalf and I think on behalf of my colleagues on this side of the table, to thank my colleagues on all sides of the table.

From time to time we have our differences, but I think on the whole this committee has acted with collegiality. People make their points of view known but they do it in a reasonable and respectful way, and I very much appreciate working with all of my colleagues on all sides of the table. I simply wanted to say thank you.

The Chair: Madam Boivin.

Ms. Françoise Boivin: I could not let him have the last word—

Voices: Oh, oh!

Ms. Françoise Boivin: No, no, just kidding.

Actually, I thought you would propose, since we have so much time left until the 23rd of June, that we could maybe start a study on the, I don't know, need for legal aid in Canada, the need for prosecutors, naming some more judges, but I figure the government is done now with the justice committee.

But joking aside, and it's not actually a joke, I want to convey the same. We've had some hard-fought battles through the years, but honestly, to all the staff for their help and to everybody around and my colleagues, for enduring me all that time, and you also, thank you all and enjoy.

I'll see some of you on October 20.

Mr. Bob Dechert: I'm sure we'll see each other again.

The Chair: As Chair, I just want to say I've been honoured to be the chair and I want to thank you for the work this committee has done

Just so you know, nothing was referred to this committee in the BIA, the budget implementation bill. There is a chance that there might be something in supps (A). I will check with each of you to see if it's worth getting together. It may be a small amount if it's anything. If not, I want to thank our interpreters for all the work they do. I need them badly, and I want to thank all the staff, of course.

I honestly wish everybody on this committee well in the next election. Who knows who will be the chair or what committee you'll be on, or what you'll be doing, but I do hope to see you all again. Other than those who have quit on us, like Ms. Crowder...I wish her well also.

With that, thank you very much. The next meeting will be at the call of the chair, if required, but I don't think that will happen.

Thank you very much.

The meeting is adjourned.

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