



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on the Status of Women

FEWO • NUMBER 080 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Tuesday, November 28, 2017

—
Vice-Chair

Ms. Pam Damoff

Standing Committee on the Status of Women

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• (1140)

[English]

The Vice-Chair (Ms. Pam Damoff (Oakville North—Burlington, Lib.)): I will call this meeting to order.

This is meeting number 80 of the Standing Committee on the Status of Women.

We're pleased to begin our study on indigenous women in the federal justice and corrections system.

We are going to begin with a number of department officials.

Ms. Kelly, are you starting?

Ms. Anne Kelly (Senior Deputy Commissioner, Correctional Service of Canada): Yes.

The Vice-Chair (Ms. Pam Damoff): Okay.

We welcome Deputy Commissioner Anne Kelly from Correctional Service of Canada.

Ms. Anne Kelly: Thank you.

The Vice-Chair (Ms. Pam Damoff): Go ahead for seven minutes.

Ms. Anne Kelly: Madam Chair, I'd like to thank the honourable members of this committee for the opportunity to appear before you today on behalf of the Correctional Service of Canada, or CSC, regarding your study of indigenous women in the criminal justice system.

My name is Anne Kelly and I'm the senior deputy commissioner of CSC, a position that includes responsibility for indigenous corrections. I'm pleased to be joined today by Dr. Kelley Blanchette, deputy commissioner for women. Dr. Blanchette is responsible for the development and oversight of programs for all federally sentenced women.

[Translation]

Today, we are hopeful that we can provide the committee with some insight on how CSC is continuing to strengthen its approach for indigenous female offenders in Canada.

[English]

As the committee is no doubt aware, indigenous women represent a significant and growing proportion of the incarcerated population, 37% of all incarcerated women offenders.

While CSC cannot control the number of indigenous Canadians receiving federal sentences, our work and interventions can ultimately impact, to some degree, the length of time offenders remain in custody, the security level of the institution in which they are managed, and the timing of the presentation of their cases to the Parole Board of Canada for conditional release decisions.

[Translation]

Therefore, to begin, I'd like to provide the committee with information on how our programs and initiatives are aimed at making a positive impact on indigenous female offenders.

[English]

Our approach to working with indigenous women is holistic and women-centred, and is built to address their unique needs and contribute to their safe and timely reintegration into the community. Within the continuum of care for indigenous women, CSC has a stream of correctional programs specifically designed for them, which is referred to as the circle of care. These programs are culturally grounded and elder assisted.

Additionally, the service has implemented a pathways initiative at various sites across Canada for incarcerated indigenous women who are committed to following an intensive, traditional path of healing and actively working with elders or spiritual advisers.

[Translation]

The Aboriginal Women's Pathways Continuum provide opportunities for indigenous women to engage in healing intervention supported by elders or spiritual advisors through ceremonies, teachings, circles, and cultural activities.

[English]

In addition to these initiatives, section 81 of the Corrections and Conditional Release Act also allows the minister to enter into an agreement with an indigenous community to provide correctional services to indigenous women. There's currently one section 81 agreement for women, with Buffalo Sage Wellness House, in Edmonton, Alberta, where the needs of up to 28 women offenders serving federal sentences are addressed through indigenous teachings and ceremonies, contact with elders, and culturally relevant programming.

[Translation]

In response to the “2017 Fall Report of the Auditor General of Canada - Preparing Women Offenders for Release”, which was tabled last week, CSC has accepted every recommendation and has already taken many steps to ensure that indigenous women offenders are safely released into the community at their earliest parole eligibility date.

In support of this effort, Budget 2017 allocated \$55.2 million over five years and \$10.9 million per year thereafter to assist with rehabilitating and reintegrating indigenous women offenders.

• (1145)

[English]

In addition, CSC is finalizing an aboriginal intervention centre model to take into consideration the unique reintegration needs of indigenous women offenders. The aboriginal intervention centres will integrate intake, programs, and interventions, and will seek to strengthen the culturally responsive approach to case management that maximizes involvement of the indigenous community. Trained and dedicated case management teams will be established to ensure case coordination that takes into consideration the woman's aboriginal social history and to promote a more integrated and proactive approach to correctional planning.

It is our belief that this initiative will further increase the timely case preparation of indigenous women for release earlier in their sentence increasing their chances for successful reintegration into the community. In fact, since 2012-13, the percentage of sentence served prior to release for indigenous women has decreased significantly, from 57% to 37%.

[Translation]

Finally, in response to the Auditor General's report, we have developed, and continue to develop, both short- and long-term options to ensure safe and supportive accommodations and interventions for women offenders with mental health needs.

[English]

CSC changed its policies this past year to restrict the use of administrative segregation for offenders with serious mental illness with significant impairment. The service is also in the midst of reviewing its security classification process and implementing a new referral tool to improve how we assign women offenders to programs.

In conclusion, while CSC cannot do it alone, it can play an important role in addressing the disproportionate representation of indigenous women in its institutions. We continue to strive to provide effective interventions and reintegration support to first nation, Métis, and Inuit men and women.

[Translation]

We will look forward to the results of this study, as it is our hope that we can be part of a larger collaborative strategy with our criminal justice partners, indigenous organizations, agencies, and community stakeholders to improve results for indigenous peoples.

[English]

Thank you for the opportunity to appear before you today. We welcome your questions.

[Translation]

Thank you.

[English]

The Vice-Chair (Ms. Pam Damoff): Thank you, Ms. Kelly.

The clerk was advising me, and I'll let the committee know, that these witnesses are available until 12:15. We've obviously started late. That would give Mr. Zinger 45 minutes of committee time. I would suggest that if there are additional questions, we can submit them to the clerk. I also think the committee could perhaps decide if we want to recall these witnesses, given their importance to the study. We could consider that.

If that is okay with everybody, we'll continue with the Parole Board.

Ms. Suzanne Brisebois (Director General, Policy and Operations, Parole Board of Canada): Thank you, Madam Chair and members of the committee, for this invitation to appear before you today. We welcome this opportunity to contribute to your study.

Joining me today is Michelle Van De Bogart, acting chief operating officer and the portfolio lead for indigenous initiatives at the board.

As you're likely aware, the Parole Board of Canada is an independent administrative tribunal responsible for making decisions on the conditional release of offenders. The board's conditional release mandate is prescribed by the Corrections and Conditional Release Act, or CCRA.

The board contributes to the protection of society by facilitating, as appropriate, the timely reintegration of offenders into society as law-abiding citizens. This can include, but is not limited to, conditional release decisions relating to temporary absences, day parole, and full parole.

The board is guided by core values that respect the inherent potential and dignity of all individuals and the equal rights of all members of society. In addition, section 151(3) of the CCRA requires that the board's policies respect gender, ethnic, cultural and linguistic differences and be responsive to the special needs of women and indigenous peoples, as well as to the needs of other groups of offenders with special requirements.

Parole decisions are made by board members, who are appointed by Governor in Council, that is, by the Governor General on the advice of the federal cabinet. On appointment, all board members receive extensive training on risk assessment and interviewing techniques, as well as on the policies and legislation that govern the board's activities.

In making decisions, board members must determine whether an offender will not, by reoffending, present an undue risk to society before the expiration of his or her sentence and whether the offender will contribute to the protection of society by facilitating his or her safe reintegration as a law-abiding citizen.

With regard to indigenous offenders, board members consider the Supreme Court of Canada's Gladue principles as part of their decision-making. In addition, and to further address the needs of indigenous offenders, the board provides alternate models of parole hearings, specifically elder-assisted and community-assisted hearings. Public safety is the primary consideration in all board decisions.

The disproportionate growth of the indigenous federal offender population continues to be a pressing issue for the board. To help the board better meet the needs of this group, it has put into place two advisory bodies whose specific focus relates to indigenous initiatives.

The first is the chairperson's indigenous circle, which was established in 1999. The chairperson's indigenous circle serves to provide strategic advice to the board on matters related to policy development, training, and operations, ensuring that it recognizes the unique societal and cultural values related to indigenous offenders, victims, and their communities.

The second is the national elders gathering, which brings all of the board's elders together once a year to discuss and provide advice and guidance to the chairperson's indigenous circle on the board's indigenous initiatives and programs.

As mentioned, the board has also developed elder-assisted and community-assisted hearings. These hearings have been designed to specifically respond to the cultural values and traditions of indigenous offenders, while facilitating a more accurate understanding of the offender by board members. In 2016-17, the board held 605 elder-assisted hearings of which 16% were for indigenous women offenders and 3% were for non-indigenous women offenders.

The board has also implemented community-assisted hearings. Community-assisted hearings provide indigenous community members with an opportunity to participate in the hearing of the offender and to explain their proposed plan for the offender's conditional release and reintegration into the community. This type of hearing is normally held in the community and involves the offender's section 84 release plan. In 2016-17, the board held four community-assisted hearings.

The board also continues to incorporate principles that come from jurisprudence, including the Gladue, Ipeelee, and Twins decisions. The principles and considerations raised by the Supreme Court of Canada in the Gladue decision have an impact on every aspect of the criminal justice system, including the Parole Board of Canada.

Aboriginal social history factors are a vital consideration in all board member risk assessments for indigenous offenders, and the board provides indigenous cultural awareness training for all its board members and staff.

The board has also enhanced its board member orientation, continuous development, and policies around indigenous offenders to ensure that this type of legal consideration is both incorporated and demonstrated in the analysis for their parole decisions.

The board also actively engages in outreach activities with indigenous offenders and communities. It also continues to strengthen its relationships with key indigenous leaders and to partner with them to support the recruitment of indigenous board members, elders, and staff to enable greater representation of the communities it serves.

This concludes my opening remarks. We would be pleased to take any questions that the committee may have.

• (1150)

The Vice-Chair (Ms. Pam Damoff): Thank you.

I'm sorry to interrupt again. I've spoken with the clerk, and we're only going to have time for three minutes per side for questions.

I'd like some guidance from the committee. Given the importance of these departments, what are your thoughts on inviting these witnesses to come back perhaps in January or later in the study to provide more information to us? I'm just putting that out there.

Mr. Martin Shields (Bow River, CPC): You're talking about January. I think maybe you're talking about later.

The Vice-Chair (Ms. Pam Damoff): It would be later, yes.

Mrs. Eva Nassif (Vimy, Lib.): In January?

The Vice-Chair (Ms. Pam Damoff): In January or February, we can do it perhaps—

Mr. Martin Shields: We're not here in January, so good luck.

The Vice-Chair (Ms. Pam Damoff): It would be February—

Mr. Martin Shields: Thank you.

The Vice-Chair (Ms. Pam Damoff): —or perhaps March.

Mr. Martin Shields: Exactly.

The Vice-Chair (Ms. Pam Damoff): Mr. Fraser.

Mr. Sean Fraser (Central Nova, Lib.): Perhaps we can have this conversation when the rest of our regular committee members, including our chair, are here. I know we had quite a discussion about scheduling witnesses for this. I think it's totally appropriate, but maybe we could make that decision when we're all together next time.

The Vice-Chair (Ms. Pam Damoff): Sure. It would be helpful for the clerk and for the witnesses who are here if they had some idea that perhaps they would be called back, but we can wait.

The Clerk of the Committee (Ms. Marie-Hélène Sauvé): It would, but we can wait.

The Vice-Chair (Ms. Pam Damoff): I know these witnesses are always quite willing to come to committee.

Sorry to interrupt. You can go ahead.

Ms. Angela Connidis (Director General, Crime Prevention, Corrections and Criminal Justice Directorate, Department of Public Safety and Emergency Preparedness): Good morning, Madam Chair, and honourable members of this committee. I thank you for giving me the opportunity to appear here before you today on this important study.

My name is Angela Arnet Connidis. I am the director general of crime prevention in the corrections and criminal justice directorate at Public Safety Canada.

I'm abridging the notes that you received, so I apologize if this confuses you or the translators.

Today I'm going to speak to you about four key initiatives funded by Public Safety Canada that work to support indigenous communities to prevent crime, to create safe environments, and to improve the reintegration outcomes of indigenous offenders.

The first initiative is Public Safety Canada's aboriginal community safety planning initiative, which we usually refer to as community safety planning. This initiative was announced as part of the 2015 government action plan to address family violence and violent crimes against aboriginal women and girls. Community safety planning is focused on building a community's capacity to create a safe community itself by providing whatever support the community needs to develop and implement a community safety plan.

In this grassroots approach, our officials reach out to indigenous communities, and we offer to act as a resource and a support for a core group of community members who will consult within their community and with their leadership over the course of this process. It's crucially important that the community itself want this help.

This process results in a community safety plan that is truly built by the community. It is customized with activities that examine historical factors and draw from the unique circumstances of the community, and it lays out a pathway to a safer and healthier community that once more is tailored for that community.

Community safety plans have often demonstrated a commitment to addressing family violence and violent crimes against indigenous women and girls. To date, Public Safety has engaged with over 100 communities, 29 of which have completed their plans and are in various stages of implementation. As well, we are in the midst of a pilot project with as many as 10 communities that have completed plans, and in which we are engaging other federal departments such as Crown-Indigenous Relations and Northern Affairs, Indigenous Services, Status of Women, and Health Canada, as well as ministries and provincial governments that have a role to play in implementing components of community safety plans. From these partners' perspectives, community safety plans help to more effectively target their funding, and ensure that they are supporting projects the communities have identified as priorities.

The seasoned initiative I want to talk about is the national crime prevention strategy. The delivery of crime prevention programs through the strategy is another way we are responsive to the vulnerability of indigenous women and girls to violence and victimization. The department's programs and initiatives include a focus on high-risk children and youth who present multiple risk factors for later delinquency, including having been exposed to or

victims of violence in the family. In addition, the department supports interventions that are aimed at preventing reoffending among high-risk chronic offenders in communities, including those who have a known history of spousal or child abuse.

The strategy has a targeted northern and aboriginal crime prevention fund that supports culturally sensitive crime prevention practices to reduce offending among at-risk children and youth both on and off reserve and in the north. The fund also supports the dissemination of knowledge and the development of crime prevention tools and resources for northern and aboriginal communities. Of the crime prevention projects the department has supported since 2012, 46% have involved indigenous people or communities.

The third initiative I'm going to talk about is our first nations policing program. Budget 2017 committed \$102 million over five years starting in 2018-19 for policing in indigenous communities. The first nations policing program supports policing services that are professional, dedicated, and responsive to the first nation and Inuit communities they serve. First nations policing services contribute to the improvement of social order, public security, and personal safety in first nations and Inuit communities, including, of course, the safety of women, children, and other vulnerable groups.

● (1155)

The fourth initiative I'm going to refer to is the indigenous community corrections initiative. Budget 2017 provided Public Safety with \$10 million over five years in contribution funding to support training and capacity building within indigenous communities, and to help them implement community-based projects that will assist in the reintegration of indigenous offenders and provide alternatives to incarceration. The specific and unique needs of female indigenous offenders, as well as balanced gender representation, will be taken into account when assessing initiatives to receive project funding.

Eligible recipients include indigenous not-for-profit organizations and indigenous governments and/or municipal governments, working in collaboration with indigenous organizations or communities, indigenous communities themselves, and Canadian universities and colleges. The call for proposals recently closed, and we are now in the process of reviewing the submissions.

As I stated earlier this year to the Standing Committee on Public Safety and National Security which is also studying indigenous corrections, to reduce the overrepresentation of indigenous people in federal custody, we need to focus on the social history and the risk factors present in people's lives that contribute to people getting involved in the criminal justice system. Solutions need to be developed and delivered in collaboration with indigenous people, communities, and organizations. This is true regardless of gender, but is especially relevant when considering the incarceration rates and lived experiences of indigenous women.

Thank you once again for the opportunity to address you, and I welcome any questions you may have.

• (1200)

The Vice-Chair (Ms. Pam Damoff): Thank you very much.

On our first round, we'll go to Ms. Jordan, for three minutes.

Mrs. Bernadette Jordan (South Shore—St. Margarets, Lib.): Thank you, Madam Chair.

Thank you to the witnesses for appearing today.

I'd like to focus my questions on the Parole Board, specifically with regard to the elder-assisted hearings. I'm interested in finding out more about them. As well, 16% were for indigenous women offenders.... When I think of 16%, it's not a great number. I'd like to know if there's a way we can increase that. If it's an effective hearing process, which I assume it is, since you've put it in your report, how do we get that number up over 16% if we have a disproportionate number of indigenous women in prison?

Ms. Suzanne Brisebois: Yes, the 16% represents of all elder-assisted hearings. Women offenders and indigenous women offenders are a very small proportion of the total offender population, so that's where you'll see that 16% being a smaller number. Over the 25 years that we've had elder-assisted hearings, we've had over 10,000.

Michelle may want to speak a bit further about the elder-assisted hearing in terms of its format and its function.

Ms. Michelle Van De Bogart (Regional Director General, Ontario, Parole Board of Canada): Certainly.

Good morning. The elder-assisted hearing consists of two portions. There's a ceremony portion and a business portion. My colleague mentioned that we contract and work with elders all across Canada. We have elders who facilitate the elder-assisted hearings. They perform the ceremony, and they also ensure that the circle—it's a circle format for elder-assisted hearings—is respected during the interview and risk assessment process.

Our elders are also there to provide information and advice to our board members about traditions or ceremonies, or things they've heard during the risk assessment portion, to be able to contribute to the risk assessment. Our elders don't take part in the decision-making itself, but they provide advice.

Mrs. Bernadette Jordan: Do you find it's an effective means of going forward with the hearings and things like that? I guess my point is, should we have more than 605?

Ms. Michelle Van De Bogart: I would say that one way the board is looking at increasing the number of elder-assisted hearings is to go into the institutions—we call that “inreach”—where we speak to front-line staff and to indigenous offenders. We talk about this format. We talk about what to expect during parole hearings. We talk about the ability to request an elder-assisted hearing.

We've also developed some national communication products. We have a video that shows a mock elder-assisted hearing. We can share that with them, so they can see what to expect.

Mrs. Bernadette Jordan: Is that available for the public to see?

Ms. Michelle Van De Bogart: Yes, it is.

Mrs. Bernadette Jordan: Is it on your website?

Ms. Michelle Van De Bogart: It is on our website, yes.

If I may, I would say that we refocused our inreach a couple of years ago. What we found when we refocused that was an increase in the number of requests for elder-assisted hearings. This is something we have discussed continuing, so we are now looking at doing continuous inreach to the institutions to continue those conversations.

The Vice-Chair (Ms. Pam Damoff): That's your time. I'm sorry.

Mr. Shields.

Mr. Martin Shields: Thank you, Madam Chair.

Let me go first to Public Safety to clarify. Are the 100 different meetings you've had with communities on reserve or off reserve?

• (1205)

Ms. Angela Connidis: It's a mixture. There are about 640 indigenous communities on reserve and off reserve in the north, and we've worked with a hundred of them.

Mr. Martin Shields: You say the north. There are many reserves in the south.

Ms. Angela Connidis: I mean including the north.

Mr. Martin Shields: Oh, including the north. Okay, thank you for that.

You have a mix. Do you have any idea whether it's 50:50, or 30:70...?

Ms. Angela Connidis: I can get back to you on the exact locations and give that kind of breakdown. I don't have those numbers with me.

It is in a sense out of our hands. We reach out to all of the communities, and it's to those who respond to us that we are able to go. We don't force ourselves upon the communities. We tend to focus on the most at-risk communities, those that need a lot of capacity building, in our outreach efforts.

Mr. Martin Shields: To follow up, how do you establish an off-reserve setting for a group that is reserved in one place and may have a mix of people in an urban centre? How do you find out whom to make a working agreement with?

Ms. Angela Connidis: It would be through outreach with some of the leaders in those communities. They would identify the members to work with. I can get more information to you on how we work in the urban centres.

Mr. Martin Shields: That would be great. I'd appreciate it.

I'll turn it over to Glen.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Thank you, Madam Chair.

My first question is for the Parole Board. We understand there have been some improvements to include the victims in your parole process. How much has their involvement increased, and what have you seen as a result of having victims involved in the parole process?

The Vice-Chair (Ms. Pam Damoff): You have a minute to respond.

Ms. Suzanne Brisebois: The board and the Correctional Service of Canada work with victims. They register with us to receive information about offenders. We have more than 8,000 registered victims.

Those victims can attend parole hearings and observe. They can also present statements at our parole hearings. We provide information about offenders' parole dates and the parole results. We provide copies of the parole decisions to victims.

Last year the board had more than 32,000 contacts with victims, and we had 244 presentations made by victims at our hearings.

Mr. Glen Motz: Has having victims involved changed the parole outcomes?

Ms. Suzanne Brisebois: The information is always of value for board members. What victims identify is the impact of the offence on them. The board always could impose conditions specific to victims, such as no contact, but as part of the legislative changes that occurred last year with the victims bill of rights, victims can identify, if there are special conditions, whether they have concerns about contact, and the board will impose "no contact" conditions and those sorts of things based on the risk and the information provided by victims.

Theirs is valuable information that we're always looking to receive.

The Vice-Chair (Ms. Pam Damoff): Thank you.

Ms. Malcolmson, you have the last three minutes on this panel.

Ms. Sheila Malcolmson (Nanaimo—Ladysmith, NDP): Thank you, Chair.

My questions are for the Correctional Service, but thanks to all the witnesses for being here.

I'm going to run through a couple of outside reports about how we're doing in Canada around the conditions indigenous women receive.

The Native Women's Association of Canada in August of this year said:

not only do federally-sentenced indigenous women not have access to adequate programs and services while imprisoned, but the programs that do exist are neither culturally appropriate, nor geared towards reintegration.

Members of the Elizabeth Fry society visiting this fall the Edmonton Institution for Women were shocked at the very invasive searches, asking indigenous women to lift their breasts and spread their cheeks. For victims of sexual assault and abuse, that was particularly triggering.

The correctional investigator, Ivan Zinger, reported this year that indigenous women remain in segregation nearly nine days, while non-indigenous women spent an average of 6.3 days in solitary confinement, in segregation.

Then a year ago, a United Nations committee recommended that Canada abolish the practice of solitary confinement, and "effectively limit the use of administrative or disciplinary segregation as a measure of last resort for as short a time as possible" and avoid such measures for women with serious mental illness.

Given that we have a lot of concerns about what's happening right now, and I recognize that you can't affect the number of women who come into the institution, can you give the committee reassurance that you're actively working on these outside critiques?

• (1210)

Ms. Anne Kelly: I'll start and then turn it over to Dr. Blanchette.

Absolutely we are. In terms of the programs, the programs that have been developed for women are holistic. They are women-centered. The elder or spiritual advisers participate in the delivery of those programs. We have had recent research that indicates the programs are effective. The women who complete the programs are more likely to get discretionary release.

In terms of admin segregation, we've done a lot of work around admin seg for men and for women. At this point, as of October 15, 2017, there were two women offenders in custody in federal institutions who were on administrative segregation.

The other thing we've done is we've amended our policies that restrict segregation to certain offenders. Inmates with a serious mental illness with significant impairment, inmates who are certified, inmates actively engaging in self-injury that is deemed likely to result in serious bodily harm, will not be admitted to seg. Under exceptional circumstances, we have others who may be admitted to seg, but they have to be reviewed within one day, and it can't exceed the first working day review.

Again, in the realm of admin seg, lots of work has been done as well.

Maybe I'll turn it over to—

Ms. Sheila Malcolmson: Would you be able to table those reports for the committee so that we can see that work?

Ms. Anne Kelly: Absolutely.

What I just outlined in terms of administrative segregation is in our commissioner's directives, so I'll be happy to provide it.

The Vice-Chair (Ms. Pam Damoff): Ms. Kelly, I let you go an extra minute over time, so perhaps if there's additional information, you could provide it to us.

Thank you very much for your testimony, all of you.

I'm going to suspend for about two minutes while we set up for Dr. Zinger and Ms. Kingsley.

●(1210)

_____ (Pause) _____

●(1215)

The Chair (Mrs. Karen Vecchio (Elgin—Middlesex—London, CPC)): Committee members, because of the fire alarm, we have decided to postpone today's meeting because this could take up to half an hour. We will request her to come back.

The meeting is adjourned.

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