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Chair

Mr. Tom Wappel

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•(0940)

[English]

The Chair (Mr. Tom Wappel (Scarborough Southwest, Lib.)): I call the meeting to order. There's a quorum.

The original intent of this meeting was to go in camera and discuss instructions to our drafters with respect to a draft report on the Fraser River salmon fishery issue, which we discussed and studied last week.

We also have two notices of motion from John Cummins.

We also have a request by Mr. Stoffer—who isn't here—to discuss the order of questioning by members. He has circulated something, which we've provided to everybody, I think, that compares how other committees do this.

His problem may be that there's some confusion about when this meeting takes place. I want to remind everybody that, as a committee, we decided the meetings would take place on Thursdays between 9:30 and 11:30, if at all possible, to accommodate members on both coasts and the river, who would like to get back to their ridings.

There seems to be continued possible confusion that the meeting is from 11 o'clock to 1 o'clock. It is not. You should always assume that it's 9:30 to 11:30 on Thursday, unless we notify you otherwise.

Mr. Cummins, I don't know what you're going to do with your motions, but I'm at a loss to understand what this committee is going to do with respect to instructions for our drafter, in view of the motion that has been put forward by the official opposition today.

It is my view, and I'm only one person, that instructing our drafter on the Fraser River issue today is an utter waste of time. If the motion of the opposition parties passes today, then the House will have expressed its opinion that there should be a judicial inquiry. Why are we wasting our time instructing our drafter to prepare a report?

On the other hand, if the House rejects the motion, then the House has made it clear that a judicial inquiry will not be accepted. Therefore, why should we spend a lot of committee time discussing and recommending a judicial inquiry when the House will have already rejected the concept?

I'm in your hands. If you want to go for two hours on this issue, that's fine. It seems to me to be a waste of time. However, there are two motions to be discussed, one of which, it also seems to me, would be a waste of time in view of the opposition's motion today.

I see Mr. Keddy's hand first.

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): I'll be very quick, John.

On your comments, I certainly understand where you're coming from, Mr. Chair. However, quite frankly, we have duty day motions and supply day motions all the time in this House, some of which, every once in a while, are actually passed by the House, and none of which force the government to act on them. In a perfect world, a sitting government would take the supply day motion and turn it into legislation. I've never seen it happen. It very seldom ever happens, as a matter of fact.

Perhaps I should be paying more attention. However, I think we have to go on the premise that the business of committee, regardless of the business of the House, really is separate from the business of the House. We have our own agenda and our own issues that we want to deal with. We would hope that what we pass here at committee gets picked up by the House and turned into something legitimate, but even if we come out as a committee and make a recommendation that there be a judicial inquiry, there still may not be any judicial inquiry forthcoming from the government.

The Chair: I think you can assume that if the House votes against a judicial inquiry based on the motion, 186 days after we issue a report the same thing's going to happen. But who knows?

Mr. Cummins is next.

Mr. John Cummins (Delta—Richmond East, CPC): Thank you, Mr. Chair.

Mr. Chair, my view is that this is an opportunity for the committee to reflect the hearings and the testimony that was given at the hearings in Vancouver.

The Chair: Mr. Cummins, what is an opportunity, the motion or discussions later this morning?

Mr. John Cummins: I'm talking about the motion, Mr. Chair. I'm sorry about that.

I think the two motions, Mr. Chairman, could be dealt with separately, but I think that they're—

The Chair: I'm sorry, Mr. Cummins. Again, I'm not clear. Are you speaking to one of your motions or the motion that is in front of the House today?

Mr. John Cummins: Well, Mr. Chair, I'm actually speaking to the motions before committee. We're in committee now, Mr. Chairman.

•(0945)

The Chair: Yes, I understand that.

Mr. John Cummins: And what I'm talking about is the relevance of the two motions. I think my colleague was addressing that moments ago.

My point, Chair, is that this committee spent three days in Vancouver and we heard testimony from the witnesses. I think those who weren't there haven't looked at all the testimony. It was compelling. I think there was a clear message from the sport fishing community, from the commercial fishermen, including the native commercial fishermen who were represented by the Native Brotherhood, that they would like to see this judicial inquiry.

Given the debate in the House—and I wasn't party to the drafting of the resolution or the timing of the motion in the House, but there it is—I think, given the fact that the debate in taking place in the House, it's almost incumbent on the committee, in its collective wisdom, to give some guidance to the House. I think that would be helpful because, after all, we're the ones who actually heard the testimony and we're the ones who are most familiar with the issues under discussion.

That being said, Mr. Chairman, I think it would do the committee well to see the clock at 11:19 a.m. and address the two motions that I made a few days ago.

The Chair: Any other comments?

We don't have to do that, Mr. Cummins, because it has been pointed out to me that the 48-hour rule is not a literal 48-hour rule, it is two sleep nights.

Mr. John Cummins: Or sleepless.

The Chair: Or sleepless nights. In any event, that rule would in no way affect the motion you've brought with respect to Mr. Williams. It would only deal with your motion with respect to a judicial inquiry, and I'm ruling that motion is in order now, if you wish to put it.

Are there any other comments on my comments about what's the point of proceeding beyond the two motions that Mr. Cummins is about to move, given the debate today in the House of Commons where each and every member of this committee, if they wish, we hope, can take part and offer—as Mr. Cummins puts it—their collective wisdom?

I suppose we can deal with that issue after we deal with the two motions. Are you moving the motions, Mr. Cummins, one of them or either of them?

Mr. John Cummins: I would move one at a time, Mr. Chair. I would move the—

The Chair: I am sorry, Mr. Hearn, I didn't see you. My apologies. The clerk did, so go ahead.

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): I believe it is important that we deal with the motion. I'm not sure if we say “table” in a report. I guess that's how we operate anyway. But certainly indicating our support, if that is the wish of the committee, I think would be very important in light of today's debate, to show that the committee does give direction.

Every group we had before us, I believe—except perhaps a couple of the aboriginal groups—requested a judicial inquiry, for two reasons. There were two other exercises. Number one, we were

asked to go out there; we went out there knowing that we had to do it pretty quickly. But we can't wait for a year and a half or two years to deal with the issue. If you lose this coming year's fishery, you're losing half the cycle.

We had to do what we did and I think we did it in spades. However, we know we're not going to get to the root of all problems. We know from the testimony, and I think from common sense, that trying to bring all these groups around the table and have solid recommendations for the minister by February or March, for this ministerial committee, is a complete and utter waste of time.

In order to get to the bottom of this underlying issue, which doesn't seem to have improved over the last 10 years, somebody has to do some extensive work, and beyond a judicial inquiry, I don't know what else we can do. In the long term, I think that is the only thing that can be done. I think it's important that we have one, particularly after our exercise.

I certainly think Mr. Cummins' motion and the support of the committee saying that for the long term this has to be done to get to the truth of the matter would be very, very important.

The Chair: Mr. Hearn, with all due respect, I would have ruled you out of order a long time ago. You were obviously speaking to a motion that hasn't been put on the floor.

• (0950)

Mr. Loyola Hearn: You were asking for comments before.

Sorry, sir.

The Chair: Now I will take those comments in favour of the motion that is about to be put.

Mr. Cummins, would you put the motion, or it has been put. I'll read it:

[*Translation*]

That the Committee table a report in the House recommending that a judicial inquiry be undertaken into the management of the 2004 Fraser River sockeye fisheries and disappearance of almost 2 million sockeye between Mission and the spawning grounds.

[*English*]

That's the motion. Who wants to address it?

Mr. Cummins.

Mr. John Cummins: I didn't get my earpiece in, but I presume that the motion you read, Chair, is the one that I have before me.

The Chair: You presume correctly.

Mr. John Cummins: The purpose of this motion, Mr. Chairman, is to recognize that the current process that's in place is not adequate.

We had, just as an example, an inquiry under Mr. Fraser in 1994. Mr. Fraser was backed up, if you will, by five or six Ph.D.s, people with expertise in investigation and scientific knowledge. It was in fact a grade A, if you will, committee that investigated the difficulties.

The difference here is that this particular committee is basically composed of the victims, if you will, of the problem. It's people who are intimately involved. It's not composed of people who have those sorts of investigative skills. It's almost like asking the victims of a crime to conduct their own investigation, rather than turning it over to the police department. So I think that's of critical interest, of importance, in this motion.

Another thing is, Mr. Chairman, that this motion is not a political motion and it's not intended to be. We've talked in committee about the problems in the 1992 fishery and we've talked about the 1994 fishery, as well as this current one. The 1992 fishery, Chairman, took place under a Conservative government, so the problem is not new. It's a problem that transcends political boundaries, but it's not one that we can set aside and say that just another investigation is going to change things.

That's the issue here. This judicial inquiry will not be completed before next season; there's absolutely no doubt about that. But again, it shouldn't be of major concern. When that judicial inquiry is appointed, the justice who heads that up could be given the ability to make recommendations prior to the completion of his report and prior to the beginning of the salmon season next year. Yes, that should and could take place, but I think the key issue here is that we have to find out once and for all what went wrong, so that we can fix it.

This is about the fish. This is not about politics.

I'll stop at this point, Mr. Chairman.

The Chair: Thank you.

Mr. Keddy.

Mr. Gerald Keddy: I very much appreciate what John has said here, but I have a small bit of difficulty with the wording of the motion. I think the intent of the motion is absolutely correct. I certainly believe we need a judicial inquiry. I'm not recommending we change the wording; I think that should be up to the mover, but I think the wording should be that we leave "between Mission and the spawning grounds" out. I think that points the finger directly at first nations and the recreational fishery too, quite frankly—only those two players. It leaves out the offshore fleet, the seine fleet, the American fishery, the American first nations fishery, all of whom have taken fish from the supply before they reach the spawning ground.

I absolutely concur that we need a judicial inquiry. I would say at the end of it, "and the disappearance of up to two million sockeye before they reached the spawning ground". We don't have to say from the Pacific to Mission, or any area, just that they disappeared. It gives the judicial inquiry board a lot more scope, and it also makes their job a little wider. I feel we would get better cooperation from all of our fishery resource users in British Columbia, and at the end of the day it would still get to the bottom line of finding out exactly what happened to those fish.

• (0955)

The Chair: Are there any other comments?

Mr. Keddy, would you take the chair, please.

The Vice-Chair (Mr. Gerald Keddy): Mr. Cuzner, 30 seconds.

Mr. Rodger Cuzner (Cape Breton—Canso, Lib.): I have a problem with it. I'm not trying to underestimate the impact of the loss that was incurred over last season, and I'm not privy to all the testimony as I did not have the opportunity to travel with the committee out west to hear it all, but I still see a significant bank of stakeholders and players within the fishing community who have issued their support for the inquiry led by Mr. Williams.

My concern with the judicial inquiry is that these things have a tendency to run on and on. Does it compromise any good going forward? I know there have been some concerns raised about Mr. Williams, but there is a fairly significant bank of support for him as well that speaks to his impartiality, competence, and integrity. What's I'm saying is, if we're looking at getting something done, would the judicial inquiry run too long?

I'm reading that the Sport Fishing Institute of British Columbia supports the appointment of Bryan Williams as an independent chairperson. They go on to speak about many of his attributes and strengths.

I have problems with the motion.

The Vice-Chair (Mr. Gerald Keddy): Mr. Wappel.

Mr. Tom Wappel: Thank you. Thanks for taking the chair.

As the member of Parliament for Scarborough Southwest, and not as the chair of this committee, I am opposed to this motion. I am opposed to it on philosophical grounds and I'm opposed to it for procedural reasons, and I want to tell the committee why.

We did not hear any definitive evidence of any kind that there was a disappearance of almost two million salmon. We heard there was a disappearance of salmon. We knew full well that there were a lot of salmon that went missing, but there is no definitive evidence of any kind that there were two million sockeye salmon that disappeared, never mind that there was definitive evidence that two million sockeye salmon disappeared between Mission and the spawning grounds. There was no evidence that I heard to that effect, in my opinion.

I think if this committee proceeds with this motion as worded, we have not done our job properly, because the wording of the motion, in my view, does not reflect the evidence we heard. It certainly reflects the beliefs of Mr. Cummins and others, but it does not, in my view, reflect the evidence we heard.

If the motion were to stop at the word "fisheries", then I wouldn't have those two objections, obviously, because the committee would not be opining about the disappearance of a specific number of fish and it wouldn't be presupposing where those allegedly missing fish went missing. However, even if the motion ended at the word "fisheries", I would speak against it and I would do so for the following reason.

I think we are being purposely rushed to judgment on this issue, as a committee, by political considerations of others, bearing in mind that the House of Commons is going to be adjourning shortly for the Christmas break and then there is obviously some fear that it will take some time to deal with the issue.

This committee had a motion before it from the official opposition that we go to British Columbia to study this issue. When a committee goes somewhere to study an issue, it does two things. It goes, it listens to the evidence, then it sits down in camera for however long it takes and it listens to each and every member of Parliament—both those who were there and those who were not there—to canvass their opinions and, particularly in this committee, give those opinions to the researchers in an effort to draft what nine times out of ten on this committee is a unanimous report. That's what gives the credibility to this committee's reports—their unanimity. That's why we hope the department takes them seriously.

In this case the committee unanimously supported the opposition's call that we go to British Columbia to study this issue. The House of Commons supported that by authorizing us to travel. The Canadian taxpayers have supported it by doling out close to \$90,000 for that purpose. I think we are circumventing the process by doing two things: first, arguing a judicial inquiry in the House of Commons about which we can't do anything because it's already done; but then, trying to pass a motion calling for a judicial inquiry in this committee without the members of the committee being able to sit down, hash out the evidence, reflect on what we heard, listen to the notes our researcher has taken, and then listening to each other so we can try to come to some collective point of view.

There is no question that the numbers are simple, that the opposition can outvote the government. So what? What we're trying to do is keep the credibility of this committee, in my view, in the long term and not turn it political. I thought the purpose of today's work—two hours—was to sit down in camera and talk about the evidence we heard.

I'm not making excuses. The fact is, besides me, there was only one Liberal at the hearings. He happened to be the parliamentary secretary. He's not here. Why? Because he's in the House of Commons because it's his responsibility, on behalf of the government, to deal with the motion. If the motion hadn't been put, presumably he would have been here to provide input on the in camera discussions that we were having on this very subject matter.

• (1000)

So I think this motion, at this time—I say “at this time” because later on it might be a different matter—suborns or, if not suborns, certainly has the potential to suborn this committee's credibility and this committee's ability to work in a relatively non-partisan manner.

I understand that the official opposition has been calling for a judicial inquiry for quite some time, and that may very well be what the committee unanimously recommends after discussion, after a well-written, well-crafted report, signed on to by all members, with all the arguments as to why there should be support for a judicial inquiry. But to run off like this and make a decision, seven to five—actually seven to four, because I can't vote unless there's a tie—without adequate consideration, in my view, of the ramifications to this committee and the reputation that it has built over the years is just not worth it, never mind the fact that there is no evidence that there were two million sockeye lost and there's no evidence that all of them were lost between Mission and the spawning grounds.

That's the last I have to say about it. I'll take the chair again.

• (1005)

The Vice-Chair (Mr. Gerald Keddy): Thank you, Mr. Wappel.

The Chair: Are you ready for the question?

Mr. Anderson.

Hon. David Anderson (Victoria, Lib.): As one quick point, essentially what we are doing—and this is taking a wide look at both motions—is to attack the integrity of a former chief justice of the province. This committee will have no credibility if we go around saying that people who have that kind of respected position in the judicial system—

The Chair: Mr. Anderson, I'm sorry, we're dealing with the motion to have a judicial inquiry.

Hon. David Anderson: That's right, but of course, that's to replace the existing system—

The Chair: I see.

Hon. David Anderson: —which is an attack on....

The subsequent one is part of it, but as I said, I'm taking a somewhat wider look. I can say as a former fisheries minister that we did reach the point within my tenure as the fisheries minister where extraordinarily little attention was paid to the deliberations of the fisheries committee because the process had ceased to be realistic. The committee had ceased to be realistic in terms of what went on on the coast.

If you really want to suggest that a person who had occupied such a high judicial station is biased and that another process should be substituted, think carefully, because all I can suggest is that you might have the misfortune of discovering that the result is a great deal worse and may well be the discrediting of this committee in its other work.

I throw that out because I am very surprised that this should be linked, as it is with these two motions, to the name of an individual who is the former Chief Justice of British Columbia.

The Chair: To be fair, only tangentially would the one have to do with the other, because in theory, at least, even if there were a judicial inquiry, the panel under Mr. Williams could still continue if the minister so thought.

Mr. Cummins has not yet moved the motion and might not move the motion to remove Mr. Williams—I have no idea—and even if he did, it could theoretically be defeated.

The motion before us now certainly does say that this committee calls on the government to call a judicial inquiry—immediately, one presumes—and then all the things that flow from that might indeed result in the cancellation of the committee you've mentioned, but to be fair, that point is tangential to the motion we're discussing now, albeit marginally relevant.

Mr. Cummins.

Mr. John Cummins: I have a couple of points to make, Chair.

I'm quite prepared to remove all the words in the motion after the word “fisheries”, so that it would be “a judicial inquiry be undertaken into the management of the 2004 Fraser River sockeye fisheries”.

It certainly wasn't my intention to try to suggest that there would be any particular result of those investigations when I made the motion, but the problem had been identified by many as the disappearance of those fish between Mission, the counter at Mission, and the spawning grounds. But if—and it seems to be—there's an opinion that this notion is too suggestive, I would remove all the words after the word “fisheries”, because the key issue here, from my point of view, is that there be this investigation.

The Chair: The rules require that there be unanimous consent for the mover to amend his own motion. Is there unanimous consent to strike all the words after the word “fisheries” in the third line of the English version?

No, there is not unanimous consent.

An hon. member: Well, then, I'll amend it. I can put an amendment.

The Chair: Mr. Bell wants to say something about the motion.

Mr. Don Bell (North Vancouver, Lib.): As an MP from the west coast, I'll tell you, the issue of the fisheries is very important, and the issue of the change, in the loss of the fish, however many there are, has been discussed throughout the broader community.

What I don't understand is the difference. I wasn't part of the committee. I would have liked to be able to observe part of the hearings, but couldn't. But I would hope that as a result of this committee holding its hearings, as it did, in the west, in B.C. and Vancouver, there would be enough procedural consideration of the input that was received there before this committee made a motion to do something such as this. It's certainly of high importance and something needs to be done, but I'm not sure, having looked at the assignment that Mr. William's committee or inquiry has been given, that it wouldn't end up addressing the same thing.

• (1010)

The Chair: Mr. Hearn.

Mr. Loyola Hearn: Thank you very much, Mr. Chair.

One of the concerns I have about what's happening here is one of the ones you yourself have raised. Over the last three or three and a half years this committee has done some very good work. I don't think we ever had such an argument around the table, and here we are this morning going to vote on a motion that may or may not be pertinent at this stage.

We are in camera, I presume.

The Chair: No, we are not in camera. This is an open motion.

Mr. Loyola Hearn: I'll say what I'm going to say anyway, but I just wanted to double-check.

A number of people on both sides will be voting on this motion this morning who were not here, were not privy to the information that we heard. One way or another, we as a committee have not had time to analyze it. I thoroughly agree with it. You heard it and I heard it, but a lot of the people on our committee did not. We have not reached any recommendations or conclusions ourselves.

I'll say quite openly that I'm not comfortable with our committee.... If we did not have the resolution on the floor of the House today, which the whole House will be dealing with, which is

somewhat different from this because we're talking about the overall mismanagement and lack of science in relation to the fishery, that something has to be done again for the long term.... As I said earlier, and I'll repeat it, our work and the work of the other committee will hopefully prepare something for the spring but will not deal with the overall problem, which is what we want to get at in the long term.

I'd be more comfortable if this motion were held until we finished our report, if such a motion were to be made. I don't know whether Mr. Cummins or the committee would be satisfied to do that, but I think the only gain we get today, regardless of which side votes for or against, is to divide and weaken our committee a bit. I think the big picture here is much more important than any extra weight, or lack thereof, that one side or the other can have in speaking on the debate today.

The Chair: Thank you, Mr. Hearn.

Are there any other comments on the motion?

Mr. Keddy would like to amend the motion.

Mr. Gerald Keddy: Exactly.

Mr. Chairman, I certainly feel that the motion would be improved if amended. I would state that the motion be amended by removing all the words after the word “fisheries”. So it would read: “That the committee table a report in the House recommending that a judicial inquiry be undertaken into the management of the 2004 Fraser River sockeye fisheries.

An hon. member: I'd second that.

The Chair: Is there any debate on the amendment?

I'll call the question in a roll call vote, please. The question is on the amendment, that the motion be amended by removing all of the words after “fisheries” in the third line of the English version.

(Amendment agreed to: yeas 7; nays 3)

The Chair: Is there any discussion on the motion as amended?

Mr. Cummins.

Mr. John Cummins: Mr. Chair, I'd just like to respond to a couple of the comments you made. I'm certain they were well considered, but I do take exception to them.

The committee travelled to British Columbia two years ago and heard testimony. We understand there are problems there. In the last three days the committee has heard evidence. We weren't in isolation; we were all discussing this issue at coffee breaks and lunch breaks. I think the committee has had a good round of discussion on what went on.

The question that was raised by my colleague from North Vancouver about the difference between this inquiry and the current inquiry should be addressed. In this inquiry, the justice has the right to subpoena witnesses and take testimony under oath. That's a significant difference, and I think we should really dwell on that point. If you look at Mr. Fraser's comments, especially the comments he made before the committee, he said that because he lacked the ability to subpoena witnesses and take testimony under oath, there were questions that should have been answered but weren't answered in his report. That's what we want to do; we want to make sure these fish are protected for future generations.

The department, in some comments in the paper this morning, is suggesting that really what happened this year wasn't out of the ordinary, and that my comment that it may be 2020 before these stocks are back to "normal" is really outrageous. I think there's a tendency in the department to try to cover up, and we have to get to the bottom of this.

My Anderson, my good friend, knows full well the importance of these fish to British Columbia, and I know their importance to him and the work he did as minister. What happened this year is akin to clear-cutting a quarter of the Fraser basin. I don't want to see that happen again. I want some answers, and the people in British Columbia want answers.

I think it's incumbent on this committee to give the House some direction today. I hope there's unanimous agreement around this table on this motion.

• (1015)

The Chair: Are there any other comments?

Mr. Cuzner.

Mr. Rodger Cuzner: Just commenting on the interventions by you, Mr. Chairman, Mr. Hearn, and Mr. Anderson, and not wanting to compromise the integrity and reputation of this committee, I wonder if it would not be best to procedurally put forward a motion to stand this motion pending the tabling of the committee's report.

The Chair: That's an interesting procedural question. I don't think we can accept a motion in the face of a motion we're already discussing. I think we have to deal with it.

Are there any other comments?

Mr. Stoffer.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Chairman and committee, I apologize for being late this morning, but on the particular motion before us, those who were with us from 1997 to 2000 recall doing the west coast reports. We did a sort of pre-report, and then we did another one. A lot of it was based on just Fraser River sockeye, but on the Mifflin plan. It was based on areas like Langara Island being restricted to trolling, yet being opened up for sport fishing, and how that decision came about. To this day we still don't have answers on that.

I've thought about this long and hard, and I spoke to people on the west coast late last night and this morning. One of the concerns they have is that there are a lot of good people within DFO on the ground, but they're not allowed to say anything, or they're fearful for their

jobs. Quite possibly a judicial inquiry would allow them the opportunity to speak freely without fear of retribution.

I'm hoping that a judicial inquiry, or the debate today, will focus on the practices and policies of the Department of Fisheries and Oceans, and not on whether or not aboriginal people got more quota or less quota. We need to focus away from that debate and focus on what is going on in that department.

There is no question that the west coast of DFO, in my opinion, is out of control. I simply have no confidence with what's going on out there. I've spoken all morning about the Taku River and what's going on up there. It is absolutely scandalous what DFO is doing in that regard.

Quite simply, I support the motion. Let's have a vote on it.

• (1020)

The Chair: Thank you.

Parenthetically, it's good that we have corporate memory. When we were in British Columbia we were talking about what appeared to be the lack of corporate memory at DFO. It's nice of you to remind us of that report.

Mr. Peter Stoffer: There are two reports.

The Chair: Fine. I will ask our researchers to dig those reports up and find out if we got any answers. If we didn't, we'll have the officials back and find out why. That's an entirely different issue.

The question is on the motion as amended, that the committee table a report in the House recommending that a judicial inquiry be undertaken into the management of the 2004 Fraser River sockeye fisheries.

(Motion as amended negatived: nays 6; yeas 5)

The Chair: On the next order of business, Mr. Cummins, you have another motion. Are you proposing to move it?

Mr. John Cummins: I will, Mr. Chairman, because I think it's important.

The Chair: The motion is that the committee recommend that Bryan Williams be removed as chair of the Integrated Salmon Harvest Planning Committee, and that a neutral chair be appointed in his stead.

Mr. Cummins.

Mr. John Cummins: Mr. Chairman, I don't particularly take a great deal of delight in this motion, yet I think it's an important one and a necessary one. I'm going to ask my friend Mr. Keddy to make an amendment to this motion to better reflect the testimony that we heard.

There is a perception, either real or imagined, that Mr. Williams comes to the table with bias. I think that's well founded, based on news reports and other reports concerning his activities as chief justice and before. It's my understanding that Mr. Williams, as chief justice, was denied the opportunity to name judges on aboriginal issues because it was perceived by other justices that there was a bias. He is a major donor and adviser to a special aboriginal group, which has advanced court cases dealing with aboriginal rights that may or may not be reflected or part of the inquiry that he's supposed to deal with, that they may be compelled to address.

We heard testimony from all sectors of the commercial fishing industry, the processors, and the sport fishing industry on concerns about his neutrality. On the small list that my friend Mr. Cuzner referenced, the Sport Fishing Institute's Gerry Kristianson is a good friend of my friend Mr. Anderson and supportive politically of his party. I understand why the B.C. Aboriginal Fisheries Commission would support his appointment, but I can also understand why the commercial industry is questioning it.

In the hearings, I mentioned that my friend Mr. Eidsvik, for example, is a man who's capable of stepping back from an issue and making reasonable judgments, but he has been associated with the commercial sector for a long time. There's going to be perceived bias.

It's the same for Mr. Williams. It's not that Mr. Williams is a bad man, and it's not that the policies he advocates are wrong. In fact, I congratulate him for what he does. But there is a perception of bias. You can't sit in that position and continue in that way when there's concern around the table about impartiality. That's the issue here.

I would like to see the motion amended to say that he be removed as chair of the Integrated Salmon Harvest Planning Committee and that a chair be appointed who is acceptable to all the participants in the committee.

● (1025)

The Chair: Mr. Cummins, before I go to Mr. Anderson, I want to make a ruling as chair. I am going to refer to the fifth edition of Beauchesne's, page 152, paragraph 423. This is the paragraph in its entirety:

A motion should be neither argumentative, nor in the style of a speech, nor contain unnecessary provisions or objectionable words. It is usually expressed in the affirmative, even where its purpose and effect are negative.

Looking at the motion before us, I would rule that the word "neutral" is an unnecessary word, and might even be an objectionable word, because it opines on something.

I would also rule that the motion as presently drafted is not helpful to the House, if there is such a ruling, in that it does not express in the appropriate way what the committee wants done.

It is the long-standing practice of the House of Commons, and by extension its committees, that motions be drafted in such a way as to enable the House, or one of its committees, to express itself clearly on the question before it. Agreeing to or negating the motion, as it is currently worded, could be interpreted in a variety of ways.

I would therefore suggest that, if the motion is going to proceed, the proper wording would be something to this effect: "That the committee report to the House, recommending that the government consider the advisability of replacing" —that word is different from the word "removing"—"Bryan Williams as the chair of the Integrated Salmon Harvest Planning Committee."

If passed, and I'm not speaking to the motion at the present time but strictly to the receivability and what the committee could do, this would give the House an indication of what the committee wants the House to consider doing, without using any pejorative or insulting words, or any innuendoes, or anything of that nature, in the motion itself.

That said, I am not ruling the motion out of order. I am simply indicating that, in my view, the motion is procedurally extremely weak, and it would be a very unwise thing for the committee to pass the motion at the present time in its current wording.

On that point, Mr. Cummins, before I go to Mr. Anderson.

● (1030)

Mr. John Cummins: On that point, yes.

I accept the comments you make. The suggested motion certainly addresses the issue in a manner that's acceptable to me. I think you used the word "advisability"...?

The Chair: I'll read it again so that everybody understands: "That the committee report to the House, recommending that the government consider the advisability of replacing Bryan Williams as the chair of the Integrated Salmon Harvest Planning Committee."

And I repeat, I'm not speaking to the merits of the motion.

Mr. John Cummins: No, I understand that.

The Chair: Mr. Cummins, were you through in your comments?

Mr. John Cummins: I would accept that motion. I could live with it. I think it's appropriate. It certainly wasn't my intention to impugn Mr. Williams through any negatives. It was just to say that there is a perceived bias there, and I think he should be removed from the committee.

In my view, the motion should be direct and should say that he be removed, but I'm perfectly willing to accept it as is.

The Chair: Then let's not waste any more time.

At this point, I want to ask the question, does Mr. Cummins have unanimous consent to withdraw his motion?

(Motion withdrawn)

The Chair: So there currently is no motion on the floor. Will the committee give its unanimous consent to put on the floor the motion that I've just discussed?

Mr. Gerald Keddy: I have another motion I'd like to suggest.

The Chair: By all means, Mr. Keddy, go right ahead.

Mr. Gerald Keddy: I'll give the motion and then discuss it. I guess that would be the proper way to go about it.

The Chair: Are you moving a motion, Mr. Keddy?

● (1035)

Mr. Gerald Keddy: Yes, I would move a motion.

The Chair: You would move a motion. Okay.

Mr. Gerald Keddy: I move that in light of concerns expressed by the stakeholders of the B.C. salmon fishery, the committee recommend that the minister review the appointment of Bryan Williams as chair of the Integrated Salmon Harvest Planning Committee.

I'd argue in favour of that on the basis of trying to get all the support of all the players here at the table. I think we all recognize, and we heard it loud and clear when we were in British Columbia, that there's a lot of dissatisfaction, and there's very little support for Mr. Williams.

I don't know Mr. Williams and all of his background well enough to recommend that he be removed as chair, although I heard a lot of ancillary evidence, if you will, that he should be removed. But this allows the minister, quite frankly, a little bit of wiggle room. It also sends a very clear message that there are a lot of players in the industry, a lot of stakeholders, who are not satisfied with the appointment.

And I'm not naïve here; I'd suggest that no matter who you appointed, there probably would be a lot of dissatisfaction with that individual.

This is a committee that tries to work on consensus. I believe everybody around the table recognizes the fact that there is a serious problem with the appointment of Mr. Williams. This puts the onus back on the minister to review that appointment. If he wants to keep Mr. Williams in place, then he may have to deal with the consequences of that.

I think this is a much tamer motion, quite frankly. It doesn't force us to the wall. I would hope it's a motion that the committee members here could all support. Sometimes it appears we're being adversarial. It's a matter of putting a motion forth, having it amended, and finding a way to reach the goal at the end of the day, and I think we can do that with this motion.

The Chair: Would you be kind enough to read your motion again?

Mr. Gerald Keddy: That in light of concerns expressed by the stakeholders of the....

I guess instead of the B.C. salmon fishery, it should be the sockeye fishery, or else the Fraser River sockeye fishery—

The Chair: The Fraser River sockeye salmon fishery?

Mr. Gerald Keddy: Yes.

The Chair: Okay.

Mr. Gerald Keddy: Next, that the committee recommend to the minister—

The Chair: That the committee recommend?

Mr. Gerald Keddy: Yes, recommend.

Well, what else can we do, guys? I mean, we can—

The Chair: No, no, carry on; I just want to make sure that I have the motion.

Mr. Gerald Keddy: We recommend to the minister that he review the appointment of Chief Justice Bryan Williams—or maybe Mr. Bryan Williams, whichever it would be—as chair of the Integrated Salmon Harvest Planning Committee.

The Chair: Okay. Now, just to....

Mr. Roy, you have a point of order.

[*Translation*]

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): On a point of order, Mr. Chairman. I disagree with this because no notice of motion was given. I must tell you right now that I will not consent to allowing this motion to be tabled.

[*English*]

The Chair: We heard Monsieur Roy, and I'll just mention something in a moment.

What I was going to say is about the motion I had originally put forward. Just so we're absolutely accurate, it's been brought to my attention that Mr. Bryan Williams is the chair of the 2004 salmon post-season review to be conducted by the Integrated Salmon Harvest Planning Committee. I don't know that necessarily makes a great deal of difference right now, but just to make sure that we call him what he is—and that wording comes directly from the press release of the minister of fisheries.

Now, a motion was put forward by Mr. Keddy—which I will read—that, in light of the concerns expressed by stakeholders of the Fraser River sockeye salmon fishery, the committee recommend to the minister that he review the appointment of Bryan Williams as the chair of the—and if I may—2004 salmon post-season review to be conducted by the Integrated Salmon Harvest Planning Committee. That is the motion moved.

Our rules require that 48 hours' notice be given before the motion may be entertained unless there is unanimous consent. Mr. Roy has indicated that there is no unanimous consent; therefore, the motion will be dealt with, if we see fit, on Tuesday at the earliest. That takes care of the two motions.

In the meantime, this motion will be properly typed up, translated into both official languages, distributed, and then if we wish to proceed with it on Tuesday morning of next week, we can do that.

Mr. Cummins has a point of order.

Mr. John Cummins: The intent of the motion by my friend here was in fact to amend the original motion. That was the intent of the withdrawal.

I think your suggesting that the 48-hour rule is in play here really gets to the heart of whether we can cooperate here. I did put a motion forward. I recognize that there were some who took exception to the wording of that motion, that it somehow impugned the integrity of Mr. Williams, which was not my intention. I was prepared to amend that motion. As I indicate to you, my friend Mr. Keddy had an amendment to the original motion.

When you talked about the changes, in my view you were talking about amending my motion, not simply dropping it. I withdrew it because I thought it was convenient to do it that way, but the intent really was to amend it. Given that, I think your invoking this 48-hour rule now sort of makes this issue confrontational, rather than the usual cooperative approach we enjoy at this committee.

● (1040)

The Chair: Thank you for your comments, Mr. Cummins.

Mr. Roy.

[*Translation*]

Mr. Jean-Yves Roy: Thank you, Mr. Chairman. Unanimous consent was given to withdraw the motion. Pursuant to the Standing Orders, a committee cannot amend a motion that has been withdrawn with the unanimous consent of members.

[English]

The Chair: Do you have a comment on this point, Mr. Stoffer?

Mr. Peter Stoffer: In fairness to Mr. Cummins, I was under this impression as well. Maybe procedurally you're correct in what you're doing, but I assumed that because Mr. Cummins very easily withdrew his motion, the amended one would replace it and we would vote on it.

I think Mr. Cummins and the Conservative members have a point. It's rather unfair to wait until Tuesday in order to deal with this matter. I was working under the assumption that we were going to vote on Mr. Cummins' motion today. Your reading of Beauchesne's—correctly, I may add—indicated that it was not cricket, as we say.

Mr. Cummins very easily withdrew his motion, and Mr. Keddy was to replace it with a new one. I assumed that's what we were doing. I would argue in favour of Mr. Cummins and the Conservatives in order to have the vote on Mr. Keddy's motion today.

The Chair: Thank you.

Did you want the vote to be on Mr. Keddy's motion?

Mr. John Cummins: On the amended motion.

The Chair: First of all—and I stand to be corrected, we can check the blues later—I don't recall Mr. Keddy saying he had an amendment to a motion. I recall him saying he had a motion.

Mr. John Cummins: I suggested it was an amendment to the motion, Mr. Chair.

The Chair: That may be. In any event, I don't wish in any way, shape, or form to be confrontational. Very rarely do I make technical rulings from the chair. I try to see consensus and to operate this committee in such a way that we remain as depoliticized as possible.

If there was some misunderstanding, I apologize. As I understand it, I made some comments with respect to the motion, which Mr. Cummins took to heart. It was my understanding that, based on those comments and on the fact that Mr. Keddy had a motion he wanted to put—this is how I heard it—Mr. Cummins' motion was withdrawn on unanimous consent. Then Mr. Keddy put forward...not an amendment. We have to remember that an amendment cannot change the entire wording of a motion. It has to reflect the previous motion, and there are a lot of additional words in there about stakeholders, the Salmon River fishery, things that are not in the original motion.

But look, I don't want people leaving here today saying the chairman pulled a fast one. That's not my style, so I'm going to go back to the future here, back to Mr. Cummins' original motion.

Mr. Anderson has a point of order.

Mr. David Anderson: On a point of order, I think you really should listen to the points of order from around the table before you start making the ruling. The point of order raised by Mr. Roy is technically correct. Again, we may like it, we may dislike it; that's really not the point. Mr. Roy has made the correct interpretation of what occurred.

If we proceed in backing up as we're now doing, we are creating a procedural jungle out of which a motion will appear that will have very little validity in terms of credibility with the public because of the way we went about getting the thing on the floor. That's the issue here. If Mr. Keddy wants to have a motion—assuming that his will pass—that has credibility with the public, for heaven's sake, I think we should at least make sure that it emerges from the correct procedural process within a committee of the House of Commons.

Mr. Roy, who has commented, has technically laid it out. This may be a technicality, but I think it's an important one. He has raised it, and as a committee member he's entitled to raise it. We can't decide, then, that we're going to ignore the rules on an issue such as this, particularly after he has left. I just can't see how we can do that and still be respectful of one another as committee members.

The Chair: Thank you, Mr. Anderson, and you're absolutely right. Of course I should hear all members on a point of order. I didn't know you had a point until you raised your hand.

Does anyone else have any comments on this particular point of order?

Mr. Hearn.

• (1045)

Mr. Loyola Hearn: To that same point of order—I was going to raise one, but you haven't ruled—I believe if we're going to get into technicalities, which we have never done, but I guess there obviously comes a time when we have to, then perhaps we could argue that the chair erred. It was our impression that your suggested wording would be an amendment to the harsher wording in Mr. Cummins' motion.

While we were discussing this, I was indicating I wanted to speak. I notified the clerk that Mr. Keddy had wording that I thought was even milder than the wording you suggested as an amendment. I believe everyone was of the impression that what we were going to do was amend Mr. Cummins' motion to be more acceptable and to avoid the pitfalls you raised when you read from Beauchesne.

I believe that was the intention; however, when the motion was withdrawn, it set another chain of events in place. I believe the real mistake was made when we looked to a new motion, rather than the amendment of the original motion.

The Chair: Well, I guess that's why I sit in this chair. I guess I was looking to see if I could get some unanimity around the table for a suggestion, and I don't think I'm going to get it. Therefore, I think I have to rule on the technicalities. The technicalities are clear. The motion was withdrawn.

I am ruling. The motion of Mr. Cummins was withdrawn—

Mr. Gerald Keddy: I have a point of order, Mr. Chairman.

The Chair: No, I am in the middle of a ruling. You can't have a point of order in the middle of a ruling.

Mr. Gerald Keddy: Then you should have asked if there was anyone else who wanted to speak to the motion.

The Chair: All right. Is there anyone else who wants to speak before I finish my ruling?

Mr. Gerald Keddy: Yes, sir, I do.

The Chair: Go ahead.

Mr. Gerald Keddy: It's very simple. If the mistake is mine, I certainly apologize to the committee and I should have been clear that it was an amendment. For the record, my motion as amended is written on the original motion. Had I planned to present a new motion, I would have not written and scratched out the original motion. That's the only point I planned to make. If the mistake was mine, I accept it.

The Chair: Thank you for that clarification. However, you did not hand that piece of paper to the chair.

Mr. Cummins, please.

Mr. John Cummins: Mr. Chair, the point is that my belief was that when you read from Beauchesne and we were discussing the matter, in reality what we were talking about and doing was amending my motion. I certainly wouldn't have withdrawn that motion if I had thought otherwise. The motion was amendable, and I indicated in my discussion that my colleague Mr. Keddy was prepared to amend that. Then when you got to Beauchesne you made a different suggestion, and I thought that was fine because it certainly wasn't my intention, in any way, to tarnish Mr. Williams' reputation other than to say that he had a bias and that the bias is perceived by the industry.

In fact, when Mr. Williams met on December 6, the Commercial Salmon Advisory Board did not attend the meeting and they advised Mr. Williams that the Commercial Salmon Advisory Board was requesting a judicial inquiry. They said as well that they were concerned about the perception of bias or conflict of interest on the part of the "independent chair".

The intent of my motion was simply to say that there's a perception of bias. If we don't get the judicial inquiry and this turns out to be the inquiry, it ain't going to work. It's as simple as that, Chair. As I said, I certainly would not have withdrawn that motion if I thought we were going to start playing these games. I simply would have allowed it to be amended, which my colleague Mr. Keddy was prepared to do.

• (1050)

The Chair: Mr. Cummins, there are no games being played. I will not tolerate that kind of insinuation.

Mr. John Cummins: Well, we are playing procedural games, in my view, Mr. Chair.

The Chair: Does anybody else want to comment?

Mr. Cuzner.

Mr. Rodger Cuzner: In my recollection of how it evolved, and certainly I would not want to weigh into a procedural discussion out of respect for the experience that sits around this table and my lack thereof—I believe we should check the blues as the way to go on this. I thought Mr. Keddy said he'd like to introduce a new motion. I believe that's the way it will be stated in the blues, and I think we should check it.

The Chair: Are there any other comments?

Look, whatever mistake was made ultimately is the mistake of the chair, because obviously the chair did not clarify matters properly to the members of the committee so that all members of the committee

are ad idemas to what occurred. I take that responsibility, and that mistake was mine. That's something I have to wear, and that's the way it will be.

My ruling is that Mr. Cummins withdrew his motion on unanimous consent and, therefore, there was no motion before us. Another motion was put by Mr. Keddy. That motion was accepted by the chair and the wording was read to the committee. That motion will be acceptable for debate at the meeting on Tuesday morning at 11 a.m. That is my ruling.

Mr. Hearn.

Mr. Loyola Hearn: For the sake of the record and for the sake of the committee, I simply want to make it clear that the push to deal with an amended motion rather than the new one wasn't done to take any advantage of the gathering. As we can see, again for the record, each party has a full slate here, so there was no hint of trying to manipulate the process.

The Chair: Thank you for that clarification.

To the extent that I made a mistake, I apologize to all committee members. I do the best I can, but I too am human. I don't walk on water.

Now we're on the next issue, discussing the draft report on the Fraser River fishery.

As a courtesy, I'd like to allow Mr. Stoffer to bring something to our attention, and it's entirely up to you whether you wish to discuss it. Then if we decide we don't wish to discuss it, we'll terminate the debate at that point and he can bring whatever motion he wants to bring.

Then we'll proceed in camera with instructing our researchers.

Mr. Stoffer, I'll give you an opportunity to say what you wanted to say.

Mr. Peter Stoffer: Thank you very much, Mr. Chairman.

As you know, it involves the speaking rotation of committee members. Every single committee out there except this one goes something like this: Conservatives, x number of minutes; Bloc, x number of minutes; NDP, x number of minutes; finally Liberals; then five-minute rotations after that. Or it goes Conservative, Bloc, Liberal, NDP.

This one goes Conservative, Bloc, Liberal, Conservative, Liberal, NDP. It sounds as if we're the kid in the schoolyard who gets picked last for the ball game.

It's not the initial rotation, and every other committee does it differently. In fact, most committees go seven-seven-seven, opposition then government, or 10-10-10. I was just on the industry committee, where it went 10 minutes Conservative, 10 Bloc, 10 NDP, and then 10 Liberal. Defence goes seven-seven-seven, but on this committee the New Democratic representative is left way in the back.

Now, maybe some of you agree that this is what should happen.

The clerk has sent you copies showing all the committees and what their speaking rotations are. This is the only one that is different.

I want to discuss it with you to see how we can fix this. If it's agreeable, in the near future I'll introduce a motion to change the speaking rotation from what it is now. I won't do it now because it's almost Christmas break, and it's something we can worry about in the new year. I just thought I'd let you know that we're not happy campers in that particular regard.

In the spirit of cooperation in the Christmas festive season, maybe you can reflect upon it as you're opening up your gifts and stuffing your gullets with turkey. Maybe you can help out the good old NDP down here at the end.

Some hon. members: Oh, oh!

The Chair: Mr. Stoffer, thank you very much. Thanks for bringing to our attention how the other committees operate.

I would suggest that what we should do in this instance is, in the new year, discuss it at steering committee, and the steering committee might make a recommendation. In the absence of a recommendation by the steering committee, you might consider a motion.

Mr. Cuzner.

• (1055)

Mr. Rodger Cuzner: This is a different point, just from something that was read into the record today with regard to DFO staffers fearing for their jobs on the west coast. We've heard that referenced on several occasions. I'm just wondering, can we request the researcher to try to profile some of the labour unrest on the west coast? Could we have maybe a profile for the last five years of the grievances—the nature of the grievances, disciplinary actions, actual dismissals that have taken place and the nature of those—to see if we can separate the rhetoric from actual concerns?

The Chair: This is presumably within DFO on the west coast.

Mr. Rodger Cuzner: Exactly. It's specifically for the west coast.

The Chair: Would the committee like the researchers to do that work?

Mr. Keddy.

Mr. Gerald Keddy: I think that's a very good idea. The only thing I might add is this. We all know how bureaucracy can work, and I suspect the dismissals would be very few and far between. Therefore, I would also ask that you look at transfers within the system and that you look at changes of jobs and changes of job titles. I'd also ask that you make sure—if it works the same way on the west coast as it does on the east coast—you include the number of people who get transferred to a different position. The rate of pay may stay the same because they have tenure within the system because of the union, but their job title may have been changed or their job emasculated.

The Chair: Before we get any further, I'll say this. I'm presuming both of these requests pertain to information you think we need as we consider what kind of report we're going to be doing on the Fraser River. Is that correct? If so, then I think it's time for us to go in camera so we can discuss with our researchers off the record the kinds of things we want them to do.

Yes, Mr. Cummins.

Mr. John Cummins: Before you do that, Chair.... I don't know if it's procedure or not, but we've made available to the clerk some letters, in particular the letter I referenced from the Commercial Salmon Advisory Board, for translation and distribution to the committee, fully expecting that information would have been distributed and available for today's committee meeting.

The Chair: I don't think that's really technically possible, considering that no one got back here until late Sunday night. It takes time to give everything to the translation bureau and it takes time to bring it back. I'm not sure if the clerk can enlighten us in any way. We have to recognize that not a lot of time has transpired.

In any event, documentation you have submitted—and you've submitted quite a bit—will be translated. Some of it may already have been, although it may not have been distributed.

What are you specifically referring to?

Mr. John Cummins: The letter I read from in the previous discussion, from the Commercial Salmon Advisory Board.

The Chair: Is that the letter of December 6, 2004, from Mr. Bryan Williams?

Mr. John Cummins: Yes, sir.

The Chair: It has been distributed today, duly translated. That's my understanding.

Mr. John Cummins: So it went to offices, then, I presume.

The Chair: It's been distributed to you, or it can be if you do not have it.

Mr. John Cummins: It's unfortunate. I should have raised it before. I assumed it would have been distributed if everything was there. It's relevant to the discussion.

The Chair: We do everything humanly possible, but we can't do beyond the human. There's only so much the translation bureau can do. However, the letter is clearly now before the committee, and the committee will have an opportunity to reflect on it prior to Tuesday.

Mr. John Cummins: Well, I wish they could have reflected on it prior to the vote, Chair.

The Chair: That may be. I can't do anything about that.

Mr. Stoffer's hand was up.

Mr. Peter Stoffer: I fully support Mr. Cuzner's viewpoint on this. I think it would be very helpful in terms of not just the unionized workers who are enforcement officers but also middle managers and scientists. They too would have to be called into this concern. Mr. Cuzner may be absolutely correct; it may be just a question of rhetoric and disgruntled employees. I believe it could be a combination of both, and I think it's important to separate the wheat from the chaff.

Also, as to the lack of proper whistle-blower protection, I think Mr. Cuzner's motion is absolutely timely. Well done, from Cape Breton!

• (1100)

The Chair: It's not a motion, it's a suggestion, and I think we're going with it.

My clerk advises me that the letter was in fact distributed at the beginning of the meeting. I cannot swear to that, but that's what I was told. If members didn't see it, then they didn't see it—if it was given to them.

I think we've exhausted ourselves on a variety of issues. We'll now take a very brief break and go in camera. Then we will begin

discussion of the instructions we wish to give our researchers—other than the ones we've just given them—in terms of the draft of the Fraser River report.

[Proceedings continue in camera]

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