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Chair

Ms. Raymonde Folco

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•(1110)

[Translation]

The Chair (Ms. Raymonde Folco (Laval—Les Îles, Lib.)): Good morning.

The first item on today's agenda is committee business. Colleagues, before getting down to our work on appointments, there is a matter in which I need your help. I am sure that you remember the letter which was circulated at our last meeting on Thursday. It was a draft insert to the Honourable Don Boudria, chairman of the Standing Committee on Procedure and House Affairs. During the meeting, I asked committee members to comment on the draft letter and to say whether the outcomes of discussions held at the steering committee meeting were acceptable to members of our core committee. Thus far, we have only received an answer from one member who told us that he had no problem with it. Nonetheless, I want to be certain that the letter meets with your approval. If it does, the clerk will be able to send it to the Honourable Don Boudria.

Are there any comments on the letter? If not, I would ask for a motion for concurrence.

Mr. Crête, are you wishing to move a motion?

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup): No, I wish to offer you my blessing.

The Chair: Mr. Crête, that will not help you in any way. It has already been determined that I'm going straight to heaven.

[English]

It is proposed by Mr. Forseth and seconded by Madame Bakopanos.

Oh, I beg your pardon, I thought you were proposing it.

Mr. Paul Forseth (New Westminster—Coquitlam, CPC): Well, I do. I was just wondering, do we not have an Ethics Commissioner too, as an officer of Parliament?

The Chair: Yes.

Mr. Paul Forseth: In our list, just add...

The Chair: Do you mean the list that was sent to us?

Mr. Paul Forseth: It was just in the letter. It addresses them, and I think we've got one of those too now.

The Chair: The Ethics Commissioner would be added, so it would read, "the Privacy Commissioner and the Ethics Commissioner".

Mr. Paul Forseth: Yes, I like the letter, so I'm moving that it be adopted.

The Chair: It is seconded by Madam Bakopanos.

Thank you very much.

The clerk will send this letter off to Mr. Boudria, with the Ethics Commissioner added to the list, and we'll of course send you all a French and an English copy of the letter.

Now we'll go on to another letter, the press release.

[Translation]

Although it does not feature on today's agenda, I wanted to tell you that the report of the Sub-committee on Employment Insurance Funds was tabled in the House at 10 o'clock this morning. That is it done, colleagues; now, in terms of the media, you can do as you please.

You have a press release in front of you for your consideration. The clerk has distributed it in both languages. I would ask that you read through it and let me know whether it is acceptable to you; if so, I am ready to receive a motion to the effect that this press release be sent to the media today on behalf of the committee.

No comments?

I'll give you a few moments to read it.

[English]

Mr. Paul Forseth: Does the report you tabled have a dissenting opinion? Did that make it in there? In the press release we should perhaps just mention that dissenting opinions are attached—just the briefest reference that there are dissenting opinions in there. That's all.

The Chair: I think we could do that at the end of the first paragraph.

Mr. Paul Forseth: Is there one or are there several?

The Chair: There's one.

[Translation]

Mr. Paul Crête: Madam Chair, will there be mention of « a » dissenting opinion?

The Chair: Yes. That is what Mr. Forseth just requested.

Mr. Paul Crête: I understood there were « several » dissenting opinions.

The Chair: I do not believe that I have received any others, but yes, I can wait a little longer.

• (1115)

[English]

Mr. Paul Forseth: Could you just read the sentence in context, now that you've added it? Just read to me what you have in the press release.

The Chair: It would be something like this. At the end of the first paragraph, just after the title of the report, *Restoring Financial Governance and Accessibility in the Employment Insurance Program*, we would add the sentence, “The report includes one dissenting opinion.” And we'd do the same thing in French, of course.

Mr. Paul Forseth: That's fine.

Chair, does it require a motion?

I move that the committee adopt the press release as written.

The Chair: Thank you.

Who will second this motion?

Oui.

[Translation]

Mr. Yvon Godin (Acadie—Bathurst, NDP): We have twice asked for time to read the press release, yet it has already been accepted?

The Chair: No, it has not yet been accepted.

Mr. Yvon Godin: No, but we now have a motion...

The Chair: There is motion, yes, but it has not yet been seconded.

Mr. Yvon Godin: Madam Chair, we requested a few minutes to read the press release. You granted our request, but at that very moment, a member of the Conservative Party of Canada started asking questions and moved a motion. That interrupts our perusal of the document.

The Chair: Very well. Nobody has yet seconded the motion. I can therefore wait another couple of minutes.

Mr. Yvon Godin: If you have a discussion while we are reading the document, we may miss something that is also important for us.

The Chair: I will wait.

Mr. Yvon Godin: Thank you.

The Chair: Yes, Mr. Lessard.

Mr. Yves Lessard (Chambly—Borduas, BQ): Madam Chair, I have three comments. Firstly, regarding the text, it is important to specify that a refund of premiums paid by the employer will be granted to employees earning less than \$3,000 who have over-contributed to Employment Insurance.

The Chair: Where do you wish to put that, Mr. Lessard?

Mr. Yves Lessard: In the last paragraph of the last page, Madam Chairwoman.

The Chair: Could you read me the sentence that you wished to add?

Mr. Yves Lessard: I would use exactly the same sentence as is already in the text, Madam Chairwoman:

Other financing-related changes suggested by the committee [...] and the development and introduction of a means for refunding premiums paid by employers that correspond to over-contributions to EI from employees.

We should add the words “earning less than \$3,000”.

I have another point of clarification to add, Madam Chairwoman, regarding the last paragraph of the press release. The text states:

We strongly believe that our proposals fully protect EI premiums and ensure that they are used to support the needs of unemployed workers...

The House has already delivered its opinion on this subject to the effect that the fund can only be used by its contributors.

The Chair: I do not understand what you are saying, Mr. Lessard.

Mr. Yves Lessard: I am trying to make the following point. The way in which the paragraph is written implies that it is our recommendations which ensure that the fund will only be used for employment insurance purposes. However, the House has already spoken out on this issue, and it is on the basis of that mandate that we drafted the report.

• (1120)

The Chair: These are my own remarks, my name appears on the third line. I would leave the text as it is for the moment. It is simply an introduction to a far more detailed document. It is only a press release.

Mr. Yves Lessard: Madam Chairwoman, we have no comment to make where it is your name which appears.

The Chair: I asked the question. Had I thought that... It would not have bothered me to change it, but as you can see, it is a quote.

Mr. Yves Lessard: If it binds only you, Madam Chairwoman, then I have no objection.

I would like to come back to the last sentence of the second paragraph:

For several years now, the federal government has collected far more EI revenues than it has spent on this program. The committee has called on the government to halt this practice and establish a new approach for governing EI finances.

Would it not have been appropriate, Madam Chairwoman, to point out that the surplus is a result of government restraint measures?

The Chair: Not in my opinion, Mr. Lessard.

Mr. D'Amours, you have the floor.

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Madam Chairwoman, we are talking about a press release here. Certainly we could include all the points which are raised in the report, but a press release is produced as an information tool, so that people can then consult the full report. On reading the report, they will be able to pick up on points raised in the press release.

The Chair: Thank you.

Mr. Forseth, you have the floor.

[English]

Mr. Paul Forseth: I'd like to add that the suggestions from the Bloc are far too narrow. The concept of a press release is to be very generic and broad in nature to indicate the general topic areas that the report may contain. It's an invitation to read. It's an advertisement.

If I have any criticism of the press release, it's perhaps that it's too long. Generally, a press release, to be short and tight, should be available all on one page. I'm not prepared to get into an editing situation at this point. But if anything, we should try to take things out rather than add them. A press release is to be generic in general, not focused.

[Translation]

The Chair: Thank you.

You have the floor, Mr. Godin.

Mr. Yvon Godin: Thank you, Madam Chairwoman. Earlier, the Conservatives amended the press release to point out that there was a minority report. But the Bloc Québécois was also in disagreement with some of the report's recommendations. It has to be said that the report was not subject to unanimous agreement. The fact that there was a minority report means that there was not unanimity.

The Chair: Ms. Bakopanos, you have the floor.

Hon. Eleni Bakopanos (Ahuntsic, Lib.): Mr. Godin, all political parties are able to publish their own press releases. We could spend all day amending this press release on a report which has already been tabled in the House. If you have comments to make on the report or on the recommendations, you can always publish a press release. That has been the practice for the past two years that we have been on this committee.

Mr. Yvon Godin: Madam Chair, in accepting to include something in a press release, one is acting on behalf of a political party.

Hon. Eleni Bakopanos: Do not forget that it is the committee report. The minority report is part of the committee report. I point that out simply to clarify the procedure.

Mr. Yvon Godin: Okay. Now I understand.

The Chair: Mr. Lessard.

Mr. Yves Lessard: Madam Chair, my dissent was only a difference of opinion regarding the content of the footnotes. I have not seen the report which was tabled this morning. I would imagine that, in collecting all the arguments, my difference of opinion on the footnotes will also be included with the four proposals. We did not express a dissenting opinion on the content of the report, but, rather, only on the footnotes concerning the recommendations. They should already be in the report, but it is important to make sure. We said that all arguments would be included.

The Chair: Do you remember this? I happen to have the English version of the report. On page 40 of the English version, it is said that:

● (1125)

[English]

“The Bloc Québécois maintains that the federal government must respect the Quebec-Ottawa accords on labour market development.”

[Translation]

Mr. Yves Lessard: What page is that, Madam Chair?

The Chair: It is on page 40.

Mr. Yves Lessard: What recommendation are you referring to, Madam Chair? The pagination is not the same.

The Chair: I think that it is recommendation 17.

I have found two of them. I would imagine that the other two are also included.

I am not going to use up the all meeting talking about a press release. The press release has been drafted on behalf of the committee. If the committee cannot quickly reach an agreement on its content, I will simply write the press release in my name, and not on behalf of the committee. It is as simple as that. I think that we are wasting valuable time on a mere press release. The report has already been tabled, it is therefore now a public document.

Mr. Lessard.

Mr. Yves Lessard: Madam Chair, if we add the words “earning less than \$3,000”, then we could support it without a problem; only, of course, if that is acceptable to you.

You are issuing this statement as the chair.

The Chair: Remind me of what you want to add.

Mr. Yves Lessard: In order to respect the spirit of the recommendation made by the House, we could simply say, in the second line: “... IE premiums and ensure that they are used only to support...”. I just want to add the word “only”.

The Chair: I am going to keep it as it is.

I am going to call the question, as moved by Mr. Forseth, and seconded by Mr. D'Amours.

Two amendments to the press release have been proposed. The first is in the first paragraph: “dissenting opinion”. The second, moved by the Bloc, concerns the fourth paragraph at the bottom of the first page: “employees earning less than \$3,000”. The vote is on the amended version.

(Motion carried as amended.)

● (1130)

The Chair: We will add these two points and send this press release to the media. Obviously, as Ms. Bakopanos said earlier, you are all free to speak with the media about this report. It is now a public document.

We shall now continue our discussions on committee business. We will turn straightaway to the order of reference for Bill C-23, An Act to Establish the Department of Human Resources and Skills Development and to amend and repeal certain related acts.

You will remember that, when we finished last week, we were ready, or just about ready, to adopt clause 24. We had changed a certain number of points in clause 24, and I had called the question. We are voting on clause 24.

Mr. Yvon Godin: I have a point of order, Madam Chair.

As you know, I was absent last week. Motions were introduced by the Bloc Québécois, and refused by the chair. I would like to refer you to a decision quoted in *Marleau and Montpetit*.

The Chair: Mr. Godin, you were absent. Allow me to provide you with an important piece of information concerning the comments that you are going to make. The chair made a decision. Mr. Crête appealed the decision straightaway. I will not receive any further appeals this morning. I would suggest that you discuss your perception of the appeal with our colleagues from the Bloc Québécois. Perhaps you will be able to reach an agreement on the appeal that will subsequently be made.

A decision was made by the chair; I will not reverse this decision and I will not entertain discussion on it, given that an appeal is currently underway.

Mr. Yvon Godin: I will do so through the Bloc Québécois.

The Chair: Mr. Crête.

Mr. Paul Crête: What I remember from last week is that we did indeed appeal the decision, but the appeal was rejected by the committee. However, we did not say that we would take the matter further. But, that is what you are implying. There is not necessarily an appeal on the table at the moment.

Without going as far as to say that the Bloc Québécois is right, Mr. Godin is arguing that there is perhaps some information in the manual which we use as a reference book in matters of jurisprudence, which may support our position. If Mr. Godin is right, and if I understand the situation correctly, there are things in the book which would mean that the decision which was taken could even be declared ultra vires once we have adopted the bill.

The Chair: Mr. Crête, Mr. Godin, I am sorry but a decision was made last week. If Mr. Godin feels that you have a strong enough case, you are perfectly free to appeal the chair's decision. But at the moment, I will not entertain any further arguments.

We are now at clause 24.

(Clause 24 carried on division.)

The Chair: Carried on division, as usual.

Let us move on to clause 25.

Mr. Yves Lessard: It is not "as usual".

The Chair: It has been that way since Thursday, Mr. Lessard. It was requested that it be noted that it is carried on division. It is, therefore, as usual as regards this bill. That was the request Mr. Crête made last week, and I have not forgotten it.

(Clauses 25 to 85 carried on division.)

The Chair: I will now like to come back to clause 2, which is, as you call, the definitions.

(Clause 2 carried on division.)

The Chair: Shall clause 20 carry?

Wait a moment, Mr. Forseth wishes to propose an amendment to the title.

[English]

Are you speaking of the short or the long title?

• (1135)

Mr. Paul Forseth: The short title.

The Chair: The short title. That's the one we're dealing with in this particular.... Go ahead, please.

Mr. Paul Forseth: In the notes, it indicates the new name of the department act and the new title to reflect the new name of the department, and the new name of the department is Department of Human Resources and Skills Development, yet the act says, Department of Human Resources, so the words "and Skills" are missing from the title. If the rationale was to reflect the name of the department, then it should be the same. That's all.

The short title says this act may be cited as the Department of Human Resources Development Act.

• (1140)

The Chair: I don't have the same text as you do, Mr. Forseth. In the short title, that is, article 1, it says....

Mr. Paul Forseth: I see that in the bill, so the notes here are incorrect.

The Chair: But the bill does say, "and Skills Development Act".

[Translation]

Shall the short title carry?

Some members: Carried on division.

The Chair: Shall the long title carry?

Some members: Carried on division.

The Chair: Shall the bill as amended carry?

Mr. Lessard.

Mr. Yves Lessard: (Clause 20—Commission)

Madam Chair, I have a question concerning clause 20. You called the question on clause 20 earlier, but Mr. Forseth interrupted you to speak about another clause before we had disposed of it. I need a point to be clarified for me on this clause, in case we have to explain the reasons why we supported this bill. We are getting ready to adopt clause 20, in which it is stated that the commission will be made up of four commissioners, some of whom will represent the employer and one who will represent the workers. The commissioner representing the workers will not, therefore, hold majority weighting, contrary to what this committee agreed upon in recommendation 1 on December 16. How can we support this? I would just like to understand your reasoning on this point.

The Chair: Mr. Lessard, at least we can say that you are consistent. I think ample time was spent discussing that last week. We made a decision on this last week and we are not going to discuss it again. The issue was section 20, more specifically the make up of the commission itself. We spent a long time discussing this, Mr. Lessard. I would refer you to the notes that were taken last week during the meeting, when you asked me exactly the same question and when I answered it.

Mr. Yves Lessard: I would remind you of this, Madam Chair. Unfortunately, I was not provided with an answer to my question last week for the simple reason that both times I put the question there were technical difficulties and everything stopped. I wanted to come back to the question but I did not get an answer. If I had been given an answer, Madam Chair, I would not have asked the same question again today.

This is a committee that is very consistent in the work that it carries out. I have already pointed out that in the past you have asked us to be consistent. Well this time I don't think we are being consistent. I just want to know where the consistency is between section 20, that we considered last week, and recommendation number 1 from December 16. It's not complicated, Madam Chair. If there's no answer, there's no answer. Today I have not been given an answer.

The Chair: I do not agree, Mr. Lessard. As I already said, I suggest that you read the minutes from last week's meeting. I remember perfectly well that you put the question and I also remember perfectly well answering it.

Mr. Yves Lessard: This will be my last argument, Madam Chair, and then I'll stop. Your answer consisted in using a procedural rule in order to state that it was out of order. That was what your reply consisted of. Nothing was said in terms of the rationale for the decision.

The Chair: Thank you, Mr. Lessard.

Now that Mr. Lessard has asked his question, I will put section 20 to the vote.

(Section 20 is agreed to on division.)

The Chair: Is it the will of the committee to adopt the bill?

Some members: Agreed.

The Chair: Is it the will of the committee that the chair report the bill to the House of Commons?

Some members: Agreed.

The Chair: Bill C-23 carries.

On Thursday we will begin our consideration of Bill C-22. We have received some amendments from the Bloc Québécois and from the NDP. Are there any other amendments?

Ms. Bakopanos.

Hon. Eleni Bakopanos: I know that the committee has no rules regarding the proposed amendments. I think it is very difficult to have amendments put forward at the last minute without providing time to give them serious consideration.

The steering committee is responsible for looking at the rules, but we could do that within the committee of the whole today. I think that we should respect the practice that has been in use for two years. I would suggest that the committee adopt a rule whereby if amendments are to be in order, they must be tabled 24 or 48 hours in advance. Either would be fine.

That would give public servants and the government an opportunity to consider the amendments. If we want to be able to have a serious discussion—this was a problem with Bill C-23, where

amendments were put forward at the last minute—then I think we need to have a rule governing amendments in this committee. I prefer 48 hours.

I therefore suggest that amendments to bills be tabled 48 hours before the committee meets.

• (1145)

The Chair: Mr. Crête.

Mr. Paul Crête: Does anyone second this motion?

The Chair: Not yet.

Mr. Paul Crête: If no one seconds it, there is no need to speak about it.

The Chair: Wait, she moved it. Does anyone second it? The motion is seconded by Mr. Forseth.

I thought that you wanted to second it, Mr. Crête.

Mr. Paul Crête: No.

I find that it is very important to be able to move amendments when you want to do so. Do you remember the debate that arose about the whole issue of admissibility and the fact that the bill itself contained some contradictions? We often receive information and various interpretations at the last minute. So, if we ever have to send amendments in 24 or 48 hours in advance, we will have to face other procedural rules. In my opinion, it would be inappropriate for us to adopt such a motion, which would basically leave the committee with its hands tied.

[*English*]

The Chair: Mr. Adams.

Hon. Peter Adams (Peterborough, Lib.): Madam Chair, it's been the practice in this committee to have 48 hours' notice, and I realize that's not an argument to continue it, but the value of it is that when the amendments are received in advance, members can think about them, and we don't get into these convoluted technical arguments.

Where we are faced, for example, in the middle of clause-by-clause or some other committee situation, with a member who has new information or something of that sort, it's always possible by unanimous consent to have that material introduced. I just think it's a balance. It's a balance between being able to keep bringing stuff in and proper discussion of what is going on. I think if you looked at the Standing Orders and at the past practice of this committee, there have been advantages to having, for example, 48 hours' notice, and there are always examples of where, with unanimous consent, the committee has temporarily waived such a bylaw.

The Chair: Mr. Forseth.

Mr. Paul Forseth: Thank you.

We have to be mindful also of how all other committees on the Hill operate. Some of us, like Peter, have been around here since 1993-94 and we've been through long, horrendous discussions and very complicated bills with such a tangled web as, say, endangered species legislation where the book of amendments is thicker than this binder.

One of the arguments I always hear from the Bloc is that last-minute material is submitted without translation. Well, it works the other way as well, submitting stuff in French with no English translation. The 48-hour rule provides balance and fairness for the nuances of translation, so that as we're building legislation for the country, there's proper legislative interpretation of the language used, not just invented at the last minute at committee, but that professionals have been able to put their mind to a proper translation, so if we do pass such an amendment, it's going to stay, and the Senate won't keep complaining to us about the kind of sloppy legislation we keep sending to the Senate. They're tearing their hair out about mistakes they keep finding, especially translation mistakes, which I hear about.

So I am supportive of the 48-hour rule for its inherent reasons in the work itself, but also because of the precedent that just about every other committee on the Hill operates under the same set of rules. Of course, by unanimous consent, sometimes a properly tendered amendment can be amended by a friendly amendment because of new information or a better argument, and by the unanimous consent of the committee at that time, those amendments can sometimes be adjusted because of new insights. But I think the main issue is that we must follow the example that has shown to be in the best interests of legislation in the past.

• (1150)

The Chair: Thank you, Mr. Forseth.

Monsieur Godin.

[*Translation*]

Mr. Yvon Godin: Madam Chair, I have nothing against that. On the other hand, we must make sure that the 48-hour timeline for amendments does not allow a bill to be sent to us for study without 48 hours' prior notice. If we want to have good bills and give everyone a chance to express their views, we must respect those conditions. And this works both ways. I would not want this 48-hour limit to stop us from moving amendments.

The Chair: Mr. Lessard.

Mr. Yves Lessard: Do I gather, Madam Chair, that from now on, we will be meeting only in order to study the amendments to the bill?

The clause-by-clause study will no longer be of any use, because the fact that no amendments were sent to us will tell us that there are no changes to be made. Thus, there will be no point in debating it.

The Chair: Mr. D'Amours.

Mr. Jean-Claude D'Amours: Madam Chair, as parliamentarians, it is our duty to make sure that we know what is in the bills that are tabled before us. If a party believes that changes or amendments are necessary, it is our job to study them and to see whether changes have to be made. The 48-hour rule clearly shows that we do not read bills without having done our homework first.

The Chair: Thank you.

Let me also say that, in the past, I have worked on bills that were amended by the party in power. I remember that very well.

I do not agree at all with your statements, because, as Mr. Forseth and Mr. Adams said, we can, with unanimous consent from

committee members, debate an element and introduce an amendment during the meeting. So, Mr. Lessard, it is not a pointless task.

Mr. Forseth.

[*English*]

Mr. Paul Forseth: This is just to clarify that we have a motion on the table, and we're talking about the 48-hour rule. What that means is that the amendment must be submitted to the clerk. That's the technical one, being submitted to the clerk 48 hours ahead. Now, it may take some process after that, but it's submitted to the clerk in both official languages, and it's the responsibility of the submitter to get the translation done. Then the clerk will perhaps check it over and legal counsel might look at it again for the appropriateness of the translation, but the cut-off is that the submitter has that 48-hour deadline, and it's to the clerk. That's the divider.

That's what's on the table. Unless there's further discussion, I think we should vote on it very soon.

The Chair: Thank you.

I will call the vote. Let me read to you the motion as proposed by Madame Bakopanos. It is moved by Madame Bakopanos that unless there is unanimous consent, a 48-hour written notice of amendments to the bill under study must be given to the clerk to be considered by the committee. That's in both languages.

[*Translation*]

Mr. Yvon Godin: Does that apply to the government as well as to everyone else? Is this how we should interpret it?

The Chair: Yes, absolutely. This applies to all committee members.

• (1155)

[*English*]

There are some people on this committee who want to have it exact, and I think that is all right.

It is moved by Madam Bakopanos that all amendments must be submitted to the clerk in both official languages 48 hours before the start of the clause-by-clause study of the bill, unless there is unanimous consent.

(Motion agreed to)

The Chair: On Thursday we will be dealing with Bill C-22.

The Clerk of the Committee (Ms. Danielle Bélisle): I have received amendments from Madam Gagnon and Mr. Martin.

The Chair: Are there any other amendments you wish to submit to the clerk? This is the time to do it.

The Clerk: Otherwise, you'll be beyond the 48-hour notice, which you've just adopted.

The Chair: Fine.

[*Translation*]

Mr. Yvon Godin: I will speak to Mr. Martin, Madam Chair.

The Chair: Mr. Martin already introduced some amendments, Mr. Godin. The meeting is adjourned.

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