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Thursday, October 21, 2004

—
Chair

The Honourable Don Boudria

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• (1105)

[Translation]

The Chair (Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.)): *À l'ordre, s'il vous plaît.* Colleagues, this morning we have the pleasure of hearing from the clerk of the House, the deputy clerk and other staff members.

I would like to begin by asking two things of you. First of all, I would like us to reserve a little bit of time at the end for other issues that some people wanted to raise and that we had set aside. We usually are finished by 12:30, although our meeting is scheduled from 11:00 until 1:00. So if we have not already done so, we could try and wrap up this part of the meeting by 12:30 to enable the members to deal with other issues. I know that several members wanted to raise different issues.

Secondly, I would like to draw your attention to the fact that, next Tuesday, we will be examining Mr. Kingsley's report. This report was tabled in the House this morning at 10 a.m. I have here a copy that comes from the Internet site. You probably have one in your offices. I'm telling you this to give you a head's up. Some of you thought that this was a report containing a list of recommendations but I would like to point out that this is not the case. You will be receiving this report in a few months time. Two reports are prepared following an election. So we must not confuse this report with the one we saw the last time, which did include recommendations, where as this one does not. Please note that you will perhaps be comparing apples with oranges. I'm drawing this matter to the attention of parliamentarians to assist them with their work.

[English]

That being said, I suggest we hear from our witness—namely, of course, our clerk and his people—immediately and then go back to anything else we want to do later. I suggest to you we might want to try to do that around 12:30 p.m.

Mr. Clerk, we're pleased to receive you this morning to discuss the changes to the Standing Orders.

I understand all members have or should have received material that was sent to us. For anyone who does not have such material or who might be replacing someone else, the documentation is available here at this end of the room.

Mr. Clerk.

Mr. William Corbett (Clerk): Thank you very much, Mr. Chairman.

[Translation]

Today I am accompanied by Audrey O'Brien, the Deputy Clerk, who is well known, and Ms. Marie-Andrée Lajoie, who is the clerk assistant, House Proceedings.

[English]

I'd like to thank the committee for inviting me to appear today, so early in this new and interesting Parliament.

One of the predictions I made to new members of Parliament at the orientation session on September 29 was that they will probably listen to and participate in far more discussions about the rules of procedure than members who have served here in the past. We are just three weeks into the new Parliament, but my prediction seems to have been a pretty safe one so far.

The other rather safe prediction I made at orientation was that this minority Parliament will cause the rules and practices of the House to be tested in ways they haven't been for a very long time, and in the case of some standing orders—ones that have changed significantly since the last minority government in 1979—we will see the rules tested in ways they have never been tested before.

Given this, and the interest in parliamentary reform expressed not only by members of all parties but by many people outside the House as well, I'm going to hazard a third prediction today, to say that yours is likely to be a very busy committee. Since you have been given the mandate of the ongoing review of the procedures of the House, you'll be playing a central role in determining how the House will function in the years to come.

[Translation]

My appearance here today is no doubt only the first of a series of appearances before the committee by me and my staff. So I take this opportunity to tell you that my senior managers and I look forward to supporting you in your work and offering whatever information an advice you need to carry out your mandate.

Before I turn to the specific draft Standing Orders circulated to you yesterday, I would like to situate today's discussion in the wider procedural context we have been operating in and touch on some of the issues this committee will be faced with in the months ahead.

During the first session of the last Parliament, the House struck a special committee which was asked to “consider and make recommendations on the modernization and improvement of the procedures of the House of Commons”. The Modernization Committee, as it was generally referred to, was reconstituted in the second session of the 37th Parliament and continued to look at a variety of reform issues. Over the course of its existence, it tabled a total of six reports, a number of which were concurred in by the House.

• (1110)

[*English*]

Several of the committee's recommendations called for the creation of new information technology-based tools to facilitate the work of members of Parliament in their day-to-day activities. These include a tool to allow members to submit notices and written questions electronically and another web-based service that would allow Canadians everywhere to create and submit petitions electronically.

These two projects have involved a significant amount of work, but I'm happy to report that we are ready to share some results with this committee. I will be in a position to brief you on the e-notices project very soon and to seek your feedback and guidance as well as your approval to proceed with next steps.

The e-petition project is a larger and more complex initiative that has involved looking at what legislatures in other parts of the world are doing and then examining how similar tools might work here. In many cases, the legislatures that have implemented electronic petition systems are much smaller than ours and are not federal parliaments but state or local assemblies serving smaller populations on a more homogeneous set of issues. Later this fall I'll be ready to give you a report on what we've found so far and again seek your guidance as to how to proceed.

The modernization committee's first report also recommended that electronic versions of parliamentary publications, and the parliamentary website generally, be enhanced by including more hyperlinks. Some progress has been made in this regard and more is planned. We are redesigning the home page of the public website to offer new features and hyperlinked access to the most sought-after content. This work has been done with the cooperation of the Senate and the Library of Parliament and serves the people working on Parliament Hill, as well as Canadians generally.

[*Translation*]

The committees' webpages have also undergone a complete redesign, again in partnership with the Library of Parliament, to take advantage of many of the technology advancements that have been made over the past few years, including the Prism system. Among other things, the number of hyperlinks has been greatly increased: of particular note, you will find that the membership lists for committee link to information about individual Members of Parliament, and a new FAQ-or “frequently asked questions” section has been added to each committee's home page that links to relevant material provided by the Library of Parliament.

Over the coming months, we will continue to pursue the Modernization Committee's Recommendations and further leverage

the investments we have made in technology. Among the initiatives you will be hearing about is a web project called “Today in the House”, which will provide a single point of entry and convenient shortcuts to the information members and others require to follow what's going on in the House and committees on a given day, including the webcast of proceedings, the daily publications, information concerning bills and links to procedural information and fact sheets.

[*English*]

Beyond the technology-based initiatives, there are a number of other matters the committee is likely to deal with in the next few months. Your committee will be called upon to consider whether to make permanent the provisional Standing Orders on private members' business that are currently in force for the first 60 sitting days of this session. Sixty sitting days will likely bring us to about mid-February, so you'll probably want to begin your discussions on private members' business before the Christmas adjournment.

There is also the code of conduct to consider, following its first implementation with the opening of this Parliament. I know that you've already struck a subcommittee to review and make recommendations on the interpretation of the disclosure statement form for members of the House of Commons.

More generally, of course, Standing Order 51 provides the House with an opportunity to debate the Standing Orders and procedures between the 60th and the 90th sitting day of this new Parliament. Based on the calendar tabled last week, this debate could take place as early as mid-February, and may serve to inspire your committee to examine other procedural changes in the coming months. We stand ready to provide whatever support and advice or assistance you may require.

• (1115)

[*Translation*]

So that is the larger context. Now let us turn to the draft Standing Orders that were circulated to members yesterday. As you know, on October 5, the House gave this committee an order of reference to prepare new Standing Orders dealing with Parts III, IV, V and VI of the government motion. These sections concern the Speaker's authority to make provisions for members with disabilities; the list of standing committees of the House and their membership, and the election of committee chairs and the chair occupants of the House.

The draft document that you have before you contains proposed wording for carrying out the Order of Reference. I will run through the four parts of the document very quickly.

[*English*]

The first item in your document is a draft Standing Order 1.1. We are proposing wording that is very close to the wording of the motion adopted in the House. It gives the Speaker the authority to make whatever arrangements may be required to permit members with disabilities to participate in the proceedings of the House, and by extension in the proceedings of committees as well. It gives the Speaker the flexibility required to deal with any situation that may be encountered in the future, without the necessity of coming back to the House.

The second item is a draft of Standing Orders 104(1) and 104(2), dealing with the number of members assigned to each committee and the list of standing committees. Whereas previously there were 16 to 18 members on each committee, with the precise number specified in parentheses after the committee name, we now have a uniform membership of 12 on all standing committees.

The list of committees has been revised to include two new ones: the Standing Committee on Access to Information, Privacy and Ethics; and the Standing Committee on Status of Women. I might digress here on the essence and the naming of the first additional committee, the Standing Committee on Access to Information, Privacy and Ethics. We understand that there are draft orders of reference or draft mandates going around for these committees, none of which have been shared with us in a formal sense. We think there's an issue as to whether the ethics of members of Parliament and the code of conduct is something that should actually perhaps remain with this committee, rather than go to the new Standing Committee on Privacy, Information and Ethics. That is something we'd be prepared to share with the committee at another time.

The shift of responsibility for natural resources from the aboriginal affairs committee to the industry committee is also reflected in the draft that you have before you.

[*Translation*]

The next item deals with the election of chairs and vice-chairs of committees. For most standing committees, the chair will continue to be a member of the government party. In referring to the vice-chairs, the wording used in the government business motion has been incorporated in the draft, referring to the first vice-chair as a member of the official opposition and the second vice-chair as a member of another party in opposition.

The second part of the paragraph specifies that three committees will now elect a chair from the official opposition, namely Public Accounts; Access to Information, Privacy and Ethics; and Government Operations and Estimates. In the previous Parliament, Public Accounts was the only standing committee with an opposition chair.

The House Chair for the Standing Joint Committee on Scrutiny of Regulations will continue to be a member of the official opposition, with the first vice-chair coming from the government and the second vice-chair coming from another party in opposition.

• (1120)

[*English*]

The final section of the document deals with the changes to the method of selecting the deputy speaker and the other chair occupants. The wording in the draft is quite close to the wording of the government motion. However, to accord with the existing structure of the Standing Orders, we are making the editorial suggestion that the deputy speaker and the other two chair occupants be dealt with separately in Standing Orders 7 and 8 respectively.

In addition, wording is included to make clear that both require a two-step process: first, the nomination by the speaker; and second, the putting of the question. I refer you to Standing Order 7(1) and 7(1.1) for the deputy speaker, who is also the chair of committees of the whole, and Standing Order 8(1) and 8(2) for the deputy chair of

committees of the whole and the assistant deputy chair of committees of the whole.

There is one further item stemming from government business motion number 1 that I would like to draw to the committee's attention at this time. Part 2 of the motion was not included in the order of reference this committee received. Members will recall that it involved a change to the date by which the speaker is obliged to table the parliamentary calendar for the following year. Due to the fact that the House did not sit in September, the September 30 deadline provided in the Standing Orders could not be met. Government business motion number 1 provided that the deadline would be October 29 instead.

What I wish to draw to your attention is a small matter regarding the wording of part 2 of the motion, which referred to the present session only.

[*Translation*]

As members are aware, sessions of Parliament often last longer than a single calendar year, or 365 days, and therefore, this wording could be interpreted as extending the deadline in September 2005 and beyond, if we are still in the first session of this Parliament. Assuming this was not the House's intention, the committee may wish to recommend that alternative wording be adopted. I have sent some suggested text to the chair and the clerk of the committee and will leave it to the committee to further consider that small change.

[*English*]

That brings us to the end of the material we were required to respond to in the order of reference from the House.

I thank you very much, Mr. Chairman.

[*Translation*]

Now I shall be pleased to answer your questions.

[*English*]

The Chair: Colleagues, first of all, I want to thank the clerk, the deputy clerk,

[*Translation*]

and the Clerk Assistant—if that is the right title—for coming here this morning.

[*English*]

Is it the wish of members to see the draft amendment to the draft Standing Orders the clerk himself is proposing, in order to clarify his last remarks? Do you want me to circulate that to all of you now?

Mr. John Reynolds (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): We have them.

The Chair: You have the...no, no. There's a draft amendment on the calendar he referred to a moment ago.

The Clerk of the Committee: I have copies made.

The Chair: Could we circulate that, please?

Perhaps I would ask colleagues if we could start off by having our questions—if we can, if you agree—on these draft Standing Orders and any other issues we want to raise with the clerk, once we adopt this or amend it or whatever it is the committee decides. We could ask the clerk to stay and we could ask him questions about something else later, if you think that would be helpful. Then we'll be sure to take care of this document and dispose of it in an orderly way.

Anyway, I invite you to think about that when you're asking your questions.

For the official opposition, Mr. Reynolds, had you indicated you wanted to ask a question?

Mr. John Reynolds: No.

The Chair: Oh, I'm sorry.

There's no question over here.

We'll go to the government side then.

• (1125)

Hon. Karen Redman (Kitchener Centre, Lib.): Thank you.

This may or may not be the appropriate time to ask the question, but I didn't have the answer for it yesterday when we were getting together the Liberal members on committees. I would put it under the heading "code of conflict".

For the access to information, privacy, and ethics committee that has been struck, who decides which pieces of legislation go where? There are some that have historically come to this committee that, it would seem to me, now may be appropriate to go to that committee, given its standing order.

Mr. William Corbett: In essence, that has traditionally been an initiative taken by the government—

The Chair: The government leader.

Mr. William Corbett: —the leader of the government in the House. We occasionally get consulted as to what the precedents are for certain things, but—

Hon. Karen Redman: You did say "consulted", not "insulted", right?

Mr. William Corbett: Consulted. We're never insulted.

The Chair: Okay, is there any other question on that? We have the amendment.

Madam O'Brien, please.

Ms. Audrey O'Brien (Procedural Clerk): Thank you, Mr. Chairman.

Just to add to what the clerk was saying, the government House leader would decide where legislation would be sent in an order of reference from the House, in terms of reference to committee. But I do want to emphasize the importance of the discussions that are under way, as I understand it, on the mandate of this new Standing Committee on Access to Information, Privacy and Ethics because the three areas the ethics counsellor is responsible for are quite different. I think it would be useful for all of you to spell that out when you come down to setting out the mandate of the committee.

The Chair: Okay, that's a bit of a different subject.

Ms. Audrey O'Brien: Yes.

The Chair: We have that document with us, and perhaps when we finish with the draft order amendments members might want to do that the very next thing, even this morning, while we have the benefit of having the table before us to assist and guide us as we look at it.

If there are no other questions on this, do you want me to make that into a report and send it to the House?

Mr. John Reynolds: I would move we make it into a report and send it to the House.

The Chair: Okay. The motion is that the draft report as amended be adopted, and it's moved by Mr. Reynolds.

[*Translation*]

Would someone like to move that the chair, the clerk and the research assistants be authorized to make any changes deemed necessary to the report, such as grammar or style errors, providing that they do not change the content of the report?

Hon. Dominic LeBlanc (Beauséjour, Lib.): I so move.

(Motion agreed to)

[*English*]

The Chair: Next is that the chair present the report to the House of Commons. Mr. Guimond moves that one.

(Motion agreed to)

The Chair: So we've dealt with that matter.

If members would agree, maybe what we could do right now is look at this other item, which directly affects the clerk. He has referred to it in his remarks and has offered, really, to perhaps assist us in that regard. That is the mandate of the Standing Committee on Access to Information, Privacy and Ethics.

Does everyone have that document?

Ms. Audrey O'Brien: Yes.

The Chair: Do you have this document, Mr. Clerk?

Ms. Audrey O'Brien: Is that the one dated October 13?

The Chair: Yes, October 13.

Ms. Audrey O'Brien: Yes, we do have it.

The Chair: Okay. So members are prepared to discuss this document now.

Mr. Clerk, you were suggesting you might want to tell us your thoughts on this. Is there anything you'd like to do in that regard right now? After you say what it is you're going to tell us, then perhaps we can entertain questions.

Mr. William Corbett: Mr. Chairman, I would simply point out to the committee that in the existing Standing Orders it's actually an extension of Standing Order 108, which begins on page 74 and carries over to page 76. Under the mandate of the Standing Committee on Procedure and House Affairs you will find as the last entry in the second paragraph on page 76 that this committee, the Standing Committee on Procedure and House Affairs, has the mandate to review and report on all matters relating to the conflict of interest code for members of the House of Commons.

As the deputy clerk was saying earlier this morning, there are three different portfolios, in essence, that the Ethics Commissioner is responsible for, the first being the code of conduct for members of Parliament, but the others being questions of ethics for public office-holders and the questions relating to the ministerial code of conduct as laid down and tabled by the Prime Minister in the House, I think a week ago.

So to some extent, in looking at the division of what goes where in terms of mandates, our advice to you would be to keep that which pertains to the House and members with this committee—which you already have because it's there in the Standing Orders—and somehow limit, in terms of the construction, the mandate that's going to information, privacy, and ethics to those other two components but not that which deals directly with members of Parliament.

• (1130)

The Chair: Before we start with questions, I wonder if I could ask you to explain this a little bit more. Is the reason for that, Mr. Clerk, that if something is sent to us by the House, an alleged misconduct on the part of Parliament or a breach of privilege because a member of Parliament has committed something untoward, or, by extension, therefore, a breach of ethics, this committee would be doing that anyway? Is that the reason you feel the way you do about that part staying with this committee, or are there other reasons? Could you explain it a little bit more?

Mr. William Corbett: I simply think there is a distinction in the role and the function for these different components, and yes, I have to think back because it has been a while since I read the code of conduct, but I believe it is indeed to this committee that it would come if the Ethics Commissioner is called upon to investigate and wishes to report a breach of ethics.

The Chair: Mr. Reynolds, first question.

Mr. John Reynolds: I'm just trying to get this in my head, because we have a committee now that talks about one of its jobs or mandates being ethics. So it would seem to me that this is where the issues should go that deal with the Ethics Commissioner. If there's a question of privilege raised in the House on members' conduct in the House, I think that would still come to this committee, but anything that has to do with ethics must go to the committee that's in charge of information, privacy, and ethics. I think that's what the opposition wanted, the ones who asked for this committee, and the government agreed to it, on the basis that the Ethics Commissioner will be dealing, as the other two commissioners are, with this committee only.

I'm not sure if we have the wording and whether the wording you read to me on the standing order would not allow that to happen

anyway. Maybe you could give me your advice on that. Maybe we have to change that standing order to define that only matters of privilege, with a proper motion of the House, would be referred to this committee but all other ethics issues would be referred to the ethics committee.

Mr. William Corbett: I have to confess, Mr. Reynolds, that we only received the draft mandate this morning and haven't had a chance to get into a detailed discussion of the finer points to try to somehow define the line, if there is such a line, between the two.

Audrey, you may have something to add to this.

• (1135)

The Chair: Mr. Reynolds.

Mr. John Reynolds: Mr. Chairman, it is a little unfair, since they just got it today, and in fact we just got the translation done yesterday, after the House leaders of the opposition parties looked at it. So maybe we could just put this on hold for the next meeting, and we'll have a chance to sit down with the clerks.

The Chair: Certainly.

Maybe there are one or two more questions that could come out that would assist the clerks in further thinking about this. Are there? If not, I have one more that I'd like to ask to our clerks, and I'll do that right now. Maybe they can raise additional points and include what I'm going to raise as well.

Madame Boivin.

[*Translation*]

Ms. Françoise Boivin (Gatineau, Lib.): Being the good and studious new little member of Parliament that I am, I read all of the Standing Orders. When I read the mandate of our committee with respect to ethics and the mandate for the Standing Committee on Access to Information, Privacy and Ethics, I do not see how these two committees are competing with each other. In my opinion, the roles are extremely well defined. Our committee has a much more administrative mandate, in my opinion. This committee examines the rules, etc. I think that we have to avoid seeing problems where there may not necessarily be any. According to the Standing Orders, our authority is very limited. Should a member of Parliament have an ethical problem, it would be up to us to look into the matter. The fact that this matter is not referred to this committee is a good thing, because the committee would be both judge and jury in many regards.

The Chair: Mr. Clerk, do you wish to make any comments on this matter? I have a question I would like to ask you before we finish with this topic.

Mr. William Corbett: As I said, I only received this document this morning. The only thing I have a problem with is the way the document is written. I'm referring to the English text, in Part V.

[*English*]

It talks about cooperation with the review and report on any federal legislation or standing order that impacts on the access to information, privacy, or ethics of Canadians. I thought to myself that there might be some wording.... There's something that jumps out at me and says that Parliament is going after something that it....

The Chair: Nothing wrong with that.

Mr. William Corbett: That perhaps is not the intention. The way I read it, it jumps out.

Also, if the committee is reviewing this, there are consequential amendments to the code of conduct itself, because the code of conduct has specific provisions of what the Ethics Commissioner shall or shall not do.

Number 30(1): the Ethics Commissioner shall submit any proposed rules for the administration of this code to the Standing Committee on Procedure and House Affairs.

Number 33: the Standing Committee on Procedure and House Affairs shall, within five years of coming into force of this code and every five years thereafter, undertake a comprehensive review, etc.

So there are other consequential amendments that would fall out of any attempt to divide the ethics package between the two committees. We would be happy to make a considered proposal to the committee based on what we've heard this morning, or even options.

Ms. Audrey O'Brien: Mr. Chairman, one of the things that creates a certain amount of uncertainty is that since the ethics counsellor is only just starting up, we're not sure what form the reports will take, so that when you have a fairly blanket draft that says that "all reports...of the Ethics Commissioner shall be severally deemed permanently referred to the ethics committee", that would seem to preclude the code of conduct reports, if indeed those appear in a separate document.

So I think there would have to be some adjustment to the drafting. It might ultimately be editorial. It's a question of deciding what it is the committee wants to achieve. Then we'd be happy, as the clerk says, to submit a draft that might try to incorporate those objectives.

• (1140)

The Chair: This is very helpful. It seems, from the input of MPs so far, that there's a distinction, at least in the minds of most, whereby matters relating to the code—privacy, ethics, access to information, and so on—would be dealt with by the other committee. Perhaps if I can paraphrase what Madame Boivin said, the adjudication of an individual case—regarding MPs only, that is to say—still remains with this committee. I don't think there's any choice. I think that's clear, and it's a matter of drafting things to make it happen.

I wonder if I'm assessing what I think the House leaders were trying to do. Mr. Reynolds, and perhaps our chief government whip, is that basically it?

Mr. John Reynolds: You have to make sure it's drafted so it—

The Chair: So it says what I just said?

Mr. John Reynolds: So it says what you just said.

The Chair: All right.

Would you agree with that assessment?

Hon. Karen Redman: I was going to say the same thing: that there's a difference between dealing with the code and with the application of the code to individual members, which I think clearly should go to this committee.

Mr. John Reynolds: I think also, Mr. Chair, if you're looking at reports from the Ethics Commissioner, his annual report would go to this new committee.

The Chair: Not a report as to whether an individual breached the code and should be summoned to this committee.

Mr. John Reynolds: The case of an individual person whom he has a complaint with should come to this committee, which will then make those decisions.

The Chair: Maybe that helps the clerk in terms of his proposing, together with Madame O'Brien, Madame Lajoie, and others, of course, a possible redraft of this—not to change what we or the House leaders want to do, but in order to actually make it happen.

Mr. Clerk, if what's just been said assists you and clarifies it a little, then perhaps for greater clarification—

Ms. Audrey O'Brien: Could I just ask one small "greater clarification" question? Was, as I understood it, Mr. Reynold's last comment the idea that if there was a breach of the code, it would come here to this committee, but that the operation of the code and reports on that would go to the other committee?

Ms. Françoise Boivin: Do you mean a breach of the code by a member?

Mr. John Reynolds: By a member.

Ms. Françoise Boivin: We still review the code in five years.

Ms. Audrey O'Brien: I see an inherent kind of contradiction.

The Chair: There is. I think perhaps we could do it this way. There are a number of these questions that are not clear, and Madame O'Brien is raising some of them now. If the table could assist us by at least putting down questions where matters need to be clarified, we could bring them back here. Then we could bring them back to the House leaders and ask them, is it this that you wanted to do, or is it that? That would be helpful, because it seems that with every passing moment this becomes a bit more complicated.

Ms. Audrey O'Brien: Or murky, anyway.

The Chair: There's a solution to it.

Ms. Audrey O'Brien: Yes, of course. We'd be happy to do that.

The Chair: Ms. Longfield.

Hon. Judi Longfield (Whitby—Oshawa, Lib.): I apologize for coming in late, and I've more or less sat back.

I've always been of the view that there's a need for the new committee on access to information, privacy, and ethics—in terms of their general management—but I always felt that the role of this committee dealt with procedure and House affairs, and that the code of conduct as it affects members of Parliament was something that belonged to this committee.

The fact that someone is suggesting the Ethics Commissioner couldn't report to more than one committee... Well, there are a number of people who, from time to time, report to more than one committee. In fact, you have some committees where 25 people are reporting, and some of them should be reporting elsewhere.

The scope and mandate of this new committee is going to be quite broad, quite far-reaching, and at least for the interim I support keeping the code of conflict of interest with this committee, at least to see it through its first phase, and perhaps until the next session, and then look at what we're doing with it. I think we're going to muddy the waters if we're putting everything into a new committee that's trying to find its way.

• (1145)

The Chair: With respect, though, that's a bit of a different debate. I think the House leaders were getting together to discuss just that. It may be an internal thing within each party as to—

Hon. Judi Longfield: But I just wanted to put it on the table.

The Chair: That's fine. Meanwhile, though, it's not something our clerks can write to us about. They can't make up our minds; that's a different story. If I get it correctly, the House leaders have met and have made up what they think should be there.

What we need to know is the application of that—to make sure that once we put it down on paper, it does precisely what they've agreed to—as opposed to the making up our minds part, because that occurs, presumably, elsewhere.

Mr. Reynolds.

Mr. John Reynolds: Mr. Chairman, I might suggest that rather than have the clerks prepare something for the committee and get back to the House leaders, we have the House leaders meet with the clerk, and they'll maybe come up with a draft that will come back here for the next meeting.

The Chair: Is that okay with everyone else?

Some hon. members: Agreed.

The Chair: Agreed.

Thank you very much.

Are there any further questions from members to our witnesses before we deal with a number of other things on the agenda?

[*Translation*]

Mr. Guimond, do you wish to ask the witnesses any questions?

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): No, I wish to make a comment about something else.

The Chair: On another topic.

[*English*]

Okay, then we will thank the clerk, the deputy clerk,

[*Translation*]

Ms. Lajoie and, of course, the members of their support staff, who have agreed to assist them during their appearance here this morning. We would like to also thank them for the advice that they have offered with respect to the mandate of the new committee. This is very useful to us.

[*English*]

Thank you very much for coming so quickly as well.

[*Translation*]

Mr. William Corbett: Thank you very much, Mr. Chairman and committee members.

[*English*]

Ms. Audrey O'Brien: *Merci.* Thank you.

The Chair: For the benefit of members, I will list the issues before us. Afterwards you can raise whichever one you like first.

Please remember we have before us the issue of private members' business and the extension of Standing Orders. We haven't touched that yet. We were to have consulted our caucuses this week to see whether the existing interim Standing Orders on private members' business—which are going to expire, by the way, unless we do something—will revert to the old system we had before, where almost nothing was votable. I'm overstating that, but I think you know what we're talking about. We were to consult our caucuses and report here whether we want them extended. That's one subject.

I'll just list all the subjects, if you don't mind. Then Mr. Godin has given us a notice, but I think he's pulling it back to another meeting. Am I correct?

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Yes.

[*English*]

The Chair: Okay, so we'll put that one aside.

There is the issue of the estimates and how we dispose of them. We touched last time on the possibility of adopting them to make sure they go to Parliament if they have been studied in large measure. Of course, that would give an example to other committees.

Mr. Hill had a proposal last time that he wanted to bring to the attention of this committee. Is there any other subject?

There is the subcommittee on private members' business, and there's a report from the last session. You might remember that at the last meeting we asked ourselves the question whether the letter that was sent to this committee by the then government leader, Mr. Jacques Saada, was still valid. Definitely, procedurally it is not, because that was in a different Parliament. However, in an answer yesterday to Madame Pauline Picard, the new minister responsible for a number of these things, Mr. Bélanger, indicated on the floor of the House that he was awaiting our response. So at least the government thinks this issue is still before this committee.

I bring that to your attention as well, in the unlikely event that some ministers were not riveted to their seats when Mr. Bélanger gave the answer to Madame Picard, although I'm sure we were all riveted when Madame Picard asked the question.

Those are all issues to bring to your attention today. Of course, raise any of them in the order you wish to bring them forward.

Mr. Reynolds.

Mr. John Reynolds: Mr. Chair, I would like to propose we leave the private members' business the same as it is until the end of this session.

The Chair: Do you mean to say to extend it?

Mr. John Reynolds: Extend it.

The Chair: Extend it until the end of this session? That's the private members'—

Mr. John Reynolds: The provisional Standing Orders.

The Chair: —yes, the provisional Standing Orders, to make them last longer. Just to remind colleagues, unless we do, they will automatically disappear.

Madame Redman, on this issue.

• (1150)

Hon. Karen Redman: Thank you.

It hasn't even been a full year. I think other people agreed with me that because it was provisional, it makes perfect sense to assess whether it has actually done what we intended it to do. I was going to propose that we leave it in place, rather than for the session, say until June 2005, and review it in May to see if we're all happy with it. If we are, we can then consider whether we would like to extend it for the rest of the session. I think there's a lot of logic to say that to have it phase out in February or try to assess it at this point in time, there really hasn't been a full enough period of time to see how it's working. If we were to do it until June, we could then assess it in May and make a decision at that point in time.

[*Translation*]

The Chair: Mr. Guimond.

Mr. Michel Guimond: I have no problem with the extension date, but I would like to raise a more delicate issue. We began our work on October 4. The first order of business should be arriving in November at the earliest. I do not remember the exact date. I believe it is November 15. Statistics indicate that the life of a minority government is, in reality, limited at the very least. There has already been a minority government that lasted three and a half years, but I think that was in 1920.

The Chair: From 1965 to 1968.

Mr. Michel Guimond: Yes? I thought that it was in 1920.

So this is a much more complex issue. Would we be prepared to extend the hours of the House by one hour? I think that the mandate of our committee is to, among other things, review the whole issue of House hours. Could we think about extending the business of the House by one hour until June 2005, which would enable us to spend two hours on private members' business every day? In this fashion, more colleagues would have their turn.

The Chair: That's something new, which may of course be of interest to a number of members. In the meantime, if you don't mind, the question is whether we should let the rules disappear, which is going to happen soon. I assume that people don't want that. Should they be extended until the end of the session or until June? And then we may wish to add to that later. People are free to raise any matter, obviously, but in the meantime, do you want to extend the existing rules until June or until the end of the session in light of the consultations that you have no doubt had with your respective caucuses this week?

Mr. Michel Guimond: I told you that personally, I have no objection to extending the rules until June, but since we're renewing these rules, we could take the opportunity to introduce a new provision that would come into effect on November 15th. I'm adding something new, I'm aware of that, but we're not obliged to extend the

status quo blindly. We can consider the possibility of adding a second hour.

The Chair: I don't know about that.

Mr. Godin.

Mr. Yvon Godin: As we said, we spoke to our caucus. The position of caucus was not to extend that.

The Chair: You want to go back to the old system?

Mr. Yvon Godin: Ms. Redmond's proposal to extend that until June to allow for a study to be done might be more acceptable to my caucus. As for the other part, people aren't ready.

The Chair: If I understand correctly, there might be a potential agreement—I'm not saying that there is an agreement—to extend that until June and to have another look at it then. However, for the time being, there is apparently no desire to extend it until the end of the session. Mr. Godin, are you in a position to speak for your caucus today on an extension until June, or do you want to consult your caucus once again?

• (1155)

Mr. Yvon Godin: This has just been proposed. I would prefer to come back to it next week.

The Chair: We won't be sitting next week, but...

Mr. Yvon Godin: Yes, we are sitting.

The Chair: Right. There's one more week before the break.

So we could submit a draft proposal next week to extend the rules until June.

Mr. Reid.

[*English*]

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): I'm sorry. It's on a different subject.

The Chair: No, we'll finish this one, if you don't mind, because there is a whole list of new subjects, and others have introduced some too.

Hon. Karen Redman: Just to reiterate, though, I would like this committee to review it in May, which may give some comfort to Monsieur Godin and his party, but I think we need to assess it. So we have to do that in May, if we extend it to June, so that it doesn't languish over the summer.

The Chair: We could even put that in the report that we table in the House, if we agree to produce such a report—in other words, that they be extended to June with a provision to have a review in May, just to make it more precise and perhaps at the same time to assist Monsieur Godin, who wants to consult his colleagues.

In other words, those of us who want to consult our colleagues would raise both propositions with them, if we felt that to be necessary. Okay?

I think that ends this subject. We'll bring it back at the next meeting, though, as the first item, because there is some urgency to dealing with this.

The next person who had asked to bring a subject to our attention is Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: Among the topics that you suggested to us, the adoption of the 16th report is relatively urgent. My colleague, Mr. Reid, and I sat on the subcommittee. I think that we should table the report again.

[*English*]

The Chair: This is something we've already adopted—well, not we individually, because it's a different Parliament, but this is something that this committee in another Parliament has already said. What we would be doing is going back to Parliament to ensure that the obligation of the government to respond is reactivated. Is it your wish that we do that now?

Okay.

[*Translation*]

Here's the motion:

That the 16th Report of this committee in the 3rd session of the 37th Parliament concerning the electoral boundaries readjustment process be adopted as a report in this session; that the Chair present the report to the House; and that pursuant to Standing Order 109, the committee request that the government table a comprehensive response to the report.

Mr. Guimond, seconded by Mr. Godin, moves the motion.

(Motion carried)

[*English*]

The Chair: The next member who wanted to raise something is Mr. Reid.

Mr. Scott Reid: We're required by the motion in response to the throne speech to deal in this committee with the subject of electoral reform. It would be my suggestion that we do so by asking the clerk to draft an appropriate mechanism for us to deal with that.

The Chair: Actually, we have a motion before the committee on this subject. Monsieur Godin tabled a motion at the last meeting and we were awaiting the House's adoption of the motion relating to the throne speech, as amended, yesterday. Now what we need is the instruction of the House to us in that regard.

I met with Minister Mauril Bélanger yesterday and told him that on Tuesday members were expecting this in very short order, that House order, however done, whether it is by an order of the House or whether it is simply by the minister providing us with that. I'm at the disposal of the committee in however you want to deal with this issue now, but I want to alert you that we do have a motion already tabled with us.

Mr. Reynolds.

• (1200)

Mr. John Reynolds: Yes. I'd just like to suggest—I think Mr. Godin would agree—that we hold this until next week. In the meantime the House leaders can have a discussion to make sure the motion is exactly what we all want. And you also have to talk to your minister to make sure it meets other criteria they agreed to when the vote took place in the House.

The Chair: Okay. What I'll do is alert the minister that the committee has, shall I say, further indicated that it wants to deal with

this issue soon. The fact that it was raised yet again today by another member certainly is testimony to that.

Mr. John Reynolds: Tell him we might ask him that in the Thursday questions.

The Chair: Okay.

Now, there's the matter of the subcommittee on private members' business. I wonder if you're willing to deal with this item at the present time. Basically, the routine motion would say that the subcommittee on private members' business be composed of one member from each recognized party and a chair from the government party—and in a couple of minutes I will ask the chief government whip a question, which you'll see in a minute—that so-and-so be appointed chair of the subcommittee and that the subcommittee be granted all the powers of the committee pursuant to Standing Order 108(1)(a), except the power to report directly to the House.

This is a subcommittee on private members' business. I think from what Monsieur Guimond has told us, certainly people are eager to get this going as soon as possible.

Madam Redman, are you willing to move that motion with a suitable name, and then we can discuss it and adopt it?

Hon. Karen Redman: Mr. Chair, I would move that motion with the name of Gary Carr as chair of the subcommittee.

The Chair: Is there any debate or do you want this motion adopted now?

Madam Longfield.

Hon. Judi Longfield: I'd like clarification.

Is the chair a member of the recognized party? The reason I'm asking is that it has always been my view that the chair doesn't have a vote and the chair is not there to—

The Chair: It's one from each party plus the chair.

Hon. Judi Longfield: Okay. That's what I needed to know. Thank you very much.

The Chair: That's correct. Are there any additional questions? If not, is it the pleasure of committee to adopt this motion?

(Motion agreed to)

The Chair: Does this form a report of any kind, or is this it? This is it.

Well, it's only in our minutes, so we've dealt with another item. I don't know if other committees do as much work in one meeting, but I think we're off to a flying start here.

Now Mr. Robertson has prepared a draft letter to the Board of Internal Economy concerning broadcasting and the allocation of committee rooms, which the committee should review and approve if it wants to. Please remember this is the issue we dealt with the other day. We were questioning at the same time that one of our committee rooms was often utilized because it has wider access, particularly for people with mobility challenges. There was that issue, and secondly, anything else we could do, inventory-wise, to slightly modify a room in order to provide access.

For instance, someone brought to our attention the other day that in this committee room, if I sat at the other end and moved a few things around, it would automatically give access to someone who doesn't have it and would have to go all the way to this end of the room, given the limitations on one side.

So sometimes there are things like that. They're not rocket science, but if they're thought of, they might assist, in this particular case one colleague, but in the future it may be witnesses and other colleagues—who knows.

Anyway, we have the draft letter—

Mr. Yvon Godin: We just need somebody on the committee who comes from a mine and is used to moving rocks around.

The Chair: Yes, that's correct. If we ever have guests who are rocks, we'll call upon that service.

Meanwhile, I wonder if colleagues would have a look at this letter, and we can send it to the Speaker of the House in his capacity as chair.

• (1205)

Hon. Karen Redman: It looks good.

The Chair: It is moved by Madam Longfield and seconded by Mr. Reynolds. We will do that. We will send this letter under my name on behalf of the committee.

(Motion agreed to)

The Chair: Going to the next item on the list, where are we, Mr. Clerk?

Oh, Mr. Hill had a matter that he wanted to bring to our attention in the last meeting. Is there anyone else who wishes to speak to that today or would you wish it brought back another day?

Mr. Reynolds.

Mr. John Reynolds: Mr. Chairman, that proposal is being negotiated right now between the House leaders.

The Chair: Can we table it?

Mr. John Reynolds: I would table it until another meeting. We should have it done by next week.

The Chair: Okay.

I wonder if we could ask our staff to tell us where we are with the estimates at the present time.

Mr. Robertson.

Mr. James Robertson (Committee Researcher): In the last session the main estimates for the House of Commons and Elections Canada were referred to this committee. Mr. Milliken, as chair of the Board of Internal Economy; the clerk, who appeared on behalf of the House; and Mr. Kingsley, on Elections Canada, appeared for one meeting before this committee. The committee approved the estimates and reported them back to the House. Those same estimates have now been retabled in this session, with a revision of the reporting schedule.

The question for the committee is whether you wish to invite the representatives of the House and Elections Canada back regarding

the same estimates or whether you just want to readopt the motion, adopting the main estimates for those two organizations.

The Chair: Is it your wish that we readopt this? I think with the heavy workload we have, listening to the same witnesses twice sounds a bit excessive.

What is the opinion of the committee?

Mr. Dale Johnston (Wetaskiwin, CPC): I agree.

The Chair: Okay.

Pursuant to Standing Order 81(4) and its order of reference, the committee is considering vote 5 under Parliament and vote 25 under Privy Council in the main estimates of 2004-2005.

PARLIAMENT

House of Commons

Vote 5—Program expenditures.....\$212,498,000

The Chair: Shall vote 5, less the amount of \$159, 373,515 granted in interim supply, carry?

(Motion agreed to)

The Chair: COUNCIL

Chief Electoral Officer

Vote 25—Program expenditures.....\$13,186,000

The Chair: Shall vote 25, less the amount \$9,889,500 granted in interim supply, carry?

Is there a question on that one?

[Translation]

Ms. Pauline Picard (Drummond, BQ): We don't have this document.

[English]

The Chair: This is just the script. It's just a motion that we passed last time, which I'm reading into the record. This is the motion we adopted in the old Parliament.

Hon. Judi Longfield: The last time.

The Chair: This is just to pass the same estimates. That's what our researcher told us before.

[Translation]

Ms. Pauline Picard: Okay.

[English]

The Chair: Maybe for greater clarity, Mr. Researcher, these amounts are identical to what was passed before?

Mr. James Robertson: That's right. These are the motions to adopt the main estimates for the House of Commons, which was just done, and now for Elections Canada. These are the same motions that were adopted and reported back to the House in the last session.

The Chair: For the benefit of our members, can you tell us that the amounts are identical?

Mr. James Robertson: The amounts are identical.

[Translation]

The Chair: Okay.

Mr. Yvon Godin: It's important that we have the documents.

[English]

The Chair: Do you want me to bring them next time?

[Translation]

Mr. Yvon Godin: No. The clerk can make us copies.

The Chair: No. They're not translated.

Mr. Yvon Godin: That's the problem.

The Clerk: I'm going to explain something to the members, if you don't mind. The week following the tabling of the estimates, I sent your offices a copy of all of the documentation on the Estimates. This morning, Mr. Boudria, the Chair, is just getting the routine motions carried in order to adopt the Estimates. All of the amounts are identical to those in the documentation that you've already received, and all of the work for examining and adopting them was done in the last session.

• (1210)

The Chair: If you would prefer to hold off on adopting it until the next meeting, that's fine with me.

Mr. Godin.

Mr. Yvon Godin: Mr. Chairman, the agenda for this meeting is quite straightforward. I would just like to make one comment. We have done a lot today, but there's absolutely nothing on the agenda except the appearance of some witnesses. We want to try to follow, but...

The Chair: Fine. I'll postpone it all until the next meeting. And if the committee agrees, we can even withdraw the motion that we just passed and do the whole thing over again.

Some voices: Agreed.

The Chairman: So we'll do that part over again next time.

Given that we've done all this work, do you want to shorten the meeting? It seems to me that we have done not only everything on the agenda but even more.

[English]

Wait a minute, I just want to make sure.... I don't want to cut anybody off. If members have other issues to raise, either for a future meeting or for right now, please do so.

Mr. Reid.

Mr. Scott Reid: I just want to confirm something that I was a little uncertain about. I am serving as my party's representative on the subcommittee that's looking at the MPs' code of conduct. I went into that meeting with an impression and it may have been a false impression, so I'm seeking clarity here.

My impression was that we could, among other things, look at actually changing some of the questionnaire, that is, suggesting changes to the questions that are asked both in the spousal questionnaire and the questionnaire for members. When we got there, the impression I got was that there was some belief we should be giving advice to the Ethics Commissioner only on background documentation provided by him, so that members may answer with greater clarity and understanding.

I'm just unsure about what it was we were actually mandated to do, so I'm seeking your advice.

The Chair: Perhaps I could read the actual motion that was adopted. It may be of assistance.

I'm just trying to recall when Dr. Shapiro came. The documents, of course, have already gone to members. Many of them—90 or so—have already filed, and of course the booklet information was there. I believe we were working from the sense that some sort of interpretation letter could be sent to members to greater clarify how they could do this, particularly in those areas where it was a little burdensome.

Anyway, the motion that was passed—and it was moved by Mr. Johnston—said something like this: that a subcommittee on the disclosure statement under the conflict of interest code for members of the House of Commons be established to review and make recommendations on the interpretation of the disclosure statement form—so it's the interpretation of the form, not the actual redesign of it—for members of the House of Commons, with the office of the Ethics Commissioner. Then it says that the subcommittee consist of one representative from each party; that the subcommittee be granted all the powers of the committee, except to report to the House; that the subcommittee meet in camera, and so on.

Does that clarify it?

Mrs. Longfield.

Hon. Judi Longfield: That was my interpretation of what went on. However, having had the meeting, I think you will find that all of the members of that subcommittee believe that that might not be far enough and that we should actually seek the opportunity to take it one step further. That would be the interim step, but take it a step further and actually make suggestions about how the actual questionnaire could be rewritten. It's not to change the intent of the legislation or to in any way try to get around it; it's to meet not only the spirit but the absolute requirements of the act perhaps in a different fashion.

The Chair: Mr. Johnston.

Mr. Dale Johnston: Although I didn't actually word the motion myself, Mr. Chairman, that wasn't my intention. My intention was to have the form more pertinent to conflict of interest, and some areas in there should be removed. I'd be glad to amend that motion to give the committee the mandate to make amendments to the actual application.

The Chair: Okay. Perhaps what we could do, if you think it's a good idea, is restrike this subcommittee and ask it to make a report to us on changes that the entire committee could suggest to Dr. Shapiro, or otherwise, regarding this issue. In other words, we would actually take this one additional step, to use the words of Mrs. Longfield. It's a little different from the last time, but I'm sure it's just as important, and probably even more so.

Monsieur Godin, and then Mr. Reid.

•(1215)

[*Translation*]

Mr. Yvon Godin: Mr. Chairman, since the meeting was in camera, it's a bit tricky to discuss. We were under the impression that we weren't going there just to make recommendations on the interpretation. I would go so far as to say that we agreed that things had to change. The right things have to be done.

[*English*]

The Chair: *D'accord.*

So is there an appetite to restrike this committee and actually make a report to this committee afterwards? Is that what we want?

Mr. Reid, you wanted to add something.

Mr. Scott Reid: Yes. I think that was the impression I got. There was a feeling in that direction in the subcommittee.

I should emphasize one point, though, which is that I think we have to understand that Dr. Shapiro regards himself as being limited in how much advice he can take. At some point, he butts up against the code itself, and there are certain things he feels he must ask, whether or not he has the support of the committee in that regard.

The Chair: Right. Could we have someone draft us something that could actually enable the subcommittee to report to this committee on changes it wishes to see to the questionnaire? Do you want to go as far as saying that the subcommittee also provide to us any changes that it would suggest to our committee—not directly to the House—on modifications to the code?

Mr. John Reynolds: Agreed.

The Chair: Do you want to say both of these things?

Mr. John Reynolds: Yes.

An hon. member: To the code itself?

Hon. Judi Longfield: Not to the code.

The Chair: You don't have to make any suggestions, but if you do have a recommendation on the code...

Monsieur Godin.

[*Translation*]

Mr. Yvon Godin: When you talk about the code, it gets a bit more important. In the space of 60 days—and several days have already passed—recommendations have to be made on the questionnaire. Changing the code is another matter.

[*English*]

The Chair: On the questionnaire only then.

What would the motion say?

Hon. Judi Longfield: Does it need to be a new committee or just—

The Chair: You can appoint the same members.

Mr. John Reynolds: Have the same members. We can just change the motion.

Hon. Judi Longfield: We're amending the motion, aren't we?

The Chair: So it is that the subcommittee on the disclosure statement be empowered to make recommendations to this

committee on the content of the disclosure statement. Do you want that? Does that cover everything?

Mr. Scott Reid: That's in addition to what's already there?

The Chair: Let me read this again. The motion is that the subcommittee on the disclosure statement under the conflict of interest code for members of the House of Commons, previously established, be empowered to make recommendations to the committee—in other words, this committee—on the content of the disclosure statement.

The disclosure statement is the point.

Mr. Scott Reid: Is it the disclosure statement or...

Hon. Judi Longfield: It's called a disclosure statement.

Mr. Scott Reid: But there are two different documents.

The Chair: No, this is it.

Mr. Scott Reid: No, hang on. There's a disclosure statement—

The Chair: And a disclosure statement for spouses.

Hon. Judi Longfield: But they're both disclosure statements.

The Chair: Well, do you want to be more precise and say disclosure statement for parliamentarians as well as the disclosure statement for spouses?

Mr. Scott Reid: There are two, and then there's the one that's made public, the disclosure summary. I think we're only talking about—or am I wrong?

Hon. Judi Longfield: No, because we already made suggestions for the summary.

How about statements related to the conflict of interest code? That covers all of them.

Mr. Scott Reid: I think we should actually enumerate the three of them to be very clear.

The Chair: Okay, we'll put the title of the three.

Anyway, does anyone now want to move the motion? Mr. Johnston, given that it was yours to begin with...

Hon. Judi Longfield: We need to include the summary because the summary caused a great deal of—

The Chair: We'll put all of the statements in there, the titles of all four of them, the three you file and the one that's made public, for greater clarity. Is it agreed?

(Motion agreed to [See *Minutes of Proceedings*])

Hon. Judi Longfield: Just on that, I think that subcommittee is meeting this afternoon.

The Chair: Well, now you have an additional mandate to the one you had previously.

Are there any other issues to raise today? If not, would anyone want to move what's required to get us out of here?

Hon. Judi Longfield: I move adjournment.

(Motion agreed to)

The Chair: Thank you.

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