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Tuesday, May 3, 2005

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Chair

The Honourable Don Boudria

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• (1105)

[English]

The Chair (Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.)): Order, please.

Pursuant to the order of reference of April 18, 2005, we will now deal with the question of privilege relating to mailings sent to the riding of Windsor West.

[Translation]

As you will no doubt recall, the Speaker of the House of Commons ruled that there was a prima facie case of privilege in this case. The House then referred the matter to our Committee. This morning, we will hear from witnesses, specifically from our colleague and Member for Windsor West, Brian Masse, from Monte Solberg, the Member for Medicine Hat and from the Deputy Clerk of the House of Commons, Ms. Audrey O'Brien.

[English]

Perhaps we could start, given that we're dealing with the question of privilege as raised by Mr. Masse. The traditional way of dealing with these things, initially, is to hear from the complainant about the issue of privilege, that is, our colleague Mr. Masse.

I wonder if you could take a few minutes, Mr. Masse, and for the benefit of all members briefly review exactly what it is that happened, and why you felt this was a question of privilege, which of course the House subsequently agreed to, at least prima facie.

Mr. Masse.

Mr. Brian Masse (Windsor West, NDP): Thank you, Mr. Chair, and to the committee, thanks for the appearance today.

I'm here today, obviously, because of the Speaker's ruling in favour of at least investigating this matter. It's something that I was very concerned with. As a member of Parliament, I feel there's been an intrusion on my ability to represent the riding, and as well, there has been misinformation disseminated about my record. It also happened at a time that was very sensitive to the community.

In particular, it was a mailing. I've had other mailings in my riding before, but this one, on the "wasteful gun registry", was particularly problematic. I think there should be copies of it, but in the preamble it says: "In November, your Member of Parliament had the opportunity to transfer \$20 million from the gun registry to the RCMP. Instead of supporting Canada's hard-working Mounties, your M.P. voted against this proposal."

This arrived at the doorstep of my house, actually, on the commemoration ceremonies for Constable Schiemann, Constable Gordon Johnston, and Constable Myrol. My wife pulled it out of the mailbox. As well, other constituents called in immediately. I think the timing was very insensitive.

When I returned to Ottawa during the break week, I filed my objection immediately, because more of these started pumping into the riding. Subsequent Conservative members have actually mailed in more as well. Mr. O'Connor, Mr. Lukiwski, Mr. Goodyear, Mr. Brown, and Mr. Kenney have all used this piece of literature to attack my record, I believe.

I know there was the issue of the House of Commons mailing. There was a mistake made. It was supposed to go to the member for Windsor—Tecumseh. I can tell you that I've had nothing but good service from our mailing and post office since being here as a member of Parliament. But that doesn't matter, because when I first raised this issue in the House of Commons, Mr. Solberg was provided a document of my objection to it—as well as the Speaker of the House. They chose instead just to attack and defend their position of sending this piece of literature into my riding. Second, the information on it, the content, is false. You can't do what it asks, and secondly, it misrepresented my voting record.

The vote I want to zero in on in terms of the specific piece of information here is: "In November, your member of Parliament had the opportunity to transfer \$20 million from the gun registry to the RCMP."

Once again, I wasn't at the committee that was dealing with that motion. I wasn't even there. And what they have in the literature isn't even truthful. It's not accurate. The motion is: "That Vote 20 for the Department of the Solicitor General (Public Safety and Emergency Preparedness) for the Canadian Firearms Centre in the amount of \$82,080,000 be reduced by \$20,000,000." It doesn't even jive with what's on this piece of literature.

Here are a couple of other quick points I want to make. These false claims are being used to gather constituents' information and their mailing addresses, and these can be used for subsequent mailings. I've had no indication from the Conservative Party about what they're doing with this content. I think getting material back on a mailing list through erroneous material is a detriment to any member of Parliament. Secondly, I think they should be sending that back to the member of Parliament.

A number of things have to be looked at. For instance, what type of repercussions are there for misinformation disseminated into a member's riding, and what types of things could a member do or have available to him to deal with the gathering of data under misinformation? At the end of the day, who is ultimately responsible for mistruths that are put into the community?

In closing, Mr. Chair, I would just say that this is a serious issue. People take their franking privileges and the information sent out to constituents very seriously. It's not that there was a slant put on something; it was an error on my voting record. It was an attack, despite the voting record, on asking for something that Parliament can't do procedurally. On top of that, that's why I think it's just not a mistake by the post office.

• (1110)

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

We'll proceed with questions briefly, and then of course we'll hear from the next witness after that. Are there any questions on Mr. Masse's statement before we proceed to the next witness?

Madam Longfield.

Hon. Judi Longfield (Whitby—Oshawa, Lib.): I take it you have two points you're concerned about: first, misinformation that was contained in the thing; and second, the actual mail-back, soliciting addresses and all of that.

That is interesting, because I get the same kind of stuff from the NDP, with a similar mail-back to provide name and address.

Mr. Brian Masse: In answer to that, Mr. Chair, I would suggest you take it up with the Speaker of the House of Commons and we have the opportunity...otherwise, you agree with the information that's on it.

The reality is that this information that's on this card...you can't do this procedurally in the House of Commons. Not only is it wrong about me, you can't do this. I would suggest to any member to take that up, and that's why I brought it to the Speaker.

We have lots of mailings that go out across this country from all kinds of different political parties, and to me, this is why the Speaker sent us here today—

Hon. Judi Longfield: I was asking—if I might, through the chair—if you had two concerns. I agree with you about the misinformation. I was just curious about your other concern, that there was a mail-back and this was some way for another party to collect a mailing list it would use. I would suggest that at least one other party—and this one comes from Jack Layton—is soliciting names and addresses and that kind of thing in a similar mailing.

On the second part, perhaps if you live in a glass house....

Mr. Brian Masse: Mr. Chair, the answer to that is that unless you can test the information...and you're welcome to bring it to the Speaker to do so.

This information on this card is not truthful. People are submitting their personal information based on mistruths. It's not even a position about an issue or the way somebody is trying to spin something; it's mistruths.

And you can't do what it's saying, as well.

The Chair: Thank you very much.

Just for the information of members, about this business of can do and can't do, what Mr. Masse is probably referring to is that you cannot increase the estimate of a department at all. That of course is procedurally impossible; it's unconstitutional. Only the government can do that, obviously.

Monsieur Godin.

Mr. Yvon Godin (Acadie—Bathurst, NDP): I'm just following up on what Mrs. Longfield said. I think—though maybe I am wrong—the statement that was used by you, Mr. Masse, was not to use wrong information to get a database. There is a difference, because maybe you received Jack Layton's in your riding, Mrs. Longfield, but I got one from Paul Martin. That's not the question. It's how you get your database, how you get people involved, and how you get them excited.

I just want to have an opinion from Mr. Masse about what he said, that it was because of the wrong information. It's not that a householder from another party went to his riding; it's the information that was on it. That's the issue we have in front of us.

The Chair: Mr. Masse, do you have any reaction to that?

Mr. Brian Masse: Thank you, Mr. Chair.

Yes, that's correct. I've had mailings from Joe Fontana on agriculture and from the Prime Minister. They have mail-back cards, and I've never complained or contested that, because there's been a position of the government. I may disagree, but it hasn't been based on something the House of Commons can't do, and it also hasn't been to collect information for data banks, gathering it based on wrong information.

[Translation]

The Chair: Mr. Guimond.

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Ms. Longfield also made the same point. I believe the NDP resort to using this technique, as do the other parties. I recall a Liberal Member who complained about a mailing sent by Mr. Blaikie to her riding. This is one of the privileges reserved for parliamentarians. That's my first comment.

Secondly, you refer to inaccurate or erroneous information. In politics, everything is open to interpretation. As far as what's true or accurate, I'd like to know who would be responsible for censoring or sanctioning information should the committee submit a report. Who will decide what is true, false, erroneous, accurate or inaccurate? The author of the mailings, or the person responsible for printing them? Will all incidents of this nature end up before the Board of Internal Economy? I'll like you to advise us on this matter.

• (1115)

[English]

The Chair: Mr. Masse.

Mr. Brian Masse: Thank you, Mr. Chair.

That's a good question. I think the committee can look into different options through the Board of Internal Economy or by acting itself.

It's not just that we're mailing into each other's ridings; that's a different issue. This specific issue we have today is that it claims something that's not the truth as to my record. It also refers to something we can't do here in the House of Commons, so we can print up any lie and send that out to people all over the place.

I would suggest that if there was some type of bylaw with a penalty or an infraction issue, it would actually keep members from stretching the envelope, from doing things like this. It really undermines my role as a member of Parliament to have an organized campaign—because that's what it is—by several people who are mailing into my riding from all over the country, claiming something I didn't do, and at the same time asking for something we can't do in Parliament. I think that's the difference. If there was some type of repercussion for a member for doing that, then perhaps members would think twice about the content they send.

[Translation]

The Chair: Do you have another question, Mr. Guimond? No?

Ms. Redman.

[English]

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

I apologize for not getting here sooner, Mr. Masse.

My question is one for clarification, and it may or may not be appropriate at this time. Fundamentally, I think we're going to agree that the rules do allow this and that all parties engage in this. The line in the sand for me is that this is done with taxpayers' dollars, so it should cause us to be extra careful.

I would ask you if you would be more comfortable—this is something the Board of Internal Economy would probably deal with—or supportive if this ability to send information into other people's ridings were somehow prevented.

Mr. Brian Masse: Ms. Redman, I haven't really thought of that. I don't know. We could think about different repercussions in terms of what restrictions there could be. I'm specifically here because I'm just sickened by the fact that this has been sent into my campaign.

What's been interesting about this is that it developed. We actually had cards come back. Last week another card came back, so they're still coming into my riding. Since I originally brought this to the House of Commons, there's been no attempt I know of—and maybe Mr. Solberg can speak to that—nothing they did internally, to try to have them cease and desist with these types of materials going into my riding...or whether they continued to allow them to be printed and sent on the streets, because they're still coming in.

I get all kinds of comments from people. I get comments that are just normally what people would fill out for information here, and I get other ones where people are very much offended by the content. One here says "Who the hell does Stephen Harper think he is?" These are the types of things I'm getting back, and people are calling into my riding.

I think it's a bigger issue, but I'm here for this specific one. Once again, I've had other mailings coming into my riding, and I haven't complained when the Prime Minister has sent in an update on this or whatever it might be. I may disagree with it, but at the same time it hasn't, at least on my particular record, been erroneous. I think that's a different issue.

Hon. Karen Redman: Further to that comment, I make a fundamental difference between a piece of literature that talks factually about a government program and these other mailings. If it was to educate people, and it's bona fide information that Canadians may need to know, it's different from this other type of mail. Do you agree?

• (1120)

Mr. Brian Masse: Yes, I don't necessarily like the messaging the Prime Minister sends into my riding. At the same time, I believe he has a right to get his message out to my constituents, whatever party he belongs to. I don't have a problem with that, but this stuff crosses the line in content and in timing. There's been a lack of response to it, a lack of repercussion.

Mr. Yvon Godin: I want to come back to Madame Redman. You said you didn't mind as long as the content was factual. You said you believed that the government has the right to write to the constituency, but members should not have the right to mail into other member's ridings. Is that what I heard?

The Chair: I don't know if this is the time to engage in debate.

Mr. Yvon Godin: I just want clarification.

The Chair: All right, Madame Redman, go ahead.

Hon. Karen Redman: I was asking Mr. Masse if he would agree that a government sending out factual information to Canadians is different from a member of another party sending partisan literature into another member's riding. Clearly, members of Parliament should have the ability to send things out in their own ridings.

Mr. Yvon Godin: I'll go further than that. Do you have any problem with sending something factual out to another riding?

Mr. Brian Masse: No, as long as it's factual. That's the thing; this is not factual. It's incorrect information—it's lies.

The Chair: All right, maybe that clears it up.

Madame Longfield.

Hon. Judi Longfield: I tend to agree with you, Mr. Masse, that there has to be a way to police what goes out. How would you suggest we monitor this? Who would you do it?

Mr. Brian Masse: Perhaps the Board of Internal Economy.

Hon. Judi Longfield: You're suggesting that every piece of ten percenter go to the Board of Internal Economy for review?

Mr. Brian Masse: No, members have the right to bring it to the Speaker, as I have. Anybody can go to the Speaker right now and send it to committee. The Speaker doesn't rule on these things very often. Historically, there are very few rulings about this from the Speaker.

There's a remedy here. If there were a procedure whereby the Speaker could rule on these questions, if there were penalties, such as having the franking privilege suspended, for example, maybe people would not stretch the truth so much.

The Chair: Mr. Johnston.

Mr. Dale Johnston (Wetaskiwin, CPC): I'm just looking at the wording here. It should have probably said, "had an opportunity to vote for a motion". You can't transfer the money in the committee, but you have the opportunity to vote for or against a motion. I think that is an unfortunate choice of words.

As for it winding up in the wrong riding, I think we're all pretty clear on how that happened. It was a mistake in the in-house post office. It was sent to a neighbour riding rather than the riding of the member who was actually on the committee.

Mr. Brian Masse: It almost doesn't matter. If this was a Conservative motion at the committee, they would have their wording correct on the mailing literature. The member for Windsor—Tecumseh would have been equally harmed. It's saying something you can't do. That's why it doesn't make a difference where the member was from. My voting record is not consistent with what the literature says, but it's still very much a harmful act on the member of Windsor—Tecumseh, or any other member.

• (1125)

The Chair: Thank you very much.

Mr. Hill, you had a question, sir.

Mr. Jay Hill (Prince George—Peace River, CPC): My question will be pretty straightforward.

I would ask my colleague Mr. Masse whether, to his knowledge, he has ever sent anything to his riding in a householder or a ten percenter that contained information that in hindsight was inaccurate?

I don't see whether it's relevant if it goes to someone else's riding or your own riding. Presumably, you're going to have political opponents in the next election campaign. If a member of Parliament is using his mailing privileges to circulate information that is misinformation, then it would be equally wrong in your own riding, because next time you're going to have an opponent who would be at a disadvantage.

For example, if I was sending out something in my riding that was inaccurate, and I was knowingly doing that, it would obviously harm my opponent's opportunity in the next election campaign to overthrow me or to beat me in that election campaign.

I would ask him whether, to his knowledge, he has ever sent out anything that's inaccurate.

Mr. Brian Masse: Mr. Speaker, with all due respect, we're here because I've raised this issue in the House of Commons, and the Speaker has ruled on it.

The Chair: Thank you.

If we've finished with this witness, we can now hear from Mr. Solberg.

Mr. Solberg, before we proceed with questions, do you want to make a brief statement?

Mr. Monte Solberg (Medicine Hat, CPC): Yes, I would, Mr. Chairman.

Thank you, Mr. Chair, for the opportunity to be here to discuss my colleague's point of privilege.

As all honourable members know, the ten percenter program is a House of Commons-sanctioned bulk-mail communication tool. As we all know, each ten percenter must be 50% different in textual content from any other. It may be printed only once per fiscal year, must originate from the member's office, and must have the member's name on it. There's no limit on the number of ten percenters any one MP may send out, nor is there a restriction on where they may be sent to. In fact, I have examples with me today that have been sent to other ridings by every party represented here today. I have an example sent from Mr. Guimond's Bloc office to Mr. Proulx's Liberal riding. I have a Liberal version from the Prime Minister that was sent in to the riding of my Conservative colleague Rob Anders. My personal favourite is the NDP version sent from Joe Comartin to Rose-Marie Ur's Liberal riding.

As you can see, Mr. Chair, every party in the House uses the ten percenter program in an effort to put forward their policy positions on a wide variety of issues to members of the public without the media filter. I will not table them here today, but as you can see, I'm arguing that dozens of these are sent out by every party. Furthermore, I have subscribed to all the rules as set down by the House of Commons.

In the case before us today, Mr. Masse has made a claim that his privileges were breached by a mailing sent to several areas of his constituency. He believes it was sent out under the franking privilege that all members of Parliament have, and he has questioned whether or not I had previously seen or authorized this mailing.

Let me assure the honourable member that unlike Jack Layton, leader of the NDP, who recently sent out a ten percenter in franked envelopes, my mailing was not sent out under the frank, but rather as bulk-rate mail. There is a significant price difference; it also impacts the delivery time. I have been, and will continue to be, fiscally responsible in this matter.

On February 1 of this year Roger Gallaway, the member for Sarnia—Lambton, rose in the House on a point of privilege against his own Liberal Party. It was that he had not seen or authorized the printing of a ten percenter distributed under his name. Unlike the case of these antics by the Liberal Party, distribution of any ten percenter distributed under my name can be authorized only by me.

I would like to explain the history of the ten percenter.

On Monday, November 29, 2004, the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness met. At that meeting my colleague Garry Breitkreuz, MP for Yorkton—Melville, moved: “That vote 20 for the Department of the Solicitor General (Public Safety and Emergency Preparedness) for the Canada Firearms Centre in the amount of \$82,080,000 be reduced by \$20 million.”

Quoting from *Hansard*: After debate, the question was put on the motion and it was negatived on the following recorded division: YEAS: Garry Breitkreuz, Rob Moore, Monte Solberg, Mark Warawa — 4; NAYS: Joe Comartin, Roy Cullen, Paul Harold Macklin, John Maloney, Réal Ménard, Serge Ménard, Anita Neville — 7.

Mr. Chair, I would further note that Mr. Breitkreuz had filed a second motion with the committee that read: Whereas the Standing Committee on Justice and Human Rights has approved that vote 20 for the Department of the Solicitor General (Public Safety and Emergency Preparedness) for the Canadian Firearms Centre in the amount of \$82,080,000 be reduced by \$20 million, the committee recommends to the House that the government should redirect these funds to vote 55 for the RCMP to use for front-line policing priorities.

Mr. Chair, the members for the Liberals, the Bloc, and the NDP voted against the first motion, which, if passed, would have allowed the second motion to transfer \$20 million to the RCMP for much-needed front-line police work all across Canada. I believe this is an important issue. The gun registry has been an enormous waste of public tax dollars, and all the while our RCMP are underfunded. To date the gun registry has cost Canadian taxpayers \$2 billion, with no end in sight and no positive results. This is simply not acceptable.

I want to take up Mr. Masse's point here on whether or not this can actually be done.

Mr. Chairman, in a minority Parliament, individual MPs do have tremendous power. The government can be defeated over the estimates. Faced with that defeat, the government would have changed their position just as they ended up doing recently. When faced with the possibility of going down to defeat on a confidence motion, they accepted a deal with the NDP.

• (1130)

I do think we can argue that in this case Mr. Comartin could have absolutely influenced \$20 million being taken out of the money for the firearms registry.

I would also now like to table an additional document in both official languages. This document is a letter from Mr. Robert Frenette, postal manager. With the indulgence of the committee, please allow me to read the contents of his letter into the record. It's addressed to Dave Quist, director of operations, Office of the Leader of the Opposition.

It says:

Dear Mr. Quist,

This is further to our conversation of March 22, 2005 in which we discussed a 10 percent mailing sent on behalf of Mr. Stephen Harper, M.P. and Leader of the Official Opposition.

Upon review, our records indicate that a written request was submitted by your Office on February 16th for a 10-percent mailing. The request clearly specified that the mailing was to be sent to the following ridings:

- Northumberland—Quinte-West, ON
- Welland, ON

- Windsor—Tecumseh, ON
- Winnipeg South-Centre, MB

Unfortunately during the processing of this request, the House of Commons Postal Services erroneously sent part of the mailing to **Windsor West, ON**.

I deeply regret this error and on behalf of our Service wish to apologize to Mr. Brian Masse, M.P. for Windsor West, to Mr. Stephen Harper, M.P. and Leader of the Official Opposition and to all those concerned.

The letter was signed by Mr. Robert Frenette, Manager, Postal Distribution and Mail Processing Operations.

Mr. Chair, with all due respect to the members of this committee and the Speaker of the House of Commons, I submit that Mr. Masse's point of privilege is based on an error by the House of Commons postal distribution and mail processing operations.

I have followed all of the set regulations, and the proper paperwork was submitted supporting the ten percent. Unfortunately an error occurred in the delivery process, which is completely out of my jurisdiction and control. I therefore ask that this committee recognize that this error cannot be attributed to anything related to me or my office.

Mr. Chair, I would be pleased to answer any questions my colleagues may have.

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

We'll go to questions for Mr. Solberg.

Mr. Reid, I believe you're first on my list.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you, Mr. Solberg.

I'm just looking at the earlier exchange that took place in the House before this was referred to committee. Mr. Masse made some comments, and then you responded. Then Mr. Masse responded to you, and then the Speaker said he'd get back to the House.

I'm just looking through Mr. Masse's comments. I'll just read some of the things: The document “lied about my record in Parliament”—it's very strong language here—“also lied about the role of Parliament”; “I do not know if the member authorized it or saw it prior to it going out”; the mailing was “shocking”, it was “disgusting”, it was “disturbing”, and it says “disgusting” again. “The information in this mailing is wrong. It lied.” And then he gets into specific comments: “There was no vote in November, Mr. Speaker, in which I could participate.” He says this vote presumably did not happen.

Then he makes what I think are some very odd assertions. He complains about the information. I'll just quote him:

This is ironic because one could take the argument that I support the gun registry, so therefore I would take RCMP officers off the street. One could argue that the Conservative Party has been pushing for tax cuts for corporations and taking RCMP officers off our streets. There is a double standard that is not acceptable.

All of this comes back to making assertions that are, I think, very strong in nature. I suppose, editorially, they're a little over the top. I'm just wondering, now that the facts have been straightened out, whether it's appropriate for apologies to be completed all the way around by all participants in the matter for perhaps overstating the facts.

●(1135)

The Chair: Mr. Solberg.

Mr. Scott Reid: And Mr. Masse can respond to that, too, if he feels he'd like to.

The Chair: Mr. Solberg.

Mr. Monte Solberg: Thank you very much for the question. In a way, I think it sort of undermines my friend's point. He's arguing that there has been an untruthful statement made, and then he sets about making his point using hyperbole that I think is a gross exaggeration of our position and completely destroys his credibility when it comes to saying that somehow we're being unfair in characterizing his record.

But I do want to maintain my original position, which is simply that, first of all, this was rather obviously sent into the wrong riding by the postal services division of the House. That's pretty obvious. Therefore, on the issue of it attacking his record, pretty obviously this was really directed at another member, somebody who actually sat on that committee.

The other point, though, that I do think is worth revisiting is the issue of whether or not a member of Parliament had an opportunity to transfer \$20 million from the gun registry to the RCMP. This is not a document that comes out of the procedures of the House of Commons. It's a communications piece. It's meant to communicate that in this case a member of Parliament had the ability, like every member of Parliament has, to influence that \$20 million. I want to argue that it is especially so in a minority Parliament.

I ask members to consider this. If the committee had voted to reduce the estimates by \$20 million for this firearms registry and come back to the House, the government would have had the option to try to have this voted down, or they could have possibly, of course, reduced the estimates themselves. But they're in a minority government situation, and there is a real possibility in these kinds of situations that the government can lose the vote and actually be forced into an election position.

That is exactly what has happened in recent days, so I think this is a completely truthful statement. It's not something right out of the Standing Orders, sort of laying out everything, but in the political context I think it makes complete sense.

The Chair: Your chair is in some difficulty here. Normally in a process like this, we take the witnesses one at a time. We happen to have the first witness and the second witness sitting at the table, but we have had a request from Mr. Reid that they both respond.

As your chair, I would like to avoid having a debate between two colleagues. We're not here, I believe, in the committee to hear a debate between two MPs. We're here to rule on a question of privilege.

My inclination would be to say that the questions now are for Mr. Solberg and nothing else, unless the committee wants to proceed. Otherwise, it would seem to me to be the proper way of proceeding, because afterwards we have to listen to our deputy clerk and administrator, and then, of course, hopefully arrive at a ruling. So if this process is agreeable, then we will deal with the next witness.

Mr. Godin—on that point or anything else?

●(1140)

Mr. Yvon Godin: No, on that point, because I agree with your decision. If we were to go the opposite way, we would have to hear from the two witnesses and then question the two witnesses. I think it's unfair that you hear one witness, we all question him, we go to the second one, and then we question the two witnesses.

The Chair: All right. You have the floor, by the way, on questions, Mr. Godin.

Mr. Yvon Godin: Thank you.

The situation we have here, Mr. Solberg, is this: do you agree with us that what is on that piece of paper on the ten percenter is wrong when it's attributed to Mr. Masse?

Mr. Monte Solberg: When it's attributed to Mr. Masse? Yes. This is not directed towards Mr. Masse.

Mr. Yvon Godin: Do you agree that something happened at the post office, that this information went to Mr. Masse's riding and it's wrong that it went there?

Mr. Monte Solberg: Yes, I agree that it's wrong that it went to Mr. Masse's riding.

Mr. Yvon Godin: Okay, thank you.

[Translation]

The Chair: Ms. Boivin.

Ms. Françoise Boivin (Gatineau, Lib.): For clarity's sake, Mr. Solberg, are you prepared to admit that in this instance, Mr. Masse's privileges were breached?

[English]

Mr. Monte Solberg: I'm saying that as I understand it, if there's a violation of Mr. Masse's privilege, it was a violation by the House postal service.

Ms. Françoise Boivin: I understand there is an explanation, but you admit that

[Translation]

regardless of the reason, Mr. Masse's privileges were breached.

[English]

Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, CPC): I have a point of order.

The Chair: On a point of order, Mr. Casey.

Mr. Bill Casey: He can't determine whether there was a violation. That's what we're here for.

The Chair: No, wait a minute. Madame is entitled to ask her question. Mr. Solberg is entitled to refuse to answer, if that's his wish, and we all agree with that. But it's not a point of order. I think similar questions—not the precise question, but questions of equal strength, if I can call them that—were asked of Mr. Masse a little while ago.

So you may proceed with your question, and of course the witness is free to answer or not answer, whatever he likes.

Mr. Monte Solberg: I think it's important to be clear here. If we're talking about a voting record, then I think you can argue that as it characterizes Mr. Masse's voting record, it's not correct. Concerning some of the things that are said on here, I stand by them. I think they're true, not necessarily in relation to Mr. Masse but to the individual towards whom they were really directed.

[Translation]

Ms. Françoise Boivin: We'll discuss it further later on. I'd like to move on to another question.

Mr. Solberg, you pointed to several other mailings as examples of other 10 per cent mailings sent out in various ridings across the country by all parties. I have some issues with your interpretation of the facts. Today, you've stated to the Standing Committee on Procedure and House Affairs that if this incident had occurred in another riding, that is in the one basically targeted, the mailing would have complied with the rule respecting 10 per cent mailings.

[English]

Mr. Monte Solberg: I believe so, because I think it accurately reflects what occurred, and therefore, in telling the truth about a member, I don't see how it can be a violation of anybody's rights.

[Translation]

Ms. Françoise Boivin: My question has much more to do with the right of Members to send this type of mailing to another riding. According to your interpretation of the definition of the ten-per-cent rule and the members' allocation rule, you believe I'm entitled to send a mailing to your riding and that that's acceptable, provided I'm being truthful. That's how you interpret these rules. Correct?

[English]

Mr. Monte Solberg: Right. That's what happens all the time, yes.

The Chair: Are there further questions of this witness? If not, then we'd like to hear from Mrs. Audrey O'Brien.

Oh, I'm sorry. Mr. Johnston.

Mr. Dale Johnston: Yes, I'd like to ask a question of Mr. Masse.

My understanding of privilege is—

The Chair: It's Mr. Solberg.

Mr. Dale Johnston: Oh, okay. Fine.

The Chair: That's it?

All right, if that's it, then I'd like to thank both of our colleagues for attending our committee.

I'd now like to ask Madame Audrey O'Brien to please come to the table.

Madame O'Brien, are there members of the staff you want to bring with you to the table? If so, you're welcome to it.

• (1145)

Ms. Audrey O'Brien (Deputy Clerk, House of Commons): Thank you, Mr. Chairman.

Frankly speaking, I have a fairly straightforward presentation to make. If I find myself in waters where I'm drowning, I'll seek help from my officials.

The Chair: Fine. Please proceed.

Ms. Audrey O'Brien: Again, thank you.

Because the discussion has been quite thoroughly aired by both Mr. Masse and Mr. Solberg, there's little enough for me to say. I'm actually here as the acting Sergeant-at-Arms, under whom the postal services fall as a responsibility.

Simply to review the situation as far as postal services have been involved in it, and again simply as a reminder to the committee, under the Canada Post Corporation Act a member is entitled to four free unaddressed householder mailings per calendar year for delivery to their constituents. A member wishing to make additional unaddressed mailings can do so at a preferred bulk rate established by Canada Post, and those preferred bulk rates are referred to as paid mailings, which is a postal term, or 10% mailings, which is a printing term.

[Translation]

On that subject, I refer you to a June 1999 decision by the Board of Internal Economy pursuant to which the rules governing mailings of this nature were revised.

[English]

In June 1999, the board made a decision that there would be no restrictions on members' individual 10% mailings, and—this, I understand, was a change—that each party, via the whips' offices, would be limited to one regrouping per month. A regrouping is defined as one where several members collectively sign an identical 10% request—understanding, of course, that members' householders and 10% mailings would always receive priority over bulk regroupings. What we were dealing with here, as both Mr. Masse and Mr. Solberg have testified, is one of those regroupings.

I want to apologize again to Mr. Masse and to Mr. Solberg about the error that occurred. The number of such mailings is becoming heavier by the day, and this was simply a question of pulling down the wrong label from the computer listing of Windsor West and Windsor—Tecumseh. It was to have gone to Windsor—Tecumseh and instead it went to Windsor West by error.

The Speaker's decision, when he rendered it, states that quite clearly, where he says: "First, I must clarify a technical point about the disputed mailing. It was not sent out using the franking privilege; instead, it went out as unaddressed mail charged by the post office at a bulk rate." Then he goes into the particular circumstances of this mailing, where his officials—that is to say, I myself and my officials—have informed the Speaker that "because of an error in labelling at the post office, the documents in question were sent to the riding of Windsor West instead of the riding of Windsor—Tecumseh."

We're very sorry for that error, but basically, to the extent that it's pertinent to your perspective on the situation, I wanted to make sure you understood what it is we were responsible for in this particular situation.

The Chair: Thank you very much, Madame O'Brien.

Colleagues, maybe I can just ask something of Madame O'Brien, and hopefully other colleagues would react too. I haven't asked a question today.

I wanted to ask Madame O'Brien—and maybe it's for all of us to reflect on—what business it is of mine, really, to send a mailing into, say, Mr. Johnston's or Mr. Godin's riding. I don't even know where their ridings are, and to be able to do that.... I know what province they're in, but I've never been there, or if I have.... I think I've been to Mr. Godin's riding, but long before he was an MP, and certainly not in any way such that I would feel comfortable communicating with his constituents about what he voted for or what he voted against, let alone what would have happened had he voted differently and we had used the money to do something else. Maybe if the Standing Orders weren't the same as they are now, but were what they could be....

How did we get into this, Madame O'Brien? How long have we had these ten percenters, and what was allegedly their purpose when we got into this?

• (1150)

Ms. Audrey O'Brien: If I may tread carefully into the history of ten percenters, I confess that although I have been here a very long time, I'm not sure I can actually go back to the origins of ten percenters, although I do know that the original ten percenters as defined in the Canada Post Corporation Act—and I would have to look up the date of origin of that and I can certainly make that information available to the committee—was for members to have a means of communicating with their constituents. I think that is how it was originally interpreted.

One of the things I have found, for as long as I have been here, is that these things do tend to evolve over time, as witnessed by the June 1999 decision of the Board of Internal Economy. It seems that in terms of how this service was going to be made available and what constraints might be put upon it, the board decided that it would approve the use of ten percenters in an effort to communicate with Canadians, with citizens. Therefore, I think this regrouping situation has the effect of again picking up on the same theme of communication, but perhaps broadening it from the original dialogue between a member and his or her constituents to Parliament and parliamentarians and Canadians.

The Chair: All right.

Mr. Hill.

Mr. Jay Hill: I'd like to pick up on the theme that you've started us down now, Mr. Chairman, with your question of the witness as to what purpose there is in members communicating with constituents other than their own constituents. I've made this point at this committee. I've certainly made it at the board. At every opportunity I've had in the past while, Mr. Chairman, I've made the point that part of the reason is to try to level the playing field just a little bit between opposition and government.

The government spends literally millions and millions of dollars on advertising every year. I've made this point with you in particular, Mr. Chairman. Everybody knows in this country who the government is. The government is the Liberal Party of Canada. If there was any other time in the history of our nation that we were more aware of it than we are right now, I don't know when that time was, with the ad scam and the Gomery inquiry, which is dealing with exactly that issue—the government mispending \$100 million of taxpayers' money on advertising.

So the regrouping that the witness is referring to in a small way allows the opposition to get an unfiltered message into government members' ridings. Mr. Chair, the reality is that government members can travel to Prince George—Peace River and hand out cheques any time they want. They can send in thousands of pieces of documents about every government department and all the great and wonderful things the Government of Canada is doing for the constituents of Peace George—Peace River. And to offset that, I get a householder once every quarter and ten percenters. That's what I get to try to get my message unfiltered to my own constituents to offset the advantage the Government of Canada, the Liberal Party of Canada, has because they're the government at the moment. And that advantage will soon pass to us.

Mr. Chair, I would submit there is a purpose in a democratic nation to try to level the playing field a little bit and allow opposition members of all parties.... As Mr. Solberg said, the reality is that every party participates in this, even the government. And if there should be a restriction to not allow this, I would suggest that it should be on the Liberal Party. They're sending letters into some of my colleagues' ridings in envelopes under their franked mail saying what great and wonderful things the Liberal Party does and how bad the Conservative Party is—franked letters.

This isn't something that's unique to Mr. Solberg or unique to the Conservative Party of Canada. I can't understand why we are wasting our time dealing with this, when, as I pointed out, time and time again the Government of Canada has millions of tax dollars to blow out the door any time they want on advertising anything they want to do with the operations of government.

• (1155)

The Chair: I don't imagine it's the kind of thing a witness would like to comment on—not the political part—but Madame O'Brien, it is whatever you want to say.

Ms. Audrey O'Brien: I would think Mr. Hill has explained quite eloquently how this decision might have come to have been made.

The Chair: I think there's a vote in the House, but it's a 30-minute bell, at least right now, unless it's deferred. Anyway, we can continue at least in the initial parts of it and we'll deal with it later.

Next is Madame Longfield. Then I'll go across.

Hon. Judi Longfield: I would like to know how large the groups can be—how many ridings, if you're doing a regrouping? Is it limited to the number of members of a party that would sign on to a regrouping?

Ms. Audrey O'Brien: Yes.

Hon. Judi Longfield: Okay.

And it would be 10% in each of the ridings that—

Ms. Audrey O'Brien: It is those ridings. That's right.

Hon. Judi Longfield: That would never be franked. That would always be bulked. Is that correct? Are regroupings franked, or are they bulk mail?

Ms. Audrey O'Brien: They could be both, depending on whether or not—

Hon. Judi Longfield: Okay, so it can be targeted or random, as it were.

Ms. Audrey O'Brien: That's right.

Hon. Judi Longfield: Is there a significant difference in the cost?

Ms. Audrey O'Brien: It is quite significant, yes.

Hon. Judi Longfield: Okay, so if I am sending a ten percenter in my riding, it can be bulk. I can choose any 10%, or I can actually do it during a frank, as long as I don't exceed the 10%. Is that correct?

Ms. Audrey O'Brien: That's correct.

Hon. Judi Longfield: So those are the rules for franking. What happens when, on any given day, if it's a ten percenter and I happen to have an extraordinarily large mailing out of my constituency office, just keeping constituents...? For example, if I were inviting constituents to a rally that I thought would be of importance to people who had a certain view, and if there were 1,000 of those, and at the same time I sent out a ten percenter in a frank, how do we determine—you can't see what's inside the envelope—whether I've exceeded my daily allotment? Does that ever happen?

Ms. Audrey O'Brien: What I might want to do is ask my colleagues from printing to speak to that, or perhaps we could take it under advisement and look into it. As I say, I'm involved in something of a learning curve here, which is resembling a cliff face, in terms of the details of how these things are handled.

The Chair: That's quite all right. Perhaps someone from your staff, Madame O'Brien, can approach the table, identify himself for the record, and then respond. That's perfectly all right.

[Translation]

Ms. Audrey O'Brien: Allow me to introduce Mr. Michel Roy, Executive Director of Printing Services.

The Chair: Sir, can you answer Ms. Longfield's question?

Mr. Michel Roy (Executive General Manager, Printing Services, House of Commons): I would have to say that each request submitted by a Member stands alone. We validate the request based on the content and the number of copies to be printed. When we receive multiple requests from the same Member, a minimum of 50 per cent of the content of the mailing must differ from the content of the previous mailing. That's how we go about validating the information that we receive.

[English]

Hon. Judi Longfield: I guess what I'm saying is that if I had a ten percenter going out today, and if today I also had a mailing from my constituency office that was directed to every constituent who had ever contacted me on EI—if suddenly there was an update, and I wanted to let them know the new changes—and it amounted to 1,500, it would be over and above.... Consequently, without my knowledge, it would be going out on the same day as a ten percenter that had been calculated to be going to just 10%—so at some point, conceivably, am I over my daily allotment for mailing going out?

[Translation]

Mr. Michel Roy: Members have two ways of communicating with their constituents: by sending a householder to every household in the riding, or by sending out a mailing to a maximum of 10 per cent of their constituents. If Members go through the House Printing Services and use the main budget, they cannot exceed the 10 per cent rule. The only way around this is to do a second mailing equivalent

to 10 per cent, but at least half of the content of the second mailing must be different. These are the Printing Services rules in effect.

● (1200)

The Chair: We'll have to go a second round and turn the floor over to another Member.

I remind you that I will be notified five minutes before the bell stops ringing, in order that we may go and vote. In the meantime, I would like everyone to have an opportunity to speak. Perhaps we could pick up the pace slightly.

Mr. Godin.

Mr. Yvon Godin: I have two comments to make, Mr. Chairman. Firstly of all — and this may well be a point of order — there's this whole discussion about \$20 million. We understand that we can reduce, but not increase, the amount of a vote in the budget.

Our colleague Mr. Solberg has said that the content of the mailing is appropriate. I'm not sure whether raising a point of order is the best way to proceed, but I do think the committee needs to hear from another witness on the question of the rules governing budget estimates. Personally, I think it's possible to reduce a vote, but that it's impossible to move a motion to reallocate that money to other votes. Therefore, we're dealing with two issues: the content, and the 10 per cent rule.

I'd now like to put my question.

The Chair: Ms. O'Brien, you're the expert on parliamentary procedure. Can someone else besides the government, that is either the House or a committee, increase the actual amount of a vote in the budget?

Ms. Audrey O'Brien: Off the top, I'd have to say that it is not possible to transfer sums from one vote to another in the budget. Mind you, we're seeing all kinds of unusual things given the minority government situation. I suppose one could argue that it's always possible, but I'm not prepared to speculate.

The Chair: From a procedural standpoint, can it be done, yes or no?

Ms. Audrey O'Brien: To my knowledge, the standing orders make no provision for such a transfer.

Mr. Yvon Godin: Mr. Chairman, Ms. O'Brien is saying that this cannot be done.

We're not talking about the year 2020, we're talking about the present. I'm asking if, in accordance with the Standing Orders of the House of Commons, a committee can decide to reduce a vote in the budget by \$20 million? Can someone move a motion to that effect and could that money subsequently be transferred to the RCMP?

Ms. Audrey O'Brien: The committee can make a recommendation to that effect, but it's not...

Mr. Yvon Godin: I'm asking if the committee can adopt a motion like that. You say that it can make a recommendation, but I want to know if legally, it can do this. Is the government the only party authorized to increase the budget, or can we do that as well? The committee has a responsibility to review the estimates, and it has the authority to cut funding as well.

Ms. Audrey O'Brien: As a rule, when a committee reviews the budget estimates, it has the authority to reduce a vote by a specific amount. There's nothing to stop the committee from recommending to the government that it consider reallocating the funds that were cut. However, the committee has no authority to reallocate this money.

Mr. Yvon Godin: Therefore, if the committee cannot make that decision, the comment to the effect that in the context of a minority government, our colleague had the authority to take money from one budget and move it to another was factually wrong.

The Chair: Senior House of Commons officials mustn't be put in the position of having to comment on speculations of a political nature. I wouldn't want us to put Ms. O'Brien in that position. Please show some consideration for the Deputy Clerk.

Mr. Yvon Godin: Yes, I can appreciate that. That's why I gave some thought to raising a point of order, Mr. Chairman, calling on the committee to hear from other witnesses who might be able to clarify this important question.

Moreover, I agree with Mr. Hill on the fact that in the case of the 10 per cent mailings and the householder, that's what we've done. The government mustn't be alone in controlling the nation's agenda. This is a democracy and Canadians have to know that there's more than just political parties to consider. There are people as well. My colleagues understand that I view matters in this light.

If a Member wishes to send out a second mailing, half of the contents of that second mailing must differ from the contents of the first one. With respect to the mailing sent to Mr. Masse's riding and to the error made by the Post Office, I was just wondering, and we could decide on this later, whether there was some way to remedy the problem. Could the political party possibly send out a tenpercenter to inform people that previous information concerning Mr. Masse was misleading and apologize for the error?

• (1205)

Ms. Audrey O'Brien: In principle, that would be consistent with our rules.

Mr. Yvon Godin: Thank you very much, Madam.

Ms. Audrey O'Brien: You're welcome.

The Chair: I believe you're next, Ms. Boivin. No, that's not right. [English]

Mr. Johnston, I think you're next.

Mr. Dale Johnston: Thank you, Mr. Chair.

I think we're getting a little bit of the subject here with all this talk about procedure. We all know that some of the things that are moved in committees are done for the political impact more than whether or not they are procedurally perfect. That's all I want to say about this, other than that I think we're dealing with privilege here.

Audrey, I'd like to ask you if you would, just to get the committee focused again, give me a brief *Reader's Digest* version of what privilege is. And then I have another couple of questions.

Ms. Audrey O'Brien: I'm earning my keep this morning.

Forgive me, Mr. Johnston, I didn't mean to be facetious.

Basically the concept of privilege is all of the rights and privileges that surround the work of a member of Parliament that enable him or her to carry out their responsibilities as the elected representative of their constituency. That's the *Cole's Notes* version.

Mr. Dale Johnston: Right, thank you very much. That's consistent with what I interpret privilege to be.

As I see it, the duty of the committee is to decide whether or not Mr. Masse's ability to carry out his duties as a member of Parliament were somehow reduced or compromised as a result of this mailing. In my opinion, I don't think they were any more reduced or diminished...his privilege wasn't affected any more than it would be by a critical editorial. I don't think an editorial in the paper critical of his performance would have any more impact on his privilege than this. It was certainly unfortunate that it is erroneous in that it was sent to the wrong riding and it's referring to the wrong member, but this is something that's completely out of the hands of the member who sent the ten percenter.

Ms. Audrey O'Brien: That was entirely our mistake, yes.

Mr. Dale Johnston: In my opinion, I really don't see that his privileges were compromised.

The Chair: Any reaction? Madame O'Brien?

Ms. Audrey O'Brien: No. Mr. Johnston, as I understand it, the issue for the committee to decide is really whether or not Mr. Masse's privileges have been breached.

The Chair: All right. We have about 10 minutes before the bell, so there's still enough time for another question, if there are some. After this, I would propose that we return to the room immediately afterwards, and if we've finished asking questions at that point to Ms. O'Brien, that we start having a bit of a conversation among ourselves as to what we would like to have in our report. It's certainly not 100% clear to me what we would like to ask our very able researcher to write.

In any case, let's now have Mr. Reid. But after the votes, rush back, please, so that we can complete our work.

Mr. Reid, and then we'll suspend.

Mr. Scott Reid: Thank you.

I have a question for Ms. O'Brien, and probably I actually have to turn to the actual expert on this. But obviously this was an error, and whenever we make errors at my own office, we try to figure out whether or not they're the sort of thing we could prevent from occurring again. Is this the sort of thing where you think, now that you've encountered this, measures could be taken to ensure it's less likely to happen?

• (1210)

Ms. Audrey O'Brien: Certainly, I think we've become hypersensitive, if you will, to this particular error, and all possible measures are being taken to ensure that it doesn't happen again. But I would be foolish to—

Mr. Scott Reid: I'm not asking you to say it will never happen again. I'm just asking if there are concrete things that—

Ms. Audrey O'Brien: It's a function of the enormous volume. The volume has increased dramatically, and it's human error. I would like to think it won't happen again.

Mr. Scott Reid: I asked this in the context of something that came before this committee earlier when Mr. Kingsley, the Chief Electoral Officer, was our witness. I pointed out to him that the way a particular form was structured, where the mailing label was affixed to one side and the voting station to which they'd have to go was on the other side, it was hard to correct without flipping it over. It meant you'd be likely to get a higher rate of error and you'd let more through. I suggested they change the form.

I'm wondering if anything of that sort, fiddling with the systems you're using, could make a difference, or is it just one of those things that can't be tightened up?

Ms. Audrey O'Brien: We're certainly looking at every step in our business process to make sure we've tightened it up as much as possible and that there are little checks along the way so this kind of thing can be picked up earlier.

Mr. Scott Reid: Thank you very much.

Ms. Audrey O'Brien: You're welcome.

The Chair: Is there a need to have Ms. O'Brien here after we return from the vote, or can we just gather amongst ourselves to discuss what we'll need to do, hopefully, to have a report?

Monsieur Godin.

[*Translation*]

Mr. Yvon Godin: Earlier, I suggested, when I raised a point of order, that the committee call in someone to provide more detailed explanations. Mr. Solberg denied that there was a problem and said he agreed with the content. Therefore, we have two issues to settle with respect to the House of Commons: the matter of the mailing inadvertently sent to a Member's riding, and the matter of the content of that mailing. Mr. Solberg did not admit that he had made a mistake. In fact, he stated the following:

[*English*]

"In November, your Member of Parliament had the opportunity to transfer \$20 million from the gun registry to the RCMP."

Those are strong words. Now, I want to know if he had that power, even if it was to be Mr. Joe Comartin. Did he have that power? What we got from Madame O'Brien was that

[*Translation*]

as a rule, and so on and so forth... What it boils down to is that we don't know. I'd like an answer to that question.

The Chair: Mr. Godin, I have no objections to calling in another witness. However, if I understood Ms. O'Brien's explanation

correctly, from a procedural standpoint, the answer would be no. It remains to be seen if politically, the answer would be any different.

Mr. Yvon Godin: That's a different problem.

The Chair: That's a matter for committee members to debate amongst themselves. However, from a procedural standpoint, I know of no one as knowledgeable on the subject as Ms. O'Brien. If there is such a person, he isn't here. Perhaps Ms. O'Brien would care to add something. If not, after the break, we can discuss amongst ourselves what we would eventually like to see in a report.

● (1215)

Mr. Yvon Godin: Mr. Chairman, if you're telling me that procedurally, this isn't right, but that politically, there are other ways to proceed, then I would agree with you. The fact remains that we're here to settle two matters: the content of ten percenters and how these mailings are sent out to constituents.

In any event, I'll continue to be known as Yvon Godin in my riding of Acadie—Bathurst and that's fine with me. A mailing, a ten percenter, was sent out to some constituents and its content does not reflect what went on in Parliament. If \$20 million can in fact be reallocated, then let's take a look at that issue. If that cannot be done, then can another ten percenter be mailed out to set the record straight? We want to get to the bottom of this and determine if the mailing is factually wrong. We're not here to authorize the mailing of ten percenters that contain inaccurate information.

The Chair: On that note, Mr. Godin, I have to suspend these proceedings. We can come back to the point that you've just raised. I'd like the committee to decide whether or not it wants to ask Ms. O'Brien to return in 10 minutes. I believe the answer is no. Do members require any further explanations from Ms. O'Brien?

Mr. Yvon Godin: Right now, Ms. O'Brien is telling us that this is not possible.

The Chair: Can you give us an answer, from a procedural, not political, standpoint? Would you care to add anything?

Ms. Audrey O'Brien: From a strictly procedural standpoint, the answer is no.

The Chair: Thank you. Then we won't ask you to return. However, we will continue to debate this issue.

[*English*]

The committee is suspended for the duration of the vote.

[*Proceedings continue in camera*]

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