



House of Commons  
CANADA

# Standing Committee on Environment and Sustainable Development

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ENVI • NUMBER 027 • 2nd SESSION • 39th PARLIAMENT

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EVIDENCE

**Thursday, April 17, 2008**

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**Chair**

**Mr. Bob Mills**

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## Standing Committee on Environment and Sustainable Development

Thursday, April 17, 2008

• (1105)

[English]

**The Chair (Mr. Bob Mills (Red Deer, CPC)):** I call the meeting to order.

I'd like to tell you a bit about my last day and a half, and my visit to Washington as part of the G8+5 dialogue group. This is something that everyone will hopefully be interested in, because it deals with the environment.

We had four countries represented. We had a member from South Africa, a member from Brazil, a member from the U.K., and Canadians. We were looking for a way to sustain the G8+5 dialogue group once we report in Tokyo on June 28. That report on June 28 will be on solutions to climate change for the G8+5—the 13 countries—which we've been working on for three years. The importance of it is that if those countries accept it—and we believe they will, as they're 95% toward accepting those solutions—they represent over 70% of the greenhouse gas emissions in the world. So to have the G8 countries plus China, India, Brazil, Mexico, and South Africa on side agreeing to the solutions to climate change will be well worth reporting.

Our visits were basically to get a feeling for where the U.S. is at this time. We were joined by the Pope and Gordon Brown on the same day in Washington, which made it a little more interesting. They weren't part of our committee—I don't want to mislead you—but they were there and it made for a pretty exciting day in Washington.

Our job was to talk about the Lieberman-McCain bill that is coming forward, and so on, and the Boxer bill, which is going to be debated in the U.S. Senate on June 2. They will talk about setting hard targets and the cap-and-trade process for the U.S. So there will be a very important two- or three-week debate in the U.S. Senate on climate change. It will be the first time they debate that in the U.S., and they will probably make some pretty strong moves on climate change for the first time. So we see it as a very major move forward for the U.S.

We met with the Lieberman group, we met with the McCain group, and we had a long meeting with Floyd DesChamps, the leading adviser to Senator McCain. We were certainly on the very same wavelength. If he were to become president, I think it would be a huge move forward in terms of the climate change file.

We met with Congresswoman McCollum and got some interesting insight into her interest in poverty, poverty related to climate change,

and the migration of people, and so on, that will result from changes due to climate change.

We met with Congressman Gilchrest, and I think he, above all, understands the issue. He was extremely well informed, and it was quite impressive to hear his take on the middle group—the middle congressmen—of both Democrats and Republicans who want to work on the climate change file and are pretty dedicated to getting something done in the U.S.

We then met with Edward Markey, who is the lead person on climate change in the U.S. He is the one appointed. He is in the inner circle in the Congress, and he's very interested in working with us further. He joined us in Brazilia for the last forum, and he will join us in Japan at the end of June.

The next day we met Monique Barbut of the UN Global Environment Facility. Canada gives \$158 million to that group, and we wanted to see where she was coming from. She particularly encouraged us to get involved with the oceans, the Arctic, and the effects—mitigation and adaptation, but mainly adaptation—in those areas.

• (1110)

Our main purpose for being there was to talk to the World Bank. An interesting sidelight was that we met with the staff of the World Bank, and if any of you've never visited the World Bank, I can tell you it is a massive organization. We were rather overwhelmed by how big it was.

We did talk to the staff, and we had a half-hour presentation when we had our opportunity to say what we thought as a G8+5 group. Remember, it's a non-partisan, non-political group; it's got all parties involved. So we had questions and answers, and it was very interesting to meet with that staff.

We then met with Senator John Kerry. John Kerry has been part of our group from day one and is very important in carrying the Senate side. Olympia Snowe was another senator we met. She's very dedicated to the file as well and an excellent person to meet with. We then met with Graeme Wheeler, the managing director of the World Bank, and with Kathy Sierra, who is an important person within the bank as well.

Basically, I think they encouraged us. They will provide sustainable funding for the G8+5 dialogue group and, I believe, will help us to really push the issue of climate change at that level.

So all in all, it was a very successful trip. I thank the committee for agreeing to change the meeting date to today so I could attend those very important meetings. I think I can say on behalf of our group that we were very pleased with how they went. We won't take credit for President Bush's statement in the Rose Garden, but you notice that he also mentioned climate change and mentioned that they're going to get to zero growth at some point in the future. There was no detail there, but at least there was a statement about climate change, and that's moving a long way.

As you can imagine, the Americans are totally involved in electioneering, and the presidential race was mentioned everywhere we went and is a major part of what's happening down there. I think all of us should probably be glad we're not congressmen who have to get elected every two years; for a senator it's every six years. They seem to be in perpetual campaign mode when you visit these people in their offices on a one-on-one basis.

I don't know if you have any questions. I felt it was a very successful meeting, and I think that Bryon Wilfert and I would both agree that we were able to add a lot on the Canadian perspective. I think it's rather unique that they always find it interesting that two parties are here working together on the issue of climate change.

That's my quick report to you, and if there are any questions, I'd be glad to answer them or give you any detail later on. But it was a positive meeting. Let me tell you that over the last number of years, all the meetings haven't been as positive as the one we had in the U. S. yesterday. Anyway, that's that.

We have a couple of motions I might go to right now. I think we could possibly deal with Mr. Bigras' first. I think you do have a letter, and I will ask Mr. Bigras to very briefly tell us about this. I believe we can deal with this rather quickly.

Mr. Bigras.

• (1115)

[*Translation*]

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Chairman, I tabled a motion with regard to the RADARSAT-2 satellite. As you know, the transaction is still being looked at and will have grave repercussions for Canada.

Through this motion, we are asking that the minister of Industry firmly maintain his decision in this matter. Canada has invested more than 445 million dollars of public funds in order to develop this technology, in part through MDA and the Canadian Space Agency.

In a letter of April 8, that was made public through Alliant Techsystems Inc., the minister indicated rather clearly that he had serious reservations with regard to this transaction and that he was not convinced that it would serve the interests of Canada.

Some 445 million dollars of public funds have been invested. This technology was among other things put in place in order to protect Canadian sovereignty in the Arctic. This satellite is being called upon to play a fundamental role in the fight against climate change; it is important technology that will enable us to understand the state of climatic changes within the framework of a climate change adaptation policy, particularly in the Arctic. For all of these reasons,

we are recommending, through this motion, that the minister maintain his position.

[*English*]

**The Chair:** I talked to Mr. Bigras earlier. It would seem to me that what he's asking is for me to send a letter on behalf of the committee embracing his motion. That's a fairly normal procedure, and I would suggest that I could write that letter, with your approval, and send it on to the minister.

Are there any comments?

[*Translation*]

**Mr. Bernard Bigras:** I wish to ensure that such a letter will not exclude our voting on the motion that has been tabled. I would like us to vote on this motion and that you report on it to the minister of Industry, Mr. Prentice.

[*English*]

**The Chair:** Yes, that's what I was getting to.

Are there any comments? Are you in favour of my doing as described by Mr. Bigras?

**Some hon. members:** Agreed.

**The Chair:** Go ahead, Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras:** Given that the motion stipulates that you must report on its adoption to the House, when do you intend to do so?

[*English*]

**The Chair:** The clerk points out to me, Mr. Bigras, that there is some lack of clarity here. The motion recommends that I take this to the minister, not to the House.

[*Translation*]

**Mr. Bernard Bigras:** The text stipulates: “[...] that, pursuant to Standing Order 108(2), the following be reported to the House, at the first opportunity,” that this motion has been carried.

This is what we have just voted on. The text of the motion does indeed indicate that the Committee will so advise the minister.

• (1120)

[*English*]

**The Chair:** You're right, Mr. Bigras.

Do you want to vote again? Did anybody not understand? Good.

The first opportunity I have will probably be the first week back. Mr. Bigras, we may have to prepare the—

[*Translation*]

**Mr. Bernard Bigras:** I do not wish to get involved in your personal schedule, Mr. Chairman. That is not the point of my question. I simply wish to know if you intend to present this motion in the House tomorrow, if you are in Ottawa.

[*English*]

**The Chair:** Mr. Bigras, I will attempt to do it at three o'clock today.

[Translation]

**Mr. Bernard Bigras:** Perfect.

I am told that routine business is to be taken care of this morning.

[English]

**The Chair:** You're right.

We're having a bad day, I guess, Mr. Bigras. I apologize for that.

[Translation]

**Mr. Bernard Bigras:** Mr. Chairman, on a point of order.

[English]

**The Chair:** Tomorrow at 12 o'clock.

[Translation]

**Mr. Bernard Bigras:** Tomorrow? Perfect.

[English]

**The Chair:** I'm sorry about that, Mr. Bigras. We're changing our days. We function better on a Wednesday than on a Thursday.

On the next motion that I would like to deal with, I believe there has been consultation, but I will ask Mr. Comartin to explain this motion.

There are a couple of corrections we need to make that the clerk has brought up. Mr. Comartin, before I go to you, could I make the corrections that the clerk has pointed out need to be made in this motion?

It reads:

That the title, the preamble, and clauses 1, 2, 10 as amended,

—we did vote on that—

11, 12, 13 and 14 of Bill C-377, An Act to ensure Canada assumes its responsibilities in preventing dangerous climate change, be deemed adopted; that the Bill, as amended, be deemed adopted and that the Chair report the Bill as amended to the House; and that, pursuant to Standing Order 108(2), the Committee prepare a second report describing the circumstances relating to the clause-by-clause consideration of the Bill.

There are just a couple of corrections there, and everybody has those—just so we're all on the same page.

So I'll ask Mr. Comartin to introduce and move this motion, please.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** I will introduce and move it, Mr. Chair.

I think it's self-explanatory, that we're going to terminate the debate on this bill in order to be able to get it back to the House in time. The deadline for this private member's bill to be returned to the House is May 7, so we do not have much time, especially given that there's a break period coming. So we would move it.

I think the only other note I would make to the committee is that there will be additional amendments at report stage in the House, beyond what this bill would encompass as it leaves this committee.

Thank you, Mr. Chair.

• (1125)

**The Chair:** Good. So you've heard the motion.

I have Mr. Vellacott on the list. Does anyone else want to get on the list? I'm looking for speakers.

Mr. Vellacott, you have the floor.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Mine is in the form of a question, because I wasn't sure what you were saying when you added something to say we voted on clause 10.

**The Chair:** We voted on the amendment to clause 10, so that's what we'd be reporting to the House. We did vote on that amendment, and that did pass in the committee.

Mr. Godfrey.

**Hon. John Godfrey (Don Valley West, Lib.):** I just want to make sure I understand. Where we are silent, for example, on clauses 3 through 9, we are assuming that what we're reporting are those clauses as amended?

**The Chair:** As amended, yes.

**Hon. John Godfrey:** Okay. And we don't have to say that. That's just the way—

**The Chair:** The bill as amended, that's what we're saying.

**Hon. John Godfrey:** All right.

The second issue is the way in which the second report describing the circumstances is prepared. That is a separate operation, is it, then, from what we're going through today?

**The Chair:** As I understand it—and the clerks can correct me—because we didn't complete the entire bill as we were charged to do, we need to give a reason why that was the case. So you know what the reason is going to state: the length of time and the fact that we felt we were at a stalemate—I think that's certainly what Mr. Cullen has in mind—and therefore we report it back where we are. That's what that report would explain.

**Hon. John Godfrey:** Who is the author of that report? How does that process work?

**The Chair:** The clerks would work on this. I would certainly read it before I reported it back.

**Hon. John Godfrey:** It would come to the committee, though?

**The Chair:** It can come to the committee.

**Hon. John Godfrey:** Right. So the first part of this operation, where we send it back in its current state, in the frozen state...?

**The Chair:** We need the report with it.

**Hon. John Godfrey:** So you would hold off delivering the report until.... So both parts have to go in together to the Speaker, because it doesn't make any sense otherwise.

**The Chair:** Yes, it doesn't make any sense if we separate them.

**Hon. John Godfrey:** So we hope—and I assume you'd be working this out with Mr. Cullen—that you would reflect what our successes had been up to a certain point, that we got through to clause 9, but also where our failures had been. But we will have a chance to look at all that.

**The Chair:** Just to clarify my words, when I said we weren't completing the bill, by passing this motion we would, in effect, be completing the bill. Thus, it would go back to the House completed as far as we could complete it, with a covering report saying this is why we didn't deal with the clauses as described. That's what that motion does.

**Hon. John Godfrey:** And we'll have a chance to look at that.

**The Chair:** Yes, we've got a week to put that together.

Mr. Warawa.

**Mr. Mark Warawa (Langley, CPC):** Thank you, Chair.

I want to expand a little bit on what Mr. Godfrey was asking you regarding the report. I had a similar question, followed by a comment.

The report, as mentioned in this motion, is part of the routine proceedings, I believe. We have an opportunity to review it, but my understanding is that it would be approved by this committee. Is that not correct?

**The Chair:** Yes, most definitely be approved by the committee.

• (1130)

**Mr. Mark Warawa:** Good. Thank you.

I think it's important that we have an opportunity to review and approve it, to explain to the Speaker how we ended up where we are. I've gone on at length trying to express my concerns about Bill C-377, that I believe it's a poorly written bill; that we heard from witness groups, including Mr. Layton himself, saying the bill needed to be costed; and we heard from witness groups that it would not withstand a constitutional challenge. The bill has serious problems, and the number of amendments that were tabled by the opposition basically rewrote the bill, or attempted to rewrite the bill.

Mr. Cullen is not with us today. Mr. Comartin is here. I want to welcome him. I appreciate the intent, and I'm trying to send the bill back to the House. It's unfortunate that Bill C-377 ever came to this committee the way it was written, and sending it back to the House now, I think, is the appropriate measure.

Thank you.

**The Chair:** Mr. Bigras.

[Translation]

**Mr. Bernard Bigras:** Thank you very much, Mr. Chairman.

My understanding, upon reading the motion as presented, is that the proposal is to adopt the bill as amended. At the beginning of the motion, mention is made of the title, of the preamble and of clauses 1, 2, 10, 11, 12, 13 and 14. What concerns me is that the Bloc made amendments to clauses 5, 7 and 9 that were adopted. I wish to ensure that Bill C-377 as amended is not solely limited to the title, the preamble and the clauses indicated, but that it also includes clauses 5, 7 and 9.

[English]

**The Chair:** Basically, what we'll be reporting back are those clauses that we dealt with and that we amended, in the amended state. So clauses 3 to 9 will be reported as we dealt with them, as we voted on them, as we amended them. Clause 10 we never, of course,

completed, but we did amend it and we voted on that. So it will be as amended, and then the other clauses that we did not deal with will be reported back as they appeared in the bill, and as Mr. Comartin stated, there would probably be amendments there.

[Translation]

**Mr. Bernard Bigras:** Very well. The changes will be included in the report to follow. I simply wished to have that assurance.

[English]

**The Chair:** Yes.

Are there any other comments?

Now, I was thinking this is the sort of thing that might happen. The covering letter would go something like this, and obviously this will be worked on and discussed at our first meeting, which we can report back on Monday, whatever that date is:

Pursuant to Standing Order 108(1), your Committee wishes to present the following reasons for not having completed the study of Bill C-377.

The Bill was referred to the Committee on October 16, 2007. The Committee commenced consideration of the Bill on December 11, 2007 and heard evidence from 25 witnesses representing 23 groups. The Committee commenced clause by clause consideration of the Bill on March 3, 2008 and sought a thirty day extension from the House of Commons pursuant to Standing Order 97.1 on March 5, 2008.

The House of Commons approved the extension on March 12, 2008. The Committee adopted clauses 3 to 9, including eight amendments, postponed clause 1 (the Short Title) and the Preamble pursuant to Standing Order 75(1) and stood clause 2. The Committee was thereafter unable to progress due to a prolonged debate of over twenty hours on clause 10, which led the Committee to an impasse.

During debate, the Chair was overruled on two procedurally sound rulings. The Committee, as a result, presented a Report to the House on Monday, April 14, 2008 identifying inherent difficulties in the practice, procedure and rules of the House of Commons which may impinge on the ability of the Committee to carry out its mandate.

So that's basically the historical background of what happened and when and what dates. Then of course, the final part of it will be what we do today. That would have to be included.

This is just to give you a feeling for what we think, so we don't spend a lot of time having to debate further on this. We'd appreciate any input that you have, and then we will ultimately vote on this motion.

Mr. Godfrey.

• (1135)

**Hon. John Godfrey:** This is really a point of clarification about the amendments we didn't get to. In other words, I had one, LIB-7, which I actually, ironically, was going to withdraw because we'd already covered it. Now, with respect to the amendments that are in our amendment package, delivered before February 22, those have no status anymore. It's not even about withdrawing them. They're gone, and if there were other amendments, they'd have to be reintroduced at report stage.

**The Chair:** As some of you have experienced, I think, in the past, when we've had report stage in the House, it's up to the Speaker to determine whether it could have been, should have been, or was debated in committee. If it was not debated in committee, then usually my experience has been that they look favourably on those amendments.

Certainly Mr. Comartin and I have been through this in another war. The Speaker looks at them and determines whether they have been debated in committee. So it's a toss-up whether those exact amendments.... If the Speaker feels they've been dealt with, obviously, probably they won't get into report stage.

So I don't think we should mislead anybody that they will for sure, but if they haven't been dealt with, I would say there's a pretty good chance.

**Hon. John Godfrey:** All right.

**The Chair:** The clerk simply confirms what I basically said, that it's really up to the Speaker. There's no guarantee that this is what's going to happen, but you can take your odds.

Are there any other comments?

You have the motion in front of you. Do I need to read it? I think everybody understands it and everybody's clear.

(Motion agreed to on division)

**The Chair:** What we'll do is put together this report.

Have we finished Bill C-377?

Yes, Mr. Warawa.

**Mr. Mark Warawa:** I have a further question on the report.

You'll be bringing that back and, as you said, we will have an opportunity to review it and approve it. Is that right?

**The Chair:** Correct.

**Mr. Mark Warawa:** Because of the great concern I had regarding Bill C-377, which I've shared at length, we'll be submitting a supplementary minority report as per routine proceedings. I think it's also important that we have that so we can adequately share, through you to the House, the concerns we have with Bill C-377.

**The Chair:** Yes. As members will know, of course, to submit a minority report is a right that all members have. Usually the conditions are discussed and agreed to by the committee. Obviously some limitations can be put on such minority reports that the committee needs to decide upon.

Mr. Comartin.

**Mr. Joe Comartin:** I would only caution the committee. Your points are well taken, as are Mr. Warawa's, but we are on a really strict time limit. This report, the chair's report, and the minority report will basically have to be done by the Thursday when we come back—I guess it's Wednesday that we meet—because in terms of reprinting the bill, which is going to have to be done, there's some work that has to be done by staff. So I simply caution the committee to use the break period to get their material ready.

**The Chair:** We will come back to that, but we do need a motion to reprint this in both official languages and so on.

I'll deal with that, then we've got that done.

**Mr. Joe Comartin:** So moved.

• (1140)

**The Chair:** Mr. Comartin moves.

Is this about the same point?

[*Translation*]

**Mr. Luc Harvey (Louis-Hébert, CPC):** I would like to know the date for the tabling of the minority report.

[*English*]

**The Chair:** May 7.

Yes, Mr. McGuinty.

**Mr. David McGuinty (Ottawa South, Lib.):** Mr. Chair, the official opposition reserves the right as well to tender such a minority report. We're disappointed in the government's announcement. It doesn't see the possibility that your narrative will capture clearly the differences here, what has actually transpired. We may very well have to put something on paper as well for Canadians to understand exactly what has transpired here.

**The Chair:** The clerk points out to me that it's an opinion, not a report. So if you can put your opinion, this minority opinion, that's what we're talking about.

First of all, we'll vote on the reprinting motion.

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

**The Chair:** As for the minority opinions, in practice that I've seen, there's usually a limit placed on length. Other than that, any member can submit a minority opinion on this. Those are the rules.

I don't know what your thinking is on that, but we do need to make that decision.

Mr. Godfrey, then Mr. Bigras.

**Hon. John Godfrey:** If we can't say what our opinion is in two pages, we shouldn't have one.

**The Chair:** Okay, I hear two pages.

Mr. Bigras.

[*Translation*]

**Mr. Bernard Bigras:** I am not saying that I disagree with my colleague, Mr. Godfrey, but I believe that we are now out of the woods. We encountered a great many difficulties but we have managed to get through this stage. In my opinion, this report should be engaging and as strong as possible. The fewer dissenting reports there are, the better it will be. That is just an opinion I am putting out.

We must not forget that we did not follow the normal procedure. This decision and this report must be solidly supported by the Committee. Of course, any political party is free to put forward a dissenting report. I do not wish to officially state that the Bloc will not be presenting a dissenting report, but on the face of it, it is not certain that we will be doing so.

[*English*]

**The Chair:** Mr. Harvey.

[Translation]

**Mr. Luc Harvey:** Mr. Chairman, we several times indicated that we had various concerns with regard to Bill C-377. We underscored the fact that it was missing a few important elements. Today, not only is it missing certain elements, but it is even missing portions of the bill tabled by Mr. Layton a few months ago, a few weeks ago. It is therefore really not possible to limit ourselves to two pages. Personally, I hope to be able to present a dissenting report and I do not believe I will be able to summarize in fewer than 20 pages my views on the weakness of the bill as tabled.

[English]

**The Chair:** I guess I think of two words that were mentioned by Mr. Bigras when he said we were coming out of the woods. It has been awfully shady in there, so it's kind of nice to think we might have a brighter sun. Because I got my meter on my solar panels yesterday, I'm even happier.

I hope we won't carry on what we've gone through in these reports. If they're 20 or 30 pages and the bill is however many pages, and our report is one page, I'm not sure where that's going. As a caution from the chair, if I might be so bold, I would suggest we get into the sunshine and try to pass this back to the House for report stage and let the House take care of it. That would be my advice.

I think procedurally what we need to do is accept those minority opinions. They will be attached to what we send back to the House in terms of the chair's report. But as you know, the chair's report will not comment on some of the things you might. It will comment on the history, as I read to you. That would be our report. This is why we're sending it back, the history of where we're at.

Are there other comments? Mr. Warawa.

•(1145)

**Mr. Mark Warawa:** Mr. Chair, on the suggestion from Mr. Godfrey that it be limited to two pages, we've become quite used to the opposition members trying to keep us from sharing our concerns about Bill C-377, but in the spirit of moving out of the woods, as Mr. Bigras suggested, we can live with two pages.

As my colleague Mr. Harvey shared, we do have great concerns. Mr. Watson shared at length the impacts of Bill C-377 on the auto industry, the huge increases in energy costs that would result if Bill C-377 were to go forward. It may be difficult to put it within two pages, but we will try.

**The Chair:** We have two pages suggested as the length of the opinions. Are there any other comments about that?

I hear then that our opinions will be limited to two pages. I'm going to ask everyone to have their opinions to the clerk by Monday, April 28. That gives us time to get it all put together, get it translated, get it sent off and prepared. Then I presume I would be able to table that on Wednesday, Thursday, or whatever day of that week. It should be submitted in both official languages. It's each party's or person's opinion.

Perhaps you would get them to the clerk by the end of the day on Monday. Is that agreed?

**Some hon. members:** Agreed.

**The Chair:** Okay, everybody understands that.

Okay, that is Bill C-377, and Mr. Cullen wasn't here to enjoy this moment with us.

You've BlackBerryed him? Good.

Mr. Godfrey, at that first meeting on April 28 we would be looking at the report. We would be finalizing that so the clerks can get that all put together for me to table later that week. We could then move on to Bill C-474 and try to arrange witnesses for, say, the last hour of that day, and then again on the Wednesday.

**Hon. John Godfrey:** Thank you.

I think the witness list we had before works quite well, because the witnesses we would have started with are all local. Actually, I see one of them in the room—Pierre Sadik. So I hope that with advance warning they might be ready for that day. Because there are three of them, we can probably use less time than two hours.

**The Chair:** Sure. I don't really think it will take us an hour, but I think we should plan on that.

**Hon. John Godfrey:** Then we would just try to recreate the witness list.

**The Chair:** Right.

Well, if there's no further business, I think we're done.

The meeting is adjourned.









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