



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Access to Information, Privacy and Ethics

ETHI • NUMBER 030 • 1st SESSION • 41st PARLIAMENT

EVIDENCE

Thursday, March 15, 2012

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Chair

Ms. Jean Crowder

Standing Committee on Access to Information, Privacy and Ethics

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•(1100)

[English]

The Chair (Ms. Jean Crowder (Nanaimo—Cowichan, NDP)): We're in public.

Mr. Angus.

Mr. Charlie Angus (Timmins—James Bay, NDP): Yes, I would like to bring forward a motion to rescind the motion regarding Mr. Carroll.

Shall we vote on that?

As you pointed out, this was beyond the purview of our committee. You rejected this; this has been a personal witch hunt of Mr. Del Mastro's, and it has turned our committee into a circus and a farce. So we'd like to rescind that motion right now.

The Chair: I need you to clarify that motion for the clerk.

Mr. Charlie Angus: Well, we would like to rescind the motion.

The Chair: I need some clarification. We can't rescind the motion as the summons has already been served, so I need you to be more specific about what the motion is.

Mr. Charlie Angus: What we would like to do is rescind the motion that has been served, because it has turned our committee into a farce. It makes us look as though we are doing the personal work of Mr. Del Mastro, who uses the committee as a bully pulpit. This committee has important work to do with ethics, accountability, and privacy issues. We are trying to ensure that the government is held accountable. But we have been turned into a stage for Mr. Del Mastro to carry out his very thuggish and inappropriate activities. You had ruled before, Madam Chair, that this was beyond the purview of the committee, so I would like to put it to a vote that we cancel this summons.

The Chair: I'm sorry, Mr. Angus. I need more clarification. We can't rescind a motion to serve a summons when the summons has already been served.

Mr. Charlie Angus: We are bringing forward a motion to say that this is unnecessary and it's an overreach. We'd like to vote on it.

The Chair: I need to suspend for one moment. We need to get some information, so I'll suspend.

• _____ (Pause) _____

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•(1105)

The Chair: Thank you.

Mr. Angus, if your motion was to rescind the summons, then the motion would be in order, because the summons has already been served. So I just need clarification.

Mr. Charlie Angus: You're saying it would be in order?

The Chair: It would be in order.

Mr. Charlie Angus: Yes, that's what I thought.

The Chair: So there's debate. You have the floor, Mr. Angus.

Mr. Andrews.

Mr. Scott Andrews (Avalon, Lib.): I have a point of order.

I just checked the speakers list. I believe when Mr. Angus made his motion I had my hand up first to speak to this, and I believe Mr. Morin did as well.

The Chair: I'm sorry, Mr. Andrews. I didn't see you.

An hon. member: [Inaudible—Editor]

Mr. Scott Andrews: You weren't even in the room.

An hon. member: Yeah, nice try.

The Chair: Gentlemen, gentlemen.

I'm sorry, Mr. Andrews, neither I nor the clerk saw your hand.

Mr. Dusseault and Mr. Angus both had their hands up at the same time.

Mr. Charlie Angus: Yes.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP): I can—

The Chair: No, you can't give your spot away. You had your hand up. So when Mr. Angus is finished I will come to you, and then Mr. Calkins and Mr. Butt.

Mr. Angus, continue with debate on the motion.

Mr. Charlie Angus: Thank you, Madam Chair.

I think this is an important motion to be passed so that we restore some modicum of credibility to the parliamentary process. We've seen Mr. Del Mastro use this committee as his own personal pulpit to act as a bully and a thug at our committee, to misrepresent facts time and time again.

Mr. Dean Del Mastro (Peterborough, CPC): I have a point of order.

The Chair: Mr. Del Mastro.

Mr. Dean Del Mastro: I'd ask that you encourage the member to use parliamentary language, not unparliamentary language.

The Chair: Thank you, Mr. Del Mastro.

I need to remind the members that we use parliamentary language.

Mr. Charlie Angus: I certainly appreciate that, but we've seen very unparliamentary actions, Madam Chair. A man who hides behind "in camera" every chance he gets in order to pull the stunts he has shouldn't be worried that he's called a bully. If he wants me to call him something a little more appropriate for Parliament...once we get in camera, he'll be able to do his normal stunts anyway.

I think it is important that we have this discussion in public, because the public expects accountability from parliamentarians. What they expect from the ethics committee is for us to be doing the business of government, not carrying out the personal bully witch hunts of the parliamentary secretary. But unfortunately this is what has happened within our committee.

On the issue of the summons, Madam Chair, we go back to the fact that you had ruled that this was not even within the purview of our committee and that this was a personal vendetta that had nothing to do with the work of our committee. The obedient gang backing Mr. Del Mastro just reminded me of being in grade school. He had his gang, and there were more in his gang than in our gang, so he was able to push his weight around. We were dragged into this very sordid affair on an issue that I personally find very disturbing.

I do not want to get involved in knowing anything about Mr. Toews' personal life. I don't know why the fact that a former staffer released information regarding his divorce.... I don't even know if such a matter is an issue that any parliamentarian in any jurisdiction would want to have to be dragged into. But Mr. Del Mastro seems to think that this would be something that would be—I don't know—fun or interesting to get involved in. Mr. Carroll has been fired. The issue has been adjudicated by the Speaker, who ruled it a non-issue because of the apology from the Liberal leader. I think the issue is why we would be expected to take something back to the Speaker when the Speaker has already ruled on it. It again turns this into a monkey show.

Mr. Del Mastro has been quite adept at turning this into a monkey show on numerous occasions. He attempted to bring a judge before our committee, and that was ruled out. He tried to challenge the Federal Court and almost precipitated a parliamentary crisis, and we had to have Mr. Rob Walsh provide a very clear legal opinion. He has made all kinds of accusations in the House about illegal campaign donations that he seems to be the only one to know about.

He dragged the Ethics Commissioner here. She was quite embarrassed to have to participate in this process, and then she had to tell Mr. Del Mastro that he had made all these outrageous claims but he didn't supply any evidence. But he's the parliamentary secretary to the Prime Minister, so he gets to stand up day after day in the House and throw this muck around, without feeling any obligation to have any dignity towards his office.

My personal concern here is that because he's got a bigger gang than everybody else, we, as parliamentarians, are dragged along in this process of absurdity. Whatever Mr. Del Mastro needs to change the channel on, for example, the issue of widespread electoral fraud, he's going to actually drag out Mr. Toews' divorce and drag out a former Liberal staffer. Whether or not he's under medical treatment, I have really no interest in because I don't think it's the issue of our

committee. But here we are once again in the Dean Del Mastro kangaroo court, and I find it personally objectionable.

Madam Chair, the one thing I have learned as a parliamentarian is that you may be elected because of your party brand, but the only thing you have in this House, and the only thing you leave with, is your personal integrity as a parliamentarian. So if you decide that you're going to use your role as a parliamentarian to be a bully and to be a thug...and maybe that's not parliamentary language, but if that's the way you're going to play it—

• (1110)

The Chair: Mr. Angus, I'm just going to interject there. I need to ask you to refrain from using unparliamentary language.

Mr. Charlie Angus: Excellent, Madam Chair. I don't know if there's parliamentary language about bullying. The only thing we have as parliamentarians is our integrity, and in coming to committee we're expected to do the work of this committee. But instead we have been sidetracked by the personal vendettas of Mr. Del Mastro again and again. I don't see parliamentarians other than him engaging in such activities, and it's poisoned the well of our committee.

I point to O'Brien and Bosc on page 150. It indicates that the House hasn't given the committee the power to punish any misconduct, breach of privilege, or contempt directly, and that committees cannot decide these matters; they can only report them to the House. Only the House can decide if an offence has been committed, and Speakers have consistently ruled that, except in the most extreme situations, they will only hear questions of privilege arising from committee proceedings upon the presentation of a report from the committee that deals directly with the matter, not as a question of privilege raised by an individual member.

The report that we are supposed to prepare, now that a summons has been issued for a member to come before us who is not employed by the House at all, is asking the Speaker to intervene in a matter that the Speaker has already ruled on. I think this is where we are going to start to look once again like our committee is being dragged down the road of embarrassment.

If Mr. Del Mastro had been on time this morning, he would have managed to pull all this in camera and the public wouldn't have known. As parliamentarians, we would have had to—

The Chair: Mr. Angus, it's not appropriate to refer to the presence or absence of members. The same rules apply as in the House.

Mr. Charlie Angus: Certainly.

The role of in camera meetings protects the members of the Conservative government to pull these stunts and to drag the rest of parliamentarians—which I believe is an abuse of our privilege, because we don't think it's appropriate that this summons was issued, we don't believe this is the work of our committee, and we don't believe it is....

Mr. Dean Del Mastro: [*Inaudible—Editor*]

Mr. Charlie Angus: Mr. Del Mastro, I'm sorry if you're offended

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• (1115)

Mr. Dean Del Mastro: I'm not offended.

Mr. Charlie Angus: —but I think it's very important that we do this in public because we are accountable to the public.

What is said in the dark, as it says in my old Bible, shall be exposed in the light.

They might have thought they were going to be able to pull this off in camera, where nobody could see them, but they miscalculated. We are now in a situation where we can debate this in public.

I'll go back to O'Brien and Bosc:

Unlike the Speaker, the Chair of a committee does not have the power to censure disorder or decide questions of privilege. Should a Member wish to raise a question of privilege in committee, or should some event occur in committee which appears to be a breach of privilege or contempt, the Chair of the committee will recognize the Member and hear the question of privilege, or in the case of some incident, suggest that the committee deal with the matter. The Chair, however, has no authority to rule that a breach of privilege or contempt has occurred. The role of the Chair in such instances is to determine whether the matter raised does in fact touch on privilege and is not a point of order, a grievance or a matter of debate. If the Chair is of the opinion that the Member's interjection deals with a point of order, a grievance or a matter of debate, or that the incident is within the powers of the committee to deal with, the Chair will rule accordingly—

The Chair: Mr. Angus, could I ask you to slow down a little? The interpreters are....

Mr. Charlie Angus: I'm so sorry, Madam Chair.

Do you want me to back up?

The Chair: No, I think that's okay.

Mr. Charlie Angus: I'll summarize it quite simply. The chair ruled and found that this was inappropriate and unacceptable behaviour. Mr. Del Mastro overruled her. The chair's ruling had very much to do with the fact that this was inappropriate for our committee, but also the fact that the Speaker had ruled on this.

The Speaker had ruled on three key elements of Mr. Toews' question of privilege.

One, his question of privilege was that he was outraged that he had to listen to phone calls from irate constituents. I know this government seems to have a touchy relationship with accountability with the public, but Mr. Toews felt that as a minister he shouldn't have to waste his time dealing with people who are justifiably outraged with this snooping bill, this attempt to spy on the personal affairs of Canadians, which quite rightly many thousands of people across the country objected to. That was his first point of privilege. Quite reasonably, the Speaker, who I think is an excellent Speaker, said this has not to deal with Parliament at all.

The second issue was the issue of the Anonymous threat against the minister, which the Speaker quite rightly passed on to the Standing Committee on Procedure and House Affairs, because you cannot under any circumstances threaten a member of Parliament about a vote or threaten a minister about a bill, no matter how unpopular a bill is.

I certainly think this bill is one of the more unpopular bills this government has come up with. But someone may be hiding behind an Anonymous website or video, and whether they're 15-year-old kids in North York or whether they're some international mastermind hacker group, I don't know, but you can't do that. So Minister Toews was quite right to say that his privilege had been interfered with. The

Speaker quite rightly moved that to the Standing Committee on Procedure and House Affairs.

Then it came to the third issue of privilege, which was the very distasteful, perhaps immature, Wikileaks30 tweets that released the details that are in the court record, which apparently people can see if they go to Manitoba. I have not looked at the Wikileaks30 tweets. I'm not interested in seeing them, but it was distasteful. However, you are in a situation then where perhaps it had been seen as a breach of privilege. But the staffer was fired, and at that moment the Liberal leader stood up and apologized in the House.

In my long political career, I've never been known to give any kind of political cover for the Liberal leader, and I never plan to in my career, but this is an issue of being a parliamentarian. Under the parliamentarian code, if someone apologizes for something in the House and the Speaker accepts it, then the matter is closed. So the fact that the Liberal leader, who politically I don't agree with, and I didn't even agree with him when he was the NDP leader, but that's a side issue.... The fact that he apologized...that is, and not to use sexist words, the gentlemen's conduct that Parliament has been based on for hundreds of years. Someone has to take responsibility and someone has to apologize, and they did that within the confines of the House.

The Speaker ruled that closed. But that wasn't good enough for the parliamentary secretary. I think the reason it wasn't good enough is because he's the man who has been the front guy having to explain away allegations of widespread electoral fraud, and he's been quite good at throwing as much muck as he can in whatever direction he can. It seemed to us that this became a very convenient stage for them to drag in a fired Liberal staffer and then beat up on him at our committee. It's simply not appropriate.

So given the fact that he hasn't shown up yet...I don't know if Mr. Del Mastro is going to stand outside his house with his posse and drag him here in chains, on a chain gang or something. That could be the next motion. But I don't think it's appropriate.

We think it's perfectly reasonable to rescind this, and this is why we're pushing this motion.

I'll turn the floor over to Mr. Dusseault.

The Chair: On a point of order, Monsieur Morin.

[*Translation*]

Mr. Dany Morin (Chicoutimi—Le Fjord, NDP): Madam Chair, I have a question for the clerk.

As my colleague Mr. Angus so rightly said, Mr. Del Mastro's witch hunt is a discredit to this committee. We are not here to deal with VikiLeaks and to organize Mr. Carroll's appearance.

Could the clerk tell us how much taxpayer money we have wasted so far and what the projections are, given that Adam Carroll has to appear before the committee?

•(1120)

[English]

The Chair: I'm going to interrupt there, Monsieur Morin. I'm not sure that's a procedural matter. That's more a question of information, or perhaps debate. I'm not going to let you continue with that point of order.

[Translation]

Mr. Dany Morin: Thank you.

[English]

The Chair: Monsieur Dusseault....

Mr. Calkins.

Mr. Blaine Calkins (Wetaskiwin, CPC): On a point of order, Madam Chair, I'm not aware at which point a speaker who has just spoken can turn the floor over to another member of the committee. I believe the speakers list is a matter for you.

When I heard you mention the speakers list earlier, you mentioned my name immediately following Mr. Angus's. I'm just questioning whether or not you were mistaken at that point in time.

Who is actually the next speaker on the list?

The Chair: I apologize, Mr. Calkins. I did omit Monsieur Dusseault. He was on the speakers list. He and Mr. Angus raised their hands at the same time.

Mr. Blaine Calkins: Madam Chair—

The Chair: So I apologize for that. You're after Monsieur Dusseault.

Yes, Mr. Andrews.

Mr. Scott Andrews: On a point of order, Madam Chair, could we just have the exact speakers list now?

The Chair: Yes. My apologies.

Monsieur Dusseault has the floor, and then it's Mr. Calkins, Mr. Butt, Monsieur Morin, and Mr. Andrews.

Monsieur Dusseault.

[Translation]

Mr. Pierre-Luc Dusseault: Thank you, Madam Chair.

Asking to go in camera and imposing it constantly is a strange way to go about things. This is not the first time it happens.

I am pleased that we can discuss this motion today. In my view, Mr. Angus's motion is very appropriate, Madam Chair, because you personally ruled on Mr. Del Mastro's motion that was introduced a few meetings back. You had then ruled that the motion was out of order. Even the Speaker of the House of Commons pretty much took the same position. The matter was closed not only because the leader of the Liberal Party apologized, but also because Mr. Toews himself accepted the apology, which we neglected to mention. That is a rather clear sign that the matter is closed. If Mr. Del Mastro really wants to reopen the matter, that is his choice, but, as far as we are concerned, this matter is closed. We don't want to reopen matters that have been closed by the Speaker and yourself, who had ruled it out of order.

I don't think that it is necessary to continue on this topic and I hope that the Conservatives will realize, like us, that we can move on to something else and do some real work. The committee has better things to do than to call people who formerly worked for the Liberal Party. The committee has more important things to check, and it seems that this committee is being used for witch hunts and for trying to score political points. In any case, the committee is not doing the work that it should be doing.

My colleague mentioned the cost involved. The cost for the committee to meet every time is rather significant; I don't have the exact numbers. But coming to every meeting to talk about a former employee of the Liberal Party who apparently wrote things on Twitter, or to talk about the NDP convention, or to talk about all sorts of other things that are not relevant... Anyway, you said that it was out of order and that it did not fall under the purview of the committee. But, since they have a majority, the Conservatives decided three times that the Speaker's ruling did not suit them and so they voted against it.

Even when the chair of the committee makes a ruling that does not suit them and when the rules don't suit them, they go against them and they change the rules. It is mind-boggling to see that once again.

Fortunately, today's meeting is public. It is important for people to know what goes on in our committees, especially in the Standing Committee on Access to Information, Privacy and Ethics, although the Conservatives want to go in camera. This committee was formed to ensure the government is accountable. And let me assure you that there is no accountability behind closed doors. If people cannot see what goes on in the committee, they cannot be informed, and then the committee does not really serve the purpose for which it was created.

I support my colleague's motion for a number of reasons. On another note, Mr. Toews—I have said this a few times because we often forget—tabled a motion in the House that the whole story with the Anonymous computer hackers be referred to the Standing Committee on Procedure and House Affairs. Following the Speaker's ruling, Mr. Toews himself proposed that his motion be referred to the Standing Committee on Procedure and House Affairs. And now, perhaps because people don't like the serious work done in committees, they are still trying to go in directions whose purpose I fail to see; will this move the business of our Parliament forward, I wonder? I don't think that having Mr. Carroll here will get us very far. According to our information, he cannot be here with us today because he apparently has some problems.

•(1125)

So I am going to support my colleague's motion. I hope that the meeting will remain public. I am afraid of what one of my Conservative colleagues may soon propose. I advise the people listening to us to pay close attention to what will happen after my speech. I cannot be absolutely sure, but I predict that the Conservatives will once again want to go in camera. So I urge the people who are listening to stay alert. In my opinion, they are going to see how keen the Conservatives are on secrecy and that they are using this committee to hide things so that Canadians are kept in the dark. So stay tuned.

The Chair: Thank you, Mr. Dusseault.

[English]

Go ahead, Mr. Calkins.

Mr. Blaine Calkins: Thank you, Madam Chair.

I have before me today's agenda. Today's agenda is quite clear on what committee members were prepared to come here and do today. The orders of the day are to study the Lobbying Act, and this was to be an in camera meeting. It started out as an in camera meeting to deal with that matter that was agreed upon by all parties. Unfortunately, the process was hijacked this morning by Mr. Angus moving a motion, which quite frankly, Madam Chair, we had no notice of. As it does not deal with a substantive matter—

Mr. Scott Andrews: A point of order.

The Chair: A point of order, Mr. Andrews.

Mr. Scott Andrews: Madam Chair, maybe before Mr. Calkins goes too far, you could review the rules of order and how a member at any time can bring forward a motion to committee. It's pretty misleading to say that when we don't know about the exact rules.

The Chair: Thank you, Mr. Andrews.

Just on that point of order, given that what was initially on the agenda for today...and at some point I will explain what happened around that. I considered that Mr. Angus's motion was within the purview of what had been proposed for business today.

Mr. Blaine Calkins: Madam Chair, I assumed that was the case, which is why I did not move a point of order challenging whether or not it needed a notice of motion. However, it would have been respectful of this committee had a notice of motion been given to do

this. Then again, considering the mover of the motion, the lack of respect for this committee is not something I'm surprised at.

Madam Chair, the reality is that we're dealing with an issue here, and this committee has already taken its decision regarding this. We're going to continue to await a doctor's letter to excuse the absence of Mr. Carroll, and for our intent, he remains compelled to appear and is subject to the summons issued by the clerk of this committee. All committee members reserve the right to all of the remedies available to us if Mr. Carroll doesn't produce a substantive doctor's letter as promised. So as far as I'm concerned, this matter has already been dealt with.

I think that in the matter of the time that was allocated for today's business at hand, this committee should get back to the orders of the day, pursuant to the order of reference, and so on, according to our agenda, the consideration of the draft recommendations for the statutory review of the Lobbying Act. Therefore, I move that this committee go in camera to study that.

The Chair: The motion is not debatable. All in favour of the motion?

• (1130)

Mr. Charlie Angus: A recorded vote, please.

You're so prescient, Mr. Dusseault.

(Motion agreed to: yeas 7; nays 4)

The Chair: The motion has carried. We will move in camera. I'll suspend to allow the set-up.

[*Proceedings continue in camera*]

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