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Chair

Mr. Joe Preston

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• (1100)

[English]

The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)): We'll call the meeting to order. We're here today, televised, in public, pursuant to the order of reference of Thursday, November 3, 2011, Bill C-20, An Act to amend the Constitution Act, 1867, the Electoral Boundaries Readjustment Act and the Canada Elections Act. We're fortunate to have the minister here today.

Minister, it's great to have you. I understand you have an opening statement. We'll start with that. If you'd like to introduce the people who are with you, and start with your opening statement, then we'll go to rounds of questioning.

Minister, I leave it to you.

Hon. Tim Uppal (Minister of State (Democratic Reform)): Thank you, Mr. Chair.

With me are members from the PCO, Matthew Lynch and Jean-François Morin. I do have opening comments, if I may begin.

Mr. Chair, I am pleased to be before this committee this morning to discuss Bill C-20, the Fair Representation Act. Bill C-20 delivers on our government's long-standing commitment to move the House of Commons towards fair representation. In particular, it reflects our government's three distinct promises to provide fair representation by allocating an increased number of seats now and in the future to better reflect population growth in Ontario, British Columbia, and Alberta, maintaining the number of seats for smaller provinces, and maintaining the proportional representation of Quebec according to its population.

In my opening remarks today, I would like to provide an overview of the bill's key elements. I will then be pleased to take any questions you may have.

The representation of the provinces in the House of Commons is readjusted every 10 years using a formula established in section 51 of the Constitution Act, 1867. The current formula dates to 1985 and was designed to provide modest increases to the House of Commons. While the 1985 formula has been successful in limiting the size of the House of Commons, it has created a representation gap for the faster-growing provinces of Ontario, British Columbia, and Alberta. The combined effect of fixing the divisor at 279 in combination with the existence of the seat guarantees has prevented these provinces from receiving a share of the seats that is more in line with the relative share of the population.

The formula in Bill C-20 is principled and is a reasonable update designed to bring those provinces closer to representation by population while at the same time maintaining the seat counts of the slower-growing provinces and ensuring that Quebec maintains a level of seats that is proportionate to its population. In fact, the Fair Representation Act brings every single province closer to representation by population. The bill would set the electoral quotient for the 2011 readjustment at 111,166, which reflects the average riding population prior to the last seat readjustment in 2001, increased by the simple average of provincial population growth rates. Once the initial allocation of seats have been determined on the basis of that quotient, the Senate floor and the grandfather clause would be applied. The Fair Representation Act then provides the formula to apply a new representation rule.

If a province becomes underrepresented as a result of the application of the updated formula, additional seats will be allocated to that province so that its representation will equal its share of the population. Based on population estimates, Quebec will be the first province to receive new seats in order not to become underrepresented by the operation of the updated formula. That said, the representation rule applies to all provinces that may find themselves in this scenario.

A further update to the formula is to base the allocation of seats among the provinces on Statistics Canada's population estimates. There is a reason for that. The population estimates provide a more accurate picture of Canada's total population. The population estimates adjust to account for the census net under-coverage—that is, the number of people who were not enumerated during the census—as well as the over-coverage, coming from those who were enumerated twice.

The practical result of applying the new formula will be to add an additional 30 seats to the House of Commons, for a total of 338. In terms of the provincial breakdown, Ontario will receive 15 new seats, Alberta will receive six new seats, and British Columbia will receive six new seats. Quebec will receive three new seats as a result of the new representation rule, which will ensure that its seat total does not come under the number of seats proportionate to its population. Finally, the bill provides an adjustment to the formula in order to account for future increases in population counts following future censuses. For the 2021 and each subsequent readjustment, the bill provides that the electoral quotient will be increased by the simple average of provincial population growth rates since the preceding readjustment.

In addition to the updated formula for allocating seats, Bill C-20 also proposes amendments to the Electoral Boundaries Readjustment Act. The changes proposed in the bill aim to streamline the timelines and the current boundary readjustment process. For example, the independent boundary commissions would be established no later than six months following the census.

• (1105)

The timeline for the commissions to produce their reports would be streamlined from 12 to 10 months, with a possible two-month extension. The time period for the implementation of the representation order would be reduced from 12 months to seven months, and the notice period for public hearings by commissions would be reduced from a minimum 60-day period to a minimum 30-day period. There will be no change to the timelines relating to the parliamentary phase of the electoral boundary process, during which time parliamentarians and Canadians are able to provide their comments on the initial reports of the boundary commissions. Most importantly, Canadians will continue to have the same opportunity to voice their opinions on boundary changes during public hearings held by the commissions.

The updates to the Electoral Boundaries Readjustment Act follow recommendations made in the past by this committee, the chief electoral officer, and the Lortie commission.

To conclude, the Fair Representation Act addresses the unacceptable underrepresentation of some provinces and fulfills our government's longstanding commitment to move towards fair representation. The updated seat allocation formula contained in the Fair Representation Act moves every single province towards representation by population.

Thank you, and I look forward to responding to any questions you may have.

The Chair: Thank you, Minister.

We'll start our seven-minute round.

Mr. Lukiwski, you're first.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Thanks very much, Mr. Chair.

And thank you, Minister, for appearing here.

I have a few questions, but I guess, primarily, I want to go back to something you said in your opening statement. You said that the population estimates provide a more accurate picture of population than the census does.

Now if the intent of the bill is to try to get to a representation by population formula that is more reflective of the population—that's the key right there: what is our population?—can you give assurances to the committee or explain why you're suggesting the population estimates would be more accurate than the census data we would be receiving?

Hon. Tim Uppal: Thank you. That is very important. Our commitment is to come forward with a formula that is fair for all provinces and is principled and is based on actual populations. The numbers we're using are the best data available for representation updates, and that includes using the census data for boundary

readjustment. So we're using the best numbers available at each stage in this process.

In determining the actual populations of the provinces, we're using the population estimates. These are the same numbers, the same population estimates, that are used for the federal-provincial equalization program, the same numbers that are used for the Canada health transfer, the same numbers used for the Canada social transfer. So this is the best data available for the population figures of the provinces themselves.

Now when we get down to the riding-by-riding, street-by-street level detail, the census will be used for that. The census is good for that detail. We're using the best data available at each stage.

Mr. Tom Lukiwski: Thank you, Minister.

Just so I'm clear, you say that the population estimates are more accurate, but I still haven't heard where they come from. Are those numbers compiled by Statistics Canada or some other independent group?

Hon. Tim Uppal: Actually, they are from Statistics Canada.

Maybe someone from PCO can elaborate.

Mr. Matthew Lynch (Director, Democratic Reform, Privy Council Office): Certainly. Statistics Canada produces quarterly population estimates. It has been doing that since 1971, and there's a statutory requirement under the Federal-Provincial Fiscal Arrangements Act for Statistics Canada to produce an annual population estimate to allocate funding for the programs the minister referred to.

Basically, it attempts to correct for the census net under-coverage, which the minister referred to, through a series of statistical methods, and then it updates the estimates based on population trends and information from provincial vital statistics and from Citizenship and Immigration.

• (1110)

Mr. Tom Lukiwski: Thank you.

Minister, this Bill C-20, as we know it, is actually the latest iteration in a line of rep-by-pop bills that this committee has seen in years past.

Could you give an update to the committee on why the formula used in this bill is superior, in your opinion, at least, to some of the others we have seen at this committee, in terms of rep by pop?

Hon. Tim Uppal: Sure. Our commitment was to bring forward changes to the formula that would address the fact that Alberta, B.C., and Ontario were underrepresented in the House of Commons because their populations have grown. We also made a commitment that we would maintain the number of seats for the smaller provinces and make sure that Quebec's representation stayed equal to its population.

Bill C-12, the previous bill, used out-of-date population figures, because a number of years have passed, so Bill C-20 has new numbers, new population figures, that are up to date.

There's also a representation rule that's an addition to this bill, that if any province went from fair representation or overrepresentation and became underrepresented because of the redistribution process, we would add seats to that province to bring it back up to fair representation, equal to its population. It would not be fair for a province to be fairly represented today and then become underrepresented because we've fixed a wrong somewhere else and then hurt that province. That would apply to all provinces. The first province to benefit from that is going to be Quebec.

This bill also responds to population growth. The divisor changes to respond to population growth now and in the future as well. We've also streamlined the process for electoral redistribution, so these are the changes that have evolved after the last bill was presented. At the end of the day, this bill fulfills the commitment we made, and it brings every province closer to representation by population.

The Chair: You have a minute and a half.

Mr. Tom Lukiwski: When you say that the formula proposed in Bill C-20 would ensure that if various provinces see their populations increase in the future, the formula would deal with that in an effective manner, when does that occur? How often would we be looking at population changes? Would it be based on a 10-year period like the census, or would it happen more frequently than that?

Hon. Tim Uppal: That doesn't change. Currently, every 10 years when the census comes out the boundaries are looked at. That process is the same. There will be an update every 10 years, and this formula will be applied every 10 years, based on the population numbers from Statistics Canada.

Mr. Tom Lukiwski: Thank you.

The Chair: Time for a little one, if you've got it.

Mr. Tom Lukiwski: Just a quick one that I hear from my constituents all the time. We're talking about adding 30 more seats in the House of Commons. What can the House of Commons accommodate, physically, in terms of getting more MPs into the chamber?

Hon. Tim Uppal: A study was done in 1996. The current House of Commons can accommodate 374 members of Parliament; with reasonable growth we won't see that for decades.

The Chair: Great.

Thank you, Minister. It's nice to know I'll still fit.

Mr. Christopherson, you're next for seven minutes.

Mr. David Christopherson (Hamilton Centre, NDP): Thank you very much, Chair, and thank you, Minister, for appearing today.

As I've said before, we see this as an improvement. Previous bills had no seats for Quebec, and now at least we've broken that barrier. I'm interested in your comment on the difference between the previous bill and this bill, but I'll come back to that in just one moment.

Mr. Lukiwski was good enough to open up the discussion around that formula change, and I want to focus and be very clear about the change in the formula. I've heard everything you said, so I won't repeat the questions and have you repeat the answers, but my one question would be, if this is an improvement and more accurate, then why wasn't it used before? Why all of a sudden are we seeing a

modification to the formula and components of the formula have changed? I hear you saying it's better, but my comment would be, if it's so obviously better on something this important, with the number of intelligent people over the years who have been looking at these files, why do you now believe this is an improvement, as opposed to the idea that it's in there for convenience for the government because the math works better? You see my question. I'm trying to be up front about it.

• (1115)

Hon. Tim Uppal: Frankly, this isn't new. As I said, these are the same numbers, the population estimates, that are used, and have been used, for the federal-provincial equalization program. Those are the numbers used. They are the same numbers used for the Canada health transfer and the same numbers used for the Canada social transfer. So these numbers are being used now, and they are the best numbers, the best data, to use to determine the population of the provinces. It's been used before.

Mr. David Christopherson: I hear that, Minister, and I realize they've been applied in other areas, but they haven't been applied in this formula. We have dealt with these kinds of formulas before, and now all of a sudden the government of the day is saying it has found a magic number that makes the formula work even better; its more accurate. I'm just asking, if that's the case, why hasn't someone thought of this before now?

Hon. Tim Uppal: It's not about a magic number; it's about a good practice being used on this formula. It's about an existing, established good practice that is now being used on this formula, and we're still using the census data itself for the actual details of the boundary redistribution, so it's just moving forward with good practices that have been used by the government.

Mr. David Christopherson: I have one more question on this, Minister, and I don't want to belabour it. These formulas existed before; this is not something new. This calculation was used, as you say, in transfer payments, other very important matters to Canadians, particularly the provincial and federal governments. I'm just curious as to why all of a sudden—I realize you didn't make up the number from thin air, but you did pull it from somewhere and included it in the formula in a way that wasn't done before. I'm hoping we'll get a chance to bring in experts—you know, bureaucrats, academics, and others who will answer too—but I am seeking your thoughts on why all of a sudden, Minister, this government thinks it likes this number over here. It used it elsewhere; it'll plug it in here because...why? That's my question: why. I hear you say it's....

Well, go ahead, please.

Hon. Tim Uppal: I can't account for somebody looking at this 10 years ago in a previous government. I can tell you that for us it was a matter of looking at what are the best numbers and what would be the most accurate. When we looked at what numbers are used for the equalization program and what's being used for the Canada health transfer programs, the same population figures...and the provinces are saying, yes, that's the right way to go, that's accurate. That's when we determined that that's the most accurate and those are the numbers we should be using.

Mr. David Christopherson: I'm going to move on, but I could respond to you that you could do it the other way around and say that you are going to change the other formulas using the one we used for seat calculations; it's so important, so we'll start using that for transfer payments, rather than the other way around. What I'm looking for is a definitive answer that says this is more accurate, it makes for a better formula, and it would be backed up by academics and others who have no political agenda.

Hon. Tim Uppal: I'm sure you will get those witnesses, but if the department....

Mr. David Christopherson: Okay, be brief, please.

Mr. Matthew Lynch: There is further detailed information about this on StatsCan's website. The concept of census net under-coverage is fairly well understood amongst statisticians, and the population estimates are primarily more accurate because they do account for that census net under-coverage.

Mr. David Christopherson: Well, I'm sure we'll get a chance to go into it. I just wanted to get your comments on the record, Minister, and we now have that. I thank you.

I want to revisit this. You mentioned earlier that the difference between your previous bill and this bill is that there are newer numbers. Again, I'm hoping we'll get a chance to get this verified through witnesses, but I've made the argument that our bill is better because it has more seats, using your old bill.

On the record, can I have your comment on why there are fewer seats for my province of Ontario and fewer seats for B.C. in this formula than there were in the previous one?

• (1120)

Hon. Tim Uppal: The previous bill, which you have said you based your bill on, as I said, actually had numbers that were outdated. One example is that it used an average riding size of 108,000. Those numbers were based back in 2006 and don't account for any increases in population since then. That would make those numbers outdated. The bill currently actually adjusts for population growths, so if your divisor is larger because your population is different, you will have different numbers in the seats. Those seat projections that were in the last bill were not guaranteed seats. They were just projections based on population figures available at the time, and also, it would have been based on the next census numbers coming out. Any of those numbers that were in that bill were just projections. The numbers in this bill are certain. They are certain because they are based on existing best population figures.

Mr. David Christopherson: With thirty seconds left, I'll wait for the second round.

The Chair: Great.

Monsieur Garneau.

[*Translation*]

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Thank you, Mr. Chair. Thank you, minister.

I fully understand the principles that guided you in this undertaking. I share your view that we need fair representation for every province to reflect the changes in their population.

However, I see a big problem with Bill C-20. You went from 308 to 338 seats. In other words, you added 30 new members to the House of Commons.

[*English*]

Canadians are concerned about the added cost of such an inflationary measure. In my opinion, the government's new proposal sends the wrong message to Canadians that it wants to increase the number of politicians while it slashes the public service and the services that are provided by them. It doesn't make any sense. In these days of financial restraint, Parliament must show the lead. Now, we all know that the number of MPs cannot keep growing forever. That's a discussion that comes back all the time. We already have a higher MP-to-population ratio than the norm in many democracies.

In the United States, as we all know, there are 435 representatives for a population that is about nine times bigger than Canada's. To my knowledge, Canada is the only federation that deems it necessary to go through this exercise of increasing the number of federal MPs every time there's a need to rebalance regional representation in Parliament, roughly every 10 years. This doesn't make sense, and it's an unsustainable practice. We must put a stop to it and this is a good time to do it. We can rebalance the House's seat allocation in order to address the needs of the provinces. Parliament has the power to do that. It is something that I think is particularly important to do at this time.

I'd like to, if I may, draw your attention to a document from this committee from 1994, when they were looking at the Electoral Boundaries Readjustment Act, a similar exercise to what we're going through now. It was a dissenting opinion offered by three Reform MPs at the time, one of whom is very well known. He was arguing for the fact that we didn't need to increase the number of MPs, that this was not a good practice.

Perhaps I can quote a little bit:

A smaller House offers considerable cost savings, less government and fewer politicians, and clearly this is what Canadians want.

Another quote:

Advancements in communication technology have allowed downsizing and increased efficiencies in the private sector but also must be realized by government.

A final quote: "Canadians are already amongst the most over-represented people in the world."

Of course, that MP is now the Prime Minister of this country.

I'd like to know why you did not take this opportunity, because it can be done, to keep the level at 308 and yet at the same time achieve fair representation, which we all support.

Hon. Tim Uppal: You said that you support fairer representation. It's important that the provinces that are underrepresented, and significantly underrepresented and will continue to be underrepresented...we need to close that gap. Every Canadian expects that their vote, to the greatest extent possible, should have equal weight across the country. The fact is that we have seat guarantees. There's the Senate clause, the grandfather clause.

The Liberal plan, of changing that and just moving seats around the existing seats we have, would actually have to pick winners and losers. Essentially, the Liberal plan would have Quebec lose seats. Newfoundland and Labrador would lose seats, Nova Scotia would lose seats, Saskatchewan would lose seats, and Manitoba would lose seats, to compensate for Alberta, B.C., and Ontario. We don't think that's fair. We don't think it's fair to move those seats around. We don't think it's fair to do what the Liberals would do, to pick winners and losers.

So what we have proposed is a principled formula that's fair for all provinces, that brings every province closer to representation by population. It's a formula that's actually applicable to all provinces.

• (1125)

Mr. Marc Garneau: Thank you.

But if I told you that you could do it—308—and still have the same percentages that you've ended up with, would you take my word for it?

Hon. Tim Uppal: What you're saying is that you would pick winners and losers. You would take seats away from Quebec. You would take them away from Newfoundland and Labrador, from Nova Scotia, from Saskatchewan, and from Manitoba. That is what you are saying. That's also the Liberal plan. What you're not being clear about is who you would take the seats away from.

Mr. Marc Garneau: What I'm saying, Minister, is we would end up with the same percentages that you end up with, with the 338, for each of the provinces—very close to each other—and yet keep the House size at 308. This would require us to remove the grandfather clause, which preserved the number of seats each province had. This is an exercise that I believe we need to get to. We still end up with the same percentages that you have achieved with 338, and yet we save the Canadian taxpayer.... And we get rid of a problem that's going to come back every 10 years.

I'm wondering why you didn't look at it. That's something Parliament can do. It doesn't require us to reopen the Constitution.

Hon. Tim Uppal: It is because we committed our formula to update the seats in order to address the underrepresentation gap in a way that is fair for all provinces, unlike the Liberal plan, which would take seats away from the smaller provinces, which we find to be unfair.

The other thing I will address is your concern about seat growth in the future. Yes, 30 seats are being added now to address the underrepresentation gap. That's a big jump, but it addresses it quickly. In the future, based on current population projections, 11 seats will be added in 2021, and in 2031 only 5 seats will be added. Your concern about this huge House of Commons growth is unfounded. There's reasonable growth with this formula. This formula gives a balance between adding seats for the underrepresented provinces, but also having reasonable growth in the House of Commons.

[*Translation*]

Mr. Marc Garneau: Do you not think that sends the wrong message to Canadians?

The government is going to make cuts to the public service and service delivery to save money, and yet here Parliament is, beefing

itself up with 30 new members. Is that the right example to set for Canadians at a time when we should all be tightening our belts?

[*English*]

Hon. Tim Uppal: The wrong message would be saying to certain provinces that you will continue to be underrepresented even though your population has grown. The wrong message would also be telling the smaller provinces—as the Liberals will be doing—that seats will be taken away from them to give to the other provinces. Those would be the wrong messages.

Mr. Marc Garneau: Just let me say one last time that we achieve the same percentages as you achieve with 308.

The Chair: Thank you.

Mr. Garneau, your time is complete.

Mr. Albrecht.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Thank you, Mr. Chair, and thank you, Minister, for being here.

I want to thank you for a really good summary of what this bill actually does. I think your opening comments clarified for a lot of Canadians some of the confusion that may be out there. Especially, you highlighted the ongoing long-standing commitment of our government in terms of allocating increased seats now and into the future to better reflect the population growth in Ontario, B.C., and Alberta. Then this second one, which is so important—in spite of Mr. Garneau's protest—that we maintain the number of seats for smaller provinces.... There's no way that we can get anywhere close to proportional representation by the formula that he's suggesting. Finally, to maintain the proportion of representation of Quebec according to its population....

In your opening comments, Minister, you indicated that the bill would set the electoral quotient for the 2011 readjustment at 111,166. I have some numbers in front of me from some of the ridings not too far from me that are significantly higher than that. Brampton West has 170,000 constituents. Oakridges-Markham has 169,000. I could go on. There are ten different ridings here, all of them with over 133,000 in population.

At the same time that we have those ridings that have such high populations, we have other ridings in the country that are around 40,000 or less. My question basically is this. Is it possible to ever get to a total representation by population under the current system? This proposal that you have here seems to me to address it as best we can, recognizing the previous guarantees to get closer to representation by population for these ridings. Currently the constituents in these ridings...their vote is worth one-quarter or less of the constituents in a riding of 40,000. Could you address that for me?

• (1130)

Hon. Tim Uppal: You're right when you mentioned Brampton West had over 170,000 people. That was in 2006. We're probably closer to 180,000 or 190,000 now. True representation by population with the system that we have, with the very large country and the varying populations that we have, and some of the seat guarantees that we have in the Constitution, would actually require over 900 members of Parliament in the House of Commons. The House of Commons could not accommodate those. Also Canadians don't want that. That's not acceptable.

What we have put forward is a formula that moves all provinces towards representation by population in a principled manner. Every province is brought closer to representation by population. It's a formula that's fair for all provinces, and it maintains the seats for those smaller provinces so their representation is protected.

The Chair: You have one minute left.

Mr. Harold Albrecht: I don't have another question. I simply want to make the observation that as members of Parliament we are called upon by our constituents to offer a lot of services to them: immigration, employment insurance, intervention, CPP, and all of that. I can't imagine an MP who has 40,000 constituents comparing his or her workload to a member of Parliament who has 170,000 and still feeling they're actually meeting the needs of their constituents.

I think we're moving in the right direction, and I just simply want to applaud you and your ministry for coming up with a very principled approach that will address this now and into the future.

Thank you.

The Chair: Thank you.

Mr. Christopherson.

Mr. David Christopherson: First, I would hope you'd acknowledge that it is a complex matter to deal with these formulas, particularly when we're dealing with the 2006 census. Some of the formulas in your original bill were looking at the 2011 census, which won't show until February 2012. And then we have this new item that you've brought in from the transfer payment. So it's very complex, and I'm hoping the government is going to be agreeable to giving us enough time to bring in the experts to get to the bottom of it, so that we can satisfy ourselves that this is indeed an improvement.

Second, I hear where the Liberals are coming from. But unless we're going to change to an American system where you accept from the get-go that some are going to go up and some are going to go down.... As a former Ontario cabinet minister, I want my province to get as many seats as they're entitled to, and this only gets us closer. Ontario still doesn't have all the seats it should have, and we feel the same way about all the other provinces. So I hear what the Liberals are saying, but it sounds more like a nice, safe pre-parking spot as opposed to getting into the cut and thrust of some of this. It's complicated and it's difficult. But I'll leave that for the cut and thrust.

Third, I want to get down to the issue of Quebec. In respect of the motion of November 27, 2006, wherein the House, close to unanimously, recognized that the Québécois form a nation within a united Canada, we've taken a position meant to give assurances that Canada is not interested in assimilating the culture of the Québécois and seeing it disappear. On the contrary, we want it to be strong within Canada, recognizing that the Québécois know that being strong in Canada means they're strong in North America.

So why didn't you take that extra step—it was your government that brought in that motion—and confirm for the Québécois that their place in Canada is assured? Why would your government not take that stand and show that respect and build in that protection?

•(1135)

Hon. Tim Uppal: Our commitment for representation in the House of Commons is clear. It's a long-standing commitment from this government that the formula we bring forward, a principled formula, will be fair for all provinces. Quebec, after this formula is applied, will have 23% of the population, and Quebec, after this formula is applied, will have 23% of the seats in the House of Commons. That is fair. Their representation will equal their portion of the population, and that's fair.

At the same time, every province is brought closer to representation by population. It's important as a government that we govern for all Canadians. We're doing that and being fair to Quebec.

Mr. David Christopherson: I hear that, Minister, but what you're suggesting is that the application of equality to Quebec, given everything else, is an okay standard for you, that there is nothing unique, and that the motion meant nothing. Is that what the government is saying? Was it to pacify Quebec? Did it not really mean anything?

When we looked at that motion, we thought it meant something. To give effective protection to that is why we think we ought to be moving to the 24.35%. With great respect, all I'm hearing you say, Minister, is that everybody is equal. Well, the Yukon is not equal; and P.E.I. is not equal in terms of their Senate seats and their House seats. We have an asymmetrical country anyway.

So why would the government that brought in that important motion, that historic motion, not take the next step and give some meaning to it so that there is real protection behind it?

The Chair: Thank you, Mr. Christopherson.

I'll let the minister answer.

Hon. Tim Uppal: The fact is, this is a seat redistribution formula and a process. It needs to be based on population. We made a commitment that Quebec's representation will be equal to its population and we've followed through on that commitment. Quebec will have 23% of the population and 23% of the seats in the House of Commons. That's equal and that's fair.

Mr. David Christopherson: The motion we are adopting—

The Chair: Mr. Christopherson, your time is up. You may get another chance.

Mr. Reid.

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

Thank you, Minister, for being here.

I just have to respond to Mr. Christopherson's comments. I haven't gone back and reviewed the records of the debate in 2006. I do not recall anybody saying at that time, whether from the New Democrats or any other party, that the purpose of this motion, or one of the outcomes of this motion, ought to be that in the future, people in my province, in the riding that I represent, should always be proportionately underrepresented vis-à-vis people in Quebec.

On the contrary, the foundational constitutional arrangement of Canada states that we will have representation by population in the House of Commons. And specifically it's stated that it would be based upon a fixed number for Quebec, and every other province being calculated from Quebec. We've violated that arrangement many times. Many provinces are now overrepresented; others are underrepresented. Quebec alone is fairly close to what the original promise was.

I think the idea, Minister, that we ought to fix and establish that Quebec will always be neither over- nor underrepresented is to be commended. It's in some sense the only defensible remaining part of the process that we have achieved now, and I applaud you for entrenching it. My congratulations to you.

What I want to ask, though, is related to Mr. Garneau's proposal. I simply do not accept his math. He says we can set aside the arrangement in the current formula that says provinces are guaranteed no fewer seats than they currently have, and in so doing, we can achieve, with 308 members of Parliament, a formula or a representation level that is effectively representation by population.

I dispute that, because while it is true that you could lower Nova Scotia from 11 seats to 10 seats before you hit it to the Senate floor, which is not amendable by us.... You could lower Saskatchewan and Manitoba to 6 seats each, if you wanted to do this. You could lower Quebec to 24 seats, take away two-thirds of its seats. You could do all these things. You could take away one seat from Newfoundland. You cannot take away any seats from Prince Edward Island—and the four seats it currently has—which means that under his formula, the gap in representation between the people I represent, who, I might add, live in an area larger than P.E.I.... There are 117,000 of them currently. There would be more than 117,000 of them under his formula, and ridings in P.E.I. would still have 34,000 or 35,000 members.

I submit that what the Liberals are suggesting is simply not supported by the facts, and I'm inviting your comment on that, Minister.

Hon. Tim Uppal: Absolutely, it isn't.

They're essentially playing with the numbers and really not being up front with Canadians on what their real plan is. All they're saying is, let's keep the 308. The fact is that the Liberal plan would have to pick winners and losers. The losers in their plan would be Quebec, Newfoundland and Labrador, Nova Scotia, Saskatchewan, and Manitoba. The Liberal plan would take seats away from those provinces and give them to, I suppose, Alberta, B.C., and Ontario. We don't think that's fair. We made a commitment that we would maintain the seats for those provinces.

• (1140)

The Chair: You have one minute, Mr. Reid.

Mr. Scott Reid: Thank you very much.

I assume what you were struggling with, Minister, was trying to achieve as much representation by population as you could, while at the same time trying to reflect the practicalities that there are some limits as to how many members you can put in the House. I'm guessing here, because I just did the math based on P.E.I. and came

up with the 900 members you did. Does that essentially reflect the spirit of what you were trying to achieve?

Hon. Tim Uppal: Yes. The idea is to follow through on our commitment. We would bring in more members of Parliament to address the underrepresentation gap for Alberta, B.C., and Ontario. At the same time, we wanted to maintain the seats for the smaller provinces. Some of those provinces are already guaranteed under the Constitution or with the Senate floor legislation. That's already set in stone, and you can't change those.

We also made a commitment that Quebec would continue to be represented proportionally to their population. Within that framework is this formula. It's a principle. It is applied to the entire country, and it brings every province closer to representation by population.

The Chair: Thank you Mr. Reid.

Mr. Kerr.

Mr. Greg Kerr (West Nova, CPC): Thank you very much, Mr. Chair.

Mister Minister, I do want to commend the work that you and your staff have done. I think we all watched, kind of nervously, depending on what part of the country we were from. I'm going to say that I sense unbounding enthusiasm around the committee for this direction, and I think it will go well.

I do want to take exception, and I'm surprised at Mr. Garneau's presentation...the counting was done with magic beans or something. I come from one of those small provinces that would be affected. We have to remember that this country is spread out over a huge domain. Geography and distance are incredibly important considerations, and membership, therefore, is particularly important to a lot of us. I would have expected Mr. Garneau would have shared that, regarding Quebec—to watch it be devastated under the formula.

What I would like you to specifically answer, as best you can, which he would not answer, is how you keep 308 seats and redistribute seats from others—without doing it from others, because that's how I interpreted what he said.

If you can get right at the number thing, I think I'd like to have it on record and share it with our residents back home, to make sure we understand where the Liberal Party is coming from in this important endeavour.

Hon. Tim Uppal: There is no way to redistribute 308 seats without taking some away from some province: somebody has to lose seats. You can't just.... If you're moving the puzzle around, they have to be moved from one province to the other, and that's one thing the Liberals aren't being up front about. Who would they take the seats away from?

If you're going to move it according to population, and you're looking at the grandfathering clause of 1985—it's what they're saying—Quebec, Newfoundland and Labrador, Nova Scotia, Saskatchewan, and Manitoba would lose seats. They're essentially being picked on by the Liberals to have seats taken away from them and given to the other provinces.

We don't think that's fair. We made a commitment that we would maintain the seats for those provinces and at the same time address the underrepresentation for the faster-growing provinces. Canadians expect that their votes should have equal value to the greatest extent possible. That's what we've done. We have brought forward this formula that is fair for all provinces. That is a commitment that we made, and we have followed through with this formula.

Mr. Greg Kerr: Thank you very much.

That's all I have.

The Chair: Thank you.

We'll go to Mr. Comartin.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Minister, I want to pursue some of the questions Mr. Christopherson asked in his opening round.

This is the third incarnation of an attempt to arrange for redistribution of seats. Is that correct—under your government?

Hon. Tim Uppal: I believe so.

Mr. Joe Comartin: Then can you tell me exactly when this new formula was determined to be the one that you were going to use?

Hon. Tim Uppal: Essentially it comes back to a commitment, right? In the campaign, it was very clear in our platform and in what we ran on, what all Conservatives ran on. There were our three things. We would address the underrepresentation for the faster-growing provinces: Alberta, B.C., and Ontario. At the same time, we said we would maintain the seats for the smaller provinces. Also, we said that for Quebec, their representation would be equal to their population. That's where the commitment comes from. At the same time, if you have those parameters, your formula...the formula will just come there from that commitment.

Mr. Joe Comartin: But it wasn't there—

Hon. Tim Uppal: When I was made a minister—

• (1145)

Mr. Joe Comartin: A month before the last election you introduced Bill C-12. You weren't using the formula there. You certainly weren't recognizing the right of Quebec to have additional seats.

So when you say it was in your platform, your platform was, I'm sure, prepared somewhere in that period of time. When you introduced Bill C-12, just before the last election—I think it was on April 1, 2010, that you introduced it—did you not know you were going to go to this new formula at that point?

Hon. Tim Uppal: That formula was the formula at the time. That was the formula in Bill C-12 that was introduced at the time.

This is an updated new formula with new population figures. It has the representation rule in it and it has the commitment to the smaller provinces. This is a new formula, essentially. It's updated.

An hon. member: Is it new or is it updated?

Some hon. members: Oh, oh!

Mr. Joe Comartin: Maybe you're not the right person to be answering these questions. Maybe we need somebody with more technical knowledge.

I'm sorry. That's not meant as a slight, Mr. Minister. I'm having real trouble with this and I'm sure you're—

Hon. Tim Uppal: I just don't see this to be a technical question you're asking. That was the old formula under an old bill and this is a new formula—

Mr. Joe Comartin: But we were using that formula for the transfer payments certainly in April of 2010, weren't we?

Hon. Tim Uppal: Well, Bill C-12 did not have the same figures you're talking about for the transfer payments. It's absolutely different.

Mr. Joe Comartin: Exactly. That's the point.

So the formula, that formula, was available when Bill C-12 was introduced.

Hon. Tim Uppal: Sure. Yes, it was. It has been available for years—

Mr. Joe Comartin: So I go back to my initial question: when did you—

Hon. Tim Uppal: So you're saying the population estimates—

Mr. Joe Comartin: When did you decide—

Hon. Tim Uppal: —to use the population estimates? That's your question.

Mr. Joe Comartin: All right. If you want to go that way, yes.

Hon. Tim Uppal: The difference is using the best data available from Statistics Canada, which uses this population estimate, and that is in the new formula. It was not in the old formula. Correct.

Mr. Joe Comartin: You're absolutely certain of that.

I'm sorry, Mr. Minister, I know I'm—

Hon. Tim Uppal: Bill C-12 did not use population estimates.

Mr. Joe Comartin: I know Bill C-12 didn't, but the formula at that time, as it existed at that time, certainly had forecasts for what the population growth was going to be.

Hon. Tim Uppal: Bill C-12, the old formula, or the old bill, had population figures based on only the census data. It was only based on the census data.

This bill is based on the best population figures available and uses both the population estimates from Statistics Canada and the census data. It uses the best population figures available at each stage.

The Chair: You have 10 minutes, Mr. Comartin—no, 10 seconds.

Mr. Joe Comartin: I'll take the 10 minutes.

The Chair: I thought you might, but you have 10 seconds.

Mr. Joe Comartin: I'll let it go.

The Chair: Okay, great.

Mr. Williamson.

Mr. John Williamson (New Brunswick Southwest, CPC): Thank you.

I want to address some of the questions that were raised by Mr. Garneau. At first blush what he is suggesting actually sounds quite attractive, the idea that we can hold the line at 308 seats and come out to the same approximate number we're at now. That's effectively what I believe the member is saying.

But if you dig beneath the surface, I believe he is suggesting that Nova Scotia might lose a seat. All right, that's fair enough, going from 11 to 10 seats on a population of 900,000 is not bad. New Brunswick, by contrast, would maintain its 10 seats because it has 10 Senators, on a population of 750,000.

But the real hit would come to Manitoba and Saskatchewan, each with 14 seats. In order for this formula to work, they would effectively have to be cut to 6 seats each. So they would go from 14 to 6 seats, with populations of 1.2 million and 1.1 million.

I'd like to see these numbers you're throwing out there. I think it's incumbent on members, if they're going to put numbers out there, to back them up. This is key. If suddenly we have two provinces with 6 seats in the House and 6 seats in the Senate, versus eastern provinces with 10 in the House and 10 in the Senate, that would strike me as not at all equitable, let alone fair.

I'd like to have your comments on that. It seems that would be problematic for the 1.1 million people and the 1.2 million people in each of those two prairie provinces.

Hon. Tim Uppal: You're absolutely right. The Liberals are not being up front with Canadians on what their actual proposal is. Their proposal is to take seats away from the smaller provinces. It is unfair to do that. It's also unfair that they're not being up front about which provinces would lose the seats and by how many.

We maintain that they would keep those seats. This formula needs to be based on population figures. It is the most reasonable way to get every province closer to representation by population, without picking winners and losers and without taking seats away from the smaller provinces. That is why, based on population figures, the provinces of Alberta, B.C., and Ontario are getting seats, and also Quebec is getting seats, equal to their population.

• (1150)

Mr. John Williamson: As far as you know, have these numbers suggested by Mr. Garneau today come forward? Has there been a bill, or has his caucus forwarded any numbers that would allow us to view them? He's disputing what seems to be simple math. Again, it makes for a good headline: "We Can Hold the Line and Save Money". But at the end of the day, if it's a huge disequilibrium between the provinces, I'm not sure it's much of a solution.

I am curious to know whether those numbers have ever come forward to you.

Hon. Tim Uppal: No. They have come forward with kind of an idea, but they haven't done the work. They haven't done the numbers behind it. I haven't seen it. They haven't distributed any numbers to anyone that I know of. They really haven't been up front with Canadians, as I said. They haven't said, here are the population

figures; here are the ones who would lose seats and who would gain seats.

They have not done that. But looking at the existing seats, it is not too difficult to determine who would lose seats. I mean, you've done the math right there on who would actually lose seats under the Liberal plan.

Mr. John Williamson: Thank you, Chair. I have nothing more.

The Chair: Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you, Chair.

Thanks, Minister.

I don't want it to appear that we're all picking on our Liberal colleague, Mr. Garneau, but I have to make a comment. I also want to address something Mr. Comartin said, but primarily Mr. Garneau's comments.

You're quite right, Minister. I don't care how you slice and dice it: under the Liberal plan, certain provinces, including my home province of Saskatchewan, would lose seats. While he is correct in his statement that the guarantee that was provided in 1985 can be reshaped without having to open up the Constitution, it would cause immense problems constitutionally. Any time we start taking seats away or taking anything away from individual provinces, it is going to cause a constitutional crisis. There will be huge problems and huge costs to pay both interprovincially and between the federal and provincial governments in future negotiations, on any matter. It is simply not on.

This is why our party—I know, because as Conservatives we were all very well briefed going into the last campaign—guaranteed that there would be no change to the 1985 provision; that the seat count at that time would be preserved. To suggest somehow that Canada would be better served by reducing the number of seats in various provinces, including Saskatchewan, Manitoba, Newfoundland, and others, is absolutely sheer folly. It would cause so many problems that I don't think we have enough time in this committee to totally contemplate them.

I congratulate you on sticking to the plan, the commitment that our party made during the last election campaign.

With respect to my friend Joe's comments about looking back on Bill C-12, as compared with Bill C-20, I thought you explained well why Bill C-20 was superior to Bill C-12. It is a better formula—at least, one that I certainly see as being a better formula. I would just suggest to my friend opposite and others that things evolve. We've seen many times in past parliaments cases in which similar bills have been introduced and over time have improved. There have been changes, some subtle, some not so subtle. In this case, taking into account the accurate information that is currently at our disposal, Bill C-20 better reflects the move toward representation by population.

Will it ever be perfect? Of course, it won't be. Population fluctuations are always going to occur; there are only going to be changes made every 10 years. We'll never get to a point where there will be exactly representation by population, but in my view, this bill represents a much better rep by pop from province to province than any bill previously.

Mr. Christopherson mentioned his home province of Ontario. This bill perhaps doesn't give exactly rep by pop for Ontario, but it's a lot closer than Bill C-12 would have been, and a lot closer than any bill prior to that.

I think it is a great attempt, and it better closes the gap between underrepresented provinces and those that were perhaps over-represented.

Minister, I would only ask you once again to make a comment on why Bill C-20 was introduced and why it was introduced at this point in time to address what I consider to be some rightful grievances from the past.

• (1155)

The Chair: And in under five seconds, Minister.

Hon. Tim Uppal: The NDP is concerned about why this bill is better. It is better, and we should applaud the fact that it's better. It brings every province closer to representation by population using the most up-to-date population figures from Statistics Canada. That's a good thing.

The Chair: Thank you.

Mr. Comartin, you'll have four minutes, and then we should be finished.

Mr. Joe Comartin: Let me say that obviously we saw some improvement, because you finally recognized, Mr. Minister, the need to recognize the historical significance of the reality of the role Quebec plays in this country. So on that side of the bill, we're...I don't want to go too far, because you didn't go far enough in that regard, but it was certainly an improvement over what we had before. You just have to go a bit further. In that regard...

I'm sorry, I want to make one more point, maybe more to Mr. Lukiwski than to you. Trying to rely on this formula when you gutted the census, and every objective standard says that your analysis of what has happened to the census material... I don't know how we're supposed to feel confident in relying on it on an ongoing basis for the future growth in the House. Anyway, that's just a comment.

My questions are more around consultation, not only with Quebec but with the other provinces. For the change whereby you would add seats in the province of Quebec, when did you consult with Quebec about that? Similarly, when did you consult with other provinces, or did you consult with any of the provinces before that change was made?

Hon. Tim Uppal: Our position on representation in the House of Commons is not new. It's a long-standing commitment by this government and this party. As a government we regularly speak to all provinces on a wide range of issues, and we'll obviously look forward to working with the provinces.

At the end of the day this is a principled formula based on the best data available from Statistics Canada on population figures. The provinces received seats out of this formula based on the number of people they have living in the province.

Mr. Joe Comartin: This isn't question period.

Hon. Tim Uppal: Yes, and I'm telling you—

Mr. Joe Comartin: This is committee, and in committee the procedures are, the conventions are, that you answer the question.

Hon. Tim Uppal: Sure.

Mr. Joe Comartin: My question is specifically on consultation, not on the formula. When did you consult with the provinces specifically on this change that Quebec was now finally...? That is a major change from your government's standpoint from the two incarnations before Bill C-20. It's a major shift. You were adamant you weren't going to do that, and then sometime after the last election, in this Parliament, you decided you were going to finally agree that some additional seats should go to Quebec.

When did you consult with Quebec and the other provinces on that change?

Hon. Tim Uppal: We have been very clear. You mentioned the campaign. It's on page 63 of our platform that Quebec's representation would be equal to its population; it would continue to have fair representation. Those commitments have been very open. We continue to have, and always have had, dialogue with the provinces on a wide range of issues.

We have made these commitments. They're long-standing commitments. You yourself have been saying that this bill goes back to three different versions, or something like that, for a number of years. We've followed through on our commitment.

Mr. Joe Comartin: Those versions didn't have any seats for Quebec.

• (1200)

Hon. Tim Uppal: In the last campaign we committed that Quebec would keep its representation according to its population, so we followed through on our commitment to do that.

This rule in the bill says that if any province becomes underrepresented because of redistribution, it will come back up to representation equal to its population. That applies to every province, because we wanted to be fair to all provinces in our approach.

Mr. Joe Comartin: Did you tell any of the provinces before the bill was introduced in the House and then made public that you were going to make this change, that you were going to give the Province of Quebec three additional seats?

The Chair: Mr. Comartin, your time is up. I'll give the minister a quick answer before we finish up.

Hon. Tim Uppal: This bill is based on population figures, and provinces receive the number of seats according to their population. It's not a negotiation with provinces. You're somehow suggesting there should be negotiations with provinces on who should get how many seats.

The Chair: Thank you very much, Minister, for coming today.

Thank you all for coming today. It was a great round.

I'm going to suspend for a couple of minutes while we change our witnesses. The Chief Electoral Officer is coming next.

• (1200) _____ (Pause) _____

• (1200)

The Chair: I call the meeting back to order.

We're here today with the Chief Electoral Officer and Elections Canada. Monsieur Mayrand, please introduce your guests, and I know you have an opening statement. Then we'll try to get in a round or two of questions. We will have to break a little early because we have some committee business we have to do before the top of the hour. We'll give you as much time as we can today.

[Translation]

Mr. Marc Mayrand (Chief Electoral Officer, Elections Canada): Thank you, Mr. Chair. Good afternoon.

Allow me to introduce my team.

• (1205)

[English]

On my left,

[Translation]

is Stéphane Perrault, Deputy Chief Electoral Officer, in charge of legal affairs and investigations. On my right is Rennie Molnar,

[English]

Deputy Chief Electoral Officer in charge of electoral affairs; and second on my right

[Translation]

is François Faucher, Senior Director, responsible for the redistribution of electoral boundaries.

Mr. Chair, I am pleased to appear before the committee today to discuss Bill C-20, known by its short title as the Fair Representation Act. First, I will describe the role of the Chief Electoral Officer of Canada and other participants in the redistribution process. Second, I will address key changes under the proposed bill as they pertain to my office.

My office plays an important but limited role in the redistribution process. The drawing of the new boundaries is solely the responsibility of the 10 independent electoral boundaries commissions created under the Electoral Boundaries Readjustment Act. My office is not involved in any of the decisions made by the commissions regarding the choice of electoral district boundaries or names.

The Chief Electoral Officer does, however, perform certain functions that facilitate the redistribution process. Under the act, the Chief Electoral Officer provides geographic information to the commissions, acts as a liaison between the commissions and the House of Commons, prepares the draft representation order, and prepares maps following the proclamation of the representation order. Furthermore, to help make the process more efficient and effective, Elections Canada has, in the past, provided administrative support to the independent commissions. This allows the commissions to focus on the substantive tasks they have been assigned by law. I intend to continue providing such support.

While redistribution will officially start upon receipt of the census return from the Chief Statistician, currently expected on February 8, 2012, Elections Canada has already begun its work. For instance, we have contacted the chief justice of each province, reminding them that they must appoint the chair of the commission for their province. As of now, the chairs of 9 out of 10 commissions have been designated by the chief justices.

I have started to inform members of Parliament about the redistribution process, notably this committee, and I reiterate my offer to provide caucus briefings upon request. In addition, I have contacted the Speaker of the House of Commons to inform him of his responsibilities under the act, including the appointment of the two other members of each province's commission. I plan to meet with him in the coming weeks.

This committee will also have an important role to play in the redistribution process. Once each commission completes its proposal and responds to feedback received during public hearings, it will submit a report describing the proposed boundaries to the Speaker, through my office. The Speaker will then table and refer the reports to the committee. If, however, Parliament is not in session, the Speaker will publish the reports in the *Canada Gazette* and send a copy to each member of the House of Commons for that province.

MPs may file written objections with this committee for its consideration, in the form of a motion signed by no fewer than 10 MPs. The committee then returns its own reports to the Speaker, who will forward them to the commissions through my office. Once the independent commissions have considered the objections raised before the committee, they then decide whether to modify the boundaries or not before submitting their final report to the Speaker through my office.

After having received the final reports, I am required to prepare a draft representation order setting out the new boundaries as established by the 10 commissions. I transmit that draft representation order to the minister responsible under the act, and the governor in council is required to issue a proclamation of the order within five days. Neither I nor the governor in council may make any alterations to the electoral district boundaries or names presented in the final reports. The representation order is to be published in the *Canada Gazette* no more than five days after the proclamation is made.

Since the redistribution process will be launched in February, I would expect the initial reports from the smaller provinces to be submitted as early as September 2012, while the reports of the larger provinces should follow through the fall and winter.

As was done in the previous redistribution, my office will hold a conference with the 10 electoral boundaries commissions in February 2012, and will extend invitations to members of this committee. This conference will be an opportunity to familiarize the three-member commissions with the nature of their tasks.

• (1210)

[English]

Now let me address four key elements or changes provided by Bill C-20.

First, the bill amends the representation formula found in the Constitution Act, 1867. The new formula proposes to use the population estimates published by Statistics Canada on July 1 of the year of the decennial census, which means that the calculation of seats could be accomplished sooner. This change has no effect on my office. My role as Chief Electoral Officer is to use the formula as determined by Parliament to calculate the number of House of Commons seats allocated to each province.

Second, the bill shortens the timeframe within which the redistribution process takes place. Some of the changes are as follows. One is the possibility of establishing the electoral boundaries commissions sooner—either within 60 days of the census return, as is the case now, or six months after the first day of the month in which the census is taken, whichever is earlier.

Another change is the earlier commencement of public hearings, at least 30 days after proposals are made, instead of the 60 days in the current act.

In addition, reports from each commission would be due in 10 months rather than the current 12 months, with the possible extension of two months rather than the current six months.

Finally, Elections Canada would have seven months rather than one year, as is currently the case, to implement the new representation order before it comes into force for the next general election.

The net effect of these changes includes the earlier establishment of commissions, a two-month reduction in the redistribution process, and a five-month reduction in the implementation of the new boundaries.

The impact of the reduced timelines on the implementation of the new representation order will be mitigated by a third key amendment regarding the reappointment of returning officers. Following the last redistribution, the boundaries of 90% of electoral districts changed in some form. If we assume a similar proportion resulting from this exercise, Elections Canada would have to launch almost 300 competitive processes to appoint returning officers in the affected districts.

Bill C-20 will allow the Chief Electoral Officer to reappoint returning officers based on merit, after consultation with the leaders of the political parties recognized in the House of Commons. This is consistent with the process that my office successfully used when the Chief Electoral Officer was first assigned the responsibility of appointing returning officers in December 2006.

The fourth key change I would like to bring to your attention is the requirement in the bill for Elections Canada to prepare and print a full set of paper maps on completion of the commissions' initial reports. Currently, about 55 maps are included in the commissions' report stage to portray the proposed new boundaries. This bill would require Elections Canada to prepare and print some 400 individual maps at that stage. This would include one for each district; one for each province; and one for each city and metropolitan municipality, portions of which are in more than one proposed electoral district. Currently, the full set of maps is only printed following the issue of the proclamation declaring the representation order to be in force.

The bill also requires Elections Canada to provide electronic versions of each of these maps to each registered political party. We are currently examining how this provision could be implemented with limited impact on the redistribution timeline and its cost.

My office has begun to assess the impact of this bill on the resource requirements of the agency, particularly related to support for the redistribution process itself; Elections Canada's return to readiness; the delivery of a general election using the new boundaries; and ongoing programs and activities in areas such as political financing and support for field personnel. Following the assessment, we may conclude that additional resources are required.

In closing, I wish to indicate that the work of the commissions is set to begin under the current legislation as soon as February 2012. The early adoption of any legislative changes before that date would greatly facilitate the work of the commissions.

Mr. Chair, my colleagues and I will be pleased to answer any questions.

Thank you.

The Chair: Thank you very much for your opening statement.

We'll start with a five-minute round.

Mr. Lukiwski.

Mr. Tom Lukiwski: Thank you very much, Chair.

Thank you, Monsieur Mayrand, for appearing here today.

I want to make sure we're perfectly clear here. You said that you and your officials would be prepared to begin implementation in early February 2012. Clearly there is a lot of work. The objective of our government is to try to have these changes in force prior to the 2015 election. While some may suggest that three and a half years away is plenty of time, I think you've laid out fairly effectively the amount of work your office will have.

If I'm hearing you correctly, you're saying you can get this done but you need the bill to be in your hands to begin work no later than early February. Is that a correct assessment?

• (1215)

Mr. Marc Mayrand: I think that would be the best scenario as far as we're concerned. Otherwise, if there's any further delay, we risk having the commissions restart their work. By statute, the commissions need to start their work in February.

Mr. Tom Lukiwski: I'm glad we've got that clarified, because if you work backwards, since the scheduled date for rising for the end of the session is December 16 and today is November 15, we only have a limited number of committee dates to be able to examine witnesses and get the bill through all three stages: get it out of committee, back to the House, and from the House to the Senate. Royal assent has to be granted, and then, and only then, would we be in a position to give you the completed bill so that your office can begin its work. I mention that for the benefit of the committee here, to try to get a sense of the amount of work we have to do in a very limited amount of time.

Have you confidence then, Monsieur Mayrand, given the amount of work you've detailed here and some of the compressed timelines for some of the elements that your office will be required to do in terms of the administration of this, that this gives you sufficient time so that new boundaries could be in place prior to the 2015 election?

Mr. Marc Mayrand: Yes, provided it remains in October 2015, the fixed date.

Mr. Tom Lukiwski: Let me ask you for an overall assessment of the legislation brought forward. I won't get into asking you your opinion of the political aspects of it, as some in this committee tried to raise, but merely the fact that we, in an attempt to try to get better representation by population, have brought this bill forward. In your capacity as Chief Electoral Officer, beyond what you have stated in your presentation to us today, do you see any potential roadblocks or hurdles, perhaps unanticipated or unintended consequences of this bill, that might be problematic for your office?

Mr. Marc Mayrand: No. We are confident that we and the commissions will be able to proceed and implement the new formula and the remainder of provisions of the legislation without too much difficulty, provided it's enacted in time.

Mr. Tom Lukiwski: How much time do I have?

The Chair: A minute or so; a minute and fifteen.

Mr. Tom Lukiwski: I want to home in on something I know will be an issue with all MPs, particularly in the four provinces affected, where new boundaries have to be drawn and perhaps new names found for the new ridings. You mentioned in your presentation that MPs would have an ability, if they have objections to some of the proposed boundaries by the individual provincial electoral commissions, to have an opportunity to, in effect, appeal them. Could you give us a bit more detail on that?

Mr. Marc Mayrand: MPs will have two opportunities to make their views known around the proposed new delimitations, first at the public hearings that must be held by commissions across the country in each of the provinces, and secondly when the initial report of the commissions is provided to the House. The Speaker will refer them, in my understanding, to this committee. The committee will receive the objections of colleagues regarding any issue arising from the proposed new boundaries, and the committee will report their views on these objections. The commissions, in due course, will be required to consider those views. Of course, they are not bound, but they will have to consider the objections that will be relayed by this committee.

• (1220)

The Chair: Mr. Christopherson, five minutes, please.

Mr. David Christopherson: Thank you very much, Mr. Chair.

I may have a moment or two left, and I'll give them to Mr. Comartin. That's not likely, with the way I go on, but I'll do my best.

Thank you very much. It's good to see you again. I've done a lot of work with you—a lot of files—and one more today. We're interested in the timeframes, and you focused on that. Mr. Lukiwski was strategic enough to raise that in his opening questions. Fair enough. The government has said it must have this bill done by the end of this year in order to do all the things that are necessary. Of course, the competing pressure is that we want to make sure that every province and territory that wants an opportunity to speak to this committee and this bill should be given that opportunity. There are a lot of experts we want to bring in. It's a complicated formula, so we're hoping to have enough time to do our work.

I noted that in responding to Mr. Lukiwski you said that having this passed within the five weeks the government has stipulated would be the best scenario. But those words don't necessarily mean that if it's not done, the new seats can't be in place. I know you can't comment on a political date versus a real-world date, which is where I'm going, but I'll frame it to you this way: what, in your opinion, would be the drop-dead date, the absolute latest, that you feel this bill has to be out of the House of Commons?

Mr. Marc Mayrand: The best date—

Mr. David Christopherson: Not best...okay, sorry.

Mr. Marc Mayrand: The best date—

Mr. David Christopherson: You became a minister all of a sudden.

Mr. Marc Mayrand: The best date, in our mind, would be before the commissions are set up in February. Otherwise, commissions will have to start their work, the legislation will come into place later on, and they will have to restart again. That may, of course, generate additional costs, but also quite a bit of confusion, depending on what time the legislation comes into place.

Again, the transitional provisions that are in the bill provide a variety of scenarios. The commissions' work has to be completed at least seven months before the next election date, otherwise the new boundaries won't apply.

Mr. David Christopherson: Okay.

Just so you know, we have indicated that it's our desire as the official opposition to do everything we can to ensure, regardless of how we feel about the bill, that it's in place in time, because that's an overarching priority.

What I'm seeking to know from you, given the deadlines you're using, sir, is if, hypothetically, we took part of January, when the House isn't sitting, to meet and do committee work and pass this on the first day we return—which would mean it would be out before the February census is released—it would still meet your needs.

Mr. Marc Mayrand: Provided that it also goes through the Senate before the census is released.

Mr. David Christopherson: Okay. I'm talking about the elected part of our government; the rest of it is just pro forma.

Let me reiterate. If it passes the House, notwithstanding time and whatever at the Senate, as long as it's in your hands in early February, by the time the census numbers are released—I believe it's February 8 or 12—that would be okay, that would still meet your needs? Then what happens back in December or January is up to us.

Mr. Marc Mayrand: The new formula will apply only after royal assent is given. Until the royal assent is provided, the commission has to work with the current formula.

Mr. David Christopherson: Understood.

Given the fact that the Senate is appointed and the guy who appointed them controls what they do, the Senate part shouldn't be a problem. What really matters is what the elected people think. I hear your point. I accept that and respect it. I'm just trying to make the case that should there be room needed to hear from the Premier of Saskatchewan or his designate, we want to make sure the time is there. It would be wrong to not have whatever seats are going to be in place for the next election, but it would be equally wrong if that was done when there are provinces and territories that wanted an opportunity to have a say but they didn't.

Do you have any comment on that?

•(1225)

Mr. Marc Mayrand: That's a matter for the committee to consider.

Mr. David Christopherson: All right. I respect that. Thank you.

I pass it over to my colleague, Chair.

The Chair: You have about 30 seconds, Mr. Comartin.

Mr. Joe Comartin: Assuming for a minute that Bill C-20 wasn't before you as a law, under the existing procedure, how long would it take for it to be completed?

Mr. Marc Mayrand: Under the existing procedure, currently it would bring us to around the spring of 2013.

Mr. Joe Comartin: So we've got a substantial gap.

Mr. Mayrand, if we simply had a quick amendment to the existing legislation that postponed the timeline requirements you've got, we'd have a lot of time where we can still be ready to implement this and the existing procedure?

Mr. Marc Mayrand: Sorry, I should have said the fall of 2013.

Mr. Joe Comartin: That would give us about two years before the fall 2015 election.

Mr. Marc Mayrand: Almost. But again there's quite a bit of work after.

Mr. Joe Comartin: I understand that, but it's not two years worth of work.

The Chair: Thank you.

Mr. Garneau.

[*Translation*]

Mr. Marc Garneau: Thank you, Mr. Chair.

My question also has to do with the timeline. The question has already been put to some extent. How comfortable are you with the timeline? An election must happen at some point. If, for some reason or another, it was sooner than expected and the bill had not yet been passed, at what point would you become nervous, so to speak?

Mr. Marc Mayrand: In our view, preparations to implement the new electoral boundaries would have to be completed by April 2014. After that, the undertaking would become increasingly risky, and it would be less and less likely that we could be ready for an election in 2015.

Mr. Marc Garneau: If we agree that it must be ready by April 2014, when would you like to see Bill C-20 come into force?

Mr. Marc Mayrand: The bill provides for a number of scenarios. All I can do is reiterate that I would obviously prefer to have the bill in effect in February. That would avoid a duplication of efforts, additional costs and, above all, much confusion.

Imagine if the commissions began their work and held public hearings based on a certain formula, and then had to start all over and hold new consultations. It would probably cause some confusion among Canadian voters.

Mr. Marc Garneau: Very well.

Your role, your mandate, under section 14 of the Electoral Boundaries Readjustment Act is to calculate the number of members of the House of Commons to be assigned to each of the provinces in accordance, of course, with the provisions of the Constitution Act. We heard some numbers this morning, and the minister talked about 15 new seats in Ontario, 6 new seats in British Columbia, 6 new seats in Alberta and 3 new seats in Quebec. Is that allocation in line with what you foresee?

Mr. Marc Mayrand: On a very informal basis, that lines up with our understanding of the proposed formula.

Mr. Marc Garneau: Could there be any surprises, or is that unlikely?

Mr. Marc Mayrand: Not really, since the formula is, I believe, now based on figures from the provisional census in July. We already know the figures pertaining to the population. So we can apply the formula with certainty.

Mr. Marc Garneau: Okay. Very well.

The representation order comes into force following the first dissolution of Parliament that occurs at least one year after the proclamation. But Bill C-20 mentions seven months. Can you work with that?

Mr. Marc Mayrand: Yes, that is further to the recommendation my predecessor made a few years back. That is the tightest deadline we could meet as far as implementing the new boundaries goes.

Mr. Marc Garneau: I have one last question for you.

You read Bill C-20. Given your expertise, are there any amendments you would have liked to make to the bill?

Mr. Marc Mayrand: A number of the technical amendments are further to recommendations made by my predecessor. Discussions on some of the technical amendments did take place to ensure they could become operational, if I can use that term. I do not anticipate any major difficulties, with the exception of the timeline, as far as the effective implementation of the bill's provisions goes.

• (1230)

Mr. Marc Garneau: Thank you.

[English]

The Chair: Thank you, Mr. Garneau.

Mr. Albrecht, go ahead for four minutes.

Mr. Harold Albrecht: Thank you, Mr. Chair.

Thank you, Mr. Mayrand, for being here today.

In the middle paragraph of page 4 in your opening comments, you talk about the role of this committee in the redistribution process. In response to a question by Mr. Lukiwski, you mentioned the two opportunities for members of Parliament to have input: at the public hearings and then again presenting to this committee. Your last paragraph says that for those MPs to file a written objection, there must be a motion signed by no fewer than ten MPs.

I just want to clarify: members of this committee will have input one on one, but those who are not members of this committee would need to have a motion signed by nine other MPs for it to be heard by this committee. Am I interpreting that correctly, or have I misread that?

Mr. Marc Mayrand: I believe it's by ten. For the committee to look at objections, it must receive a motion signed by ten MPs.

Mr. Harold Albrecht: Okay. Well, that was new to me.

Mr. Marc Mayrand: It's a requirement of the legislation.

Mr. Harold Albrecht: Thanks for clarifying that. It was certainly new to me.

Later on in your opening statement you refer to the other changes that Bill C-20 brings into place: establishing electoral boundaries, having boundary commissions sooner in the process, commencing hearings earlier, and so on. I just want to confirm that, as you look through these changes, these are ones the electoral officials are able to easily implement.

Mr. Marc Mayrand: They are doable. I think based on past experience we estimate that maybe three provinces would require a two-month time extension, but otherwise it's doable within the timeframe provided in the legislation.

Mr. Harold Albrecht: Just to clarify, is that primarily based on the size of those provinces? You indicated that the smaller provinces will probably be ahead of the game in terms of reporting back. So can I assume...?

Mr. Marc Mayrand: Historically it's been the larger provinces that took a little bit more time. But again, in the last redistribution exercise, 10 years ago, they all did it within 12 months. Three or four of them required a little bit longer than 11 months. The act provides that if they go over 10 months, under the new rules they can still get a two-month extension.

Mr. Harold Albrecht: They get a two-month extension. Okay. Thank you.

Those are all my questions, Mr. Chair.

The Chair: Thank you.

You're all being very efficient with your time today.

Mr. Christopherson, do you have any questions?

Mr. David Christopherson: It goes over to Mr. Comartin.

The Chair: It is Mr. Comartin. I'm sorry.

Mr. Joe Comartin: Mr. Mayrand, I went through this myself back in the 2004 round.

Dropping the commencement of public hearings from 60 days to 30 days means that people getting ready for those hearings, whether they are constituents or members of Parliament, have to do it within a much shorter timeline.

I'll speak from the experience I had with an adjoining riding, which was difficult, because I was taking some of her riding. She was an experienced member of Parliament, and we had good riding associations, but it still took us much longer than 30 days to get ready for those public hearings. I just don't know how practical it is to expect that we're going to get meaningful participation from the general public, from riding associations, and from members of Parliament when the government is reducing that to 30 days from 60 days. I was wondering if you could comment on that, from your experience.

Mr. Marc Mayrand: It still provides some leeway to the commission. Under the current act, the commissions have to wait 60 days. Now they only have to wait 30 days to see what submissions are coming in. If there are enough, they can start their public hearings. It doesn't mean that everybody has to have filed their objections within 30 days. Those who would need a little bit more time can ask the commission for more time, and I'm pretty sure the commission will agree to that.

Mr. Joe Comartin: It would require whoever needed that extra time, whether it was an individual or a group, to make a formal application to extend the time.

Mr. Marc Mayrand: Those who want to make representation must give notice to the commission seven days before the start of the hearings.

Mr. Joe Comartin: Are there criteria you would see for a two-month extension for the report from the commission? I think you were responding in part to Mr. Albrecht's question. Again, the commission would have to meet to get it extended. How do you get the extra two months?

• (1235)

Mr. Marc Mayrand: It's flexible in that regard. If the commission needs more time, again, within those two months, we will—

Mr. Joe Comartin: I guess what I'm really asking is whether there are set criteria.

Mr. Marc Mayrand: There are none I'm aware of.

Mr. Joe Comartin: I want to go back to the timelines again.

Right now, if we stay with the existing timelines, your office would have roughly two years to get ready for the next election. I think I saw somewhere in your notes that you estimated that six to seven months is the time you would need to get ready once the seats have been redistributed. Am I right on that time?

Mr. Marc Mayrand: Under the new limits, seven months is the minimum time required before a general election takes place.

Mr. Joe Comartin: All right.

In terms of that—I'm not sure I want to give you this opening—what would be an average time you would need? I don't mean a minimum time. What would be the average time you would use in advance of a general election to get ready?

Mr. Marc Mayrand: Do you mean following a redistribution?

Mr. Joe Comartin: Yes.

Mr. Marc Mayrand: Again, in the past it's been between nine and 12 months, except for the previous redistribution in 2001, which was done, with some heroic effort, within seven months.

Mr. Joe Comartin: All right.

If we passed a bill through the House really quickly, in the next week or month, that backed up all the existing legislation and backed up all the timelines they are required to meet, if we did that for a year, you'd still have a year's time to get ready for the election.

Mr. Marc Mayrand: If it's delayed, yes, we would. It depends on where the commissions are at, because again, the old process carries on.

Let's say the commissions complete all of their work. They send their reports, report back, and finalize their report, and we're ready to proceed with a proclamation order. If royal assent were given after that, we would have to start from scratch, and the next election would be done under the old formula.

Mr. Joe Comartin: You didn't understand my question.

Mr. Marc Mayrand: I'm sorry.

Mr. Joe Comartin: And I'm out of time.

The Chair: Mr. Reid.

Mr. Scott Reid: Thank you.

Actually, I was going to follow Mr. Comartin's point, so with any luck he will get the answer he was looking for.

If the law hasn't changed prior to February 1, I think there's a statutory obligation for the Speaker to appoint two people to the commission from each province, and for the chief justice of each province to appoint one person to chair the commission. That has to happen. That can't be stopped, so inevitably, if we pass that for February 1, we have to undo some of their work, reappoint them, do some kind of undoing, presumably more as time goes on. The moment it's February 1, they are under an obligation to move forward, and therefore we cannot avoid but to upset some of that work.

Would that be a correct statement?

Mr. Marc Mayrand: Yes. The commissions would have to restart their work if the royal assent is given to Bill C-20 any time after February 8.

Mr. Scott Reid: Okay.

Following Mr. Christopherson's observations about how things work in the Senate, I think his statement on the Senate ought to be set aside as more aspirational. I know it's the longstanding position of the New Democrats, but it's of course not the way the law works here. Failing some kind of unanimous consent in the Senate to simply pass the bill in all its stages at one sitting, I actually don't think you can rush things through the Senate with the kind of alacrity that Mr. Christopherson is suggesting. This makes me think that if we're heading in the direction of saying we need to have a larger number of witnesses, and we want to accommodate them, I think the better direction would be not to try to have special sittings in January, but rather to have extra sittings in November, right now, either in the evenings or on days we don't normally sit, something of that sort.

I think that's the best way of accommodating these things, so we can still meet that kind of deadline. It's only a suggestion I'm throwing out here. Of course, that wasn't meant for you, Mr. Mayrand. It was meant for our colleagues here. But I wanted to use your comments as a jumping-off point, so thank you very much for that.

Mr. Marc Mayrand: Thank you.

● (1240)

The Chair: Thank you.

I have Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): I have only a couple of questions. They're not so much on all of these things, but you did indicate the need to appoint new returning officers. I know that one of the things that occurred...and I think in your document you indicated that prior to 2006 it was certainly more, if you will, at the local political level in appointing returning officers. That's now an independent role fulfilled by your office, which I believe is light years ahead of political interference. But when you do that appointing, is there a time limit? Is there an agreement that someone will be appointed? Is it an appointment for life? Is it an appointment for 10 years?

Mr. Marc Mayrand: The appointment is for 10 years, provided that the returning officer continues to perform according to expectations. In the case of redistribution, however, if there's any change in the riding, the act requires that there be a reappointment process. There's an important provision in Bill C-20 that would facilitate the reappointment of well-performing returning officers.

Mr. Dave MacKenzie: If Bill C-20 passes, we move into that. You're going to have to appoint 30 brand-new people.

Mr. Marc Mayrand: It's a little bit more than that. Our estimate is that by that time we would have to reappoint 120 returning officers. There are always 30 or so who resign each year. Currently, we have suspended appointments in light of the redistribution process that will be taking place. There is no benefit in appointing ROs right now. We expect also that there may be, as a result of various circumstances, a number of ROs who will not be reappointed. So overall, we estimate that even with the change that's provided in Bill C-20, we would have to reappoint 120 ROs following the redistribution.

Mr. Dave MacKenzie: Would I be right or wrong in assuming that as of 2006, when you began the process, the people who were already returning officers...under what circumstance? Were they appointed for a limited time?

Mr. Marc Mayrand: They were appointed for ten years.

Mr. Dave MacKenzie: Was this the case even prior to 2006?

Mr. Marc Mayrand: In 2006, following the changes in, I believe, the Accountability Act, the ROs started to be appointed on the basis of merit. To facilitate the transition there was a provision requiring the Chief Electoral Officer to consult with leaders of political parties to say whether they had any reason not to continue those ROs who were already in place. There was a bit of a transition there.

Mr. Dave MacKenzie: If there are people at home who are interested in that position, after the bill is passed, obviously Elections Canada will be going through a process.

Mr. Marc Mayrand: Oh, yes, and it will be a public one. There will be advertisements in the riding's paper to draw the attention of interested candidates.

Mr. Dave MacKenzie: And should those folks contact Elections Canada, not their local member? That's my point.

Mr. Marc Mayrand: Yes. It would be nice to refer them to us.

Mr. Dave MacKenzie: Thank you.

The Chair: Thank you. We've used our time for today.

We thank you for helping us with this process. We know we will be seeing you some more during this process, hopefully at the launch of the commissions. We know you're there to advise us when we need you on this bill.

Thank you very much.

We'll suspend so that our witnesses may leave. We will then go in camera for committee business.

[Proceedings continue in camera]

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