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# **Standing Committee on Procedure and House Affairs**

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**EVIDENCE**

**Tuesday, May 26, 2015**

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**Chair**

**Mr. Joe Preston**



## Standing Committee on Procedure and House Affairs

Tuesday, May 26, 2015

• (1100)

[English]

**The Chair (Mr. Joe Preston (Elgin—Middlesex—London, CPC)):** We're going to call ourselves to order and move ahead today. We have a very exciting meeting today in two different parts, and both will be really quite good.

As your chair, I have to leave at about 11:45 to go host a lunch in the Speaker's lounge. The vice-chair—the more than able and capable and probably better than me vice-chair—will be taking over at that time for the end of this half and the second half of the meeting.

If you please, our guests, we've been waiting a long time for this so you now have to meet that level of expectation because we're really looking forward to it. Who's leading the presentation?

Monsieur Gagnon, please go ahead. Lead us and tell us what you've done.

**Mr. André Gagnon (Acting Deputy Clerk, House of Commons):** We'll try to meet your expectations.

[Translation]

Good morning. We are pleased to be here to provide you with a progress report on the implementation of the electronic petition system.

I am accompanied today by Stéphan Aubé, Chief Information Officer, and Jean-Philippe Brochu, Deputy Principal Clerk in the Journals Branch.

[English]

Our objective is twofold. First, we will provide you with a progress report and brief you on some of the outstanding issues. Secondly, we'll show you some of the mock-ups—that's really the reason why you're here, I suspect—of what the e-petition website would look like. All of this should not take more than 10 to 15 minutes.

I am happy to report that the work is going very well. We expect to launch the website for the beginning of the new Parliament, as requested. The implementation of this new system will require \$250,000 of new investments. The initial estimate based on Mr. Stewart's proposal, as you remember, was up to \$200,000. The committee's recommendations were much more complex and required much more significant technological investments. That explains the difference.

[Translation]

In addition, an employee was hired to monitor the e-petition system and ensure it works properly. We set out to create a system that is both easy to use and very secure.

[English]

In this regard, the report adopted by the House insisted on the importance of the protection of personal information and the integrity of the petition process. As a result, the system will also have the highest levels of privacy protections. Monitoring and verification mechanisms will also be included. Personal information will be deleted in accordance with the House's strict data retention policies, based on the model used for the departure of MPs.

[Translation]

Before we proceed with the mock-ups, we would like to draw your attention to two specific issues.

The first one is IP addresses. Under the proposed system, the clerk of petitions will have the necessary tools to further enhance the integrity of the process. The clerk may also withdraw invalid petitions or signatures that compromise the process.

[English]

Public IP addresses that belong to the federal government will be blocked.

[Translation]

The second issue concerns the posting of responses to paper petitions online. Obviously, responses to e-petitions will be easy to post online.

[English]

However, as you know, over 3,000 paper petitions are tabled in the House each year. A response is prepared for each one. Discussions are under way with our partners at the Privy Council Office—and they're going very well—but considering the scope of the project and the short deadline, online publication of responses to paper petitions will not be possible by the deadline, given the resources available. If the committee wishes, we can return after the launch to reconsider this option and report on the challenges involved.

Besides this specific issue, we are pleased to inform you that the other recommendations in the committee's report will be implemented with the opening of the next Parliament. For example, various guides and manuals will be prepared and made available. It will be easy for individuals to follow the petition they signed through the various stages of the process. A section of the website will keep a record of all the petitions that have been published, sorted by Parliament, and accompanied by the response provided. All Canadians will be able to consult the website and find information on a given petition for a long period of time.

Finally, I wanted to mention that we have developed a communication plan to ensure a successful launch, and training sessions will be offered to interested MPs and their assistants.

[*Translation*]

Thank you for your attention. We would be happy to answer your questions right after Jean-Philippe presents the mock-ups.

**Mr. Jean-Philippe Brochu (Deputy Principal Clerk, Journals Branch, House of Commons):** Good morning.

I have the thankless task of showing you the mock-ups. I hope you will be more interested in what is before you than in what I will be telling you.

Before I start, I have a few disclaimers.

First of all, the mock-ups we will be presenting to you today are static. The website is not operational. Although it may be tempting to do so, we unfortunately cannot click on the links on the screen. We are simply trying to give you an idea of what the future website will look like.

Second of all, you should keep in mind that the website's design and features may change before the launch. What you are seeing here today and what you will see after the election could be slightly different.

The first two mock-ups show the website's homepage.

• (1105)

[*English*]

The home page will be accessible on the Parliament of Canada website through a link on the second page, just after the first page where you select French or English. The website and the system are simple and easy to understand and to navigate. The home page will also contain four distinct and clear sections. We adopted a look and feel similar to those of upcoming new websites.

The system will automatically detect logins associated with an MP's account, and a "Sponsor" button will appear at the top of the page. We will use the same accounts as those authorized for submitting e-notices. A process to manage access or permissions similar in nature to the ones used to manage e-notices will be put in place.

A sign-in button will be available for those who already have an account to submit petitions. There's also a quick search box to easily find open or archived petitions. It will be possible to link to social media platforms on each page of the website, including on each specific petition web page.

[*Translation*]

A section of the website will be devoted to all the information about the petition process—guides, user manuals and step-by-step documents. Throughout the website, petitioners will have access to information to help them navigate.

The next image is somewhat different and gives a glimpse of the website's homepage on a mobile device. This will not be a separate application to be downloaded, but rather a light or adapted version of a desktop computer's interface. So the content will be adapted to small screens. The content and the design will also be in line with the current best practices for mobile devices and will be compatible with the vast majority of mobile devices on the market.

The next mock-up is an example of a form for submitting a petition.

[*English*]

We'll go through it from the top to the bottom. An e-petition practical guide will be available to consult or download. There will be plenty of information icons identified by the letter "i" next to the key steps. This page will contain drop-down menus throughout the form to help petitioners frame their petition in a proper way.

As per the committee report, petitioners will be prompted to identify five supporters, with the possibility of identifying up to 10 names to make sure the petition receives five positive answers. If need be, additional supporters above five will receive a notification informing them that the petition has already reached enough supporters. The five supporters and the petitioner will automatically be added to the list of signatories once the petition is published. It means that a published e-petition will automatically start with a total of six signatures.

E-petitioners will be allowed to have one e-petition open for signature and one draft e-petition in the system at any given time. Upon request from an e-petitioner to the clerk of petitions, petitions will be allowed to be withdrawn up to the time of their publication on the website. Petitions already published on the website can be closed and moved to the archived section, but only to be replaced with a second and different petition, as per the committee report.

In order to make sure that no robots sign the petition, security features will be included in the form. It will also be possible to preview and save a draft before submitting the petition.

[*Translation*]

The next mock-up is the default view of all petitions open for signature. If you click on the option "Sign or view an e-petition" on the homepage, you will be redirected to this page. You could switch between the two main tabs. The first one contains petitions open for signature, in the 120-day period to gather signatures. The second one contains all e-petitions and all the information about the various stages of their progress—for instance, whether they are certified, whether they have been presented in the House, or whether the government has responded to them. That tab even contains older petitions that have been archived.

By default, the petitions will be classified by topic, but they could be sorted in a number of other ways—for instance, by the number of signatures or by their closing date.

We have also included a user-friendly search engine that will help visitors further personalize their searches, such as by the name of an MP sponsoring a petition, by keyword or by full text search.

It will be possible to export data in CSV files—in other words, the types of files used by Excel—and in XML format.

When you click on one of the results, you will be redirected to a detailed page for each petition. We have tried to simplify as much as possible the user options for each petition's detailed page.

• (1110)

[*English*]

There are three distinct sections on that form. First of all, at the top is the petition prayer. Then on the right are the petition details, including the breakdown by province and territory. Finally, at the bottom left you will find the section to sign the petition, including security features and three check boxes—one for the citizenship or residency status, one for the terms of use, and one to receive automatic email notifications at each subsequent step reached by the e-petition.

Petitioners can also subscribe to an RSS feed on each e-petition web page.

[*Translation*]

After they sign a petition, signatories will receive an email with a hyperlink they have to click on to confirm their identity.

Once they complete the mandatory fields and click on “submit”, signatories will automatically receive an email to confirm their signature.

The email will contain the date and time by which they have to confirm their signature, a link they will have to click on, as well as the clerk of petitions' contact information.

[*English*]

We have designed a specific interface for members acting as sponsors. After a new request to sponsor a petition is sent by a petitioner, the chosen member receives an email with a link to his or her e-petition web page. He or she may also access this part of the website through the home page.

Members will find three distinct tabs on this page: first, the pending requests, organized from the most urgent to the least one; then the petitions a member has already sponsored; and finally, the declined requests. User guides specifically intended for members of Parliament will also be available.

Once you have clicked on one of the petitions, a new page opens. The prayer of the e-petition is reproduced, as well as the petitioner's contact information, as per the committee's request. Members have the option to provide comments when accepting or declining the requests or simply to contact petitioners directly, using the contact information provided. There will be a 30-day deadline to respond to requests, after which the e-petitioner will be given the opportunity to select another member. The system will automatically send two reminders to the member: a first reminder after 10 days and a final notice three days before the deadline.

All e-petitions published at some point on the website will leave a trace in the archive section, with the relevant notes, response, and final status information.

When analyzing the report, we realized that as things currently stand there will be a discrepancy in the manner in which paper and electronic petitions will be handled at dissolution. Currently, once a paper petition has been certified, it can always be presented in a subsequent Parliament. We consider that a certificate issued for a paper petition remains valid after the election. We therefore suggest to the committee to allow petitions that have reached 500 signatures before an election is called, even if the 120 days are not over, to be certified and presented in a subsequent Parliament, as is currently allowed for paper petitions.

Finally, at dissolution only the options to create, submit, and sign e-petitions will be deactivated. The archived e-petitions, government responses, and other information of a general nature will remain posted for consultation by the public.

[*Translation*]

That concludes the presentation.

[*English*]

We will be happy to answer your questions.

**The Chair:** Thank you very much for a great presentation.

I will go to Mr. Lukiwski first to ask a few questions.

**Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC):** Very briefly I wanted to ask my colleagues from the NDP whether Kennedy was planning to attend here too.

**Mr. David Christopherson (Hamilton Centre, NDP):** He's tied up in the House.

• (1115)

**Mr. Tom Lukiwski:** That's too bad. I would have liked to get his comments on this.

**Mr. David Christopherson:** Actually, we were hoping we could get an agreement that he could get this presentation, just because he couldn't be here—if you don't mind.

**Mr. Tom Lukiwski:** I was hoping he would be here today, so....

**Mr. David Christopherson:** So were we, but he—

**The Chair:** Can I ask that question? I'm not sure it's proprietary or anything, but if Mr. Stewart, the mover of the motion that got us to this point, wanted to come to visit you and you walked him through this, would that be okay?

**Mr. André Gagnon:** Yes.

**The Chair:** Is it okay with the committee?

**Some hon. members:** Agreed.

**The Chair:** Let's see if we can set that up, because it's important. He has done a lot of of the leg work on this, so by all means....

**Mr. Tom Lukiwski:** As a matter of fact, it would be helpful as well for all committee members to get copies of this presentation.

I just had some general observations, but I think I'm going to cede my time to Mr. Richards, who had some specific questions, I believe, on data mining.

**Mr. Blake Richards (Wild Rose, CPC):** Yes, I had one question, specifically.

You mentioned in your presentation the capability to download a CSV file from the website. Unless I misunderstood something, I would have to assume that downloading it would consist of being able to download the signatures, potentially.

What would you be downloading into a CSV file? My take on this from when the committee discussed it is that we didn't want to see a capability for data to be mined from these e-petitions.

What would the CSV files be consisting of?

**Mr. André Gagnon:** The main person who starts the petition would be the only name that would be accessible. All of the other names would not be accessible. All of the signatories on the petitions would not be accessible in any way by anyone. It would not be able to be downloaded.

**Mr. Blake Richards:** To clarify then, what would you be downloading into the CSV file?

Would it be a list of all the petitions that exist, or what would it be?

**Mr. Jean-Philippe Brochu:** Exactly.

If you recall in one of the other examples, we showed you the list of all of the petitions that were submitted. You could download that list and it would be sorted by subject or keywords. We found that it would probably be an interesting feature for searchers, or researchers, for instance, but the names of the signatories will never appear on the website.

**Mr. Blake Richards:** So the one name you could access for each petition would be the person who created it, not even the other five who signed up as the initial five.

**Mr. André Gagnon:** You're right.

**Mr. Blake Richards:** Okay, I wanted to make sure I was clear on that.

**Mr. André Gagnon:** There would also be the name of the sponsor, the member of Parliament.

**Mr. Blake Richards:** Sure, of course.

Thank you.

**The Chair:** Mr. Lukiwski, are you back?

**Mr. Tom Lukiwski:** I'm back.

Thank you very much for the presentation. Generally speaking, I'm very impressed. That was good work in a short period of time.

You mentioned that there were some challenges you faced because of the tight timelines. Could you expand on that a bit? Are you very comfortable, with the odd exception, about some of the things you couldn't do because of the short timeframe, or are there still some areas that you might see improving?

Secondly, did you use any other jurisdiction's e-petition format as a model when you started developing this, or was this basically starting from square one?

**Mr. André Gagnon:** We certainly looked at a lot of models to build this one. I think the discussion that took place in front of this

committee certainly led us where we wanted to go. As you have seen, this model is very simple to use. This was one of our main objectives, to make it as accessible as possible at the same time as making it as secure as possible. Those were two objectives that we had.

The main issue is the paper petition. With electronic petitions, you can imagine that once it's on the web it's already translated. It's on the web and it's in an electronic format. The responses we'll get from the government departments once the responses are tabled will also be made available electronically. When we have paper petitions, first of all they're not translated most of the time. Sometimes we get two petitions on the same subject and you can see that they are the translation of the same petition, but most importantly, they're usually not translated. That's the first thing.

We have a huge volume, at least 3,000 petitions every year, and they're not electronic. With the response we get from the department, the way it exists today is that there are only responses to petitions numbered 114, 244, etc. That's the only thing you get, and the text, with the response. Nowhere in the process do we have the electronic format of the petitions and the translation of each petition. This is something we need to look at for the next phase, and after that it's putting them on the web. You can imagine that 3,000 petitions is not a small thing. This is the main issue that we have.

• (1120)

**Mr. Tom Lukiwski:** Thank you for that.

Have you a best-guess estimate as to when you might be able to resolve the issue on the paper—?

**Mr. André Gagnon:** The discussion we have with the Privy Council will be very useful in that regard, and I think we'll get great support.

Our objective for now is to get this one done. With regard to the paper petitions, we are already looking at what process could be followed to get there. It would be hard for us to say "implementation" because it's hard for us to say whether we need additional investments, for instance. If that's the case, we would need to go to the board.

**Mr. Tom Lukiwski:** I appreciate that.

I think we're going to have to wait and see. It will be a learning curve for all of us to see what the uptake will be on the e-petitions, as opposed to the traditional paper petitions. In probably a year from now, you'll be in a much better position to do an evaluation.

Tell me—I'm still a little unsure—how the e-petitions get posted on the web. After the questions are answered by the various departments, what role does PCO have, and how do the answers get up on the website?

**Mr. André Gagnon:** They will provide us with an electronic copy of the response at the same time as the copy is tabled in the House.

**Mr. Tom Lukiwski:** Is the House administration going to be posting these on the website?

**Mr. André Gagnon:** It will not be on the website of the Privy Council Office, but on that of the House of Commons.

**Mr. Tom Lukiwski:** They will provide you with the answers, you being House administration, and House administration will post. Correct?

**Mr. André Gagnon:** Yes.

**Mr. Tom Lukiwski:** Good. That's fine with me.

**The Chair:** Madame Latendresse, you may share with Mr. Scott, if you leave him any time.

[Translation]

**Ms. Alexandrine Latendresse (Louis-Saint-Laurent, NDP):** I have two fairly simple questions about the five individuals needed to submit a petition. How does that work?

If I want to start a petition, and five of my friends agree with me, am I supposed to enter their information myself and provide their email addresses?

I want to make sure I really understand how it works.

Afterwards, the five signatories must respond in the affirmative for the petition to be considered. Is that how it works?

**Mr. Jean-Philippe Brochu:** Yes, exactly.

When you fill out a form to create a new petition, you will be asked to register five of your friends, who will hopefully support your idea. At least five people are needed. You will have to provide their last name, first name and email address. The five signatories will receive a copy of your petition by email, and they will have to click on a link to accept. When they click on the link, they will be asked for additional information in order to be considered signatories, as will be the case for all other signatories.

Does that answer your question?

**Ms. Alexandrine Latendresse:** Yes.

So what mechanisms will be in place? Let's say someone no longer has access to their email, and I do not have five signatories. As the sponsor, would I be able to add other names to at least reach that five-person threshold?

**Mr. Jean-Philippe Brochu:** Actually, it will not be possible to go back, but you could register more than five signatories from the outset. We have considered the situation and decided that a petitioner could register up to 10 of their friends. As soon as we receive five confirmations, the petition will go ahead.

There are all sorts of potential situations. Someone may misspell an email address or forget to respond. So we had to impose a limit, and we decided that 10 supporters could be registered.

**Ms. Alexandrine Latendresse:** Great. That is a clear response to my question.

I have another question. You say that MPs will be contacted, that they will receive one reminder after 10 days, another one 3 days before the closing date, with a 30-day timeframe. What will the process consist of? Will an email be sent to the general mailbox? How will MPs be contacted?

**Mr. Jean-Philippe Brochu:** An email will probably be sent to the MP's general mailbox. In all cases, MPs will be able to consult that page, or the website, regularly to check whether any requests are pending.

We still have to decide what email address it will be sent to. It may very well be sent to the MP's email address or to the individual designated by the MP to manage the petitions.

**Ms. Alexandrine Latendresse:** That is a very good idea. You have answered my questions.

[English]

**The Chair:** Mr. Scott.

**Mr. Craig Scott (Toronto—Danforth, NDP):** Thank you.

You have done an amazing job. I'm really quite excited about what this could do over time, so thank you.

At one point—I guess I was looking on the French page—there was

• (1125)

[Translation]

a subpage for sponsors. There are tabs for sponsored requests, and a tab for declined requests.

Who can see that? Is the sponsor the only one who can see it?

**Mr. Jean-Philippe Brochu:** Yes.

**Mr. Craig Scott:** So people, in general, won't know if I have declined a request.

**Mr. Jean-Philippe Brochu:** No, that information will not be made public.

[English]

**Mr. Craig Scott:** Fantastic.

In terms of the limit to the number of “whereases”, or *attendu que*, is that already part of the petition regulations or is that built into the system?

**Mr. Jean-Philippe Brochu:** As of now there's no limit on the number of words for paper petitions.

For electronic petitions, the committee has set a limit of 250 words. That's for the grievances and the prayer.

**Mr. Craig Scott:** Including the preamble....

**Mr. Jean-Philippe Brochu:** Exactly.

The more “whereases” you put, the fewer words you can request.

**Mr. Craig Scott:** Looking at the version we saw, I think there were three “whereas” boxes, but you can keep adding them.

**Mr. Jean-Philippe Brochu:** Yes, exactly.

**Mr. Craig Scott:** Just to reconfirm, I don't think it passed by without you saying yes to this already, but is there a version of this in PDF form?

**Mr. Jean-Philippe Brochu:** Of the presentation...? Yes.

**Mr. Craig Scott:** Could you send it to the committee so that we can all scan it a bit more than we were able to as you were going through it?

**Mr. André Gagnon:** Yes.

**Mr. Craig Scott:** Fantastic, thank you so much.

**The Chair:** Mr. Lamoureux.

**Mr. Kevin Lamoureux (Winnipeg North, Lib.):** Thank you. That was one of the notes that I also had. Getting a copy of the PDF would be beneficial because then we can share with our caucus colleagues and so forth.

All said and done, none of this actually takes effect, you expect, until October 20. Is that fair to say? No one can go onto a website; there is no website. Come October 20, people should be able to click in and create their petitions.

**Mr. André Gagnon:** In fact, this will start at the beginning of the new Parliament, which is whenever Parliament comes back. You can imagine that in the first few days, the Speaker would make a small, short statement in the House introducing the concept, and we would also brief members of Parliament through the orientation process on this specific process. You can imagine that whenever the House comes back, it's at that time the e-petition system would start.

**Mr. Kevin Lamoureux:** In essence, it's after a Speaker has been elected, which is good to know.

**Mr. André Gagnon:** Exactly, after the Speaker has been elected.

Let's say, day three would most probably be the day on which the Speaker would make a statement in the House introducing this, and we would start getting—

**Mr. Kevin Lamoureux:** You don't anticipate any issues at all in terms of being able to roll it out at that point.

**Mr. André Gagnon:** What we anticipate is a lot of interest and a lot of attention paid to it. We are already thinking about putting together a team to handle all of the requests that would come up.

**Mr. Kevin Lamoureux:** I think a big part of it... This has already been addressed with regard to email. Just for clarification, in terms of people who sign petitions and protecting their privacy, there is no way in which anyone would have any access whatsoever to an email address, whether you're the sponsor, the creator of the petition, the government of the day, or an MP who has agreed to be a sponsor. No one has access to that email address.

**Mr. André Gagnon:** In fact, if you compare it to the paper petitions today, it's really much more secure. The only individual who would see the email addresses of the five individuals on the list would be the ones who provided the email addresses.

**Mr. Kevin Lamoureux:** Say that again. Who would be provided the email addresses?

**Mr. André Gagnon:** If you want to create a petition, you need to find five to 10 friends, we'll say. If it's you who has provided those email addresses, those are the only ones that you would be aware of.

**Mr. Kevin Lamoureux:** But not of anyone signing the petition after that.

• (1130)

**Mr. André Gagnon:** Exactly.

**Mr. Kevin Lamoureux:** Okay.

There was one area of the presentation that did concern me, and maybe I misheard it or I didn't hear it properly. There was some sort of a drop-down box where it talks about citizen versus resident.

Is that mandatory field? You want to get a sense of whether they're a citizen or a resident?

**Mr. Jean-Philippe Brochu:** As per the standing orders that will be implemented at the opening of a new Parliament, petitions can only be signed by either a Canadian resident or a Canadian citizen living abroad. People will need to indicate or confirm by self-declaration that they are either living in Canada or Canadians living abroad. That will be part of the terms of use.

**Mr. Kevin Lamoureux:** I'm a bit concerned in regard to the actual wording of that because I think it could be interpreted in a negative fashion. Whether I'm a permanent resident of Canada or a citizen of Canada, technically both have equal rights with the exception of being able to vote and get a Canadian passport. I don't want to see us creating something that would give the perception of a two-tier resident here in Canada. I don't know how it could be fixed, but I would use that as a suggestion.

How does a member of Parliament that wants to be involved in a petition...? Is there an option for a member of Parliament to go onto the site and say, "I really like this"? Is there any way in which they can directly be affiliated with that petition?

**Mr. André Gagnon:** When a petition is on the website, it has already been sponsored by an MP. It's already ready to be signed, so you would not be able to go on the petition and say, "That's a petition I really like," and sign it, for instance, or be a sponsor, because the sponsor has already been identified.

**Mr. Kevin Lamoureux:** Okay. Now, in terms of the Standing Orders, there are a few standing orders that have to be changed, and we've dealt with all that, Mr. Chair, I assume, in terms of all the standing order changes.

**The Chair:** Yes, in the report.

**Mr. Kevin Lamoureux:** Wonderful. That's it for me. Thank you.

**The Chair:** Sounds like you're revved up and ready to go with a number of petitions, Mr. Lamoureux.

**Mr. Kevin Lamoureux:** I want to be ready.

**The Chair:** I'll remind you that you'll need five friends.

**Voices:** Oh, oh!

**The Chair:** Mr. Scott, and then Mr. Christopherson....

**Mr. Craig Scott:** Could we possibly see the box that Kevin was concerned about? I think it's a single box. It says citizen or permanent resident so it doesn't distinguish. It says, "I am a Canadian citizen or a permanent resident of Canada." It's "or", so there's no distinction.

**Mr. Kevin Lamoureux:** A permanent resident in Canada might feel insulted. Well, does that mean...?

**A voice:** Why?

**Mr. Craig Scott:** It's the same box, though. They don't choose one or the other.

**The Chair:** You check that one box there.

**Mr. Kevin Lamoureux:** So where does it have the international... or the person living abroad?

**The Chair:** You can't sign from offshore unless you click the box saying you are a Canadian citizen.



**Mr. Craig Scott:** And it's the electronic system that picks up the fact that you're doing it from outside.

**The Chair:** The IP address should tell us whether the computer is outside of the country or not.

**Mr. Kevin Lamoureux:** I caught the comments but I didn't quite see it. I just raised some concerns about it being a drop-down, but that would be it.

**Mr. Craig Scott:** That's the reason I've asked. I think it's okay for your concern because nobody's being totally identified as being one or the other.

**Mr. Kevin Lamoureux:** That was the primary concern. Thank you.

**Mr. Craig Scott:** Then the only other question was test-run procedures. Do you plan to have any MP involvement in just playing around with it at a certain point in order to see that it's functioning or to find any glitches?

**Mr. André Gagnon:** Usually whenever we put a new system in place, there is extensive testing taking place in the House. That's part of the regular process to put in place such a system. From the beginning we didn't have that in mind, specifically. This coincides with the election period, so the initial working plan was really to get into it inside and do extensive testing. Through the training process and the communication plan, at that time, we'll certainly be able to provide members with a good indication of what it looks like, how it works, and information sessions throughout.

**Mr. Craig Scott:** The only thing I would say is that having probably as much experience as others with web projects, no matter how much testing you do, there will be one or two things that are just either not intuitive for the users or an actual technical glitch. So, on the idea of fixing it when everybody arrives and everybody figures it out and finds a problem, you're planning on that, too, obviously.

• (1135)

**Mr. André Gagnon:** Also, we've been lucky in having a lot of exchanges with other assemblies that have had e-petitions, but not in terms of the volume that we have here. We expect there will be a lot of e-petitions being put there. When you think about what they had in Quebec, for instance, there's not a high volume of e-petitions. That's really one of the challenges. In terms of navigating through the e-petitions, the volume is the big issue we're working on. We're quite confident in this regard.

**The Chair:** Mr. Christopherson.

**Mr. David Christopherson:** Thanks, Chair.

Thanks very much. Most people figure it takes forever and everything to turn this ship of federal government. It really needs to be said that it took us a lot longer to get our political ducks in order than it did for you to get the bureaucratic ducks in order. Once we had sorted out what we wanted to do, you were fairly straightforward. It's very impressive. You've done a great job, and I think that's being reflected in all of our comments.

Mine's a very simple question. What role does the House play—your side of what we all do—in educating and informing Canadians that this new democratic tool is available to them? A right that's not known is like a right that doesn't exist. What kind of promotion would you normally do, or would we do, or is there something we

need to do to trigger that? We've set up this new wonderful world. Can we have some thoughts on how we let Canadians know it's available to them?

**Mr. André Gagnon:** That's part of the communication plan. As you can imagine, there will be some indications on the website and there will be a statement in the House from the Speaker on this, but more so, we will prepare some information items for members of Parliament to put in their ten percenters, for instance, and on their websites and all of those things. This is part of the communication package we're preparing so that members will have all the tools they want if they want to promote it. As well, inside, on our website and in the House, we'll be able to promote it.

**Mr. David Christopherson:** Does that include some of the promotional material for tours when people come through and get handouts of material? Is that something you would profile for a year or two to get people used to the idea, and again, to disseminate this as broadly as possible?

**Mr. Jean-Philippe Brochu:** Actually, that's a really interesting and pertinent question. We have been in touch with the Library of Parliament's outreach program and they will be developing tools for the website and also for the different displays.

**Mr. David Christopherson:** That's great.

Okay, that's my question. Thanks, Chair.

Again, great job, well done. Thank you.

**The Chair:** I'll echo that too. I think the whole committee thanks you. Mr. Christopherson is correct in that sometimes it takes us a long time to get to a place, but oh boy, you turned it into action pretty quickly, so I love it.

I have just one other point. There's a button there that says, "I'm not a robot." I'd like that on more government forms. We could really weed out the House of Commons and find out who the humans are.

**Mr. David Christopherson:** We might even thin out the House.

**The Chair:** It may happen.

**Voices:** Oh, oh!

**The Chair:** I thank you very much for your time this morning, for promising to give this to us, and for the work you've put into it. I look forward to sitting in my little home office after next October and sending you a hundred petitions a day. I'll be counting on all my friends to sign them, so that's perfect. Thank you very much.

We'll suspend just for... We have 20 minutes. I don't want to suspend for 20 minutes, so what do we want to do? Sit here and talk about...? I have to leave now. Is it the will of the committee that we do committee business?

**Some hon. members:** Agreed.

**The Chair:** I'm going to take this break, though, and, Alexandrine, you're going to have to take part in that.

I'll suspend just for a minute while we allow our guests and your chair to leave. Will someone tell me how committee business goes? It will be really important for the chair to know this.

**Voices:** Oh, oh!

**A voice:** Yes.

[*Proceedings continue in camera*]

• (1135)

(Pause)

• (1200)

[*Public proceedings resume*]

[*Translation*]

**The Vice-Chair (Ms. Alexandrine Latendresse):** We are resuming our 83rd meeting.

Today, we are continuing our consideration of Bill C-50, An Act to amend the Canada Elections Act. The four witnesses will have five minutes each to make a presentation. Afterwards, the members of the committee will be able to ask them questions.

By video conference, we will hear from Mr. Pilon and Ms. Woo. I will give them the floor first, just in case we experience any technical difficulties. We will then go to Mr. Pal and Mr. Lee.

I now give the floor to Professor Pilon.

• (1205)

[*English*]

**Professor Dennis Pilon (Associate Professor, Department of Political Science, York University, As an Individual):** All right, thank you.

Just by way of introduction, as you may know my academic research is focused on voting systems, questions of voter turnout, voter registration, big qualitative but also historical terms. I've also been an academic adviser on an audit of Elections Canada in the 2000s.

I also have a lot of practical experience on elections. I was a deputy district electoral officer in British Columbia, which meant I was second in charge of running a local constituency as the administrator in 1996 and 2001, training 300 people to work on election day, hiring halls to have people come and vote, and all those kinds of details. I have an analysis of this that is both academic but also informed by some practical experience.

As you know from the brief that I submitted, I identified at least three problem areas that I saw with the legislation.

First, it seemed to me that the legislation offers a solution in search of a problem, given that there is no systematic comparative academic evidence that voter fraud is a problem.

Second, I noted an inconsistent application of the rules on the basis of geographic location inside or outside the country in the identification required and the registration processes.

Finally, I felt there was an inappropriate or disproportionate response to the problem, if there is a problem, in terms of the proof of residence required by those outside the country and the onerous registration restrictions. I didn't see how they could be justified in terms of the aims that were put forward about what the government wanted to accomplish with these reforms.

That's just a very brief summary of what I put in my brief here, and I'm happy to answer any questions you have.

[*Translation*]

**The Vice-Chair (Ms. Alexandrine Latendresse):** Thank you very much.

I now give the floor to Ms. Woo.

[*English*]

**Dr. Joanna Woo (Postdoctoral Researcher, Institute for Astronomy, ETH Zürich, As an Individual):** Thank you very much for inviting me to describe to you my experience of voting in Canadian elections from abroad and how Bill C-50 would impact me.

I consider it both a privilege and a responsibility to participate in the democratic process of my country. That's why I'm here before you today, and that's why I have voted in every federal election since I've been old enough to vote, including the elections that were called while I've been away from Canada for educational and professional reasons.

While studying in Israel, I was on the international register of electors and voted a few times from there. To my dismay, I was then removed because of the five-year rule, so I closely followed the Frank case and was thrilled when that five-year rule was struck down last year. Having since taken up a postdoc position here in Switzerland, I started preparing a new registration with my spouse, who is also Canadian.

The instructions on Elections Canada's website, as well as the registration form itself, indicated that the forms should be returned either by fax or by mail, but oddly there was no email option. I first tried the fax machine, but it returned an error message dated July 14, 2014, last year. The next day, July 15, we sent both our applications in the same envelope by snail mail, since there was plenty of time still before the next election.

I didn't hear back from Elections Canada until October 15, in other words, three months later. I have since learned that email registrations are allowed, even though this is not advertised. Had we sent them by email, or had the fax machine worked properly, two or three weeks may have been saved but not months.

The email correspondence from Elections Canada that I received on October 15 indicated that they had received my application and that it was missing my proof of identity. I'm positive we had sent copies of our passports, but it was not a big deal to send them again, especially since this time they indicated we could send them by email.

Within a week, they confirmed by email that they had received our passport copies and added us to the international register of electors. Perhaps we really did forget to include our passport copies, and somehow this caused some months of delay. However, even after they confirmed they had all our documents, while I received my confirmation in the mail within two weeks, my spouse only received his hard copy at New Year's, in other words, two months later.

In total, the entire process until we received physical mail from Elections Canada took almost four months for me, and almost six months for my spouse. When I registered in Israel a few years ago, even though I don't have the exact dates, I also recall that the process was not particularly rapid.

Over the last 20 years, the length of all but one election campaign was less than 40 days. Under the new rules proposed by Bill C-50, we would have to register for every election and only after an election is called. Given the length of the process we experienced, these rules would make it impossible for me and my spouse to vote. In light of this, I implore the committee to find some way to modify Bill C-50 to make it more feasible for us Canadians living abroad to exercise our democratic rights.

Here I offer some humble suggestions that would greatly help us.

First, Elections Canada should make it clear on its website and its registration forms that email registrations are possible and encouraged.

Second, it would be of obvious help if Bill C-50 were changed so that registrations can be sent outside of an election period. If for some reason Parliament feels that we need to register for every election, I think we could live with that, but at least give us ample time to do so. For example, a year in advance of an election may be sufficient, although since elections are sometimes called early, it would be better if we could register any time between elections.

Third, if for some reason this is not possible, it would be a huge help if snail mail were completely removed from the process. Currently, snail mail is required twice: once when Elections Canada sends the voting kit to the voter abroad, and again when the voter sends the completed ballot back. Both of these steps could be removed if we could vote at Canadian consulates and embassies, for example. Other countries, such as the United States and many EU countries, have made such arrangements for their citizens abroad. Many of them even allow voting at their consulates all the way up to election day. I'm sure Canada could make similar arrangements in such a way as to eliminate the delay of snail mail, while still confirming voters' identities and ridings, allowing us to cast a ballot.

• (1210)

In summary, the process that my spouse and I recently experienced in order to register to vote was much longer than the normal length of an election period. Thus, Bill C-50, as proposed, would make it impossible for us to vote.

Canada is my only citizenship and the only country I'm allowed to vote in. I implore the committee to ensure that this is not taken away from me.

[Translation]

**The Vice-Chair (Ms. Alexandrine Latendresse):** Thank you very much, Ms. Woo.

The committee members will probably have some questions for you after the other two witnesses have delivered their presentations

Mr. Lee, the floor is yours.

[English]

**Dr. Ian Lee (Professor, Carleton University, As an Individual):** Thank you for inviting me to once again address what I have characterized as the most astonishing urban legend in Canadian public policy in the 35 years that I've studied public policy.

This urban legend claims that large, significant, or substantial numbers of Canadians lack any ID whatsoever, thereby disenfran-

ching them from voting. As a former banker deeply familiar with identification systems, I know that the principle of banking goes back to ancient times of "know thy customer" and is grounded in the idea that you can't collect money from someone if you don't know who it is you lent the money to. Therefore, identity and identification have been at the very core of financial systems for thousands of years, and it's only the rest of society, as we've moved into the digital economy, that is realizing what bankers have always understood.

First, I found that no critic had undertaken a systematic empirical review of all major identification systems in Canada using the government reports of the government departments that issue the ID in Canada: Passport Canada, Transport Canada, and so forth. I presented the empirical evidence of these systems both to your committee and the Senate committee in April 2014, and that became the basis of my op-ed published in *The Globe and Mail* on May 4, 2014, "Canadians who can't vote because they lack any ID? Don't believe it."

I testified to you and in the op-ed...and I'm just going to summarize this very quickly.

Canadians possess over 200 million pieces of identification or identification documents including birth certificates, as the vital statistics acts of every province compel the registration of every birth in every province. StatsCan reports 29 million people in Canada were born in Canada, with 6.7 million people foreign born.

In Canada there are 29 million birth certificates. There are 22 million drivers' licences—not the 15 million stated by Mr. Mayrand—per the annual Transport Canada report to Parliament. There are 29 million cars and trucks registered in Canada per the Transport Canada report to Parliament, each with an ownership certificate disclosing name and address. It's the same for insurance certificates, and there are nearly 35 million health care cards, as every province requires a health card to access a doctor, a clinic, or a hospital.

According to StatsCan, 69% of Canadians, or 9.2 million, own their own home. Under provincial law, real estate ownership must be in writing with name and address disclosed. Likewise for rentals, 31% of Canadians rent, and under landlord and tenant acts, the name and address must be disclosed in writing in the tenancy.

Per the FCAC established by Parliament, 96% of Canadians have a bank account, and the Bank Act passed by Parliament requires two pieces of primary government-issued ID to open a bank account.

StatsCan 2013 reports that 17.5 million Canadians filed taxable returns with, of course, name and address, while another 8.9 million Canadians filed non-taxable returns to get the GST rebate and so forth, a total of 26.3 million filers. Per StatsCan, in 2014 two million Canadians boarded planes requiring ID three times: once at check-in, once at security, and once at the gate. Per Passport Canada, 70% of Canadians, or 23 million, have a passport. Per the Canadian Bankers Association, there are 71 million credit cards outstanding in Canada.

I'll wrap up very quickly. As the French philosopher Michel Foucault taught us in 1978 in his astonishing article on governmentality, government departments and agencies have been studying, measuring, analyzing, and collecting data on us over very long periods of time in every area of life in western countries from health care to hospitals, to educational institutions, to penal institutions, to security, to borders, to agriculture, to drug use, to seniors' housing, and on and on.

In other words, and I said this before and I'll say it again to you, it is legally and factually impossible today in Canada to be digitally invisible with zero identity of any kind in any database anywhere. The Frank court decision has added an estimated 1.5 million eligible voters abroad.

I support Bill C-50 as Parliament must act to establish a level playing field with respect to voting in federal elections so that voters abroad vote under the same rules as domestic voters. In summary, in a modern, complex society, identity and identification are absolutely essential. The nostalgia for 19th-century voting systems in a far smaller and simpler time simply does not work.

Finally, to the trust issue, to quote the philosopher Thomas Hobbes, if we all really are angels and never do anything wrong, they why do we lock our doors at night? Restated, why do we need ID to board a plane if none of us are terrorists?

Thank you.

• (1215)

[*Translation*]

**The Vice-Chair (Ms. Alexandrine Latendresse):** I now give the floor to Mr. Pal.

[*English*]

**Professor Michael Pal (Assistant Professor, Faculty of Law, University of Ottawa, As an Individual):** Thank you very much to the committee for having me here to speak on this important bill. I'm a law professor at the University of Ottawa where I teach constitutional law and election law. You're all invited to come and speak to my class, if you'd like, down the road.

I'm going to give you a very different perspective than Professor Lee. You would have thought the law professor would be the one quoting Hobbes and Foucault, but instead I'm going to speak to the constitutionality of Bill C-50, particularly the rules on registration and on voter identification for overseas voters.

In my opinion, and I wish it was otherwise, the bill as currently written is unconstitutional for violating section 3, which is of course the guarantee of the right to vote in the Charter of Rights and Freedoms. It's unconstitutional because it substantially burdens the

rights of all citizens, no matter where they live, all Canadian citizens, to be able to cast a ballot.

I would also add that I don't believe Bill C-50 is actually in the spirit of the Frank decision. Frank, of course, struck down the rule preventing those overseas for five years or more from voting, so it actually expanded voting rights.

My fear with Bill C-50 is that the House may inadvertently be doing indirectly what the courts have said it cannot do directly. The House of Commons cannot deprive people, ban them from voting. But if the rules are so onerous as to make it nearly impossible to be able to cast a ballot, then the effect is the same.

The relevant sections here for overseas voters, in particular, that raise a constitutional dimension are those that require individuals to register at each election and only once the writ has been dropped, and then the voter ID requirements from the Fair Elections Act being applied here.

Requiring registration only after the writ is dropped is a recipe for denying the right to vote to Canadian citizens. The timelines are extremely tight and I know there has been some discussion at the committee about Canada Post and how long it takes to go back and forth. Once you factor in applying to register, the approval by Elections Canada, and then sending your ballot in, it can become very difficult to get it in on time. It's not impossible, but we shouldn't have to be lucky to be able to exercise our constitutionally guaranteed right to vote. I fear that is what this bill would do.

I would just draw the committee's attention to the recent British election, which also had extensive postal balloting of hundreds of thousands of people, and an article from *The Guardian*. It said that 113,000 people applied to vote by post, and overseas voters raised concerns they did not receive their ballots in time. We often look to the United Kingdom as a shining example of democracy and here even through best efforts postal voting can be deeply problematic.

Second, to turn to the ID requirements, the driver's licence is, of course, the document that has both your identification and your residence on it. Of those who live overseas, however, or in the United States but are Canadian citizens, very few will actually have an incentive to keep their driver's licence or documents that prove their identification and residence.

I know the committee has had a discussion in Bill C-23 about ID requirements, so all I would add is that for overseas voters, however onerous the ID requirements are for Canadians living in Canada, for Canadians living abroad they're likely to be even more onerous. Why would you keep all those pieces of ID that you might potentially need in order to vote because you probably don't need them for any other reason?

To turn to the constitutionality explicitly, the courts have consistently expanded the right to vote since we've had the charter. The Sauvé decision granted prisoners the right to vote. Cases have also granted the mentally ill the right to vote. Frank, from the Ontario Superior Court—and we'll see what the court of appeal has to say and then potentially the Supreme Court—was absolutely in that tradition. If one is a citizen, any restriction on the right to vote has to be very clearly justified by the government.

The question here is: what is the justification? I believe, as Professor Pilon said, we don't have good evidence of widespread fraud that would lead us to say we should limit the right to vote of those who are non-residents. I would ask the committee to weigh the very direct and concrete harm that's likely to result for Canadians living outside of the country, making it very difficult for them to vote, versus the relatively abstract goal of trying to prevent fraud.

We all agree preventing fraud and electoral integrity are important, but without evidence that this fraud is actually occurring we are potentially creating a real harm through Bill C-50.

To conclude, I would say the timing of registration is something that could easily be fixed. I know Mr. Kingsley said 30 days. Why not a year or perhaps even longer? You could register at any time potentially in between elections and I think that would be administratively possible.

• (1220)

If attestation as to residence is still going to be required, we should perhaps look at why the person who is attesting for you has to have lived in the same riding as you, because that is potentially artificial restriction that may not mean much on the ground and might restrict the right to vote.

Thank you very much for your time. I look forward to your questions.

[*Translation*]

**The Vice-Chair (Ms. Alexandrine Latendresse):** Thank you very much.

We will now move on to questions.

Mr. Reid, you have seven minutes.

**Mr. Scott Reid:** Thank you, Madam Chair.

[*English*]

Maybe I'll start with a little editorial complaint.

I think Professor Pal is quite right that the courts have been expanding this aspect of section 3. In my humble opinion, they've been unduly restrictive when it comes to another aspect of section 3. The 1991 reference regarding electoral boundaries in Saskatchewan effectively said that we all have the right to vote. It's of no matter if the weight of my vote is grossly disproportional to the weight of someone else's vote based on the arbitrarily sized ridings in which we live. I think that's an unfortunate aspect of Supreme Court jurisprudence that could be revisited at some point in the future.

At any rate, seeing as you raised, Professor Pal, the issue of other countries and how they conduct their overseas polling, I'll ask the question of whether you have any particular model you look at that

seems salutary. I think, for example, Australia's mandatory voting laws require that Australians overseas must go and vote at an embassy or consulate, unless they can demonstrate they were beyond a certain number of kilometres. I think to avoid a fine you have to file some kind of document saying you were simply not within reach of the nearest consulate or embassy. Maybe they have some relevant experience.

Rather than putting the model into your mouth, however, why don't you tell me if you have any that seem particularly admirable or effective.

**Prof. Michael Pal:** Thanks very much for the question.

I'm on the record at this committee a couple of years ago speaking on the Fair Representation Act criticizing that 1991 decision from the Supreme Court. I believe we're on the same page that we should have representation by population.

In terms of models, I think the current Canadian system is not so bad, but the overarching principle should be how we can make access for all the people who want to vote as easy as possible, keeping in mind that we want electoral integrity and to prevent fraud. A suggestion from another committee member was to expand the use of email. To be allowed to vote in embassies is another option. Military personnel are allowed to vote on military bases—someone correct me if I'm wrong—but having physical locations in places where there are large numbers of non-resident Canadians is one useful option.

Mr. Kingsley suggested provisional balloting is also a potentially useful one, and if there are any disputes about ID or residence then the ballot would potentially be counted, but put in a separate pile where things would be proven. The issue there is that you don't want to make it so onerous for the person to have to go prove otherwise.

The United States is one jurisdiction where they have enacted more onerous voter ID requirements. The courts have been quite willing recently to strike those down and to go back to the constitution. Making the vote as accessible as possible, I think, should be the guiding principle.

• (1225)

**Mr. Scott Reid:** Thank you.

With regard to the issue of a provisional ballot, I wanted to ask Ms. Woo.... Forgive me, I'm not sure, should I be calling you Dr. Woo or have you gotten to that point yet?

**Dr. Joanna Woo:** Yes, I have.

**Mr. Scott Reid:** Would you feel comfortable because you're the one person who is talking primarily from personal experience at being an overseas voter.... The so-called provisional ballot is one in which the ballot is put into an envelope for anonymity so that we can't tell that it's your ballot, and then it's opened up for verification after the fact. That means your vote wouldn't get counted for some time and until some tests had been gone through to confirm that it's a valid ballot.

Would you be comfortable if that sort of system were used for overseas ballots? That would, to some degree, allow for ballots to arrive after the election day and then to be counted if they are in a constituency where they might have an impact on the election. It would mean they are being treated some degree differently than they are being treated now. Would you be okay with that?

**Dr. Joanna Woo:** Yes. The current system, because I've done this a couple of times now, is that we get three envelopes: the inner envelope is anonymous; the second envelope shows your name and your riding, and you sign that you haven't voted before; the third envelope is to mail it back. I'm definitely used to that. I think to make it completely anonymous you'd have to send all the ballots together to Ottawa to get counted later. I am totally okay with that because I understand that only 6,000 ex-pats vote from abroad, and honestly, their numbers are small and probably won't affect results that are announced on election night. So I would be okay if it were counted later, yes.

**Mr. Scott Reid:** It sounds to me as if the experience of being a voter under the provisional ballot proposal that Mr. Kingsley made, effectively, would be exactly the same as the experience now. What would be different would be what happens after the ballots have been sent in.

**Dr. Joanna Woo:** I don't understand what's different.

**Mr. Scott Reid:** It sounds as if it will be exactly the same from your point of view, but all that would change.... His proposal was that the ballots come in and are set aside for verification purposes. We do the verification after the fact instead of requiring you to prove your identity in advance. That eliminates some of the problems that can arise that you describe where there's a slowness in getting responses back. That would be the only significant change, I think. You'd get your ballot perhaps earlier, but it might still not get counted until after the date of the election.

**Dr. Joanna Woo:** As long as it's counted, I'm happy with it.

**Mr. Scott Reid:** That's very helpful. Thank you very much.

Thank you, Madam Chair.

[Translation]

**The Vice-Chair (Ms. Alexandrine Latendresse):** Mr. Christopherson, go ahead for seven minutes.

**Mr. David Christopherson:** Thank you, Madam Chair.

[English]

Thank you all very much for your attendance.

Under the heading of "voter suppression", the first thing you find is Bill C-50, because that's really what this is all about in our opinion. It's a continuation of the suppression clauses that have been incorporated into our election laws.

I want to make reference to the Chief Electoral Officer. Remember that fellow, the one whom the government didn't consult when they brought all the changes to the "unfair elections act". He came back to talk about Bill C-50, and one of the things that's been missed, and I don't think it was picked up in the public domain through the media, is that the change in clause 4 of Bill C-50 adds proposed paragraph 143(2.11)(b) to the Canada Elections Act. It incorporates a change. So far we've been focusing on the ID at the polling station as if it

only affected foreign patriots voting who live abroad, but the fact remains that this change would change the entire Canada Elections Act.

This is the clause that's causing all the concern. It says, "an entity that is incorporated or formed by or under an Act of Parliament or of the legislature of a province or"—and this is the key thing—"that is otherwise formed in Canada." Nobody knows what that means.

The change, if this passed, would not just be for voting abroad. It would be for all voters. Monsieur Mayrand said:

I am, however, concerned with the fact that the bill will make it more difficult for electors abroad to vote, and I expect that many will not be able to do so under the new rules. I am also very concerned with the new requirement that pieces of ID be issued by entities incorporated or "formed in Canada"—a criterion that is unclear and that cannot be administered by election officers. I urge the committee to consider this aspect of the bill, and also to consider other changes set out in the table....

We have our Chief Electoral Officer suggesting this is a real problem and he would like it removed. I wonder, Professor Pal, if you'd be kind enough to comment on that, because you did touch on this a bit, this whole aspect of the confusion it will cause. Would you confirm that your interpretation is that it does change the Canada Elections Act, and that these concerns at the voting station won't just happen outside Canada but could potentially happen in every polling station in Canada? Do you agree with that interpretation, sir?

• (1230)

**Prof. Michael Pal:** I first became aware of this issue reading the testimony of Mr. Mayrand. I agree, it does cause some confusion. The issue for me is, as a legal matter, we want to avoid disputes after the election. We want to avoid uncertainty at the polls that cause people to have to go to court. As a lawyer, if you have a hammer, everything looks like a nail, so lawyers often say going to court is the answer. It isn't in an electoral context, because it can potentially undermine the confidence of voters in how the system works. We want to get it right the first time.

I think the Chief Electoral Officer is absolutely correct to say there's some uncertainty here, just as there is with some of the ID provisions in the act. There might be confusion among voters, and we want to avoid that as much as possible because it can lead to legal challenges afterwards and confusion about who is the member of Parliament for a particular riding.

**Mr. David Christopherson:** I absolutely agree with that, but it also adds to the potential for confusion in the polling station. That then creates a backup, which then has people saying, "To heck with this, I'm not standing in line for two hours." That's why I opened by saying it's voter suppression. The more difficult you make it to vote, the fewer people are going to vote. This is deliberate in my view.

I submit that the government has deliberately incorporated a piece of confusing language in order to cause confusion so there are backups at the polling stations that result in people getting frustrated and staying home. In my view, this has been the overall objective of the government in all of its reforms to the electoral act, with a few minor exceptions. The fewer people who vote the better for them, because the government knows, quite frankly, that the bigger the turnout the less well right-wing governments tend to do, here and elsewhere.

I also want to go back to the registry, the international register of electors. Again, Professor, you were having some problem understanding why it's being changed. I put the question to Monsieur Mayrand, is it broken? Basically, he didn't see that it was broken at all. Again it raises the concern, is the government again doing this in an attempt to have fewer people vote? The whole idea that you would eliminate a registry that's working and then tell people you can't even apply to vote until the writ is dropped, how stupid is that? I don't use that word very often, but that is just plain stupid. The fact of the matter is—

What?

• (1235)

**Mr. Tom Lukiwski:** You use it all the time.

**Mr. David Christopherson:** Not often enough in my view.

**Some hon. members:** Oh, oh!

**Mr. David Christopherson:** It's a great word politically. A lot of moms don't like it though, so I try to be careful. There were buttons that came out not long ago that said keep your stupid tax cut. People didn't like the word stupid.

The whole idea that you could not even apply to vote until the writ is dropped is simply absurd. I would ask Professor Pal if there is anything he can think of that would, from a reasonable, legal... Forget the rhetoric that I've been giving you, set all that aside. Is there a really good reason why anyone should have to wait until the writ is dropped to apply to be able to exercise their constitutional right?

**Prof. Michael Pal:** I will leave it to the honourable members to discuss motive and the political side.

I don't think there is a reason to make people wait until the election period. You asked at the beginning of your question whether the system was broken. I don't believe it was.

The two problems were that some people's ballots were coming in too late. I think Mr. Kingsley said that was about 1,000. I don't know the exact number, but that was an issue. Sometimes Elections Canada would send ballots to the wrong address, because they sent it to the address they had on file and someone had subsequently moved to a different address overseas. I don't see how this bill addresses that while also making voting accessible for people who are overseas.

I don't believe the system was broken. It could have been tweaked in some small ways. Absolutely, we should always try to improve the democratic process with the idea of making it as accessible as possible. Why not allow people to register whenever they can and whenever they want? People lead busy lives. We have a crisis of democracy in this country, I think. Not enough people are voting or engaged. Why not try to facilitate the engagement of people, rather than making it more difficult?

**The Vice-Chair (Ms. Alexandrine Latendresse):** Thank you very much.

**Mr. David Christopherson:** Thank you very much for your answers. I appreciate it.

Thank you, Madam Chair.

[*Translation*]

**The Vice-Chair (Ms. Alexandrine Latendresse):** Mr. Simms, you have the floor for seven minutes.

[*English*]

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.):** There are challenges being on this committee. One of the challenges is following Mr. Christopherson. I'll try anyway, just for the sake of getting through this.

I want to thank everyone for being here because this is very enlightening. I want to go straight to a quote that I have heard time and time again, and I want to go straight to an issue that I've heard of not only on this legislation but others. Dr. Pilon, I think you said it's a solution to a problem that does not exist, or as I like to put it, a solution in search of a problem.

This comes up time and time again. Specifically, I'd like to talk to Dr. Woo who has experience as an international elector. You talked about provisional ballots, that they would to a great extent allow you to exercise your rights and it would eventually be counted. However, I have an alternative. How about we provide a permanent list that puts you on that list and gives you the access whenever the writ is dropped?

**Dr. Joanna Woo:** Yes, that's definitely a lot more convenient. This is what the international register of electors has been up to this point. Obviously I would prefer that, so I don't have to go to the trouble of getting on this list again.

**Mr. Scott Simms:** Thank you very much for that. This leads me to Dr. Lee.

Dr. Lee, I really liked your article. I can't dispute a lot of it.

You put a lot of IDs out there: Stats Canada, Aboriginal Affairs, 800,000 cards. I won't go through it because you did as well. There is a whole host of identification. A lot of it is tracked by the federal government, but it is provincial ID for the most part—

**Dr. Ian Lee:** Some.

**Mr. Scott Simms:** —for getting on a plane, getting on a train. I'm going to end with what you say in your article. You say, “contrary to the critics, this research reveals that low income people need significantly more ID”. I agree with that. It's very tough to get welfare.

**Dr. Ian Lee:** People think it's easy. It's very hard.

**Mr. Scott Simms:** I appreciate that. I deal with it every day.

The unsubstantiated, undocumented allegation that significant numbers of Canadians possess no identity cards appears to be a legend. But you also say that, digitally, we are not invisible. That's where we agree.

Here's where our opinions may diverge. You are not invisible to the government when it wants to find you.

**Dr. Ian Lee:** That's right.

**Mr. Scott Simms:** But, sir, this is an election and when the vote is called, the government doesn't come looking for you. You have to go to the ballot box.

**Dr. Ian Lee:** Right.

**Mr. Scott Simms:** There are so many pieces of ID that may be available to people, such as seniors IDs, such as attestations, such as all of this, that it becomes difficult in a short timeframe. We may think five weeks is not a short timeframe, but for people who are not engaged in politics, it's short and it's hard for them to do.

My question is this. One of the things government has done is eliminate the use of the voter information card. It's one of the few federal IDs. Do you not think, in light of this, that would go a long way?

• (1240)

**Dr. Ian Lee:** I have thought about that. I've voted in every federal election since I turned 18. I voted first, I think, in the 1972 or 1974 election. I was always struck, way before this arose, with how loosey-goosey it was, if I could use slang English. They come to the door. "Are you a citizen?" "Yup." "Do you live here?" "Yup." "Put your name down; you're a voter."

They ask for no ID whatsoever, zero identification.

I think of all the other areas of society. I proctor my own exams, as every professor does, I think, or most professors do. We have to proctor our own exams now because we don't get enough money from our provincial governments to hire proctors. We require—and I went and looked at four universities other than my own—you to bring your photo ID into the exam, because I, at least, cannot remember all the names of all the people in my course. I only have 45 in a fourth-year course. So we require photo ID. That's just to write an exam in a university.

I fly to Europe and China all the time, because I teach in both Europe and China. Every country I go to requires a passport. When people say it's very difficult to go abroad without identification.... If you're abroad as a Canadian, you have a passport and there's an address on it on page 4.

**Mr. Scott Simms:** That's true. But here's one of the problems: you can't use that.

**Dr. Ian Lee:** You can use this passport at voting. I've used this at voting. I have brought my passport and voted in the past with it.

**Mr. Scott Simms:** It doesn't have your address.

**Dr. Ian Lee:** It certainly does. It's on page 4. Please, everybody, read your own passport. It's on page 4.

**Mr. Scott Simms:** It can't be used.

**Mr. Craig Scott:** The address cannot be used. You're not an expert.

**Mr. Scott Simms:** Just a second—

**Dr. Ian Lee:** I've never been denied presenting my passport. I came into this building with my passport today, by the way.

**Mr. Scott Simms:** Okay, but I'd like to get back to the voter information card. If that contains your address and you have other photo ID, don't you think that under your reasoning, under your logic, the voter information card should...?

**Dr. Ian Lee:** I'll put it this way. If the act were amended so that when the enumerators go to the door, they ask you then for primary identification....

**Mr. Scott Simms:** What if they don't enumerate any more?

**Dr. Ian Lee:** Well, whenever you get put on the list. Whether you go to them or they come to you, you should be producing primary identification to get on the voters list.

**Mr. Scott Simms:** On a lot of this, sir, I don't disagree with you. However, let's go back to what Dr. Pal said about the constitutionality aspect of this. Again, government doesn't come looking for you to vote. We don't have the Australian system of mandatory voting.

**Dr. Ian Lee:** Right.

**Mr. Scott Simms:** Therefore, what he is saying, which I agree with, is that we cannot make it.... In other words, all your information here is outlining the fact that most people, the vast majority of people have the right amount of ID.

**Dr. Ian Lee:** I argue everyone does.

**Mr. Scott Simms:** But I think that everybody has a right to vote, which goes to the Constitution, which says we should make sure that everybody has the right, which really.... Every government has a responsibility to make it as easy as possible for people to vote.

**Dr. Ian Lee:** Mr. Simms, let me answer this very quickly because I looked up something this morning before I came here. I didn't disclose this last time because I never thought to look it up.

I thought to look at all the seniors, so I looked up CPP. I'm going to be applying in two or three years probably, because that's when I become eligible.

**Mr. Scott Simms:** Is that at 65 or 67?

**Dr. Ian Lee:** It's at 65.

I have to bring two pieces of primary identification. Primary means government-issued, by the way. If we go back to that section that was being discussed earlier, proposed subsection 143(2.11), all that's doing is saying you have to bring official government ID as opposed to a union card or an identity card that Ian Lee gives you or something.

I just had two wonderful grandchildren born nine months ago. Did you know that in Ontario within three months, a mother must register a child with OHIP by law? She has to go to them to register a child to get a card to be able to access the system, so duties are imposed. Even though you have a right to health care, you have to go and register a child's birth, if you will, with the health care administrators.

To get OAS or CPP, I have to go to them with primary identification. There are no stories of people being denied health care across this country in large numbers or being denied old age pensions in large numbers or being denied CPP. There's just no evidence. When you look at it, there's no evidence of people being denied fundamental services that require ID. I think it's a giant Venn diagram. All of these identification systems intersect, and at the centre there's zero.

**Mr. Scott Simms:** The only thing I can ask you to do is to join me in the next campaign. Why don't you come on election day to see how many people are turned away from the polls? That's all I ask.



But anyway, Dr. Lee, I appreciate and I don't disagree with a lot of what you're saying, but fundamentally, it comes down to the Constitution, and I think, sir, you've missed the point.

• (1245)

**The Vice-Chair (Ms. Alexandrine Latendresse):** Thank you, Mr. Simms.

Mr. Richards, go ahead for four minutes.

**Mr. Blake Richards:** Thank you.

There's one thing Mr. Simms and I can agree on, and it's the difficulty of having to follow Mr. Christopherson. I'm glad he was able to bring us slowly back towards reality a little bit. Mr. Christopherson can take off his tinfoil hat and we can look at the reality of the matter here. People can cast all kinds of aspersions on the reason for something, but at the end of the day, obviously, the purpose of this legislation is to be able to ensure that there's fairness, to be able to ensure that the same requirements are in place for non-resident voters who are voting by special ballot as for those who are resident Canadians when they're voting by special ballot, in terms of having a process that's fair and equal for all.

I just wanted to ask a couple of questions to you, Professor Lee, because I know you seemed to be fairly rushed to get through some of your opening remarks, and maybe didn't get chance to focus on Bill C-50 as much as I'm sure you would have liked to. I'd like to come to you on that with that very principle, the idea of ensuring fairness and creating a single process for both residents and non-residents who want to vote by special ballot. I want to get your comments on that. Obviously the change being made here is that rather than automatically being sent a ballot at the beginning of an election, and that ballot ending up somewhere it shouldn't be, this will require a non-resident voter to apply for a special ballot, just as the average resident Canadian would have to do.

What are your thoughts on that? Do you think that's a fair change?

**Dr. Ian Lee:** I support, as you know, the previous changes because of this unbelievable plethora of identification, and I didn't even discuss utility bills. If you include utility bills—and all of us have utility bills with name and address—it explodes the number of identifications easily up into the 300-million to 400-million range, probably.

We are in a modern, complex society where you have to have identity to do anything. Even to go to the library and check out a book requires an identity card called a library card.

Now to answer your question, I think we need a symmetrical system whereby we have the same requirements for identification. I think there are up to 44 pieces under the bill that became the act, and the same standard should exist for people abroad. There were some suggestions about voting in embassies. I'm saying this as somebody who has been out of the country before during elections, in the nineties. It would certainly be easier for someone like me, when they're out of the country, to go into an embassy and vote, for example, and I do agree with the idea that we should be using electronic rather than snail mail. Snail mail is just so archaic and obsolete it's not funny.

There are things that could probably be fine-tuned. I fundamentally reject the idea, though, that any Canadian abroad lacks ID, because you can't get into another country without your passport. I've travelled to over 50 countries around the world. That's a quarter of the countries on the planet. I've never been able to get into a country without a passport, a valid passport that is not expired. I've been to some pretty strange countries too, not just France and Germany but some very third world countries.

**Mr. Blake Richards:** Along that line, one of the changes in this is to have electors who are voting outside of Canada provide proof of citizenship. That's something that has already been required administratively by Elections Canada for some time, I believe. The citizen voting act would simply make that common practice, enshrined in law.

Do you see any problem with having someone who's living outside of Canada proving that they're a Canadian citizen in order to vote? Do you see any issue with that?

**Dr. Ian Lee:** I'm sorry. I'm having trouble hearing you. Did you ask if I have difficulty with somebody having to—

**Mr. Blake Richards:** Do you see any issue with someone who's outside of Canada proving their Canadian citizenship?

**Dr. Ian Lee:** No. I mean—

**Mr. Blake Richards:** Is there any reason why that shouldn't be the case or is there any problem with doing that?

**Dr. Ian Lee:** No. This is why I say over and over that I find this whole debate of the past year just astonishing. In every area of life we have to identify ourselves. If I go to talk to CRA, the revenue people, and say that I want to talk about my tax returns, they're not going to say sure and start talking to me without asking me who I am. I have to identify myself to them.

The whole Privacy Act is grounded in the idea of identity because, by definition, to keep something private and let only some people access that information means you have some kind of an identification system that excludes some but allows others. The whole idea of privacy requires and necessitates an identification system.

I don't know why we've suddenly developed this aversion to identification systems when they are completely embedded throughout Canadian society. I don't just mean voting. To access student records, you have to prove to the university that you are who you say you are. When I go to the bank every time, they won't just let me walk in and say, "I don't have any ID here today, but by the way give me my money."

• (1250)

**The Vice-Chair (Ms. Alexandrine Latendresse):** I'm really sorry, Mr. Richards. Your time is up. We'll have to go to the next in line.

Mr. Scott, you have four minutes.

**Mr. Craig Scott:** Thank you.

I'm wondering if I could ask you a question, Professor Pilon. You were very gracious in just summarizing your paper, assuming that we've all read it. I think we have, but those following these proceedings might not have.

One of the two sets of concerns you had was about the inconsistent application of rules. You indicated that in the literature put out with this Bill C-50, the so-called citizen voting act, the government argues that its citizen voting act “will ensure that Canadians living abroad follow the same rules as those living in Canada.” On that claim by the government, you're absolutely right, that's what the minister claimed and that's what all their literature said.

Is that an accurate claim?

**Prof. Dennis Pilon:** Well, I don't think it's an accurate claim, because we have two sets of identification rules. People in the country don't have to present a passport but people outside the country have to present a passport, so if the government is suggesting that they're going to make things the same, then they really should do that. In terms of the registration process, if people inside the country can register at any time between elections, how do we justify saying that people outside the country cannot do the same?

The question was asked earlier: is there any compelling reason why we should want to have this process that's been set out in this bill? Frankly, I can't come up with any reason.

There are reasons sometimes to put specific rules in place to protect the security of something, but you need some rationale. You need to be able to say that we anticipate this problem, so here's our anticipated solution. In this case, it just seems punitive that we can't allow people outside the country.... If the government argues that they have to register in between elections—and, again, that's different from everybody else, because everybody else doesn't have to keep registering—if they want to do that for various reasons, then why wouldn't someone have to re-register at any point before the electoral cycle begins again? It seems to me that if the government's concern is that they know those people are eligible to vote, then there's no reason to restrict that in the way that it appears in this bill.

**Mr. Craig Scott:** Okay.

From your perspective, having read the bill and knowing identification rules, when it comes to digital databases and what they might reveal about people versus actual physical identity usable in voting in an election—which are extremely different things—would you agree with me that nothing in this bill makes use of the citizenship database for those voting abroad, the tax return database, or the previous voting record database? None of that is used as an easy way to confirm where somebody lived or to confirm any aspect of their identity.

Is it true that none of those databases are used in this bill?

**Prof. Dennis Pilon:** Well, it seems to me we could use the databases that have been suggested. If the goal is to solve the problem, then the citizenship database and the Elections Canada database on where people have voted before would provide us with the evidence of the riding they had been in before they left the country.

There are all sorts of ways in which we could solve this problem without having to try to create a very onerous process of trying to get people to prove it. For instance, people live in rental accommodation. There may be nobody left in the place they lived in two years

ago. There could be a very high turnover. In my research on voter registration, I've found that Canadians are incredibly mobile between elections. There's a huge number of people changing their addresses.

Again, I think this is based on an assumption that people are sedentary and stay in one place and not on the kind of dynamic society that Canadian society is today.

**Mr. Craig Scott:** Right, so my conclusion, from what you've said, is that however much digital databases could be used by a government wanting to create a combination of access to the vote and security of the vote, they might be able to use those databases but they have not done so in this bill, which suggests that at least one of the witnesses we have here is talking about something completely irrelevant to this bill.

That's all I have to say.

[*Translation*]

**The Vice-Chair (Ms. Alexandrine Latendresse):** There are no more names on the list. So if any of you have specific questions you would like to ask, I will give you an opportunity to do so in the few minutes we have left.

Mr. Scott, go ahead.

[*English*]

**Mr. Craig Scott:** Dr. Woo, you've approached this from the perspective of somebody who has voted in a number of elections from abroad and you can put yourself more easily in the shoes of people voting from abroad. You've told us of the delay factors.

You may or may not have all the needed identity to easily vote. You might have a driver's licence that shows the address. If you don't maybe you have easy access to people living back in your riding who will vouch for you to say you used to live there. I'm not sure what the factors are.

I have two sets of concerns about the vouching requirements in the bill. If you can't show your address, because a passport does not show one's address.... In your own hand you can scrawl it in but it cannot be used to prove address, unlike what we were just told earlier. You have a passport but you have nothing showing your previous address so you have to go and get somebody to vouch for your previous address.

Would you consider either of these to be barriers? One is where you have a family of four, all of whom are over 18 and therefore are Canadians who can vote, and you only know two people in the previous riding where you lived—maybe your two parents, for example. That means, according to this bill, only two of your four family members can be vouched for easily. Would you consider that to be a possible scenario, and if so, a problem?

• (1255)

**Dr. Joanna Woo:** I have one brother, and he is also living abroad actually. The rule is that only...how many people can be vouched for in a family?

**Mr. Craig Scott:** One person can vouch for one person.

**Dr. Joanna Woo:** One person can vouch for one person. In my case, one of my parents could vouch for me and the other parent could vouch for my brother. Is that how it works?

**Mr. Craig Scott:** Yes, then there is your husband or your spouse.

**Dr. Joanna Woo:** Yes, then it would be a problem for him because his current riding wouldn't.... Does it have to be a family member who vouches?

**Mr. Craig Scott:** No, just somebody you'd have to find.

**Dr. Joanna Woo:** Yes, that might be a problem for him actually.

**Mr. Craig Scott:** Okay, thank you very much.

Currently in the bill, if you are in the situation where you have to find somebody to vouch for you and are not so lucky as to have parents where you last used to live, the bill doesn't allow you to do all of this in advance of the dropping of the writ. You have to do all of this after the writ drops too. In light of your experience with how long it takes just to vote in the current system....

Let's just say Elections Canada might make the system a little better, but it's still a concern. It's not just the voting side; it's getting the vouching in line before you can even vote. Would you say that not being able to find the person to vouch for your previous address and having to wait until the writ drops is also a problem from a delay perspective?

**Dr. Joanna Woo:** Yes. I'm the type of person who likes to get everything all in order before the day and just send it right away. Hopefully I'd be able to get all the documents and send them in by day one and ask people ahead of time to vouch if we need someone to vouch, but it would be really hard because it did take a long time this time around. I do remember it also took several weeks at least to register from Israel, so I would find it very difficult to be able to send

in my ballot on time in the current system if we only had—what is it?—40 days normally for an election, or 36 days or 37 days. That would be very difficult.

**Mr. Craig Scott:** Thank you. I just wanted to benefit from the experience you've brought to bear. Thank you for looking at those two scenarios.

[*Translation*]

**The Vice-Chair (Ms. Alexandrine Latendresse):** Thank you very much.

My thanks to the witnesses for making their presentations and answering the committee members' questions. It was very informative, and we hope it has made us a bit smarter.

[*English*]

Is there anything else for the will of the committee today?

Monsieur Christopherson.

**Mr. David Christopherson:** I have a question. When is the minister coming in on Bill C-50?

**Mr. Tom Lukiwski:** It will be on Thursday in the first hour.

**Mr. David Christopherson:** Okay, thanks.

[*Translation*]

**The Vice-Chair (Ms. Alexandrine Latendresse):** Thank you.

The meeting is adjourned.

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