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—
Chair

The Honourable John McKay

Standing Committee on Public Safety and National Security

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• (1130)

[English]

The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)): We will resume, this time out of camera.

I'm going to Ms. Dabrusin first.

Ms. Julie Dabrusin (Toronto—Danforth, Lib.): Thank you, Mr. Chair, and thank you for allowing me to put forward this motion right now.

An hon. member: We're not in camera?

The Chair: Sorry, Ms. Dabrusin.

No, we're not in camera.

Ms. Julie Dabrusin: For the motion I've tabled, would you like me to read the wording just for clarity as to what the motion is about?

The Chair: Almost everybody here can read.

Some hon. members: Oh, oh!

Ms. Julie Dabrusin: Okay. That's perfect. I'll just jump in.

Recommendations b) and c) were specifically referenced by the minister in his speech when he spoke to Bill C-71. We had some very fulsome discussions about the Bill C-71 legislation. All of the points raised in this notice of motion are about things that are more operational and perhaps regulatory. They're not legislative matters but things that are coming out of what witnesses have said, and what the minister himself referenced in his speech in the House as things that should also be considered.

I would propose that we adopt this motion.

The Chair: Debate.

Matthew.

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Am I able to propose an amendment?

The Chair: You certainly are.

Mr. Matthew Dubé: I was going to add a paragraph d), that any undertakings of the Government of Canada be done in thorough consultation with all appropriate stakeholders.

The Chair: Has everybody got that?

Ms. Julie Dabrusin: I have that, Chair.

The Chair: Is there any debate on the amendment to the motion?

Ms. Julie Dabrusin: My only concern is how broadly it goes beyond this. Is that tied to paragraphs a), b), and c)? How does that fit in as opposed to what that would reference?

The Chair: Do you want to expand on your motion?

Mr. Matthew Dubé: My understanding would be that one would hope that any undertaking of the federal government would be done in consultation with all appropriate stakeholders, and I just don't see any of that wording anywhere. I think, given the diversity of viewpoints and the importance of these listed.... If I can backtrack for just a moment, I'll support the motion regardless, but in a spirit of good faith, in order to show a willingness to work with all stakeholders and not fall into a trap where things are being proposed and people feel like they haven't been consulted, I think just adding it.... Perhaps it may seem purely symbolic, but I think it's an important addition.

I'm open to different wording, if that's what's required, but given the vastness of this country and the viewpoints on these particular issues, I just think it's an important piece to get in there, notwithstanding my support for the motion as is.

The Chair: Julie.

Ms. Julie Dabrusin: I actually have no problem with the wording, except that I was wondering how it fits in. It could be for paragraph d) "any above undertaking"—

Mr. Matthew Dubé: Sure.

Ms. Julie Dabrusin: —just so it's clear that it's referencing within the motion and is internally consistent. That would be my suggestion, unless someone has a better placement that might make more sense.

• (1135)

Mr. Matthew Dubé: Chair, I'm perfectly okay with that.

The Chair: Pam.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): I have a question that's more for the analysts.

The word "appropriate" is often in a person's mind, as opposed to whether they're actually appropriate.... Is there a better word than "appropriate" for stakeholders that would give more direction?

Mr. Matthew Dubé: "Relevant"?

Ms. Pam Damoff: I think "relevant" might be.... I know what you're saying and I completely agree with it, but who determines who's "appropriate"? That's the only issue. I like "relevant" better.

Mr. Matthew Dubé: Okay.

Ms. Pam Damoff: I know it's semantics, but....

The Chair: Glen.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): Chair, I would propose another amendment as well, a paragraph (e), that we call on the House to return—

The Chair: Hang on. I think we need to deal with this one.

Mr. Glen Motz: I'm sorry. Yes, absolutely.

The Chair: Actually, we have three amendments on the floor.

A voice: I think “above”—

The Chair: He's agreed to both: to “above” and to “relevant”.

Mr. Matthew Dubé: Can they be considered friendly amendments?

The Chair: Yes—

A voice: [*Inaudible—Editor*]

Mr. Matthew Dubé: I know. It's always the answer, isn't it?

The Chair: We could do a wink-wink, nod-nod—

The Clerk of the Committee (Mr. Jean-Marie David): There's no such thing.

Everyone's in agreement with those three changes....

The Chair: —and assume that Mr. Dubé moved the “relevant” and “above” amendment, so that what we are voting on for the purposes of the amendment to the motion reads that “any above undertakings of the government be done in consultation with all relevant stakeholders”.

I'm assuming the debate on that is finished.

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

The Chair: Mr. Motz, you have an amendment.

Mr. Glen Motz: Mr. Chair, I would propose that this committee call on the House to return Bill C-71 to the committee to complete the recommendation that's identified in this motion.

The Chair: Is that a separate amendment, or is that relevant to this motion?

Mr. Glen Motz: It's relevant to this motion, in my opinion, simply because some of these issues for Bill C-71 are specific to what the government was intending to try to deal with inside of the bill, which unfortunately has failed miserably.

If we actually want to make Bill C-71 a bill that's going to impact public safety, let's bring it back to the committee. Let's study the things that both Ms. Damoff has in her motion coming up and Ms. Dabrusin has in hers, so we can actually study this. It could become something that will impact Canadians and not just a recommendation.

The Chair: I don't want to be arbitrary, but in my judgment, it's way beyond the scope of the motion itself. I'll try to be—

Mr. Blaine Calkins (Red Deer—Lacombe, CPC): The motion mentions Bill C-71, Chair.

The Chair: Yes. I'm going to let it ride for the time being.

Ms. Dabrusin, go ahead.

Ms. Julie Dabrusin: I said it at the outset and I will say it again that these are not in respect of legislation. These are regulatory and operational types of things. That is why it's a motion. It wasn't part of the Bill C-71 legislative review. It came up as other issues, and they were specifically referenced by the minister in the House of Commons at the outset.

You're talking about advertising regulations. You're talking about research. We're talking about studying mechanisms. These are not about changes to the legislation itself. It's not about legislation. It's regulatory and operational.

The Chair: Mr. Paul-Hus, go ahead.

[*Translation*]

Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Chair, it's clear, precise and definite: the debate about Bill C-71 was cut short. We asked for more meetings in order to study the question in depth. The lists of witnesses that were submitted would have allowed us to study the issues, and this could have been included in the bill.

The debate was cut short and we had to move quickly to study the bill and get it passed. Now, other elements are being proposed that could have been included in the report, as my colleague mentioned.

I want to remind my dear colleague Ms. Dabrusin that Bill C-71, which is very technical, refers to certain firearms whose classification has gone from “restricted” to “prohibited”. From now on, under this bill this will be the RCMP's responsibility. Several technical elements of the bill are quite similar to what was submitted here through your motions.

Personnally, I consider that my colleague's motion is good for Canadians, for the simple reason that these elements could have been included in Bill C-71 to make your bill more complete.

Now it seems as though you are playing politics. You wanted to earn points on the one hand; now you are presenting other elements to reopen the debate, whereas this could already have been done.

● (1140)

[*English*]

The Chair: Mr. Calkins, go ahead.

Mr. Blaine Calkins: Speaking to Ms. Dabrusin's comments, a regulatory structure gets its permissions from the legislative structure, which means that the regulations can't do anything not prescribed in the legislation. Somehow to suggest that all of the things that are listed—and I'm not questioning the intent or the desire that this motion is trying to do. But if we don't actually address the legislation, the legislation cannot grant in regulation what is not prescribed in the legislation itself, which means to say that the regulations have to fall and get their authorities from the law.

I think it's only appropriate if we're going to look at straw purchases and other things, which I think might actually impact public safety, then we ought to bring back Bill C-71, make recommendations in the legislation and hear from more witnesses on how we could improve the legislation so that we can actually improve public safety.

This is a very backwards way of trying to make up for the shortcomings that many witnesses...some of whom had the privilege of testifying here, many of whom did not, but they still aired their grievances through other means. This is a backwards way of trying to address the shortcomings of Bill C-71. If we're going to take our job seriously, then why don't we bring Bill C-71 back? I would gladly hear from more witnesses on the issues of straw purchases. We only heard from the chiefs of police. We didn't hear from front-line police officers. We didn't hear from any vendors or retailers. We didn't hear from the industry association that deals with or covers the retailers or vendors of firearms across this country.

I'm in favour of the intent of the motion, but I don't see how, through Ms. Dabrusin's intervention, we can simply recommend that the government make regulatory changes for which the law is not prescriptive. It seems disingenuous.

The Chair: Mr. Spengemann.

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Mr. Chair, this is just a question. I'm not sure that it's established parliamentary practice that every time regulations are discussed the legislation is put back on the table. I'm wondering if the analysts would be in a position to comment on whether that's true and whether regulations are often discussed separately from pulling all of the legislative framework back up for discussion.

Mr. Blaine Calkins: Legislation is the purview of the committee. To make recommendations suggesting regulations without having the law in place is foolhardy. It's a public relations exercise and nothing more.

The Chair: I don't think the analysts are able to answer the question. I don't know that our clerk is able to answer that question. You can take from it what you wish.

Is there further debate?

Mr. Glen Motz: It's almost like we're.... Sorry.

The Chair: Are you wanting to debate?

Mr. Glen Motz: Sure.

The Chair: Are you wanting to debate or are you not?

Mr. Glen Motz: Yes, I am.

The Chair: You are.

Mr. Motz.

Mr. Glen Motz: Thank you, Chair.

It's almost like.... We're asking researchers to find evidence to support a position. That's what you're asking there, rather than.... Could we not call on the government to research measures that look at firearms violations or that include gangs and guns and gun violence? That's opposed to a prescriptive correlation that you already have a preconceived position on as to its conclusion. That's an option if we're actually going to do a study.

And crickets....

• (1145)

The Chair: Is there further debate?

Seeing none, we'll vote on Mr. Motz's amendment?

The Chair: Do you want a recorded vote on Mr. Motz's amendment?

Mr. Blaine Calkins: Yes, I would like to have a recorded vote.

The Chair: I think I have an idea of how this is going to turn out.

Mr. Blaine Calkins: I know exactly how it's going to turn out.

(Amendment negated: nays 6; yeas 3 [See *Minutes of Proceedings*])

The Chair: We are now on the main motion as amended previously.

[*Translation*]

Mr. Pierre Paul-Hus: Are we done with the questions on the motion? May we submit amendments?

I'd like to ask a question.

The Chair: In the context of the debate?

[*English*]

Okay. Go ahead.

[*Translation*]

Mr. Pierre Paul-Hus: In paragraph c), you refer to restricted and prohibited weapons. Your wording leads one to think that there is advertising about prohibited weapons. But there is not.

Why did you use the word "prohibited"? The companies and enterprises do not promote prohibited weapons.

[*English*]

Ms. Julie Dabrusin: It's a matter of not allowing any such advertising.

The Chair: Blaine.

Mr. Blaine Calkins: Just so I'm clear on what the intention of paragraph c) is, I would argue that there is some merit there, but I want to be clear that this would prohibit, in various defence magazines and publications and various other publications that deal with hunting or whatever the case might be, such as *Outdoor Canada*, any advertising by firearms manufacturers to promote the sales of their firearms.

Is that what the intention of paragraph c) is?

Ms. Julie Dabrusin: No. That goes beyond what the intention is. It says "examine whether it is reasonable". To clarify on the wording as to what this is, it's not a prohibition within this motion. It's to examine whether it's reasonable. It's about glorifying violence and simulating warfare. This is about violence against people. That's what the intention is about.

Mr. Blaine Calkins: It has no intention, then, regarding restricting a commercial manufacturer who is looking for military procurement, for example? We see it all the time in the *Hill Times* and others where a defence organization or defence manufacturer is advertising fighter jets—which, by the way, have firearms on them—or anything else for that matter.... Is that what we're going to be proscribing here?

Ms. Julie Dabrusin: Going back to this, it says:

the Government of Canada examine whether it is reasonable for commercial firearms manufacturers to promote the sales of their wares, namely restricted and prohibited weapons, in a manner that particularly glorifies violence and simulates warfare.

I think the key word here is “reasonable”. That's right in there.

Mr. Blaine Calkins: No, I understand, and I understand that what one might find reasonable another might find unreasonable. To my knowledge, virtually every military firearm is probably restricted or prohibited. I would guess that anybody who is advertising defence equipment would be reasonably seen to be potentially talking about violence or warfare.

Are you certain this is the wise choice to put into the current wording? I'm not so sure.

Ms. Julie Dabrusin: I have eminent faith in the word “reasonable” and how it is interpreted legally. I am happy to keep it there, yes.

The Chair: Mr. Paul-Hus, and then Mr. Spengemann.

[*Translation*]

Mr. Pierre Paul-Hus: Basically, I only want to emphasize what my colleague Mr. Calkins just mentioned.

The way in which the French version is worded is very insidious and could have an impact on police forces, police magazines and National Defence. Even companies like Irving will no longer be able to announce frigates, because they are weapons of war.

The impact of this could be much broader than you intended. We have to be cautious.

• (1150)

[*English*]

The Chair: Mr. Spengemann.

Mr. Sven Spengemann: Mr. Chair, without formally proposing this as an amendment, I'm wondering if we would consider adding the word “civilian” so that it would read “promote the civilian sales of their wares”. I think that captures some, maybe most, of what my colleagues are concerned about.

I'm not sure if my colleague would contemplate that as a—

The Chair: Is that a helpful clarification?

Mr. Blaine Calkins: Potentially.

A voice: Potentially.

The Chair: I don't see any willingness to debate this further.

Do we work the word “civilian” into the motion as a formal amendment?

Mr. Sven Spengemann: I'm not bringing it as a formal amendment.

The Chair: Okay, there is no formal amendment. Therefore, the motion stands as it is.

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

The Chair: Next up is Ms. Damoff.

Ms. Pam Damoff: Chair, my colleagues across the way said that we're playing politics here. The only party that's been playing politics with this bill has been the Conservative Party. I find it really

frustrating, especially after speaking this morning to a group of women's shelters, and looking at them, to not have their voice mentioned by the Conservatives over there. It's really frustrating.

In the motion I brought forward, the first one is dealing with regulations. The other two are dealing with issues that are provincial and territorial and that therefore the government cannot pass laws on, but we've heard enough testimony on it to feel that it's important that the minister speak to his colleagues and work together to try to remedy these situations.

The last part of the motion, d), is based on testimony we heard regarding storage, that there are issues with it. It's not saying we have the answer for it. It's not saying we need to review the bill and have more witnesses. It's something that we want to bring to the attention of the minister and have him look at.

When we were finishing the clause-by-clause the other night, my colleague Glen read a list of briefs we got that he said were not taken into account, which was simply not true. Some of those I actually spoke to on the phone. I certainly read them. I hope others did. Some of the amendments we brought forward, but certainly these sections of this motion take into account what we heard from the emergency physicians; the Coalition for Gun Control; Alison Irons specifically was to do with a); the Canadian Federation of University Women; the nurses union; national shelters; and from Sunnybrook hospital, Dr. Sinyor. All of those fed into these.

Certainly the duty to warn is something we heard about. We have no ability to legislate that, but we think it's important for the minister to speak to his colleagues.

I'm hoping my colleagues will support this and not continue to play politics when it comes to domestic violence and suicide, because, I'll be honest with you, I'm just sick of it.

The Chair: We'll hear from Mr. Paul-Hus, Mr. Motz, Mr. Calkins, and Mr. Dubé.

[*Translation*]

Mr. Pierre Paul-Hus: Thank you, Mr. Chair.

First, I must say to my colleague who is blaming us about a group of women victims that the Conservatives were the ones who always supported the victims. All of the laws we adopted over the 10 years we were in power were always stricter toward criminals and aimed to help the victims. So please don't make any comments to me about assistance for victims. I think the Conservatives have a good record on this.

Bill C-75 includes criminal sanctions for persons who derive material advantage from the provision of sexual services, such as through forced marriage, polygamy, and the marriage of those of less than 16 years of age. From now on, these cases will be dealt with in the criminal justice system.

I'd like to go back to my colleague's notice of motion. I want to say to the committee that the content of that motion could have been dealt with when we studied Bill C-71; it could very well have been a part of it. These are elements we agree on. We agree on everything concerning background checks and having better investigations and better processes. Once again, this could all have been settled when we studied Bill C-71.

Thank you.

• (1155)

[*English*]

The Chair: Mr. Motz, go ahead.

Mr. Glen Motz: Chair, as I have said, this is an ineffective bill to do what we thought this was supposed to do which is to protect public safety. These motions now, in my opinion, are nothing more than the government trying to cover their backsides for passing useless legislation.

These things could have easily been covered off in this bill. As my colleague just said, it was the previous Conservative government that saw fit to deal with domestic partner violence, intimate partner violence and firearms, to make sure those individuals did not...either lost them, that had an order from the courts to be lost and never got them back. That didn't happen before, so to suggest that we, on this side, are ignoring that element, that victimization, is completely erroneous.

I am troubled that we had an incredible opportunity to work together on dealing with public safety issues in Bill C-71. What happened? Nothing happened. We targeted a group of individuals who the evidence has shown repeatedly is one-third less likely than the general population to even commit a crime, but we're targeting them exclusively in this bill. We don't do anything for anybody else. Now to throw out all these other motions and recommendations....

Since they were put on the floor on Tuesday, the comments I've got back from the public that interacts with me are that the bill is useless. I'm hearing, "Where were you guys when this was debated? Why didn't we get a chance to come and debate this? Why didn't we get a chance to come and testify? What was the rush to try to get this through? What was the big panic? If there's actually more than lip service to this, why didn't we get a chance to testify?"

I think it's evident. The fact that we are now going to start looking at these things—and we could have at the front end of this—tells me there's some admission on the other side that this bill is useless. It doesn't do what it's intended to do, and that's increase public safety and deal with the illegal firearms used by gangs and gang violence.

The Chair: In light of the three interventions, I encourage colleagues to stay with the motion itself that's before us.

Mr. Calkins.

Mr. Blaine Calkins: Thank you, Chair.

I'm a little bit worried. I understand there's basically a bit of a twist on the duty to warn. Currently medical practitioners are required in certain instances to inform the police when they fear for the safety of a child or something of that nature. This is broadening that duty to warn. I think we wouldn't necessarily have too many objections to this.

My concern is the threshold with the word "likely", and I would like to ask my colleagues if they would amend their motion to have something that is a little higher bar than "likely". I would like a little bit more certainty on that.

I'm a little bit concerned on two fronts because, if the government does adopt and go ahead with the terminology here and uses the terminology that's in this motion, I don't want anybody to ever fear about going to the doctor to get help they would otherwise need out of fear that their confidentiality and trust with the medical community might be in jeopardy. I think we would be doing a better service if we made sure we had the bar in the right place.

On paragraph c) in the English version, is it supposed to be "date" or "data"?

Ms. Pam Damoff: It's "data".

Mr. Blaine Calkins: I'm guessing that needs to be amended. I don't have a problem with that.

If we can take a look at those things.... I know that we didn't hear from the Privacy Commissioner in regard to Bill C-71, but I am also worried just generally speaking, if you take a look at the Canadian Medical Association's website and so on, that we're going to be asking the Minister of Public Safety to do something without.... I'm sure the due diligence would be done, but I'm just a little worried about the confidentiality and the nature of it.

I think it's well intentioned. I don't have a problem with the intent of what the motion is trying to do, because it might actually improve public safety. I think it might have that effect if it's done right. If it's not done right, from the other side, it might actually hinder public safety if people are afraid to go to see their doctor if they are in a certain state.

As long as we take those things into consideration, I don't have a problem with the motion.

• (1200)

The Chair: Mr. Dubé.

[*Translation*]

Mr. Matthew Dubé: Thank you, Mr. Chair.

Would my colleague be open to my submitting an amendment identical to the one adopted for the previous motion, simply to clarify things regarding consultation? Otherwise, notwithstanding that amendment, I support this motion.

[*English*]

The Chair: Do you want to respond to Mr. Dubé's suggestion, Ms. Damoff?

Ms. Pam Damoff: Yes, I'm fine with that.

The Chair: While we're on a roll here, the issue of "date" as opposed to "data" I assume is fine.

Ms. Pam Damoff: Yes. That's a typo.

The Chair: Okay.

On the other issue of a change of wording from "likely" to something else, do you have any observations?

Mr. Michel Picard (Montarville, Lib.): I'd like to talk about this.

The Chair: Sure. I just wanted to get the mover first.

Mr. Matthew Dubé: Can I propose my amendment and then...?

The Chair: Yes, I just want to see how friendly it is. That's all.

Mr. Matthew Dubé: It's pretty friendly.

Ms. Pam Damoff: I'm fine with this amendment if we want to....

The Chair: I just wanted to see.... As I say, I'm on a roll here.

Ms. Pam Damoff: Will we deal with “data” and “date” or is it considered a typo?

The Chair: We'll leave it as a typo. That way we don't have to deal with it as a problem.

Do you want to use any other word for “likely?”

Ms. Pam Damoff: No. I would like to speak to that, if I could, but

The Chair: Well, you can, after Mr. Spengemann, Mr. Picard, and

Mr. Matthew Dubé: Mr. Chair, can I move my amendment, then, so that we get it done?

The Chair: Yes, we can deal with that since you're going to come into the chair very shortly. We might as well get it dealt with.

All those in favour of the amendment as proposed?

Mr. Blaine Calkins: I don't think he's actually moved it.

We're voting on your motion without you moving it.

Mr. Matthew Dubé: So moved.

Some hon. members: Oh, oh!

The Chair: I thought he had moved it already.

Ms. Pam Damoff: So did I.

The Chair: We'll vote on the amendment as proposed by Mr. Dubé to the motion.

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

The Chair: Now we're back to debate, with Mr. Spengemann.

Regrettably, I'm going to have to ask Mr. Dubé to take the chair. I'm assuming that Mr. Paul-Hus is going to want to continue in the debate itself rather than be in the chair and be effectively neutered.

Mr. Dubé, if you would take the chair, Mr. Spengemann has the floor.

Mr. Sven Spengemann: Thank you very much, Mr. Chair.

I want to begin by first of all thanking my colleague Ms. Damoff for bringing forward this motion. I think it's tremendously important.

Thank you for your championship.

Violence against women is something that we are all required to stand up for, and if there is an improvement that we can make through this motion, I'm absolutely in favour of it. I am in fact in favour of the motion as it is written.

My question would be around the same lines as Mr. Calkins' question, in that “duty to warn” is put in quotation marks, which means we're importing an existing set of medical and/or legal ethics and implementing something that already exists.

I wonder if you would consider softening the language to go along the lines of requiring the Minister of Public Safety to work with provincial and territorial counterparts to determine the circumstances under which medical professionals are required to advise provincial authorities, leaving it less legally and medically determined and just having them figure out how best to do it. I think maybe there is an area that could address Mr. Calkins' concern but still move forward on, I think, the most important aspect of the motion, which is to make sure that warnings do go up when they are diagnosed.

[*Translation*]

The Vice-Chair (Mr. Matthew Dubé): Thank you, Mr. Spengemann.

Mr. Picard, you have the floor.

[*English*]

Mr. Michel Picard: I didn't want to bring it as a motion, just maybe for consideration of the group before we put it into a motion, but I'm happy to.

• (1205)

Mr. Michel Picard: I will allow Ms. Damoff one comment on what he said about whether it makes sense, and then I'll propose an amendment just to make sure we covered the conversation.

Ms. Pam Damoff: I wouldn't mind hearing it again.

Mr. Sven Spengemann: I'll be happy to repeat the thought as I framed it, “That the Minister of Public Safety work with his or her provincial and territorial counterparts to determine the circumstances under which medical professionals would be required to advise provincial authorities about persons” and retain the remainder as it is.

The Vice-Chair (Mr. Matthew Dubé): You're not moving it, you're seeking the sponsor's thoughts on this.

Mr. Sven Spengemann: If there's enough time for me to move it, I'll move it.

Mr. Sven Spengemann: Just to take out.... That's, as you pointed out, a very well-defined set of ethical and legal parameters, and to broaden that would give the minister potentially more scope to work out exactly what is required here.

The Vice-Chair (Mr. Matthew Dubé): Ms. Damoff, do you want to comment on Mr. Spengemann's wording?

Ms. Pam Damoff: I guess the intent is that they're going to talk to each other about it. It's not saying they had to implement it; it's asking if you can look at it.

I think “duty to warn” was something we kept hearing again and again, both in written and verbal testimony. I'm hesitant to take those words out, but I don't mind the way you were going with that. Perhaps we can review “duty to warn”, because my understanding is the Province of Quebec already has that in terms of legislation, but review it, and then go along with the words you were saying, Sven.

The Vice-Chair (Mr. Matthew Dubé): Is there any appetite to move it, Mr. Spengemann, as to the wording?

Mr. Sven Spengemann: My concern is that “duty to warn” has a legal body of jurisprudence, but it also has a body of medical ethics, and they may not line up one for one, so if we keep the “duty to warn”, I think it would be good to keep more of a definition of what that means.

Ms. Pam Damoff: Do you want to move it? I'm fine with this.

The Vice-Chair (Mr. Matthew Dubé): Monsieur Picard.

Mr. Michel Picard: I have one very small comment and maybe another one on the amendment.

With respect to “likely”, since we just asked the governments to talk together, it wouldn't make a big difference if we have “likely” or not, because my counsel is not the “likely” but the fact that they may attempt to take their own lives or the lives of others is not mentioned there.

The fact is, we just invite them to talk, so “likely” is subjective in how we interpret it. In fact, I don't mind the word itself. If there's a better word in English that I don't know of, that's fine with me, but I think we should focus on the fact that it should be “to put his or her own life or the lives of other people”, because that would kind of exclude the danger to himself.

The Vice-Chair (Mr. Matthew Dubé): Before going to Mr. Spengemann about the wording, I have Mr. Calkins.

Mr. Blaine Calkins: I agree with Mr. Picard. I think, obviously, it also focuses just on the lives and doesn't talk about bodily harm, which I think is another concern, and it excluded harm to self. I like the proposal Mr. Spengemann has, and I would be more comfortable with that language having a little more flexibility, given the fact that we did hear from only one group from the medical community, and I'm not disparaging them in any way, shape, or form. We also had some submissions, but there is a broad range of medical professionals, not just emergency room physicians. There's a broad range of medical professionals in the realm of psychiatry, psychology, and so on who also should be included in this if we're going to do proper due diligence.

If we're going to ask the minister to do that due diligence, I think giving it a little bit more of a broad brush works for me. I still would maintain, though, we should be very certain, and we should be asking and instructing the minister, in my opinion, to set the bar very high in the negotiations and discussions. When they're going to ask anybody from that professional community to breach patient confidentiality, there has to be a very high bar.

The Vice-Chair (Mr. Matthew Dubé): Mr. Motz.

Mr. Glen Motz: I like the language also proposed. We changed, in the act itself, in C-59, “is likely” to “is necessary”, if you recall, on terrorism or promoting terrorism or anything along those lines.

I think it's important to add that have been diagnosed with conditions that is necessary to prevent a risk to themselves or to anybody else.

It's a reasonable amendment, in my opinion.

• (1210)

The Vice-Chair (Mr. Matthew Dubé): Mr. Spengemann and then Mr. Picard.

Mr. Sven Spengemann: Mr. Chair, this is a question for my colleague, Ms. Damoff.

One way this could be read is that this is simply an enforcement problem, that the duty to warn is not being taken seriously. Is that what you had in mind, or did you have in mind to actually broaden the notion of the duty to warn?

[Translation]

The Vice-Chair (Mr. Matthew Dubé): Before giving the floor to Ms. Damoff, the analysts have something to add to reply to your question.

[English]

Ms. Tanya Dupuis (Committee Researcher): With respect to your question on regulations and to which committee it would go, we verified the Firearms Act. In section 118 it says that the federal minister must lay before each House of Parliament a proposed regulation, and that once that regulation is laid before a House of Parliament, it must be referred to the appropriate committee of that House.

In 2012, this committee did study a firearms regulation that was referred to it.

There's another option as well. If it's a current regulation, it could go to the Standing Joint Committee for the Scrutiny of Regulations.

The third option—

Mr. Dominique Valiquet (Committee Researcher): They would need to amend the act if it's a new regulation on something.

The Vice-Chair (Mr. Matthew Dubé): Ms. Damoff, did you want to respond to Mr. Spengemann's—

Ms. Pam Damoff: I got a little bit lost on this because we don't have the ability to legislate duty to warn. That was really clear. I asked whether it could be included, and we don't have the ability. I know when I brought it up with PolySeSouvient, they said, as well, that it's something they've pursued, but it's provincial, so it's not something that we can do.

I'm okay with what you're suggesting. I think what we're hearing is it's not happening now. I like adding that this is likely to put the lives of themselves or others in danger. I think that is an important addition. It was one that I think just got missed by mistake, but it is important to put in there.

I'm fine with what you've put forward, Sven.

Mr. Sven Spengemann: Mr. Chair, with your indulgence, in light of what you've said, I'm wondering if it's even appropriate. If it's a question of there being a judicially elaborated duty to warn but it's just not being applied or enforced provincially, would my amendment then go in the right direction? The circumstances under which there must be a warning issued already exist; it's just that they're not being applied.

I'm more inclined now to withdraw my amendment in light of what you said. It may not answer what we need to answer, which is the fact that—

The Vice-Chair (Mr. Matthew Dubé): I don't think your amendment was moved. It's being discussed informally at this point. If you're no longer interested in moving it, that's of course of your purview.

I have Monsieur Picard and then no other speakers.

Monsieur Picard, go ahead.

Mr. Michel Picard: The end result will be that the province will decide how they proceed with the concerns you have about...if they start talking to the police all the time, people will stop going to their medical counsellor. That's an issue. At the same time, that's why, to Mr. Motz's comment, I like the word.... I'm trying to be precise in English, but the last time I did that, I got into trouble.

[Translation]

The Vice-Chair (Mr. Matthew Dubé): That is why we have excellent interpreters.

Mr. Michel Picard: The conditions of the diagnosis have to be as broad as possible. They must be preventive and not restrictive. That is why the notion of necessity appeared more restrictive to me than the word “likely”. I think that in French this would mean that there are conditions that are likely to put lives in danger. I suggest that we keep the word “likely”.

Perhaps the analysts could give us a hand and give us the English equivalent of the words “mettre sa vie en danger et celles des autres”. The purpose of my amendment is to replace the words that follow “to put” with “the person's life or that of others in danger”.

The Vice-Chair (Mr. Matthew Dubé): Mr. Picard has suggested an amendment.

To make sure I understood properly, I would ask you to repeat what you are suggesting, please.

● (1215)

Mr. Michel Picard: After the word “diagnosed conditions”, I suggest that we add “that are likely to put the person's life or that of others in danger”.

[English]

Ms. Pam Damoff: In English that would be “the lives of themselves and others in danger”.

The Vice-Chair (Mr. Matthew Dubé): If I can do some freelance translating, I would probably say, “who have diagnosed conditions and is likely to put his or her life in danger, or the lives of others”.

Mr. Michel Picard: That's the idea.

Ms. Pam Damoff: Could you just say “the lives of themselves or others in danger”?

The Vice-Chair (Mr. Matthew Dubé): You said, “themselves or others”.

Before I go to you, Mr. Motz, I'm just going to make sure we're clear on the language.

[Translation]

In French it says “posent probablement un risque pour sa vie et celle des autres”.

Mr. Michel Picard: It should say “and/or”. It would then say that he is endangering his life “and/or that of others”.

[English]

The Vice-Chair (Mr. Matthew Dubé): The analysts are just going to see if that jibes with language that's currently in law.

In the meantime, while they look at that, I'll go to Mr. Motz, please.

Mr. Glen Motz: In Alberta, for example, the Mental Health Act is what we use to give broad authority to arrest someone who poses a risk, so it's likely—that “likely” isn't there, but in this language it would have to be there—that they pose a risk to themselves or to others. The language, I think, in most mental health acts is along those lines: they pose a risk to themselves or others.

The Vice-Chair (Mr. Matthew Dubé): Colleagues, we're just making sure we get some wording that we can work with here.

[Translation]

In French, it already says that.

[English]

In English, what we have here is “persons who have diagnosed conditions that are likely to put their own lives and/or the lives of other people in danger”.

Mr. Michel Picard: It's the same destination, just different roads. I'm fine.

The Vice-Chair (Mr. Matthew Dubé): Ms. Damoff.

Ms. Pam Damoff: Could you repeat that in English, again?

The Vice-Chair (Mr. Matthew Dubé): Of course. I'm amenable to “their own life” or “their own lives”, but I'm assuming we'd go with the singular, “who have diagnosed conditions that are likely to put their own life and/or the lives of other people in danger”.

Ms. Pam Damoff: That's fine.

The Vice-Chair (Mr. Matthew Dubé): Mr. Calkins.

Mr. Blaine Calkins: I'm going to move another amendment.

The Vice-Chair (Mr. Matthew Dubé): All right. I'm going to call the question on Mr. Picard's amendment.

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

The Vice-Chair (Mr. Matthew Dubé): Mr. Calkins.

Mr. Blaine Calkins: Chair, I would move an amendment to the amended paragraph b) that would read in English, “That the Minister of Public Safety work with his provincial and territorial counterparts to determine how medical professionals could advise provincial authorities” and then we'll accept the rest of the paragraph as amended.

The Vice-Chair (Mr. Matthew Dubé): I just ask that you go over that one more time, please.

Mr. Blaine Calkins: It reads, “That the Minister of Public Safety work with his provincial and territorial counterparts to determine how medical professionals could advise provincial authorities” and then with the remainder of the already-altered paragraph.

• (1220)

The Vice-Chair (Mr. Matthew Dubé): It's “could advise”, and what's after “advise”?

Mr. Blaine Calkins: Then comes “provincial authorities”.

Basically, I would like to strike “implement 'duty to warn', which would require” and replace it with “determine how” and replace the word “to” with the word “could”.

[*Translation*]

The Vice-Chair (Mr. Matthew Dubé): Do you want to debate this amendment?

[*English*]

Mr. Michel Picard: I would like a comment from Pam, since she is sponsoring it.

Ms. Pam Damoff: Has he removed “duty to warn” from it?

Mr. Blaine Calkins: Yes, that's what I'm proposing, Pam.

Ms. Pam Damoff: No, I'd like to leave that in.

The Vice-Chair (Mr. Matthew Dubé): Just so colleagues are clear—Mr. Calkins, feel free to jump in and correct me if I'm not reading this correctly—if the amendment was to be adopted, b) would now read, “That the Minister of Public Safety work with his provincial and territorial counterparts to determine how medical professionals could advise provincial authorities about persons who have diagnosed conditions that are likely to put their own life and/or the lives of other people in danger.”

Mr. Blaine Calkins: That's correct.

Ms. Pam Damoff: I know we're trying to get to the same place on this. I'm thinking we probably should have health care professionals instead of just medical professionals, so it would be “to determine how health care providers”.

What if it was “to determine how to implement duty to warn”? Then it would go on. The next part is describing what duty to warn is, right?

Mr. Blaine Calkins: My language is presuming that we're instructing the minister to determine how. I'm not suggesting in any way, shape, or form to diminish the fact that this committee is instructing the minister to do this. I want the minister to determine how that would be possible, whether that's through a duty to warn or some other type of mechanism that may be beyond the purview of the wisdom of this committee. That's why I changed the language that way. That way, if there are options available outside the ethical and legal requirements provincially, those would be available to the minister.

I would assume the minister would follow the intent of the instructions more than the instructions anyway. I'm not trying to undermine the positive effects this might have. I think this might be a good idea, and I think it might improve public safety.

I'm trying to come up with wording that would provide the minister with the tools he or she would need to get the job done.

[*Translation*]

The Vice-Chair (Mr. Matthew Dubé): Before giving the floor to Ms. Damoff, I am going to let Mr. Spengemann speak.

[*English*]

Mr. Sven Spengemann: In her response to my earlier question to Ms. Damoff, it was quite clear to me that she's concerned about the enforcement of an existing body of ethics and law, the duty to warn, so we shouldn't drop that. I want to get at whether she would want to broaden the analysis beyond the duty to warn, to see if there are additional steps that are not a legal duty but that are helpful.

At a minimum, I think we should keep the phrase “including the duty to warn” in any amendment being put forward. Otherwise, we will potentially water it down beyond already existing legal parameters at the provincial level.

Duty to warn should stay in it. We could put it within commas, saying “including the duty to warn”. That gives us the ability to potentially broaden it and look at new avenues that haven't been identified yet, such as voluntary engagement or community engagement.

Mr. Blaine Calkins: This is consistent with the hub model of policing, and so on, where various organizations get together to pre-empt stuff as well. Those are good, proven models, right?

The Vice-Chair (Mr. Matthew Dubé): If there's agreement to add that wording....

Mr. Blaine Calkins: My only concern is that if we put duty to warn—

Mr. Sven Spengemann: It's already there. It already exists.

Mr. Blaine Calkins: It does, and it would be one of the options they would look at.

• (1225)

The Vice-Chair (Mr. Matthew Dubé): Would we be looking at, “That the Minister of Public Safety work with his provincial and territorial counterparts to determine how health care providers could advise provincial authorities, including the duty to warn, about persons”, then on to the end of it as amended?

Would you be agreeable to that, Mr. Calkins?

Mr. Blaine Calkins: I would be okay with the friendly amendment to my amendment.

The Vice-Chair (Mr. Matthew Dubé): I can feel the clerk boiling next to me, knowing that friendly amendments aren't actually a thing, but if we can go ahead—

Mr. Blaine Calkins: What we're prepared to say, Chair, is we could accept my amendment and then another amendment that wants to add in the language that I've done or we could defeat my amendment and propose the new amendment in its entirety.

I'm fine with either approach if we need to follow proper procedure. I'll leave that to your discretion, Mr. Chair.

Mr. Michel Picard: Whatever is simple and efficient.

The Vice-Chair (Mr. Matthew Dubé): I think the most efficient way, in keeping with Mr. Picard's commentary, would be to...Mr. Calkins' amendment, if that is the will of the committee, and we could move the wording that's being proposed. A colleague could move the wording being proposed which would change the wording to add "health care providers" as well as ", including the duty to warn,".

Mr. Blaine Calkins: Let's keep the wording "health care professionals". Health care providers could be somebody.... Let's keep it at that professional tier, if you don't mind.

Ms. Pam Damoff: Okay.

The Vice-Chair (Mr. Matthew Dubé): Without wanting to instruct committee members in any way, we'll move to the question on Mr. Calkins' amendment. For that, if someone would be so inclined to propose the wording ", including duty to warn," without any [*Inaudible—Editor*] by the Chair, that would be certainly appreciated in order to move ahead with this business.

So, we'll vote on Mr. Calkins' amendment.

Ms. Pam Damoff: Sorry, are we having it before we amend it? I'm confused.

Ms. Julie Dabrusin: Don't we do the subamendment first?

The Vice-Chair (Mr. Matthew Dubé): We're going to bring in another amendment. In consulting with the clerk, this is the simplest way to get it done.

We'll vote on Mr. Calkins' amendment, please.

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

Mr. Michel Picard: What do we have to move now?

Ms. Pam Damoff: We're moving an amendment to his amendment to add the words ", including duty to warn," correct? Does "health care professionals" need to be added or not?

The Vice-Chair (Mr. Matthew Dubé): You can have it [*Inaudible—Editor*] your amendment that you move now.

Ms. Pam Damoff: I'm going to change the wording "medical professional" which is in there now to "health care professional".

The Vice-Chair (Mr. Matthew Dubé): And add ", including duty to warn," [*Inaudible—Editor*]

Ms. Pam Damoff: Yes, correct, ", including duty to warn,".

The Vice-Chair (Mr. Matthew Dubé): We'll vote on the amendment.

(Amendment as amended agreed to [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Matthew Dubé): We'll vote on the motion as amended.

No, sorry, Mr. Calkins. You want a debate.

Mr. Blaine Calkins: I'd like to move one more amendment.

I actually would just move an amendment to strike paragraphs a) and d), given the fact that those paragraphs actually were dealt with in the confines of Bill C-71 and debated and discussed. I'm not sure why we would be providing direction on them at this particular point in time if these ideas were to be implemented in the legislation. There were several amendments proposed during the legislative

process to address these concerns, which were turned down by this committee. I don't see why the committee would then proceed by making a recommendation to the minister to do something through a regulatory process without having the legal jurisprudence to actually implement it when the legislation wasn't amended appropriately to allow for it.

You would likely have unanimous consent for this motion if paragraphs a) and d) were struck.

[*Translation*]

The Vice-Chair (Mr. Matthew Dubé): We will now proceed to the debate on Mr. Calkins' amendment, which asks that paragraphs a) and d) of the motion be withdrawn.

Ms. Damoff, you have the floor.

[*English*]

Ms. Pam Damoff: I wouldn't be prepared to remove those two paragraphs.

[*Translation*]

The Vice-Chair (Mr. Matthew Dubé): Does anyone else want to speak?

Mr. Paul-Hus, you have the floor.

Mr. Pierre Paul-Hus: Ms. Damoff, when you say that you are not ready to withdraw those paragraphs, is that because you are not sure that you can do so, or because you do not want to?

[*English*]

The Vice-Chair (Mr. Matthew Dubé): Madam Damoff.

Ms. Pam Damoff: On the first one, we were not able to.... It's in the legislation now with regard to the references in the regulations. It's the better place to deal with it. I want to make sure that they do deal with it. On the fourth one, I think it's something that the government needs to look at and if there are solutions that they can propose, perhaps come forward to us at some time.

It may be something that is either through regulations or legislation. We heard that storage is an issue. No one proposed solutions for what the issues are right now.

I'm not prepared to pull those two paragraphs out of the motion.

● (1230)

[*Translation*]

The Vice-Chair (Mr. Matthew Dubé): Are there any other interventions?

Mr. Spengemann, you have the floor.

[*English*]

Mr. Sven Spengemann: Mr. Chair, this is just a word of support for paragraph d). I think it was particularly the indigenous community who told us that storage regulations, or storage facilities and parameters, are a cause of concern. I would support both paragraphs a) and d).

The Vice-Chair (Mr. Matthew Dubé): Thank you.

Mr. Calkins.

Mr. Blaine Calkins: I'll just reiterate that we had an opportunity to put this more definitively in legislation rather than leaving it to the discretion of a regulatory process, which this Parliament and this committee would have no ability to influence, other than a gazetting period. That's my only rationale. I'm not arguing with the intent of what these say; I'm arguing, from a process perspective, about how paragraphs a) and d) should have been dealt with legislatively through Bill C-71 and not through the regulatory process.

Had we had an opportunity to have more witnesses, to hear from more people, and not rush Bill C-71 through the House and the committee process, we might have been able to give law-abiding Canadians certainty on firearms. Now they are going to be wondering what is going to be happening at the cabinet table and what will potentially come out of any regulatory changes that will be proposed, without having the scrutiny of Parliament to oversee it.

My issue is that of process, and not one of intent.

The Vice-Chair (Mr. Matthew Dubé): If there is no further debate, we'll vote on the amendment to delete paragraphs a) and d).

(Amendment negatived [See *Minutes of Proceedings*])

The Vice-Chair (Mr. Matthew Dubé): On the motion as amended—

Ms. Pam Damoff: Could we have a recorded vote?

The Vice-Chair (Mr. Matthew Dubé): —is there further debate?

Am I hearing a request for a recorded vote?

Ms. Pam Damoff: Yes, please.

(Motion as amended agreed to: yeas 5; nays 3 [See *Minutes of Proceedings*])

The Vice-Chair (Mr. Matthew Dubé): We have a third motion standing in the name of Mr. Motz, if you are so pleased.

Mr. Glen Motz: Mr. Chair, I won't reread the motion. All of you have it in front of you.

I think what's fair to suggest is that the minister made some questionable remarks both in the House and to this committee, and there were enough to have raised a few eyebrows—pardon the pun.

When Bill C-71 was presented, there was some misrepresented use of stats by the minister that industry, Canadians, and academics called into question, namely that the minister used selective dates, as just a small example, to create a crisis that did not and does not exist.

Earlier this year, the minister appeared before this committee and stated emphatically over and over again that he could not discuss, for example, the Atwal issue, because it had national security concerns. Thanks to the media and some of our Conservative colleagues, the minister admitted in the House that there were in fact no national security issues, and that he effectively had failed to—

The Vice-Chair (Mr. Matthew Dubé): Mr. Motz.

Mr. Glen Motz: I'm getting to the point.

The Vice-Chair (Mr. Matthew Dubé): Would you, please.

Mr. Glen Motz: Now he's failed in his duty to report accurate information to this committee and to Canadians.

We find out that the list of people who were supposedly consulted on Bill C-71 is not accurate. To date, I'm aware of seven individuals who the minister has identified as having been consulted but who stated that they were not. That's from the list of witnesses that he has tabled in the House of Commons.

We know that the Assembly of First Nations, for example, has stated that they were not consulted, perhaps because the current government was afraid that they would say, as every other Canadian has said about the bill, that it doesn't work. It will do nothing to deal with gun violence and gang violence. It will certainly impact them as first nation individuals in their traditional hunting and traditional family practices.

The minister's list and his comment in the House and at the committee again raises serious issues about how much information we can take into account from the minister. Mr. Holland, who attends this committee sporadically, stated in the House, “[W]e take consultations very seriously. We spoke with first nations chiefs on the bill.” That would suggest the minister did consult with the first nations, but the Assembly of First Nations stated again that they were not consulted.

I would note that Mr. Holland also stated in the House, “There have been a tremendous number of witnesses.” He was referring to those who testified before committee. I can only assume he was amazed by how awesome it was to have 17 witnesses before this committee out of the hundreds who had wanted to be heard. Seventeen is really not a large number at all when you are dealing with a matter that impacts this many Canadians. I don't think that having officials testify in the place of Canadians who are impacted are those who should be considered an amazing number of witnesses.

When the minister appeared before this committee, I noted that he did not use the word “consult” once. He did not state that there had been extensive consultations on this bill. He did not state to this committee that Bill C-71 had wide consultations, as his parliamentary secretary did, and as he did on national security.

Once again, his parliamentary secretary spoke to the House and stated that there were “discussions in every corner of this country, including with first nations chiefs, chiefs of police, the firearms community, and others about how exactly the promises we made in the election platform might come to bear, might come to pass.”

Mr. Chair, I submit that a minister who appears at committee needs to be clear, accurate, and held to a high standard, more of a high standard than just appearing to be accurate.

If someone is to be consulted, then they should know that they've been consulted. I would seek that the committee have the minister appear before this committee Tuesday or Thursday of next week so that we do not have to return to our ridings and explain the misinformation that has been presented.

• (1235)

[*Translation*]

The Vice-Chair (Mr. Matthew Dubé): Thank you, Mr. Motz.

Ms. Damoff, you have the floor.

[*English*]

Ms. Pam Damoff: Chair, first, regarding Mr. Motz's intervention in terms of the minister using selected dates, I think my colleague Mr. Fragiskatos did a pretty good job of discrediting the academic who presented alternative statistics. I use the word "academic" lightly.

In terms of consultation, the minister had several meetings with the groups that Mr. Motz mentioned as not being consulted leading up to the bill's introduction. In terms of indigenous people, he did meet with the indigenous police, and the Assembly of First Nations appeared as a witness before our committee in order to get their voices heard on this.

We will not be supporting the motion that's before us.

[*Translation*]

The Vice-Chair (Mr. Matthew Dubé): Thank you, Ms. Damoff.

Mr. Paul-Hus, you have the floor.

Mr. Pierre Paul-Hus: I understand what my colleague is saying. However, regarding the government and ministers' transparency, the information we have is very worrying.

I'd like to point out that our committee is not concerned with poetry. We are the Standing Committee on Public Safety and National Security. In that capacity, our duty to Canadians is to shed light on this topic.

[*English*]

The Vice-Chair (Mr. Matthew Dubé): Thank you, Mr. Paul-Hus.

Mr. Motz, please.

Mr. Glen Motz: The comment I was going to make adds no value to the camaraderie on this committee, so I will withhold it.

The Vice-Chair (Mr. Matthew Dubé): That's very much appreciated.

Seeing no further interventions, I'll call the question on Mr. Motz's motion.

(Motion negated [See *Minutes of Proceedings*])

The Vice-Chair (Mr. Matthew Dubé): We're going to go in camera to consider the ion scanner report in the 20 minutes we have remaining.

[*Proceedings continue in camera*]

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