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Chair: Mr. Francis Scarpaleggia

Standing Committee on Environment and Sustainable Development

Monday, March 20, 2023

• (1100)

[*Translation*]

The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)): Good morning, honourable members.

The first half of our meeting is being held in public, not in camera. We need to adopt the report that came out of Friday's meeting of the Subcommittee on Agenda and Procedure.

You've all received the report to be approved. Are there any comments before we proceed with the vote?

Go ahead, Mr. Longfield.

[*English*]

Mr. Lloyd Longfield (Guelph, Lib.): Thanks, Mr. Chair.

Thanks to the subcommittee for their work on this. I'm wondering if we can include, as an amendment to the subcommittee's report, the Kearn Lake testimony in the water study that's coming up. It would be useful testimony.

The Chair: We haven't yet adopted the motion for the Kearn study, and we don't need permission to use testimony from other committee meetings in a report, but seeing that if we do go ahead with the Kearn study this relates directly to our water study and we in fact had probably envisaged having a segment on the Athabasca River watershed, it would make sense.

For clarification purposes, I think it makes sense to maybe amend the report to say—can we do that?—that any evidence and/or testimony in a possible study of events involving Imperial Oil in the Athabasca River watershed can be used when drafting the report of the water study. Anyone...?

It's already sort of in there, okay, but we didn't pass the motion on Imperial Oil. Before we adopt this, we have to move the motion.

It's mentioned in the report of the subcommittee, this idea of having a study of these events in the Athabasca watershed; however, adopting this report doesn't adopt the motion. It just allows debate on the motion or introduces debate on the motion, which we would vote on after adopting this.

Go ahead, Mr. Kurek.

• (1105)

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thank you very much.

You commented on how it is regular practice for committees to expand evidence. It seems to be out of order—not out of order in

terms of procedure but out of order to ask for testimony on a study that has not been conducted to be included in a report that we have not yet given drafting instructions on.

Although I understand the intent—and certainly I think there is a lot of relevance to the proposed motion and the proposed study that will likely be undertaken here at some point before this committee—I'm not sure it's something that needs to be articulated at this point in time, when we have a motion that hasn't yet been passed and a study that hasn't yet been completed.

The Chair: It's a little confusing.

Before I go to Madame Pausé, just to make sure I understand, the subcommittee report here doesn't adopt the motion to do the study of events in the Athabasca watershed. It basically says that, provisionally, if we adopt that motion, we will use the testimony for the water study.

[*Translation*]

Ms. Monique Pausé (Repentigny, BQ): In the report, the subcommittee references Mr. Weiler's motion as amended. I had moved an amendment that the committee also hear from Department of the Environment officials.

The Chair: Yes, we are going to debate the motion and make any necessary amendments. Right now, though, we need to adopt the subcommittee's report.

Does anyone have amendments to propose to the report, itself, before we begin discussing Mr. Weiler's motion?

Ms. Monique Pausé: Sorry, Mr. Chair, but I have another question.

Didn't we also talk about the renewable energy report?

The Chair: Do you mean the report on clean energy?

• (1110)

Ms. Monique Pausé: Yes.

The Chair: I was told that we would be receiving the first draft of the report.

The report actually doesn't mention that the committee is continuing its review of the report on fossil fuel subsidies, but it's part of future business. Apparently, the report doesn't necessarily need to state that, because it's understood that the committee is continuing to review the reports on the two studies.

Now for the freshwater report, committee members are being asked to provide the clerk with any proposals for travel and witness suggestions.

Everything is covered, then.

Is the committee ready to adopt the report and then proceed with the debate on Mr. Weiler's motion?

Go ahead, Mr. Duguid.

[*English*]

Mr. Terry Duguid (Winnipeg South, Lib.): I'm sorry, Mr. Chair. I had trouble getting on, so I'm catching up with the conversation.

I'm hoping the interpreters can hear me.

I wonder if, because I joined late, you could summarize where we are, so that I know what I'm voting on. Fortunately, or unfortunately for me, I'm always the first to vote, as you know.

The Chair: We're voting on the subcommittee report. The subcommittee report is very simple. Do you still want me to go through it?

Mr. Kurek says let's pass it on division, so you don't have to actually vote.

Mr. Terry Duguid: That's fine.

The Chair: Okay. I'm just trying to save a little time here. It's pretty self-evident. We hadn't gone beyond referring to the subcommittee report.

Is there anyone else?

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

The Chair: I see Mr. Weiler on his motion.

Mr. Patrick Weiler (West Vancouver—Sunshine Coast—Sea to Sky Country, Lib.): Thank you, Mr. Chair.

We brought this up in the subcommittee, but I'd like to move this motion as part of our full committee today. This motion is with respect to at least two significant incidents where it has been found that there was seepage of toxic water from a tailings pond from the Kearl oil sands project. This was, of course, not communicated for over nine months in the first case.

For this motion, I'm proposing that we invite the head of the Alberta Energy Regulator to speak for two hours as part of our committee. We'd also invite the CEO of Imperial Oil to speak for two hours with our committee, as well as the three impacted first nations that are continually being impacted by the toxic tailings that are being spilled into the Athabasca River.

Obviously, in this case, there are some major concerns about the lack of communication, not only with Imperial Oil and the indigenous groups, but also with the Alberta Energy Regulator, as this has

gone on for many months. Whenever there's a report of such a spill, it's supposed to be communicated in 24 hours. I think what we're seeing here is a major breakdown of communication, and the indigenous groups have really spoken to a lack of trust involved in this.

Therefore, I believe it's important that the many questions Canadians have been answered, and I'm putting forward this motion so that we can get this information as part of this committee and be able to share it with Canadians more broadly.

The Chair: I have Mr. Deltell, Madame Paupé and Mr. Kurek.

[*Translation*]

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Thank you, Mr. Chair.

This is a very serious issue that the committee should consider carefully. We need to understand what happened, figure out what went wrong and make sure these types of accidents don't happen again, for the sake of all Canadians and all industries that depend on the environment.

We wholeheartedly support the spirit of the motion, and we even want to go further and hear from more witnesses.

In a moment, my fellow member and one of the committee's vice-chairs Mr. Kurek will lay out the other witnesses we would like to invite. The point of the motion is to hear from a lot more people.

Can he put forward that motion now, Mr. Chair?

The Chair: Ms. Paupé wanted to say something.

Is it a separate motion?

Mr. Gérard Deltell: No. We actually want to add witnesses, provincial and federal ministers, as well as representatives from every indigenous community affected by the accident. We want to hear from more witnesses to get to the bottom of the situation and give the committee more time to examine what happened.

We can go through the motion paragraph by paragraph and propose amendments, or we can propose another motion. I'll leave it to you to decide the best way to proceed, Mr. Chair.

Basically, we'd like to add provincial and federal ministers to the witness list, as well as people from the indigenous communities. Seven indigenous communities were affected, and under the motion, representatives from three of them are being invited to appear. That's good, but we'd like to hear from representatives of all seven affected communities.

In short, we want to add people to the witness list, to better understand everyone's responsibilities. That way, everyone involved, whether before, during or after the events, will get the opportunity to have their say.

• (1115)

The Chair: Thank you.

Did you have something to say, Ms. Paupé?

[English]

Mr. McLean, do you have a point of order? I have a speaking list.

Mr. Greg McLean (Calgary Centre, CPC): On a point of order, can we take a quick pause here for one second?

The Chair: Sure.

• (1115) _____ (Pause) _____

• (1115)

[Translation]

The Chair: We've heard what Mr. Deltell had to say. Now we will hear from Ms. Pauzé. After that, we'll go to Mr. Kurek, followed by Mr. Longfield.

Ms. Monique Pauzé: Mr. Chair, I'm wondering whether I should wait for the Conservatives to move their motion. As I told the sub-committee, I wanted to invite representatives from the Department of the Environment to appear. I had suggested that we dedicate three meetings in a row to the study, April 17, 20 and 24. Basically, I'd like to suggest that again.

• (1120)

The Chair: What you had suggested was that the committee invite representatives from the Department of the Environment. Is that right?

Ms. Monique Pauzé: Yes.

The Chair: All right.

Over to you, Mr. Longfield.

[English]

Mr. Lloyd Longfield: I think we do need to keep it tight.

I would also like to have the territorial ministers. We have mentioned the provincial ones, but I would like the provincial and territorial ministers.

I like the timeline that Madame Pauzé is proposing: to get it done by the end of April. It's going to get stale quickly. We want to be on top of it, as it's right now currently in focus.

The Chair: Mr. Kurek is next.

Mr. Damien Kurek: Thank you very much, Chair.

Would now be an appropriate time to move a possible amendment?

The Chair: Yes. I'm wondering, for the sake of clarity.... There seems to be disagreement on the number of meetings. I think that's one issue.

I don't know what you think about this, but to keep it clear in my mind, should we decide on the number of meetings and then decide on the witnesses? Otherwise, it gets a little confusing.

Mr. Gérard Deltell: Chair, maybe our colleague from the NDP would have something to say. Before making any decisions, we could hear from everybody.

The Chair: Yes, absolutely.

Go ahead, Ms. Collins.

Ms. Laurel Collins (Victoria, NDP): Thanks, Mr. Chair.

I appreciate your suggestion, but I would like to hear the actual proposal on the table for the amendment before figuring out what we're doing in terms of the number of meetings. I'm curious to know what first nations and what ministers, etc.

I think I would prefer to go in the opposite order, just to hear the proposals on the table for who we would be hearing from and what the overall scope of this would be. Then, based on the decisions we make around the scope of the study, we can decide on the meetings.

Mr. Damien Kurek: Chair, could we suspend again?

The Chair: Sure.

• (1120) _____ (Pause) _____

• (1130)

The Chair: I call the meeting back to order.

I'm curious to find out what was agreed to in the sidebar there.

Go ahead, Ms. Collins.

Ms. Laurel Collins: I wanted to note that I'm not able to be there today because of an appointment. I'm going to be flying to Ottawa tomorrow.

I could see what was going on in the room, and every single MP on the committee was huddled in a circle. Two issues are coming up for me.

One is that I would really love to know what was said, but I think the public also would. If every MP on the committee is having a conversation, I think the public also deserves to know what is being discussed. If we're not going in camera, then perhaps these conversations can be had in this public forum so that citizens who are listening in can hear what the discussions are as well.

The Chair: I'm curious to know what was discussed as well, because I wasn't in the group.

Mr. Kurek, did you want to say something?

Mr. Damien Kurek: Certainly. I want to acknowledge very much.... I know I've been on the virtual side of this and quickly evolving situations. I acknowledge that fully, and this is why I think these discussions are important in public.

I know there are a couple of notes and clarifications that we wanted to have discussion on with the mover. That's part of the challenge we're all navigating as a virtual Parliament.

I fully acknowledge that, Laurel. On our side here, we're working on a couple of thoughts and we'll probably have an amendment very shortly.

The Chair: Does anyone else want to speak while we wait for the Conservative amendment?

Go ahead, Mr. Longfield.

Mr. Lloyd Longfield: With apologies to Ms. Collins, actually, we were saying in our conversation that you weren't part of it and neither was Mr. Duguid. That wasn't fair.

Trying to do this as efficiently as we can, one of the things we talked about was how we work within the time frame that Madame Pauzé has brought forward and include as many of the relevant people in the discussion as we can within that time frame. That's where we've come up with some ideas.

I would like to put it over to the person moving the motion, so that Mr. Kurek or Mr. Deltell could maybe fill us in on some of those thoughts.

[*Translation*]

Mr. Gérard Deltell: I'd like to shed some more light on the conversations we had with the mover of the original motion.

We are all eager to get to the bottom of this, and we are mindful of the fact that we have a limited amount of time, with three meetings having been set aside. Ms. Pauzé mentioned the importance of holding the meetings in close succession. She also said that she thought it would be beneficial to hear from federal environment officials, since they aren't among the three groups of witnesses listed in the original motion.

Informally, we agreed to invite Imperial Oil representatives. We also agreed to invite representatives from the Alberta Energy Regulator, who may be authorized to speak on behalf of the Alberta government, which could save the committee from having to invite ministers. We could also invite federal officials, from the Department of the Environment. As far as first nations are concerned, I think the least we can do is invite representatives from all seven of the first nations affected.

The Chair: If I understand correctly, your amendment seeks to include officials from the federal environment department.

Mr. Gérard Deltell: I'll let Ms. Pauzé speak to that.

The Chair: All right.

Ms. Pauzé, go ahead.

Ms. Monique Pauzé: It's exactly as you said, Mr. Chair. We would like the committee to also invite federal environment officials.

• (1135)

The Chair: Okay. The committee would add officials from the federal Department of the Environment to the witness list, and include representatives from all seven affected first nations. Currently, the motion lists only three of them, so four would need to be added.

Does anyone know the names of the other four first nations?

[*English*]

Mr. Damien Kurek: Chair, I can email the names of the additional four to the clerk if that is helpful. There are seven nations in total that are included.

The Chair: Can you send it to him now?

What I propose is that we amend the motion by adding "d)". It's not going to be elegant because things will be split up, but it doesn't

really matter. We're going to add four first nations. We're going to add ECCC.

Did I hear someone say Indigenous Services Canada? No, not representatives from Indigenous Services Canada...? Okay.

Okay. It's ECCC, four first nations and representatives of Northwest Territories. Have I missed anything?

Mr. Greg McLean: Mr. Chair, I don't know if you want that as a separate motion in d).

The Chair: No, I just want it as a separate item in the motion.

Mr. Greg McLean: The motion, in c), says two hours to hear three of the nations. I think we want two hours to hear all seven of the nations, or do we want a separate meeting to hear the other four nations?

The Chair: That's where we get into how many meetings we want.

Has there been agreement on the number of meetings?

I have Mr. Longfield.

Mr. Lloyd Longfield: We're continuing the conversation. One thing I suggested was that we could possibly go longer than two hours if there's a meeting that looks like it's going to have too many people at it and we won't be able to.... I think we'd want to keep it within three meetings and have some flexibility on the two-hour limit.

The Chair: I think that's a House resource question.

Mr. Lloyd Longfield: The clerk also has to try to get people to the table, so it's to give the flexibility to the clerk if needed.

The Chair: The idea is to give flexibility to the clerk, but I don't have an answer for you right now as to whether we can extend the meeting beyond two hours. That's what I'm trying to say.

Mr. Gérard Deltell: Mr. Chair, if I may, I would like to ask Mr. Weiler a question based on the original motion.

Why did the member pick up three first nations when seven have been involved?

Mr. Patrick Weiler: They're the three first nations most directly impacted by this. I'd be very interested to hear from Mr. Deltell on what other four you'd like to invite to this committee.

We want to hear directly from the indigenous groups that are most directly impacted by this. What we talked about in the sub-committee was making sure that's in the first meeting, so that we can start with that level of understanding before we talk about where the breakdowns of communications are that led to that impact.

The Chair: I have a suggestion. I suggest that, in c), we just add four nations.

Ms. Collins, I'm sorry. Go ahead. I'm trying to keep track of too many things.

Ms. Laurel Collins: That's okay.

I wondered if we wanted to keep our language somewhat vague. I am not deeply familiar with the region and the first nations involved. I hear from Mr. Weiler that there are three first nations potentially most impacted and from my Conservative colleagues that there are seven altogether. I just don't want us to miss a nation that might be impacted.

I'm wondering if we want to switch our language to something along the lines of "invite the first nations who are impacted by this" and then potentially have those seven first nations mentioned but maybe allow our committee team to ensure we're capturing everyone who is impacted.

The Chair: How about, in c), we amend it by saying, "Invite, as a minimum," and then add the four we want to add after the three that are there? That leaves it open if there is an extra first nation that we've forgotten, like an eighth first nation or whatever.

It would say, "Invite, as a minimum, the Athabasca Chipewyan First Nation, the Mikisew Cree First Nation"—take out the "and" because it's going to be a comma—"the Fort Chipewyan Métis Nation" and the four that Mr. Kurek suggests. We're saying "as a minimum". The understanding here is that we'll figure it out in good faith if there are others. That would take care of an amendment to c). Then we could amend b) to say, "Invite Alberta's..."

In other words, we're saying that we're keeping the two-hour slots. We're not changing the two-hour slots. In b), we could say, "Invite Alberta's Energy Regulator, representatives of Environment and Climate Change Canada, and representatives of the Government of Northwest Territories for a two-hour meeting".

In other words, the amendment to this motion is very simple. We amend b) and c) to include some stakeholders we hadn't mentioned. Part b) is about government and part c) is about first nations.

● (1140)

Mr. Gérard Deltell: It's business, government and first nations.

The Chair: It's very simple amendments to b) and c).

Does that work? Can I read it to you?

Mr. Damien Kurek: That's what I was going to ask you.

The Chair: Okay.

The motion up until b) is the same, and then b) would say, "Invite Alberta's Energy Regulator, representatives of Environment and Climate Change Canada, and representatives of the Government of Northwest Territories for a two-hour meeting, to answer questions".

Then c) would be amended to read, "Invite, at a minimum, the Athabasca Chipewyan First Nation, the Mikisew Cree First Nation, the Fort Chipewyan Metis Nation, the Fort McMurray First Nation 468, the McMurray Metis 1935, the Fort McKay Metis Nation, and the Fort McKay First Nation, for a two-hour meeting to provide a testimony to the Committee about how this incident is affecting their communities."

That's where it ends, at part c). There's no part d). Does that work?

Go ahead, Ms. Collins.

Ms. Laurel Collins: Thank you, Mr. Chair.

We talked about trying to ensure that this meeting comes first in the order of precedence. Is that something we need to build into the motion, or can we just leave that in the hands of our...?

The Chair: Absolutely. The intention was to have the first nations come first. I think that's agreed, so I don't think we need to put it in the motion. It's agreed. You can read the minutes after. We all agree with that.

Do we pass the motion as amended?

Mr. Gérard Deltell: If I may, Mr. Chair, I'm not very aware of the details.

[*Translation*]

Earlier, we were saying that we needed to have some flexibility when it came to how long the meetings could go. Do we need to include that in the motion, to make sure we aren't stuck with wording that prevents us from going longer than two hours, if we want to meet for two and a half or three hours?

The Chair: We don't know whether we will actually be able to meet for longer. It depends on a lot of things. Many constraints are beyond the committee's control. Nevertheless, I fully realize that, if possible, the committee wants to keep some flexibility in that regard, should it be necessary.

● (1145)

Mr. Gérard Deltell: I understand, Mr. Chair. I completely agree with the spirit here. The problem is that, on a number of occasions, we haven't been able to meet for an extra five or 10 minutes, even, because the entire support staff had to be available. The people who support the committee do a stellar job, and the committee certainly appreciates it, but we do understand that they have responsibilities on their end.

The Chair: Personally, I think the three 2-hour meetings will be enough to do everything.

Mr. Gérard Deltell: All right.

The Chair: I'm quite sure it's doable. We will do everything we can to make it work.

Ms. Paupé, go ahead.

Ms. Monique Paupé: I have a question about how the meetings will be set up.

We usually invite two panels. Without saying it explicitly in the amendment, a subamendment or somewhere else, we could invite the first nations listed in Mr. Weiler's motion—the ones directly impacted—for the first panel and invite the other first nations—the ones less impacted—for the second panel. Could we do that?

That's how I suggest we set up the panels, but I don't think it requires an amendment or a subamendment.

The Chair: Two things about your suggestion worry me.

First, the committee might start off with a plan, but it could all go out the window once the clerk starts inviting the witnesses.

Second, it would create two classes of witnesses, so to speak. Do you understand what I mean? Even though that's not our intention, people might think they were invited to participate in the second panel for a certain reason.

[*English*]

Ms. Collins, do you still have your hand up?

Ms. Laurel Collins: I do, yes.

The Chair: Go ahead, and then we'll go to Mr. Kurek.

Ms. Laurel Collins: Actually, I was going to raise something similar to Madame Pauzé, in terms of maybe not leaving it in our hands as elected officials but delegating this to the expertise of our clerk. I did a quick Google search when I was looking at the first nations and Métis nations involved, and there are nine who are part of the federal government's working group on tailing ponds.

I suggest leaving it in our clerk's hands to figure out, in this particular case, with the leak from January and the leak from May of 2022, which were the most impacted by that and potentially prioritizing and ensuring that those nations are able to make it on the date that we are proposing. Then I suggest also inviting all of those nine impacted nations, but ensuring that the folks who are most directly impacted will be able to attend.

The Chair: I'm not sure I follow you exactly. The ones who were originally mentioned, I think it's clear that they're directly impacted. We have seven in the motion, but even though we said that's a minimum, at some point we may get so many, if we keep adding, that nobody's going to have enough time to say what they want to say or answer the questions they want to answer.

Can we say that what's mentioned in the motion, the seven in the motion, are the ones at the moment that we really want to see, and if there's a possibility—

Ms. Laurel Collins: Mr. Chair, my point was more that, because I'm not deeply familiar with the region and the first nations that are going to be most impacted, I worry that our decision-making here in this moment might not be capturing exactly the best way to address this issue. I wonder if we were to give this decision-making

power to our clerk and committee staff, who can ensure that we are going to invite the—

The Chair: Definitely. We always rely on the good advice of our staff.

Mr. Kurek.

Mr. Damien Kurek: One of the keys to including the larger three nations initially in the motion was that it's difficult for us around this table to suggest who is and is not affected, when you have first nations in the region who are certainly in the best position to make that determination and then to explain to us why that is the case.

I represent an area that is about six hours to the south of this, but certainly it will be valuable to hear from those voices. We wouldn't want to limit those indigenous communities that have both been affected and have a say in this.

• (1150)

The Chair: The ones that are mentioned in the motion we're definitely going to contact, and we'll take it from there on the advice of the analysts and the clerk. Is that okay? Yes. Shall we vote on the motion as amended?

Do we have to vote on the amendment first?

Who would like to move the amendment? I'm appropriating too much power to myself.

Some hon. members: Oh, oh!

Mr. Damien Kurek: Chair, I would move the amendment as presented.

(Amendment agreed to)

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

The Chair: Good. Shall we move in camera now?

Hon. Mike Lake (Edmonton—Wetaskiwin, CPC): Just before we do, I want to make a quick comment that this is the way a committee should work. I noticed Mr. Longfield at the beginning said he didn't want the issue to go stale. I'm wondering if he might commit to going and talking to his colleague Mr. Gerretsen, so that the same earnestness can be applied to the foreign interference studies that are going on right now.

The Chair: That's out of scope, Mr. Lake.

Some hon. members: Oh, oh!

The Chair: It's out of scope for the environment committee.

We're going to break now and go in camera. Thank you.

[*Proceedings continue in camera*]

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