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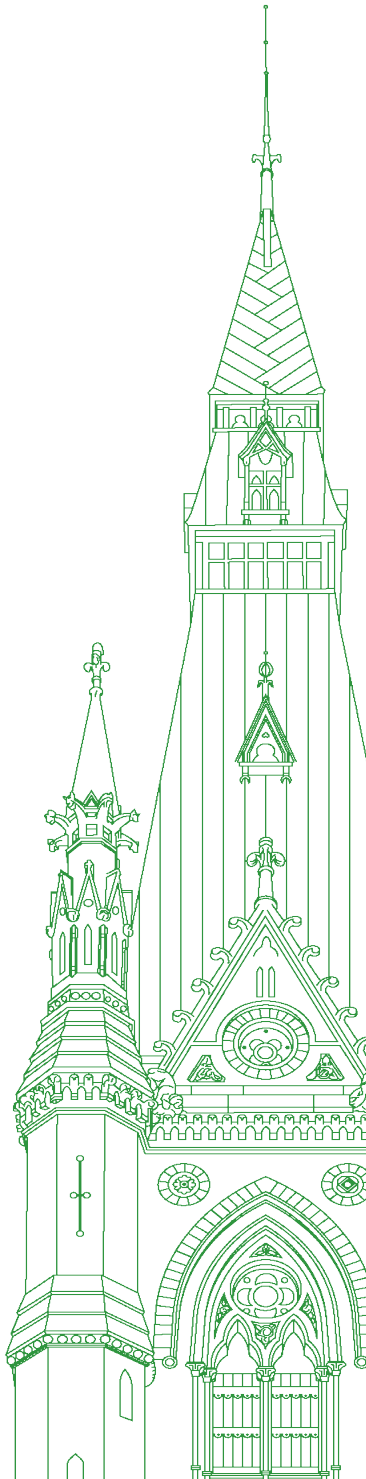

Chair: Ms. Iqra Khalid

Standing Committee on Justice and Human Rights

Thursday, November 19, 2020

● (1005)

[*English*]

The Chair (Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.)): I call this meeting to order.

Good morning, everyone. Just before we get under way, given the way things were going on Tuesday and given that we agreed to two meetings for clause-by-clause study, I used my discretion to convene this meeting at 10 a.m. Thank you. In reference to the green book, on page 1095 we see "Committee meetings are convened by the Chair acting either on a decision made by the committee or [at] the Chair's own authority."

Here are just a couple of housekeeping rules as we continue clause-by-clause consideration of Bill C-7.

Note that we are in a hybrid format. The proceedings will be made available via the House of Commons website. The person who is speaking is the person who will be appearing on the webcast. It won't be the entirety of the committee.

As always, members and witnesses, please speak in your official language. Interpretation is available for you at the bottom of the screen.

I'm the only one appearing in person today, it seems. I'll be following the health protocols as required.

I'll ask members to please wait before speaking until I recognize you by name. Unmute yourselves using the microphone icon. When you're not speaking, just make sure you're on mute. When you are speaking, please speak slowly and clearly so that interpretation is available.

With regard to the speaking list, as always you can raise your hand. I see there are a couple of hands raised already. You can raise your hand with the blue "raise hand" function on your Zoom screen. There are no members in the room, but the clerk and I will do our best to maintain a good speaking list and speaking order.

Our witnesses today from the Department of Justice are Joanne Klineberg and Caroline Quesnel, and from the Department of Health we have Abby Hoffman, Sharon Harper and Karen Kusch.

We had left off at the last meeting in the middle of debate on BQ-3. I had Mr. Kelloway as the last standing speaker before the meeting was adjourned on Tuesday, so we shall go to Mr. Kelloway.

Then I see that Ms.—

Hon. Kerry-Lynne Findlay (South Surrey—White Rock, CPC): Madam Chair, I have my hand raised and I had it raised.

The Chair: Yes, I see that. We're just continuing from the meeting from last—

Hon. Kerry-Lynne Findlay: I have a point of privilege, Madam Chair.

The Chair: You have a point of privilege. Okay. Please go ahead.

Hon. Kerry-Lynne Findlay: I am, frankly, very distressed about how this meeting today has been handled. I feel, as a member of Parliament, that this is a matter of privilege for me.

I had a notice of meeting at 5:51 a.m. I am a British Columbia member. At 5:51 a.m. yesterday, I received a notice of meeting that said this meeting was going to proceed at the normal time, which for you in Ontario may be 11:00 a.m., but for me in British Columbia is 8:00 a.m.

To have it moved to an hour earlier at the end of the day.... The second notice of meeting came, in my time, at 2:18 p.m., which is 5:18 p.m. Ontario time. I wasn't expecting, after the normal close of the business day to receive from Ontario another notice without consultation, without discussion, without any kind of warning. In fact, my whole day from early in the morning—6:30 a.m., in fact, yesterday—was all scheduled right up until 7:00 p.m. in the evening. I didn't see the second notice of meeting requiring me to be here a whole hour earlier, which I wasn't expecting, until last evening.

I am in my constituency office now, where all my binders are, because this is important committee work. I can't just plug in and listen; I have to have my binders ready, as you all do. I have to have all the amendments in front of me. I have to be ready to go.

Just to put that in context, from the time I get up until I arrive at my constituency office is over an hour, so to be at a committee meeting a whole hour early with extremely short notice means I'm getting up at 5:15 in the morning.

I realize there are some other people here on this call who are from British Columbia as well. I don't know their personal circumstances. I don't know how far they live from their constituency offices. Maybe they have this all set up at home, but I don't have all this set up at home.

You go through a long monologue before every meeting about hybrid sessions, and we have agreed in the present circumstances to be sitting in a hybrid session. There should be more flexibility and more courtesy paid, frankly, to those of us in a time zone that's three hours earlier with respect to how we attend these meetings, how we prepare for these meetings, and what is required of us.

I want to be prepared. I want to be ready. I don't want to waste time once I'm here. This is the way one has to be.

With all due respect, Madam Chair, you may have the ultimate authority to do this. I don't even know if you do. You're telling us you do, but to do it on such short notice, to do it after a notice of meeting with the normal time was already sent out and people's schedules are set....

I'm three hours earlier. I know there are people on this call who are an hour later or an hour and a half later, perhaps. Everyone is busy. Everyone has schedules. By doing what you have done in this arbitrary fashion—I don't believe there was a subcommittee meeting, or even a request for one—you have left me at a distinct disadvantage.

My understanding is that the whole idea here should be that we work together, we co-operate together, we recognize that it is necessary to do certain things for us to carry out our duties and our responsibilities. This is a very big country. There are a lot of people watching these proceedings who are vitally interested in a piece of legislation that is going to dramatically change the health landscape of living and dying for Canadians from coast to coast to coast. To take a unilateral action announced at the end of the day and expect us to adjust everything and be ready to go, for me, very early in the morning—

● (1010)

Mr. Manly said something about maybe the sun coming up. He's from Nanaimo—Ladysmith—which, by the way, Mr. Manly, is my hometown—but when I looked out the window, it was completely dark, with a very empty parking lot here, because obviously the sun comes up on Vancouver Island before it hits the mainland.

These are the realities of trying to do these committee meetings in hybrid settings. We're all doing our best. With all due respect to those of you sitting in Ontario right now, you can't just do this and expect people in a time zone with a three-hour difference to just adjust on a moment's notice. It's not fair. It's a huge barrier to my full participation in committee meetings. It interferes with and impedes my ability to participate fully as a member of Parliament. It is my right and privilege as an elected official to voice the concerns of my constituents, and particularly on this bill there are many, as we've heard in witness testimony and in our discussions so far.

I appreciate that on the government side you want all this to happen really quickly, but this is a very, very important piece of legislation. It was your party, with all due respect, that prorogued Parliament. You did not do the review in June that you should have. Our colleague Mr. Garrison is completely right that this should have gone ahead, and should now go ahead, in an expedient manner, because you're now trying to push us—even to the point of, in my view, a breach of my privilege—to get something through that there was time to deal with. There was time to hear more witnesses. There was time to do this in a proper way. Now you're acting as though you can just do what you want.

I sat on the justice committee in an earlier Parliament. In fact, I had Mr. Virani's role. I know it's a tough one, so I send Mr. Virani my heartfelt sympathies. It's a big job. I did it for two years. Never once in those two years did the chair of the justice committee at that time do something like this, and that was when we were all able to be there in person.

This is not the way to foster co-operation. It's not the way to have us move forward in a timely, co-operative fashion. Frankly, once a notice of meeting is sent, I don't think anyone is sitting by their computer waiting, 12 hours later, to get a different one. I could very easily have missed this. The reason I didn't was that my colleague Mr. Moore sent an email about it, and I looked at his email. I had no reason to look at a further notice of meeting, thinking that there would be a different one. As I said, because it was so late in the day, I didn't even see it until yesterday evening.

I want this point of privilege to be regarded, and I want to, frankly, hear some discussion, because I don't think we can continue in this manner.

There are two things I'm looking for from you. I will move a motion to report this matter of privilege to the House to report your actions. I really don't want to do that, because it could delay important proceedings before this committee. I'd rather deal with it here and now by having you un-breach my privileges with the following three actions.

First, I think you should apologize for unilaterally impeding my ability to fully participate in this committee by your end-of-day, short-notice readjustment of the committee's meeting time.

Two, you should agree publicly, right now, to never unilaterally move the start time of a committee meeting unless so ordered by this committee. That at least should be a matter of prior discussion, and the time should not be earlier. It's one thing when we're getting into it and you canvass the committee and we say that we're all willing to sit another 15 or 30 minutes, but to make it earlier, in a hybrid setting, when you have British Columbia members, isn't right.

● (1015)

It is our duty and our job to have everything set up. We've been told this over and over again. If I don't have proper Wi-Fi, if I don't have a proper set-up, that's on me. In my case, I have to go to my constituency office because I cannot always rely on my connectivity at my home. I don't have that option.

The third thing is that you confirm on the record, at risk of contempt of Parliament if you do not provide the full truth, that you had zero conversation with the Minister of Justice or his staff, the Prime Minister or his staff or the House leader and the respective staff in which the topic of moving this committee meeting to 10:00 a.m. was discussed.

Thank you.

● (1020)

The Chair: Thanks for that, Madam Findlay.

I have Mr. Maloney next on the list. Go ahead, Mr. Maloney.

Mr. James Maloney (Etobicoke—Lakeshore, Lib.): Thank you, Madam Chair.

In response to what Ms. Findlay said, let me start by saying thank you for your comments and expressing your concerns. Thank you for highlighting the need to be flexible and to work together, because I couldn't agree with you more. It's absolutely vital that we do so on a regular basis, but it's particularly heightened now when we are in the midst of a pandemic and we are working in a hybrid situation.

One of the consequences of the hybrid situation is that we have to deal with time zones, which is something we don't have to deal with when we're all sitting in Ottawa.

I regularly remind my caucus colleagues from British Columbia, who represent ridings in beautiful British Columbia, that one of the penalties for living in such a beautiful place is that sometimes you have to get up earlier than I do. I say that jokingly, but we all have to be flexible and we've all had to adapt.

We've had votes at one in the morning in this session already, which are much more difficult for those of us in Ontario or for people like Mr. Moore, in New Brunswick, than they are for people in British Columbia.

What I am saying is that I understand where you're coming from. I'm grateful for your comments and I thank you, but the chair does have the right to call a meeting at her discretion and at the time she chooses.

You also pointed out, and reminded us, how important this legislation is and that we have to deal with it on an expedited basis because of the court-imposed deadline. You also mentioned that if we get involved in a process of dealing with points of privilege and whatnot, it could delay that process, which would be very unfortunate, to say the least. You're here now, for which we are all grateful, and Mr. Manly, the same applies to you. I know it's very early in the morning.

Given that we're here in these very highly unusual circumstances, I would hope that we can get down to work and start discussing the matters at hand. Perhaps at future occasions, during committee business or at a subcommittee meeting, we can have a more thorough discussion about timing of meetings and whatnot, but for today's purposes I'd like to move forward.

We all appreciate your making the effort, Ms. Findlay, so thank you.

The Chair: Thank you, Mr. Maloney. I have Mr. Moore next on the speaking list on this same point of order.

Go ahead, Mr. Moore.

Hon. Rob Moore (Fundy Royal, CPC): Thank you, Madam Chair.

I believe Ms. Findlay—

Hon. Kerry-Lynne Findlay: Excuse me, Madam Chair and Rob; it is a point of privilege, not a point of order.

The Chair: Thank you for that clarification.

Go ahead, Mr. Moore.

Hon. Rob Moore: On this point, we've spent some time together as a committee, and I appreciate the efforts of everybody on this committee. We're all representing different parties and have different views on things; however, within Parliament, this is where some of the real work can take place. I hope we come to the committee with an open mind and a willingness to work together, away from the cut and thrust of what happens in question period. Here we can behave in a collegial manner with each other within the rules that this House sets out, within the rules that we establish as a committee.

One of the things that was set out very early when we came together was that the committee would meet from 11:00 to 1:00 EST. I appreciate Ms. Findlay's intervention that eastern time means something different here in the Atlantic region, and it means something way different in British Columbia. I appreciate the efforts everyone makes to participate. We are in uncharted territory as all of us learn to do Zoom.

I appreciate Mr. Maloney's comments. One of the key things—and we hear this from our speaker as well—that is going to enable us to move forward constructively as a House of Commons and as a committee is that we have a rules-based system. Late yesterday I was participating in another committee and received this notice. To be honest, I didn't even realize the time had been changed. There had been no effort whatsoever.

Madam Chair and all committee members, if you have a regularly scheduled meeting and something happens that the meeting time has to be delayed or changed in some way, it's a basic courtesy in the notice that would go out to say, “Members, this is just a notice that the meeting is starting an hour early.” That's without even getting to how this came about. Common courtesy was overlooked. We all have each other's emails.

Last night when this came out, Madam Chair, I sent you an email. I've raised this issue before when the meetings go overtime. We have agreed. We're working constructively on Bill C-7. We had a great discussion at the last meeting on the amendments, and presumably we're going to have a discussion on the bill and the amendments today.

I presume, having been an MP for a number of years, that each and every one of you, as members of this committee, have busy schedules. That's one of the things we accept as members of Parliament. Whether it's with constituents, whether it's our Parliamentary duties, whether you are a parliamentary secretary or a chair or a member of a committee or a minister, whatever role you play in this Parliament, we're all busy.

One of the things we do is we balance that. We balance our personal life, the role we have in our constituencies and the role we have in Ottawa. The way we balance it, most of us, is with our calendar. If my calendar says a meeting is from 11:00 to 1:00.... This is how it works in the business world. It's how it works everywhere. In my experience as a parliamentarian, as a former chair of a committee, as a former parliamentary secretary, 99% of the time that's how it works. The meeting starts when you say it's going to start, and when it ends, everyone usually scurries off, because we all have something else to do.

For example, this morning I had a meeting scheduled for 10:00 EST, which is 11:00 Atlantic time. When that notice came out to bring the change in the meeting time to my attention, I didn't see it when I received the notice in my email. When it came to my attention that the meeting had been changed, my staff—after hours, after some of them had already gone home—had to make adjustments and let the people that I was meeting at 10:00 know that I couldn't have that meeting because something had come up outside of my control. It's just basic common courtesy.

● (1025)

I wouldn't want anyone to be under the illusion that manipulating things at the last minute would somehow move things along faster. I think, if anything, if we can't trust each other around the table.... I get that we have different roles to play. I get that some of us like this bill and some of us don't. I hope that we're all working in the best interests of Canadians, and we're going to get to that. We may be together as a committee for who knows how long. I don't know. We don't know when the next election will be. We don't know how long we're each going to be in our respective roles, but we may be working together as a committee. The only way this is going to work is that when we agree on something like this, it doesn't change at the last minute.

Madam Chair, I want to draw your attention that I've heard from other chairs and I've heard from the whips that when these meetings are set, there are limited House resources, and that when these meetings are set, it's done with the whips' approval. The whips of our respective parties make the decision on when our meetings take place. We abide by that. I spoke personally with the whip of the Conservative Party, who told me that this was the first he was hearing about it. He didn't know that the meeting time had been changed.

I refuse to believe that maybe everyone was in the dark. I don't think everyone was in the dark. I know the Conservatives were in the dark. I know that we just barely would have even been here had it not been brought to my attention that the meeting was starting an hour early. Frankly, I would think that there were discussions among some members of this committee about moving the meeting at the last minute to an hour earlier. That is not respectful of the people around this table, this virtual table, and it's not respectful to one another as colleagues.

I endorse what MP Findlay has said in her question of personal privilege, We can't conduct ourselves this way. This is why we have Marleau and Montpetit. It's why we abide by a certain set of rules. It's why speakers make rulings and we abide by those rulings. It's why we make decisions together. We have a rules-based system.

Am I to believe on days when the justice committee is scheduled, or perhaps even days when it isn't scheduled, that I should book the whole day off, that I won't know when the meeting will start and I won't know when the meeting will end? We cannot operate that way.

I want to endorse what's been said and I want to say that I'm willing to work together with everybody. I think we all have our nation's and our constituents' best interests at heart, even though our views are different on different things. In this committee is where we have the opportunity to put a lot of the things aside that happen in the chamber and in the media and get some real work done. We have a willingness to work together, but we have to abide by the rules and the schedules that we set out.

As of today, my schedule says that this meeting ends at one o'clock, so this meeting needs to end at one o'clock. If there's unfinished business, we could all look at why there is unfinished business. It could be because the House was prorogued. It could be because the government is looking at this deadline that was imposed and that's been extended a number of times.

I know that we, as parliamentarians, have all been receiving.... I've received emails from people who would have liked to have spoken at committee. It became very clear to me as we heard committee testimony on Bill C-7 that it's a complicated issue—we all knew that when we went into it—but we heard some very interesting perspectives from physicians, from people in palliative care, from specialists who deal with people, from persons with disabilities who spoke through their organizations unanimously and who spoke as individuals before this committee. Rather than talking about the fact that we may have had a breach of our privilege as parliamentarians, it would have been good to hear from more witnesses. Instead, we haven't heard enough from witnesses, and now we're spending time on this wrangling.

● (1030)

I think it's important that we have this conversation now, because this is going to impact how we work together going forward. I do want to say that I'm completely willing to work with everyone, but we have to have good faith and we have to have a rules-based system. Sending out a notice without any kind of red flag to take special notice because there's a different time.... If it hadn't been brought to your personal attention, I suspect that many of us wouldn't be logging on for another 20 minutes and then we would find out that the meeting was already taking place. I think there were conversations. I believe there were.

As well, Madam Chair, I would like an answer to MP Findlay's question. Did you have those conversations with either the parliamentary secretary, the whip's office, or the office of your party's House leader and not even make a courtesy call or send a courtesy email or a courtesy text to members of the Conservative Party?

As I mentioned, Madam Chair, I emailed you last night with the suggestion that I was sure that, like me, many people already had things booked. If you ask me about tomorrow, I have things scheduled for tomorrow. So if something came up that I had to deal with, it would involve moving things around. Likewise, most of us probably had things scheduled this morning, unless we knew in advance that this was going to happen. I didn't know in advance.

I ask you to consider that, Madam Chair. I ask members of the committee to work together in good faith and to consider that how we conduct ourselves on this bill is absolutely going to impact how we work together going forward. We have the opportunity, I believe, to do some really good work together, some important work for Canadians and for this Parliament. That's what we've all been elected to do here. Contrary to what we've seen so often in other countries that don't have a rules-based system, that's one of the beauties of Canada. We have the rule of law. Parliament is the keeper of these laws. We make laws here, and we expect Canadians to follow rules. We wouldn't pull the rug out from under a Canadian. We wouldn't expect there to be one rule one day and then a different rule the next day. We expect Canadians to abide by the rules.

Likewise, we as parliamentarians have to abide by the rules. The way we conduct ourselves at the justice committee is to have our scheduled meetings. We don't take advantage of each other's time by extending a meeting without any notice or starting a meeting an hour early with barely any notice. We have respect for each other and we operate under the rules.

Madam Chair, if you or any other member of this committee or, as a matter of fact, any member from any other party, did reach out to me on an issue, I'd be happy to take a call, happy to take an email, happy to respond with my thoughts, happy to have that discussion. But we just can't conduct ourselves this way.

Madam Chair, I ask that you give some type of response to Madam Findlay's question of privilege as well. Thank you.

I certainly do look forward to working with everybody on this and other things in the future.

● (1035)

The Chair: Thank you for that, Mr. Moore.

Mr. Cooper, I have you next.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you very much, Madam Chair.

I wish to speak in support of the points that have been raised by Ms. Findlay.

I want to say, at the outset, that I have a lot of respect for you, Madam Chair. We served on the justice committee through the entirety of the last Parliament. I know you as a colleague and as someone who, I believe, is doing your best to try to work co-operatively with members and to make this committee work as best as possible.

In the last Parliament, in the justice committee, we dealt with some pretty significant pieces of legislation, including the predecessor to Bill C-7, namely Bill C-14. Throughout, there were certainly disagreements on policy and broad issues.

One of the things I really appreciated about this committee was that we could look at the issues and the legislation before us in a serious way. That didn't mean putting aside partisanship, because there are legitimate differences. However, we worked together in a collegial way. I believe all members of the committee, regardless of their perspectives, worked in good faith together.

I guess what is disappointing—again, with the greatest of respect I have for you—is that, as Mr. Moore said, we are based upon a rules-based system. We need to respect members' schedules and their time commitments.

In the five years now that I've been a member of Parliament, I have never been in a situation where the chair of a committee unilaterally called a meeting prior to the agreed-upon schedule. I talked to Mr. Moore last night, who served here for 11 years, from 2004 until 2015, and then since 2019. That's 12 years in this place. He noted that he had never seen anything quite like this.

In terms of my schedule, this has actually caused quite a bit of disruption. In fact, I had a press conference that had been scheduled for 10 a.m. It was ready to go. There were a number of stakeholders who were prepared to attend that press conference at that scheduled time.

I happened to find out about this scheduling change around six o'clock last night. I happened to find out from another member, whom I was working with to coordinate the press conference. As a result, we had to completely rearrange the schedules of multiple individuals, causing considerable inconvenience.

Had I not been moving ahead with a press conference, I might not have even heard that the committee schedule had been changed. It's true that you sent out an email, but I think there should be a reasonable expectation amongst all members that we shouldn't have to look at our email every 10 minutes or every hour, because somewhere out of thin air a committee meeting is going to be called.

● (1040)

Indeed, in terms of this committee's schedule, the whips of all parties had agreed that committees that fit within our time slot are to meet no earlier than 11 a.m. Part of the reason for that is time zone issues and the considerable issues they cause for members who are living on the west coast—a three-hour time zone change. Ms. Findlay had to be here at 7 a.m.. Had I not been here in Ottawa, it would have been 8 a.m. for me in Edmonton.

I guess what this illustrates—again, this is not out of any disrespect to you, Madam Chair—is the process involving Bill C-7. At every step of the way, the government has sought to ram this legislation through without meaningful consultation with experts, with physicians, with key stakeholders. We've had four meetings, which have provided limited opportunity to hear from witnesses on a whole range of concerns that have been raised, from the disabilities rights community, from many health professionals, from the UN special rapporteur on the rights of persons with disabilities.

We have seen, and in fact the press conference I held today.... This is a point I want to raise after we deal with the question of privilege brought forward by Ms. Findlay, about the voices of physicians who sought to submit briefs to this committee, but whose briefs were rejected because of an arbitrary deadline to submit briefs that no one knew about, other than perhaps the Liberals. This speaks to a process that is fundamentally flawed, and it cannot stand.

I hope, Madam Chair, you will take seriously the concerns that have been raised—I believe, in good faith—by my colleagues, in particular Ms. Findlay, who has raised a number of substantive points, and that going forward we will govern ourselves in such a way that we abide by schedules.

At the very least, in the circumstances, it would seem to me appropriate that the vice-chairs would have been consulted, but even that didn't happen. And so, here we are: members spread out across the country having to completely rearrange our schedules to deal with what is one of the most complex and important issues before Parliament.

I think the point of privilege raised by Ms. Findlay needs to be dealt with, and going forward I think there needs to be an assurance provided to all members that we will stick to the allotted schedule. If we simply stick to the allotted schedule, I think we will prevent these issues from arising.

We've had issues, as Mr. Moore noted, when the meeting went over schedule. I know that in part sometimes it was because of your effort to accommodate members; nonetheless, it creates issues.

Again, I hope that going forward we will abide by our schedules, and that with that understanding we can work in a collegial way—disagreeing when necessary, but having a level of respect that I think is so important if this committee is to function in a way that I think all Canadians hope it will as we deal with the very important issues that are before our committee.

Thank you, Madam Chair.

● (1045)

The Chair: Thanks for that, Mr. Cooper.

I have Mr. Lewis next on the list.

Go ahead, Mr. Lewis.

Mr. Chris Lewis (Essex, CPC): Thank you, Madam Chair. I appreciate the opportunity to speak to this.

My heart definitely goes out to our good colleagues of every party on the west coast.

In my previous career, I travelled across Canada, and quite frankly, North America—obviously, by plane. Although I could do a lot of work over the phone, I did a whole bunch of work in one-on-one meetings with various stakeholders.

Being from Ontario, I went both east and west. The time zones certainly get to you. That's why I'm saying I can appreciate our friends to the west, as well as to the east, because our schedules are incredibly tight. When I was doing my sales job, I'd never quite know what time of the day it was.

The other thing I would never do, though, was change a meeting at the very last minute, the night before, unless a flight was cancelled. I found out about 7:45 last night from my chief of staff that this meeting had been changed.

Why is that important? I'll tell you exactly why.

I am disappointed this morning because I had the most amazing Zoom meeting with a young woman from my riding, as well as a teacher in her classroom. It was a meeting purely to say hi, but more importantly, to give inspiration, to say, “Everything is possible. Go change the world. Leave the world a better place than you found it.” It had been scheduled for a week, and I had to cut that meeting short because of this meeting. That's not fair. It's not fair to the grade six class that they didn't get more time to be with their MP.

There was a reason I booked it for that time. I didn't bring that up to the class, because I didn't want to show frustration, but with all due respect, it's the real cusp of disrespect to MPs when we're trying to reach out. Everybody is incredibly busy. I find it appalling that this is happening.

I had the pleasure and the honour to sit on the international trade committee prior to this. That was right in the heart of CUSMA. We sat for days, eight or 10 hours per day, to rush legislation through. Everybody on that committee agreed that we would sit for days and hours to rush the legislation through, because it had to be done.

The second piece of legislation, now, that I see being rushed through is MAID. However, there is one thing that never happened on the international trade committee: The chair never changed the times.

If we go back to an email that I got on November 6, I believe the whips all came together and agreed that the justice committee would be on Tuesday, from 11 a.m. to 1 p.m., and on Thursday, from 11 a.m. to 1 p.m. Nowhere in there do I see anything different.

I have to be very honest with you. I think it's incredibly disrespectful that Mr. Moore did not get a response to his email last night that was sent out, be it from yourself or somebody else.

In closing, I guess it goes like this: If I did this to one of my constituents, if I just decided to turn the channel and do this to them, I would probably be out of a job. At the very least, Ms. Findlay deserves nothing shy of an apology on this front, as well as our other colleagues from the west.

Again, Madam Chair, I have the upmost respect for you. I truly do. I realize this legislation is very important, but at the same time we have to be methodical, we have to be strategic, and we have to have open conversation about this. That open conversation could have happened when government was prorogued, but to disrupt MPs and their schedules is completely disrespectful.

The last thing I would leave you with, and I think we can all agree on this, is that I'm supposed to have House duty this morning. At the eleventh hour, I have to find somebody to cover House duty for me. Each and every one of us knows exactly what that means. At eight o'clock last night, I was trying to scramble around to get somebody to cover House duty, not from 11 a.m. to 1 p.m., but prior to that. That's the disrespect that I'm talking about. Usually after dinner I make phone calls to constituents. Instead, they don't get to hear from me because I'm trying to find somebody to cover House duty.

That's where I come from on this front, and I really appreciate the fact that you're giving me the opportunity to speak.

● (1050)

Madam Chair, thank you very much. Again, I have the utmost respect for you. I know you're trying to do your job, but I think it's important that collectively we all get Bill C-7 right, because when the next bills come forward we're going to be in the exact same boat again.

Thank you, Madam Chair.

The Chair: Thank you for that, Mr. Lewis.

I do have Madame Findlay's hand raised, and then I'll stop there and respond.

Go ahead, Madame Findlay.

Hon. Kerry-Lynne Findlay: Thank you, Madam Chair.

I want to mention a reality that is important to this discussion and my point of privilege, which I didn't mention before.

I happen to be in the Lower Mainland of British Columbia. In the Lower Mainland, we have had a spike in COVID cases in both the Fraser Health Authority and the coastal health authority. We are actually, by provincial mandate, quite locked down here right now, which means that at the moment I'm not even supposed to travel. I couldn't go to visit Mr. Manly or Mr. Garrison on Vancouver Island, even if I wanted to right now. They haven't invited me, but if they did I couldn't say yes. On top of that, that means I have staffing issues. We're not running our offices as normal, with a full complement.

By putting a meeting unilaterally an hour earlier, there is no way I have anyone here in this office with me. I have no staff around me. I have no one able to take last-minute things. My staff didn't even see your second notice. I saw it as I stopped my car after a meeting, in the dark, at the other end of—

Mr. James Maloney: Point of order, Madam Chair.

The Chair: Yes, Mr. Maloney.

Mr. James Maloney: Thank you, Madam Chair.

We are—

Hon. Kerry-Lynne Findlay: No, that is not allowable, Madam Chair.

A point of order does not take precedence over a point of privilege. Please check with the clerk.

The Chair: Sorry, I am going to allow the point of order.

Go ahead, Mr. Maloney.

Hon. Kerry-Lynne Findlay: I challenge the chair on that. That is not allowed.

Mr. James Maloney: Thank you, Madam Chair.

We have—

Hon. Kerry-Lynne Findlay: I challenge—

Mr. James Maloney: We have exhaustively now heard all of the reasons why our opposition colleagues are displeased with your decision, which was properly made, to call the meeting an hour earlier. They have effectively delayed the meeting now to almost 11 o'clock, which I expect was their objective.

If there is a motion to be tabled by Ms. Findlay or anybody else on this issue, I request that they do so now and that we move on so there is no further delay.

● (1055)

Hon. Kerry-Lynne Findlay: First of all, it is my understanding that a point of order does not supersede a point of privilege, and I would ask the chair to consult with the clerk on that.

Second, I did put forward a motion and asked for specific action, but I wanted to put my point of privilege in full context, which I was stopped from doing by MP Maloney.

The Chair: Thank you, Madame Findlay.

I am just going to ask the clerk to respond to your procedural question there.

Go ahead, Mr. Clerk.

The Clerk of the Committee (Mr. Marc-Olivier Girard): Thank you, Madam Chair.

I was telling the chair that there might be a confusion with what happens usually in the House of Commons when there is a motion of privilege that is allowed to be moved by the Speaker of the House. Yes, that takes precedence over almost all other items of business at the House of Commons. However, the same kind of practice or rule doesn't necessarily apply in the committees universe, especially since—and maybe I'm wrong—I don't think that Ms. Findlay has moved a motion of privilege yet.

This is why I was saying to the chair that it doesn't take any precedence right now over all other committee business.

Thank you.

The Chair: Thank you, Mr. Clerk.

At this time, Madame Findlay, if you would like to move your motion you're welcome to do so.

Hon. Kerry-Lynne Findlay: Yes, I do.

I thought I was giving a way to deal with this here at committee by asking for an apology and asking that this does not happen again in a unilateral decision. I also asked for your confirmation on the record as to whom you had conversations with that led you to make that unilateral decision.

I move a motion to report this matter of privilege to the House—I did say all this before—to report your actions because I haven't heard any response yet.

The Chair: Thank you, Madam Findlay.

Just to clarify, as I said at the beginning of the meeting, under the routine motions that we passed at the beginning of our committee meetings this session, and according to the rules in the House procedure books, I do have the authority to call meetings. The reason I did so was to ensure—as there were concerns raised by members in this committee who have spoken today about having to come in an hour earlier—that everybody had that opportunity. We had agreed that we were going to have a set number of meetings for clause-by-clause. Given the nature of debate at the last meeting, I felt it may be appreciated if members could have that extra hour to continue the debate on this very important legislation.

I do thank the members for your understanding and for being here today. We'll call the vote at this time.

Thank you, Madam Findlay.

Hon. Kerry-Lynne Findlay: You prefer to proceed with my motion rather than apologize.

Thank you.

The Chair: If there is no further debate, we'll just call the question.

(Motion negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

The Chair: Thank you, Mr. Clerk. That defeats the motion. Thank you to the members for your healthy discussion this morning.

We'll go on now to clause-by-clause.

● (1100)

Mr. Michael Cooper: I have a point of order, Madam Chair.

I'm going to be very brief, because I know we want to get to the amendments to Bill C-7, but I'm going to put forward a motion. Before I do, I just want to note that a number of physicians had sought to put forward briefs to this committee to provide their expertise and opinion on the legislation. When they submitted those briefs to the clerk, they were rejected on the basis that they did not meet a deadline, the deadline being, apparently, midnight of November 12. That was not a deadline that I was aware of. It was not a deadline any of our colleagues, certainly on the Conservative side, were aware of. It was not a deadline the physicians were aware of or that the public was informed about either.

I just very simply, in light of this, think it's important that their voices be heard and that this be remedied by simply allowing those briefs that were rejected to be submitted.

With that I would put forward a motion to make those briefs allowable.

The Chair: Thank you for that, Mr. Cooper.

I don't see any....

Ms. Findlay, is that your hand raised to speak to this issue?

Hon. Kerry-Lynne Findlay: No.

The Chair: No? Okay.

I don't see any hands raised. I will call the question at this time.

(Motion agreed to: yeas 10; nays 1 [*See Minutes of Proceedings*])

The Chair: The motion is carried.

I appreciate your raising that, Mr. Cooper. Thank you.

We will continue now with Bloc Québécois amendment 3. This is the amendment on page 6.

My understanding is that we had finished our speakers list on that at the last meeting.

Mr. Moore, you'd like to speak to this? Go ahead, sir.

Hon. Rob Moore: Thanks, Madam Chair. I think I was in the midst of speaking to this particular amendment when the last meeting ended.

I think for all of us this is an opportunity to provide some clarity—clarity grounded in witness testimony. Some of the testimony I've been receiving on this bill has been around a phrase that was really under Bill C-14 and is now under Bill C-7, and it's so important. That's the phrase “reasonably foreseeable”. There is no definition of reasonably foreseeable.

I heard argument on this particular amendment, BQ-3, that somehow it could possibly be less certainty. I think it's just the opposite. It's abundantly clear that just the opposite would be true. By we as parliamentarians putting in this amount of “12 months”, we have....

It's paramount to this bill, because it involves which track someone who is seeking medical assistance in dying will be going on. We say in Bill C-7 that if your death is reasonably foreseeable, then there are certain safeguards in place—fewer safeguards than were there under Bill C-14. Under Bill C-14 there were the safeguards that there had to be two independent witnesses and a 10-day reflection period. Other safeguards that in fact were in Bill C-14 are taken out in Bill C-7.

If your death is not reasonably foreseeable, then you're on another track. Those of us who have studied this bill know this. The whole bill turns on reasonable foreseeability. In my readings on this, and from speaking with physicians and hearing and reading briefs from physicians and from those in the disability community, as well as hearing of some cases where I think the definition of reasonably foreseeable has been stretched to its absolute maximum of someone's imagination, I think it is incumbent upon us to provide some degree of certainty over what we mean, as a Parliament, as legislators, when we say reasonably foreseeable.

This particular amendment talks about the “prognosis of 12 months or less” remaining. I think this makes abundant sense. I want to thank the member for bringing it forward.

You know, there are people who are watching, of course, the committee deliberations. I haven't made it a secret that I think there should have been more time to hear witness testimony. I really think, if we're honest with ourselves about what we heard around the table, what we heard from members of the disability community, it was an eye-opener for everybody. Whether we're willing to admit that or not, I think it was an eye-opener. I would like to have explored some of these issues further with them.

We were presented with the perspective that somehow in the physician community there is overwhelming support for this bill, but then, as we studied it, we realized, no, that's not the case. I mean, every one of us, as committee members, received a letter signed by 800 or 900 physicians. That's a huge number. Someone said, well, that's not as many as there are in all of Canada. Of course not; but if 900 physicians sign a letter, then I, as a member of Parliament, am going to take notice of that.

Based on the feedback that I've seen, I really think we're doing our job by being a bit more certain in what we mean. I mean, “reasonable foreseeability”—that kind of language is wide open. To the best extent possible, we should give certainty in our laws.

● (1105)

If you're travelling down the highway and you see a sign that says, "Your speed is reasonable”, what does that mean? Does that mean 70? Does it mean 90? Does it mean 130 kilometres an hour? I know for me, it might mean something different than it means for you. “Be reasonable.”

“Well officer, I was being reasonable.”

“No, you weren't being reasonable.”

Who decides what's reasonably foreseeable?

I'm in New Brunswick and I recognize we're a big country. We had a big discussion this morning on how big the country is and how it covers many time zones. In New Brunswick, on most highways, it doesn't say, “Be reasonable”. It says 110 kilometres an hour. I know if I'm over that, I'm speeding. If I'm at 110 or under, I'm not speeding. I think that makes sense. I also think it makes sense for us to define in some way what reasonable foreseeability means. That's why I'd like to speak in favour of BQ-3.

Thank you.

● (1110)

The Chair: Thank you, Mr. Moore.

Monsieur Thériault.

[*Translation*]

Mr. Luc Thériault (Montcalm, BQ): Thank you, Madam Chair.

I would like to thank my Conservative colleague, Mr. Moore, for saying that he found the amendment interesting, even though his reasons are different from mine. I would nevertheless like to remind my colleagues who intend to vote against the amendment that if this is something that can bring our Conservative colleagues and I together, even though our respective positions have been at odds from the very outset, it will be a good opportunity for compromise and consensus.

The bill removes the reasonably foreseeable natural death criterion. It is no longer a criterion for access to medically assisted death. However, in order to define the safeguards regime, it is essential to determine whether, when an application for medical assistance in dying is received, the person's death is foreseeable—within 12 months or less—or whether the person has more than 12 months to live. If the latter, the person is subject to the 90-day reflection period. Those who have 12 months or less to live are not necessarily required to comply with the 10-day period nor, if they have followed the applicable provisions, to give their final consent.

In practice, in the field, it allows practitioners to determine foreseeability. It covers all cases and in no way limits access to medical assistance in dying. However, as it is a medical concept, it allows for clarity.

I believe that it makes the bill clearer. I hope that I have convinced my colleagues.

[*English*]

The Chair: Thank you, Monsieur Thériault.

I'll call the question at this time. There are no more people on the speakers list.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

The Chair: We'll now move on to CPC-2. Mr. Moore, would you like to move this amendment?

Hon. Rob Moore: Thank you, Madam Chair. I'd like to move this amendment.

What our amendment would do here is the following.

Bill C-14 required two independent witnesses. Parliament, in its wisdom, with a brand new regime of medically assisted dying, included that requirement. To me, when you're dealing literally with life and death, it makes sense that there would be that requirement for two independent witnesses.

What Bill C-7 does is remove the requirement for two independent witnesses.

In listening to stakeholder interventions on this bill, particularly the Canadian Society of Palliative Care Physicians, which represents the physicians and others who are dealing with people at end of life, we hear a lot of talk about how it's not a true decision if you don't have appropriate palliative care. A lot of people pay lip service to palliative care, but any one of us, if it's someone we know, is going to want that person to have the best palliative care opportunities as possible in an end-of-life situation.

The Canadian Society of Palliative Care Physicians supports this amendment that would maintain the requirement for two independent witnesses. You can imagine, with the different dynamics of how, when we're talking about assisted dying and about Bill C-7.... Bill C-7 dramatically—dramatically—changes the law in Canada when it comes to assisted dying because, in fact, now people don't have to be, as we would have thought before, at end of life. They may have a prognosis that says they have 30 years to live or that says they have 20 years to live.

So, in light of that expansion, I think it's important that we maintain safeguards that make sense. To me, it makes abundant sense to have two independent witnesses, to have the request, as the Criminal Code says, "signed...by the person—or by another person under subsection (4)—before two independent witnesses who then also signed and dated the request".

I can tell you, as someone who has dealt with legal matters before, that you don't want to have one witness to something anyway. Having two witnesses eliminates any degree of uncertainty that could exist. There are always going to be challenges, but I think of...for the.... In Parliament's wisdom under a Liberal majority government when Bill C-14 came forward, there was the requirement.

This amendment is not earth-shattering. It is as modest as possible, and it's saying, "You know what? Let's maintain that safeguard." That's what this was couched as; it's a safeguard.

We've heard testimony that we're dealing with the most vulnerable in Canadian society, that we're dealing with people who are in very difficult times, that we're dealing with literal life-or-death decisions, so let's maintain the safeguard.

That's why I'm moving this amendment, CPC-2.

Thank you, Madam Chair.

● (1115)

The Chair: Thank you very much, Mr. Moore.

We'll go to Mr. Zuberi.

Go ahead, sir.

Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.): I'd like to speak to this suggested amendment.

Out of full respect for what Mr. Moore has just proposed and after careful consideration, I'll have to speak against the amendment.

I would appreciate it if only these two individuals, these two witnesses, were the final deciders in enacting MAID on the part of the individual, but we know that there are other procedures that must be followed. We know that the witness, for example, does not assess whether or not somebody is eligible for MAID. We also know that the witness doesn't establish whether or not there has been undue pressure or influence on the person requesting MAID.

Because there are other steps in the process, other people who actually go through this process, I have to speak out against this motion and say that we keep it as originally outlined.

Thank you.

The Chair: Thanks, Mr. Zuberi.

I have Madam Findlay next on the list.

Hon. Kerry-Lynne Findlay: Thank you, Madam Chair.

I'm actually quite distressed about this issue. I want to speak in support of the suggested amendment.

I appreciate MP Zuberi's thoughtful comments. However, again, in a past life as a lawyer, I've had the opportunity to draft many a will. When you are dealing with your assets and are of sound mind and body and have full cognitive abilities and you draft a will, at least in British Columbia, you have to have that will witnessed by two independent witnesses who are not mentioned in the will. They don't have to read what's in the will. In fact, they don't need to do that at all. However, they need to be present and they both need to sign the will. That establishes the authenticity of the signature and the intention of the testator.

If we have those safeguards legally in place when someone anticipating death is dealing with their assets, it seems to me that we should, at a minimum, have the same requirement for someone who is anticipating ending their life. It seems to me that one's life is a lot more important than one's assets. Yet, we seem to be throwing away that sort of...again, another safeguard, even though it may not even be the biggest one we're throwing away with this new legislation. However, it's an important one. It establishes that the person who is making this decision is signing on to it and requesting it to support that intention and that authenticity.

I just can't imagine how we would place, in law, a higher onus and a more careful environment for one's assets than one's life.

I would urge members of the committee to reconsider this one. It's not a big amendment—it's a small one—but it's a very important one, and I ask you to really think on that.

● (1120)

The Chair: Thank you, Madam Findlay.

I have Mr. Cooper next on my list.

Go ahead, Mr. Cooper.

Mr. Michael Cooper: Thank you, Madam Chair. I will speak in support of this amendment.

I want to reiterate a point that Ms. Findlay made, also as a lawyer, that in order to execute a valid will, two witnesses are required. Here we're talking about the most significant procedure that could be undertaken in someone's life, namely to end their life, and the safeguard required would be less than that which is required to execute a valid will.

I can say that when Bill C-14 was debated, there was widespread consensus around the need for there to be two witnesses, and not only two witnesses, but two independent witnesses.

The legislation that the government has put forward not only removes the very common-sense requirement that there be two witnesses, but it goes further than that and removes the requirement that there be independent witnesses. Indeed, under Bill C-7, someone attending to a patient's health could be a witness. That obviously raises concerns around conflict of interest, coercion—subtle coercion, unintended coercion—having regard for the power imbalance that exists, for example, between a medical health professional and a patient, particularly vulnerable persons.

The evidence that we heard at committee, in the very limited hearings we held on this bill, was overwhelming in terms of support for maintaining this safeguard, including from the Canadian palliative care association, among other witnesses.

I have not seen any convincing evidence to demonstrate that the witness requirement in any significant way impedes access to physician-assisted dying. On that basis, I believe this is an important safeguard to protecting vulnerable persons. That was backed up by the evidence. On that basis, I hope that this committee sees fit to pass this amendment.

Thank you, Madam Chair.

● (1125)

The Chair: Thank you, Mr. Cooper.

We'll go to Mr. Lewis next and then to Mr. Garrison.

Go ahead, Mr. Lewis.

Mr. Chris Lewis: Thank you, Madam Chair, for the opportunity to speak to this amendment. I think it's a very important amendment.

In my personal life, when I bought a car or when I bought a house, I had to get co-signers sometimes. In the world of business where I came from, I had to get co-signers. That was just for things were purely monetary. Here, we're talking about someone's life, the very breath that they breathe. To suggest for a moment that there shouldn't be at least two witnesses.... That's all we're asking for, two witnesses. When we force other people to have co-signers and witnesses for things that are monetary, such as a house, a business or a car, then I think the thinking on this is totally backwards.

This has been in the legislation. I guess I have to question now what exactly is the long-term goal of not keeping two witnesses. Is it so that eventually we'll have zero witnesses? Certainly, that's not what the government is thinking with this proposed legislation. Certainly there's nothing wrong with having two witnesses. This amendment is absolutely vital.

Again, I go back to this not being a monetary discussion. This is about the lifeblood of someone. I can't conceive of why anyone would suggest for a moment that someone's life is not worth having two witnesses.

I am going to be voting very much in favour of this amendment and I would totally respectfully ask everybody to really pay attention and consider this amendment.

Thank you, Madam Chair.

The Chair: Thank you.

Mr. Garrison, please go ahead.

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): Thank you very much, Madam Chair.

I'd just like to draw committee members' attention to the brief that was submitted by the Association of MAiD Assessors and Providers. They've talked about the real-life experience of applying MAID, and what they found was that in certain circumstances, sometimes especially in rural and remote communities, the requirement to have two independent witnesses raised privacy concerns and raised concerns about involving people from outside the narrow circle around the patient who was requesting medical assistance in dying. Their opinion was that, because the function of witnesses is not to assess but simply to verify identity, there was very little added in terms of protection by having a second witness.

I think we should listen to them when it comes to this narrow question of what might constitute an obstacle or what might create privacy concerns for those requesting medical assistance in dying. That is the testimony that we received from MAiD Assessors and Providers. I will not be supporting this amendment.

Thank you.

The Chair: Thank you, Mr. Garrison.

Madam Findlay, do you have something to add?

Hon. Kerry-Lynne Findlay: I do.

I understand that it may be inconvenient for assessors and suppliers. It's inconvenient when drafting a will or for drafting some other legal documents sometimes to have a second witness, but people know that's the legal requirement, and it always happens.

People in remote communities draft wills. In fact, the very people who might be asking for MAID in a remote community would probably have drafted a will before they decided to do it. I can't imagine if you put into the ending of your life the forethought it would take to seek medically assisted death that you wouldn't probably also deal with your assets. The very people we're talking about would normally have drafted a will and had two independent witnesses to its authenticity and intention. They would be independent meaning they would not be necessarily drawn in at all to someone's confidence regarding their decisions but the person would actually have had to go find those two independent witnesses to deal with their assets, no matter where they live.

Yet here we are saying that someone doesn't have to do that to end their life. I don't accept that and I think if one gives it some careful thought, it doesn't actually make sense given the other legal requirements we have in life.

● (1130)

The Chair: Thank you, Madam Findlay.

We'll go to Mr. Cooper next.

Mr. Michael Cooper: Actually, I'm okay.

The Chair: Okay. We'll call the question at this time for CPC-2.

Mr. Clerk, if you could, please administer the vote. Should CPC-2 carry?

(Amendment negatived: nays 7, yeas 4 [*See Minutes of Proceedings*])

The Chair: We will now go on to CPC-3.

Mr. Moore, would you like to move that?

Hon. Rob Moore: Thank you, Madam Chair. I so move.

In terms of CPC-3, as we discussed in Bill C-7, there are two tracks: where death is reasonably foreseeable and where death is not reasonably foreseeable. The government has introduced on the track where death is not reasonably foreseeable a requirement that one of the physicians have expertise in the patient's ailment. What this amendment would do is require and apply that same criteria that one of the physicians signing off has expertise in the patient's ailment—which I think is a smart criteria—to all cases of assisted dying, not just where death is not reasonably foreseeable, but also where death is reasonably foreseeable.

As mentioned—we just had this debate—"reasonable foreseeability" is not defined. I thought we should have defined it a few minutes ago with the BQ amendment, which would define it at 12 months. We chose not to do that. In light of that and in light of the fact that the government did see fit to include it for the track where a death is not reasonably foreseeable, I think there's merit in that, and I think it should apply as well where death is reasonably foreseeable. That's why we've moved this amendment.

Again, we didn't pull this amendment out of thin air. It's partially based on what the government has done on the new track where death is not reasonably foreseeable, but also due to testimony. We heard very compelling testimony both from physicians and from specialists, as well as persons with disabilities, about the importance of having someone who knows what they're talking about with regard to someone's condition.

We're going to get to other prospective amendments later, but we've heard about the amount of time it takes someone to get in to see a specialist, to begin treatment and to have treatment take effect. If someone has had a diagnosis of a very serious ailment or a very serious injury, oftentimes there are ups and downs in their thinking about their future, but also in the prognosis. Ensuring that one of the physicians dealing with this patient has a speciality in the condition the patient has I think is a good safeguard that the government has introduced on the track of not reasonably foreseeable. I think it should apply where death is reasonably foreseeable as well, and that's why we've moved this amendment.

Thank you, Madam Chair.

● (1135)

The Chair: Thank you, Mr. Moore.

Mr. Virani, you're next. Go ahead, sir.

Mr. Arif Virani (Parkdale—High Park, Lib.): Thank you very much, Madam Chair.

In terms of the notion of track one and injecting the expert requirement into track one, what we have is a situation around the country where health care providers have been exercising a great deal of judgment in delivering MAID. That's certainly what we heard in the consultations that took place in January and February. In cases where the medical team surrounding the patient doesn't have the necessary expertise in the patient's condition to do a comprehensive assessment, providers are already consulting experts as part of good medical practice, and we believe that they will continue to do so.

What we've done here is that we've reduced the barriers to accessing MAID for people who are reasonably foreseeable, but have enhanced safeguards for those who are on track two, because, by definition, their death is not as imminent or as foreseeable. Adding an additional issue of attaching an expert requirement here for the group that is in track one would not enhance safeguards—because the safeguards are already doing the work they need to do—but would in fact act as a new barrier for access. On that basis, I will be opposing this amendment.

Thank you.

The Chair: Thank you, Mr. Virani.

Mr. Lewis.

Mr. Chris Lewis: Again, I have to simplify things sometimes. I know when I had shoulder surgery to repair my broken shoulder some three or four years ago, the first thing I did was go to my general practitioner. He didn't say that he was going to do the surgery. No, he sent me to a specialist.

When I think about this, again, for me it's very black and white. If we're talking about life and death, I don't know why there is even discussion around this table with regard to ensuring there is a specialist there to say, "Yes, this, indeed, is the ailment and, indeed, this person should have MAID", because, again, my general practitioner didn't do the arthroscopic surgery for my shoulder. He sent me to a specialist.

Notwithstanding that, Madam Chair, if I went to that specialist I could also get a second opinion.

My point is, in death, why would we ever put this weight on a practitioner and not have a second opinion? This, to me, is about giving protection to our practitioners, but also giving the real-life story for the person who may or may not need MAID. If I don't know what I'm talking about, as a practitioner, I certainly don't want to be the one who says to administer MAID. If it's not my speciality, why would I do that?

Madam Chair, this is a very important amendment, and I will be supporting it.

Thank you.

The Chair: Thanks, Mr. Lewis.

Monsieur Thériault, I see you next on the list. Go ahead, sir.

[*Translation*]

Mr. Luc Thériault: I think that my Conservative colleagues are forgetting a few things. We are talking about people whose death is foreseeable, sometimes within a few days. We are talking about the end-of-life phase. When we say that the patient is the norm, it means what is learned from the patient's condition.

General practitioners who provide medical assistance in dying are perfectly capable of reading the entire file of a terminally-ill patient who arrives at emergency. They can tell whether the patient has a few hours or a few days, at most, to live.

Why then must a specialist be brought in when the cancer is metastatic? A specialist in what, precisely? Surely not orthopaedics? When the kidneys are completely dysfunctional, do you need to call in a kidney specialist?

The overall status of patients is what determines whether they are at the end-of-life phase and whether they are suffering. If they ask for medical assistance to die, it's not just because they want to put an end to the suffering, but also because there are other criteria that must be met before acting.

That's why I don't understand how a doctor who is a specialist in one particular part of a person's physiology can add anything other than further delays for those who have been irreversibly dying for a long time and who are now at the end of their tether. Those who want to die at the end of this process can do so, provided that they do not request it.

For those who do, you have to go back to the meaning of the expression “the patient is the norm”. It doesn't require a specialist in every organ of the body to understand when someone is terminally ill.

● (1140)

[*English*]

The Chair: Thank you, Monsieur Thériault.

Madame Findlay, I have you next on the list. Go ahead.

Hon. Kerry-Lynne Findlay: Thank you, Madam Chair.

I'm finding some distress here when we're discussing these things. There are a lot of assumptions being made within these discussions about patients' conditions, about what a medical practitioner may or may not do, from a lot of us who, frankly, aren't doctors. We've heard a lot of testimony. I would like to have heard a lot more. We've heard testimony before this committee that says some of that is quite contrary to a lot of the assumptions being made here about capacity, about who is signing off on this.

We're legislators; we're not medical practitioners. It's our job to try to have at least some safeguards on a legislation that is literally about life and death. One-size-fits-all is not a good public policy, in my view. We have to be aware that there are differences. There are regional differences; there are patient-centred differences. Having one of the physicians signing off with an expertise in that patient's ailment seems to me to be the minimum criteria I would want for any procedure relating to my health of any serious nature.

I don't see that as overly onerous, but it is a safeguard, again, to just make sure that everything is as it should be, and that it's understood at the time that a big decision like this is being made. There seems to be an assumption in the discussions here that it's just an inevitable thing. It should be a clear choice right up to the end of life—that what you're doing is your clear choice, and for valid reasons.

Again, in the legislation as presented, we seem to be throwing out so many safeguards way outside of the Truchon decision, without the careful thought put into it that some of these safeguards would allow for.

Thank you.

The Chair: Thank you, Madame Findlay.

Mr. Moore, do you want to make your closing remarks on what you've heard?

Hon. Rob Moore: Sure. I hadn't planned to actually speak again, but Mr. Thériault made some points that I don't think are on point with what's being proposed here.

He mentions a scenario where someone has hours or weeks to live. Just by the discussion around his own amendment, around reasonable foreseeability of death, we already know that under the previous bill, Bill C-14, individuals with a prognosis of living for well over a year have received assisted dying. We're not being overly prescriptive here, but we have to recognize that some of the individuals who may, depending on the assessment, fall under reasonable foreseeability of death may still have quite a bit of time to live naturally.

What we're saying is, in the wisdom of what the government has put in place under individuals whose death is not reasonably foreseeable, there are going to be people who fall in the margins on both sides of that issue, of that line, that ill-defined line. We've chosen today not to even attempt to define what “reasonable foreseeability” is.

In light of that, I think it's abundantly clear that in the consultation with the physicians one of them should have an expertise in the person's ailment. Whatever that ailment is, we're asking that one physician have that consultation with the patient.

This is not about people who have days to live. This is about people who could have years to live. This requirement has been adopted by the government on their other track. Based on the testimony that we've heard, I think it's abundantly clear that it's important and relevant for those throughout the MAID regime, not just on one track but throughout, that there should be a requirement that they have a consultation with a physician who knows something about their ailment. The risk otherwise is just too great, in my view, for abuse of this system.

I'll leave it at that. Thanks, everyone, for your consideration of the amendment.

● (1145)

The Chair: Thank you.

Sorry, Monsieur Thériault, was that your hand up that I saw?

I'll call the question at this time then, on CPC-3.

[*Translation*]

Mr. Luc Thériault: Madam Chair, what I wanted to say is that it is always a medical specialist who tells patients that nothing more can be done for them, and that is when palliative care begins.

[*English*]

The Chair: Monsieur Thériault, thank you. We've started the vote already, so we'll continue with that, if that's okay.

[*Translation*]

Mr. Luc Thériault: I can't hear what you're saying, Madam Chair.

[*English*]

The Chair: Can you hear me now?

[*Translation*]

Mr. Luc Thériault: Yes.

[*English*]

The Chair: Thank you.

We're just going to continue with the vote, which was already started before you started speaking, sir.

[*Translation*]

Mr. Luc Thériault: Okay.

[*English*]

The Chair: Please continue, Mr. Clerk.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

The Chair: Thank you, Mr. Clerk.

Now going on to CPC-4, I want to note that if CPC-4 is adopted, it makes CPC-5 unmovable because of a conflict of lines.

Mr. Moore, if you would like to move CPC-4 or CPC-5, go ahead.

Hon. Rob Moore: Thank you, Madam Chair.

I'd like to first move CPC-4.

I'll reflect back on Bill C-14, which was adopted five years ago. It required that individuals be given the opportunity to change their mind after a request was made. This is where death is reasonably foreseeable, but it doesn't mean it's imminent. It doesn't mean it's within weeks. In fact, as we've seen from some cases, it could be years.

In the limited testimony we've had, it became a theme that people can change their mind. We tossed around this idea of life or death. People have said, “This is a life-or-death situation” when often it isn't, but in this case we are literally dealing with life or death.

The majority Liberal government that introduced Bill C-14 put in place a requirement that there be:

> ...10 clear days between the day on which the request was signed by or on behalf of the person and the day on which the medical assistance in dying is provided or—

It means that if you've signed and said, “I would like to have medical assistance in death”, there would be 10 clear days. There was a reason why that was put in place by the Liberal government.

> —if they and the other medical practitioner or nurse practitioner referred to in paragraph (e) are both of the opinion that the person's death, or the loss of their capacity to provide informed consent, is imminent—any shorter period that the first medical practitioner or nurse practitioner considers appropriate in the circumstances....

When we've discussed this, I've heard other colleagues say, “Sometimes this was just making people wait for no reason.” Well, Bill C-14 provided for that scenario. The 10 days could be waived in circumstances where death is imminent. If someone is going to pass away in two days or a day, no, there does not have to be a 10-day reflection period. Remember we're dealing with cases where an individual may have years to live, and what we're saying is to take that 10-day reflection period. There's a reason it was put in place.

Now we have two tracks—death reasonably foreseeable and death not reasonably foreseeable—without a definition of “reasonably foreseeable”. If someone falls into the other track, there is a 90-day reflection period. If someone falls into death being reasonably foreseeable, under Bill C-14, there was a 10-day reflection period that could be waived. Bill C-7 strips that out. Some may say that it's unnecessary suffering and so on, but what they don't say is that the 10-day period could be waived.

I want to list a few organizations, and every one of us is familiar with these organizations: the Canadian Society of Palliative Care Physicians, the Council of Canadians with Disabilities, and Inclusion Canada. We heard testimony from Inclusion Canada's executive vice-president. The persons with disabilities communities are in favour of this being reinstated. Palliative care physicians, who are end-of-life physicians, are in favour of this being reinstated.

We're not asking for anything earth-shattering here. Some of the safeguards that were put in place by the previous government were just that. They were safeguards to protect the vulnerable. One of them was this 10-day reflection period. Bill C-7 takes it out. This amendment simply keeps it in, and it keeps in the possibility that the 10 days can be waived when death is imminent.

I thank you for your consideration of this amendment.

● (1150)

The Chair: Thank you, Mr. Moore.

Monsieur Thériault, I have you next on the list.

[*Translation*]

Mr. Luc Thériault: Madam Chair, I just wanted to point out that one of the important impacts of Bill C-7 with respect to terminally ill patients whose death is inevitable and imminent is to prevent people from suffering for 10 days simply because there is uncertainty about what they want. Once their intentions are clear, they ought not to be left to suffer.

People in the field might sometimes believe that the person could live for another 10 days, but that it would be 10 days of delirium, agony and extreme suffering of the kind no one would want for their loved ones. Allowing this to happen is not a matter for reflection. It removes the burden of suffering from the patient.

● (1155)

[*English*]

The Chair: Thank you, Mr. Thériault.

Mr. Maloney is next on the list.

Mr. James Maloney: I'm going to be brief, and right to the point. Mr. Moore anticipated some of what I was going to say.

The preponderance of evidence that was heard during the course of the consultation makes it very clear that eliminating the 10-day reflection period is a critical thing to do. We need to listen to those people.

Therefore, I am not going to support the amendment.

The Chair: Mr. Garrison, you are next.

Mr. Randall Garrison: I think this amendment ignores an important fact. Those who have reached this point in their lives where their medical condition has dealt them a bad hand, we might say, and who are suffering intolerably, have been consulting with their doctors, some for many months. This is not something that happens in any rapid fashion.

We heard from the assessors and providers who carefully monitored what was happening under Bill C-14. They told us very clearly that this does inflict unnecessary suffering. In fact, when you look at statistics about the 10-day waiting period, a very large proportion, over half, of the medically assisted dying occurs on the 11th day. That tells me we are forcing people to wait, and forcing them to suffer in a way that's not necessary if we are truly compassionate.

I will be opposing this amendment.

The Chair: Mr. Cooper is next.

Mr. Michael Cooper: I support this amendment.

The Supreme Court of Canada in the Carter decision contemplated a carefully designed and monitored system of safeguards. Bill C-7 removes one of the key safeguards provided for in Bill C-14, Parliament's response to the Carter decision, and that is a reflection period.

If you look at the legislation as it is currently drafted, it could provide a scenario where there is same-day death and there is virtually no reflection. It is important to note that people do change their minds. Indeed, in the Truchon decision, evidence before the Quebec Superior Court indicated that in the province of Quebec, between December 2015 and March 2018, some 167 written requests were made and subsequently withdrawn by patients, because they had changed their minds. That equals approximately 7% of all MAID requests in the province of Quebec.

I believe this data underscores the need for a reflection period.

With the issue surrounding the loss of capacity, this is already addressed in the existing legislation, in Bill C-14, whereby that period can be shortened where necessary, but that should be limited. It should be the exception; it should not be the rule.

The Chair: Thank you, Mr. Cooper.

I have Mr. Lewis next on the list.

Go ahead, sir.

Mr. Chris Lewis: Thank you, Madam Chair.

I have just a couple of very brief comments. The first one is that I was a firefighter, a first responder, for seven and a half years, so of course I went to a lot of car accidents and I went to a lot of fires, but I was equally a paramedic as well and responded to a lot of folks who had DNR orders. At the time, the fire department I was part of didn't recognize DNR orders, so we would send them to the hospital.

I will tell you that, in my seven and a half years in the small town in which I was a firefighter, on more than one occasion I did meet somebody on the street, a cancer survivor, who upon going to the hospital actually found a new specialist, a new treatment and indeed survived.

My point is this. I think we'd all agree that at the very least we'd have what I call the 24-hour rule. This is now somebody's life, and life deserves, at the very least, a 10-day reflection period.

Again, I go back to my time served in the fire department. I've seen this. I've been part of it. I've seen people who have been in a coma with the doctors saying to pull the plug, and 18 days later they have woken up with thumbs-up and are living a normal life today.

Because I have seen it, because it's first-hand for me, I really don't understand why we would not have that 10-day reflection period at the very least to talk it through. It is absolutely vital.

The last point I would make is that this was the Liberals' legislation through Bill C-14 and if they don't believe now that we need a 10-day reflection period, are they suggesting they were wrong when they put this legislation forward in the first place?

Thank you, Chair.

● (1200)

The Chair: Thank you, Mr. Lewis.

Madame Findlay, you are next. Please, go ahead.

Hon. Kerry-Lynne Findlay: Thank you, Madam Chair.

I am speaking in support of this motion.

In the discussions we've had to date, obviously we've had a breadth of witnesses and it seems very clear at this point that certain members of the committee are listening to certain witnesses and others are listening to other witnesses. I guess it depends on where you are coming from who you want to give emphasis to, but the whole point of having a variety of witnesses is that you hear more than one point of view.

We have heard more than one point of view from persons with disabilities, who, I felt, spoke in a very heartfelt and personal way about their personal experiences, and also from physicians, family practitioners and even academics who have a variety of opinions.

The whole point of having a reflection period, as was in the original legislation, is for it to be patient-centred. I'm hearing comments here that everyone at that point is sure of what they are doing. With respect, I don't see how that's necessarily possible when we've also heard testimony about transient suicidal ideation and about people who do change their minds.

My colleague MP Cooper spoke about the Quebec example, but the number he had went only to March 2018. The further report we have that comes right up to date from Quebec's annual end-of-life care report said that, since 2015, over 300 patients in Quebec alone changed their mind after requesting medical assistance in dying.

There are already exceptions existing under the original law for those whose death is fast approaching and for people who will soon lose the capacity required to provide the necessary informed consent, so they're already contemplative. This 10-day reflection period gives the patient—not the doctors, not the nurse practitioners, not the people around them, not their families—the opportunity and the ability to change their mind, and we should give them that autonomy.

We have talked a lot here about autonomy. We've talked a lot here about a patient focus. This is what this is meant to do.

If there are 300 people in Quebec alone who have changed their minds—I wish I had national statistics but they are hard to find—and there are 10 provinces in Canada, that means there are probably thousands of Canadians who have changed their minds. They should have the ability to do that, and that's what this is speaking to.

Thank you.

● (1205)

The Chair: Thank you, Madame Findlay.

Mr. Cooper, I have you next.

Mr. Michael Cooper: Thank you, Madam Chair.

I would just like to add that providing for same-day death or entertaining that possibility, as Bill C-7 would allow for, I believe is virtually unprecedented in any other jurisdiction.

I recall that when we considered the reflection period during the debate around Bill C-14 at the time, we were looking at a 14- or 15-day reflection period, and the government brought forward an amendment to reduce that to 10 days. Even a 14- or 15-day period, as I recall, was significantly less than that which was provided for in the Benelux countries, where the waiting period, at least as of 2016, was in the range of 30 days.

We really are heading down uncharted waters. I think any time we legislate on this issue, in which there are so many complexities and we're dealing with vulnerable persons who are at their most vulnerable state in life in many instances, we need to proceed with care and caution, having regard for the evidence before our committee and having regard for the data coming out of the province of Quebec.

I believe it is imperative that we maintain a reflection period and not go down an uncharted path.

Thank you.

The Chair: Thanks, Mr. Cooper.

I have Mr. Moore next, for anything to add to what you've already spoken about.

Thank you, sir.

Hon. Rob Moore: Thank you, Madam Chair.

A couple of my points were made by others and I promise I won't remake them. I do want to respond to MP Garrison, who mentioned that assessors and providers of MAID are in favour of waiving the 10-day reflection period.

Consultation went into Bill C-14. We were supposed to have a parliamentary legislative review this past summer that would look back on what the Canadian experience has been in dealing with assisted dying. Based on consultation on Bill C-14 and based on international norms, Parliament put in a 10-day reflection period that could be waived when appropriate.

Now the Liberal government has put in a 90-day reflection period when death is not reasonably foreseeable, but we'll get to that later. This 10-day reflection period is important. Mr. Garrison mentioned individuals who, on the 11th day, received MAID. That's not taking into account the people who, within that reflection period, decide not to go through with MAID.

As Mr. Cooper pointed out, this happens, and we have to give people that opportunity if we believe that life is important and every life is important, as we heard from individuals in the persons with disabilities community. I felt the value of their lives as they presented at our committee. Their perspective is important. Their lives are important.

We know overwhelmingly that people can and do change their mind about assisted death. It happens. This has been characterized as people who have days or weeks or hours to live. That is not what this is about. This is about, in some cases, people who could have years to live.

The least we can do as a safeguard.... We're putting in place this regime. Everywhere else has safeguards. We need to have safeguards. This was a safeguard that was seen as appropriate just a few years ago. This is not something new. This is something that existed in the previous legislation and we want to make sure we maintain that.

We can talk about assessors and providers of MAID. Well, I'm also talking about the Council of Canadians with Disabilities. I'm talking about the Canadian Society of Palliative Care Physicians. These are physicians who deal, day in and day out, with end-of-life issues. Those physicians are saying to maintain this 10-day reflection period. I don't know how we as a committee can just ignore that and cherry-pick the odd thing that we agree with from people who have a completely different perspective, being the assessors and providers of MAID. Maybe the assessors and providers of MAID should not be the ultimate authority on all things dealing with MAID, including the safeguards and the 10-day reflection period.

We need to have a balanced approach. We've listened to the assessors and providers. I also want to listen to people with disabilities, other specialists and palliative care physicians. We cannot make this a closed club where the only people we listen to are the ones who provide MAID. That is not how this does work and it's not how it should work.

I'll leave it at that, Madam Chair. I thank everyone for their contribution to the discussion on this amendment.

● (1210)

The Chair: Thank you, Mr. Moore.

Mr. Cooper.

Mr. Michael Cooper: Madam Chair, I wish to read into the record the words of Cardinal Thomas Collins in the Toronto Star on March 2, 2020, in regard to the reflection period. He stated—

Mr. Arif Virani: I have a point of order, Madam Chair.

Unless this arises in response to something that was previously raised, perhaps it's not appropriate as an intervention.

Mr. Michael Cooper: I think it is appropriate.

Mr. Arif Virani: Mr. Cooper had an opportunity to raise his commentary. This is now the second time he—

The Chair: Thank you, Mr. Virani. I am going to allow Mr. Cooper to read this into the record, right before we go to the vote.

Go ahead.

Mr. Michael Cooper: Thank you, Madam Chair. I'll be very brief.

Cardinal Collins states:

> In Ontario, we allow cooling-off periods for gym memberships and new condominium purchases but the federal government doesn't seem to believe a similar reflection period is necessary for euthanasia.

I think those are prescient words.

Thank you, Madam Chair.

The Chair: Thank you, Mr. Cooper.

We'll go to a vote on CPC-4 at this time.

(Amendment negatived: nays 7, yeas 4 [*See Minutes of Proceedings*])

The Chair: We'll go to CPC-5 now.

Mr. Moore, if you'd like to move that, go ahead.

Hon. Rob Moore: Sure, I move CPC-5.

It's ironic to see members just now voting against the very safeguards that some of them voted for a few years ago. I'm profoundly impacted by that.

Anyway, in light of that decision by the committee to not have the 10-day reflection period any further, CPC-5 would amend Bill C-7 to include a seven-day reflection period. Recognizing, as has been said by some members, that they feel the 10-day reflection period is perhaps too much, in spite of the fact that the 10-day reflection period could be waived, this would insert a seven-day reflection period under the same proviso that it could be waived.

Having a reflection period, as I mentioned previously, is supported by the Canadian Society of Palliative Care Physicians, and by other witnesses who appeared before this committee, including the Council of Canadians with Disabilities. They support having a reflection period. Other jurisdictions have a reflection period. Up until apparently just now, the Liberal government supported having a reflection period based on consultations they said they did on this legislation.

That there should be a reflection period in a life or death decision is abundantly clear to me. It's apparent from the vote we just had that the majority of members feel that a 10-day reflection period is too long. That's the 10-day reflection period that existed before, and that as I mentioned can be waived. In an effort to have some kind of reflection period, recognizing the fact that Mr. Cooper raised in his remarks that there are Canadians eligible for MAID who have said they wanted to receive assisted dying and then subsequent to that, during a period of reflection, decided not to proceed—literally a life or death decision—recognizing that fact, it's incumbent upon us to provide some measure of reflection. In cases where someone's death is imminent, this can be waived, but this says that due to the enormity of the decision being made, there be a period of reflection. If committee members feel that 10 days, as has existed for the last five years, is too long, then we are proposing that we have a reflection period of seven days. I think that's the least we can do.

I thank members for their consideration of amendment CPC-5, which would provide a seven-day reflection period before accessing MAID.

Thank you.

● (1215)

The Chair: Thank you, Mr. Moore.

Going down the speakers list at this time, Madam Findlay, you're up next. Go ahead.

Hon. Kerry-Lynne Findlay: Thank you, Madam Chair.

I'm speaking in support. Obviously, I was in support of a longer reflection period, but I am very much in support of a reflection period. That is what this is all about. This is what we had testimony about, about how important it is.

To me, it also underscores the problems with creating new legislation without having had the proper reviews of the operation of the first legislation that was passed just a few years ago. It is my understanding that to date, no provincial or territorial government has released into the public domain a comprehensive report on the performance of its MAID program that would include the perspective, other than what I've already cited in Quebec, of the number of people who changed their minds. It's good that at least Quebec and Ontario have released partial information.

So here we are, debating a huge change in legislation—the removal of a very essential reflection period, which is patient focused—when we haven't even had the benefit of reviews on how the MAID program that's already there has rolled out province to province. We are operating in the dark.

With all due respect to those practitioners practising MAID—the MAID suppliers or providers, if you will—they are a very, very small percentage of the medical profession. We had contrary views put before the committee in a letter from 800, I think up to 900, physicians. One of the witnesses, Dr. Naud, just said, oh, that's a minor percentage; it's no big deal. Well, the number of people who actually practise and supply MAID is a smaller number than that in Canada.

So we're listening here to a very small group of practitioners, when you look at the overall number of physicians and nurse practitioners and health care providers in Canada, and changing a system for all Canadians, once again, based on one province's court decision, which in itself did not go as far as we are going in these changes. If we truly care about what each patient is going though, if we truly care about what each patient is thinking within themselves as they make these decisions, and if we truly believe in their autonomy, we should give them the ability to change their mind. As I pointed out, at least 300 Quebecers that we know of did, over a few-years period, as reported by the health authorities in that province.

That is where compassion should lie—with the patients, with the people struggling. I've heard a lot of opinions here around this table, such as, oh, by the time you get to that point, you're all decided; it's all done; just don't get in the way. That is not the true patient experience. We are hearing very much to the contrary. We have heard that testimony.

Again, once size does not fit all. We should not be that tied to a certain ideology here that we forget about each and every patient struggling with a life-and-death decision.

Thank you.

● (1220)

The Chair: Thank you, Madam Findlay.

I want to welcome MP Jansen, who is joining us to replace Mr. Lewis for a little while.

Thank you for being with us.

Mr. Maloney, go ahead, sir.

Mr. James Maloney: Thank you, Madam Chair. I will be very brief.

I have a great deal of respect for the opinions of Ms. Findlay, Mr. Moore and everybody on this committee, and everybody who feels as passionately about this topic as those of us who are part of this meeting do, but with respect, the discussion on this amendment is identical to the discussion we just had on the previous amendment.

For that reason, I won't reiterate my points that I made earlier. I'm hopeful that we can move forward and deal with this without rehashing all of the points put forward, as passionate as they may be.

Thank you.

The Chair: Yes, Mr. Lewis.

Mr. Chris Lewis: Madam Chair, on a point of order, Ms. Jansen is not replacing me.

The Chair: My apologies, Mr. Lewis. I must have been misinformed. I'm glad you're staying with us, then. Thank you.

Mr. Thériault, you're next on my list. Go ahead.

[*Translation*]

Mr. Luc Thériault: Thank you, Madam Chair

I am not aware of what ideology Ms. Findlay is referring to. I would like her to put a name to my ideology, other than its respect for human dignity. I don't think it has anything to do with ideology, but rather the principles that underpin our lawful society. When one is in favour of respect for human dignity, it is essential for it to go beyond the merely theoretical. That is why the law enshrines the principle of human self-determination in its biomedical decisions. No one can cause harm to someone without their free—with an emphasis on the word “free”—and informed consent.

Once a person has come to a decision, why would you have to give them more time, you ask? If they have changed their mind, that's their decision. We should also avoid the other side of the coin, by which I mean people who don't want medical assistance in dying to be administered at all in their hospital or institution. There are not a lot of MAID practitioners.

Let's consider a terminally ill patient who has battled cancer for 20 years and has been in palliative care for a year. There is no cure. One day, the patient ends up in emergency because the body can no longer function. If for 20 years it had been clear in that patient's mind that this was what they wanted and preferred, perhaps there might be a change of heart once they find themselves in an optimal palliative care context. Nothing in Bill C-7 or Bill C-14 prevents anyone from changing their mind. But the courts told us otherwise when they ruled that Bill C-14 and the Criminal Code infringed the right to life of the person.

Things need to be put back into perspective. I have a lot of respect for religious authorities, but when I am quoted comments made by a cardinal in a clause-by-clause debate, and told these should be included in the minutes, I get the impression that we are swinging back to the other extreme.

Respect for human dignity implies that we treat other humans as an end, and never as a means of imposing an ideology on them, whether religious or otherwise, or an authority other than their own. No authority other than that of the person dying, or the person suffering from an incurable illness causing intolerable pain, should determine on their behalf what level of pain is tolerable to them.

That is what we are talking about today. Everything possible to alleviate pain during the transition to death; that is what we are pursuing. The fact that some people assume, in support of some ideology, that a person in the throes of death needs more time, leads me to believe that perhaps they would like that person to die before the medical assistance in dying begins.

I do not wish to continue to impugn their motives, but would like my Conservative colleagues to respond in kind. The only principle guiding our deliberations today is respect for human dignity, which requires total respect for people's right to self-determination. Throughout our lives, the law protects our self-determination. Why should the state withdraw this principle at the most private moment of a human being's life? That is the substantive issue here.

We are trying to make it easier for people not to suffer and to have their wishes respected. Some witnesses, practicians and doctors who proffer palliative care came to tell us that they knew better than the patients what was good for them. They tried to make patients change their mind because they felt that the patients were not assessing their own condition properly and that they should be allowed to die only at the end of their anguish.

● (1225)

That is not the kind of medical practice I want to promote. I can tell you that if a patient decides to die only at the end of the road, I will be there to help because that was their decision. The bill does not prevent anyone from dying a natural death.

[*English*]

The Chair: Thank you, Mr. Thériault.

I have Mr. Lewis next on the speaking list.

Go ahead, sir.

Mr. Chris Lewis: Thank you, Madam Chair.

Sometimes less is more. I'm going to be brief here. I just want to make one comment about MP Findlay.

She was speaking about the 300 people from Quebec, and I very much appreciate that and respect it. I think that at the end of the day, if we can talk about just one life, if one person had a reflection period and they went on to live, I think that can be the real narrative. So although I appreciate Mr. Thériault's opinion on this, I think we're being incredibly fair. I think we're being incredibly just.

I'll just leave it with this, which kind of puts it all into perspective, and I hope it resonates with the committee.

Mark Warawa didn't see a palliative care physician for nine days. We just lost the last amendment, which called for 10 days. He was in the hospital for nine days before he saw a palliative care physician. That would be two days later than the seven days. So again, we have to look at both sides of the issue here. But I think this reflection period is absolutely necessary and vital because there are still people falling through the cracks. Mr. Warawa is exactly a perfect case of this, and I think that's the real importance of why we have to ensure we have a reflection period.

Thank you, Madam Chair.

The Chair: Thanks for that, Mr. Lewis.

Madam Findlay, did you want to add to your earlier remarks as well?

● (1230)

Hon. Kerry-Lynne Findlay: Yes, I do because I think that Deputy Thériault and I actually totally agree with each other, but we've come to different conclusions.

This amendment speaks to the free and informed consent of the patient. Even if someone is clear in their mind for 20 years, it gives them the opportunity at the very end of the day to just think again. This amendment is fundamentally in support of the authority of the dying person and their autonomy. This is totally patient focused.

If the person wants to have a change of mind, a change of heart, and we now have statistics that bear out that this happens, it's up to them. If they have intolerable suffering, they wouldn't change their mind. If they have lost capacity and already made their intentions known, this wouldn't change anything. We're talking about giving people a few days so that if they wish to change their mind they have that ability to do so. I really urge people to consider this.

Thank you.

The Chair: Thank you, Madam Findlay.

We'll go to Mr. Garrison next.

Go ahead, sir.

Mr. Randall Garrison: Thank you very much, Madam Chair.

This is essentially the same debate as on the last amendment, but I do want to note that it was not just one witness we heard from who favoured removing the waiting period. There were a number of witnesses, including the Quebec Association for the Right to Die with Dignity, who read the same report cited by the Conservatives. I would urge us to be careful about interpretations of that report because I believe the report says what is certainly the case from those I consulted, namely, that changing of the mind does often occur, but almost always during their assessment period, not during their reflection period.

Because someone has requested medical assistance with dying, they do not always go forward with that, nor are they always approved for that. And of course the main protection that we have here, and I do have to make reference to this, is the professionalism of physicians. It does concern me when we hear members of Parliament talking about same-day dying, because that is not something that is in any way permitted or allowed under the law or professional standards in Canada. It's simply an exaggeration used for political effect.

Again, it's the same debate. I believe the effect of inserting this waiting period would be to unnecessarily prolong suffering of those who have already gone through a long process of reflection and consideration.

Thank you.

The Chair: Thanks, Mr. Garrison.

I have Monsieur Thériault next on the speaking list.

Go ahead, sir.

[*Translation*]

Mr. Luc Thériault: Thank you, Madam Chair.

I would like to address the point raised by Mr. Garrison.

I often detect bias in our discussions. It's not a matter of life or death. Once terminally ill, there is support as death approaches, in the form of palliative care, but this care also slows the process of dying. In palliative care, the end does come. The idea is to control pain until eventually the heart stops beating. If terminally ill patients do not ask to be resuscitated, they won't be.

There is no point in pretending that palliative care is not an intervention; it is anything but natural death. It is not a matter of life or death. It is more someone's decision to shorten the inevitable process of dying. That is what we are talking about.

[*English*]

The Chair: Thank you, Monsieur Thériault.

I have Mr. Cooper for any concluding remarks.

Go ahead, sir.

Mr. Michael Cooper: I'll be brief, Madam Chair.

With respect to the comments that Mr. Garrison made, I would simply note that those concerns are being raised by medical professionals, by physicians, with respect to the possibility of same-day death. Those aren't my words; those are the words of esteemed physicians.

With respect to the need for some kind of reflection period, I would note that Dr. Harvey Chochinov of the University of Manitoba pointed out in his evidence that death wishes can be transient even over a period of "12 to 24 hours." Again, it's underscoring the need for some kind of reflection period. I would like to have seen a 10-day reflection period, but seeing that this was rejected, at the very least we should provide for a seven-day period.

Thank you.

● (1235)

The Chair: Thanks, Mr. Cooper.

At this time we will call the question on CPC-5.

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

The Chair: We'll now move to NDP-2.

Mr. Garrison, if you would like to move that amendment, go ahead, sir.

Mr. Randall Garrison: Madam Chair, I'm not sure if I'm the only one—perhaps it's my Internet connection—but I'm having trouble with your audio cutting in and out.

The Chair: Are you able to hear me properly, Mr. Garrison?

Mr. Randall Garrison: It's just cut out again....

I'm assuming you asked me to move the motion.

The Chair: I did.

Mr. Randall Garrison: If you can hear me, I will proceed.

The Chair: I do hear you quite clearly and well.

As you move your amendment, we'll try to see if we can confirm that our technical issues are resolved.

Go ahead, Mr. Garrison.

Mr. Randall Garrison: Thank you, Madam Chair.

NDP-2 is in essence a technical or housekeeping kind of amendment. It does not assert anything new...into the bill. The bill includes a requirement for additional expertise to be consulted in track two. Whether or not that is an essential safeguard, I don't wish to debate at this point, but it doesn't state clearly who needs to consult and with whom in this period. My amendment is purely an attempt to clarify the language, to make it clear that if the assessors do not have the expertise they need, one of them needs to consult with someone who has that expertise.

I understand that my attempt to clarify the language can be further clarified. I believe government members may wish to substitute some additional language. This is simply about making things clear in terms of the responsibility to consult additional expertise.

Thank you.

The Chair: Thank you for that, Mr. Garrison.

Mr. Virani, I see your hand raised.

Mr. Arif Virani: Thank you very much, Madam Chair.

I've had the occasion to speak with Mr. Garrison about this proposed amendment. I believe it derives from some of the evidence that we heard about the accessibility of track two when someone is living in rural or more remote communities. I think the intent is sound. We had to think about this on our side of the House and we identified a few concerns, such as the notion of the term "person who has that expertise". We would endeavour to have that person be named as a medical practitioner or nurse practitioner. It is specifically providing some clarity in that regard.

Apropos of that, I have suggested some altered language, which I believe Mr. Garrison has seen and approves of. I sent that language in advance to the clerk. I believe he is circulating it to everyone in the group.

I can read what we are suggesting, to sort of get at what Mr. Garrison is suggesting. This would be a friendly amendment to NDP-2.

The paragraph (e) would read:

> (e) ensure that another medical practitioner or nurse practitioner has provided a written opinion confirming that the person meets all of the criteria set out in subsection (1);

Then a new subparagraph (e)(i) would be inserted:

> (e.1) if neither they nor the other medical practitioner or nurse practitioner referred to in paragraph (e) has expertise in the condition that is causing the person's suffering, ensure that they or the other medical practitioner or nurse practitioner consult with a medical practitioner or nurse practitioner who has that expertise or consult with such a practitioner and share the results of that consultation with the other practitioner referred to in paragraph (e);

I appreciate that the language is a bit wordy, but it has been sent to the clerk and I believe he has circulated it to the members of the committee.

That would be the proposed friendly amendment to NDP-2.

Thank you.

● (1240)

The Chair: Thank you for that, Mr. Virani.

Let me just confirm with Mr. Clerk if that has been circulated.

The Clerk: Unless it's currently sitting in my out-box, it should arrive any second.

The Chair: Can members confirm that they've received the written amendments? I see thumbs up from all members.

I don't have anybody on the speakers list at this time.

Mr. Garrison, do you accept these friendly amendments? Yes?

Then we'll call the vote at this time.

No, go ahead first, Mr. Garrison.

Mr. Randall Garrison: Sorry, Madam Chair, something is continually malfunctioning here.

Yes, I do. I believe it achieves the same goal as my original amendment, but with even clearer language.

Thank you.

Mr. Arif Virani: Madam Chair, the departmental officials have been patiently with us for over two hours now. Do they have any thoughts on what this amendment achieves?

Maybe just turn it over to the departmental officials in case they want to weigh in on this.

Ms. Joanne Klineberg (Acting General Counsel, Department of Justice): Thank you very much, Madam Chair.

Unfortunately, while I was able to hear the first part of it, I was not able to hear all of it. If you could read it again, that would assist my being able to help clarify what it does.

Mr. Arif Virani: It may be more efficacious if the clerk emailed it to you, Ms. Klineberg.

Ms. Joanne Klineberg: Yes.

Mr. Arif Virani: It's trying to ensure that the provider is the one who consults, not the second person, and it's providing some clarity that the person who is named with the expertise is a medical practitioner or nurse practitioner.

If you want, I can read it again.

Ms. Joanne Klineberg: If you could read it one more time, that would be great.

Mr. Arif Virani: Would you like me to read it from the top?

Ms. Joanne Klineberg: Yes, if you wouldn't mind. I will take notes.

Mr. Arif Virani: Okay.

The new paragraph (e) would read:

> (e) ensure that another medical practitioner or nurse practitioner has provided a written opinion confirming that the person meets all of the criteria set out in subsection (1);

Then the new subparagraph (e)(i) reads:

> (e.1) if neither they nor the other medical practitioner or nurse practitioner referred to in paragraph (e) has expertise in the condition that is causing the person's suffering, ensure that they or the other medical practitioner or nurse practitioner consult with a medical practitioner or nurse practitioner who has that expertise or consult with such a practitioner and share the results of that consultation with the other practitioner referred to in paragraph (e);

That's all.

The Chair: Thank you, Mr. Virani.

I'm also going to ask the department to take a look at the French version. My understanding is that the proposed text has been emailed to you, so you should have access to it. Could you also comment on whether the French version is in order?

Ms. Joanne Klineberg: Thank you, Madam Chair.

I'm really only looking at subparagraph (e)(i). I think the wording for the revised paragraph (e), which is the requirement to obtain a second assessment, is identical to what's currently in the Criminal Code, so I think that is fine.

If I look at the proposed new subparagraph (e)(i), it appears to be saying that the "they" would normally be referring to the MAID provider. All of the safeguards are directed at the MAID provider personally, so where we see "they", we would read that as the MAID provider.

It appears to be saying that if neither "they", who is the MAID provider, nor the second assessor has the expertise, "they"—being the MAID provider—or the other provider would consult with a medical practitioner who has that expertise.

Then there is an alternative to that, which is that "they", the MAID provider, would consult and then share the results with the practitioner referred to in paragraph (e), who is the second assessor, so I'm not sure there is....

It appears as though the first part of proposed subparagraph (e)(i) is saying that either of the two assessors could consult with the expert. Then as an alternative, the MAID provider can consult with the expert and then share the results. There's perhaps a little bit of a duplication.

If it is the second MAID assessor who does the consulting, it's not clear whether they would have the obligation to share the results with the MAID provider with this wording.

If the first “or” were converted into an “and”, then it would be alternative requirements that either the two providers together would consult with the practitioner, or the MAID provider could consult and share the results with the second assessor. If it's an “and” at the beginning, there's a bit of repetition, and not a 100% clarity as to when there would be an obligation to share the results.

● (1245)

The Chair: Thank you for that.

Can I then turn to Mr. Garrison to see if the proposed friendly amendments fulfill the purpose, or do we need to let this amendment stand for now and re-evaluate the French version?

Mr. Garrison, could you comment on that?

Mr. Randall Garrison: Madam Chair, again I have this malfunctioning headset. I apologize.

I believe that the substitute wording does achieve the same goal as my amendment. I don't see any problem if it duplicates the obligation to consult.

The Chair: Thank you, Mr. Garrison.

I see two hands raised—Mr. Virani and Mr. Moore. Now Mr. Virani has gone, so it's just Mr. Moore.

Please go ahead, sir.

Hon. Rob Moore: Speaking to the amendment as amended, I didn't hear much testimony in this regard. It seems the very opposite of a safeguard. I realize this is a moving target, because we're all hearing about this new language and getting a translation of it in English and French in real time.

We've heard how MAID providers, as Mr. Garrison said, are enthusiastic about removing the 10-day reflection period, while palliative care doctors are in favour of maintaining it and having a reflection period. Persons with disabilities are in favour of having a reflection period. Here we have a situation where the legislation requires that there be “a written opinion confirming that the person meets all of the criteria set out in subsection (1)”, and that be provided by someone with expertise in the condition the person is suffering. What this amendment would do is say the MAID provider would get a written opinion from a medical practitioner or a nurse practitioner confirming the person meets the requirement.

At first blush, the way I take that, the safeguards were here under Bill C-14, and now we're moving them down in Bill C-7. This amendment just chips away at another safeguard.

We've already discussed, on a previous amendment of ours, when death is not reasonably foreseeable, requiring someone with expertise in the person's condition to be one of the two physicians.

Here again, we're putting the MAID provider in the position of the go-between, between the patient and someone with expertise in the patient's condition. To me, that's not acceptable, and I would be voting against amendment NDP-2 as amended by the government.

● (1250)

The Chair: Thank you, Mr. Moore.

Mr. Virani, go ahead, sir.

Mr. Arif Virani: Thank you, Madam Chair.

With respect to what Mr. Moore just said, I think that's an inaccurate depiction of what is attempting to be done here. What we're trying to do is to ensure that the expertise that may be less available in different regions of the country is made available through a consultation exercise that would be mandated as part of the legislation under track two. What I understood the departmental officials were saying is that they were providing interpretation. I believe the amendment as it stands, as suggested by the government, would address the concerns that Mr. Garrison has raised, and I would be supporting my amendment to what Mr. Garrison is seeking to do, provided Mr. Garrison is comfortable with it, which I believe he expressed he is.

The Chair: Thank you, Mr. Virani.

We'll go to Mr. Lewis next. Go ahead, sir.

Mr. Chris Lewis: Thank you, Madam Chair.

As a quick comment, I find it very interesting that the other three parties, so far today, have taken away a witness and taken away 10 days, and now they want to add another layer. Therefore, it's very confusing on this front.

My question, though, through you to Mr. Thériault, is that I wonder if he's comfortable with this. I don't know whether he has this in French. I just want to make sure that he has the interpretation in front of him, as we have in English.

Thank you, Madam Chair.

The Chair: Thank you, Mr. Lewis.

Go ahead, Madam Findlay.

Hon. Kerry-Lynne Findlay: Thank you, Madam Chair.

I am confused by this. First of all, if I'm understanding this correctly, Mr. Garrison has accepted the government's amendment to his amendment. Therefore, it's a friendly amendment we're dealing with, with the two together now, presented as amended. Is that correct?

The Chair: Yes, and the language that was emailed to you is the language of the amendment.

Hon. Kerry-Lynne Findlay: I just wanted to be clear on that.

Second, I frankly don't understand this amendment at all.

We tried to put forward that there should be consultation with a person who has expertise. That was defeated. The committee did not accept that this was needed or necessary.

Now we're talking about consulting with someone with expertise outside of the two attending people. Why aren't we just consulting with that third party? It makes no sense to me that either expertise in some nature.... “Expertise” isn't even defined, so we're not necessarily talking about a specialist. We're talking about someone with expertise in that condition. There can be people who have a lesser designation than specialist who have expertise in a certain condition. Maybe they have a lot of patients with that condition, or whatever. With the new language, it can be a doctor or nurse practitioner, etc., with that expertise.

However, if we're going to consult with them, I don't understand why there wasn't support before for consulting with them and having them as one of the two people. This makes no sense to me. Again, by doing it outside those who are tending to the patient, how is it conveyed back to the patient? How is that dealt with? There are no specifics. We'd be relying now on a second-hand conveyance of the expertise. If you can consult with someone with expertise, then that should be one of the two people dealing directly with the patient.

I'm not in favour.

● (1255)

The Chair: We'll go to Monsieur Thériault next.

[*Translation*]

Mr. Luc Thériault: Madam Chair, if the French wording is not changed and remains as is in black and white, I will not be able to vote because it's not clear. It is not an accurate translation of the English wording, and there appears to be some repetition. I would have to abstain from voting.

Moreover, as Mr. Garrison has told us that this is a housekeeping amendment and changes nothing, I would be tempted to keep the bill because the French wording is very shaky.

[*English*]

The Chair: Thank you, Monsieur Thériault.

Mr. Garrison, go ahead, sir.

Mr. Randall Garrison: Thank you very much, Madam Chair. I think if I hold the headset cord correctly, it may continue to work.

I have two things. To Madam Findlay, this is a safeguard added to the second track in the previous amendment we were voting on. Expertise was for the first track, so that is why there is the difference.

On the question of translation, I believe that at the end of the committee process we will authorize reconciliation of the two texts to make sure that they accurately reflect the sense of the bill. There is a chance, before this is referred to the House, for that reconciliation of the translations to occur.

I'm not saying there's no change here. It's clarifying something that was already put into the process by Bill C-7 about exactly who has to consult and how that consultation should be done. This is a problem that we run into in rural and remote communities, where we do not always have people with the expertise. This will require a consultation to take place. Yes, it may be with someone who is not even in the same community, but with someone who has experience and expertise with the condition that's causing the suffering. It's just clarifying those consultation procedures.

The Chair: Thank you, Mr. Garrison.

I understand our legislative clerk would like to speak to some of your comments with respect to the translation.

Go ahead, sir.

Mr. Philippe Méla (Legislative Clerk): Thank you, Madam Chair.

Yes, Mr. Garrison, when an amendment is proposed in committee in both official languages, we have no say on the matter when it comes to translation at the end of the process. It would be adopted by the committee in both official languages as is.

Now if you were to propose the amendment in just one language, as is possible, we would send that that version to our translator at the House of Commons, and the translator would make sure that the French and English correspond.

If you propose the amendment in both official languages, the legislator has spoken and it is the will of the committee to adopt both versions.

The Chair: Go ahead, Mr. Garrison.

Mr. Randall Garrison: Thank you very much, Madam Chair.

Of course, because I am not completely fluent in both official languages, I moved my motion originally only in English. I think we can adopt the English text, if that's what the legislative clerk is suggesting, and then have the two reconciled. That's fine with me, although I know it may not be satisfactory to Mr. Thériault.

The Chair: Thank you, Mr. Garrison.

Monsieur Thériault, go ahead, sir.

[*Translation*]

Mr. Luc Thériault: Madam Chair, in that case I would have no choice but to abstain. I could not vote on a clause that is not clear in my language.

[*English*]

The Chair: Thank you, Monsieur Thériault.

[*Translation*]

Mr. Luc Thériault: And it was not moved in my language.

[*English*]

The Chair: Sorry, could you repeat that, sir? I missed the translation.

● (1300)

[*Translation*]

Mr. Luc Thériault: Would you like me to repeat what I said from the beginning?

[*English*]

The Chair: Could you read just the last sentence, if that's okay?

[*Translation*]

Mr. Luc Thériault: I said that I would not vote on a bill moved only in English. I will abstain, because I would likely vote against.

Although the substance does not strike me as necessarily incompatible with what I could accept, I find it disappointing that we are still where we are today. For the record, I would like this to be noted, and that at the very least, the French translation be acceptable.

[*English*]

Mr. Michael Cooper: On a point of order, Madam Chair, given the issue of translation and given that we're now at one o'clock and given that we have a number of amendments left to consider, I would move that the committee now adjourn.

The Chair: Mr. Cooper, you can't move motions on a point of order.

Mr. Michael Cooper: Right. Well, I move a motion.

The Chair: Thank you.

We'll call the vote now for a motion to adjourn the meeting.

(Motion negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

The Chair: We will continue the meeting.

Monsieur Thériault, just to address your concerns, and for clarity for all members—

Hon. Rob Moore: On a point of order, Chair, in light of everything that we dealt with before, and in light of our wanting to work on this expeditiously but within the rules that we've set out, and given that MP Findlay raised a question of privilege earlier, we've been working on this for three hours now, and we're having an issue with translation, so what is the chair's intention? What should we as MPs do when we have a meeting that's scheduled to end now, presumably, unless...?

I want an answer on this issue, Chair. Conservatives have not been made aware of the intention to extend this committee, to start it early or to extend it. Have the other members of the committee been consulted? When do you plan to adjourn this committee meeting?

I refuse to believe that there's no one else on this committee who has anything else in their schedule for the rest of the day. When are we wrapping up this meeting that was scheduled to wrap up at one o'clock?

The Chair: Thank you, Mr. Moore.

I wish to thank all members for your hard work. Obviously, we want to get through Bill C-7 as much as possible.

The chair cannot adjourn a meeting without the majority consent of its members. We just had a vote, and the majority of the members voted to continue the meeting.

On the prerogative of the chair, and according to the rules, the meeting will continue on what is on the agenda.

Go ahead, Mr. Moore.

● (1305)

Hon. Rob Moore: I have another point of order, Madam Chair.

What you just said, unfortunately, is factually incorrect. The chair can adjourn the meeting when the chair wants to adjourn the meeting. If you were to bang the gavel now and say, “Meeting adjourned“, then the meeting would be adjourned.

There's no reason not to adjourn the meeting now, and to pick up at our next scheduled meeting which, by my calendar, would be Tuesday at 11 o'clock eastern time.

I want to correct that, because the meeting, as scheduled, was scheduled to end at one o'clock. After everything we went through this morning with changes made to our schedule at short notice, we're doing it all over again.

I guess that during the whole conversation this morning, people weren't hearing when we said we wanted to try to respect each other's schedules so that we could work collaboratively on clause-by-clause consideration of this bill.

The Chair: Mr. Moore, I refer you to page 1099 in the book of procedure, which clearly lays out the circumstances under which an adjournment happens.

This morning you had questioned why members were not consulted. Here, during this meeting, members had the opportunity to vote on a motion to adjourn the meeting, and members chose not to adjourn the meeting. As chair, and as you had recommended in good faith earlier this morning, it is my prerogative to continue the meeting if members want to continue the meeting.

Under this majority vote, members have expressed that they would like to continue the meeting. I suggest that we go ahead and do so.

Mr. Thériault, I see your hand is raised on the same point of order.

[*Translation*]

Mr. Luc Thériault: Madam Chair, I have a point of privilege.

[*English*]

The Chair: Go ahead, Mr. Thériault.

[*Translation*]

Mr. Luc Thériault: Madam Chair, according to what the clerk said, if we adopt this clause in English and French, we could not amend it afterwards and we would be stuck with a dubious translation. He added that the only way to proceed would be to move the clause in English only. A colleague mentioned that as we had reached the end of our allotted time, it might be worthwhile to correct that version so that it could be moved in English and French.

We are about to vote, and I see that there are some Liberal members who, while pretending that both of Canada's official languages are important, have denied my privilege to vote on a bill, a clause, in my language. I would therefore like my serious objection, to what I consider profound contempt towards those who voted against adjournment so that the clause could be presented in English and French, recorded. If this had happened at the beginning of the meeting, I would have understood people saying that it made no sense. But we are at the end of the meeting, have exceeded the allotted time and have been sitting for over three hours. I would ask my colleagues to think about their vote. I find this a fundamental infringement of my rights as a parliamentarian.

I would like someone to move to adjourn once again so that we can return to a state of parliamentary good faith and respect for the official language of my nation. People like to show recognition for all nations, and Quebec is a leader in that regard. But when the Quebec nation, in a parliamentary precinct, in a parliamentary debate of a clause-by-clause study, is told that it is not a serious matter to vote on the clause only in English, that is something I cannot accept. I hope that my Liberal and NDP colleagues, in response to a motion to adjourn, will reconsider their vote so that we can meet at a later date in a more dispassionate atmosphere.

It's foolish to take shortcuts simply because we want to pass a bill in a hurry, and to vote against all the amendments put forward so far, even though they would improve the bill. Moreover, we are not even sure that this review of the bill will go forward because there will be debate over the receivability of my amendment. I believe that a line was crossed today and that there was no respect for my language, the official language of Quebeckers who have the right to be heard and to vote in their own language in this Parliament.

● (1310)

[*English*]

The Chair: Thank you, Monsieur Thériault, for raising that very important point. I will clarify, though, before I turn to our legislative clerk—

Mr. Arif Virani: Madam Chair, could I just intervene

[*Translation*]

in French with respect to Mr. Thériault's question of privilege.

[*English*]

The Chair: Yes. Please go ahead, Mr. Virani.

[*Translation*]

Mr. Arif Virani: The matter you raised, Mr. Thériault, is very important. I would like to begin by apologizing, as a Liberal member of Parliament, for having put forward an amendment only in English. I am dealing right now with the situation. I received a French translation of my proposed amendment a few minutes ago and have already sent it to the clerk.

I personally apologize for what happened. It is unacceptable and you are right once again to have pointed it out. I believe that it is also important to continue with the clause-by-clause review. That is why I voted against Mr. Cooper's motion.

[*English*]

The Chair: Thank you.

We'll turn to the legislative clerk now to provide some clarity.

Mr. Philippe Méla: Thank you, Madam Chair.

I was going to say that an amendment could be proposed at report stage to correct the French version if need be, but again, I can't presume that the Speaker of the House will select it, since it could have been done here.

It's always possible to further amend what was adopted in committee, so there is a chance there to correct the French version if need be, or the English version, depending on the case.

The Chair: We do also, as a committee, have the ability to let this amendment stand while we get the proper translation of French and then move on, do we not?

The Clerk: Sorry, Madam Chair. What the committee could do is suspend, basically, the study of clause 1 altogether, not just the amendment. Skip that and go to studying clauses 2, 3, 4 and so on, and then come back to clause 1 at the end. However, once a clause is started, you can't suggest postponing a study of an amendment to go to the next amendment within the same clause.

The Chair: I leave it to the committee members to decide how they'd like to proceed on this. I was clarifying for Mr. Thériault that the original amendment NDP-2 was indeed submitted in both official languages, and the two NDP-2 amendments were also provided in both official languages. We've realized with our witnesses from the Department of Justice that there was some confusion in the translation. That is what we are trying to correct here. And one of the procedural ways to be able to—

[*Translation*]

Mr. Luc Thériault: Madam Chair—

[*English*]

The Chair: Sorry, Mr. Thériault, let me just finish what I'm saying here for a second.

One of the procedural ways in which it can be corrected is if the committee adopts only one language so that the interpreters can then translate effectively into French as well. But I leave it to committee members to decide.

Mr. Thériault, go ahead, sir.

● (1315)

[*Translation*]

Mr. Luc Thériault: I was about to say, Madam Chair, that the amendment, as amended, was put forward by the Liberal Party, which it is perfectly entitled to do. But the French version is very shaky. That's why we are having this discussion and also why I cannot vote. The version in my language is inaccurate. We were also about to vote on the English version only, with corrections to be made to the French version afterwards. As a Quebec parliamentarian and representative of a—

[*English*]

The Chair: Mr. Thériault—

[*Translation*]

Mr. Luc Thériault: Excuse me, Madam Chair, but I have the floor and have not finished.

As a Bloc Québécois member who received a million votes, I am here to speak out on behalf of Quebeckers. I would never agree to vote on a clause in a bill that is not in my language or that is imprecise. I made it a question of privilege. I did not ask for apologies; I asked that we adjourn debate so that we could have a properly worded clause to work with. That's really all there is to it.

I asked for a colleague to move that we adjourn so we could take the required action and hold another meeting at which everything was in order. It's easy to apologize afterwards, but had I not intervened, we would have voted on the English version and I would have abstained. When I said that I would have to abstain nobody seemed to take umbrage about it. I felt deeply hurt, Madam Chair.

[*English*]

The Chair: Thank you, Mr. Thériault, for raising this very, very important issue.

It is my understanding that the corrected French version has now been emailed to all members.

Mr. Thériault and all members, can you please check your email and confirm for me that you have the properly translated version in your inboxes of what is proposed as amendment NDP-2 with the friendly amendments?

I'll give all of you a minute to just look at your emails and see if you have any comments.

Go ahead.

Thank you.

Hon. Kerry-Lynne Findlay: On a point of clarification, Madam Chair, I don't understand what procedure we're operating under here. There has been a point of privilege raised by our colleague. We should be able to discuss this point of privilege. This may have just arisen now, three hours and 18 minutes into this meeting, but it may arise again. There may be other amendments to amendments that come up from the floor. It's about whether there is a legal translation in the French language if it's presented in English or a legal translation in English if it's presented in French. He has raised a point of privilege. We should be able to discuss that point of privilege. I appreciate that you are trying to facilitate something here, but procedurally we haven't dealt with the point of privilege.

I take my colleague's point that what was presented to him was not sufficient and that he is indeed even hurt by this, which I totally understand. I would probably feel the same way if the languages were in reverse. He has the right as a parliamentarian to look at this. If it were at the beginning of a meeting or even midway through where we had time to digest it, that's one thing. But, as I said, we're going into over three and a quarter hours here today. There is no reason.... As I said when I supported the motion to adjourn, this would allow for a proper legal translation to be presented, and we would come back fresh at our next meeting with those translations in place. He may very well be supportive of the amendment, but he should have the right to see it in a legal translation with enough time to digest it and look at it. It's a practical matter if nothing else, but surely it is a point of privilege that should be maintained.

● (1320)

The Chair: Thank you for that, Madam Findlay.

Mr. Lewis, is it on the same point of privilege or is it different?

Mr. Chris Lewis: Yes, it is. It's along the same lines as the point of privilege.

Earlier in today's meeting, towards the beginning, all but one of us voted to allow the other briefings to be received by the committee. I've understood that in the past, it takes 48 hours to get either the French or English translation done. I'm wondering, Madam Chair, a) when will we see those briefing notes, and b) are we going to ensure that Mr. Thériault—

The Chair: You already have, sir. Just to answer your question, Mr. Lewis—

Mr. Chris Lewis: Okay.

The Chair: —and to Mr. Thériault, the corrected French language has already been emailed to all members of the committee, and I was allowing everybody a minute to check your inboxes and review the language so that we can vote on this as properly translated, presented in both official languages, NDP-2.

Mr. Garrison, I see your hand up.

Mr. Randall Garrison: Thank you very much, Madam Chair. I am still dealing with a headset that is shorting out here.

I want to apologize to Mr. Thériault if I left the impression that we would proceed over his objections. It was not my intention. I think my remarks ended with my saying that it was not acceptable, Mr. Thériault. My intention was that if it was not acceptable to Mr. Thériault, then we could not proceed with that amendment.

I do apologize. I am still dealing with this shorting headset—

The Chair: Thank you, Mr. Garrison.

I see Mr. Maloney's hand is next.

Mr. James Maloney: Thanks, Madam Chair. I'm going to leave aside the irony of the Conservatives pointing out that we're late in the meeting in dealing with this and that it's unfortunate we don't have more time.

To Mr. Thériault's point, I have respect for his point of privilege and I agree with him. One of my many deficiencies is that I am not bilingual and if it were presented in a language that I did not understand, I would want to have it translated as well. But I understand it has been circulated now, that a legal translation is now available to us, and I'm hoping that we can take a moment and allow him to review it in French and then we can proceed very quickly.

Thank you.

The Chair: Thank you for that, Mr. Maloney.

I'll just turn to Mr. Thériault. Are you satisfied with the comments of our colleagues, as well as with the corrected French language that has been emailed to you? At this time, would you like to remove your point of privilege, or how would you like to proceed, sir?

[*Translation*]

Mr. Luc Thériault: Madam Chair, I made myself clear.

I do appreciate the apologies from my colleagues. There is a question of privilege and some hands are still raised. Perhaps there ought not to be. I was waiting for people to finish what they had to say on my question of privilege.

As we have now been sitting for three hours and 23 minutes, I have asked for us to adjourn and return to the question at another meeting, once we have the translations in proper French checked over and approved. I'm done.

[*English*]

The Chair: Thank you, Mr. Thériault. I will clarify that as a member of this committee, you are welcome to move a motion at any time.

I'll go to Mr. Moore, who is next on the list.

Go ahead, sir.

Hon. Rob Moore: Like Mr. Maloney, I'll resist the opportunity to point out the irony that the Liberals are trying to slam this very important legislation through, having some type of timeline that they'd like to be on when they, in fact, prorogued Parliament, delaying all legislation, ending all legislation, requiring that all legislation, all committee work, everything would have to start over from zero.

Now we have committees where, without notice, members of Parliament are being informed on very short notice that the times have changed. The chair is now unable to end the committee meeting when the committee has agreed.... Now we're all into this overtime session, and we're seeing rushed amendments that aren't properly translated.

To Mr. Thériault's question of privilege, I don't blame him in the least for this, because it's unacceptable and the result of a rushed process. It's not a process that we put in place.

Today, for the last two hours and 25 minutes things have moved along very well, considering that it's our job, as parliamentarians, to consider each amendment. It's our right, as parliamentarians, to consider them in our official language, whether that be English or French.

This is the product of trying to slam through legislation with only four days of witness testimony. That is not Mr. Thériault's fault. It's not the fault of the opposition members of Parliament. We're here. We're doing our jobs.

Presumably anyone who didn't know about this in advance is now cancelling things that they have scheduled between now and question period. I can't believe I am the only one on this committee who had things scheduled. I know some of my Conservative colleagues did. I presume that other members did.

Now, on Mr. Thériault's question of privilege, I want to say that I fully support him on this because it's his right, as a parliamentarian, to be able to deal with each clause in his official language.

This is a product of how things have been going. We had a good deal of discussion from about 10 a.m. to 11 a.m. on how we could work respectfully with each other. Then from 11 a.m. to 1 p.m. eastern time, I thought we did just that. We had clauses; we dealt with them. We had amendments; we dealt with them.

This is what is going to happen now. We have a member of Parliament who has raised a question of privilege because of the rushed way this is going.

We have the opportunity now. When we had the motion to adjourn, I voted in favour, because we've been here for three and a half hours when we originally were supposed to be here for two hours.

We all have things to do, and we have a scheduled meeting for next week. I support Mr. Thériault's question of privilege, and I'm still in favour, of course, that we adjourn the meeting for today.

● (1325)

The Chair: Thank you.

I just want to seek a point of clarity from Monsieur Thériault. I apologize if I missed it. Mr. Thériault, did you move a motion to adjourn in your previous comments?

[*Translation*]

Mr. Luc Thériault: If I haven't done so yet, I'm doing it now.

[*English*]

The Chair: Well, because this is a non-debatable motion, we'll call the vote.

Mr. Clerk, please go ahead.

Mr. Arif Virani: Madam Chair, could I have just a brief moment to consult with my colleagues on this matter?

The Chair: I'm sorry; the voting has already started, Mr. Virani. I can't at this time.

(Motion agreed to: yeas 10; nays 1)

The Chair: Thank you. The meeting is now adjourned.