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Chair: Ms. Ruby Sahota



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• (1110)

[English]

The Chair (Ms. Ruby Sahota (Brampton North, Lib.)): I call this meeting to order.

Good morning, everyone. Welcome to meeting number 10 of the House of Commons Standing Committee on Procedure and House Affairs. Pursuant to the order of reference of Tuesday, April 11, the committee is meeting to discuss parliamentary duties in the context of the COVID-19 pandemic.

Before we start, I want to inform members that, pursuant to this order of reference, the committee is meeting for two reasons: first, for the purpose of undertaking a study and receiving evidence concerning matters relating to the conduct of parliamentary duties in the context of COVID-19, and second, to prepare and present a report to the House of Commons by May 15. The order of reference also stipulates that only motions needed to determine witnesses, and motions related to the adoption of the report, are in order.

Today's meeting is taking place via video conference, and the proceedings will be made available via the House of Commons website. Please be aware that the webcast will always show the person speaking rather than the entirety of the committee.

In order to facilitate the work of our interpreters and to ensure an orderly meeting, I would like to outline a few rules to follow.

Interpretation of this video conference will work very much like in a regular meeting. You have the choice, at the bottom of your screen, of either "floor", "English" or "French". At this time, if you haven't already done so, please pick your language of preference.

Before speaking, please wait until I recognize you by name. When you are ready to speak, you can either click on the microphone icon to activate your mike, or you can hold down the space bar while you are speaking. When you release the bar, your mike will mute just like a walkie-talkie. This is a great option for quick interactions. However, I do recommend that, if you are not going to be speaking for a long period of time, you go to the standard mute setting.

As a reminder, all comments by members and witnesses should be addressed through the chair. If a member needs to request the floor outside of their designated time for questions, they should activate their mike and state that they have a point of order. If a member wishes to intervene on a point of order that has been raised by another member, they should use the "raise hand" function. This will signal to the chair that they are interested in speaking.

In order to raise your hand, you should click on "participants" at the bottom of your screen. When the list pops up, you will see next to your name that you can click "raise hand". Some may have this at the bottom of the participant list. It will either be beside your name or at the bottom of your list. Raise your hand, and you will be able to see beside your name that your hand has been raised. My list will go according to priority, so I think this will work quite well. Even if I don't see it in live time, I will be able to see who raised their hand first.

When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute.

The use of headsets is strongly encouraged. It amplifies the voice and makes it much more clear and crisp. If you have disturbances wherever you are, it will be less likely to catch the surrounding sounds.

Should any technical challenges arise, for example in relation to interpretation, or if you are accidentally disconnected, please advise the chair immediately, and the technical team will work to resolve the problem. Please note that we may need to suspend during these times as we need to ensure that all members are able to participate fully.

Before we get started, can everyone click on their screen, in the top right-hand corner, and ensure that they are on "gallery view"? With this view, you should be able to see all the participants in a grid view, it will ensure that all video participants can see one another. This is the only view that gives us the most realistic feeling of being in a committee room.

During this meeting, we will follow the rules that usually apply to opening statements and to the questioning of witnesses during our regular meetings. Each witness will have 10 minutes for an opening statement, followed by the usual rounds of questions from members. I'd like to thank our witnesses today for providing their opening statements in advance.

Just as we usually would in a regular committee meeting, we will suspend in between panels in order to allow the first group of witnesses to depart and the next panel to join the meeting.

I would now like to welcome our witnesses.

Mr. John Brassard (Barrie—Innisfil, CPC): Madam Chair, as a point of order, my understanding is that as of now, this is only being broadcast as audio, when the meeting notice indicated that it was to be a video conference. I'm just trying to confirm whether in fact the video is working on the ParlVu site, which is where I presume this is being broadcast from.

Could anyone confirm that, please?

The Chair: Thank you for raising that question. I'll find out.

I believe there was just a minor delay with a technical difficulty, so I have been informed that it has been fixed. Thank you for raising that.

Now, to begin, I'd like to welcome our witnesses. We'll start with Speaker Anthony Rota.

Welcome to meeting number 10 of the procedure and House affairs committee. We're looking forward to hearing from you on this study.

• (1115)

Hon. Anthony Rota (Speaker of the House of Commons): Thank you, Madam Chair. It's an honour to be here this morning.

I want to say good morning to all the members of the committee, and thank you for the invitation.

[*Translation*]

Good morning, everyone. I'm happy to be here.

[*English*]

Your committee has been given a very important and challenging mandate further to the motion adopted by the House on April 11. Specifically, you have been asked to study ways in which members can fulfill their parliamentary duties while the House stands adjourned on account of the public health concerns caused by the COVID-19 pandemic, including the temporary modification of certain procedures, sittings in alternate locations and technological solutions, including a virtual Parliament.

[*Translation*]

The House of Commons and its members play an essential role both in advancing legislation and in holding the government accountable. Given the importance of this role, which is simply the cornerstone of our democracy, collaboration among members and parties has enabled parliamentarians to continue to perform their duties on behalf of Canadians during this pandemic.

Since the House adjourned on March 13 in response to the COVID-19 pandemic, it has been recalled twice and it sat again yesterday to deal with some of the effects of this unprecedented situation. The House of Commons has also authorized certain standing committees to hold virtual meetings to ensure that Canadians receive the information that they need and that the executive remains accountable for its actions.

[*English*]

As this crisis persists, with devastating consequences for the livelihoods and personal lives of Canadians, members are being called upon to play a role while adapting to the current context by finding new ways to fulfill their parliamentary duties. Several standing committees have held public meetings by teleconference or video conference, and the House has met a few times with a reduced number of members in attendance, observing public health guidelines for social distancing and avoiding unnecessary travel.

While this approach has worked to advance support to Canadians and granted the government the necessary authority and powers to respond to the pandemic, it does present considerable challenges to all members to fully participate in the proper exercise of their representative role.

As Speaker and as a member, I am keenly aware of the impacts this pandemic is having on individual members and of how it's affecting our ability to perform our duties as we would wish.

Not surprisingly, others have had the same concerns, so you have been given the mandate to study the possibility of virtual sittings of the House of Commons, and even of sitting in alternate locations. The creation yesterday of a special committee on the COVID-19 pandemic will provide another mechanism to ensure that parliamentary oversight is maintained.

[*Translation*]

I'm listing the options that we're currently exploring because, despite this exceptional situation, I'm confident that the House will adapt and rise to the challenge. That said, we must recognize that a House sitting that includes the remote participation of members or a completely virtual sitting can't entirely reproduce the practice or traditions that Canadians are accustomed to seeing when they follow the proceedings of the House.

To this end, as you consider various options for House sittings adapted to the COVID-19 pandemic, I suggest that you bear in mind the following guiding principles, in addition to any that the committee might identify.

• (1120)

[*English*]

First, any model must uphold the rights, immunities and privileges of the House and its members.

Second, simultaneous interpretation, both in French and English, must be available to members. Members should also continue to have access to established processes for the interpretation of indigenous languages.

Third, all members must be able to participate, recognizing that connectivity can vary in constituencies. Because of the range of services available in different regions, and the varying security requirements and capabilities, it will be important for each member to take the time to work with the House administration to ensure the best possible outcome.

Fourth, any changes to the House's rules and practices should be made in a manner that ensures that the legal validity of the proceedings continues. The Clerk and the law clerk will be your next witnesses and are prepared to advise the committee, among other things, on the interpretation of section 48 of the Constitution Act of 1867, which deals with quorum.

Fifth, the solution should limit the changes to the rules and practices of our House to what is temporarily required for its implementation. Our rules and practices would undoubtedly need some adjustment. For example, it would not be practical for members participating remotely to rise in their places to be recognized to speak. Other long-standing practices that uphold the dignity of the House—for example, addressing remarks through the Chair, insisting the proceedings be conducted in a respectful manner and maintaining the rule that members wishing to speak wear business attire—can and should continue to inform how the House conducts its business, even though it's by virtual means. I have watched a few of the recent video conferences, including the one this morning, and could not help but notice that some members were, let's just say, bending the dress code a little.

Sixth, the video of the proceedings of the House should be accessible, include French and English closed captioning, be available live and on demand through ParlVu, and continue to be disseminated to media organizations for rebroadcast and to CPAC for distribution to viewers across Canada.

[*Translation*]

With these guiding principles in mind, the committee may wish to consider additional factors that might help ensure the success of possible virtual sittings during the pandemic.

First, I wish to recognize the work of the employees of the House administration, who achieved so much in such a short time. The recent virtual and video conference committee meetings were an undertaking of a different order of magnitude from their daily responsibilities. Despite the considerable challenges posed by physical distancing orders, and various other concerns and anxieties, they worked hard so that these critical meetings could take place swiftly and effectively.

[*English*]

In the current pandemic, while the House administration and its partners are operating without a full workforce, they are committed to providing all necessary on-site operational support needed for the House, its committees and members in a way that secures the health and safety of all those employees whose dedication makes our parliamentary work possible. I believe it is important that we as members recognize that this is a reality and acknowledge that not everything is possible during this pandemic.

I say this even as the list of standing committees authorized to meet increases. The capacity of the administration and its partners is finite. These committees will not be able to meet all at the same time if a virtual sitting of the House is also taking place. It will be necessary to establish priorities. Accordingly, I have instructed the administration to provide the whips with a weekly schedule, founded on current capacity constraints, so that they can decide what they wish to see delivered. The administration will provide robust support to members through training, guidelines and testing, as well as assistance before, during and after their interventions in any virtual proceedings. I will ask that you continue to make yourselves available, be patient and allow time to resolve the difficulties that will occur as a natural part of this innovation of virtual sittings.

Further, during our deliberations I would refer you to my response of April 8 to a letter from the government House leader that I received on April 5, seeking advice with respect to virtual sittings of the House of Commons. As I stated in my reply, I have asked the administration to propose an approach that would allow for virtual sittings of the House within four weeks. This ongoing work by the administration involves experts from digital services, real property and procedural services, working in partnership with our public and private sector partners, with the goal of enabling the House to hold virtual sittings. The administration continues to consult other parliaments to learn from the technological changes they are making during the pandemic, as well as national and international security partners and experts in virtual collaboration.

• (1125)

[*Translation*]

As you weigh the various options, ranging from sittings held in alternate locations to hybrid or entirely virtual sittings, we, as members, must make certain that any approach allows the proceedings of the House to be carried out with the integrity and dignity that all members and all Canadians expect of their Parliament. We also have a responsibility with respect to order and decorum.

[*English*]

Having witnessed for some years now the extent of the on-site operational support needed prior to, during and following sittings of the House, I can only imagine the challenges and delays that sittings outside our nation's capital would bring as we wait to resume our parliamentary duties.

[*Translation*]

Entirely virtual sittings also represent a significant change that would multiply the practical, procedural and technical challenges to overcome. To support any sittings in a manner that meets the existing accessibility requirements, we should continue to leverage the same physical spaces, technology infrastructure and human resources used for physical meetings on Parliament Hill.

[*English*]

The House's implementation of virtual committee meetings offers a prime example of the benefits of an incremental approach to delivering new solutions in support of parliamentary work. Taking a similar approach to virtual House sittings will allow the administration to offer the best possible service to every member, ensuring that each is able to make full, informed and effective use of remote participation tools and processes.

The largest challenge facing members is that a majority of the 338 members are now in separate locations far away from each other. An incremental approach should therefore consider the proceedings that better lend themselves to this reality, for example, as has been suggested, members' statements and ministerial statements. Based on that experience, the House could then expand the types of procedures covered in a virtual sitting to more closely resemble a typical sitting of the House, so as to effectively engage the full participation of members.

This could, in time, extend as far as remote voting through a secure technology, should circumstances require it and the House approve it. Any early indication that you can provide to the House administration as to particular options that you feel best respond to the needs of the House will help prioritize the issues at hand. To assist the committee, representatives from the House administration, in collaboration with our partners, stand ready to provide support and advice on how to meet your requirements.

In summary, we want to proceed as quickly as we can, keeping in mind the principles and other considerations I have mentioned, which I hope your committee will take into account. The earlier you can provide direction as to the options you would like to pursue, the quicker and more efficiently our staff will be able to provide a solution for the benefit for all members and the Canadians we serve.

With that, the Clerk and I would be pleased to answer any questions you would have.

• (1130)

[*Translation*]

Thank you.

[*English*]

The Chair: Thank you.

I see hands raised.

Mr. Brassard.

Mr. John Brassard: Thank you.

I have a technical question. I'm generally proficient in English and French. I just find that with the interpretation, the level of volume on the interpretation is actually equal to the level of volume of the speaker on a lot of the words, and it's difficult to follow.

I wonder if there's a way we can raise or lower the volume of the interpreter, so that it doesn't all mix together. I don't know if anybody else is hearing what I'm hearing.

The Chair: Yes, we are hearing it. I have mentioned it to the clerk and I believe a few other members have left me messages about that. Thank you for bringing that up. It does make it difficult to hear either language. It makes it difficult for everyone, no matter how many languages they know. Thank you for that. We're going to look into whether that can be adjusted.

Ms. May, you had something to say.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Madam Chair, I would like to request, if time allows, that I be allowed a

question on the round with the Speaker. Not being a full member of the committee, I'm taking my place virtually at the table.

The Chair: I'll see whether any of the parties are willing to give up a time slot or how we can fit you in, but we'll try to take care of that. Thank you, Ms. May.

Now that has been brought to the attention of the technical team, we should continue with our rounds of questioning.

Our first round is a six-minute round, beginning with MP Blake Richards.

Mr. Blake Richards (Banff—Airdrie, CPC): Thanks, Madam Chair.

This is a point of order, so I'm not taking any of my time. Maybe I'm misunderstanding, but would we not hear the Clerk's opening remarks prior—

The Chair: The Clerk will be giving his statement at the beginning of the second round. This round, the Clerk is here for any questions you may have.

Mr. Blake Richards: For clarification, we have at the table both the Clerk and the Speaker, and we can question both, but the opening remarks by the Clerk will be given before the second half of the meeting. Is that correct?

The Chair: That's correct.

Mr. Blake Richards: Thank you, Madam Chair.

Mr. Speaker, in your opening remarks, you laid out three guiding principles that you thought were important for the committee to consider. I would agree that they are all important considerations. Essentially, in short form, they make sure that any model we come up with would uphold the rights, immunities and privileges of the House and its members; that interpretation in both English and French would be available; and that all members would be able to participate in recognition, as you pointed out, that connectivity can vary in different constituencies. That certainly is true in our country, no question.

Given that, you've given a directive that the administration try to put this together in four weeks. Can you give us a sense of where that four weeks came from? What advice did you receive that indicated four weeks was an appropriate amount of time for that to happen? Are you firmly of the belief and quite certain that these three principles could, in fact, be upheld if we were to move ahead with something in that amount of time or less?

• (1135)

Hon. Anthony Rota: I consulted with administration to see what they were capable of, and they were very strong. They have a good team in place. They figured that the middle of May was feasible, and it is something that could work out very well—and I say “could”. All things being perfect, we'll have everything running smoothly, but as you saw in setting up this morning, there were some technicalities in making sure everything would run smoothly.

One of the big issues of concern, as you mentioned, is that not all MPs or all ridings are treated equally when it comes to Internet connectivity. That is a concern for the rural ridings especially, where connectivity could be a problem. That's where we start looking at issues. Let me deal with the two easy ones first.

One is interpretation, and it is coming together and shouldn't be a problem. Every member across the country should be able to have proceedings transmitted in French or English, their choice, or if they want to—

Mr. Blake Richards: In the interest of time, I think you've given a pretty clear indication that you feel that one won't be an issue.

Hon. Anthony Rota: No, and I was just going to touch on rights and privilege. By not having the connectivity or by having any issues, that could be an issue down the road. That is something we're looking at.

I'll let you get on to the next question. Go ahead.

Mr. Blake Richards: Are you still concerned about that possibility? It sounds as if there's some doubt in your mind about whether that one might become an issue.

Hon. Anthony Rota: It might be an issue, a multi-faceted one, for the connectivity. As we mentioned, some areas don't have the connectivity. Some of our MPs are not tech savvy. They're not hooked up, and getting them on board might be a little more difficult. It's a small minority, but they have the same rights as everyone else and that has to be respected.

Mr. Blake Richards: Of course.

You mentioned some of the difficulties we've had today, and there have been a few of those, for sure. This is the second committee meeting I've participated in—well, I guess the third, actually. The first one was by video. As for the other two, at finance and the previous meeting we had for this committee, video wasn't enabled yet. This is a pretty recent development in terms of the committee aspect of things.

I wonder if you would share concerns based on what you've experienced today. I know you've participated in some Board of Internal Economy meetings, or at least one, by teleconference. I don't know if you can share with us your experiences—obviously I'm not asking you to tell us what was said in camera—in terms of how the technology worked and whether those meetings were able to flow well. Obviously you're talking about a smaller number, so when we get into a House of 338, those problems would only magnify.

I'm curious whether that has given you some pause for thought on this. Maybe while you're at it, could you give us some sense of whether you got any more clarification from the administration as to how they arrived at the four weeks they've given you as advice for producing this?

Hon. Anthony Rota: Overall, when we look at what's been going on now, all of us have been working from home or from another location. Many of my meetings have taken place by either video conferencing or teleconferencing. Most of them overall have been going fairly well.

You referred to one meeting of the Board of Internal Economy. When we did hook up, there were some definite problems there.

What ended up happening? We finally figured out what it was, and that was the administration again. We have some very competent technical people who figured out what the problem was. It was one of the lines on the floor. If you were listening to the meeting through the floor feed, there was a problem. If you had it in French or English only, it was working fine. That was a technical issue, and that does pop up occasionally, but it has been taken care of.

Unfortunately, sometimes if you have an urgent meeting, you really don't have the time to fix it. There were some concerns there.

Overall, I have a lot of confidence in the staff here and that they'll figure out an issue, but like anything else, once you have one thing solved there will be something else. That happens in live presentations as well.

● (1140)

Mr. Blake Richards: Mr. Speaker, did—

The Chair: That's it for your time. I've definitely given leeway for opening statements and each question. I'll continue to give a bit of leeway because I know there are a few challenges here and there. We have factored that in.

The next person up is Ms. Petitpas Taylor.

Hon. Ginette Petitpas Taylor (Moncton—Riverview—Dieppe, Lib.): Before I begin, I would like to take the opportunity to thank the IT staff and the House administration for all of the work they've done to provide us with the tools we need to have this virtual meeting. They're working very hard, and I want to acknowledge their work.

I also want to take a moment, if you'll indulge me, to provide my sincere condolences to our friends from Nova Scotia. They are going through an unthinkable situation and I want to express my profound sorrow and grief. As Canadians, we are all Nova Scotians right now, and we grieve with them during this really difficult time. I felt I had to put that on record.

As PROC committee members, we have been asked to study our parliamentary duties with respect to the COVID-19 pandemic and how it has impacted our duties. There are a few things I want to state for the record.

We know that COVID-19 is a serious public health threat, and the situation is evolving daily when we look at the numbers. The risk varies between communities, but given the number of cases in Canada, we certainly recognize that the risk remains high for all of us. When it comes to transmission, we know that most transmission is from person to person, but it comes from droplets that are shared, if you will. The droplets can be spread for about two metres. When we talk about staying six feet apart, we know where that comes from.

We also know that this virus can survive on surfaces for different periods of time, up to three days, and this depends on conditions and other factors. We know that this virus has an incubation period of one to 14 days, during which time mild asymptomatic transmissions can occur. I think we all know this, but the best ways for us to prevent COVID-19 are by staying home, keeping a safe distance, washing our hands repeatedly, covering our mouths when we cough and limiting our travel. Public health experts and researchers continue to research the risks involved, and they are basing that research on the best science and data available.

Canada has been tackling COVID-19, but I think we have to recognize we're far from being out of the woods, and we absolutely have to keep our foot on the gas to combat this virus. I think we also all recognize that during this pandemic we are experimenting with different technologies and different procedures to do our duties as parliamentarians.

We've been asked as PROC members to look at temporary modifications while using technological solutions, including virtual parliaments, to allow all members an opportunity to fulfill their parliamentary functions. I have to stress that it's all members, not just the ones who live close to Ottawa, the nation's capital.

My first question is directed to the Speaker.

Mr. Speaker, I know that you're the chair of the Board of Internal Economy. I'm wondering if you could share with the committee members and Canadians what restrictions have been put in place for COVID-19 and why those restrictions were put in place. Did all parties agree to those restrictions?

Hon. Anthony Rota: There's a list: No touring, no committee travel, no meetings in person and staying six feet apart. There's a whole list of different.... I don't have the list. It's fairly straightforward, and I think you summed it up very well. One of the big things that is very important is that we be careful. You summed up what we have to do and how we have to prevent it.

I'm just going to defer to the Clerk.

Mr. Richards, you were asking why the Clerk was here. He'll have the list and then I'll come back again.

Mr. Clerk.

• (1145)

Mr. Charles Robert (Clerk of the House of Commons): Thank you, Mr. Speaker.

The Board of Internal Economy reiterated some of the prohibitions they instituted some time ago. Access to the building is now closed to the public, and there are no tours. Committee travel has been suspended, and international travel as well. Access to the building, even for staff, is fairly limited. We want all our people, as much as possible, to work remotely.

Hon. Ginette Petitpas Taylor: Thank you so much.

Were all parties in agreement with these changes that were brought forward?

Hon. Anthony Rota: Yes, they were.

Hon. Ginette Petitpas Taylor: That's excellent.

Could you provide us with any guidance that has been given to our staff who work on Parliament Hill? Were they given any direction with respect to working on the Hill, or should they be working remotely from home?

Hon. Anthony Rota: Where possible they should be working from home. We do have some essential services on the Hill, support to MPs and to the Hill. When we look at security services, there's a certain number. It's been reduced, but it's still there and providing security to members on the Hill.

Hon. Ginette Petitpas Taylor: I have one other quick question, if I may. When the House is sitting, as it was yesterday, how many staff are required to be there as opposed to a non-sitting day like today?

Hon. Anthony Rota: I will defer to the Clerk on that one.

Mr. Charles Robert: Some technical staff and some procedural staff have to be there. There are some other support staff. We were in the neighbourhood of the upper fifties, in terms of personnel who were in place on the Hill to support the functions.

One point I may add to what the Speaker pointed to in terms of what the administration is doing is that we have a crisis management team that meets three times a week. We also have an incident management team and a communications program where we provide information to keep staff up to date. Now it's down to about a weekly communication, but it's as frequently as necessary.

The Chair: That's all the time we have, unfortunately.

Next up, I just want clarification from the Bloc. Will it be Monsieur Therrien or will it be Madame Normandin?

[*Translation*]

Mr. Alain Therrien (La Prairie, BQ): I think that it's me, Madam Chair.

[*English*]

The Chair: Okay, please go ahead.

[*Translation*]

Mr. Alain Therrien: I want to again acknowledge the group of witnesses.

Thank you for your clarification, Mr. Speaker. I don't have my tie on. You're right. I read the guidelines and I feel a little guilty. I wanted to change, but I didn't.

This reminds me of decorum. Will we be required to maintain decorum? I'm not wearing my tie right now. Will we rely on the good judgment of the people attending a meeting? I promise to wear a tie next time. Will that be enough for you, Mr. Speaker?

Hon. Anthony Rota: Committee meetings are different from meetings in the House. However, a decision must be made in this area. Right now, you're responsible for suggesting changes. You may suggest this change, or you may find that it's not something essential. You're responsible for making recommendations, and the House will make a decision. I serve the House and the decision will be respected.

Mr. Alain Therrien: Okay.

I have several quick questions, which I'll ask all at once.

The first concerns integrity and dignity and respect for our questions. I know that, in the House, you must remain vigilant and you must ensure that the members respect each other.

How should we ensure that dignity, respect and integrity are maintained with regard to the questions asked in a video conference such as this one, for example?

Hon. Anthony Rota: Indeed, we must do much the same thing that we do in the House. In this video conference, we have the power to mute the microphone of a person speaking. This is one approach, and it isn't perfect. We need rules to ensure that the chair of the meeting has the power to mute the microphone of a person who fails to respect another person's right to speak.

• (1150)

Mr. Alain Therrien: Several standing committees have started sitting virtually, as you said.

What are the main issues, and how should they be addressed?

Hon. Anthony Rota: One of the main issues is the limited number of committees that can sit. Two committees can sit per day, one in the morning and one in the afternoon. If more than six committees meet per week, it becomes an issue. Not only is it difficult, but we don't have the necessary resources. Normally, we need a smaller number of people to hold a meeting. However, it takes almost twice that number to make sure that everything runs smoothly.

As we can see today, things are going very well. However, we needed an hour to prepare for the meeting, and that was only with the members. It's a great deal of work. We need many resources to ensure that the committees can sit. Given the number of committees on the Hill, it would be almost impossible, without having an army of technically savvy individuals, to ensure that everything runs properly.

Mr. Alain Therrien: You said that the whips would be responsible for setting the schedule. As you said, there are many committees. I have two questions about this issue.

First, are you sure that the whips will agree on a schedule?

Second, will it sometimes be necessary to postpone committee meetings to another week because of a lack of resources, as you pointed out, or because a time slot isn't available?

Hon. Anthony Rota: I'm entirely sure that the whips will have a discussion and, hopefully, come up with a solution.

From a technical perspective, we do indeed have an issue. This isn't only about the extra hours required, but also about finding the people who can work them. Our administration will probably be better able to address this later. The technical staff can tell you the

number of people needed to ensure that we have all the necessary resources to run all the committees.

Mr. Alain Therrien: Are you ruling out the possibility that one or more committees may not be able to sit one week and may be postponed to the next week?

Hon. Anthony Rota: Anything is possible. You, as committee members, need to make a decision, which must lead to a recommendation. I'm open to suggestions from the House. Once the House has made a decision, the Office of the Speaker of the House of Commons and the staff will then be responsible for implementing it. It isn't always easy and it isn't always possible, but we'll do our best.

Mr. Alain Therrien: Okay.

Next week, we'll have our first virtual question period.

What do you think will be the biggest challenge in the House when it comes to ensuring the acceptable quality of the question period? At the very least, we must ensure that Quebeckers and Canadians are informed of everything that happens at the sitting.

Hon. Anthony Rota: First, I want to clarify something. This won't be a sitting of the House, but a meeting of the special committee on COVID-19. The committee will decide how the meeting will proceed. The goal is to provide information to Canadians so that they understand the situation. Transparency is our priority.

I gather that the opposition parties want to ensure that the government explains the situation. It's a quasi-parliamentary function. However, as I said, the committee will run in the same manner as the House.

Mr. Alain Therrien: What will be your biggest challenge in this period?

Hon. Anthony Rota: It will mainly be technology. All participants must be able to ask their questions. However, there's also the privilege issue. We must ensure that everyone's included. A committee is an extension of the House. If it were a virtual Parliament, everyone would have the right to be there.

[*English*]

The Chair: That's all the time we have. Thank you.

Ms. Blaney.

Ms. Rachel Blaney (North Island—Powell River, NDP): Thank you.

Mr. Speaker, it's lovely to see you, even in this virtual reality. I want to totally support some of my colleagues in thanking the amazing interpreters, all the IT people and the staff who are making this happen. We have to check in a little early just to get things done, and I just want to express my deep appreciation for their adaptation to this very changing world that we're all experiencing.

Mr. Speaker, you talked earlier about your response to the government House leader, talking about what a virtual Parliament and the timeline could look like. You talked about setting up a group, so I'm wondering if you could tell me what roles are in that group and from what department, how they are reporting back to the Speaker, and what access the rest of the parliamentarians have to that information.

• (1155)

Hon. Anthony Rota: Basically, I've left it with the Clerk and discussed it with the administration to see what we're capable of, leaving it mainly with the IT department to check into what can be done. It's very favourable on that end, their looking at it and saying, "Okay, four weeks was a reasonable amount of time to come up with a solution."

Is it going to be perfect? As I mentioned earlier, I'm not sure and neither is the administration, but we can have something that will be functional.

One of the areas, as far as the Clerk and the administration go, is the Standing Orders and how we continue to respect the individual members' privilege and rights under section 48 and the Standing Orders. We want to make sure of what exactly is implied or expected for a quorum and what is expected for the rules. One of the things that have come up, and is going to be a challenge, is that in order to make changes and have the Standing Orders rearranged or done differently, we have to have everyone present at one time—or whoever wants to be—in Parliament. That's something that I'm not sure how to deal with at this point. We are exploring the possibilities. However, when you look at parliamentary privilege, it is the individuals' having the right to at least vote or take part in discussions that are going on in Parliament to change the existing Standing Orders. We can't just arbitrarily say, "We're going to make those changes," and that's all there is to it. We have certain procedures that we have to follow. That's going to be one of the biggest challenges.

Everything has been opened, as far as the information that we have. There's nothing that is being kept.... It's open to members upon their request. A lot of it has been put out there as well.

Ms. Rachel Blaney: Thank you.

The Standing Orders and the modifications that would be required is a very important conversation. Look at the fact that today when we called in for this committee, with nowhere near 338 members of Parliament, plus all of the folks attached, we were on the call half an hour.

One of my questions is this: What considerations are happening around parliamentary privilege? How are we addressing that, understanding that different ridings have different levels of connectivity? Is there a plan to look at members' homes and their offices?

The other part is looking at ways to address issues. A few weeks ago, we had a massive power outage in our area for four hours. That meant that there were a lot of things that I couldn't do. When it comes to parliamentary privilege, has there been any discussion about how to address the connectivity aspect and these acts that happen that we have no control over? How will those be managed?

Hon. Anthony Rota: As far as connectivity goes, that is one of the major discussions that is taking place when we're looking at a virtual sitting. The administration, as well as MPs, is concerned about that. Connectivity, especially if you're from a rural riding, really affects how much participation you might have as a member of Parliament. That is one of the key ones.

As far as individual members go, what the administration has been doing is spending time with each member. I notice that you have a headset. I don't know if that was sent to you or whether you had it yourself.

Ms. Rachel Blaney: I come from one of those rural ridings. We have these.

Hon. Anthony Rota: Okay, great.

Ms. Rachel Blaney: We're ready.

Hon. Anthony Rota: What has happened with a lot of members is that the administration has sat down with them and gone through it, checking their equipment to make sure that everything is working and that everything goes smoothly when these meetings take place. This is something that is being considered very closely and very seriously.

With regard to the power outage, I'm not sure what to tell you on that one. That's something that's very local, but it is very much an issue.

One of the other issues that have come up is that the staff have been checking in with members, making sure that everything runs smoothly. Then, lo and behold, the members can't make it to the places where they have their equipment, so they're on a phone or an iPad or some other device, and suddenly everything gets changed. I'm not sure about the control of that, but those are some of the variables that also have to be considered when an individual member is attending a meeting. It's in the training and the time spent with the IT staff and the members, making sure that they're up to par.

• (1200)

Ms. Rachel Blaney: Thank you, Mr. Speaker.

What I was talking about, with the power outage, was really about parliamentary privilege. Through the House a lot of times people are interrupted in their ability to vote, so how do we manage these things that are beyond that?

Thank you.

The Chair: Thank you, Ms. Blaney.

Hon. Anthony Rota: That is an issue.

The Chair: It's time for the second round of five-minute questions.

Up first is MP Brassard.

Mr. John Brassard: Thank you, Madam Chair.

Mr. Speaker, we appreciate your being here and the Clerk as well. As you know, the motion that was introduced yesterday was a rather long one, and we dispensed. I know that you appreciated that, but there are some challenges with respect to the motion, one in particular that I want to address to Mr. Robert.

In the motion adopted in the House yesterday, there's something that's very interesting and quite frankly should be very concerning to all members of Parliament with respect to their privilege, because buried as a provision in subparagraph (v) of paragraph (h), it says that the participation in the virtual QPs we're going to be having would be subject to limits set by House administration. Effectively, these would be set by you, Mr. Robert. A majority in the House voted for that. Obviously, we didn't, but a majority did without knowing what those limits might even be.

Can you explain, Mr. Robert, what exactly these limits will be?

Mr. Charles Robert: Yes. Thank you.

Mr. Brassard, as the Speaker explained, the resources that we have available to implement a virtual sitting, both for committees and now for the special committee on COVID-19, are fairly limited. When the Speaker replied to the government House leader as to how we could put in place a full virtual meeting of the House, we indicated that we would not be able to do that much before the middle of May.

The House, in its motion yesterday, decided to create a special committee on the COVID-19 pandemic, where in fact its membership is the entire House. You're going to be having your first virtual meeting next Tuesday. Under the explanations that we have already provided, we do not believe that we will be in a position to allow the special committee to meet with the entirety of its membership. That is beyond our capacity. We were trying to signal that, and I suspect that, when this motion was drafted, they took into account the warnings we had raised.

Mr. John Brassard: How many members do you expect to be participating in these virtual QPs? How will the choice be made in asking questions of the Prime Minister and the ministers? Who will be making those choices?

Mr. Charles Robert: My guess would be that we would be trying to coordinate this as much as possible with the whips, so that there is a comfortable coordination of the membership so as to satisfy their requirements, given the limitations that we will have in terms of how many.

I think in this meeting we have about 30 participants. We will be able to up that for the meeting next Tuesday, I would suspect, but it will be far short of the entire membership of the House. We will try to coordinate that with the whips.

• (1205)

Mr. John Brassard: Okay, thank you.

Mr. Speaker, I have a question with respect to an article that appeared in The Hill Times on April 9, where you were quoted as saying that you were instructed to look into holding virtual sittings. Was that a mischaracterization, because the Speaker is not to be instructed by anybody? I would just like clarification on that, Mr. Speaker.

Hon. Anthony Rota: I was asked to look into it, and that's exactly what we're doing. I was not instructed.

Mr. John Brassard: You were asked by whom?

Hon. Anthony Rota: That was in the letter from the government House leader.

Mr. John Brassard: Okay.

Mr. Robert, have you had any discussions with the government House leader with respect to virtual sittings? Have you been instructed or asked at any point during this process?

Mr. Charles Robert: No, but in any sort of conversations that have taken place, the caution that I've already expressed to you about our capacity to provide this service within a timeline that was different from the response that was provided by the Speaker to the government House leader has been raised.

Mr. John Brassard: Thank you.

Gentlemen, we have a limited time to deal with this issue. We've been asked to provide a report by May 15. We have, effectively, five days. We've extended the hours. We're going to hear from several witnesses. On the back end of our mandate, would you both be willing to come back and address any other issues that might come up from a legal, security or procedural aspect?

Would either of you gentlemen be willing come back at the end of our study to address some of those issues?

Hon. Anthony Rota: I would have no problem with that.

Mr. Charles Robert: Mr. Brassard, in addition, I think we should be taking this experience as the first step in a larger program of determining how we might want to build the capacity in our parliamentary system to allow for such things as virtual sittings to deal with circumstances that may arise unexpectedly, where the use of a virtual sitting would be appropriate.

Mr. John Brassard: I thank you both.

The Chair: Thank you to both of you.

Next up is MP Gerretsen, please.

Mr. Mark Gerretsen (Kingston and the Islands, Lib.): Thank you very much, Madam Chair.

Because I'm in a five-minute round, I'm going to jump right into it. My questions are related to not particularly the 338 MPs but all the staff who support us. The reality of the situation is that whatever decision we make in terms of bringing people together, at least the 338 of us were part of that decision-making process. Whatever comes out of this, we are imposing upon other people out there, who really don't have a say, whether they're going to continue to social distance in some form or another, or outright abandon it, in order to be present on the Hill.

Therefore, Mr. Speaker, first, can you clarify who is responsible for an employee on the Hill? I have two employees who work for me in my Hill office. Are they employees of Parliament or are they employees of a member of Parliament specifically, and whose responsibility is it to ensure their safety?

Hon. Anthony Rota: It is the responsibility of the individual members of Parliament to make sure that their staff are safe.

Mr. Mark Gerretsen: Then, in effect, I am the employer of my employees as it relates to responsibility.

Hon. Anthony Rota: Exactly.

Mr. Mark Gerretsen: Outside of this virtual setting, do you have a sense as to how many employees would be on the Hill at any given time when we're normally sitting?

Hon. Anthony Rota: I'll have to defer to the Clerk on that one. I'm not sure.

Do we have a number?

Mr. Charles Robert: My guess is that it's roughly 1,000 employees. In normal circumstances, there are about 1,000 employees. There are 338 members, and in most instances they have more than one employee.

Mr. Mark Gerretsen: Okay.

Regarding direction, I know the Speaker indicated this earlier on, maybe through a question he was asked, but is staff being directed to do something on the Hill—that is, directed not to come to the Hill? Can the House administration direct these staff who are the employees of members of Parliament not to come to the Hill if they wanted to, or is it up to the member of Parliament to do that?

• (1210)

Hon. Anthony Rota: We've laid out guidelines for certain buildings that are not essential, and we've asked members of Parliament to not have their staff come in unless they come in through appointments or make sure that they're covered, just to make sure that everything is sanitary. We found that there were some MPs who had some staff coming in, and they would come in for a few hours and it was spotty. We didn't know where they were. We were trying to keep records and then send in cleaning staff to make sure that everything was sanitized, once they were done, to avoid the spread of the virus.

What ended up happening was that we asked that certain buildings be shut down and that Centre Block and only essential buildings be open, Centre Block being an essential building.

Mr. Mark Gerretsen: I'm talking specifically about staff of members of Parliament, but can you tell us what the direction has been in terms of any other parliamentary staff? Have they been told to stay home? Have they been told to work at home where possible?

Hon. Anthony Rota: Where possible, staff are instructed to work from home. There are staff members who have to come in because it is essential that they be on the Hill. Among the prime groups are security staff and cleaning staff and some of the top administration. Lately, with some of the work that's being done on the technical side, there are people on the IT end of things as well.

Mr. Mark Gerretsen: Mr. Speaker, with House administration, you're responsible for the staff who work in West Block and on the Hill, correct?

Hon. Anthony Rota: Yes, that's correct.

Mr. Mark Gerretsen: As their employer, given the information that you have and what has come forward from Health Canada and the various different agencies, if 338 people and all of their staff started showing up in that building from various different places across the country, would you be concerned about their health and safety?

Hon. Anthony Rota: I would have to be, yes. When people from all over come to one place, yes, they're bringing we don't know what, whether it's picked up on the plane or from their own place of residence. Yes, it certainly is a concern that has to be taken into consideration.

Mr. Mark Gerretsen: Thank you.

The Chair: Thank you, Mr. Speaker. Thank you, Mr. Gerretsen.

Mr. Speaker, are you okay for taking one more question?

Hon. Anthony Rota: Certainly.

The Chair: Thank you.

Actually, it might be two more.

Go ahead, Mr. Duncan.

Hon. Anthony Rota: No problem.

Mr. Eric Duncan (Stormont—Dundas—South Glengarry, CPC): Thank you very much. Thank you, Mr. Speaker, for being here today.

I wanted to focus on another aspect we haven't really touched on too much, which is voting and what that might look like.

I appreciated your opening comments alluding to the difference or perhaps the relative ease in doing members' S. O. 31 statements and questions in question period versus voting. Can I have some of your preliminary thoughts? You were coming to talk about phasing some things in. Could I have some general comments about your thoughts or concerns, or the challenges you see, with regard to voting and what voting may look like at the onset, and get some time-lines on that?

Hon. Anthony Rota: Voting is something that I don't see happening in the near future. That's something that requires some technology that personally I'm not yet comfortable with. What we'd have to do is develop a secure system that guarantees that everyone can vote and everyone can vote securely.

What I do have a concern about, when you have a few speaking for others, is parliamentary privilege. We've seen it in other parliaments around the world, where there's almost a proportional system whereby one party will vote a certain way and the party has a representative who represents all of their members, and that's—

Mr. Eric Duncan: It's like a proxy system or a pairing type of system at a macro level.

Hon. Anthony Rota: Exactly. If that's what Parliament decides, it is the members who would have to decide on something like that. That's something that is not in our rules or the Standing Orders right now. Allowing individuals to vote is the heart of our system, and it's the base of parliamentary privilege.

Mr. Eric Duncan: I appreciate that and I agree on that. There's the security process and then even how the connectivity and timing would work. I think there are certainly a lot of barriers in that way.

One of the things goes back to the difference between committees sitting like this. We're working the kinks out, I think, bit by bit, but there are certainly some challenges that have been raised with connectivity. I'm from rural eastern Ontario, and I don't know if the service is getting better or staying the same, but we are surviving that way.

I am wondering about general access for Canadians. I think more Canadians are at home and are staying at home, and they are perhaps watching these broadcasts if they're online. Have there been discussions about whether CPAC or an online television entity would be airing these sessions or have the ability to do so? Not only is it important for us to have this access to our committees and have access to each other, but we need as many ways as possible for Canadians to see what we're discussing in the virtual chamber or in committee. Do you have any comments or thoughts on that?

• (1215)

Hon. Anthony Rota: The proceedings of Parliament are open to all Canadians, and what is fed into CPAC is actually run by our IT department. The feed that they provide for them—all the work, the heavy lifting—is done by our IT department, and our IT people are very capable of doing so. I believe transparency and openness are certainly very important to all Canadians, so I can see it being something that we want to continue.

Mr. Eric Duncan: I appreciate that.

One of the other aspects I wanted to bring up is about timeliness.

When we're back out on this in terms of the light at the end of the tunnel, whenever or wherever that may be, are you looking at timelines or end dates? I know there are sunset clauses in some of the emergency legislation we passed. Do you want to speak a little bit about your intentions for that flexibility in relation to public health? There were comments raised before about the safety of our staff and ourselves as members and the safety of the support staff. What guidance are you using for decisions or continual conversations about some sort of physical presence? I was wondering if you could comment on that and on any discussions you're having in your group.

Hon. Anthony Rota: That's an evolving discussion. We're looking at what Health Canada has to offer and what experts have to offer. We're looking at making the best decisions possible for everyone's safety.

As for looking down the road, it really is uncharted territory. I wish I could give you a definite date for when all of this will stop and go away. It is just continuing.

This is a good opportunity for us to look at what we're doing, our process, and our Standing Orders, and to look at special conditions. This is an opportunity to make changes so we can be prepared for future events as they come up. This is obviously not the last time we're going to go through something like this.

I would encourage the committee to prepare for different scenarios, to look at the possibilities down the road and look at what might be the possible triggers to get those new alternatives in place so that if we do come across something like this again, we would have, as a Parliament, the opportunity to trigger a certain number of things or a certain way of doing things and move in that direction.

The Chair: Thank you.

Next up is Mr. Turnbull. Go ahead, please.

Mr. Ryan Turnbull (Whitby, Lib.): Out of the spirit of collaboration, I would like to give the last minute of my time to Ms. May, if possible. Is that okay, Madam Chair?

The Chair: Yes, absolutely.

Mr. Ryan Turnbull: Thank you very much.

Thank you, Mr. Speaker, for being here. I really appreciated your comments this morning. In particular, I appreciated the comment you made about innovation. I think any time any institution, especially one as large as the House of Commons and the federal government, adopts new technology or any kind of innovation, there are going to be challenges and bumps in the road. I really want to say a hearty thank you to all of the staff of the administration for doing, I think, heroic work in a very short period of time to get these virtual meetings up and running. It's quite a testament to how quickly we're moving to respond to the needs of Canadians.

I'm deeply concerned that we're still going to have some physical presence in the House, given the risks pointed out by my colleague, Ginette Petitpas Taylor. I think they are pretty large at this time.

If we took the best science and the best possible public health advice, do you think we would actually have any physical sittings right now in Parliament?

• (1220)

Hon. Anthony Rota: I have to base my answer on the information I am getting now. The information I am getting is that the less the possible contact or the physical proximity, the better.

Is there an absolute yes or no? I don't believe so, because we do have essential services, and essential services are taking the necessary precautions, whether in a hospital or in certain areas that have been designated, mainly on a provincial level.

As for whether or not our presence in Ottawa is a good thing, that depends. I don't think there's an absolute yes or no, but just taking into consideration travel and contact with others, it is something to worry about.

Just to touch on something else you mentioned, I talked about looking at different options. With regard to how we do things in Ottawa, I would like to suggest that changing the way we do things and changing the Standing Orders deserves more extensive study, and I would recommend to the committee that perhaps this is something they should continue to do. Once this is over and they have reported, they should continue looking at different options that would keep Parliament running if something like this or something worse should happen again, and look at all of the worst-case scenarios.

I'm sorry for taking some of that time, Mr. Turnbull.

Mr. Ryan Turnbull: Thank you, Mr. Speaker. I appreciate your comments.

I'm also interested in the comments you made about capacity. I think we all understand that replicating a full sitting day is a really big task, and we certainly need to take it in bite-sized chunks and gradually work up to it. I think you have expressed in your comments some concern about capacity and being able to do that.

Where are the easy places to start? It's clear to me that we really do have a duty to protect health and safety and to limit the time that we are in the same physical space. I would say that our work and our role, unlike those of construction workers, health care workers, grocery clerks, and other essential support staff out there, do not require us to be in the same physical space.

Do you see a good place to start? What are the bite-sized chunks? How could we phase this in?

Do you have any ideas on that, Mr. Speaker?

Hon. Anthony Rota: Yes. There are limited resources. It's something that's more of a technical barrier than anything else, at this point. I honestly believe that what we have to do is grow incrementally, starting off with certain areas that we know shouldn't be a problem. Some of those include Statements by Members, or S. O. 31s, and situations in which members are questioning each other, as in the committee we have set up for next week, where information sharing is one of the big things. As soon as we get into something a bit more technical, like voting, we want to make sure that the vote is not interrupted and works out well. That's where I can see us growing on a gradual basis.

This might be a question that might be best answered by our technical people in the second part of this committee meeting.

The Chair: Thank you, Mr. Speaker.

Now a minute for Ms. May—

Mr. John Brassard: Madam Chair, I had my hand raised for a point of order.

The Chair: Yes, go ahead, Mr. Brassard.

Mr. John Brassard: How much time did Mr. Turnbull have?

The Chair: He had....

Mr. John Brassard: I have him at over five minutes.

The Chair: I have him at four minutes and.... Yes, it leaves 10 seconds right now.

Mr. John Brassard: Thank you.

The Chair: I was trying to get the Speaker to finish off what he was saying.

Mr. John Brassard: Well, he's over five minutes, so....

The Chair: No, he's not over five minutes. He's under five minutes, but it doesn't leave a full minute for Ms. May at this time.

Mr. Ryan Turnbull: Madam Chair, perhaps I could ask for some leniency, given that I think you were lenient on some of the other speakers as well.

The Chair: I was. I gave almost everyone 30 to 40 seconds over their time in the past rounds. That includes the Conservatives, the Bloc and the NDP.

I do want to explain that at times I try to look for a clean break. Of course, if a question is just about to be asked and the person's time is already done, I will cut off the question. There's no way we would have enough time for the response. However, if the response is under way and they have almost completed their thought, then that's where I do tend to give a little leniency, just so the witnesses

can continue their thought. I would not allow, of course, another question if the time was close to being complete.

That's just to let you know how I try to give flexibility to everyone a little bit so that they can end off their thought but not start a new one.

If we could give one minute to Ms. May, that would really just be giving her about 30 seconds extra.

• (1225)

Ms. Elizabeth May: Thank you, Madam Chair.

Very briefly, the Speaker knows, of course, how deeply I care about the issue of the personal privilege of parliamentarians to participate equally. All rights being equal, I'm very concerned about our current agreement voted on yesterday, because obviously people who are under quarantine in their province have a hard time participating.

On the connectivity issue, as you're studying it, we recognize that nothing we adopt now will be as good as the real thing, but we have a pandemic, so we're prepared to compromise on quality. For members of Parliament who travel from rural areas to Ottawa, have you considered looking at the trip that each one of us makes to get to the airport and then fly to Ottawa, noting that any airport and airport motel will offer connectivity with a lot less travel for any member from a rural area where there are connectivity difficulties? Are you taking that as a possibility in the study?

Hon. Anthony Rota: Everything is taken into consideration. Unfortunately, we do have standing orders that we have to work with. Those are the rules that we have within the House. If we disregard them, then it's an infringement of our rules within the House. In order to change those, one of the hard parts is that we would have to bring everyone to Ottawa to vote on those changes. It really does handicap us and make it difficult.

The Chair: Thank you, Mr. Speaker. That's all the time we have for that question.

We do have a two-and-a-half-minute round that would go to the Bloc and the NDP, but given the time constraints that we're under, oftentimes we're not able to get to those rounds. I'm wondering if we could start our second panel, hear the Clerk's statement, and then begin our six-minute rounds.

Is everybody okay with me doing that at this time?

Go ahead, Mr. Richards.

Mr. Blake Richards: On a point of order, Madam Chair, and being aware of where we are in terms of the time, I know that you've set aside an hour for committee business. I'm assuming that it's just to look at the draft work plan. I wouldn't think that this would require a full hour. Given where we are with the time, I would suggest that we leave a full hour for this panel so that we can ask questions of the Clerk and the law clerk and then use the remaining time for the committee business that would need to be transacted.

The Chair: Thank you. I think that's a great suggestion. I'm just trying to be mindful of the Speaker's time, because he was only slotted in for the first hour.

Does the Bloc or the NDP have any opposition to our starting the second panel with the law clerk and then having all of the rounds in the next hour? No? Okay. Thank you.

We will have a 10-minute statement by Mr. Charles Robert. We'd love to hear from you.

Mr. Charles Robert: Thank you very much, Madam Chair.

I will be much briefer than 10 minutes, and then I'll be followed by Philippe Dufresne, the law clerk and parliamentary counsel, who will give an explanation of the constitutional issues that might be involved in holding a virtual House of Commons.

As I said, the law clerk and I are here to address the constitutional and legal implications of a sitting that includes the remote participation of members or that is entirely virtual.

Parliamentary privilege exists to enable Parliament to function effectively without undue impediment, and in Canada, it is enshrined in our Constitution. The rights and immunities associated with parliamentary privilege include control by the House of Parliament over its debates and proceedings in Parliament, including its day-to-day procedures.

[*Translation*]

The Constitution provides a number of requirements that the House must follow in determining how to regulate its debates and proceedings.

Relevant to this study is section 48 of the Constitution Act, 1867, which specifies that a quorum of 20 members is required in order to constitute a meeting of the House.

Section 48 states that the presence of at least 20 members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers, and for that purpose the speaker shall be reckoned as a member.

As well, section 133 of the Constitution Act, 1867 and sections 17 and 18 of the Canadian Charter of Rights and Freedoms mandate that—

• (1230)

[*English*]

Mr. John Brassard: Madam Chair, I'm sorry to interrupt, but am I the only one who's getting the interpretation?

The Chair: Yes, I was just communicating with the clerk.

Mr. John Brassard: The interpretation is skipping as Mr. Robert is speaking. It's very difficult to pick up both.

The Chair: Maybe we can pause for a minute while we figure out the interpretation.

Mr. Robert, if you could backtrack about a minute of your statement, that would be helpful.

• (1235)

Mr. Charles Robert: Let me begin at the part where I spoke in French.

[*Translation*]

The Constitution provides a number of requirements that the House must follow—

[*English*]

The Chair: Sorry, we're still having the static. It hasn't cleared up.

They're trying to change the translation. They think the problem may be in the translation booth, and so they are going to switch out the mike or change locations. We'll suspend for about a minute until they resolve that. Thanks for bringing it up.

A voice: Madam Chair, can we suspend for five so that we can take a bit of a break?

The Chair: Absolutely, but perhaps you can time yourselves, though. I really would not like the five to turn into 10, and that does occur sometimes when we're in the committee room as well. Please, in exactly five minutes we will be starting.

• (1235)

(Pause)

• (1240)

The Chair: Welcome back, everyone.

Sorry, Monsieur Robert, for all the challenges and having to interrupt your opening statement a few times. We believe the problem has been resolved, so we can continue from where we left off.

Mr. Charles Robert: Thank you, Madam Chair.

[*Translation*]

The Constitution provides a number of requirements that the House must follow in determining how to regulate its debates and proceedings.

Relevant to this study is section 48 of the Constitution Act, 1867, which specifies that a quorum of 20 members is required in order to constitute a meeting of the House. Section 48 states that the presence of at least 20 members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers, and for that purpose the speaker shall be reckoned as a member.

As well, section 133 of the Constitution Act, 1867 and sections 17 and 18 of the Canadian Charter of Rights and Freedoms mandate that English and French are the official languages of House proceedings and legislation.

Mr. Dufresne will now address these legal and constitutional considerations in more depth.

• (1245)

[*English*]

Both Philippe and I will be pleased to then answer any questions you may have.

Thank you very much.

The Chair: Thank you.

We can hear from the law clerk now.

Mr. Philippe Dufresne (Law Clerk and Parliamentary Counsel, House of Commons): Thank you, Madam Chair and members of the committee, for your invitation to appear today in the context of this important study on ways in which members can fulfill their parliamentary duties during the COVID-19 pandemic, including through sittings in alternate locations and technical solutions such as a virtual parliament.

As law clerk and parliamentary counsel of the House, I am pleased to be here today to address the legal and constitutional considerations that arise in this context. I hope that my advice will assist the committee in its work.

As noted by the clerk, particularly relevant to this study is section 48 of the Constitution Act, which specifies that the presence of at least 20 members shall be necessary to constitute a meeting of the House for the exercise of its powers.

[*Translation*]

My remarks today will focus on section 48 and its implications for a virtual Parliament.

At the outset, I want to note that section 48 applies only to meetings of the House for the exercise of its powers. As a result, it doesn't apply to committees of the House such as your committee or the new COVID-19 committee.

With respect to the application of section 48 to House proceedings, I'll make three general points.

[*English*]

First, courts have recognized Parliament's autonomy and exclusive jurisdiction with respect to its proceedings, which include the Standing Orders, sessional orders and Speakers' rulings. Consistent with the separation of powers, courts will be very reluctant to get involved with anything relating to parliamentary procedure and practice.

Second, while courts have determined that they will not get involved with the process leading to the adoption of legislation, they will be prepared to review enacted legislation to ensure that it is consistent with the Constitution.

Third, courts have held that the Constitution is a "living tree" and must be capable of adapting with the times by way of a process of evolutionary interpretation that accommodates and addresses the realities of modern life within the natural limits of the text.

While the question has not yet been decided by courts, in my view, if the House were to amend its Standing Orders and adopt a sessional or special order to accept the virtual presence of members for the purpose of quorum, such a procedural decision would be constitutionally valid, as it would fall within the House's exclusive jurisdiction over the management of its internal parliamentary proceedings and in any event would meet the requirements of section 48 under a modern and contextual interpretation of the word "presence".

[*Translation*]

That said, should the House wish to remove even the possibility of a legal debate on the matter, the House could decide to hold votes on the adoption of legislation with the physical presence of at least 20 members.

Lastly, Parliament could amend section 48 to indicate that, for greater certainty, virtual presence is considered presence for the purpose of section 48.

[*English*]

My first point relates to parliamentary privilege, which is the sum of the privileges, immunities and powers enjoyed by the Senate, the House of Commons and provincial legislative assemblies, and by each member individually, without which they could not discharge their functions.

Courts in Canada, the United Kingdom and the Commonwealth have consistently held that parliamentary privilege is part of the law, has constitutional status and includes control by the Houses of Parliament over debates or proceedings in Parliament, as guaranteed by the Bill of Rights of 1689, including day-to-day procedure in the House.

[*Translation*]

In the recent decision of *Mikisew Cree First Nation v. Canada*, the Supreme Court majority held that the law-making process is largely beyond the reach of judicial interference; that it's for Parliament, not the courts, to determine whether in a particular case the exercise of the privilege is necessary or appropriate; and that the existence of this privilege generally prevents courts from enforcing procedural constraints on the parliamentary process.

• (1250)

As a result, the House's internal procedures and rules, as contained in the standing orders, sessional or special orders or speakers' rulings, are protected by parliamentary privilege and can't be questioned by the courts or any place outside Parliament. While courts won't review parliamentary procedure, they'll consider enacted legislation to ensure that it meets the requirements of the Constitution. This includes the charter, the division of powers, or manner and form requirements such as the official languages requirements in section 133, which led to legislation being declared invalid in the Manitoba language reference. In the *Mikisew Cree* case, one of the justices suggested that section 48 could be another such provision.

[English]

In this context, the issue would be whether section 48 would allow the House to accept virtual presence as presence for the purposes of quorum when the House votes on legislation.

In my view, a strong argument can be made that the House could do so, for the following reasons. It is an accepted principle in Canadian constitutional law that the Constitution should not be viewed as a static document but as an instrument capable of adapting with the times by way of a process of evolutionary interpretation, within the natural limits of the text which “accommodates and addresses the realities of modern life”.

In other words, as held in the famous *Persons* case, the provisions of the Constitution are to be interpreted in a manner that is flexible and reflects the contemporary context. They have been compared to a living tree capable of growth and expansion within its natural limits and are not limited to a narrow and technical interpretation or construction.

In addition to the “living tree” approach, the Supreme Court has also underscored that the Constitution must be interpreted in a manner consistent with its internal architecture and the principles that underpin it.

[Translation]

In the Quebec secession reference, the Supreme Court noted the following in particular:

Democracy is a fundamental value in our constitutional law and political culture.

It also added the following:

The principle of democracy has always informed the design of our constitutional structure, and continues to act as an essential interpretive consideration to this day.

The speaker referred to this as a cornerstone of democracy.

In the *Chagnon* decision, the Supreme Court reiterated the fundamental constitutional functions of legislative bodies and their members—

[English]

The Chair: I'm sorry to interrupt again. We are not hearing the English translation at this time. If I could have the witness go back to the beginning of the French portion of the remarks that he just started, that should clear up the problem.

Thank you.

Mr. Philippe Dufresne: Okay, absolutely.

[Translation]

In the Quebec secession reference, the Supreme Court noted the following in particular:

Democracy is a fundamental value in our constitutional law and political culture.

It also added the following:

The principle of democracy has always informed the design of our constitutional structure, and continues to act as an essential interpretive consideration to this day.

The speaker referred to this as a cornerstone of democracy.

In the *Chagnon* decision, the Supreme Court reiterated the fundamental constitutional functions of legislative bodies and their members, which are enacting legislation and acting as a check on executive power. As a result, in interpreting any proposed measure, courts would consider whether it furthers or hinders the fundamental functions of the House to deliberate, legislate and hold the government to account.

[English]

For these reasons, if the House of Commons were to amend its Standing Orders to allow for the virtual presence of its members, this would, in my view, fall within the four corners of section 48 of the Constitution Act, 1867, which requires the presence of 20 members for quorum.

Section 48 of the Constitution Act could be interpreted using the dynamic “living tree” approach to the Constitution to count members present via video conference or teleconference toward quorum. As well, such an interpretation would arguably be consistent with democratic principle and the internal architecture of the Constitution enabling the legislative branch of government to continue to exercise its fundamental functions in the midst of a pandemic.

[Translation]

The determination of how the House counts the constitutionally mandated presence of 20 members is within the already established parliamentary privilege over debates or proceedings in Parliament, including the day-to-day procedures in the House. Once a privilege is established, Parliament, not the courts, must determine whether, in a particular case, the exercise of the privilege is necessary or appropriate.

By applying these principles to section 48 of the Constitution Act, 1867, the courts could ensure that the constitutional mandatory requirement of 20 members being present to constitute the House is respected, while leaving to the exclusive jurisdiction of the House the procedural aspects of quorum, such as the nature of the presence of a member to be counted towards quorum.

Under this approach, the standing orders or sessional orders of the House would state expressly that the House, in the conduct and control of its procedure and proceedings, was putting in place and endorsing internal procedures to implement section 48 of the Constitution Act, 1867.

[English]

Of course, it's possible that a court could disagree with this interpretation. In that scenario, the most serious implication of a court not finding a House proceeding to have the mandated quorum via virtual presence would be that what was adopted in the impugned proceeding could be invalidated.

To mitigate against this, the House could ensure that 20 members are physically present in the House for any votes on legislation or on substantive motions. As well, section 48 of the Constitution Act could be amended to state explicitly that virtual presence is presence for such purposes.

[Translation]

The order of reference to this committee also instructed it to consider the possibility of sittings in alternate locations.

[English]

I will briefly conclude by saying that on the issue of alternate location, section 16 of the Constitution Act states that Ottawa is the seat of the Government of Canada, but in my view there would be no legal impediment to the House conducting specified proceedings during the pandemic on any premises the Crown would have made—

● (1255)

The Chair: If I could just interrupt, sorry.... I believe the channels have been switched around so it looks like those in English are hearing it in French, and those in French are hearing it in English, and it's quite delayed right now. Could we just start that portion again? I'm sorry, to the witness, for all these issues today.

Mr. Philippe Dufresne: It's not a problem at all. I want to make sure as well that everyone can hear me.

[Translation]

Regarding the possibility of the House sitting in an alternate location, section 16 of the Constitution Act, 1867 states that Ottawa is the seat of the Government of Canada.

[English]

The question is whether the House could decide on its own to sit elsewhere, in Ottawa or in Canada. In my view, there would be no legal impediment to the House doing so during the pandemic, and we know that the House sat in an alternate location after the fire of 1916. That said, various considerations must be taken into account should the House decide to sit elsewhere.

[Translation]

Constitutional and legal requirements governing the proceedings of the House would still apply to a House of Commons sitting in an alternate location, as set out in section 133, which concerns language rights.

Also, having the House meeting at a location that's different from the seat of the government and the Senate could entail practical challenges. In the Canadian parliamentary system, where the government is responsible and present in the House, having the House meeting outside the seat of the government may render more difficult the presence of cabinet members at that location. Messages between both Houses, should there be any, would also need to be handled in accordance with this new logistical reality.

[English]

With that, I would be pleased to answer any questions.

The Chair: Thank you.

At this point, we'll start with the question round, please. I'd like to start with Mr. Blake Richards for the first round of six minutes.

Mr. Blake Richards: Thanks, Madam Chair.

I have several questions, which hopefully we'll have time for. Some may be more appropriate for one of you to answer and some for another, and I'll let you determine who should respond.

Starting with parliamentary privilege, there could be a number of areas of concern. You did address some of those, Mr. Dufresne, but certainly the one that seems to have come up a number of times is the idea of whether, where there are unstable Internet connections or where people have poor connections, all parliamentarians would be able to participate equally and fully in sittings of a virtual Parliament. I think we've seen enough evidence in committee meetings and otherwise to show reason for concern there.

What are your thoughts—this is probably for you, Mr. Dufresne—in terms of the privilege concerns that would exist for MPs if they weren't able to fully participate as a result of those Internet connection issues?

● (1300)

Mr. Philippe Dufresne: Thank you for that question.

I think questions of privilege with respect to a member's access, a member's privilege to have unimpeded access and full participation in the proceedings of Parliament, are types of questions that are dealt with on a case-by-case basis by the Speaker, by the House. They consider the circumstances leading to issues when a member has not been able to have access to votes or to the House for reasons of physical obstacles: what those were, what steps were taken, and so on.

It seems that the general principle is that steps ought to be taken to ensure the participation. Then it would be up to a case-by-case review of what happened, what the obstacles were, what solutions have been considered and used in the current circumstances. It's not something you can address in a hypothetical case, other than to say that the efforts ought to be made, as much as possible in the context, to ensure the full participation of all members.

Mr. Blake Richards: I'm trying to get a general sense of this, and I do understand that all circumstances have to be taken into account. Are you indicating that you would see the possibility of a ruling that privilege hasn't in fact been breached if a member is not actually able to participate, just on the basis that reasonable efforts were made to try to enable that participation? If it were to come down to members not being able to participate because of their Internet connection, do you see a scenario where privilege would be seen to not have been breached? Is that a possibility under those circumstances?

Mr. Philippe Dufresne: I would have to say that any circumstance or situation would have to be considered when it arises on the basis of the facts at issue. These would be determinations made by the Speaker on a prima facie case of privilege, and ultimately by the House. It's not something that I can make a conclusion on in this context.

Mr. Blake Richards: I would say for the record, and for the benefit of others who are listening, that this is a serious concern. We would not be able to ensure the privileges of all members to be able to participate, which I would say are pretty significant. There's no certainty here as to whether, if someone were not able to participate because of a poor Internet connection, we could actually say that this would enter into a breach of privilege. I think that's something that we all need to be really seriously thinking about before we move ahead.

I'll move on, though, to the practice of catching the Speaker's eye, whether that be for a point of order or by simply standing to give remarks in the House. On a procedural basis, how would this practice work? How would we deal with those issues?

I don't know who is best to answer. I wonder if both of you have comments on this.

Mr. Charles Robert: I think you're raising some tough questions that we will have to consider seriously and try to develop a kind of technology that will better ensure the proper participation of the members in a way that we are accustomed to when we meet in person in the chamber. The points that you are raising are excellent from that perspective.

Another example we were considering is that the dynamics of question period would change dramatically—whether or not it involves privilege is another issue—because when you're not speaking, you're on mute. In question period, the energy that is exchanged with the banter or the heckling, if you like, among the members in response to questions or in response to answers, you would not actually hear in a virtual sitting, unless the technology changes from what we have now.

I think this is one of the reasons that the Speaker, in his presentation, spoke about the gradual development of our practices so that we can properly accommodate these accustomed practices that we have. At the moment, there are limitations. It's better that we try to develop this through the virtual meetings of our committees, through the creation of the special committee, as opposed to doing it in the chamber.

• (1305)

Mr. Blake Richards: Hopefully we will have a bit of time for one or two other issues, but on this specific issue and others that maybe you are not able to respond to, as to how we will deal with those things—you just indicated that this is a difficult one for you to respond to at this point but that you are working towards that—would you be able to come back to us prior to our producing a report as to what your thoughts are on how we would address this? Obviously, we'd have to be certain of that.

The Chair: I'd like a brief response to that, whether you would be able to come back.

Mr. Charles Robert: Yes, in one word.

Mr. Blake Richards: If I can, Madam Chair, I'll just finish the question off.

Both you and the Speaker have alluded to gradually developing this. So, are we not here just to discuss the idea of virtual sittings during this current crisis and maybe any crisis that would come in the future? I don't believe we are here to discuss the idea of sort of

gradually developing something that becomes standard practice in the House. Am I mistaken on that?

Mr. Charles Robert: No, you are quite correct. That was why I suggested that you may want to take the opportunity of the experience you are doing now to consider at some future date whether or not you would want to develop options when we are confronted in the future with circumstances similar to this one. We would be able to slip into it without having to go through the process we're going through now.

The Chair: Thank you, Mr. Robert.

That's all we have. I have given lots of leeway on that questioning round so that issue is not questioned again, but I do want to remind everybody to please speak slowly. This is a reminder to the witnesses and to the members as well. Some of the problems that we're having with interpretation—not all, but some—are also caused because people are speaking too fast, and I will try to slow down myself as I say that.

Also, I want to remind people that the view that Parlvu has is generally the same view. I did say at the beginning that you would see that the speaker is the main focus, so be mindful that you will probably not be on the screen the way you see it on Zoom. On Parlvu, it will be just the speaker, so we do prefer if you could keep your camera on as much as possible so that the technical team knows that there is no technical difficulty, that you are still there, just like you would be in a committee room. If you have to walk away or look away for a little bit, that's fine; just leave your camera on so that we know that's what you're doing.

The next speaker is Mr. Alghabra, please, for six minutes.

Hon. Omar Alghabra (Mississauga Centre, Lib.): Thank you very much, Madam Chair.

Let me start by echoing what many of our colleagues have said and thank everybody on the committee, the support staff and the IT staff. This is unusual, and I don't think we have said it enough how unusual these times are and how flexible we are compelled to be under these difficult circumstances. I am honoured to participate in this committee.

I have a few questions. Let me start with Mr. Dufresne. If I were to summarize, basically you said that the House has a lot of flexibility in choosing and deciding how to conduct its business, obviously within a framework. Is that correct?

Mr. Philippe Dufresne: Yes.

Hon. Omar Alghabra: So, if we agree to this committee virtually, we can conduct other parliamentary business virtually or remotely. We would still, of course, put an effort into respecting member privileges and being considerate as to how we conduct our business, but we can be still compliant with the role of Parliament.

Mr. Philippe Dufresne: My statement here is really to say that there is strong recognition in the case law of Parliament's privilege and Parliament's autonomy to determine its procedures and its proceedings, and the way it is going to conduct its business. The courts have said that time and time again.

There are constitutional provisions that apply, such as section 48, and so, if there is legislation that is adopted by the House, the court may look to that to see if that legislation was adopted validly and if there was a quorum or if there were some other constitutional provisions at play. However, in terms of the manner in which the House chooses to comply with that requirement, in my view there is going to be a lot of leeway, because it is how the House decides to manage its internal proceedings.

As long as the House is mindful of those constitutional provisions and those requirements and turns its mind to it—adopts proceedings and makes it clear that in the conduct of its proceedings it is meeting this quorum by recognizing the presence—all of those things should lead, in my view, the courts to find that this is the exercise of its proceedings.

Obviously, the question doesn't arise at all if you have 20 members physically present. I am saying that, if you don't have that, then there are some other arguments to put forward.

• (1310)

Hon. Omar Alhabra: Thank you.

A lot of questions that our colleagues have been posing are about the health and safety of MPs and their staff, but there's another angle that I want to address or point to: We have, as a government, as public health officials, as a society, just asked the entire economy to start working from home. Several million people have been laid off because of a lack of ability to access their work, and businesses have shut down. Obviously, the entire country—in fact, the entire world—knows that we are under extraordinary circumstances.

I think that it's really incumbent upon us as parliamentarians not only to think about the health and safety of employees and MPs, but also to follow the advice that we're asking the rest of the country to abide by, that we're asking people who just lost their jobs because of these requirements to abide by. So, it is incumbent upon us, as political leaders and as politicians, to really do our best to abide by that advice.

My question is for Monsieur Robert.

There have been several questions about MPs' access to the Internet. Are you aware of any members of Parliament whose constituency offices do not have access to the Internet?

Mr. Charles Robert: I'm not sure that I have the precise information for that, but I do believe that in the northern regions there are challenges for some of the MPs.

Hon. Omar Alhabra: By “challenges” you mean that they have access to the Internet, but it's not high-speed.

Mr. Charles Robert: I think, in fact, that would be correct. Their access is limited; it's not high-speed.

Hon. Omar Alhabra: It would be interesting to know how many MPs have those challenges so that we can try to figure out if there's a way we can accommodate those. However, I think it's fair to say that the overwhelming majority of MPs have access, if not at home then at their constituency offices.

Mr. Charles Robert: I believe that's so, but it's also why I think our IT people are trying to reach out to the MPs to see if they can find solutions.

Hon. Omar Alhabra: Thank you.

I don't have any more questions, Madam Chair.

The Chair: Thank you for that, Mr. Alhabra. That leaves some time. Would you like to share it with somebody?

Hon. Omar Alhabra: Sure. I don't know if Madam Elizabeth May is interested.

The Chair: Ms. May, would you like one minute?

Ms. Elizabeth May: Yes, I'd be very grateful for that. Thank you very much.

I was interested to hear Mr. Robert's comment on decorum, and that we might not be able to have the same level of uproar and violation of the Standing Orders by Zoom that we had in person. I want to ask him to clarify. Given that we have adopted the practice that the party whips—and, by the way, we're the only Westminster parliamentary democracy that does this—give the Speaker the list of who gets to ask the questions, it seems to me that, of all of our daily affairs within Parliament, question period might be the easiest to adapt to a Zoom meeting.

I just want to ask, Monsieur Robert, if you could clarify or add to that comment you made.

Mr. Charles Robert: What I was trying to point out was based on a question coming from Mr. Richards.

The portion where we traditionally follow how question period works would probably still be followed. I think you're quite right, Ms. May, that it would be easy to identify the rounds, but not necessarily who the minister or the parliamentary secretary answering the question is. That would still be a bit of a challenge.

A critical aspect that would really change is that the excitement that is part of our question period now would be quite different in a virtual environment. That was the point I was trying to make.

• (1315)

Ms. Elizabeth May: I'd like that so much better.

The Chair: Thank you, Monsieur Robert. That's all the time we have.

Next we have Monsieur Therrien.

[*Translation*]

Mr. Alain Therrien: Thank you for your valuable input.

Mr. Dufresne, regarding the quorum of 20 members, we gather that Parliament has the power to decide that the quorum can be established virtually. You confirmed this several times. Is that correct?

Mr. Philippe Dufresne: The courts haven't ruled on this issue. I provided my interpretation. According to parliamentary privilege and a broad and not a narrow interpretation of the Constitution, as long as the House has a quorum of 20 people, virtual presence can be considered physical presence.

In my opinion, this should be maintained. However, there hasn't been any decision on this issue.

Mr. Alain Therrien: Okay.

The courts could then be asked to assess a decision of the House on this matter. Is that correct?

Mr. Philippe Dufresne: In the Mikisew Cree First Nation v. Canada decision, the Supreme Court clearly established that the law-making process and parliamentary procedure are internal affairs of the House. The courts won't interfere. The courts will be more inclined to interfere when a bill is passed, since their job is to review the validity of bills passed. In that situation, the courts are more likely to wonder whether things were done properly. In my view, this is the most relevant point. However, we could still argue that section 48 is open to interpretation and that privilege gives the House a great deal of leeway in terms of the method it will choose.

Mr. Alain Therrien: Okay. I understand.

I'm not a lawyer and I'm a new member. Could you tell me what the House can and can't do with a quorum of 20 members in a virtual sitting?

Mr. Charles Robert: Nothing prevents the House from making decisions as it sees fit.

Mr. Alain Therrien: So anything is possible. Is that correct?

Mr. Charles Robert: Yes.

Mr. Alain Therrien: With respect to Internet access, my colleagues brought up a good point. Limited access could make it difficult for some members to participate in these activities. There are also security issues. In particular, we must make sure that each person who votes is indeed the member in question.

Is presence by video conference enough, from a legal perspective, to confirm that each vote is indeed from the member in question?

Mr. Philippe Dufresne: I think that the House should make these types of decisions about the process. Certainly, the issue must be looked at carefully. A decision must be made regarding what mechanisms are acceptable, how to proceed and whether the security measures are enough for the House to consider this presence satisfactory.

Mr. Alain Therrien: Okay. We must wait for a decision on this matter.

I now want to know more about something that I heard through the grapevine. Don't be too hard on me. I heard that, on May 8, we'll be able to do some things virtually that we can't do right now.

On May 8, will there be something different from our current Internet tools or processes?

Mr. Charles Robert: I think that this is the time needed to ensure that digital services give members the equipment and the training required to use it. That's what we're talking about.

Mr. Alain Therrien: Clearly. I just wanted to know where things stood.

Regarding the bills, there are debates to determine who will be able to speak during the 20-minute and 10-minute periods. If we accept a quorum of 20 people, will the whips be responsible for drawing up a list to facilitate discussions and to enable people to follow the debates effectively?

We usually rise spontaneously to ask questions. Will there be some spontaneity, or will we need to work out a schedule with the whip, who will say which member will ask a question after a speech?

• (1320)

Mr. Charles Robert: The reality is that your committee must determine what to do. Your mandate is to look at these issues and to determine how you want to proceed.

Mr. Alain Therrien: You're giving us a few responsibilities. We greatly appreciate that.

I'll give the rest of my time to Ms. May, because she doesn't have any officially, and I want her to participate in the discussion.

[English]

The Chair: You have about a minute, Ms. May.

Ms. Elizabeth May: Thank you.

To pick up on the question of connectivity and access for more rural MPs, I wanted to go back to the key point that, in a pandemic, I've been very concerned that some members of Parliament really can't participate without having to self-isolate when they get home. I was trying to get to this point with the Speaker. Any MP, it seems to me, can travel within their own province to a place with a very good high-speed line with far less difficulty than travelling all the way to Ottawa during the pandemic. I wonder if this intermediate step of leaving home or the home office to go to another location for a very solid high-speed line is being looked at.

Mr. Charles Robert: If the decision is to allow the House or its members to connect remotely, I'm not sure there would be a requirement that you do it at your home or your office. The one matter that would come into play is the issue of multimedia access and security.

The Chair: Thank you very much. That's all the time we have.

Ms. Blaney, go ahead for six minutes, please.

Ms. Rachel Blaney: Thank you so much.

I appreciate, deeply, both of the presentations.

I would like to start off by asking this. We have several committees that have now been running for a couple of weeks. What were the most important lessons learned, just from doing committees, when you look at applying some of those practices to a virtual Parliament?

Mr. Charles Robert: Philippe may have something to add, but my guess would really be that this is a learning process. We need to develop experience, and we need to actually test the technology to see what works best. That's why I think the IT people are particularly keen to follow these developments and to try to build into the system that we have more effective technology that will allow the members to become more comfortable as they use it so they can perform their duties more than adequately but properly and with some satisfaction.

Ms. Rachel Blaney: Thank you.

As a person who comes from a more rural riding, I think that if we talk about this as a process that we could potentially slide into if we were required to, whether for a pandemic or for something else that was happening, one of the challenges would be Internet accessibility, and that depends on where I am. There are multiple airports in my riding, for example, that do not have good access to the Internet. I'm wondering whether, within this process, there will be an assessment done of which MPs could have problems or concerns with Internet accessibility. It certainly would make my constituents happy to have that officially on the record, because they live with this a lot more frequently than I do since I live in one of the bigger communities.

Mr. Charles Robert: It's my understanding that that's a concern for IT right now.

Ms. Rachel Blaney: All right. So we will be able to identify which ridings are having that concern.

Mr. Charles Robert: Absolutely.

Ms. Rachel Blaney: Okay. Can that come back to the committee?

Mr. Charles Robert: I suppose once we've collected the data, there would be no reason why we couldn't share it.

Ms. Rachel Blaney: Thank you. That would be really helpful.

I have another question. There are multiple platforms that deliver these types of services, so I'm wondering why we're using Zoom.

Mr. Charles Robert: I think there might be several reasons. Perhaps one is adaptability to security. The other thing is, for one, that it allows for the floor and two languages, and since we are obliged to be bilingual, we have to have three channels—English, French and floor.

Ms. Rachel Blaney: Was it the only application that would operate in that way?

Mr. Charles Robert: I know there are some that do not. I'm not sure if there are others besides Zoom that provide this capacity or capability.

• (1325)

Ms. Rachel Blaney: Thank you so much.

We've heard a lot about constitutional concerns. The one part that stuck with me is the need to have 20 sitting in the House to have quorum. There was discussion that there might be ways to do that electronically or virtually. I'm wondering if you could talk a bit about what constitutional concerns we as members should be worried about and what that could look like. Again, I'm going back to the part about having the ability to slide into this again if we need

to. I just want to be clear about how easy that transition would be or what challenges members would face in that area.

Mr. Charles Robert: I think that's really a question that Philippe would probably be better qualified to answer.

Ms. Rachel Blaney: Sure.

Mr. Philippe Dufresne: I would say that it's important that if this committee recommends this and the House decides to go in the direction of accepting virtual presence for the purposes of quorum, it would really require identifying how that's going to be done and how secure that's going to be, and making it clear that the decision was being made on the basis of the constitutional requirement for a quorum of 20. The House is putting in place mechanisms so that those present virtually or otherwise will be considered to be present for the purpose of that quorum. It would really be important to make that part of the House's procedural decisions and the way it is implementing the requirements of the Constitution.

Ms. Rachel Blaney: When we talk about the process of being able to slip into this, one of the things that have impacted me and my constituents the most has been the process of adapting to a very new reality. A lot of businesses have talked to me about planning ahead for this kind of event to happen again or something like that, so if we're talking about slipping into this system, I'm curious: What would be the method for doing that? I hope somebody can answer that. Would we have modified standing orders on the side that we could slip into? How would we make that decision? We've heard that when we change the Standing Orders, we want everybody to agree, so would there have to be a preliminary meeting at which all the members could be present?

I'm just trying to understand the process.

Mr. Charles Robert: I think that's really something the committee has an opportunity to look at. Within the narrow frame of your May 15 meeting, that might be a bit difficult, but the experience you are acquiring, even in preparing for this report, might give you some insight as to how this should be handled.

Today, in the motions that have been adopted by the House, the Speaker consults and the whips of the recognized parties have a role in determining how and when the House should come back. That, too, might provide some type of model.

It's not impossible to have, as a lay-aside, specific standing orders that would apply for a virtual environment that could kick in, and everyone would know what those standing orders are and how they would apply, as a reserve for when we go into a virtual environment; otherwise, we stick with the normal method of doing things that we are accustomed to.

Ms. Rachel Blaney: Right. Thank you so much.

The Chair: Thank you, Mr. Robert.

At this point, I want to check the pulse of the committee as to whether you'd want to get into the five-minute round of questioning. I know there was some desire to continue questioning, but we are left with only 30 minutes for committee business and we do need to get through our witness list and work plan.

Is there any feedback?

Mr. John Brassard: Madam Chair, I have a couple of questions I'd like to ask, if that's okay.

The Chair: Okay.

Mr. Mark Gerretsen: Madam Chair, I do as well.

Mr. Corey Tochor (Saskatoon—University, CPC): I would like to ask a question, too.

The Chair: All right. We'll carry into the five-minute round, and that's all we're going to have time for. That might leave us with 15 minutes for committee business. I am really hoping for some co-operation to get through the committee business as quickly as possible, because we don't have a lot of flexibility past two o'clock.

Monsieur Brassard, please carry on.

Mr. John Brassard: Thank you, Madam Chair.

I want to pick up on the theme that Mr. Robert just ended up on. We need to step back here and realize that what we are looking at is a temporary measure of a virtual Parliament. As Mr. Robert said, we can have some foresight as to what mechanisms kick in, or what circumstances kick in, on a virtual Parliament going forward. However, right now, as it stands, we are dealing with this issue at the height of a health crisis.

I'll remind all committee members as well that there are essential workers who are putting themselves on the front line every single day across this country. There is talk about reopening economies in every single province. There's talk about opening golf courses, for God's sake.

Mr. Dufresne, my question is in relation to what you said earlier about the Constitution, that it is a living tree and that it does adapt to modern life. How would the courts interpret "modern life" as it relates to the Constitution?

Again, I want to re-emphasize that, by all accounts, we are in a temporary health crisis that will subside at some point and we're going to get back to normal life. Therefore, what would the courts interpret as "modern life", and how would that be applied when it comes to changing the Constitution and the requirements of Parliament as you stated earlier?

• (1330)

Mr. Philippe Dufresne: Thank you, Mr. Brassard.

Changing the Constitution itself is an option. That is something that could be done, but it requires a decision of Parliament as a whole. If you change the Constitution, you amend it and you can say for greater certainty that virtual presence is considered presence. That's one option.

The other option, in terms of interpretation, is to say that the Constitution requires the presence of 20 members. Can virtual presence be acceptable by the House as presence for those purposes? Under a living-tree, modern interpretation, the argument would be that, in modern times, teleconference and video conference, these types of tools, are used and can be used to indicate one's presence and participation at a meeting. While that would not have been acceptable in the initial view of the Constitution, obviously in modern times it can be.

The other element that could be relevant is the presence of this emergency health crisis. There is also the point I made about interpreting the Constitution in a way that makes sense in terms of its internal architecture and the principle of democracy: Is it necessary for democracy to function and for the House to function during a pandemic to have some flexibility about how it operates? That would be something that would be relevant in that discussion.

Mr. John Brassard: What could happen here, Mr. Dufresne—and correct me if I'm wrong—is that we could effectively upend 800 years of parliamentary experience if a majority of a minority Parliament or a majority government decides that this is the direction we want to go in. A majority government gets elected; it has the most seats in the House, and it decides that it's going to determine—or the potential exists that it could decide—how Parliament is to function. Does that fall under this category? Or if, in a minority situation, a majority of the seats.... Using the current example, the Liberals, the Bloc and the NDP get together and say, "This is the way we're going to change it." Isn't it dangerous for our democracy that this type of power exists to change and upend 800 years of parliamentary democracy?

Mr. Philippe Dufresne: What I can say is that it is recognized as part of the long-standing legal and constitutional principles that the House is the master of its proceedings. Whether in a minority or a majority, the principle is there that the House can make those decisions. In terms of the Constitution itself, it can be amended by the House, the Senate and royal assent. Again, majority or minority is not going to be the determining factor. The question of whether it should be temporary or not temporary is for this committee and for the House to determine, as well as what is appropriate and what is not.

Mr. John Brassard: I would submit, again, to the members of the committee that we look at this as a temporary measure, as is our mandate, with an eye to the future in the event that these types of circumstances happen again. This is not to undermine 800 years of parliamentary democracy. This is to be able to work through this situation. I just bring that to the attention of the committee members.

Madam Chair, I cede the floor.

The Chair: Thank you so much. If we can shave off about 30 seconds from everyone, I think we'll be in good shape.

Mr. Gerretsen.

Mr. Mark Gerretsen: Thank you very much.

Mr. Robert, when you were commenting about a reduced amount of heckling during question period, I couldn't quite discern whether or not you thought that was a good thing or a bad thing. Did you want to clarify that?

• (1335)

Mr. Charles Robert: I think I would prefer to avoid answering that question.

Mr. Mark Gerretsen: Fair enough.

On the issue of jurisdictions and voting, let me take it back for a second. Mr. Brassard just concluded with talking about a parliamentary system that's 800 years old. My question from a legal perspective would be this: Did 800 years ago the system that we have just suddenly appear, and we've been using it the exact same way ever since then? Would you like to comment on that?

Mr. Charles Robert: The history really has been one of evolution. The very first Parliament was, in fact, only one chamber, largely the House of Lords. The House of Commons split off in the 13th or 14th century. Then we had an alternative, the Committee of the Whole, which was developed, I think, in the 17th century. Parliamentary privileges were anchored in Parliament by the end of the 17th century. Ministerial government came into being in the 18th century. The constitutional principle of responsible government came in towards the end of the 18th century and was confirmed through actions in the early 19th century.

Mr. Mark Gerretsen: Your indication here is that things are evolving over time. Should we expect that, on day one, when we have our first meeting that is done virtually, it will work seamlessly without error, and if it doesn't meet this incredible threshold that we've placed on ourselves that we should abandon it?

Mr. Charles Robert: No.

Mr. Mark Gerretsen: Should we be approaching it from the same position that, even in a virtual setting, things evolve as we get better at it?

Mr. Charles Robert: I like the idea that you would expect it, and we would certainly want to provide it, but, in fact, there will be glitches. We will try to accommodate them to make sure that the system improves and the satisfaction that you feel in the service that we are providing grows.

Mr. Mark Gerretsen: If, over time, we saw that something needed to be changed, just like all other parliamentary practices, would it be appropriate to be amending that stuff as we move forward?

Mr. Charles Robert: Sure.

Mr. Mark Gerretsen: My last question is about other jurisdictions and what you're familiar with from talking to clerks in other jurisdictions that have a Westminster parliamentary system. Can you give any information, even if it's anecdotal, about what other jurisdictions that use the same parliamentary system are doing during this time?

Mr. Charles Robert: For example, the National Assembly for Wales has started going into virtual sittings and they seem to be satisfied with the experience. It seems to be developing nicely.

Today in London, the idea of a hybrid model, having 50 members present and up to 120 members, I think, connected virtually, is being debated. It is expected to be adopted today and it will be implemented for the very first time tomorrow for the prime minister's question time.

Mr. Mark Gerretsen: We, by no means, are developing.... We would not be the first to go down this road.

Mr. Charles Robert: No. I think we're joining a stream of parliaments in various places that are trying to address this problem by the fact that all of us are confronted with the COVID-19 pandemic.

Mr. Mark Gerretsen: This will be my very last question and it's regarding Mr. Brassard's point that a minority or majority of parliamentarians could arbitrarily change the system.

Would it not be equally true that should another parliament be elected down the road it could change the system again to completely reverse it? Is that not entirely plausible as well?

It seemed as though it was presented, at least in a way to me, that we would change something after 800 years with absolutely no opportunity to go back, but the truth of the matter is that any parliament could make changes, as we see happen with legislation all the time. Is that not correct?

Mr. Charles Robert: Largely, yes. I think the real question becomes what the impact of reversal would be.

Mr. Mark Gerretsen: Okay. Thank you.

The Chair: Thank you so much.

Next up is Mr. Tochor.

Mr. Corey Tochor: Thanks, Madam Chair.

My first question is on the Zoom platform. I understand that you said that we could have rolled out a virtual parliament next month, mid-May, and instead, we're rushing ahead with using the current platform next week.

If we waited until next month, could other vendors provide some services to us that would be more secure or, what is more concerning for me, that wouldn't be routed through China such as the Zoom platform?

• (1340)

Mr. Charles Robert: I will speak based on my limited knowledge.

I don't think it's really a question of the platform. I think it's really a question of reaching out to the members and making sure they have the equipment that's necessary for them to actually participate.

For example, apparently not all members use P9, and so we have to make sure that members are capable of operating the system, being connected and being comfortable with participation through these virtual means.

Mr. Corey Tochor: Okay.

This is more of a legal question. We're governed somewhat under the British North America Act, 1867. Section 18 states:

The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada,

This is where it gets important, though:

but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain

I would say that if we are not to be passed along greater privileges than the House of Commons in the United Kingdom, isn't this exactly that? They are sending in a skeleton crew to sit in their House of Commons, or Westminster, and they have the option for the other members to teleconference in. Our privileges would be greater than theirs. How would you square that?

Mr. Philippe Dufresne: The privilege at issue is the same as the one that was in the U.K., which is the control over the proceedings of Parliament. It is the ability of the House to make determinations about how it's going to operate and how its procedures and usages will evolve with time.

In this respect, the privilege is the same one. It's the exercise of it, how it's being exercised, how different assemblies are choosing to adopt different procedures. That doesn't have to be the same, but what is the same is the autonomy for those decisions that will be respected by the courts.

Mr. Corey Tochor: But the exercise is different. It meets the threshold of the skeleton crew, so that the virtual could take place. Aren't we somewhat still governed—and I know we are—by some of the same conveyances that the British House of Commons is governed by?

Mr. Philippe Dufresne: My interpretation of privilege is that both the House of Commons here in Canada and in the U.K. have the ability to control parliamentary proceedings and adopt rules. It doesn't say that Canada's House of Commons has to have the same procedural practices and rules as the U.K. House has. They are independent entities.

Mr. Corey Tochor: We can operate differently, but we can't have greater privileges than a member from the United Kingdom, correct? That is as stated in the British North America Act.

Mr. Philippe Dufresne: Excuse me, could you repeat that, please?

Mr. Corey Tochor: As stated in the British North America Act, we are not to have more privileges or greater privileges than the United Kingdom. Is that correct?

Mr. Philippe Dufresne: That is correct, but privilege also has its origin in the preamble of the Constitution. The Supreme Court has recognized...and there is the legislative codification of privilege that talks about those privileges that existed in the U.K. in 1867 and so on. However, there are also the inherent privileges from the preamble of the Constitution, and those are based on necessity, what's needed for parliaments and houses to operate.

At the core of that is control over proceedings in Parliament and internal proceedings. There is no question about the the existence of that privilege and that autonomy for the House to make its own determinations about how it's going to operate within the confines of other provisions of the Constitution.

The Chair: Thank you for that.

We will go to Mr. Turnbull. He his is going to be the last questioner. Then we will move on to committee business.

• (1345)

Mr. Ryan Turnbull: Thanks, Madam Chair. I'll try to be quick.

Mr. Dufresne, I'm going to jump right in and ask you a quick question.

Based on what you've outlined in your remarks, I want to see if my interpretation is correct. Is there anything preventing us, legally or constitutionally, from operating virtually at this time?

Mr. Philippe Dufresne: The only constraint on that is section 48 of the Constitution, which talks about a quorum of 20 members for the exercise of the House's powers. The most likely area where that could be raised in court is the adoption of legislation. However, there is significant leeway in terms of parliamentary privilege, and, as I've put forward, my interpretation is that this provision could withstand the acceptance by the House of virtual presence, but that has not yet been fully determined in court.

Mr. Ryan Turnbull: You outlined two options. One would be to amend section 48 of the Constitution Act. The other, which is probably preferred by many for numerous reasons, is to have a separate piece of legislation that would be voted on and would give an interpretation of "presence" as "virtual presence". Do you see any challenges in moving forward with that?

Mr. Philippe Dufresne: If you have 20 members physically present in the chamber, there's no question.

If section 48 of the Constitution is amended, there is no question.

If you adopt standing orders or other instruments from the House to say that in the implementation of section 48, the House is deciding to accept virtual presence, in my view, that should be upheld as a matter of parliamentary privilege and as a legitimate interpretation of section 48 of the Constitution, but that has not been fully determined yet.

Mr. Ryan Turnbull: Thank you for the answer. I appreciate that.

We talked about parliamentary privilege being a foundation, and it's obviously extremely important to all of us. We place a high value on that. Many of the concerns outlined as to what the challenges might be with implementing a virtual parliament point to some of the areas where those privileges may be infringed upon.

Do infringements on parliamentary privilege not happen all of the time within our normal physical meetings in the House of Commons? I wonder if you could list a few examples of those. Perhaps, Mr. Robert, this would be a question more geared toward you.

Mr. Charles Robert: In terms of parliamentary privilege, they are generally respected. Much may depend on the member's particular views about what is actually privilege and what deserves to be treated that way. That is where there is a lot of flexibility.

Mr. Ryan Turnbull: We certainly would experience some technological challenges and the issues people have raised are certainly important to overcome. I'm wondering whether those would be considered undue impediments to that parliamentary privilege or whether that context would be taken into consideration when implementing a major shift in our practices like this at this time, which is clearly required due to the health crisis we're in.

Mr. Charles Robert: I think that's a very good question, and it speaks to the challenge that we're facing. We want to guarantee our health safety. We are exploring this as an option for how we might behave. Issues of connectivity in such a vast country with three time zones creates its own set of challenges, and they have to be met.

I think that's one of the reasons why so far we have talked about a gradual approach. I think it's also why the Speaker may have signalled in his comments that there's also a need to be a bit patient and understanding about how we implement and integrate this technology so it becomes an element with which we are comfortable.

Mr. Brassard rightly points out that the work of this committee really is limited to the circumstances of this pandemic, and you have a reporting date by May 15, so the issues of privilege may not be finally resolved by the time you are able to prepare a report for submission to the House.

• (1350)

The Chair: Thank you so much.

That ends our time for our witnesses and for the members' questioning. I'd like to thank all three of our witnesses for appearing before committee. Also, thank you very much for offering to appear from time to time and for answering the committee's questions, whether it be verbally or through writing. We will appreciate that help.

I think we should move on into committee business. We have very little time left.

First of all, we need to formally adopt a witness list. The members have been provided a consolidated list by party and a second document, as well, with a list that's been scheduled into thematic panels. That is what we had agreed on in meeting one of this issue, that we would group our witnesses thematically. I think that was a very helpful suggestion, because it helped the clerk and me to group some of the witnesses together.

I wanted to see if we have agreement for the most part on the witnesses that we have before us and the working plan that we have.

Mr. Blake Richards: Madam Chair, I have a couple of observations on these. It's the meeting for this Thursday that I'm referring to, first of all.

The Chair: It's on the 23rd, yes.

Mr. Blake Richards: I note that we have one witness on the first panel; and on the second we have five and some fairly significant witnesses all grouped onto one panel, not that I'm necessarily saying the other witness isn't fairly significant.

We might want to look at shortening the time for the first panel and lengthening the time for the second panel; maybe an hour for the first and two hours for the second, rather than the typical, just because of the difference in size of the panels. If there are questions for the five witnesses on the second panel they'll be short-changed in the ability for the questions to be asked and answered.

The other thing I would note is that we have the House administration folks scheduled again on the 30th, immediately following

another panel. Why wouldn't we move them to the 5th at the very end of the witnesses? A number of witnesses, I have noticed, have not.... I guess maybe you or the clerk could update us to some degree. Maybe some of them have declined; I don't know.

I know there were a few witnesses who I thought would be quite valuable, and I know a number of other members felt the same way. One would be Audrey O'Brien. Another would be one of the former law clerks, either Rob Walsh or Joseph Maingot. Obviously, we've heard the advice of those who know the current rules, but it would be good to get another perspective, particularly in light of the fact that what we heard today was a bit of a.... The law clerk obviously gave his opinion, but then indicated that he thought maybe others could arrive at a different conclusion. That was the impression I got from his testimony. It might be interesting to get a different perspective. Those would be a couple.

Then there were a couple of others who I know we were fairly keen on being able to hear from: Citizen Lab at the U of T and the Communications Security Establishment.

Possibly we could squeeze in some more witnesses by looking at moving those officials to the 5th, where it would probably be more appropriate anyway.

Those are two observations I hope we can address.

The Chair: Absolutely, Mr. Richards. Can you tell me which witness you're talking about from U of T?

Mr. Blake Richards: Yes, it's Citizen Lab. I'm just trying to find it on this list for you. I believe it was on our list that we submitted.

• (1355)

The Chair: Okay, no problem. I'm going to write it down.

Mr. Blake Richards: I'm sure it's on there somewhere. I can't locate it at the present time either but it was on our list, I believe.

The Clerk of the Committee (Mr. Justin Vaive): The full list with all the names that were received by the different parties was on the first document that was provided in the email, the consolidated list.

The document, Mr. Richards—correct me if I'm wrong—that you're working off is the one that breaks down some of the witnesses into panels. Not all the witnesses were slotted into each of the panel sessions for the meetings. It's in the interest of keeping panels at a manageable size for the most part.

Absolutely, though, if there are any substitutes, changes or additions that any member would like to make to the panel from the consolidated lists, as long as we're keeping the panels around four, five, maximum six, that's completely okay. It's up to the committee to decide.

Mr. Blake Richards: Sure, and that was one of the reasons for my suggestion that we move the administration officials from the second half of the 30th to the 5th. That way we would have time for another panel, so we could add additional witnesses on the 30th.

The Chair: I do see the witness you're talking about on the witness list, Mr. Richards: Citizen Lab. I've made a note of that, and we'll do our best to fit them in and also to make some of your changes that you've suggested after we hear from the rest of the committee members.

Mr. Blake Richards: To be clear, the other witnesses I mentioned, the former clerk and the former law clerks, would be a priority over the latter two, from my perspective. However, it would be good if we could have them all. I do see that we have some fairly large panels. It's why I'm suggesting we should allow that second half of the 30th for additional witnesses rather than the House officials, who could come on the 5th, obviously.

The Chair: Thank you for that. I have marked all of them off and made note of your suggestion of shifting the dates.

I did want to point out one thing that hasn't made it onto these lists yet. Because we are keeping the panels thematic, the House panel, which is the first portion—and we can get back to the suggestion you've made of the length of that first panel—may have more than just that one witness on it. We have reached out to occupational health and safety within the House of Commons as well. Considering we have so many other administrative officials in different categories, it seemed only appropriate to also bring the administrative officials for health-related reasons into that panel. So that panel may not be just one witness. I was told that I could suggest a witness, so, after discussing it with the clerk, that seemed like an appropriate witness to put into that thematic panel, occupational health and safety for the House administration. That may be the second witness.

I believe there are a few other people who would like to speak at this time.

Ryan Turnbull, please.

Mr. Ryan Turnbull: Madam Chair, I just wanted to support the suggestion of that public health panel. I'd like to make several suggestions for names for that panel. One is the president of the Public Health Agency of Canada, Tina Namiesniowski—oh, my gosh, I really did a bad job of pronouncing that last name, so my apologies. Others are Howard Njoo, the deputy chief public health officer, and Stephen Lucas, the deputy minister of health. I was thinking maybe of possibly, if others support this, considering having one of the previous chief public health officers, Dr. Gregory Taylor or Dr. David Butler-Jones, on that panel.

The Chair: Ms. Blaney.

Ms. Rachel Blaney: Madam Chair, I just have a couple of questions.

First of all, the first couple of panels are three-hour sessions. Following on what Mr. Richards was asking about, the length of those panels and whether we were going to have conversations about how to break them up, I notice that on April 28 and after, it's only two hours. I'm wondering where we are on that. Is that something that we're still discussing? The more people we can see the better with this short timeline that we have.

I also agree that if we could bring in the officials who were with us today on the 5th, it would give us more time to have the other folks there.

Those are my comments. I'm wondering very specifically about what the two panels are going to look like in a three-hour session, and if we have to go down to two hours on the 28th because there is some sort of reason from the House.

• (1400)

The Clerk: Madam Chair, I have some information about that.

At this point, I don't have confirmation beyond this week that we would have access to three-hour virtual committee meetings for next week or the subsequent weeks. As of right now, the default is the two-hour meetings. The House administration is aware we would like to go for three hours. They're still trying to work that out, but I haven't had confirmation as of yet if that is possible.

The Chair: Thank you.

Ms. Blaney, the way it is set up right now for the three-hour meetings, each would be set up into 90-minute panels, but we're discussing that for the first meeting right now.

I want to remind you to raise your hand if you'd like to add anything on the 90-minute panels. There has been some suggestion on the timing for Thursday's meeting. I guess that's what I'm immediately concerned about, because it's the very next meeting we're going to have right after this one and I want to be well prepared for it. Should the panels be kept to 90 minutes each, or should there be some adjustment made for the health panel to be shortened and the subsequent panel to be lengthened?

Mr. Brassard.

Mr. John Brassard: Madam Chair, I want to make sure that as we approach the end of our meetings, the last meeting, that we do save a time slot for Mr. Robert and the Speaker. They indicated today that they would be willing to come back. I think it's important that, given the information we're going to hear over the next couple of weeks, they do come back to answer any questions we might have for them on that information.

The Chair: Ginette, please.

Hon. Ginette Petitpas Taylor: This is with respect to the time slots for the two panels.

Since we'll be adding some more public health officials to that list and there won't be only one speaker there, I truly believe we should keep to our hour and a half per panel. I think there will be a lot of good discussion and there will be a lot of questions that we'll have to ask those experts as well.

The Clerk: Madam Chair, may I just interrupt?

The Chair: Please, go ahead.

The Clerk: Mr. Turnbull, perhaps you could pass on to us those additional new names that we weren't aware of.

The meeting that we're talking about is 48 hours from now, or even a bit less than that, so there may be some significant difficulties in trying to secure those people for that first panel on Thursday, beyond the witnesses we have already secured. The chair has mentioned that health and safety officials from the House of Commons could be made available for that meeting. That is something they've indicated to me. We could add, theoretically, those additional people for Thursday.

With regard to many additional people other than that, since no outreach at all has been made to them, we can make best efforts, but it may be difficult to secure them in a very short period of time before the next meeting.

The Chair: Thank you, Justin. We really appreciate that feedback.

We will do the best job possible to try to have a balanced panel, but it may be, as we see right now, two witnesses on the first panel and four to five on the second panel for 90 minutes each. That's where we stand right now.

As for the rest of the work plan, I've taken note of both Ms. Blaney's and Mr. Richards' comments about having the clerks back and the witness suggestions for the fifth, so we'll arrange that accordingly. There's Citizen Lab, of course O'Brien, and the former law clerk as well; we'll try to adjust it somewhere.

• (1405)

The Clerk: Madam Chair, perhaps I could confirm this one last time.

In panel one on April 23, we'd be talking about public health. In panel two on April 23, it would be legal, constitutional and procedural.

On April 28 we would be looking at a panel with the theme of Internet connection, challenges and Internet security. In panel two on April 28, it would be video conferencing platforms and feasibility.

On April 30 we would be able to look at other jurisdictions. If there is a necessity to add extra panellists—for example, I'm trying to secure additional former clerks of the House and former law clerks—we could possibly slot them in on that date.

May 5 would be reserved for House of Commons officials returning, for example, the Speaker, the Clerk, and other House administration officials more from an IT perspective.

Is that everybody's understanding?

The Chair: Mr. Richards, do you have any feedback on that?

Mr. Blake Richards: Yes. I just want to clarify one thought with regard to the Thursday meeting.

If we end up having only one or two for that first panel, I would argue that probably, given that there will be five on the second panel, we should still look at one hour versus two hours just because of the size of the panel. Now, if we end up having four or five witnesses in the first panel, then I can understand how leaving it as it is would make sense. Otherwise, I would still argue that we would want to shorten it if we were going to have more than twice as many witnesses on the second panel.

Could you repeat the plans for April 30 and May 5? I'm not sure I quite caught it all.

The Chair: Justin, could you repeat that, please.

The Clerk: On April 30 we would have the foreign jurisdictions. Suggestions were made about the U.K. and Scottish parliaments, etc. We could also look to supplement the second panel for that meeting with some of the additional former clerks of the House and former law clerks who weren't able to fit into the second panel on April 23. The second panel on April 23 is already up to five people.

Mr. Blake Richards: Okay, outside of the one clarification that I just made, it sounds good to me.

The Chair: Ms. Blaney.

Ms. Rachel Blaney: I'm not mastering the unmute button as well as I would like.

I'm okay with that, but I want to let everyone know that I have had word from some of my team that ParIVU is just audio. There is no video. I just want to bring that to our attention and find out when that's going to be fixed.

Otherwise, I appreciate very much the clerk's update on the schedule. I agree that if there is a smaller number rather than a larger number on Thursday, maybe we'll have the time and have some flexibility in that area, because we want to get those good questions asked, and a smaller group doesn't need to talk as long.

Thank you for that.

The Chair: Thank you, Ms. Blaney.

You can also use your space bar to unmute if it is for a short intervention. Just hold down your space bar. That makes the process a lot quicker than clicking on mute by moving your mouse around.

Mr. Gerretsen, you're next.

Mr. Mark Gerretsen: It's like using a walkie-talkie, just the way you're holding it.

The Chair: Yes, it's exactly like a walkie-talkie. That was in the instructions at the beginning of the meeting today.

Mr. Mark Gerretsen: When we talk about the number of people that are on each panel, I think we should be focusing on the subject matter of the panel as opposed to numbers of people and distributing numbers of people by panel. If one panel is on one issue, we should focus on putting on the people who are relevant to that panel as opposed to just trying to split it up purely on numbers.

I'll just throw that out there. That's what I think we are doing, but it's important to do that.

The Chair: Okay, thank you.

We have received good feedback from everybody. We all seem to be on the same page and have a good understanding of what the study is going to look like and the number of witnesses that we are going to have. I also have appreciated your feedback, and we're going to try as much as possible to make the adjustments that were spoken about today.

Is there anything else that you would like to ask, Justin?

• (1410)

The Clerk: No, I'm good. Thank you, Madam Chair.

The Chair: Yes, Mr. Turnbull.

Mr. Ryan Turnbull: Madam Chair, I have one point. I'm sorry to prevent the end of our meeting here.

I know that we got an email earlier in the week, I believe, that listed four individuals who represent different technological solutions, and I don't see them. Maybe I'm missing it and my apologies if I am; if this is my mistake, I apologize. Just to clarify, are they on the list? I'm looking at panel two on April 28, and I don't see them included. I think that's where they fit, but I'm also not 100% sure that's where they are intended to be.

There are the names of four individuals that were sent to everybody. They seem like good suggestions, but they're not in the work plan.

The Chair: Do you have the consolidated list in front of you as well? Maybe you can point them out to me by name.

Mr. Ryan Turnbull: I have the names here. They are Peter Hart, Joel Rothstein, Matthew Schrader, U.S. Congressman Jamie Raskin, and Michael Doucet.

The Clerk: Madam Chair, I could provide some information about that.

The Chair: I don't have them on the consolidated list.

The Clerk: Madam Chair, what's on the consolidated list is only the suggestions that were provided by the members of the committee. In every study, it does occur that members of the public also suggest themselves to be called as witnesses for the committee. The email that Mr. Turnbull is referring to that was distributed to the full committee was distributed to the full members of the committee.

The consolidated witness list that we are talking about is very much the consolidated witness list of the members of this committee who proactively provided me with names by the deadline last Friday.

The Chair: Correct. There have been people proactively reaching out, and there also was one PR firm that was making suggestions. We sent that out to everybody so that everybody could be aware of what suggestions were coming to us, and this was just to be transparent about what we were seeing.

Mr. Ryan Turnbull: Madam Chair, could I ask for some clarification, then?

The Chair: Yes.

Mr. Ryan Turnbull: If I want to suggest that some of these individuals be included in that panel, should I just send an email to the clerk? Would that make sense, or do we need to agree here?

The Chair: No. I mean, everyone submitted their names of witnesses themselves. We didn't fully vet each other's witnesses in that way, so I don't think there needs to be full agreement in that sense, but the clerk can correct me if I'm wrong. However, we do have quite full panels, so the only thing I would warn about is that if anything is suggested, it should fit well with the theme of that panel that day. In the interest of things going smoothly, I think that perhaps keeping it to at least five as the maximum number would be preferred.

Mr. Ryan Turnbull: That's fair. That panel, I think, has four currently. I know that some of the individuals were representatives of other virtual platforms that we might want to consider. There's Adobe, and I think the other one listed here is called Markup. I don't know all of the ins and outs of those platforms, but I think it would be useful to hear from those options as potential solutions.

The Chair: Yes, please send your top choice over, and we'll try to fit it in where there's space on the panel that you just mentioned.

Mr. Blake Richards: Madam Chair, just on that point, I think it was a lobbyist who sent over some suggestions of people who would like to hawk their products. I do see.... Mr. Turnbull is not incorrect; there are a couple of others that look to be doing the same, that already exist on the witness list. If they can't all be accommodated, perhaps it could be suggested to them that they simply send a brief that would give their pitch as to why their product would be useful. That could be another alternative.

• (1415)

The Chair: That's a good suggestion. I definitely think that will allow any witness.... Maybe we can have some feedback from the clerk. In previous committees and studies, we've allowed most witnesses to make a submission in writing if they cannot appear or if we cannot accommodate them.

Justin, do you have any comments on that?

The Clerk: Yes, I can confirm that anybody can submit a written brief to the committee. Any potential witness that cannot be accommodated as a witness before the committee always does have that option to submit a brief or submission to the committee to acquaint the committee with whatever thoughts he or she may have on the study that's currently before the committee.

The Chair: Okay, excellent.

If there are no other interventions at this time, I believe we can call this meeting to an end. Thank you so much for participating today and for all your great questions.

Take care. See you on Thursday.

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