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Chair: Mr. Ron McKinnon



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• (1125)

[English]

The Chair (Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.)): I call this meeting to order.

Welcome to meeting number six of the House of Commons Standing Committee on Health.

The committee is meeting today to discuss a work plan for our study on Patented Medicine Prices Review Board guidelines, following the motion adopted by the committee on Monday, October 26.

Today's meeting is taking place in a hybrid format. I would like to start the meeting by providing you with some information following the motion that was adopted in the House on Wednesday, September 23, 2020.

The committee is now sitting in a hybrid format, meaning that members can participate either in person or by video conference. All members, regardless of their method of participation, will be counted for the purpose of quorum. The committee's power to sit is, however, limited by the priority use of House resources, which is determined by the whips. All questions must be decided by a recorded vote, unless the committee disposes of them with unanimous consent or on division. Finally, the committee may deliberate in camera, providing that it takes into account the potential risks to confidentiality inherent to such deliberations with remote participants.

The proceedings will be made available via the House of Commons website. Be aware that the webcast will always show the person speaking, rather than the entirety of the committee.

To ensure an orderly meeting, I would like to outline a few rules to follow.

For those participating virtually, members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of either “floor”, “English” or “French”.

Before speaking, click on the microphone icon to active your own mike. When you are done speaking, please put your mike on mute to minimize any interference.

I remind participants that all comments by members and witnesses should be addressed through the chair.

Should members need to request the floor outside 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, you should use the “raise hand” function. This will signal to the chair your interest to speak and create a speakers list. In order to do so, you should click on “Participants” at the bottom of the screen. When the list pops up, you will see next to your name that you can click “raise hand”.

When speaking, please speak slowly and clearly.

Unless there are exceptional circumstances, the use of headsets with a boom microphone is mandatory for everyone participating remotely.

Should any technical challenges arise, please advise the chair. Please note that we may then need to suspend for a few minutes, as we need to ensure all members are able to participate fully.

For those participating in person, proceed as you usually would when the whole committee is meeting in person in a committee room. Keep in mind the directives from the Board of Internal Economy regarding masking and health protocols.

Should you wish to get my attention, signal me with a hand gesture, or at an appropriate time, call out my name.

Should you wish to raise a point of order, wait for an appropriate time and indicate to me clearly that you wish to raise a point of order.

With regard to a speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person. To be fair to all committee members, the list of speakers will only be activated once the meeting has officially started and not on admission to the room.

• (1130)

Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC): I have a point of order, Chair. What's the delay right now? We're half an hour into this meeting.

The Chair: Yes, you're correct. The audio is not getting to the staff members. We're just checking....

Hon. Michelle Rempel Garner: The clerk needs to shut the audio off, please, of whoever is talking, and they can watch on ParIVu, because we've wasted half an hour this morning. We have business to attend to, please.

The Chair: Yes, I understand.

The Clerk of the Committee (Mr. Jean-François Pagé): We're all good.

The Chair: Thank you very much.

Before I get to your points of order, I want to mention that we're meeting today for the PMPRB. I should point out that on Friday we have the minister and officials scheduled for two hours. That will be televised. I'm hopeful that we can get squared away on a PMPRB study today so that we could start next week.

The analysts have indicated that in order for us to do a study and do a report, if we can get our meetings done and get instructions to them by the December 11, they'll be able to do a report that we can consider once we come back after the break.

It would be extremely difficult to get a report tabled by December 11. It is possible, but it would require a great deal of effort on behalf of the analysts, and it would restrict what we could table in the report.

In any case, if we can get squared away on the witnesses or the work plan for the PMPRB study, I would propose that we would have the first meeting next Monday, and possibly a second meeting on Tuesday. If we could do two weeks on PMPRB, it would give us time to get squared away on our House study. Hopefully at some point today we can move on to that and get that organized as well.

Now, I believe Monsieur Thériault has raised his hand on a point of order.

Monsieur Thériault, please go ahead.

[Translation]

Mr. Luc Thériault: Mr. Chair, there have been some audio problems that have affected my ability to vote. At times, I do not hear the clerk make the call, because I listen to him through the interpretation and the sound level is too low when he asks me to vote.

In addition, there is a delay before I hear the interpretation. I think I am the only one who needs the interpretation when the time comes to vote. I checked in chapter 20 of the *House of Commons Procedure and Practice* and I feel that our committee is the only one that works as we are currently doing in terms of voting. It seems that there is an inherent delay that is preventing me from hearing properly and being ready when the call to vote is made. I am humbly making you aware of this problem with the interpretation.

In addition, it clearly asks that the names of members be read in alphabetical order and by political affiliation. But according to tradition, the majority opposition parties come first and then the minority parties. That's what we did before this session anyway. I would ask that we return to a voting order by majority party; it would solve my problem with the delay in the interpretation, and would put us in line with all the other standing committees of the House.

• (1135)

[English]

The Chair: Thank you, Mr. Thériault.

What we can do right now when doing a vote is to make sure to wait a few seconds before calling the vote. That will resolve some of your problem.

In regard to the process in general, I think that you, the clerk and I should meet off-line to see if we can find a way forward on this. Would that be acceptable?

[Translation]

Mr. Luc Thériault: Mr. Chair, we could vote on the motion right away.

[English]

The Chair: It's not a motion.

[Translation]

Mr. Luc Thériault: Based on the *House of Commons Procedure and Practice*, I am asking us to go back to the parliamentary tradition that involves calling for the vote by majority parties. The names of the members of the parliamentary groups are read in alphabetical order starting with the opposition. The minority parties then follow.

We could vote on it and it would be settled.

[English]

The Chair: It's not actually a motion. You're speaking on a point of order. You can't move a motion on a point of order.

This comes from page 1063 of—

[Translation]

Mr. Luc Thériault: Mr. Chair, if I can't introduce a motion, I want that rule applied, starting today.

I appeal to the clerk for an interpretation. It's on page 1063 of the *House of Commons Procedure and Practice*, third edition.

[English]

The Chair: Mr. Clerk, perhaps you'd like to respond.

[Translation]

The Clerk: The text is actually clear, but is not really up to me to decide. It would be up to the committee or to the Chair—

Mr. Luc Thériault: I can't hear a thing.

The Clerk: I can certainly give you my interpretation of the text, but ultimately, it would be up to the committee or to the Chair to decide. I am not going to be deciding on the voting order.

You will understand that I will abide by the rule as decided by the committee.

Mr. Luc Thériault: However, my argument is as follows. All the committees function in another way and proceed in alphabetical order within each parliamentary group. By tradition, we start with the opposition party and then the majority party and the minority parties.

If it works that way in all committees, and if it has worked that way for us previously, why are we doing something different today? Is it just that we are interpreting the rule poorly?

[*English*]

Mr. Mike Kelloway (Cape Breton—Canso, Lib.): I have a point of order, Mr. Chair.

The Chair: Is it on the same point of order?

Mr. Mike Kelloway: Yes. I have been reading the green book. Is it not your interpretation as the chair on this one?

The Chair: I guess that's a fair assessment.

My interpretation in reading the green book is that it is by alphabetical order and by party. I interpreted that to be by alphabetical order and by party as well.

I'm happy to take this issue under advisement. I'll have a talk with the clerk and Mr. Thériault to see if we can resolve it off-line.

Thank you, Mr. Thériault, for your point.

We will go now to Ms. Rempel Garner. Do you have a point of order?

• (1140)

Hon. Michelle Rempel Garner: No, Mr. Chair. I would like to move a motion.

The Chair: I'm dealing with points of order at this point.

Mr. Davies, do you have a point of order—

Hon. Michelle Rempel Garner: No, I was on the speakers list. That's why I had my hand up. If somebody has a point of order, they say, "point of order". I had my hand up to be on the speakers list.

The Chair: I don't see anybody else interested in a point of order at this point, so go ahead.

Hon. Michelle Rempel Garner: Thank you, Mr. Chair.

I put a motion on notice, Mr. Chair, with regard to the order that was referred to our committee by the House of Commons. It is in regard to the process for document redaction.

I know there was some interest in potentially having the law clerk appear before our committee to go through whether there are adequate resources, etc.

For discussion, I move:

That in relation to the study referred to the Committee by the House on October 26, 2020, the committee hold a meeting on or no later than—

—and I'm flexible on the date; we could say, "within the next week"—

in which the committee would invite the Law Clerk to appear for one hour in camera, and hold one hour of committees business.

Again, I'm open to amendment of that motion, but I know there was some interest from committee members on ensuring adequate resourcing of the law clerk prior to the end of the document order period that was in the motion that was referred from the House.

Mr. Mike Kelloway: I have a point of information, Mr. Chair.

The Chair: Go ahead.

Mr. Mike Kelloway: Through you to MP Rempel, I'm wondering what the rationale is for having one hour in camera and one hour in public. I'm curious. Would she be able to respond to that question?

Hon. Michelle Rempel Garner: Chair, may I respond?

The Chair: Yes, go ahead.

Hon. Michelle Rempel Garner: I think when I put the notice of motion forward, we still didn't have a timeline for when we were putting the COVID study plan together. If that's something we're doing today, again, I'm open to amendment of the motion. It doesn't have to be that way.

If colleagues would like to have an opportunity to have the law clerk here—because I know there were a lot of questions about the process for redaction and if there is adequate resourcing for that to happen within the time period—I'm proposing that we invite him here as a point of business on the House order.

That's all. It's open to amendment.

Mr. Marcus Powlowski (Thunder Bay—Rainy River, Lib.): I have a point of information at this point.

Are you open to the possibility of not having this meeting—

The Chair: Speak through the chair, please.

Mr. Marcus Powlowski: Sorry. Is the opposition in favour of the possibility of amending that motion to allow it to not be in camera?

Hon. Michelle Rempel Garner: Again, Chair, I'm fine. When I put the notice of motion forward, I think it was because we had no direction on when we were going to be doing committee business and that sort of thing.

Again, this is something I understood that other committee members were looking for, so I would like to get that done ASAP.

The Chair: As moved, it requires us to meet in camera. It would require unanimous consent to pass this motion, because our routine motions require unanimous consent to sit in camera for other than those three specific cases.

If someone could—

Mr. Marcus Powlowski: Can we give a motion to amend it, then, so it's not in camera?

The Chair: Are you making such a motion?

Mr. Marcus Powlowski: Yes.

The Chair: Okay.

We have a motion by Ms. Rempel to call the law clerk to speak to us in the near future, which was amended by Dr. Powlowski to remove the in camera aspects. Is that clear to everyone?

• (1145)

[*Translation*]

Mr. Luc Thériault: Mr. Chair, I don't know how you are managing the speaking list and the raised hands, but mine has been raised since the beginning. As you suggested, I set my microphone so that it would no longer be on mute and the symbol indicating that my hand was raised has disappeared. I would like to be able to express my point of view on the matter we are discussing.

I don't know how you are managing the speaking list, but, as I said before, there seems to be a problem. I like my friend Mr. Powlowski a lot but I don't think his hand was up. First, I would like the priority of raised hands to be followed. Second, with regard to the motion adopted in the House, there was—

[*English*]

The Chair: I take your point, and I apologize. We will withdraw Marcus's intervention at this point.

On my list, I have Mr. Davies, Mr. Fisher and Mr. Van Bynen, followed by Mr. Thériault. We will go back to that list.

This is on the motion as unamended.

Mr. Davies, go ahead.

Mr. Don Davies (Vancouver Kingsway, NDP): Thank you, Mr. Chair.

I want to be clear. I will speak to this motion, but I don't want to lose my spot. I was next on the speakers list on a different issue, so I just want to make that clear.

Quite frankly, I don't understand why we're calling the law clerk at all. The law clerk has been designated by a House motion to redact documents that come before this committee on at least four specific grounds—three, really, and then a fourth one on a particular aspect of the House motion. One of the reasons I supported the idea of the law clerk doing that is that the law clerk, I think, is an objective officer of the House, as opposed to someone in the ministry or someone attached to the minister's office or someone who could be directed by government.

To me, it compromises the law clerk's objectivity to call the law clerk before this committee to be questioned about how or when or why he or his office is going to be doing the redacting. I would imagine the law clerk would contact our committee if he has any issues with that.

I also note that the motion speaks to a time period. He has to have the documents to us, redacted, by November 30. There is, if my memory serves me correctly, an opportunity for him to ask for an additional seven days, and that's it. I expect documents to be received by this committee in redacted form, according to the motion passed by the House, by November 30, or at the latest by December 6 or 7.

I'm concerned about politicizing the act of redacting. To put the law clerk before us and to have Liberals, Conservatives, the NDP and the Bloc question him on how he's going to be redacting is inappropriate. Those are my feelings. If the law clerk is going to come before committee, if it is the will of this committee to call him, then I absolutely think he should be conducting the testimony

in public, but I could be persuaded otherwise. However, if a motion is going to be made to have the law clerk appear in public, not in camera, I would support that.

At this point I'm not sure what we gain by or what the purpose is of having the law clerk appear before committee while he is supposed to be redacting documents.

The Chair: Thank you, Mr. Davies.

Mr. Van Bynen, go ahead.

Mr. Tony Van Bynen (Newmarket—Aurora, Lib.): It would be helpful for me to gain a better understanding, but my concern was largely around the fact that there is another process also involved in redacting documents, and that's the ATIP process as well. If we were going to have the law clerk outline how they would approach the redacting, then I think we should also have members who would be responsible for the ATIP process as well.

All in, I agree with Mr. Davies. It might well be best not to engage the law clerk at this point and to let him go through his process. If there are any questions of clarification following that individual's due diligence, then that might be the time to have that conversation.

• (1150)

The Chair: Thank you, Mr. Van Bynen.

[*Translation*]

Mr. Thériault, you have the floor.

Mr. Luc Thériault: Mr. Chair, I am a little ambivalent. On the one hand, it seems to me that Mr. Davies' arguments could convince me more to hear from the law clerk in camera to avoid the perception that parliamentarians would be exerting undue pressure.

On the other hand, there were allegations about the motion voted on in the House. According to some, the motion could harm research, contracts and the development of a vaccine. Under those conditions, I believed that it was possible to establish benchmarks indicating the point to which we could go in our questioning, in our future study and in our way of working on this motion in public. I thought we would have some guidance in that regard, and that is one of the reasons why I wanted to see the law clerk. There was quite a strong collective reaction and it has gained ground recently. I am also sensitive to that.

Our position was that there was no problem. However, in the event that we were to cross a certain line in our work, which should be open to the public, it would be helpful for us to have benchmarks. I also believed that the law clerk would set those benchmarks along the path. If I am mistaken, just tell me.

[*English*]

The Chair: Thank you, Mr. Thériault.

We have Mr. Davies on the list again. Is that a residual question, or is that a new...?

Mr. Don Davies: No, briefly, Mr. Chair, I have two things.

One is in respect to Mr. Van Bynen's comment. There are no ATIP criteria engaged by this. The House passed a motion that specified the grounds of redaction.

In the Access to Information Act, there are somewhere in the neighbourhood of 15 different criteria for redaction. The House did not adopt the ATIP criteria. It specified the grounds for redaction to the clerk, so that point should be clear.

Two, with respect to Mr. Thériault's points, in my opinion the guidelines had been given to the clerk by the House. It's not within the jurisdiction of the health committee to refine, change or embellish them. The motion that was passed in the House of Commons is clear.

I will end by saying to respect the integrity of the process and the integrity of the law clerk's office. The motion has been passed. It's in the law clerk's hands, and we should leave it in his hands to comply with the motion. If the law clerk has any questions, I'm not even sure the questions would be properly directed to the health committee, since the motion was not passed by the health committee but by the House of Commons itself.

The Chair: Thank you, Mr. Davies.

Dr. Powlowski, please go ahead.

Mr. Marcus Powlowski: Mr. Chairman, the motion wasn't our party's motion, but now that the motion is out there, I want to put a motion to amend the motion. It is to hold it in public.

The Chair: You are moving that the motion be amended by removing the requirement for in camera sittings. Is that correct?

Mr. Marcus Powlowski: Yes.

The Chair: We have Ms. Rempel Garner's motion amended by Dr. Powlowski. The discussion is on the amendment.

Is there any further discussion on the amendment?

[*Translation*]

Mr. Luc Thériault: Mr. Chair, could Mr. Powlowski at least provide us with some arguments?

[*English*]

The Chair: We're going back to the speakers' list here. We have Ms. Sidhu next.

• (1155)

Ms. Sonia Sidhu (Brampton South, Lib.): Mr. Chair, I think there is consensus to have the law clerk before us in public to ensure the law clerk swears to everything discussed. This would be beneficial to the committee.

The Chair: Thank you. We will go back to Dr. Powlowski again.

Mr. Marcus Powlowski: I'm not used to having anyone actually wanting to hear my ideas.

I think generally the fallback position should be to have everything in public. Especially with COVID-19 and the myriad of conspiracy theories revolving around it, I think it's better, where possible, to just make everything public and to not have anything behind closed doors, where it looks like we're trying to hide something.

The Chair: Thank you.

I see no further hands raised.

Are we ready for a vote on the amendment? Very well.

Recognizing Monsieur Thériault's concern, let's emphasize that the vote right now is on Dr. Powlowski's amendment to remove the in camera aspects from Ms. Rempel Garner's motion.

I will ask the clerk to conduct the vote.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: Thank you, Mr. Clerk.

The amendment passes. We will continue the discussion on Ms. Rempel Garner's motion as amended.

Is there any further discussion?

Mr. Davies, please go ahead.

Mr. Don Davies: In terms of timing, I hope we get to a discussion at some point in this meeting about what we'll be doing in our remaining seven meetings before the holiday break. Since convening in September, I don't think we've had a single meeting yet on any matter of substance. We keep putting these motions forward to hear witnesses or to have issues before us. We never seem to get to the actual witnesses.

I will point out that we have seven meetings, not counting this one, before the break. We have a mandatory motion from the House on COVID. I know I speak for everybody that we all agree that COVID is the single most profoundly important issue facing the health of this country, and even more so today, when we have red zones blowing up in Ontario, Quebec, Manitoba and Alberta. Cases are going up everywhere.

The reason I bring that up is that we also passed a motion that we have to at least get a start on the PMPRB study that is supposed to be happening concurrently. I am wondering when we want to have the law clerk come, given that we have seven meetings and we have the minister coming this Friday. It means that not counting today and Friday, we have six meetings after that.

I did hear your reference, Mr. Chair, to Tuesday. There are no health committee meetings on Tuesdays. I can tell you—

The Chair: I didn't say anything about Tuesday.

Mr. Don Davies: I heard you say that we have meetings Monday and Tuesday, but perhaps that was a slip of the tongue. It's good if it's just Monday and Friday. That leaves us with six meetings to get started on the COVID study, which I would point out again is a directive from the House of Commons, and to get a start on the PMPRB study, and now to hear from the law clerk. If we do hear from the law clerk, where does the law clerk fit into those remaining six meetings?

The other thing about it, of course, is that there's a timeliness aspect, because the law clerk is supposed to have the documents produced for this committee by November 30, again with a potential extension of only seven days.

I think all committee members ought to be mindful of this before we vote on having the law clerk come. It would mean we would lose a day or postpone a day that we could look at COVID, and that's my main focus right now. The PMPRB is important, but it's not as timely. It has to happen concurrently.

I'm going to encourage my colleagues to vote against this motion. I just don't see that we gain much in having the law clerk come before committee. I won't repeat the argument that I made before, which is that I actually think it's potentially harmful. Given the packed agenda of this committee and the need to get under way, particularly on the COVID study, which I think Canadians want us to be looking at as the health committee, I just think it pales in comparison and that we shouldn't be taking valuable committee time to talk to the law clerk when we should be talking about these other issues.

● (1200)

The Chair: Thank you, Mr. Davies.

We go now to Mr. Kelloway.

Mr. Mike Kelloway: Thanks, Mr. Chair. I want to thank Mr. Davies for his comments on this issue.

I'm wondering, given the tight timelines that Mr. Davies explained very well, if we might want to look at the law clerk coming on Monday. Might that be an option for us in doing what everybody on this committee wants to do—get started?

The Chair: Thank you, Mr. Kelloway.

We go now to Ms. Rempel Garner, please.

Hon. Michelle Rempel Garner: I'm trying to find a way to get us to consensus.

I'm with Mr. Davies. We need to have a work plan going forward with the COVID study. It needs to start before Christmas. Something we could do, assuming that we would have officials present for the first meeting of our COVID study, is just tack it on and have the law clerk present on a panel, so that if anyone wants to ask questions, they could do so with other officials there as well, during the first time that we start the COVID study.

I can't amend my own motion, so if there's desire to do that, somebody could do it. I would support it, but I am with Mr. Davies that we need to get going.

Again, the intent of having the law clerk here was that the Liberal Party and others were fairly intent about the House motion that the law clerk was not going to be able to do the redaction. I'm with Mr. Davies. I do think that the law clerk has the full capacity to do it. This is just an opportunity for committee members to confirm that.

The Chair: Thank you, Ms. Rempel Garner.

I should point out that when we bring in witnesses, we need 72 hours lead time to get that squared away.

Mr. Barlow, please go ahead.

Mr. John Barlow (Foothills, CPC): Thank you very much, Mr. Chair.

I think Ms. Rempel Garner beat me to the punch, but I would like to make an amendment to Ms. Rempel Garner's motion. Also, after listening to Mr. Davies outline the number of meetings we have, I think he makes a good point that we have a limited amount of time, and now we're talking about the PMPRB study as well.

I'm wondering if I can make an amendment to Ms. Rempel Garner's motion. Instead of inviting the law clerk for the two hours, or for one hour just for a separate meeting, I suggest we invite the law clerk to be part of a witness panel in the first meeting we have as part of the COVID study. I think this would save us that additional health committee meeting but still give us an opportunity to ask questions of the law clerk, which is something I am quite interested in. I don't have a lot of experience dealing with the law clerk. I would certainly like the opportunity to ask a couple of questions on how the process works and what requires being redacted and what does not from someone of the law clerk's experience, who is an independent official without any political connections or political influences. I would be interested in that opportunity.

My motion would be to amend the motion of Ms. Rempel Garner so that rather than having the law clerk as a lone witness for one hour at a committee meeting, the law clerk would be invited to be a member of a panel on the first meeting that we have to study the COVID-19 motion.

● (1205)

The Chair: Are you moving that amendment?

Mr. John Barlow: Yes, Mr. Chair, I am.

The Chair: Okay. The discussion is now on Mr. Barlow's amendment to Ms. Rempel Garner's motion as amended.

Mr. Kelloway, please go ahead.

Mr. Mike Kelloway: Thanks, Mr. Chair.

This comment is food for thought and something for the committee to consider.

I'm wondering if we would look at an hour with the law clerk on Monday and then have the second hour with officials. My understanding is that the officials will be joining the minister on Friday as well.

Could that be considered, or at least be some food for thought for committee members to entertain?

The Chair: Thank you, Mr. Kelloway.

Mr. Davies, go ahead.

Mr. Don Davies: It's productive for all of us to think of those next six or seven meetings. I think we all realize that we have to fit all these pieces together. I'm fine with having the law clerk come for one hour in the first meeting on the COVID study, which should happen a week from today, in my opinion, on Monday.

As Mr. Kelloway astutely observed, although we normally start a study by hearing from the minister and officials, there are two reasons I don't think we have to have them next Monday. One of them is Mr. Kelloway's point, which is that the same people we would expect to come will be here on Friday with the minister, so we'll have heard from them already. Second, in a sense, this is not a brand new study; this is really a continuation of the COVID study that we've already engaged in.

I would rather say that next Monday, if we have the law clerk for the first hour, we could proceed with some other witnesses on the COVID study as another option.

Those would be my suggestions.

The Chair: Thank you, Mr. Davies.

Mr. Van Bynen, go ahead.

Mr. Tony Van Bynen: Thank you, Mr. Chair.

I'm as eager to get started on going forward as everybody else is. I think Mr. Davies' motion on how we might approach the study is an excellent way for us to get started and to put our plan of action forward as soon as we can.

It's also great to see that the minister will be coming back on Friday. We can get some insight from the minister as we get started.

I want to emphasize that if we are eager to get started, perhaps we should find some time to give some consideration to Mr. Davies' motion so we can start planning our studies going forward. I like the context that it has, and it gives us all a voice on how we should move forward.

The Chair: Thank you, Mr. Van Bynen.

I see no further hands raised, so we shall carry on with the vote on Mr. Barlow's motion.

Mr. Barlow's motion was to amend Ms. Rempel Garner's motion so that instead of having a separate meeting for the law clerk, we would tack him on to a panel at the outset of our study. That's a very blurry summation of Mr. Barlow's motion. I hope I'm close.

We have Mr. Davies putting up his hand. Go ahead.

Mr. Don Davies: No, Mr. Chair, proceed with the vote. I'm just getting ready to speak on the next one. Thank you.

The Chair: Okay, fair enough.

Mr. Marcus Powlowski: On a point of information, is the clarification whereby the law clerk would have the first hour and someone else would have the second hour consistent with Mr. Barlow's motion?

Hon. Michelle Rempel Garner: That's not how I understood it.

The Chair: No. I think Mr. Barlow's motion would eliminate that second hour. That's a fair point, and we need to be clear on that.

Mr. Barlow, was that your intent?

Mr. John Barlow: Yes. It's not to have that second hour, but that the law clerk would be part of a one-hour panel, in preferably the first meeting at the beginning of the COVID study. He would be a member of a panel for the first hour.

The Chair: The amendment changes the motion. Instead of inviting the law clerk for a stand-alone meeting for the first hour and having related information in the second hour, that whole meeting goes away and the law clerk would attend on a panel with other officials.

Now we have Mr. Kelloway. Do you wish to speak on this point as well?

• (1210)

Mr. Mike Kelloway: No, I have a point to make after this.

The Chair: It's after this. Okay.

Let's have the vote on Mr. Barlow's motion.

(Motion agreed to: yeas 6; nays 5)

The Chair: Mr. Barlow's motion carries, so we will add the law clerk to the first panel that we have with officials on the House motion.

Next we have Mr. Davies.

Mr. Don Davies: Thank you, Mr. Chair. I'd like to move my motion and then speak to it. I did serve notice—

The Chair: I apologize, but we still have to vote on Ms. Rempel Garner's motion as amended. It is now amended twice.

Is there any discussion on that motion? The motion is now simply that we invite the law clerk to appear on the first panel that we have with officials for the House study.

I have Mr. Davies, Mr. Kelloway and Monsieur Thériault with hands up. Is that on this point or on this discussion? No?

Okay, in that case, let us have the vote on Ms. Rempel Garner's motion as amended.

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): Can I just make one quick point of order? Did we already amend it to meet in public?

The Chair: Yes.

Mr. Darren Fisher: Thank you.

The Chair: Seeing no further interventions—

Mr. Tony Van Bynen: Mr. Chair, just to be clear, would you mind reading the motion as amended, for clarification?

The Chair: We'll look to the clerk.

Mr. Clerk, if you would be able to—

The Clerk: I don't have the actual text, but it says that we will invite the law clerk to our first meeting, a public meeting, to be on a panel with other witnesses.

That's my understanding.

The Chair: Then all the other stuff in Ms. Rempel Garner's original motion goes away.

Mr. Tony Van Bynen: For clarification, have the words “and hold one hour of committee business” been deleted? I don't recall seeing or hearing a motion to that effect.

The Chair: That was part of Mr. Barlow's amendment.

Mr. Tony Van Bynen: Okay, right, so it would be helpful to hear the motion as amended.

The Chair: I'll take a stab at it. The motion as amended is that we invite the law clerk to appear on the panel with officials for the first officials' panel that we have for the House study.

The Clerk: In public.

The Chair: Yes, it will be in public.

Are there any further questions?

Mr. Mike Kelloway: On a point of information, Mr. Chair, I want to make sure I have it correct that it's officials and not witnesses. That's all I wanted clarification on. Thank you.

• (1215)

The Chair: Officials are witnesses, but they are, I guess—

Mr. Mike Kelloway: You know what I mean.

The Chair: Yes, absolutely.

Are there any other interventions?

Mr. Don Davies: Yes. Sorry, Mr. Chair, but I want to be clear. The motion is that the law clerk will come to the first meeting of the COVID study. Does it require us to have the officials in the second half? I'm unclear on that.

The Chair: It is to add the law clerk to a panel with such other officials as we invite to that meeting. It's not first panel, second panel; it's the panel with officials. We will add the law clerk.

Mr. Don Davies: Is that officials or witnesses?

The Chair: It's officials.

Mr. John Barlow: I'm sorry. Perhaps I can intervene with information, Mr. Chair.

I'm not trying to muddy the waters here, but my motion and Ms. Rempel Garner's motion had nothing to do with officials. This was just to add the law clerk to a panel on our first meeting.

Perhaps Ms. Rempel Garner wants to chime in here, but my motion was to have the law clerk just for the one hour as part of a panel on the first study. I didn't include anything about officials or what that second hour would be.

I will maybe allow Ms. Rempel Garner to chime in there.

Mr. Don Davies: If I might, Mr. Chair, thank you for that clarification. The only reason I say that is this committee has not yet determined who the witnesses are—

Hon. Michelle Rempel Garner: Yes.

Mr. Don Davies: —for our COVID study. Let's just nail down the first hour as having the law clerk for the COVID study, and we can cross that bridge when we come to it.

The Chair: Are we clear? I see we have a certain amount of confusion here.

As I understood it, we amended, first, to remove the in camera part from Ms. Rempel Garner's motion. Then Mr. Barlow came along and changed it to basically get rid of the second part of the motion, and instead of having a stand-alone meeting, to add the law clerk to a panel of witnesses. I thought he said “officials”, but fair enough. We can say it's witnesses in general.

Are we clear that this is what we have agreed to so far? We are. Okay.

Is there any dissent from that? No. Okay.

That being the case, that is the motion before us. It is Ms. Rempel Garner's motion as multiply amended. It's that we will add the law clerk to a panel of the first witnesses we have for the House study.

Are we clear on that?

Okay. I think we're clear on that, so let's vote on it.

The vote before us is that we will add the law clerk to the witnesses we bring forward for the first meeting on the House study, which will be in public.

(Amendment agreed to: yeas 11; nays 0 [*See Minutes of Proceedings*])

The Chair: Thank you, committee. We have now decided that we will include an invitation to the law clerk for the first meeting with witnesses that we call for the House study.

Going forward, we have Mr. Davies. Mr. Davies, go ahead.

• (1220)

Mr. Don Davies: Thank you, Mr. Chair.

I'm going to move a motion that hopefully will allow us to plan our meetings until the holiday break. I served notice of that motion last week. I will read it into the record. I move that:

Pursuant to the order of reference of Monday, October 26, 2020, the committee commence its study of the emergency situation facing Canadians in light of the second wave of the COVID-19 Pandemic in the following manner: (a) each party shall submit four topics ranked in order of priority by the close of business Wednesday, November 18, 2020; (b) each topic will be examined in turn and by priority, on the following rotation: Liberal, Conservative, Bloc, NDP; (c) the committee will determine by majority vote the number of meetings allocated to each topic, holding a minimum of one meeting and a maximum of four meetings, unless determined by unanimous consent to hold additional meetings; (d) each party shall be entitled to an equal number of witnesses in accordance with the mandatory instruction from the House outlined in the order of reference of Monday, October 26, 2020; (e) all witnesses for the first round of prioritized topics shall be submitted within one week of the number of meetings for each topic being agreed to; and (f) once all four topics submitted by the four parties have been completed, the committee will determine if there are additional topics to be scheduled and, if so, will follow the process outlined in this motion once again.

Mr. Chair, to speak briefly to the motion, it would allow us to get started on the COVID study immediately, and it provides a process to do so by this Wednesday. The parties will submit their four topics ranked in order, and then we'll proceed with the Liberals' first choice. We'll have to decide how many meetings we allocate to that once we know what their first choice is. Then we'll go to the Conservatives' first choice, and then the Bloc's first choice, and then the NDP's first choice, and then we come back to the second and proceed, and so on and so forth.

I think this motion is fair. It allows each party to have an equal number of topics. As a matter of fact, once we submit our topics, we could even find that there's overlap. Perhaps we can even have discussions among ourselves to avoid that. I just want to make sure we have a full, broad examination of this topic.

I think we have to get started on the COVID study as a matter of priority. This is a very unusual situation in that the House of Commons has directed this committee to study this issue. I think when we marry that direction with the obvious red-hot pandemic gripping our country right now, we should get started on this right away.

I'm going to suggest a little bit more—

[*Translation*]

Mr. Luc Thériault: How many meetings do we have left?

[*English*]

Mr. Don Davies: I'm going to suggest a little bit of scheduling beyond this. Again, this meeting is number eight. Friday we have the minister. That means we have six meetings after this before the holiday break.

Of those remaining six meetings, I am going to suggest that four of them be allocated to the COVID study and two to the PMPRB study, for a couple of reasons. We did pass a motion to study the PMPRB issue concurrently, which means at the same time, but that motion also required us to have a minimum of four meetings. If we have four meetings on PMPRB before Christmas, we would only have two meetings on COVID. I think that's not a justified allocation of time, considering again that the House of Commons has directed us to study COVID and that it's a far more pressing public health concern. I think we'd all agree on that. As important as PMPRB might be, along with dozens of other health care issues, it certainly is not more important than the COVID pandemic gripping our country.

I don't think we could hold all four PMPRB meetings and get a study done before the holiday season anyway. That would mean we'd have to basically allocate all six of our meetings to PMPRB before the holidays, which would mean this committee wouldn't be dealing with COVID until the end of January or February, which is, in my opinion, absurd.

That's what I'm going to suggest as a path forward to allow us to achieve everything we wanted to achieve, which is to get started on COVID and do the work Canadians want us to do, get started on the PMPRB study concurrently, and provide a fair process whereby all parties can address their issues.

I'm going to end by saying the reason I think the Liberals should go first is that they are the government. They have the largest num-

ber of seats, so I think it's only fair that it go in the order I proposed: Liberal, Conservative, Bloc, NDP. It mirrors the number of seats in the House of Commons, and I don't see how we could construct any fairer approach to getting under way. I sincerely hope we can pass this motion swiftly because, as I said before, it's already mid-November, and we haven't even started hearing from any witnesses on the health committee. I think I speak for all of us when I say we'd all like to do that and commence that.

The reason I want to pass it quickly now is so that we can get started. If this motion does pass today, we can have the topics by Wednesday. We'll know the Liberals' first choice by Wednesday, and then on Monday we can take a little bit of time to perhaps settle on the number of meetings, get the witnesses in and commence the study. Maybe in the time after that, we can get started on the PMPRB study.

I'll conclude by saying that of the six meetings, I don't think it matters which four are COVID and which two are PMPRB, but we can proceed in whatever way is most efficient for the committee.

Thanks to my colleagues for considering the motion.

• (1225)

The Chair: Thank you, Mr. Davies.

[*Translation*]

Mr. Thériault, the floor is yours.

Mr. Luc Thériault: I will start with the first thought in my head.

I quite agree about the fairness of the process. However, we are now in our sixth meeting. Since the vote in the House of Commons, there have been three meetings. If it is so important and urgent to study this motion, as I believe it is, we should have started this study three meetings ago.

It seems to me that, if one matter is proceeding well, it's the PMPRB. People have submitted briefs and have asked to appear despite the very short timeline of November 6. Today, we were supposed to consider their work and their requests to appear. We have half an hour left in which to settle that matter. We have taken the rest of the meeting to try to come to an understanding, once again, on the way in which we are going to study the motion passed in the House.

I feel we have to do that study, but we have set the deadline for the PMPRB as January 1. I would change that. We have six meetings left before Christmas. I would set aside four for the PMPRB, as per the motion we adopted, and I would set aside two for the COVID-19 study, because it will continue after Christmas, which is not the case for the PMPRB study. Let's keep in mind that the timelines are short and, if we really want to submit a report that could influence the decision, however slightly, we have to consider the recent call for the people who have submitted briefs and asked to appear.

It seems to me that, logically, we should reverse the order. We should determine when our four meetings on the PMPRB will take place and not leave that to chance. At the moment, my impression is that we are spending more time discussing the details of each tree than the forest as a whole. Usually, we discuss the details at the subcommittee. We hold public meetings of the subcommittee so that we can discuss the details. I am fine with that, but today is our sixth meeting. As for the study, apart from the opposition day when we were able to speak to the motion and pass it, which was a great step, we have made no progress on the substance of the motion.

I am sorry, but I will not be voting for this proposal because it reverses the priorities that we should have. People are waiting for us to recognize the effort they made on their side, to observe our timeline of November 6.

● (1230)

The Chair: Thank you, Mr. Thériault.

[*English*]

Ms. Rempel Garner, please go ahead.

Hon. Michelle Rempel Garner: Thank you, Chair.

I'd like to take a stab at amending the motion so that everybody's concerns can be taken into consideration here, including Mr. Thériault's. I propose that we amend the motion as follows.

First of all, just to clarify what Mr. Davies said with regard to the rotation of topic rather than the rotation of everybody's list, I don't want to see it happen that the Liberal Party exhausts their topic list and then we move on to the Conservatives, so I would amend the motion, under section (b), to read:

(b) each topic will be examined in turn and by priority, on the following rotation: one topic by the Liberal Party, one topic by the Conservative Party, one topic by the Bloc Québécois, one topic by the NDP;

Then, under section (c), given the number of meetings we have regularly scheduled up to Christmas, I would say "a maximum of three meetings" instead of four. The government would have three meetings for a topic of their choice, but we would have at least one opposition-selected meeting prior to Christmas.

To Mr. Thériault's point, I would add a section (g) at the end of the motion:

(g) that meetings related to the PMPRB study be held as extra meetings to the meetings scheduled for the COVID study, for example, on Monday evenings during available time slots, as determined by the clerk.

I move those amendments to the motion, Clerk. My rationale is as follows.

My understanding is that there are extra meeting slots available. We could be starting the study on the PMPRB immediately. We could also be starting the COVID study immediately as well. This would allow us to get a couple of meetings in almost instantly for the PMPRB study, as well as start the COVID study.

I hope that addresses my colleagues' concerns. I think the amendment on the first part is to just be super-clear on the fact that we would rotate by topic and not by exhausting topic lists. A maximum of three meetings, I think, is probably a better number, especially given the number of meetings we have scheduled before Christmas.

To Mr. Thériault's comments, we would be instructing the clerk to look for additional meeting slots so that we could be looking at both studies concurrently.

Thank you.

The Chair: Thank you, Ms. Rempel Garner.

On your motion to amend, perhaps I can ask you to clarify. You want to modify section (b) of Mr. Davies' motion, which says:

(b) each topic will be examined in turn and by priority, on the following rotation: Liberal, Conservative, Bloc, NDP;

You want to change that—

Hon. Michelle Rempel Garner: Would it be easier if I just read the whole motion as amended?

The Chair: Sure.

Hon. Michelle Rempel Garner: It reads as follows:

Pursuant to the order of reference of Monday, October 26, 2020, the committee commence its study of the emergency situation facing Canadians in light of the second wave of the COVID-19 Pandemic in the following manner: (a) each party shall submit four topics ranked in order of priority by the close of business Wednesday, November 18, 2020; (b) each topic will be examined in turn and by priority, on the following rotation: one topic by the Liberal Party, one topic by the Conservative Party, one topic by the Bloc Québécois, one topic by the NDP; (c) the committee will determine by majority vote the number of meetings allocated to each topic, holding a minimum of one meeting and a maximum of three meetings, unless determined by unanimous consent to hold additional meetings; (d) each party shall be entitled to an equal number of witnesses in accordance with the mandatory instruction from the House outlined in the order of reference of Monday, October 26, 2020; (e) all witnesses for the first round of prioritized topics shall be submitted within one week of the number of meetings for each topic being agreed to; (f) once all four topics submitted by the four parties have been completed, the committee will determine if there are additional topics to be scheduled and, if so, will follow the process outlined in this motion once again; and (g) that meetings related to the PMPRB study be held as extra meetings to the meetings scheduled for the COVID study, for example, on Monday evenings during available time slots, as determined by the clerk."

● (1235)

The Chair: Thank you, Ms. Rempel Garner.

We have the motion as amended. The discussion now is on the—

[*Translation*]

Mr. Luc Thériault: A point of order, Mr. Chair.

[*English*]

The Chair: Go ahead on a point of order, Monsieur Thériault.

[*Translation*]

Mr. Luc Thériault: First, I would have liked the opportunity to have the text of this motion in my hand. I don't have Ms. Rempel Garner's memory. I don't have all the points in my head at the moment.

Her amendment does not seem to me to be in order, because it runs counter to the motion we have passed on the PMPRB. There was never a question in the PMPRB motion that the study would turn into a complementary study, if ever there was extra room. The motion we were discussing about the COVID-19 study specified that we had to study them simultaneously. We have six weeks left and we have had five opportunities—

[*English*]

The Chair: Mr. Thériault—

[Translation]

Mr. Luc Thériault: Mr. Chair, I have the floor at the moment. I have not finished.

[English]

The Chair: —this is going beyond a point of order. This is debate. Your point of order was to request the text of the motion. If you want to get into the debate, we can certainly put you on the list for the debate.

[Translation]

Mr. Luc Thériault: No, I am not getting into a debate. I am asking you to rule this amendment out of order. I don't know why we are going to be discussing it.

This is a point of order.

[English]

The Chair: Thank you.

[Translation]

Mr. Luc Thériault: You are accepting this motion, even though the amendment does not accommodate the motion that was passed, and, moreover, that took plenty of time to be passed.

[English]

The Chair: Thank you, Monsieur Thériault, for your intervention.

I don't agree that it's contrary to the motion. I think it is in order. I do think it's a little problematic because we don't necessarily have extra slots to deal with PMPRB, but the motion for the PMPRB did provide that we would deal with the PMPRB in parallel with the House motion, which certainly does have priority.

Mr. Clerk, I wonder if you can arrange to get Mr. Thériault a copy of the text of Ms. Rempel Garner's amendment. I don't know if Ms. Rempel Garner has sent you a hard copy of it at this point.

Hon. Michelle Rempel Garner: I did, Chair.

To be honest with you, I was adding section (g) to help Mr. Thériault. I am perfectly fine to remove section (g), so I will remove section (g) from my amendment.

My intent—

[Translation]

Mr. Luc Thériault: Mr. Chair, I do not have the motion at hand. In order to amend that motion, people have to have received the text. I do not have the text. Perhaps Mr. Davies could pass it along to me.

[English]

Hon. Michelle Rempel Garner: I have a point of order, Chair, just for clarification—

The Chair: Just hold up here.

Monsieur Thériault, Mr. Davies' motion was distributed in both languages by the clerk. Did you get that?

• (1240)

[Translation]

Mr. Luc Thériault: No, I don't have it.

[English]

The Chair: Okay. I'll ask the clerk to get that to you.

Ms. Rempel Garner's amendments, apart from section (g), which she is talking about removing from her amendment, are a fairly simple change to that motion.

I'll wait and make sure that you get a copy of Mr. Davies' original motion.

Ms. Rempel Garner, did you have a further point?

Hon. Michelle Rempel Garner: I will remove section (g) from the amendment. Again, I put it in place to help Mr. Thériault so that we could get the study going, but I am perfectly fine to remove it from the motion.

For Mr. Thériault's benefit, this was not distributed to anyone ahead of time. I was just trying to amend the motion so it would be palatable to all parties, as parliamentarians do during the normal course of business. I did send him a copy of what I just read—I typed it out as I read it—and I am also happy to send that to the clerk right now, but I do remove section (g) from my amendment.

The Chair: I'll ask the committee if they are in agreement with the removal of section (g) from the amendment as moved. Is there any dissent?

I am seeing no dissent. We will accept that change.

Ms. Rempel Garner's motion basically changes section (b) of Mr. Davies' motion slightly to add more specificity for one Liberal topic, one Conservative topic, one Bloc topic and one NDP topic. It also changes the number of meetings in part (c) to three instead of four.

Mr. Thériault—

Mr. Don Davies: Mr. Chair, as the author of the motion, I want to say that when I drafted the motion I intended it—and I think it does read—to reflect exactly what Ms. Rempel Garner wants it to read in terms of the rotation.

If it's helpful, at least with that part of the amendment, I want to be clear that I always intended it to proceed as the Liberals' first choice, then the Conservatives' first choice, then the Bloc's first choice, then the NDP's first choice, and then we'd come around to the Liberals' second, the Conservatives' second, etc.

I think it reads that way now. I'm happy, just as a friendly amendment, to give that assurance to Ms. Rempel Garner if she feels that she needs that clarified in the motion. I'm okay with that. I just want to say that's exactly the process I intended.

The Chair: Thank you, Mr. Davies.

We have the amendment on the floor and we have to deal with it. I agree that it does clarify your intent quite well.

As soon as Monsieur Thériault has a working copy that he can use....

Monsieur Thériault, are you okay? Do you have a copy of the motion?

Hon. Michelle Rempel Garner: I have now sent it twice, Chair. I've sent it twice.

On a point of order, Chair—and I'm sorry for my frustrations—as a normal course of business, when we are undertaking motions in committee and we are amending them, we don't have to circulate amendments. I'm just saying that we can move forward and get this done today.

The Chair: You're quite correct. However, I think it is important for us to work in a collegial manner and that we all have the information.

Monsieur Thériault did not, for some reason, get the original notice of motion sent by Mr. Davies. I don't know what happened there, but once we can resolve that, I think Monsieur Thériault will be able to deal appropriately with the amendment.

Mr. Don Davies: I have a point of order too, Mr. Chair.

I want to clarify that I submitted my motion to the clerk last week, far in advance of the required 48 hours' notice. It was distributed in both official languages.

I want to be clear. This was not an error or failure on my part. If Mr. Thériault didn't get the motion, it's because he didn't get it from the clerk, not me.

The Chair: It's not up to individual members to distribute these motions to everybody. It is appropriate to send them to the clerk. I received your motion in ample time. It's all square.

I don't know why Mr. Thériault didn't receive it, but I certainly hope he has received it now so that we can go forward.

[*Translation*]

Mr. Luc Thériault: Mr. Chair, I am just reading it now.

• (1245)

[*English*]

The Chair: The change from Ms. Rempel Garner is to change section (b) to be more specific about how the topics will be dealt with, and in section (c), to change it from four meetings to three meetings.

That being the case, let us go forward with the vote on Ms. Rempel Garner's amendment.

Mr. Clerk, if you would please...

Monsieur Thériault, are you ready to vote on this?

[*Translation*]

Mr. Luc Thériault: Yes, I am in favour of the amendment that specifies one subject per rotation per party.

The Chair: Okay. Thank you.

[*English*]

Mr. Clerk, would you please conduct the vote on Ms. Rempel Garner's amendment?

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

The Chair: The amendment does not pass. We'll carry on with the motion as originally moved by Mr. Davies.

Is there any further discussion on Mr. Davies' motion?

Seeing none, let us carry on with the vote, Mr. Clerk.

Mr. Marcus Powlowski: On a point of order, Mr. Chair, I did have my hand up, but I wasn't recognized. Can I still say something, or am I past time?

The Chair: Actually, you know what? That's my fault. I had Windows in the wrong place here. I apologize.

I see Mr. Maguire, Mr. Davies, Mr. Thériault and Mr. Powlowski with their hands up, so let's go ahead with Mr. Maguire, please.

Mr. Larry Maguire (Brandon—Souris, CPC): Thanks. It was to do with the previous amendment. I'll put my hand down.

The Chair: Okay. Thank you.

Mr. Davies, do you have any further discussion? No.

Go ahead, Monsieur Thériault.

[*Translation*]

Mr. Luc Thériault: Mr. Chair, part (c) of the motion says that “the committee will determine ... the number of meetings allocated to each topic, holding a minimum of one meeting and a maximum of three meetings.” That does not take into account the number of meetings we will be having on this study from now until the break.

If I understand correctly, the motion gives us an opening for us to possibly decide to set aside four meetings for the PMPRB, as the motion specifies, and two meetings for this study before Christmas.

Did I understand part (c) of the motion correctly?

[*English*]

The Chair: Yes.

[*Translation*]

Mr. Luc Thériault: If we pass this motion, we will be obliged to devote all the committee's meetings to the COVID-19 study, which will pose a problem. I don't want to leave the PMPRB study to be dependent on whether or not a room is available. That's what I understood from Ms. Rempel Garner's amendment just now.

If a room is available, we are going to deal with the PMPRB as an extra, whereas the motion specifies that both studies are important. We know very well that the first meeting on COVID-19 will certainly go past the break. It would therefore be logical to set the PMPRB sessions as a priority from now until Christmas, but not necessarily take them all for that study. We could at least set aside four meetings, as stipulated in the motion that we have agreed to.

• (1250)

[English]

The Chair: Thank you, Monsieur Thériault. Ms. Rempel Garner's amendment did not pass, so that's not relevant anymore. The motion by Mr. Davies, as it stands, is silent on the actual scheduling of the meetings. It speaks to the number of meetings and the priority of how to direct each meeting to a particular topic, but the actual allocation of time is not in the motion.

We go now to Mr. Powlowski. Please go ahead.

Mr. Marcus Powlowski: Yes—

[Translation]

Mr. Luc Thériault: Mr. Chair, I was not talking about Ms. Rempel Garner's amendment that we have just voted on, but the one she withdrew.

[English]

The Chair: She removed the amendment. It's not a relevant factor. It's not part of this motion. It's gone.

[Translation]

Mr. Luc Thériault: That's fine.

[English]

The Chair: Thank you.

Sorry, Dr. Powlowski; I think I gave the floor to you briefly.

Mr. Marcus Powlowski: I wanted to briefly state my total support for Mr. Davies' motion. It's great, and it will be great that we actually start studying this after a while.

I've certainly shared a lot of people's frustration here in seeing this committee not addressing the issues. I think we really have to start shining a light on COVID again here in this committee. None of us is in a position—perhaps short of the parliamentary secretary—to influence how things are going to go in terms of how we deal with the pandemic, but I think we can certainly shine a light on various aspects of the problem.

It's certainly frustrating. With two vaccines now on the near horizon, I'm hoping that in early spring we'll be starting to mass-immunize. With a light at the end of the tunnel, it turns out this wasn't quite the marathon that maybe we thought it was going to be. It looks more like a 1,500-metre race. For the first three laps, we were doing fantastically as a country, and now, in the last lap, the wheels have fallen off the bus, it seems. We're either dying or stopping for a smoke, or we're going into the stands and starting to talk to our colleagues. We have to get across that finish line. To do that, one thing we want to do as a committee is to start addressing the issues. I think this is a great way forward, and we want to start shining a light on the actual problems.

It's a great motion, Mr. Davies.

The Chair: Thank you, Dr. Powlowski. We go now to Ms. Rempel Garner, please.

Hon. Michelle Rempel Garner: Mr. Chair, I move the following amendment to the motion under section (b). The motion is that section (b) would read as follows: “Each topic be examined in turn

and by priority on the following rotation: Liberal, Conservative, Bloc, NDP, with no more than one topic per party per rotation”.

The Chair: I think that's essentially what you dealt with in your previous motion. It's substantially the same, so I'm going to rule that amendment out of order.

Hon. Michelle Rempel Garner: Chair, I challenge your ruling, given that my amendment had two components, including a change of the number of meetings. I would say that this is different and I challenge your ruling.

The Chair: Thank you, Ms. Rempel Garner.

The question is whether the decision of the chair shall be sustained. Mr. Clerk, could you please take the vote?

(Ruling of the chair sustained: yeas 6; nays 5)

The Chair: The chair's ruling is sustained.

Mr. Davies, your hand is up. Please go ahead.

• (1255)

Mr. Don Davies: I think it's really important to clarify. I think that everybody agrees, and I want us all to be on the same page. I want to reassure Ms. Rempel Garner that the motion reads very clearly that we will be picking the priorities of each party and then going in turn.

The other thing is that perhaps I shouldn't have ventured into the number of meetings. You are right, Mr. Chair, that this motion does not speak to the number of meetings that we allocate at this point. It allows us to set those. All it obligates us to do is to have our priority issues in by Wednesday, and then next week we can determine how many meetings we will allocate.

I also wanted to reassure Ms. Rempel Garner that the number of meetings that are attributed to each issue is to be determined by majority vote of this committee. It just sets out a minimum of one and a maximum of four.

Once we determine what the issues are, then we will have an opportunity to discuss how many meetings will be allocated to that particular issue. We'll settle that by a majority vote.

I hope we can pass this motion now so that we can have a path forward. I think it will satisfy everyone at this point.

The Chair: Thank you, Mr. Davies.

Is there any further discussion on Mr. Davies' motion?

Seeing none, I'll ask the clerk to please conduct the vote on Mr. Davies' motion.

The motion is as Mr. Davies moved it. We've had copies distributed in both official languages, and there have been no effective amendments.

Please go ahead with the vote.

(Motion agreed to: yeas 7; nays 4 [See Minutes of Proceedings])

The Chair: Thank you, Mr. Davies, and thank you all.

We've reached the normal end of our committee meeting. We have not dealt with the PMPRB.

Is it the wish of the committee to continue a little bit longer? No?

My personal concern right now is what to do with the meeting next Monday. Since there seems to be no interest in carrying on a discussion at this point, we'll work something out off-line and we'll propose it by email to all the members. Hopefully we can get a meeting either on the PMPRB on Monday or on the House motion.

Thank you all.

Oh, we have Mr. Thériault. Mr. Thériault, go ahead.

• (1300)

[*Translation*]

Mr. Luc Thériault: Mr. Chair, you have touched on the point I wanted to raise. It would be a little illogical if we could not deal with the PMPRB on Monday, given that people have worked on it and done their homework. We have to do our homework on this problem.

[*English*]

The Chair: Thank you.

Hearing that, I think it's going to be difficult to get witnesses sorted out for the PMPRB, apart from officials. Perhaps on Monday we'll do a meeting on PMPRB with officials—

Hon. Michelle Rempel Garner: I have a point of order, Mr. Chair.

It is Monday today. That is a full week. I can guarantee you that the stakeholders who are watching this can appear by next Monday. I cannot accept your saying that you can't schedule meetings in a week, virtually. That's crazy.

The Chair: I'm happy to go forward from this point and discuss PMPRB, which is what this meeting was called for. People need to put forward their witnesses, and we need to decide as a committee who those witnesses are. If we want to go forward right now, let's do it.

Hon. Michelle Rempel Garner: I have a point of order, Mr. Chair.

We did submit witnesses, so now your job is to schedule the meeting from that list of witnesses.

The Chair: Thank you, Ms. Rempel Garner.

Someone needs to be muted here but is not muted.

Mr. Marcus Powlowski: Mr. Chair, I think it's an interpreter who is coming through in French.

The Chair: Fair enough. They can speak whenever they like.

Mr. Davies, I think you had a point.

Mr. Don Davies: I think you made a good suggestion. We begin every study by hearing from the officials. It is particularly important we do that in this case because, quite frankly, I don't think there is anybody on this committee who understands all the changes to the PMPRB.

There is an immense amount of confusion in the general public on what the proposed PMPRB regulatory changes do or don't do, but we're all going to benefit from having a thorough understanding from the experts at the PMPRB of exactly what the changes are before we hear from witnesses.

I have to respectfully disagree with Ms. Rempel Garner. We have not submitted our witnesses. All we had was a deadline for stakeholders to submit their briefs and their desire to appear. The parties have not been invited to submit our witnesses yet, nor have we determined what the allocation of witnesses would be.

The best way forward is to schedule next Monday. Ms. Rempel Garner is correct that we should be moving forward. Why don't we have that meeting next Monday on the PMPRB? We'll hear from the ministry officials to give all of us a chance to grill those officials and have a thorough two-hour understanding of those changes, which is so important for us to have going forward.

We also need to set a deadline for submitting witnesses. Perhaps we can submit witnesses by the end of this week, by Friday, and then the analysts can proceed after that.

I'm not going to open up this debate again, but I will also say to Mr. Thériault that there is nothing in that motion that says the PMPRB study must be completed by any particular time. It's not correct to say that. It said that it has to happen concurrently, and although there are some people who would like to have the PMPRB study done by the Christmas holidays, others do not, and those changes are coming into place in January. Maybe they'll be postponed. They have been postponed twice already, but I'm not undergoing a study on PMPRB to stop them, which I think is the agenda of some people, particularly big pharma in this country. They want to stop the PMPRB changes that are set to come into force on January 1.

That's not this committee's mandate. The committee's mandate is not to do the bidding of big pharma. It is to study the issues, and if we end up studying this issue into February or March and issuing a report to the government, the government can take that report into consideration in March or April and make regulatory changes after that if it sees fit, but I am not marching to the tune of big pharma to do their bidding.

We can get this study under way, which is what our motion called for. We can start the study and examine it concurrently, which means at the same time. We can even have that debate next week as well. I just throw that out now. It's still open to the committee to determine how many meetings we allocate of the remaining six meetings, but let's at least get a start on this, as Mr. Thériault has rightly said. We'll get this started next Monday and hear from the ministry officials.

• (1305)

Mr. Mike Kelloway: Mr. Chair, as a point of quick clarification so that I'm clear, we are suggesting that on next Monday, the first hour is the law clerk and the second hour is the PMPRB—

The Chair: Negative.

Mr. Mike Kelloway: Okay, I just want to make sure.

The Chair: The law clerk will be added to the first witness panel on the House motion.

What we're talking about now is what specifically to do for Monday. What I'm proposing, and Mr. Davies is apparently supporting, is that we take that opportunity to hear from officials on the PM-PRB.

Mr. Mike Kelloway: That's very good.

The Chair: Mr. Thériault, please go ahead.

[Translation]

Mr. Luc Thériault: Mr. Chair, I am not impressed by the pharmaceutical companies. I work for patients who want access to their medications and to new medications. That is really important to me. I want us to find points of convergence in this topic.

The government has said that it could provide a technical briefing. It seems to me that questions should be handled in a technical briefing, but not by taking time away from all those who have submitted briefs, who have asked to appear, who want to meet with us and who have not had the opportunity to be heard.

I do not want us taking time to ask technical questions about the PMPRB. That can be done in a technical briefing. I propose that we ask the technical questions to the officials who are looking after this reform in a technical briefing. I propose that we start hearing from witnesses right away and that we send in our list of witnesses.

In the first session, we can hear from eight witnesses. If each party were to propose two witnesses, we could organize a session right now! We have the list of people who have asked to appear as well as the briefs they have submitted. We could do all that. I propose that we have a technical briefing and that we hear from the groups and the witnesses, starting on Monday.

[English]

The Chair: Thank you, Monsieur Thériault.

Dr. Powlowski, go ahead, please.

Mr. Marcus Powlowski: On that point—the technical briefing—I hadn't heard of this. If we are going to have it, when would that be? I certainly think that it would be mandatory for all of us to take part in it if we want to understand the subject, because I know this matter is very complex, as Mr. Davies said. There's a PMPRB, but there's a sub-board or something. How do they make their decisions about what to finance?

It is all very technical. It took me an hour talking with pharmaceutical representatives to start to understand how it works, and I've done medicine for 35 years. I would be happy to have that technical briefing outside these hours, but when are we going to have it so it can be arranged?

The Chair: That is the point of having officials come in at a first meeting.

Go ahead, Ms. Rempel Garner, please.

Hon. Michelle Rempel Garner: Chair, it was my understanding, in correspondence with the clerk and from the text of the motion, that we were supposed to have witnesses in last week, because I think there was a deadline for the briefs. That was the intent of the original motion as we all understood it: It was that the briefs would come in and be distributed by the clerk, and we would read them. We did have correspondence with the clerk, and the clerk had told my staff to have these witnesses in.

Whatever, Chair, I'm frustrated that we don't have a schedule for meetings yet. We've done a lot of work. My team is doing work behind the scenes. What I would suggest....

It's not for me to tell you how to do your job, but we can't keep sitting in these meetings with stakeholders watching us while we don't have a clear path forward. Please don't take no for an answer from the clerk that we can't schedule this meeting. I would suggest that you schedule a subcommittee meeting this week and we hammer all this out, or schedule another meeting with everybody on board so that we have a very clear path forward.

What I don't want to see is a notice of meeting coming out later this week for another meeting to discuss more meetings on Monday. We need to start both of these studies. We have submitted witnesses. We have read the briefs. We have very clear direction from the House. We passed Mr. Davies' motion. Let's get started. On Monday, we have to get going on at least one study.

• (1310)

The Chair: Thank you.

In terms of asking for a subcommittee meeting, a subcommittee meeting will take up the same slot as one of our regular meetings. It's really up to the whips to decide the availability of meeting resources.

I don't think we have any opportunity to do a subcommittee meeting this week. I will certainly ask, but failing that, I think the best course forward is that our first meeting next week will be with the officials on PMPRB.

Ms. Sidhu, do you have a comment?

Ms. Sonia Sidhu: Yes, Mr. Chair. I think we have our next three meetings planned. We have our schedule for the next three meetings.

That's what I wanted to say.

The Chair: Thank you.

Are there any further interventions?

Seeing none, thank you very much, everybody. The meeting is now adjourned.

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