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# Standing Committee on Health

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Chair: Mr. Ron McKinnon





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• (1110)

[English]

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

Welcome, everyone, to meeting number 46 of the Standing Committee on Health.

We are meeting today pursuant to a request under Standing Order 106(4) by at least four members of the committee to discuss a request in this case to undertake a study on the state of long-term care in Canada.

We will go first to Ms. O'Connell to move her motion.

Ms. O'Connell, please go ahead.

**Ms. Jennifer O'Connell (Pickering—Uxbridge, Lib.):** Thank you, Mr. Chair and committee members.

I think it's obviously quite important to have this discussion here today. I'm going to speak about the motion on having the debate here, which all Liberal members supported.

I want to start by saying it's unfortunate that here we are in the calendar session meeting as the health committee during the greatest pandemic of our time, certainly, with the greatest impact that we saw across this country in long-term care, and the need to study this as a committee is crucially important.... This was something that Liberal members had identified as their next study of choice in the rotation with the agreed upon motion, but unfortunately that changed on May 28 when there was a change in the scheduling of issues.

However, I think the commitment—certainly from Liberal members, and I'm sure there are others maybe we'll hear today—to get back to the study of long-term care is incredibly important. This is why we're bringing forward this motion now. We don't think it can wait any longer. We think, as a committee, we have a duty to speak about the important issues that are affecting Canadians.

Certainly, as a health committee in the pandemic, it's also very timely as we've seen I think just today the details coming out in the media on the Quebec coroner's preliminary inquest. In Ontario, we have a new Minister of Long-Term Care and we have more media reports of some issues there. This is incredibly timely, if not something we should have been looking at, but again, we're at the will and the whim of the committee.

In terms of the specifics in the motion—I'm sure it's in front of all of you—I'm going to refer for now to the section of the motion, or the meat of the motion.

I'll read this motion for the record. I move:

That the Standing Committee on Health undertake a study for no less than 4 meetings, consisting of no less than 2 hours per meeting, for the purpose of calling subject matter witnesses on the state of Long-Term Care in Canada;

That the committee's area of study include, but not be limited to:

a. Consulting broadly and completing an analysis of steps that need to be taken to ensure that residents in Long-Term Care facilities receive the quality of care that they deserve with a specific focus on proper pandemic planning and the creation of standards;

b. Examining infrastructure needs in Long-Term Care and how federal infrastructure funding could help create spaces for pandemic planning and enhanced quality of care;

c. Exploring opportunities for federal/provincial/territorial partnership with the objective of improving care for Canada's most vulnerable populations;

d. The difference in quality of standards between non-profit and for-profit Long-Term Care facilities;

e. Examining workplace conditions including wages, infrastructure, qualifications, and paid sick leave;

That potential witnesses be sent to the Clerk no later than 5 days after the passing of this motion; and, that the Clerk shall use the regular process of establishing numbers of witnesses relative to the weighting of each recognized party's proportionality on the committee.

I'm going to start by speaking to section (a) of this, consulting broadly and completing an analysis of the steps that need to be taken to ensure that residents in long-term care facilities receive the quality of care and life that they deserve.

Mr. Chair, many communities were hard hit, certainly after the first and even into the second wave of the pandemic. The vast majority of what we saw were the horrible conditions that some long-term care facilities were in. In my riding in particular, we were hit hard at Orchard Villa in Pickering. We lost over 70 residents and it is tragic. In fact, I've already attended one-year memorials, so with the fact that, as a health committee, we have not yet studied this, it's something that we absolutely must do. I still remember a time when committees would study a subject matter, create a report and have recommendations to the government. I think that's what we're trying to get back to by this point.

Section (a) of this motion is really about that broad awareness and analysis and speaks to the fact that we want to put forward, as a committee, what we hear from witnesses. Witnesses should include families to share the experiences they went through with their loved ones in long-term care. We should hear from workers to see what they experienced and what needs to change. We need to hear from subject matter experts, people who understand how other countries around the world have implemented better long-term care standards but also pandemic preparedness. We saw a lot of these failings, so to speak, these long-term care homes not prepared to deal with a pandemic that had literally life-ending consequences.

The second piece I'm going to speak about, or section (b), examines infrastructure needs in long-term care. I think this is crucially important and very timely in Ontario. I can speak to this point. At the time this happened, we realized, or many were saying, that a lot of these long-term care homes didn't even have air conditioning. In the heat and in these waves, people were dying, not just from COVID but from malnutrition or dehydration.

I know that, before the pandemic hit, one of the calls was for proper air conditioning, proper ventilation. Again, this is basic pandemic preparedness. At the time, our premier, Premier Ford, said that every building, every long-term care home, would have air conditioning and that not a single new one would be built without it. It turns out, just in the news, I think last week or maybe the week before, that Ontario never changed those regulations. There are new long-term care homes being built in this province right now without air conditioning.

Again, I understand that it's provincial jurisdiction, but as a health committee, we need to hear about these things. We need to hear best practices and make recommendations to the government so that, when they are engaging in these discussions with provinces and territories, we can say, "This is what we heard. This is a group of people, advocates or families who have shared their experiences, and this is maybe a standard that we think should be across the board."

If you get into section (c), exploring opportunities for federal-provincial-territorial partnerships, again, I spoke to that in section (b) in terms of needing to hear from a wide variety of witnesses in order to have these conversations with provincial and territorial partners at the table, so that we can say exactly what we're hearing. We can, as a committee, like I said, make recommendations.

This shouldn't come as any surprise for a committee. Our government has committed already to the issue of long-term care and creating national standards. There was already \$1 billion in the fall economic statement and then \$3 billion in budget 2021.

I think it's incredibly important that, as the health committee, we say something about this. In my previous committee, which was finance, this process, having a committee report, is incredibly important. I'm going to compare it to how we would do things, for example, for the budget.

The government, the Minister of Finance, would always call or open up public consultation for the budget coming up, in whatever year that was. They would always open it up online and do round tables. That would be driven through the ministry of finance and

the Minister of Finance's office. At the same time, there would be outside groups, for example, that would be also putting together their budget recommendations. Then the finance committee would also start a consultation process.

• (1115)

Why do I bring this up? It's because there is nothing wrong.... In fact, I would say it's imperative that, as a committee, we do our own independent study—committees are independent—with all parties having the opportunity to bring the witnesses who they feel—

[*Translation*]

**Mr. Sébastien Lemire (Abitibi—Témiscamingue, BQ):** A point of order, Mr. Chair.

• (1120)

**The Chair:** We have a point of order.

Go ahead, Mr. Lemire.

**Mr. Sébastien Lemire:** There is a problem with the interpretation. I am hearing a lot of echo.

My intention really is not to interfere in Ms. McConnell's speech as she is trying to interfere in provincial matters. But I am having difficulty understanding what she is saying, because I hear an unpleasant echo at the same time as the French interpretation.

**The Chair:** Thank you, Mr. Lemire.

Could the clerk check that?

**The Clerk of the Committee (Mr. Jean-François Pagé):** We will check.

[*English*]

If you could talk, we'll see if the translation is working. Please go ahead.

**The Chair:** Monsieur Lemire, how long has this been a problem—for a couple of minutes or just now?

[*Translation*]

**Mr. Sébastien Lemire:** It has been going on for several minutes. However, I hear it less with you. I was hearing it more with Ms. O'Connell.

[*English*]

**The Chair:** I'll ask Ms. O'Connell to check her mike boom.

Maybe you could back up a couple of paragraphs so that Mr. Lemire has the opportunity to hear all of your argument. Go ahead, please.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair.

Is the echo still coming through? Is it my headset, or is it perhaps the interpretation booth?

[*Translation*]

**Mr. Sébastien Lemire:** It seems to be working well now, Mr. Chair.

Thank you.

**The Chair:** Thank you.

[*English*]

**Ms. Jennifer O'Connell:** Thank you.

I'm sorry. I'm not reading from a script, so where I think I left off was in regard to the partnerships with provinces and territories.

I was comparing it to the finance committee, for example, when we would do a yearly budget, and the fact that the ministry, or the Minister of Finance would engage in consultations on any upcoming budget, and then there would be a kind of independent outside external consultation. For example, a chamber of commerce might do consultations with their members and then feed it up into the consultation process at one particular stage. Then the finance committee would do its own pre-budget consultations. In fact, they are mandated to do so, but the finance committee, in particular, for example, would set the scope.

[*Translation*]

**Mr. Sébastien Lemire:** A point of order, Mr. Chair.

**The Chair:** We have another point of order.

**Mr. Sébastien Lemire:** Can I ask you to check the French interpretation again? Because I am still getting the echo.

As several hands are up, why don't you give the floor to the next person and come back to Ms. O'Connell afterwards?

[*English*]

**The Chair:** Ms. O'Connell has the floor and she's able to keep it as long as she has something to say. Perhaps we should suspend and check the sound again.

**The Clerk:** It should be good now.

**The Chair:** The clerk advises that it should be good now.

Ms. O'Connell, if you want to carry on, please go ahead.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair. I was just going to suggest checking the booth, because I haven't changed anything in my headset.

In terms of the parallels between committees, again, there was a specific and distinct role for the finance committee in their preparation for the upcoming budget. Those budget implementations or consultations often had provincial and territorial, whether it was consultations or.... In fact, one year we invited the premiers from all the territories, or if we could particularly get there ourselves.... We wanted to hear kind of more specific input.

The point of that comparison is that committees all the time engage in consultations, even if they are at times in provincial and territorial areas of jurisdiction. It's a way for us to consult to see what the federal government can do. Is there a role for the federal government to do more? What are the concerns from provinces and territories? We can't know what those issues are unless we have those conversations.

The reason I bring this up in the context of item (c) in the main motion is that committees often engage in consultations and bring their own witnesses, their own themes of a study, when it's a topic that the government is actively engaging in. The government's going to do its own consultations. There are third parties bringing forward their own recommendations as well. I just don't understand why, as the health committee, we would be silent on such an important issue, so this is what I think is so crucially important. We're going to be able to engage as a committee with witnesses and in a forum that is a little bit different from what maybe third parties or the government itself can engage in.

It's also good to have a different perspective. Our committee is made up of multiple parties, all parties that have party status in the House. There are opportunities for dissenting reports and amendments. There are opportunities for recommendations based on what witnesses tell us. I think it's incredibly helpful to have that, to be able to provide that to the minister and to the government.

It's incredibly important that we don't stay silent and that we have those varying perspectives that would make up a report as well as recommendations. Then, as a committee—again I'm referring to finance—we would often look back and ask which committee recommendations were accepted by the government and which weren't. Did we need to go back and speak to witnesses again on that? Was there more information that was needed? It gives us an opportunity to really dive into these really important topics.

That, as I said, doesn't stop our committee, even in the section referring to federal-provincial-territorial partnerships, from having those conversations where there are areas of agreement and areas of disagreement. Are there jurisdictional questions? Let's bring all of those witnesses together and then, once we hear the testimony, we can move forward and determine what we'd like to do next or what we recommend to the government. The government can choose to take it or not.

This is our role as a committee. I see this as a paramount role of this committee, especially on a topic like long-term care, where we saw so many residents pass away from COVID. We heard horrible descriptions of what happened.

I want to next turn to section (d) of the motion and the difference in the quality of standards between non-profit and for-profit long-term care. This is an area of a lot of attention, because we certainly saw that the for-profit model had major issues. The homes that had substantial outbreaks, had issues, were for-profit homes. That's not to say that they were all for-profit homes, but that's where we saw these issues.

There was an earlier motion in the House from the NDP, and my criticism of that motion was that it just said to get rid of for-profit, and had no details on what that looked like. How do you do that? Do you move forward in a phased way? Who takes those homes on?

- (1125)

I fully recognize that we need to look at the for-profit model and why they had so many issues of the homes that had outbreaks and issues. Why was it the for-profit model? Frankly, you can't get into that debate in an opposition motion. The way it was written, it had no details or parameters around that. I think this is a perfect opportunity for us to look into that. Why did this happen? What would the vision be? How do you phase it in? Who takes it on? What happens to those residents? Are there other provisions or standards that we can then create to help ensure that, at the end of the day, it's not for profit but it's the quality of care to the residents who live there? All seniors as a baseline have the right to live with dignity.

Paragraph (e) is as follows: "Examining workplace conditions including wages, infrastructure, qualifications, and paid sick leave". I have heard, certainly, and I'm sure many members have had these conversations as well, that workplace conditions are certainly a factor. Often there are not enough people working in long-term care. The wages are low. It's precarious. Workers have to go from one home to the next simply to earn a decent wage. How does that infrastructure look? Workers were worried about getting sick and bringing that home as well. They didn't have enough PPE. There were the qualifications, and there was also the paid sick leave. If somebody was in contact with somebody else with COVID, could they take time off work?

These are all issues. Certainly, our government committed early on in the safe restart and in the other funding to help prepare for this, to increase wages, in particular in long-term care. Some provinces took it on, and others didn't.

I'd love to hear from the nurses association, as one example, in this study to talk about how workers in long-term care are doing. What's the state of their mental health? Are we going to be in a workforce shortage? How do we encourage and how do we train workers in a way that provides a good wage and not the horrific conditions that we saw throughout this pandemic? This must be weighing incredibly heavily on people who were working in these situations and living in these situations, for sure.

On that note, I want to highlight some things for anybody who may wonder why we are looking at this. Frankly, I would argue that we should have been looking at this before, but I think as committee members we all agreed to move forward on the work plan, with the Liberals indicating that when it came back to our turn to study a specific area, it was going to be long-term care. I would like to have studied this sooner, and I know that many of my colleagues would have as well, but here we are. For me, the important piece is that we just get on with it, and we actually bring forward and hear from the people we need to hear from.

I want to read a little bit into the record, Mr. Chair, with regard to why this is so important. This is an excerpt from the Operation Laser report that the Canadian Armed Forces observed in long-term care in my community. I have to warn you that some of the stuff is pretty graphic. This is at Orchard Villa in my riding, not too far from where I am right now, actually.

These are some of the things they noted:

1. Infection control:

a. Lack of cleanliness noted:

(1) Cockroaches and flies present; and

(2) Rotten food smell noted from the hallway outside a patient's room. CAF member found multiple old food trays stacked inside a bedside table.

b. Inappropriate PPE use noted throughout all staffing levels (doctors included); and

c. Poor IPAC/PPE practices (double/triple gowning and masking, surgical mask under N95, scarves under masks, etc).

- (1130)

Standards of Practice/Quality of Care Concerns:

a. Patient's being left in beds soiled in diapers, rather than being ambulated to toilets;

b. Mouth care and hydration schedule not being adhered to;

c. Lack of proper positioning (head of the bed raised) for meals/fluids;

d. PSW and Nurses aren't always sitting up residents before feeding/hydrating/giving meds; choking/aspiration risk is therefore high; includes observation of incident that appeared to have contributed in patient death (code blue due [to] choking during feeding while supine—staff unable to dislodge food or revive resident)....

This is what happened in my community. A resident in long-term care choked to death because they weren't sat up for eating. It goes on to talk about "Respecting dignity of patients not always a priority. Caregiver burnout noted among staff," an important piece to section (d) that I was referring to.

The report also notes:

f. Unsafe nursing medication administration errors;

g. Staff putting food and important belongings outside of residents reach....

It goes on to talk about:

i. Incident of likely fractured hip not addressed by staff; Med Tech and SNO addressed and transferred resident to hospital;

j. Multiple falls, without required assessments following the fall;

k. Inconsistent and suboptimal assessment and treatment of pain; and

l. Lack of knowledge evident regarding what qualifies as a restraint. Multiple scenarios of walking aids being removed, or mattresses set on floor as patients were unable to stand from that low position (to prevent them from wandering the facility).

Supplies:

a. Liquid oxygen generators not filled therefore not usable;

b. Limited and inaccessible wound care supplies;

c. Found 1 working suction locked in basement storage room; remainder of suction units not functional, last battery check was in 2014;

d. Oxygen concentrators not easily accessible.

e. Patients were sleeping on bare mattresses because of lack of access to laundry/linens; and

f. Poor access to...soaker pads....

It goes on. Obviously this is a reminder for family members who had their loved ones in facilities like this. I don't think I need to read on, but I can. I think the point, when you hear of that, is that this is just one home. That's just one home in my riding that had those conditions.

I know there are other members who are going to speak on this motion, but when you think about that and when you hear about those conditions, how could you as parliamentarians on the health committee today not support doing a study, calling witnesses, hearing from families, seeing what their loved ones went through, and hearing from workers who were completely overworked and saw conditions that at times they couldn't even help and what that must mean for them. How do we make sure workers are never put in this situation again? How do we make sure that family members aren't reading about these conditions, about their loved ones being in soaked diapers and covered in cockroaches?

As a committee, this is the greatest tragedy we've seen in this country throughout this pandemic. As a committee, as parliamentarians, we have an absolute responsibility—not even a right—to look into this, to hear from people, from families, from workers and from experts, and to make recommendations to the government so that this never happens again.

The government has already committed to permanent changes and national standards. Why, as a health committee with all of our respective backgrounds and input on this subject, would we not want to make recommendations on what those standards should be? As the health committee, why would we not want to have our voices heard, our constituents represented and these witnesses called?

• (1135)

Mr. Chair, I can go on and on and on about this, but the point is this. This is, as I said, an enormous tragedy in our country. We have a duty and a responsibility, as parliamentarians, to provide a voice to the voiceless.

Through this study, we will be able to bring in and hear those witnesses. Then, as a committee, our duty is to make sure that we do everything we can to write a report, to make recommendations and to make sure that what we hear is reflected in the government's deliberations, in the government's work with provinces and territories, because this absolutely has to be done in partnership.

We have that opportunity, as the health committee, to bring forward what we feel should be done and to make sure that our constituents and the constituents across this country, in regard to long-term care, are absolutely heard and reflected in our report.

Mr. Chair, maybe I'll leave it there for now, but technically, do you want me to reread the motion into the record that I've moved?

**The Chair:** You can do as you wish. You could say to the committee that you move the motion as read, if you wish.

**Ms. Jennifer O'Connell:** Sure. Since I did start off by reading it, Mr. Chair, I'll do it that way, that I move the motion as read.

• (1140)

**The Chair:** Thank you, Ms. O'Connell.

We'll go now to Ms. Sidhu.

Ms. Sidhu, go ahead, please.

**Ms. Sonia Sidhu (Brampton South, Lib.):** Thank you, Mr. Chair.

I think this is a very important motion, and I hope the other members of the committee will support it.

As many of you know, my riding of Brampton South has been impacted by the pandemic. Grace Manor, one of the LTC homes in Ontario, required assistance from the armed forces early in this pandemic, and the report they wrote had some shocking stories. This is an issue that Canadians care about deeply.

Mr. Chair, I need to explain why, as a local MP, I had to sign this letter, and why I believe all members of this committee should support this motion. Due to the dedicated work by a group of long-term care families, multiple stories emerged from a long-term care home in my riding. First, there was a recent story that a staff member had been withholding medication to residents. Second, residents died of dehydration. In my riding, Mr. Chair, residents died of dehydration. This happened after the CAF report, Mr. Chair.

Last Friday there was a protest in my riding organized by families of long-term care residents worried about their loved ones, about their parents, about their grandparents. This is happening in June 2021, a year and a half into this pandemic.

Mr. Chair, I'm confident that any member of this committee would be ringing the alarm if this happened in their riding or in their province. Many of us have met with individual family members and organized communities leaders, such as the Canadians for long-term care group. In a response to this motion they said that they are beyond happy to see this. The Canadian Association for Long Term Care is ready to take part in this. People want the issue of long-term care taken seriously.

I want to share maybe the single most important reason that this committee needs to undertake this study as the next priority. According to the National Institute on Ageing's long-term care COVID-19 tracker, residents of long-term care homes accounted for only 4% of the positive cases in Ontario, but 42% of COVID-19 deaths in the province have been among the residents of long-term care homes. Nationwide, it is 59%, despite only counting as 6% of positive test cases. This is a shocking figure.

When the majority of deaths have a clear commonality, it is important that we investigate that as part of the COVID study. The seniors and other residents of these homes are among the most vulnerable Canadians, and the provincial government has a duty of care to them, which was grossly neglected during this pandemic.

Our seniors did not just build this country; they defended it too. Generations of brave Canadians from all walks of life have stepped forward to serve and sacrifice for our country. Hundreds of thousands have fought and many continue to serve, so we have a responsibility.

The COVID-19 pandemic and the virus have disproportionately affected them, particularly those living in long-term care facilities. Some seniors spent a prolonged period alone and separated from their families and communities. We heard stories, Mr. Chair, where seniors could not see their family members who spoke their language, and they were so vulnerable. Many sad stories are there. Public health measures meant many seniors needed to rely on friends, families or community services for access to groceries and medicine.

During the first wave of the pandemic more than one in three long-term care homes across Canada faced an outbreak situation. They simply were not prepared for a severe outbreak of a virus like this. There is an extent to which this is understandable. The COVID virus did not even exist two years ago, and it spreads more easily than other common viruses. Most of us did not see this coming, but we need to know how to be prepared for the future.

• (1145)

Most people would have expected family facilities, like long-term care homes, to have standards to enforce infection controls and prevention procedures that would have reduced the risk of this virus. This was clearly not the case. Much has been said about the labour practices of industry, with personal support workers having to combine part-time shifts at multiple homes, and working conditions that do not encourage them to stick around. I have met with many representatives of PSW professionals, and there have regularly been issues of morale and stability in the field.

They have also told me about the impact of the pandemic on staff. It has been widely acknowledged in Ontario that the problems in our long-term care go back decades. However, even shortly before the pandemic began, the provincial government in Ontario made cuts to long-term care and health care services in its budgets, which led to decreased facility inspections and issues with staffing across the province.

We can all hope that the pandemic has been the wake-up call that will finally lead to short- and long-term improvements in long-term care homes, but we need a road map. After the tragedies we have seen, Canadians want the federal government to be there to work with the provinces and territories on what is their jurisdiction.

I have received hundreds of emails from my constituents asking for that, and I'm getting many calls right now. There has been much discussion about public versus private and non-profit versus for-profit homes. In Ontario, for-profit homes had significantly more deaths than public ones, and some parties have proposed eliminating for-profit homes entirely. However, not all provinces have had

this experience, and this discrepancy between death rates, between these models, is less significant. We should hear testimony on the pros and cons of each model. We need to study this.

I know there are people who may think the federal government has no role in this issue, particularly in Quebec. I mentioned earlier that 59% of Canada's COVID deaths were in long-term care homes, but 72% of those were in Quebec, by far the most of any province or territory. That is why, from the beginning, we have been working with all the provinces and territories, including Quebec and Ontario.

Today, my colleague, Ms. O'Connell, referred to an article on the CBC website about the results of the inquiry into Quebec's situation in long-term care during the first wave. I read it a few minutes ago, and I was shocked. This inquiry says that Quebec authorities believed there was no asymptomatic transmission for weeks, allowing it to spread undetected. As Ms. O'Connell mentioned the source of this report was a coroner's inquest.

Géhane Kamel, the coroner, said the goal of the inquest was not to determine guilt but to come up with recommendations to prevent future tragedies.

I agree with her that the goal of this study was not to blame provinces but to work with them hand in hand. That is why we should be doing our own study on this issue to make recommendations as to how the federal government responds.

Going back to the article, there were disturbing things found by this report. For Canadians watching this committee at home, if you are easily disturbed, I recommend you mute my speech for about a minute.

• (1150)

These are the facts found by this inquest. There was a shortage of oxygen equipment. The report says that dead bodies were left untouched for hours and that staff were working despite having symptoms of COVID-19. A patient attendant could not receive a COVID test, despite losing his sense of smell two days earlier and having flu-like symptoms. He was told he couldn't be tested because he had not travelled abroad. Finally, I would like to use one last quote from a nurse in this article: "It was a horror movie." Another nurse spoke of the delay in funeral homes' receiving bodies.



Mr. Chair, I'm so sorry about this horrible report out of Quebec today. How can we not work with Quebec and all provinces and territories?

The National Institute on Ageing researchers also found that deaths in Canada's long-term care settings were three times higher compared with other OECD countries. Not surprisingly, Mr. Chair, most Canadians fear having to move into a long-term care setting as they age after seeing what happened during this pandemic.

The armed forces reported on the conditions at the LTC in my riding, and I would like to remind members of this committee what they found.

Members of the Canadian Armed Forces also assisted in long-term care facilities. The Canadian Red Cross is still helping. They did a crucial job helping with our parents, grandparents and elders. For that, we owe them our deepest thanks.

I mentioned it earlier in my remarks, but the details are important, Mr. Chair. Staff were found moving from COVID units to other units without changing contaminated PPE. They were not following basic infection-prevention policies like washing hands between patient interactions and were cleaning gloves with hand sanitizer instead of changing them. Wounds were not being treated in a sterile manner. Medications were not being properly documented. Staff were aggressive in repositioning the patients and were not assisting the residents during meals, documenting that they refused to eat rather than helping them. With regard to the last one, they were leaving food in the residents' mouths while they were sleeping. That was at the beginning of the pandemic. It was actually the most serious of the five homes within the report.

However, it was revealed that the Ministry of Long-Term Care continued to investigate the home. In March, it was found that the long-term care home's owner had failed to document the fluid intake of three residents. The result of this was that one of them died of dehydration. As a result of a separate investigation, a nurse who worked at the same home is now facing 11 charges of failing to provide the necessities of life for withholding medications from residents.

Mr. Chair, it is irresponsible. Not making substantial adjustments after the tragic first wave proved to be dangerously irresponsible. As it stands, Canada needs to be prepared to train higher and to fund more personal workers, even in the absence of a pandemic. We have an aging population and seniors want to stay in their homes as long as possible, something that is even more true after the devastation that was seen in long-term care.

We need to bring improvements to this field, to the working conditions, to the pay and to the respect they are given. It is a field overwhelmingly dominated by women, often immigrants and people of colour. These workers need to be appreciated so that the best of them stay in the profession and the bad actors are no longer allowed to remain because we are desperate for workers.

- (1155)

Another home in the CAF report was the Eatonville Care Centre in Etobicoke. Some of the issues noted include COVID-positive patients not being isolated and continuing to room with ones who had

tested negative. They were allowed to wander around, risking spread throughout the home.

There was a general culture to fail to use supplies, including basic PPE, because they cost money. The report also described severe understaffing during the day, leading to patients not having the proper support, and the morale and well-being of the staff being at risk. There were nearly a dozen fungal infections from improperly used catheters, and gross non-adherence to some recurring orders, such as regularly checking vital signs or turning patients, in some cases using the excuse that it may wake them.

They also noted abusive and aggressive behaviour, and degrading or inappropriate comments directed at residents, as well as inaccurate reporting to the patients' families regarding their status on things like feeding, pain levels and general conditions.

At Hawthorne Place Care Centre in North York, there was little to no disinfection done prior to catheterizing, with significant gross fecal contamination being noted in numerous patients' rooms. There was a significant shortage of RNs, especially on weekends. There was a significant deterioration of cleanliness standards throughout long-term care. Staff reported that some residents had not been fed for several weeks. Forceful feeding and dehydration was observed, causing choking and aspiration. There was a noted incident of a catheter being in place three weeks beyond the scheduled change date.

We also need to examine different ways that provincial governments have responded to the crisis in these homes. In Ontario the people were promised hiring around long-term care homes after the devastation of the first wave, but no substantive improvement materialized. As the second wave began, these facilities were still unprepared for a full outbreak. Despite warnings that there was an immediate need to hire and train more infection prevention experts and thousands of personal support workers, the provincial government remained slow to act.

We need to work on this for the sake of residents in long-term care and their families. Let me be clear. It is never too late to study this. It is never too late to talk about these issues. These issues are not over. These tragedies are not behind us. They are still happening today, not in Vancouver, not in Calgary, but they are happening here in my riding of Brampton South. This is why my constituents sent me here to speak on their behalf. I am doing so now, proudly and with full responsibility. We all have a responsibility.

I would like now to speak about our government's record for the awareness of the members of this committee and Canadians who are watching. Our position is clear. Those living in long-term care deserve safe and quality care, and to be treated with dignity. The pandemic has shone a light on systemic issues affecting long-term care facilities across the country. In 2020's fall economic statement, our government committed \$1 billion to the safe long-term care fund to ensure our seniors and their caretakers are well protected and supported. Not only that, but in budget 2021 we have invested \$3 billion to ensure standards across the nation for long-term care.

For a sense of what budget 2021 includes for Canada's seniors, I will list a few things.

Budget 2021 proposes to provide \$90 million over three years, starting in 2021-22 to Employment and Social Development Canada to launch the age well at home initiative. Age well at home would assist community-based organizations in providing practical support that helps low-income and otherwise vulnerable seniors age in place, such as matching seniors with volunteers who can help with meal preparation, home maintenance, daily errands, yardwork and transportation.

- (1200)

This initiative would also support regional and national projects that help expand services that have already demonstrated results in helping seniors stay in their homes.

For example, knowledge hub can help seniors access the local services available to them, or provide information, resources and training to community-based organizations in delivering practical support to seniors.

Our position is clear. Those living in long-term care deserve safe, quality care and to be treated with dignity. As I said before, the pandemic has shone a light. Budget 2021 also proposes to provide \$41.3 million over six years, and \$7.7 million ongoing, starting in 2021-22, for Stats Canada to improve data infrastructure and data collection on supportive care, primary care, and pharmaceuticals.

We have invested every step of the way, and regularly supported our seniors with the funds required to keep them safe. However, we need to keep taking action. We need to continue acting in support of Canadians and long-term care homes, and we can do this through the help of this motion. We can make recommendations.

We are all so lucky to be Canadian. We have had one of the best vaccine rollouts in this world, and we are now number one in the G7, G20 and the OECD for first doses administered and rapidly catching up on the second doses.

Canada isn't great because it is Canada. It is great because of the Canadians who live here and who, for generations after generations, have worked hard to make this one of the best places to live in the world. From all over the world, hard-working individuals who wanted only the best for themselves, their families and their communities made their way to Canada. They built this country to what is it today from coast to coast to coast. Canada's seniors have given their all to leave behind a country that will propel us forward

in this world and allow us to thrive, to prosper and to be able to reflect Canadians' values in our dealings with other countries.

All of us should reflect on the immense contributions Canada's seniors have made in shaping our country. They are friends, family, neighbours, co-workers and role models. They have laid the foundation for a better life for millions of Canadians.

On the Liberal side, we recognize the contribution of Canada's seniors to our country. Not everyone in this industry is a bad actor, Mr. Chair. It is full of dedicated, caring people working in circumstances that are difficult and emotionally draining at the best of times, but there's an urgent need to reform. The federal government has a role to play in protecting the health and safety of all Canadians. The children and families of long-term care residents have been asking for this for over a year, and we owe it to them to give this study full consideration.

Now that we are building back our economy and starting our recovery, let us find strength in the legacy of resiliency, determination and compassion provided to us by seniors. We owe them our debt of gratitude. Now we need to be there for those who raised us and built this country.

That is why the Liberal members on this committee have brought forward this motion to say to Canada's seniors that, yes, absolutely, they deserve safe, quality care, and they deserve to be treated with dignity.

Let's hear from families. Let's hear from workers. Let us study this.

This is a very important issue. We need to study this. We need to give some recommendations. Our seniors are looking. Canadians are watching. Mr. Chair, this is our responsibility.

- (1205)

Thank you, Mr. Chair.

**The Chair:** Thank you, Ms. Sidhu.

We go now to Ms. Rempel Garner.

Go ahead, please, Ms. Rempel Garner.

**Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC):** Thank you, Chair.

My understanding on how we got here to this day is that, in the summer of last year, the Liberal government prorogued Parliament, which delayed committees for some time, and then I remember the Liberal members on this committee filibustering programming motions that would have allowed us to study issues. What it meant is that it took several meetings and actually a House order to get the health committee onto an agenda.

Then we had to use additional procedure to get the agenda set for the last several meetings of the committee, which included studying the government's COVID response, including long-term care—I'll get to that in a second—and there were several meetings of filibuster as well with the Liberals here. My understanding is that Liberal members on this committee have utilized the tactic of filibuster to waste, I would say, several meetings when we could have been looking at other issues. Opposition members have actually had to use House motions to compel the committee to do its work. It has been a very frustrating year for me.

Where we were today, Chair, was that we had passed a programming motion for the last several meetings, as you are aware. The Liberals had an opportunity through their filibusters of that motion, as well as that motion, to amend and include other options. They did not raise the issue of long-term care at that point in time.

I'm a little puzzled as to why.... I'm not puzzled. I know why we're here today. I think actually it was my colleague Mr. Davies who put out a little statement that I want to read into the record very briefly, because I think it sums it up: "Liberals misusing the appalling conditions in long-term care as a political ploy is a slap in the face to all seniors in care. We don't need more 'study'—the problems are crystal clear and families need action. Liberal rhetoric and refusal to act costs lives."

Chair, my understanding is that we had this meeting set today. There was a notice of meeting that went out to have the law clerk and other commissioners come to the committee to look at the fact that there is a probable case of contempt in the government's refusing to provide unredacted documents, as ordered by the House of Commons, to this committee for review. We had the deputy minister of procurement come before committee and confirm that the government did not provide unredacted documents to the law clerk, and today's meeting was supposed to get clarity from the law clerk in that regard.

Of course, then, after the notice of meeting went out, you cancelled the meeting, Chair, and this meeting was put forward to discuss a study that could have been put forward by the Liberals some time ago.

I firmly believe that the government does need to act on long-term care. I believe Ms. Sidhu just made the following comment: that it was "irresponsible" to not make adjustments after the first wave. I agree with her. The appalling conditions we saw in many long-term care facilities happened in early 2020. That occurred before the government prorogued Parliament and before the government members on this committee filibustered motions to study. I'll also point out that many witnesses from the long-term care community actually testified in front of this committee after opposition members managed to pass this.

As Mr. Davies said in his statement—and members were reading what the government had put in the budget—the government has every impetus to act in this regard. I know that they have a panel of people, but they haven't acted on national standards of care, let's say, or anything yet. They haven't done that.

The other thing I want to talk about is the government's acting on recommendations. We were supposed to have a meeting today es-

entially to deal with the fact that the government did not act on recommendations. In fact, an order of this committee, which was to provide unredacted documents to the law clerk for review.... My faith in this government's ability to respond to recommendations from this committee is limited.

I share the concern of my colleague Mr. Davies that the government would use this issue as a filibuster to filibuster their own motion. If they really wanted this, there were number of ways they could have put this forward, but we had the parliamentary secretary speak for over a half an hour. It's clear we're in a filibuster of the Liberals' own motion.

• (1210)

Given that, I move:

That the Committee proceed to resume the agreed upon meetings in accordance with the motion passed on June 2, 2021.

**The Chair:** Thank you, Ms. Rempel Garner.

That motion is not in order. We do have a motion on the floor.

**Hon. Michelle Rempel Garner:** I challenge your ruling. It is a non-debatable dilatory motion, and it should be in order.

**The Chair:** A motion to adjourn the debate would have been in order, but this motion is not a motion to adjourn the debate—

**Hon. Michelle Rempel Garner:** I challenge your ruling.

**The Chair:** Thank you.

The question is this: Shall the decision of the chair be sustained?

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

**The Chair:** Very well, the committee has decided that the motion is in order.

Ms. Rempel Garner, would you please move your motion at this point?

**Hon. Michelle Rempel Garner:** I just moved it. It requires a vote.

**The Chair:** I'm sorry. Could you remind me exactly what the wording of the motion is?

**Hon. Michelle Rempel Garner:** I move:

That the Committee proceed to resume the agreed upon meetings in accordance with the motion passed on June 2, 2021.

**The Chair:** Thank you.

Is there any debate on this? I see a number of hands up. I don't know if they're up regarding this motion or not.

**Hon. Michelle Rempel Garner:** On a point of order, Chair, it's a non-debatable motion.

**The Chair:** No, it's not a non-debatable motion. It's not a motion to adjourn the debate. It's a separate motion completely—

**Hon. Michelle Rempel Garner:** It is a dilatory motion, Chair, on a point of order. I challenge your ruling.

**The Chair:** It is debatable as it stands.

Anyway we—

**Hon. Michelle Rempel Garner:** I challenge your ruling.

**The Chair:** I hear you. Thank you so much.

The question is this: Shall the decision of the chair that this is a debatable motion be sustained?

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

**The Chair:** It looks like it's the will of the committee that this is not a debatable motion. Therefore, we will go to the vote.

(Motion agreed to: yeas 6; nays 5)

**The Chair:** Thank you, committee.

Ms. O'Connell, go ahead on a point of order, please.

• (1215)

**Ms. Jennifer O'Connell:** Mr. Chair, I'd like to get some clarification from the clerk.

I get that we went through those votes, but how can members of a committee determine whether something is debatable or not? If that was the case, then every single debate could be shut down and parliamentary privilege would be an issue.

Mr. Chair, I'm going to put it on notice that the members who just voted to make a debatable motion non-debatable just potentially infringed on our parliamentary privilege to debate.

Members opposite may have the majority of the votes, but they don't get to rewrite the rules. They don't get to override privilege. I would suggest that you confer with the clerk about the actual technicality of what just happened here. If not, as I've said, I will be giving notice of a breach of privilege by the members just now. I suggest you confer—

**Hon. Michelle Rempel Garner:** On that point of order, Chair—

**Ms. Jennifer O'Connell:** Excuse me, Ms. Rempel Garner, I have the floor. You like to make up your own rules, but you have not been recognized—

**Hon. Michelle Rempel Garner:** That's the Liberal government, actually.

**Ms. Jennifer O'Connell:** —so I don't want to be interrupted again.

Thank you.

Mr. Chair, can you please confer with the clerk to determine if members' privilege was just breached?

**The Chair:** Ms. Rempel Garner, go ahead on the point of order.

**Hon. Michelle Rempel Garner:** Yes, I would just like to remind colleagues that there are three types of dilatory motions, which means non-debatable motions: adjourn debate, adjourn a meeting or proceed to whatever.

I did move a motion that was that the committee proceed to, which was on an already agreed upon matter of business in the committee, so it is in fact a non-debatable motion. This is why members raised a challenge to your ruling, which was incorrect, as

it was a dilatory motion. Members who voted against the sustenance of your ruling actually were voting in favour of sustaining our parliamentary privilege, because your ruling was incorrect. Now there has been a vote that has passed. We need to move on to the matter of business that was at hand earlier today.

Again, for the member to say that privilege has been breached, it's a little rich, given that what we were debating, which they were trying to filibuster, was the release of documents that the government refuses to provide to the committee under a House order.

We now need to have the witnesses here so that we can proceed with the questioning, as was originally scheduled on Friday. This is just ridiculous at this point.

**The Chair:** Thank you, Ms. Rempel Garner.

I'll ask the clerk to weigh in on this matter, if it's something you can throw light on.

**The Clerk:** Can I talk to you in private, please?

**The Chair:** Yes, absolutely. We will suspend for a couple of minutes, at the call of the chair.

The meeting is suspended.

• (1215)

(Pause)

• (1220)

**The Chair:** Thank you, all.

The clerk has suggested that this was a legitimate dilatory motion. It's not one that I am familiar with, but we'll check and get back to you.

In any case, the committee has overruled the chair's decision and we shall carry on. The motion is that we carry on with our regular meetings. We do not have witnesses scheduled at this time. We will have to resume that process in due course.

Ms. Rempel Garner.

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

I did check with the law clerk and the law clerk has said that he would be available at this time, so he is waiting.

**The Chair:** I see. Thank you.

**Hon. Michelle Rempel Garner:** You just have to call him. Because he is an officer of Parliament, he would already have credentials, so we can just wait right here.

**The Chair:** Thank you.

I think it would be inappropriate to do this because of the other witnesses we had been asked to speak with as well.

Is there any further discussion?

**Ms. Jennifer O'Connell:** I have a point of order. My hand was up, so I will just keep it up.

Mr. Chair, since the meeting was technically cancelled, because we wanted to discuss something really important—and first of all, I take great offence to the fact that we're not discussing long-term care—doesn't the committee require 48 hours' notice for any meeting to be issued? There is no notice given or an agenda, so how would members of the public...?

I get that the Conservatives, backed up by the opposition members, want to just hold meetings, but we actually live in a democracy where you must demonstrate to the public the business of these meetings. Is there not a requirement for notice to be given, and an agenda and other witnesses to be provided?

**The Chair:** Thank you, Ms. O'Connell.

Ms. Rempel Garner, go ahead on a point of order.

**Hon. Michelle Rempel Garner:** We are actually in a meeting right now, so the notice of this meeting was given to the public. Therefore, we are in session. The motion that we just moved gave direction to what the next item of business would be on the committee agenda.

I would also point out that you did give notice to the witnesses to be prepared for Monday. The notice of meeting, as originally scheduled, went out on Friday, so it is in order to proceed and have witnesses appear. These witnesses are ready and waiting, I might add. Any further continued delay on the part of the Liberals is essentially what I said earlier, I would argue, which is that they are trying to avoid accountability on this issue of covering up documents.

**The Chair:** Thank you, Ms. Rempel Garner.

Ms. Sidhu, go ahead on the same point of order.

**Ms. Sonia Sidhu:** Mr. Chair, on the point of order Ms. O'Connell just raised, I just delivered the rationale for a study. There is a protest that is ongoing in my riding. Other members are not thinking this is an important issue. I delivered the speech to give my own rationale. Long-term care in my riding is a very important issue, and events in long-term care in my riding happened and, as I said, are happening now. I know there is—

**Mr. Don Davies (Vancouver Kingsway, NDP):** I have a point of order, Mr. Chair. This is not responsive at all to the matter before the committee. You have to intervene, Mr. Chair. You can't allow a member to go on talking about a rationale for long-term care.

The issue before this committee right now is that we have a motion that just passed to proceed to the previously scheduled meeting. That's what we should be doing. You can't continue to entertain such dramatically irrelevant talk as what is coming from Ms. Sidhu right now.

**The Chair:** Thank you, Mr. Davies.

Ms. Sidhu—

**Ms. Sonia Sidhu:** On a point of clarification, Mr. Chair, I don't know what happened. Ms. O'Connell moved a motion.

I want to ask the members whether this is not an important issue. I would like to know what happened to the motion we moved on long-term care. We all want to study long-term care to give recommendations. It's a burning issue in my riding.

**Mr. John Barlow (Foothills, CPC):** That's debate, Mr. Chair. It's debate.

**The Chair:** Thank you, Mr. Barlow.

**Mr. Majid Jowhari (Richmond Hill, Lib.):** Mr. Chair, I have a point of order.

**The Chair:** Thank you, Mr. Barlow and Ms. Sidhu.

Ms. Sidhu, on the the motion, I'm unsure. I think the motion is basically tabled until we raise it again.

Was it Mr. Barlow who had another point of order?

• (1225)

**Mr. Majid Jowhari:** No, it's me, Mr. Chair.

**The Chair:** Mr. Jowhari, go ahead.

**Mr. Majid Jowhari:** I seek your advice. By moving 106(4), was the meeting that was originally scheduled cancelled? If that meeting was cancelled, what is the procedure called for when we want to move into a new motion and a new study? I would seek your guidance on that.

**The Chair:** Thank you.

**Hon. Michelle Rempel Garner:** On that point of order, Chair—

**The Chair:** Hang on a minute.

Thank you, Mr. Jowhari.

Yes, the meeting formerly scheduled for this time slot was cancelled, and this was raised in its stead. This meeting did not have any witnesses invited to it.

Ms. Rempel Garner, go ahead, please.

**Hon. Michelle Rempel Garner:** Chair, we're now wasting time. As I said earlier, this meeting was called. We are in a meeting right now. We used appropriate procedure to move to another order of business, and the witnesses are standing by.

Any further attempts by the Liberals to continue to obstruct that, I think is a breach of the rest of the members' privilege. We need to proceed. There is no other procedure here.

**The Chair:** Thank you, Ms. Rempel Garner.

Mr. Van Bynen, go ahead, on a point of order.

**Mr. Tony Van Bynen (Newmarket—Aurora, Lib.):** Thank you, Mr. Chair.

This meeting was convened on a request under Standing Order 106(4), and it's not as if the Conservatives haven't used the same format to gain a discussion on things that were important to them.

However, my question is this: If the meeting was cancelled, where does Ms. Rempel Garner get the authority to invite witnesses? I thought that was supposed to be done through the clerk and/or through the chair. How is it that these witnesses were invited? I mean, can I invite some witnesses?

**The Chair:** Thank you, Mr. Van Bynen.

Ms. Rempel Garner, go ahead on the same point of order.

**Hon. Michelle Rempel Garner:** We are in a meeting right now, so to my colleagues who aren't aware of that, we are in a duly constituted meeting that is being broadcast to the public. We used appropriate procedure to proceed to another order of business, which specified what the order of business was, and the witnesses are ready to proceed.

I can't help that the Liberals are worse at procedure than I am. This is all immaterial. We need to proceed.

**The Chair:** Thank you, Ms. Rempel Garner.

The members are entitled to raise points of order.

Ms. O'Connell, go ahead on a point of order.

**Ms. Jennifer O'Connell:** Thanks, Mr. Chair.

It's not my problem that the Conservatives, Bloc and NDP don't care about what happened in long-term care, but I guess as long as Ms. Rempel Garner thinks she's better at procedure, then she—

[Translation]

**Mr. Sébastien Lemire:** A point of order, Mr. Chair.

[English]

**Ms. Jennifer O'Connell:** I'm sorry. I've been recognized.

Mr. Chair, I'd like to—

[Translation]

**Mr. Sébastien Lemire:** A point of order, Mr. Chair.

What was just said is very defamatory and it is in provincial jurisdiction anyway.

They are talking about getting into provincial jurisdiction and...

**The Chair:** Mr. Lemire...

**Mr. Sébastien Lemire:** ...really, the subject should be deleted.

[English]

**Ms. Jennifer O'Connell:** He can't—

[Translation]

**Mr. Sébastien Lemire:** And then for the Liberals to accuse the Bloc Québécois of wanting to protect the interests of the provinces is unacceptable.

[English]

**The Chair:** Mr. Lemire, you're out of order. Please wait until you're recognized.

Ms. O'Connell, please go ahead with your point of order.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair. It's unfortunate that the Bloc gets upset when the Conservatives want to challenge our competence when it comes to procedure.

Allow me to read from Bosc and Gagnon:

...to avoid situations where the members of a committee are forced to consider issues without warning, committees usually deem it appropriate to adopt rules on notice for substantive motions. Such notices are normally 24 [to] 48 hours.

Mr. Chair, while the members may have procedurally moved ahead.... First of all, the Liberal members moved ahead procedurally with an issue that mattered to us. If they wanted to steamroll the

committee, and frankly Canadians, to not talk about long-term care, that's their procedural prerogative. However, the suggestion and the boasting and the gloating, to somehow say that our caring about long-term care.... They completely railroaded us from voting on it and talking about it. The fact that this is a point of pride for them is frankly disgusting, but that's for them and their voters to deal with.

Mr. Chair, on the motion, or moving forward as it is, first of all, I would challenge that what Ms. Rempel Garner is proposing is actually even consistent with the motion. If you recall from our motions previously, the programming motion, there was to be a weighted balance in terms of witnesses. Ms. Rempel Garner has been in contact with certain witnesses. I don't know who, and it doesn't actually provide for Liberal members—I don't know about the Bloc and the NDP, as I'm assuming they all worked together on this—to have the witnesses we proposed, because unless she—

• (1230)

**Mr. John Barlow:** Mr. Chair, this is debate. We need to move on. The motion has been made and voted on. This is clearly debate.

**Ms. Jennifer O'Connell:** Excuse me. I am so sick of—

**Mr. Chris d'Entremont (West Nova, CPC):** This is filibustering.

**Ms. Jennifer O'Connell:** —Conservative members feeling that they can just speak over me.

I have been recognized by the chair as having the floor. I get that Mr. Barlow doesn't want to hear from me. That's his prerogative, but I am duly elected and have been recognized by the chair.

If the chair wants to cut me off, he can do so, but it is not the right of Mr. Barlow to step in and tell me to be quiet.

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

**Ms. Jennifer O'Connell:** I'm interrupted—

**Mr. John Barlow:** You're on point of order talking about the issue—

**Ms. Jennifer O'Connell:** Mr. Chair...

**Mr. John Barlow:** You are not arguing about the issue, so stick to the point.

**The Chair:** Mr. Barlow and Ms. Rempel Garner, please don't interrupt—

**Ms. Jennifer O'Connell:** I get that Conservatives don't like to hear women speak, but that's fine. They want to to just interrupt me.

**Hon. Michelle Rempel Garner:** I was speaking; I'm a woman.

**Ms. Jennifer O'Connell:** Mr. Chair, my point on this is that the original motion had conditions in terms of witnesses and each party having the opportunity to bring witnesses forward, so if Ms. Rempel Garner is simply going to control the witness list, then that's not consistent with what this committee had previously agreed to.

**Hon. Michelle Rempel Garner:** I have a point of order on that point of order, Chair.

**The Chair:** Thank you, Ms. O'Connell.

Go ahead, Ms. Rempel Garner. I'm just about ready to rule on this.

**Hon. Michelle Rempel Garner:** Thank you.

The witnesses are prescribed by the programming motion that was referenced in my dilatory motion, so I would argue that Ms. O'Connell is wrong. I would also argue that continued attempts by the Liberals to raise points of order on this are filibustering to waste time so that the witnesses can't come here and the Liberals can't be held accountable for producing documents.

**The Chair:** Thank you, Ms. Rempel Garner.

Mr. Lemire, did you have a point of order?

[*Translation*]

**Mr. Sébastien Lemire:** I just want us to remember that, if we are talking about infringing on rights, we must also make sure that we respect areas of jurisdiction. The motion as initially submitted infringed on areas of jurisdiction.

That being the case, Mr. Chair, I feel that you should have ruled the initial motion out of order because it deals with standards in long-term care homes.

[*English*]

**The Chair:** Thank you, Mr. Lemire.

Mr. Van Bynen, go ahead.

**Mr. Tony Van Bynen:** My understanding is this:

That a 48 hours notice, interpreted as two nights, shall be required for any substantive motion to be considered by the committee, unless the substantive motion relates directly to business then under consideration, provided that (1) the notice be filed with the clerk of the committee no later than 4:00 p.m. from Monday to Friday—

**Hon. Michelle Rempel Garner:** On a point of order, Chair, it was not a substantive motion; it was a dilatory motion.

**The Chair:** Ms. Rempel Garner...

**Hon. Michelle Rempel Garner:** Time is being wasted.

**The Chair:** Ms. Rempel Garner, please do not interrupt Mr. Van Bynen.

**Mr. Tony Van Bynen:** I do not interrupt you, Ms. Rempel Garner—

**Hon. Michelle Rempel Garner:** You do.

**Mr. Tony Van Bynen:** —so I would appreciate the same courtesy.

...that (2) the motion be distributed to members in both official languages by the clerk on the same day the said notice was transmitted if it was received no later than the deadline hour, and that (3) notices received after the deadline hour or on non-business days be deemed to have been received during the next business day; and that when the committee is travelling—

**Mr. Larry Maguire (Brandon—Souris, CPC):** I have a point of order, Mr. Chair.

**Mr. Tony Van Bynen:**

—outside the Parliamentary Precinct, no substantive motions may be moved.

My point is exactly that. We were unable to be prepared. I was prepared to deal with 106(4), and now, all of a sudden, we're being asked to be prepared to ask questions of witnesses who are not here because the meeting was cancelled. Now, all of a sudden, Ms. Rempel Garner takes on the role of the clerk and/or chair and takes it upon herself to invite other witnesses, and I am denied the opportunity to prepare my questions and pursue the line of questioning that's appropriate.

At this point, I think, if we want to talk about democracy, these procedural gymnastics are defeating the democracy that we've very hard worked for.

**Hon. Michelle Rempel Garner:** On that point, Chair—

**The Chair:** Thank you, Mr. Van Bynen.

We have Mr. Maguire first.

Go ahead, Mr. Maguire, on a point of order.

**Mr. Larry Maguire:** I'll allow Ms. Rempel Garner to go ahead.

**The Chair:** Go ahead, Ms. Rempel Garner, on that same point of order, please.

**Hon. Michelle Rempel Garner:** Thank you.

What the member read was for substantive motions. The motion that was passed was a dilatory motion.

Members need to be prepared for dilatory motions. Members also need to be prepared to do anything that happens at committee. Again, I can't help it if Liberal members are not prepared for committee. We are prepared for committee, and we need the witnesses here. We are wasting time, which is, I'm sure, the Liberals' objective, but the witnesses are prepared to testify and they should be here now.

Please rule.

• (1235)

**Mr. Majid Jowhari:** On a point of order, Mr. Chair, can we invite witnesses when we are dealing with a dilatory motion?

If the dilatory motion is passed and it was not on the agenda for the topic with witnesses coming, can we invite witnesses or have witnesses participate?

**Mr. Larry Maguire:** On a point of order, Mr. Chair, these decisions have already been made by the votes that we held earlier, so I would ask you to move forward.

**The Chair:** Thank you, Mr. Maguire.

I will ask the clerk to read Ms. Rempel Garner's motion that was just passed.

**The Clerk:** It is:

That the Committee proceed to resume the agreed upon meetings in accordance with the motion passed on June 2, 2021.

**The Chair:** Thank you.

I will rule on this now. The motion calls for us to resume the agreed upon meetings. I'm prepared to talk to the House administration and see if we can get another slot, and schedule that meeting if we can, but that is not about adding business to this meeting. It's to "resume" the meetings. I do believe some notice is appropriate.

Therefore, we'll try to schedule a meeting as soon as possible.

If there are no further points of order, if there's no further business—

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

**Mr. Don Davies:** Mr. Chair, I would like to speak.

**Hon. Michelle Rempel Garner:** Go ahead, Don.

**The Chair:** Mr. Davies, go ahead.

**Mr. Don Davies:** Thank you.

I have to tell you that I've been in Parliament for 13 years, and there have been a few times when I have been extraordinarily disappointed. Those generally have not involved a substantive issue but rather parliamentarians' abuse of the process and engaging in disingenuousness. That's exactly what's happened here, and I need to state this for the record. For anybody watching this, I have to say that all of the cant, the misinformation, the feigned outrage and the cynicism that I have seen expressed by the Liberals today is a new low for me.

Let's review what has happened. About a month ago, we put a motion before this committee to determine what the last six meetings of this committee would be, with specific witnesses for each of those meetings. We debated those, we passed them and then what happened? The Liberals filibustered. Do you know why they filibustered? Because they wanted one thing: They wanted to give the chair some flexibility with regard to the order of those meetings, not to change them.

Every single member of this committee, with the exception of perhaps, Mr. Jowhari, who I understand is not on this committee, got notice last week of what the meeting would be. We were to hear from the law clerk and from the Clerk of the Privy Council on the issue of documents. For anybody on this committee to try to, with a straight face, look into a camera and say that they weren't prepared for the meeting today because they weren't aware of what's going to happen is simply disingenuous beyond belief.

I'll tell you something else: For the meeting that was supposed to happen today, which was the result of the motion I spoke of being passed unanimously. Ms. O'Connell voted for it. Mr. Van Bynen voted for it, for what those last meetings would be. The meeting for today, by the way, was scheduled last week. We got notice of it. Late Friday afternoon, Ms. O'Connell put in a motion for a 106(4).

Mr. Chair, I must, for the record, express my extreme displeasure with you. You have not once ever scheduled a 106(4) meeting on the next business day, not once. A Standing Order 106(4) meeting has to be scheduled within a prescribed time. That 106(4) meeting came after the meeting that was supposed to be held today, which was to hear from the law clerk and to hear from the Clerk of the Privy Council, and you took it upon yourself, Mr. Chair, to bump that meeting unilaterally and instead substitute a 106(4) meeting that easily could have been scheduled for tomorrow or Wednesday.

We all know what's going on here, and Canadians should know that Liberals are filibustering this meeting today, and they're doing so to avoid this committee holding the government accountable for their refusal and failure to abide by a House order to produce documents for this committee. Today we were supposed to hear from

two witnesses—the Clerk of the Privy Council and the law clerk—whose job it is to ensure that the supremacy of Parliament's will is carried out.

I have to say that to use long-term care as a political ploy is a new low in politics. For these Liberals to move on the last day of the health committee, before we adjourn for the summer, a motion to study long-term care.... They have had all year to do that. By the way, the conditions in long-term care, the appalling conditions, the ones that Ms. Sidhu quoted, occurred over a year ago. They were reported in the Canadian Armed Forces report that happened in March, April and May of 2020. Not a single Liberal member moved a motion to study long-term care then. That's how much they cared about that issue.

By the way, we don't need more talk. Who are you kidding? Everybody in the country knows about the appalling conditions of long-term care. Everybody in the country knows what needs to be done, and what do the Liberals want to do? Chat. Is that the Liberal answer to these severe deaths in long-term care, let's have four more meetings to talk about it?

The Liberals formed the Government of Canada in this country, and they can do anything they want. They just spent \$380 billion, and they can't act on long-term care? If the Liberals were serious about addressing long-term care, they would have done something. They would do something. They wouldn't just talk about it.

● (1240)

By the way, with great respect to my colleague Monsieur Lemire, there are significant issues of jurisdiction, which, by the way, Prime Minister Trudeau trots out extraordinarily selectively. When he doesn't want to vote on dental care or pharmacare or something else, it's an issue of the provinces. He lectures the NDP that we don't understand jurisdiction.

Now the Liberals want to talk about long-term care, which is squarely something that's within provincial jurisdiction. It's not an issue now. That, of course, is because they're using this as a political football. I think that is shocking and disgusting and appalling disrespect to every senior in long-term care in this country that Liberals would use this issue to try to skirt accountability.

You know, a government that's afraid of accountability is a government that's lost its moral compass to govern. A government that's afraid of transparency.... I know why the Liberals are nervous. It's because they know that they're in square violation of an order of the House. The very same contempt that brought down the Harper government over the Afghan detainee issue, which the Liberals voted for, they're now doing today.

**The Chair:** Mr. Davies—

**Mr. Don Davies:** I have the floor, Mr. Chair. I've listened all meeting to a lot of people talk.



**The Chair:** No, I have the floor. I have the chair.

**Mr. Don Davies:** No, I have the floor—

**The Chair:** I have the floor. I am the chair.

**Mr. Don Davies:** I'm speaking to my point of order.

**The Chair:** I am the chair—

**Mr. Don Davies:** It's my point of order.

**The Chair:** Hold up here. I just wanted to observe that I've given everyone fair latitude to speak and to debate this point of order. I think you have made your points very clearly. I would just ask you to wrap it up fairly soon, because it is going into debate and a decision has been made. Please—

**Mr. Don Davies:** I will wrap it up. I'll wrap it up this way.

Every single member of this committee knows that, at this meeting today, we were supposed to hear from the law clerk and the Clerk of the Privy Council on documents. Everybody in this committee knows that the Liberals filibustered this meeting because they don't want to hear from them. For that meeting to proceed, it would once again completely reveal that this government is in square violation and in contempt of Parliament. We talk about democracy. Parliament validly passed by majority, by democratic majority—the Liberals may not like it, but it was by democratic majority—to have unredacted documents delivered to the law clerk, who would redact according to prescribed criteria and then give that to the health committee.

The Liberals refused to do that. They have withheld 990,000 documents out of a million. They have refused to send those documents to the law clerk. They have refused to translate them, in violation of official languages legislation. They are redacting those documents themselves instead of having the law clerk do it. They are also redacting according to criteria beyond the order of the House. That is contempt. The Liberal members of this committee are showing contempt for the members of this committee as well.

• (1245)

**The Chair:** Thank you, Mr. Davies.

**Ms. Jennifer O'Connell:** Mr. Chair...?

**The Chair:** Go ahead, Ms. O'Connell.

**Ms. Jennifer O'Connell:** My hand was already up, but it's still up for this. On a point of order, I think it's important that we respond to the baseless claims that were just made by Mr. Davies.

Number one, Mr. Chair, how dare any member of this committee suggest that this is fake outrage? I lost over 70 residents in my community. I'm representing my community, those who died in long-term care and those who passed across this country. We can disagree on politics, but how dare any member suggest that this is fake outrage? We have been horrified by this. I and other members, Liberal members on this committee, have spoken at length about this.

To Mr. Davies' suggestion that he knows what's in our heads and that he speaks for me, how dare he? I am absolutely offended that he would suggest that this is fake. I have been speaking on the record, as have my colleagues, for over a year—

**Hon. Michelle Rempel Garner:** On a point of order, Chair, I'm not sure what the point of order is or what the—

**Ms. Jennifer O'Connell:** Excuse me. I'm responding to the diatribe that went on and that questioned our intentions.

**Hon. Michelle Rempel Garner:** This is a matter of debate, so...

**Ms. Jennifer O'Connell:** Mr. Chair, in addition to that—

**The Chair:** Ms. Rempel Garner, please hold up. I gave Mr. Davies extraordinary leeway. I think it's appropriate that we match that with Ms. O'Connell.

Go ahead.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair.

**Hon. Michelle Rempel Garner:** I challenge your ruling.

**Ms. Jennifer O'Connell:** Mr. Chair—

**Hon. Michelle Rempel Garner:** I challenge your ruling. We need to get to the witnesses. I challenge your ruling.

**Ms. Jennifer O'Connell:** Mr. Chair, just to be clear, now members can't be recognized on a point of order if Ms. Rempel Garner doesn't agree. That's what she's saying here, that members can't raise a point of order. Only members that the Conservatives and their buddies being propped up by the NDP against—

**Hon. Michelle Rempel Garner:** No. I want to move on to witnesses. We're using procedure to do that—

**Ms. Jennifer O'Connell:** Mr. Chair, we brought forward motions—

**Mr. Larry Maguire:** I have a point of order, Mr. Chair.

**Ms. Jennifer O'Connell:** Even before I was on this committee—

**Mr. Larry Maguire:** This is debate. We've voted on this. It's time to move forward.

**Ms. Jennifer O'Connell:** —HESA members brought forward motions on long-term care. We did again on May 28.

**Hon. Michelle Rempel Garner:** This is debate.

**Ms. Jennifer O'Connell:** We did it again today, because this is our last chance.

**Mr. Chris d'Entremont:** On a point of order, this is debate.

**The Chair:** Ms. O'Connell has the floor. I gave her the latitude—

**Ms. Jennifer O'Connell:** I have an opportunity to raise that as a point of order because misinformation has been put forward.

**Hon. Michelle Rempel Garner:** I challenge your ruling on relevancy.

**The Chair:** Thank you, Ms. O'Connell.

Mr. Maguire and—

**Mr. Larry Maguire:** Mr. Chair, I challenge your ruling. Obviously, you may be allowing this debate to go on as points of order until we run out of time so that we can't get the law clerk here, who is ready and waiting for us.

Thank you.

**Ms. Jennifer O'Connell:** The chair controls Mr. Davies speaking...? Mr. Maguire, that's ridiculous.

**The Chair:** Thank you, all.

**Mr. Larry Maguire:** It may be the truth, though.

**Hon. Michelle Rempel Garner:** Your ruling has been challenged, Chair.

**Ms. Jennifer O'Connell:** How the chair is ruling.... Mr. Davies only spoke because of the chair...? Please, give me a break. These insults need to stop.

**The Chair:** Thank you, Ms. O'Connell.

**Ms. Jennifer O'Connell:** The members didn't want to deal with long-term care and now they want to create something that doesn't exist—

**Hon. Michelle Rempel Garner:** I have a point of order on decorum.

**The Chair:** Thank you, Ms. O'Connell.

**Ms. Jennifer O'Connell:** It's absolutely ridiculous. I'm embarrassed for you.

**The Chair:** Ms. Rempel Garner, did you have another point of order?

**Hon. Michelle Rempel Garner:** I just challenged your ruling that this is not debate so that we can proceed with getting the witnesses.

**The Chair:** I didn't rule that it's not debate. I said that, in point of fairness, because I gave Mr. Davies ample opportunity to make his points—and I know that he's very passionate about those points—it seemed appropriate to let Ms. O'Connell match them.

I haven't made a ruling to be overruled.

However, I would respond to Mr. Davies' point. He said that I took it upon myself to schedule this meeting somewhat in defiance of the committee's decision. I should point out that the chair is obligated to call a meeting within five days, with two days' notice. It's not a matter of taking anything upon myself. It's a matter I'm obligated to act on with Standing Order 106(4).

This being the only time slot that we know about, I had no real choice but to schedule it for this time. I'm quite happy to check into the schedule and see what we can arrange for subsequent meetings. I would note that the resources of the House are extraordinarily tight right now, so I couldn't count on having another slot for this meeting for the 106(4).

That's why I had to do this now.

• (1250)

**Mr. Don Davies:** Mr. Chair, with respect, when would we have the meeting that was supposed to happen today then? Where was your concern about that?

**Hon. Michelle Rempel Garner:** Now we have to have it.

**The Chair:** My obligation as chair is to fulfill the 106(4). Certainly I shall do my best to try to find another slot for that meeting.

**Mr. Don Davies:** Mr. Chair, it's also to implement the will of the committee as expressed in the previous motion.

**The Chair:** Absolutely, but—

**Mr. Don Davies:** You made the choice to bump the previously scheduled meeting for the 106(4) meeting. That was your choice.

**The Chair:** It's not a choice. It's an obligation. The Standing Order 106(4) meeting takes precedence.

Be that as it may, this is what happened.

**Ms. Jennifer O'Connell:** Mr. Chair...

**The Chair:** I'm sorry. Who's interrupting now?

**Ms. Jennifer O'Connell:** It's me again. I'm sorry. I just wanted to get your attention.

**The Chair:** Ms. O'Connell, go ahead.

**Ms. Jennifer O'Connell:** I just wanted, on the record, all the times that some Liberal members brought forward the suggestion to study long-term care. In particular, the last time was May 28. There would have been six meetings left. We could have easily done these four meetings—

**Hon. Michelle Rempel Garner:** On a point of order, Chair, this is not a point of order. This is debate and the law clerk is waiting.

**Ms. Jennifer O'Connell:** Again, I just—

**Hon. Michelle Rempel Garner:** This is not a point of order.

I appreciate Ms. O'Connell's trying to waste time so that the law clerk can't come, but this is not a point of order. A decision has been made by the committee and we need to move on. The law clerk is waiting.

Thank you.

**Ms. Jennifer O'Connell:** No, Mr. Chair. I appreciate that the Conservatives don't want to talk about long-term care, but we have and continue to.... It is beyond frustrating to sit here and listen to the fact that 106(4) motions only matter if it comes from the other members. That they should only be acted on....

Frankly, Mr. Chair, I am frustrated to sit here and let them attack you for acting on a 106(4) that came from us on a topic that we care about.

**Hon. Michelle Rempel Garner:** On point of order, Mr. Chair, this is debate.

**Ms. Jennifer O'Connell:** When it's a 106(4) on a topic they care about, somehow there are two classes of MPs on this committee.

**Mr. Larry Maguire:** Mr. Chair, I have a point of order.

There is opposition and there is government. The opposition moved and won the vote and needs to hear the law clerk.

**The Chair:** Thank you, everybody.

We have everyone talking at once. The interpreters will not be able to translate, of course.

Ms. Rempel Garner's motion was to resume the meeting as formally described. It was not to proceed to that in this meeting and, frankly, we are out of time. We have a hard stop.

I'm going to adjourn the meeting and I will get with the clerk to find another time slot where we can schedule that meeting so that everybody has the notice they require and so that all the witnesses we want to see—

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

You cannot unilaterally adjourn the meeting without consent, and there is time left in this meeting for the law clerk to come.

**Mr. Tony Van Bynen:** Mr. Chair, I have a point of order as well.

Everyone should be entitled to their specified time period, and there isn't sufficient time for everyone to ask their own questions. How can this realistically be done? It can't be accomplished.

**The Chair:** The motion that Ms. Rempel Garner moved and that was passed by the committee is that we resume our meetings as formerly decided. It was not, in fact, to try to incorporate some semblance of those meetings within the current meeting, which was not called for that purpose.

This is not—

**Hon. Michelle Rempel Garner:** Actually, on a point of order, sir, you are wrong.

**The Chair:** Excuse me, but I am speaking.

**Hon. Michelle Rempel Garner:** You're factually wrong.

**The Chair:** I am speaking.

**Hon. Michelle Rempel Garner:** You're factually wrong. That's not what the motion was.

**The Chair:** Ms. Rempel Garner, I am speaking.

I will ask the clerk to reread the motion that we just passed.

Mr. Clerk.

**The Clerk:** I cannot find it. I'm sorry about that.

**Hon. Michelle Rempel Garner:** I can read it, Mr. Chair. I have it.

It reads as follows:

That the Committee proceed to resume the agreed upon meetings in accordance with the motion passed on June 2, 2021.

That meant now. That's a dilatory motion for this committee meeting.

I get that the Liberals want to waste time, but you are wrong. You are wrong. You are procedurally, factually wrong.

**The Chair:** That is not what it said. It said to resume the meetings as previously described.

**Hon. Michelle Rempel Garner:** Mr. Chair, I can't help that you don't know procedure, but you are wrong. If you are going to rule on this, I will challenge your ruling, and then we will move on again, after wasting half an hour.

**Ms. Jennifer O'Connell:** That's so rude.

**Hon. Michelle Rempel Garner:** You are wrong.

● (1255)

**Ms. Jennifer O'Connell:** There should be some level of decorum. You can disagree, but the personal insults are not needed.

**The Chair:** Listen. I am trying to adhere to the motion as passed. The motion as passed requires that the meetings be continued as formerly decided, so that is not this meeting. That is not adding business to this meeting—

**Hon. Michelle Rempel Garner:** I challenge your ruling.

**The Chair:** —in four minutes left to go.

That is what it is all about.

**Hon. Michelle Rempel Garner:** I challenge your ruling.

**The Chair:** Go ahead.

The question is whether the decision of the chair in regard to Ms. Rempel Garner's motion requiring that we resume the meetings, which is not this meeting, should be sustained.

If you say yes, then you support the chair. If you say no, then I'm not sure what will happen.

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

**The Chair:** I am at a loss to figure out how we're going to actually accomplish this. We are out of time. There is no time to bring in the witnesses. Therefore, I will suspend this meeting and we will resume it in due course.

The meeting is suspended until we can arrange an appropriate time. Thank you.

[*The meeting was suspended at 1:00 p.m., Monday, June 21*]

[*The meeting resumed at 3:41 p.m., Wednesday, June 23*]

● (1540)

**The Chair:** I call this meeting to order.

Welcome to the House of Commons Standing Committee on Health. The committee is meeting to resume meeting number 46. Pursuant to the motion adopted on June 21 and the motion adopted on June 2, we are resuming our study on the emergency situation facing Canadians in light of the COVID-19 pandemic.

I would like to welcome our witnesses today. We have, from the House of Commons, Mr. Philippe Dufresne, Law Clerk and Parliamentary Counsel; and Michel Bédard, deputy law clerk.

From the Office of the Privacy Commissioner of Canada, we have Mr. Daniel Therrien, Privacy Commissioner of Canada; and Mr. Gregory Smolynec, deputy commissioner, policy and promotion.

From the Office of the Information Commissioner of Canada, we have Ms. Caroline Maynard, Information Commissioner of Canada.

I understand that Mr. Therrien has to leave somewhat early, so we will start our opening statements with him just in case.

I will invite the witnesses to make a five-minute statement. I will indicate when the time is roughly up with the yellow card and when it's actually up with the red card. When you see the red card, do, please, try to wrap up. You don't have to stop instantly, but do try to wrap up.

With that, I will invite Mr. Therrien, Privacy Commissioner of Canada, to make a five-minute statement.

Thank you.

**Mr. Don Davies:** Mr. Chair, before we begin, as a matter of procedure, did we not invite someone from the Privy Council Office to appear today?

**The Chair:** We did, but they were unable to attend due to a lack of notice.

We'll carry on with Mr. Therrien.

Mr. Therrien, please, go ahead if you have a statement.

[*Translation*]

**Mr. Daniel Therrien (Privacy Commissioner of Canada, Office of the Privacy Commissioner of Canada):** Thank you to the Chair and members of the committee for your invitation to share our views on your current study.

As you said, I am accompanied by Gregory Smolynec, the Deputy Commissioner. Due to a prior engagement, I cannot be here for the entire meeting, but Mr. Smolynec will remain afterwards to address any questions that you may wish to ask.

I am here to speak to you today about what the Privacy Act does and does not allow with respect to the production of documents under provisions of the Act related to disclosures of personal information.

Let me begin by stating that the role of the Office of the Privacy Commissioner is to oversee compliance with the duties and obligations in both the Privacy Act (the public sector law) and the Personal Information Protection and Electronic Documents Act (the private sector law).

The public sector law, the Privacy Act, enacted in 1983, applies to the personal information handling practices of federal government departments and agencies. The act defines personal information as information about an identifiable individual that has been recorded in any form. The act states that personal information collected by federal institutions can only be used for the purpose for which it was collected, for uses consistent with that purpose, or for purposes specifically provided for under subsection 8(2) of the Act. I believe this to be the provision most relevant to this discussion.

• (1545)

[*English*]

According to the Privacy Act, personal information cannot be disclosed without consent unless exceptions delineated in subsection 8(2) of the Privacy Act apply, two of which are most relevant for this discussion.

The first I would highlight is paragraph 8(2)(m). This provision allows for the disclosure of personal information where, “in the opinion of the head of the institution...the public interest...clearly outweighs any invasion of privacy that could result from the disclosure, or” if the “disclosure would clearly benefit the individual to whom the information relates”. Fundamental to this exercise of discretion is that there must be a clear public interest in the disclosure. The discretion to disclose or not to disclose personal information lies with the institutional head.

The second relevant provision is paragraph 8(2)(c) of the Privacy Act, which allows for the disclosure of personal information to “a court, person or body with jurisdiction” and the power “to compel the production of information” through the issuance of an order, subpoena or warrant. In relation to this provision, we recognize Parliament's authority to compel the production of documents that may contain personal information and acknowledge that the Privacy Act therefore allows for the disclosure of personal information to a committee.

In previous instances where this issue has arisen, we have recommended that committees explore a range of options to ensure that the authority of committees is exercised in ways that do not unduly invade on privacy. For example, mechanisms that might be considered include having committees come to an agreement that they will limit the personal information sought to only those cases that are clearly necessary to resolve the public interest at issue. Another possibility would be to hold meetings in camera where personal information is to be examined and discussed, or ensuring that there are proper procedures for securing that information once it is in the possession of both the committee as a whole as well as individual members. These are examples of privacy protective measures.

We hope—

**Ms. Jennifer O'Connell:** I'm sorry, Mr. Chair. I'm sorry to the witness, but I believe the bells are ringing.

**The Chair:** Very well.

Also, my apologies to the witness. We do require unanimous consent to continue.

Do we have unanimous consent?

**Mr. Chris d'Entremont:** There are 15 minutes, Mr. Chair.

**The Chair:** I propose that we continue at least until the end of Mr. Therrien's statement. Actually, his time is almost up, but let's give him another couple of minutes to finish and then revisit the matter at that time.

Is that acceptable? I think so. Very well.

Go ahead. I'm sorry for the interruption, Mr. Therrien.

[*Translation*]

Please go ahead.

[*English*]

**Mr. Daniel Therrien:** No concern—I had essentially finished.

Our point is that even though a parliamentary committee can compel the production of personal information under its authority, and that there would be authority under the Privacy Act for the disclosure to a committee, in the circumstances we suggest that the committee take privacy protective measures to minimize privacy risks in that exercise.

That's the end of my statement. As indicated, Mr. Smolynec will be able to take questions if I have to leave shortly.

**The Chair:** Thank you very much for your statement and thank you for being able to attend.

Do we have unanimous consent to carry on any further?

**Ms. Jennifer O'Connell:** No.

**The Chair:** No, we do not. Therefore, we will suspend, and we will resume after the votes are done.

Please do try to get back here as soon as possible after the votes.

Thanks to all of you. We are suspended.

● (1545) \_\_\_\_\_ (Pause) \_\_\_\_\_

● (1655)

**The Chair:** We are resuming meeting number 46, and we've heard from the Privacy Commissioner and we will carry on with witness statements.

I will invite Mr. Dufresne, Law Clerk and Parliamentary Counsel, to make his statement.

Please go ahead, sir, for five minutes.

[*Translation*]

**Mr. Philippe Dufresne (Law Clerk and Parliamentary Counsel, House of Commons):** Mr. Chair, members of the committee, thank you for inviting me to appear today. As the House of Commons Law Clerk and Parliamentary Counsel, I am pleased to be here so that I can answer your questions.

With me is Michel Bédard, Deputy Law Clerk and Parliamentary Counsel, Legal Services.

I hope that our answers will assist the committee in your deliberations.

[*English*]

As you know, the House of Commons adopted a motion on October 26, 2020, that instructed this committee to undertake a study on the emergency situation facing Canadians in light of the second wave of the COVID-19 pandemic, and ordered the production of documents from various government departments and ministerial offices relating to this study.

The House's order required that before their tabling in the House and distribution to the committee, all documents be vetted by my office for matters of personal privacy information and national security, and for the category of documents relating to the COVID-19 vaccine task force and its subcommittees, that they be also vetted for information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations between the government and a third party.

On November 24, 2020, the Clerk of the Privy Council, Mr. Ian Shugart, testified before the Standing Committee on Finance that the documents responsive to the House's order could constitute millions of pages.

On November 27, 2020, I appeared before this committee and confirmed that I would devote close to 100% of my office's resources to the review of the documents in order to meet the seven-day timeline provided in the order, and that we could review up to 50,000 pages during that seven-day period. The same day, this committee adopted an order asking my office to prioritize the order in which we vet the documents and confirming that we could obtain an extension of time to review them if necessary by reporting to the committee.

The order also stated that all documents were to be circulated to the committee in both official languages. This became the second report of the committee to the House, which was adopted on December 4, 2020.

On December 7, 2020, my office received approximately 5,000 documents totalling almost 27,000 pages from various government departments and ministerial offices, which we vetted in accordance with the House's order and within the seven-day time period prescribed. In the letters accompanying the documents, the government indicated that my office could expect to receive subsequent batches of documents from the government.

The majority of the documents provided by the government were only in one official language.

● (1700)

[*Translation*]

As soon as we received the documents, I wrote to the Clerk of the Privy Council to ask him whether the government intended to provide the translated versions of the documents and, if so, when we could expect to receive them.

In his reply of December 18, 2020, Mr. Shugart stated that, in his opinion, following the second report of this committee, adopted by the House on December 4, 2020, my office was best placed to determine the sequencing and content of translation.

On December 22, 2020, I responded to Mr. Shugart's letter and indicated that the government has an obligation to produce documents in both official languages in accordance with section 8 of the Official Languages Act and consistent with Standing Order 32(4), and that the second report of this committee neither diminished nor removed this obligation.

I added that, to avoid any additional delay, my office would be taking the extraordinary step of providing the documents we have received to date to the Translation Bureau on behalf of the government, but that I expected that, moving forward, the government would take the necessary steps to translate the documents in a timely manner. This is so that we receive the documents in both official languages for tabling in the House and for referral to the committee, once our approval process is complete.

[*English*]

The same day, I reported on this exchange to the committee. My office subsequently received additional documents from the government, so on February 3, I wrote again to Mr. Shugart asking when my office could expect to receive translated versions of the documents so that they could be tabled in the House and distributed to the committee.

On February 26, I received correspondence from the deputy clerk of the Privy Council indicating that the documents were being provided in the language in which they were available in the government's systems to produce them as quickly as possible, and that, given my office's role in determining the priority and sequence for vetting and distribution of documents, the government's position was that we were best placed to determine the order in which documents should be translated and to access additional funding from the Board of Internal Economy of the House of Commons. The deputy clerk also advised that the government expected to provide documents in response to the House's order on a monthly basis.

On March 2, I reported to this committee on the issue and reiterated my position that it is the government's obligation to provide bilingual copies of the documents. I also sought instructions from the committee about how it wished to proceed with respect to the translation of the documents for the fourth, fifth and any subsequent batches produced by the government.

We have to date been able to provide 6,307 documents to the Speaker for tabling in the House.

On February 12, this committee adopted a motion instructing the chair to inquire as to whether the contracts for Canada's seven vaccine agreements had been provided to my office in response to the House's order, and if so, requesting that the translation be prioritized so that the agreements could be tabled in the House and distributed to the committee as soon as possible. The motion also provided that, if the agreements had not yet been produced by the government, the committee request that they be provided by the government to be vetted in accordance with the parameters set out in the House's motion, and this committee review them in camera.

On February 25, the chair of this committee inquired about whether my office had received the vaccine agreements from the government, and I confirmed that we had not. The chair subse-

quently wrote to the Clerk of the Privy Council requesting that the government provide the agreements to the committee.

Finally, On June 4, the assistant deputy minister of the policy, planning and communications branch of Public Services and Procurement Canada, Mr. James Stott, informed this committee that the government was providing its vaccine agreements after having examined the contracts "under the strict requirements of the Access to Information Act and consulted implicated companies as is required to ensure the appropriate safeguard of their information", and that the government had applied the applicable exemptions "to protect third-party or personal information, as well as to avoid jeopardizing orders or compromising Canada's negotiating position given the volatility of the marketplace."

[*Translation*]

That concludes this review of the facts. I will gladly answer your questions.

Thank you.

[*English*]

**The Chair:** Thank you, Mr. Dufresne.

We go now to Ms. Caroline Maynard, Information Commissioner of Canada.

Ms. Maynard, you have five minutes.

**Ms. Caroline Maynard (Information Commissioner of Canada, Office of the Information Commissioner of Canada):** Thank you.

[*Translation*]

As you know, my name is Caroline Maynard and I am the Information Commissioner of Canada. Since this is my first appearance before your committee, I thought I would start with a very brief overview of my mandate.

[*English*]

I have no doubt that most of you, if not all of you, are familiar with the process of making access to information requests.

The overall administration of the Access to Information Act falls under the authority of the Treasury Board Secretariat. This means TBS oversees the handling of the access to information requests within government institutions.

My role is to investigate complaints relating to those requests, normally because the institution is late in responding or because requesters are not satisfied they have received all the information to which they are entitled.

I also have the power to initiate complaints myself, and at times, when an institution appears to have chronic issues relating to the access to information process, I can initiate a systemic investigation of that particular institution. In addition, I can participate in court proceedings when necessary. My office has done this on a number of occasions.

• (1705)

[Translation]

As an Agent of Parliament, I report annually on the activities of the Office of the Information Commissioner. Just last week, I tabled my annual report for 2020-21. I can also issue special reports to Parliament in respect of important issues that fall within my powers and functions.

My most recent special report focused on the systemic investigation I conducted into Immigration, Refugees and Citizenship Canada. But in the past twelve months, I have also tabled special reports on systemic investigations conducted into the Department of National Defence and the RCMP.

[English]

My goal is to maximize compliance with the Access to Information Act, using the full range of tools and powers at my disposal. I understand you are currently considering documents you received from PSPC that contain redactions based on the principles of the Access to Information Act. However, these documents have not been requested pursuant to the Access to Information Act, but rather, produced through motions adopted in the chamber and in committee.

Since my mandate does not encompass reviewing redactions to records produced in contexts outside the access to information regime, I have not been consulted, nor have I been involved in any way. As such, I cannot comment on the disclosure or redactions of these particular documents.

It is worth noting that if these records were requested under the act and I were to receive a complaint concerning their disclosure, I would undertake an investigation that would require that I afford parties a reasonable opportunity to make representations prior to reaching any findings. I would also be precluded from commenting publicly on any investigation in progress.

[Translation]

I will leave it at that, as I am mindful of the time. I will gladly answer your questions.

Thank you.

[English]

**The Chair:** Thank you, Ms. Maynard.

We will start our questioning now with Ms. Rempel Garner for six minutes, please.

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

My line of questions will be directed to Mr. Dufresne in trying to ascertain what the committee should do with regard to next steps in trying to obtain the documents that we have not received yet.

Just for clarity, approximately how many documents did you receive under the House order from October of last year?

**Mr. Philippe Dufresne:** We have received approximately 6,307 documents.

**Hon. Michelle Rempel Garner:** Have those all been released to the committee so far?

**Mr. Philippe Dufresne:** They have. Excuse me, some that have been received have not been released to the committee because they have not been translated, so 6,307 have been tabled—

**Hon. Michelle Rempel Garner:** It is not a million.

**Mr. Philippe Dufresne:** No.

**The Chair:** Pardon me, Ms. Rempel Garner, I've stopped your time. Your microphone is not connected properly.

**Hon. Michelle Rempel Garner:** It's going to be what it's going to be, Chair.

**The Chair:** It's the interpreters who have the deepest concern about this. If you could just make sure that the sound is as good as we can make it for them, that would be good.

Have you verified that?

**Hon. Michelle Rempel Garner:** I'd just like to proceed if possible.

**The Chair:** Okay, we are trying to look after the interpreters as well, but I will resume your time now.

Go ahead, please.

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

Mr. Dufresne, in terms of possible next options for recourse of the committee, I am looking at the matters that were disclosed this afternoon with regard to the fact that the government has apparently.... The Attorney General has filed an application in Federal Court requesting an order to seal documents related to the National Microbiology Laboratory on the transfer of Ebola.

Are you aware of this filing by the Attorney General?

• (1710)

**Mr. Philippe Dufresne:** I am, yes.

**Hon. Michelle Rempel Garner:** How unusual is this?

**Mr. Philippe Dufresne:** From time to time there are proceedings in court. The role of my office in these proceedings is to represent the interests of the institution, the Speaker, and defending the privileges of the House. That's been done by my predecessors. It's been done by myself.

**Hon. Michelle Rempel Garner:** Thank you.

Has this ever happened before?

**Mr. Philippe Dufresne:** In the specific context in terms of an order to produce documents, to my knowledge it has not.

**Hon. Michelle Rempel Garner:** Has the government taken the House to court over [*Technical difficulty—Editor*] documents [*Technical difficulty—Editor*] this Parliament?

**Mr. Philippe Dufresne:** By this current Parliament, no.

**Hon. Michelle Rempel Garner:** Thank you.

What about previous sessions of this Parliament, such as the Speakers' Spotlight documents, for example?

**Mr. Philippe Dufresne:** To my knowledge, no. This is something that we can look into and confirm in terms of precedence.

There have been precedents where privilege has been raised and determined in court.

**Hon. Michelle Rempel Garner:** My understanding is that Parliament is immune from judicial intervention. Is that correct?

**Mr. Philippe Dufresne:** If a matter falls under parliamentary privilege, then the House will have exclusive authority. That's the position I will be taking.

**Hon. Michelle Rempel Garner:** Thank you.

Can you assure the members of the committee that the rights of Parliament will be defended against this court application from the government?

**Mr. Philippe Dufresne:** I can confirm that I've been instructed by the Speaker of the House of Commons to challenge the jurisdiction of the court in this matter [*Technical difficulty—Editor*] parliamentary privilege.

**Mr. Tony Van Bynen:** I have a point of order, Mr. Chair.

**The Chair:** Mr. Van Bynen, go ahead on a point of order.

Ms. Rempel Garner, your time is stopped.

**Mr. Tony Van Bynen:** My point is with respect to relevance, Mr. Chair. The issue we're discussing is not relative to HESA.

**Hon. Michelle Rempel Garner:** I would argue that it is directly material, Chair. It is directly related to the item at hand, but I understand—

**Mr. Tony Van Bynen:** Mr. Chair, how are the documents relative to the Canada-China relationship?

**The Chair:** Thank you, Mr. Van Bynen.

We do allow a certain latitude. I'm certain that the question of admissibility of documents and the process is relevant.

In any case, I will start Ms. Rempel Garner's time again.

Please carry on, but do bear in mind relevance, if you can.

**Hon. Michelle Rempel Garner:** I would argue it was directly relevant, but with that I will be sharing my time with Mr. Davies.

**The Chair:** Thank you.

Mr. Davies, go ahead for two and a half minutes.

**Mr. Don Davies:** Thank you.

Mr. Dufresne, you, on March 20, 2020, sent a letter to the clerk of this committee in which you said this: "the House's and its committees' powers to order the production of records is absolute and unfettered as it constitutes a constitutional parliamentary privilege that supersedes statutory obligations."

Do you stand by those words, Mr. Dufresne?

**Mr. Philippe Dufresne:** Absolutely.

**Mr. Don Davies:** Last week, Mr. Iain Stewart, who is the head of the Public Health Agency of Canada, came to this committee and stated that he would refuse to turn over those documents that were ordered by this committee because he felt that he was bound by other statutes, that he worried that he would break the law of those other statutes if he complied.

Is he correct or incorrect in that view, in your assessment?

**Mr. Philippe Dufresne:** The view that I've shared with this committee and other committees is that the power of committees and

the House to send for persons and papers is part of parliamentary privilege. It's a constitutional power and right, and it supersedes statutory provisions that would otherwise limit production of information.

So the House and committees have the authority, and in the situation where it is not done then the committee can report the matter to the House and the House can take the appropriate steps, as it has.

**Mr. Don Davies:** If a person refused to comply with such an order, does that not violate the privilege of parliamentarians?

**Mr. Philippe Dufresne:** In the situation where a person does not provide the information sought by the committee, the committee has a number of options. It can determine that the reasons put forward are valid. It can determine that it will find a compromise situation. It can determine that it rejects the position taken and report the matter—

**Mr. Don Davies:** But Mr. Dufresne, in the event that the committee wants the documents, and that's their determination, the question is straightforward. Does a person who still refuses to provide those documents in that circumstance violate the privileges of that committee?

• (1715)

**Mr. Philippe Dufresne:** They're in breach of the order of the committee. The committee can report it to the House and then the House can make the findings in terms of the exercise of its privileges and disciplinary powers.

**Mr. Don Davies:** Thank you.

On October 26, 2020, the House of Commons passed a motion ordering the government to produce all documents related to various issues—I think you already commented on this order—concerning handling of the COVID crisis, to this committee through you.

Those documents were required to be delivered to the law clerk in unredacted form. The law clerk was to redact according to specific criteria contained in the order, and then to deliver those documents to the committee no later than December 7, 2020.

Has that motion been complied with by the government?

**Mr. Philippe Dufresne:** We've received a number of documents. In some instances, some of the documents contain the proposed redactions, which is consistent. In some situations, we have received documents where the vaccine agreements have been disclosed, and they contain redactions. These are documents where I cannot see behind those redactions.

**The Chair:** Thank you, Mr. Davies.

Ms. O'Connell, please go ahead for six minutes.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair. Thank you, Mr. Dufresne.

My questions are for you, as well, and I'm going to get right to it because I have limited time.

Do you have a copy of the October 26, 2020, order in front of you?

**Mr. Philippe Dufresne:** I do.



**Ms. Jennifer O'Connell:** Thank you.

For the benefit of the committee, can you please highlight to me or tell me the specific section that refers to vaccine contracts?

**Mr. Philippe Dufresne:** I do not believe there is a specific reference to vaccine contracts. There is language about all documents relating to the COVID-19 vaccine task force and its subcommittee, so it's a long order, it's a broad order, but I don't believe that vaccine contracts specifically are referred to.

**Ms. Jennifer O'Connell:** Right. They're not.

In terms of the vaccine task force, is the vaccine task force the signatory of the contract or is it the Government of Canada?

**Mr. Philippe Dufresne:** Those are signed by the Government of Canada.

**Ms. Jennifer O'Connell:** Right, so even discussions that are ordered in this motion in terms of the task force...that's one thing, but the contracts themselves [*Technical difficulty—Editor*] explicitly mentioned in this order.

I recognize there is broadness. However, as parliamentarians we vote based on the four walls of the paper, so to speak. If vaccine contracts are not referred to in this, then how is a parliamentarian who voted on this motion to surmise what you may determine as broad, or can we conclude the vaccine contracts are not part of this order?

**Mr. Philippe Dufresne:** Well, I think it's up to the committee and ultimately to the House, if it's raised before the House, to make the determination as to whether it's satisfied with compliance. That's an interpretation that would be done by those bodies.

**Ms. Jennifer O'Connell:** Fair enough. I think, though, we can conclude that the vaccine contracts are not part of the October 26, 2020, motion.

**Mr. Philippe Dufresne:** That's not specifically cited.

**Ms. Jennifer O'Connell:** Right.

Then let's move to the motion of the committee. You referred...the committee can then make changes. I keep referring to it as Mr. Barlow's committee motion. Let's refer to that, where it does, in fact, talk about vaccine contracts. The first paragraph, if you have it in front of you—

**Mr. Philippe Dufresne:** I do.

**Ms. Jennifer O'Connell:** —okay, perfect—refers to the Law Clerk and Parliamentary Counsel inquiring about whether or not the contracts of the seven vaccine agreements have been provided. However, as we just concluded, vaccine contracts were never part of the October 26 motion, so that first paragraph, in my mind, is void. You can't ask for something.... You can't amend a motion by another motion in this manner without its being part of the House.

Let's move, then, to the second paragraph, which talks about how, if you, as the law clerk, have those documents, you would move forward in providing them.

Then let's get to that third paragraph, which I think is the important piece because it's clear that you weren't provided with those documents because that wasn't part of the October 26 order. Therefore, it goes to the third paragraph, which says, “If the law clerk

does not have such documents, that the committee request from the government the contracts for Canada's seven vaccine agreements with suppliers”, and it goes on.

If the contracts were never part of the October 26 motion, they were not, therefore, required to be sent to you directly. Then this motion, the Barlow motion, says that those contracts were requested—not ordered but requested—to be sent to the committee directly, which would allow the government to make the redactions because there was no requirement to send them to you directly. Is that accurate?

● (1720)

**Mr. Philippe Dufresne:** Well, I think, again, it depends on the interpretation that the committee, or ultimately the House, would give.

Are the vaccine contract agreements included in this [*Technical difficulty—Editor*]? That's the first issue. The second issue is that, in the second motion—

**Ms. Jennifer O'Connell:** Sorry. I'm sorry. I don't mean to interrupt. I'm just limited in time.

**Mr. Philippe Dufresne:** Sorry, yes.

**Ms. Jennifer O'Connell:** My question, though, is not about the committee. You're the witness, and it's your opinion that is being debated here. If the vaccine contracts were never part of the October 26 motion, you're right that committees can, at a later date, make a determination. However, they haven't done so, so we're just dealing with the four corners of these two motions. If the committee has not taken any further action to date, it means that the October 26 motion does not require that vaccine contracts be sent to you. Therefore, the Barlow motion has a clause in there that the government can send the vaccine contracts directly to the committee, which would mean that they would be responsible for the redactions because there's no requirement to send them to the law clerk.

**Mr. Philippe Dufresne:** Well, again, I think it's up to the committee to interpret the Barlow motion in terms of the language “that the documents be vetted in accordance with the parameters set out in the house motion?”. It's really the interaction of those.

**Ms. Jennifer O'Connell:** Sorry. I'm just limited on time. I don't mean to be rude.

If you go back, it refers back to the October 26 motion, which we've already determined doesn't refer to vaccine contracts. You can't put a clause in a motion about another motion where it doesn't exist. Therefore, the vetting process would be done by the government as per that third clause, which would mean that the government's in complete compliance.

**Mr. Philippe Dufresne:** Again, all I can say is that, really, it's for this committee to make those interpretations. You have an order of the House. You have an order of the committee, and the order of the committee—

**Ms. Jennifer O'Connell:** That's fair, but it's not your interpretation. As of today, there is no motion before you that your interpretation that the vaccine contracts were not in the October 26 motion.... Therefore, there was no requirement for those documents to be sent to you first to be vetted. As of today, if the committee changes its mind, that's its prerogative. As of today, your position is in the four corners of the document.

**The Chair:** Thank you, Ms. O'Connell.

If the witness wishes to answer, please do so.

**Mr. Philippe Dufresne:** I just want to reiterate that it's up to the committee to interpret the reference in the House order to documents relating to the vaccine task force and how broad that would be, and then to interpret the Barlow motion that is making reference to the House order and the parameters for vetting.

**The Chair:** Thank you.

[*Translation*]

We continue with Mr. Lemire.

Mr. Lemire, the floor is yours for six minutes.

**Mr. Sébastien Lemire:** Thank you, Mr. Chair.

I suggest that Mr. Davies go before me, if he wants to. I could then wrap up.

[*English*]

**The Chair:** Mr. Davies, go ahead.

**Mr. Don Davies:** That's fine.

Mr. Dufresne, I'll just pick up where Ms. O'Connell left off. I'll read Mr. Barlow's motion to you: "If the law clerk does not have such documents, that the committee request from the government the contracts for Canada's seven vaccine agreements" and we'll stop there.

Mr. Dufresne, why would you potentially have such documents—or not—if not by virtue of the October 26 order of the House? Was there any other order you're aware of that would have served as the grounds for you having the vaccine contracts?

**Mr. Philippe Dufresne:** No.

**Mr. Don Davies:** Second, I'm going to read to you a passage from our federal procurement minister, Liberal Anita Anand. This is what she said on October 26, 2020, when speaking to the motion:

The difficulty with the current motion, and in particular, the very reason I am here today as Minister of Procurement is because I have been involved in and have led the signing of hundreds of contracts for PPE, for vaccines and for rapid test kits for the benefit of Canadians' health and safety, and if this motion passes, it is my grave concern that those contracts are at risk, [these] negotiations are at risk and suppliers will then [if the contracts are disclosed] as a result be hesitant to contract with the federal government.

Mr. Dufresne, you'd agree with me that clearly it was in Madam Anand's mind on October 26 that the motion contemplated the production of vaccine contracts. Would that be a fair interpretation of those remarks?

• (1725)

**Mr. Philippe Dufresne:** Well, I don't want to interpret the intentions. I think the statement is there and stands for itself and—

**Mr. Don Davies:** Because—

I'm sorry.

**Mr. Philippe Dufresne:** The order of the House, I would just add, makes reference to the issue of the vaccine task force and tasked my office to consider if the information, the disclosure, could reasonably be expected to interfere with contractual or other negotiations. There's language there as well referencing contractual negotiations.

**Mr. Don Davies:** Well, of course. I'm not going to waste any more time on this because the position of Ms. O'Connell is so preposterous. Obviously, the vaccine contracts are at issue. They've always been at issue.

Has the government, to this day, ever told you that vaccine contracts are not subject to the October 26, 2020, order? Have they ever taken that position?

**Mr. Philippe Dufresne:** I don't believe they have. No.

**Mr. Don Davies:** No.

Now, how many documents have been delivered to your office of those millions of documents that Mr. Shugart told this committee the government had in its possession?

**Mr. Philippe Dufresne:** I think it was millions of pages that was the reference, not millions of documents—

**Mr. Don Davies:** No, it was actually "millions of documents"—

**Mr. Philippe Dufresne:** Okay. I stand corrected.

**Mr. Don Davies:** —but nevertheless, pages, documents.... It was documents. Tell me, how many have you received?

**Mr. Philippe Dufresne:** We have received 8,500 documents.

**Mr. Don Davies:** Okay. Just being conservative and using that figure as a percentage of, say, one million documents, conservatively that means that in seven months this committee has received less than 1% of the documents ordered. At that rate, it will mean that it will take some 700 months—or 58 years—for the Liberals to comply with the order of the House.

For the Information Commissioner, does that conform with your notion of transparent government in Canada?

**Ms. Caroline Maynard:** Not to provide you the information that it said it would be providing you is outside of my jurisdiction, but according to what we know about transparent government, if it is voluntarily providing information, that's being an open and transparent government.

**Mr. Don Davies:** Over 58 years...?

**Ms. Caroline Maynard:** Oh, you mean for the timelines.

**Mr. Don Davies:** Yes.

**Ms. Caroline Maynard:** Under my act, you have 30 days to provide information or you can ask for an extension. Then, if there's a complaint about the extension, I can make an investigation on that.

**Mr. Don Davies:** Okay.

I'll go back to you, Mr. Dufresne.

To go to Mr. Barlow's motion, when he said that the vaccine agreements “be vetted in accordance with the parameters set out in the house motion”, would it be your interpretation that it means the House motion's requirements were that the vaccine contracts be vetted by you?

**Mr. Philippe Dufresne:** In the House order, the vetting is to be done by me, by my office.

**Mr. Don Davies:** In the House order, the documents are to be sent to you in unredacted form. Is that correct?

**Mr. Philippe Dufresne:** In order for me to vet, I have to be able to see what the information is.

**Mr. Don Davies:** I think you've already specified the three criteria by which the documents would be vetted. Those are different from the criteria under the Access to Information Act, aren't they?

**Mr. Philippe Dufresne:** There are some similarities, but it's not a reference to the provisions of the Access to Information Act. These are the grounds that the House accepted.

**Mr. Don Davies:** Well, it's been a while since I looked, but I counted at least a dozen different criteria for redaction in the Access to Information Act. The House order specifies three. Is that correct?

**Mr. Philippe Dufresne:** That's correct. Yes.

**Mr. Don Davies:** James Stott, the assistant deputy of public services, delivered vaccine contracts not to you but to the clerk of the health committee. Are you aware that those documents came pre-redacted?

**Mr. Philippe Dufresne:** They did.

**Mr. Don Davies:** They were not redacted by you, were they?

**Mr. Philippe Dufresne:** They were not redacted by me. No.

**Mr. Don Davies:** He specifies in his letter that they were redacted according to the Access to Information Act—correct?

**Mr. Philippe Dufresne:** Yes.

**Mr. Don Davies:** Would you agree with me that the government was not in compliance with the House order of October 26 when it delivered vaccine contracts?

• (1730)

**Mr. Philippe Dufresne:** They've applied grounds in the Access to Information Act as opposed to specific reference to the grounds in the House order, and I'm not able to see behind those redactions.

**Mr. Don Davies:** But you didn't redact them, sir, did you?

**Mr. Philippe Dufresne:** No. I did not.

**Mr. Don Davies:** The House order says it's you who redacts them, doesn't it?

**Mr. Philippe Dufresne:** The House order says they are to be vetted and implicitly redacted by my office on those bases. Yes.

**Mr. Don Davies:** This is my final quick question, Mr. Chair.

If that's the case, obviously the government did not comply with the House order, Mr. Dufresne. That is impossible to deny.

**Mr. Philippe Dufresne:** Well—

**Mr. Tony Van Bynen:** A point of order, Mr. Chair.

**The Chair:** Thank you, Mr. Davies. Your time is officially up.

Mr. Van Bynen, go ahead on a point of order.

**Mr. Tony Van Bynen:** Thank you.

My point of order is that there's a reference to the House order. The House order makes absolutely no reference to how the contracts would be treated.

**Hon. Michelle Rempel Garner:** This would be debate.

**The Chair:** This is debate, I'm afraid. Thank you for your input.

**Mr. Don Davies:** That's not debate. That's desperation.

**The Chair:** Mr. Davies, we're back to you. You have six minutes.

**Mr. Don Davies:** Well, I don't know how much clearer I can get.

Let me go back to you, Mr. Dufresne. I'm not trying to put you on the spot or make you uncomfortable. I'm just trying to prove, I guess, that water is wet.

If the House order says that all documents delivered have to be redacted by you, according to three criteria mentioned in the House order, and you did not redact the vaccine contracts, and those documents came pre-redacted by someone else who redacted according to criteria under the Access to Information Act, is there any other logical conclusion than the government being in violation of the House order of October 26?

**Mr. Philippe Dufresne:** Well, you have the House order saying that documents are provided to my office and I would vet them under those three grounds. You received documents that are vetted by the government on different grounds. The issue is whether the committee is satisfied with the grounds that are proposed by the government—namely, the grounds in the Access to Information Act.

**Mr. Don Davies:** Thank you.

Does the executive branch of government have the prerogative to withhold records duly ordered by the legislative branch?

**Mr. Philippe Dufresne:** In my view, as part of the privileges of the House and the power to send for papers and persons, it's up to the committee and ultimately the House to determine what grounds it will accept as a basis for redactions. The government, in my view, does not have the unilateral right to make those determinations. It's up to the committee and ultimately the House.

**Mr. Don Davies:** Isn't that a feature of just basic responsible government, Mr. Dufresne? If you had an executive branch that simply refused to provide documents when ordered to by the House.... Let's say on a budget or on any other feature of government they just say, "No. We have secret documents. We're not sending them to the House. It doesn't matter if the majority of the members of Parliament have demanded them." Does that not strike at the very core of responsible government?

**Mr. Philippe Dufresne:** I think what we've seen in Speakers' rulings, the ruling by Mr. Milliken and more recently the ruling by Speaker Rota, is the balancing and the mention of the House of Commons, as the grand inquest of the nation, having these privileges to send for persons and papers and the ability to make those determinations. At the same time, the executive has a responsibility as the defender of the realm. There are valid reasons and valid considerations of public policy that ought to be considered, but ultimately it's for the House to make that determination—

**Mr. Don Davies:** That's my question, sir.

When those two things collide, if the House is demanding production and the executive says no, who wins that battle in the end, Mr. Dufresne?

**Mr. Philippe Dufresne:** Ultimately, the House has the ability to order and to make the determination. Then it has the disciplinary powers to act on it.

**Mr. Don Davies:** You've already touched on this as well. The government consistently sends you documents that have not been translated into both official languages. Is that consistent with their obligation under the law?

**Mr. Philippe Dufresne:** As I've indicated to the government and to this committee, in my view, the government has the obligation under the Official Languages Act to provide documents in both official languages.

**Mr. Don Davies:** Let me sum up here, if I may.

You have a government that says it has millions of pages of documents—in one case millions of documents—millions of pages at the very least. They have delivered 8,500, leaving at least 992,000 documents to be disclosed. They have trickled the disclosure over seven months. They refuse to translate them. They redact them, when they're told by the House order that they're not to redact them. They use redaction criteria that are not specified.

Forgive me if I might come to the conclusion that this is a government that is deliberately delaying the production of documents to the House of Commons. Is that a fair conclusion, Mr. Dufresne, for someone to draw?

• (1735)

**Mr. Philippe Dufresne:** I've reported to the committee on the situation and what I've received. Then it's up to the committee to make its determination as to whether it's satisfied with what has been produced and how.

**Mr. Don Davies:** Are there any statutory obligations that you can think of, whether it's the Criminal Code, the National Security Act, the Evidence Act, any statutes at all that you are familiar with in terms of parliamentary jurisprudence that would justify any

member of the government or public official refusing to produce documents to the House of Commons when demanded to do so?

**Mr. Philippe Dufresne:** There are no statutes that I'm aware of that have limited the privileges of the House to send for papers and persons. There are statutes that indicate public policy considerations, and Speakers' rulings have indicated these ought to be considered by the House, but it's up to the House. There has been no limit to the privileges of the House in terms of its ability.

**Mr. Don Davies:** This is my final question.

On October 26, 2020, federal procurement minister Anita Anand told Canadians that the office of the Law Clerk and Parliamentary Counsel—that's you, sir,—wouldn't have the necessary expertise in procurement to properly redact records related to the production order.

Do you believe that your office has the necessary expertise to carry out the redaction instructions of the House of Commons?

**Mr. Philippe Dufresne:** We do. In terms of factual information, the government may be in possession of information, for instance, talking about the impact on contractual negotiations. The government may well be in possession of the information, which is why the approach that we've taken is that the government can propose to my office areas that it feels ought to be redacted and kept confidential. We consider those very carefully. That's how we've approached it in terms of any factual information that we would not have, the government or any party can provide it to us.

**Mr. Don Davies:** Thank you, sir. I think what we're seeing here is what you would call a cover-up.

Thank you.

**The Chair:** Thank you, Mr. Davies.

That ends round one of questions. We will start round two with the Conservatives.

Would that be Ms. Rempel Garner?

**Hon. Michelle Rempel Garner:** Yes. Thank you, Chair.

**The Chair:** Please go ahead for five minutes.

**Hon. Michelle Rempel Garner:** I'm very interested in what my colleague Mr. Davies was alluding to with regard to building a case about a cover-up and the responsibility of parliamentarians. I will cede my time to him to allow him to keep questioning.

**The Chair:** Thank you, Ms. Rempel Garner.

Mr. Davies, apparently you're up again.

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

I'm going to continue on with that because it's easy to identify.... I think there are a few members of this committee who are old enough to remember Watergate in the United States. I certainly do. It's a little harder to recognize it when it's close to home.

Mr. Dufresne, I'm going to take you back to 2011, when Speaker Milliken ruled on something extremely similar to this. The House of Commons passed a motion ordering the then Harper Conservative government to produce documents to the House related to the Afghan detainee issue. When they refused, what was the finding of Mr. Milliken, sir?

**Mr. Philippe Dufresne:** The finding was that this was a prima facie question of privilege. Mr. Milliken dealt with the issue of a claim by the government of national security and found that, at the end of the day, the House has the ability as part of its privileges to seek the information. That said, Speaker Milliken did say there were important responsibilities on both sides of the House, that both sides ought to try to work together to find a way that would allow the role of the House as the grand inquest of the nation and the role of the government as defender of the realm to be met. That's what was asked, and that's what occurred in that case.

**Mr. Don Davies:** That's exactly right. I was just going to say that's exactly what did happen. The response of the government then was not to resist production of documents and to run off to Federal Court, but rather the Harper government sat down with the opposition and they worked out a compromise such that those documents would be produced for a special committee that had certain parameters around it to examine the documents.

Is that correct, sir?

• (1740)

**Mr. Philippe Dufresne:** Yes.

**Mr. Don Davies:** Has that been offered in this case by the current Trudeau government?

**Mr. Philippe Dufresne:** I can only talk about the fact that the proposed redactions have been made to some of the documents received, so that's a determination that's been made by the government, which I have not been able to see behind.

**Mr. Don Davies:** Of course, in this case what happened is that the Trudeau government unilaterally decided, without any negotiation with the opposition, to send those documents, to NSICOP in one case, but they haven't done anything with respect to these health documents, have they? Has the government proposed anything to you about how those 990,000 pages that remain, at least, might be handled?

**Mr. Philippe Dufresne:** Well, as I've indicated, the government has been in contact with me and with my office in terms of informing us that we're going to be getting batches on a monthly basis, so we are in communication. The outstanding issue remains that some of those redactions we can't see behind.

**Mr. Don Davies:** Mr. Dufresne, when was the last time you received a batch of documents from this government?

**Mr. Philippe Dufresne:** I would have to verify this. I believe it was in April, as part of that regular batch of documents. That's my understanding.

**Mr. Don Davies:** Did you receive any documents in May?

**Mr. Philippe Dufresne:** I'm looking to Mr. Bédard to see if he can confirm whether we've received...? We might have to get back to you later on that, or perhaps in writing, sir. I apologize.

**Mr. Don Davies:** I'm looking for my dates. My information is that the last batch of documents you received was in April, sir. Could I be correct about that?

**Mr. Philippe Dufresne:** That's my initial understanding, subject to confirmation.

**Mr. Don Davies:** Have you received any documents in June, sir?

**Mr. Philippe Dufresne:** I don't know.

**Mr. Don Davies:** Sorry—you don't know, or no?

**Mr. Philippe Dufresne:** No, no.

**Mr. Don Davies:** Now, we know that the documents are allowed to be redacted for national security reasons, for privacy reasons, and in the case of certain documents for any interference with contractual relations. Mr. Dufresne, is it your understanding that there are 990,000 documents in the possession of the government that relate to national security or privacy concerns, and that that's why they're withholding those documents from this committee?

**Mr. Philippe Dufresne:** I don't know what the government has in its possession that it has not given to me.

**Mr. Don Davies:** Have any of the documents you've received been related to national security or personal privacy, or engaged those concerns?

**Mr. Philippe Dufresne:** I believe we have some proposed redactions in some documents that have not yet been translated that we will be looking at, and that would be with respect to personal information. I believe we also have a document redacted on the basis of government security under the Access to Information Act.

**Mr. Don Davies:** Did you do that redaction, sir?

**The Chair:** Thank you, Mr. Davies. I expect you'll have a chance to resume your questions later.

We go now to Ms. O'Connell for five minutes.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair.

Mr. Davies, in a pretty rude comment to my colleague Mr. Van Bynen, referred to his point of order as “desperate”, but watching that interaction by Mr. Davies was what I would determine as “pretty desperate”, referring to something as Watergate, a cover-up, withholding documents. That's pretty interesting, given the fact that thousands of documents have been handed over. These unredacted documents have been handed over. Documents have been handed to multiple committees.

“Grasping at straws” might be another characterization, but it's okay—we'll continue with the witch hunt of the Conservative-NDP coalition. I never thought I'd live to see the day, but here we are.

Mr. Dufresne, I apologize. I feel for you in this very clearly political battle here, but I just want to clarify a few things that I heard in the last round of questioning.

Has it been indicated by the government that they are withholding any documents? That's a pretty big accusation. You indicated that there are thousands of pages and they are coming in, and they are still coming in, so has it come to your attention that the government has said, “We are withholding these documents”?

**Mr. Philippe Dufresne:** Not to my knowledge, no.

As I say, we have some documents with redactions that we can't see behind. We continue to expect the disclosure to come to us when it comes.

• (1745)

**Ms. Jennifer O'Connell:** Right, because this is a process that's ongoing. There is no withholding.

I think this type of language is consistent with, again, that kind of theme of desperation. There is no conspiracy theory too small that the Conservatives, and now the NDP, won't track down.

I want to get into another point of clarification. I keep referring to it as the “Barlow motion”, but it's the motion from February 5. In that third paragraph, Mr. Davies kept referencing, in reference to this motion, that the documents were ordered by the House. This motion states, “that the committee request from the government the contracts”. Is this an order of production of documents?

**Mr. Philippe Dufresne:** The motion by the committee is a motion that was adopted by the committee.

**Ms. Jennifer O'Connell:** For a “request”—that's the language. Correct?

**Mr. Philippe Dufresne:** It's a motion that requests “from the government the contracts”.

**Ms. Jennifer O'Connell:** Right, and which, again, the government did provide to the committee, as set out in that third paragraph.

I feel for you, Mr. Dufresne. When it comes to the production of documents motion, the original in October, I feel that it was a poorly written motion. It left out a pretty big piece in terms of vaccine contracts that the Conservatives seem to think they want to have at all costs, even if it puts vaccines in jeopardy.

Instead of dealing with the fact that they wrote a pretty poor motion, they then come back and try to come up with a motion, which I referred to as the “Barlow motion”, and try to put in a clause that suggests that vaccine contracts were included in the original October motion. But you can't make something exist that doesn't exist, that Parliament has already voted on.

We've heard all week that Parliament is supreme. Parliament voted on that October 26 motion that did not include vaccine contracts. Then the Barlow motion came forward, and the government complied with it.

Moving on to the redaction piece, I wanted to just.... Again, if we're referring to the Barlow motion, since there is no reference to vaccine contracts in the October motion from the House, then my question is around the redaction, or the vetting. Mr. Davies rose in the House on December 3, and actually said, “Nobody is asking for detailed commercial information.” When it comes to vaccine contracts and the vetting, even members of the opposition stated that they didn't want commercial information.

Is that the vetting process the government would have done in compliance with the Barlow motion on February 5?

**Mr. Philippe Dufresne:** I think, again, it's up to the committee to determine whether it is satisfied with the production in light of the Barlow motion and in light of the House order that's referenced in terms of the vetting “in accordance with the parameters set out in the house motion.” Again, it's for the committee to consider what it has received, why certain things may be redacted and whether it's satisfied with those reasons.

**Ms. Jennifer O'Connell:** Fair enough, and whether or not they are trying to rewrite history with a couple of bad motions that didn't really cover everything.

**The Chair:** Thank you, Ms. O'Connell.

We will go now to Ms. Rempel Garner.

Go ahead, please. You have five minutes.

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

I'll start by saying that the term “witch hunt” is pejorative to practising pagans and Wiccans in Canada, and should be used with that understanding.

Having said that, I will turn my time over to Mr. Davies.

**The Chair:** Very well.

Go ahead, Mr. Davies.

**Mr. Don Davies:** Well, thank you.

Again, I don't know how much more time we need to spend on Ms. O'Connell's attempt to pretend today is Sunday when it's simply not.

The quote that Ms. O'Connell raised was me speaking in the House, speaking to the commercial interests that would be at risk upon disclosure of the vaccine contracts. Of course, I was speaking in terms of the October 26 motion. We were debating it. Along with Minister Anand's remarks, which I've already read into the record, these make it crystal clear that everybody in the House and in the world understood that vaccine contracts would be covered by the October 26 order. Despite the valiant but weak attempt to pretend that's not the case today, that's not going to fool anybody.

I'll just come back to one part of this, Mr. Dufresne, and it is a straightforward question. When the vaccine contracts were delivered—and this government did deliver them—were they redacted in accordance with the instructions of the House order? In fact, I want to put the exact wording to you so that we can be very precise about this. Mr. Barlow's motion stated, “that the documents be vetted in accordance with the parameters set out in the house motion”. I'll break that down. The House motion being referred to is the House motion of October 26. Was that your understanding, Mr. Dufresne?

• (1750)

**Mr. Philippe Dufresne:** Yes, it is.

**Mr. Don Davies:** Were those documents—the vaccine contract documents—vetted in accordance with the parameters set out in the House motion? What is your opinion on that?

**Mr. Philippe Dufresne:** Well, I was not able to vet them fully because they already are redacted. They are redacted on the grounds in the Access to Information Act, which are different from the grounds in the order.

**Mr. Don Davies:** Thank you.

Madam Maynard, on June 15, the Office of the Information Commissioner released its 2021 annual report, which documented, to quote your words, “a culture of complacency” within the federal government. I'm going to quote from that:

This culture of complacency is characterized by the view that responding to access requests is a distraction from employees' day jobs, rather than what it actually is: a core part of their responsibility as public servants—to facilitate transparency in government operations.

Madam Maynard, is it your view that this is a fair characterization of the attitude towards disclosure in the current government?

**Ms. Caroline Maynard:** I'm talking about the public servants' jobs, how it's their responsibility. It is our leaders who need to make sure they understand that it's their responsibility to participate in the full process.

Like I said earlier, people have 30 days to respond to access requests. In that 30 days, they have to process that information, they have to find it, they have to redact it, and they have to disclose it. If the person who has the information in their office refuses to give it to the ATIP office, that will definitely lead to delay, which we've seen in the last six years. Response times keep going up.

**Mr. Don Davies:** Are you saying that in the last six years, since 2015, the time it takes for the government to respond to access to information has lengthened? Is that your finding?

**Ms. Caroline Maynard:** Well, what I was going to say is that in the last six years, the number of access requests has increased by 225%, but the units responding to those access requests have not increased in proportion to the number of requests. Definitely we have seen more and more delays and more and more time spent.

**Mr. Don Davies:** Back to you, Mr. Dufresne. Let's compare apples to apples. Approximately how many pages has the government disclosed to you, pursuant to the order of October 26, 2020?

**Mr. Philippe Dufresne:** We've received, as I indicated earlier, about 8,500 documents. I don't have the breakdown in terms of the number of pages. I will try to get that and provide that to you as soon as possible.

**Mr. Don Davies:** Okay.

On November 27, the Clerk of the Privy Council, Mr. Shugart, wrote to this committee with respect to that document production order. He said this, “Preliminary estimates suggest that there are millions of pages of relevant documents.” By the way, I think that later on he clarified that there were millions of documents as well, but that's where the confusion comes in. Certainly in that letter he talked about millions of pages of relevant documents. Would you agree with me, sir, that in seven months the government has turned over a small fraction of the millions of pages of relevant documents that the government claimed in writing it had in its possession?

**Mr. Philippe Dufresne:** I would agree that we've certainly received much less than what was expected.

**The Chair:** Thank you, Mr. Davies.

We go now back to Ms. O'Connell.

Ms. O'Connell, please go ahead for five minutes.

• (1755)

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair.

Thank you, Mr. Dufresne.

Again, I feel like we're going in circles.

Mr. Davies, rest assured that I fully know it's not Sunday. I simply understand the game and the coalition by the Conservatives and the NDP in this attempt to rewrite motions and reposition the House's ultimate decision.

Mr. Dufresne, I appreciate that you continue to repeat that ultimately it is up to the House or the committee to determine the procedure of motions. I hear you on that, and again, I feel for you in that I think the opposition is trying to have you say something otherwise and take away their responsibility from having to do the work and rectify their own kind of mistakes in their motion.

I want to get back, because I can't seem to get off this point about the two motions. Mr. Davies continually refers somehow to that again, referring to vaccine contracts, that somehow these documents did not comply with the House motion. However, as we've stated, it indicates very clearly that there is no section within the October House motion that refers to vaccine contracts. The first time that shows up is in the Barlow motion of February 5, and in that motion, it says—again, I already read into the record—that:

If the law clerk does not have such documents...

We've already been down the road in terms of why you wouldn't. It's because it was never required in the original October motion. Then it continues:

...that the committee request from the government the contracts for seven vaccine agreements with suppliers be tabled with the committee...

in both official languages.

Was that done, to your knowledge, Mr. Dufresne?

**Mr. Philippe Dufresne:** To my knowledge, that was done, yes.

**Ms. Jennifer O'Connell:** Okay.

Then it says:

...that the documents be vetted in accordance with the parameters set out in the house motion...

Now, this is the question, because these documents are not referred to in the House motion. Would it be fair to say, because you mentioned also that they were done in the [*Technical difficulty—Editor*] of the access to information?

If the government is handed a poorly written motion that doesn't.... It talks about the parameters in the House motion, but the House motion doesn't refer to these documents. Is it not a reasonable thing that the government would then turn to the Access to Information Act, which is a standard they would use in terms of the vetting process?

I don't know if Ms. Maynard would like to answer that, or Mr. Dufresne, but, if the motion is inaccurate, is it not reasonable that the government would then use the parameters in legislation that is commonly used for the vetting of documents?

**Mr. Philippe Dufresne:** My view is the committee could do that if it so stated in its decision. In my view, the committee decides, and ultimately the House decides what grounds it will accept.

In this instance, the House has agreed to certain grounds in the order. The motion talks about vetting in accordance with the parameters set out in the motion, so it appears to relate to those parameters, which would be the personal privacy, national security and the commercial matters.

Ultimately, that's for this committee to decide.

**Ms. Jennifer O'Connell:** Right, but the government has indicated that that's precisely what they did. There was no requirement, given the Barlow motion on February 5. There was no requirement for them to provide those documents to you, or else the third paragraph wouldn't exist at all.

If they followed the parameters of the House motion, then they've met the terms of the motion. Would you say that it's fair to say that there's nothing in this motion that says, basically, that there's an arbiter of the parameters? The parameters are set in the House motion. This clearly sets out that you don't have to receive them in advance, or else why would there be a clause taking that into account?

If the government says they did the proper redactions based on that, then they've complied with the motion.

• (1800)

**Mr. Philippe Dufresne:** I understand the proposition you're putting forward. I think ultimately it's for the committee to decide whether that's the interpretation it will take. From my office's standpoint, I am vetting the documents that I received on the basis of the language in the House order.

**Ms. Jennifer O'Connell:** Then these documents are being vetted in accordance with the Barlow motion.

Thank you.

**The Chair:** Thank you, Ms. O'Connell.

[*Translation*]

We continue with Mr. Lemire.

Mr. Lemire, the floor is yours for two and a half minutes.

**Mr. Sébastien Lemire:** Thank you, Mr. Chair.

My question is for Mr. Dufresne.

Since the committee cannot impose sanctions for a failure to comply with its orders, and only the House of Commons has the power to reprimand, you say that the committee has three options.

The first is to accept the changes as proposed. That would make no sense here, because this is still an issue of transparency and public interest. It is regrettable that the government does not understand that.

The second option is that an acceptable compromise could be considered. What is your advice to us in that case? What could we do to finally obtain a transparent answer from the government?

**Mr. Philippe Dufresne:** In the letter in which I asked for instructions, the main issue I pointed out to the committee was the translation. The government decided that it should be done by the Office of the Law Clerk and Parliamentary Counsel, and, if necessary, by asking for resources from the Board of Internal Economy. I indicated that, in our view, that obligation lies with the government.

I asked for those instructions in the event that, under the circumstances, the committee tasked us with doing it. However, we are no longer doing it, given that the responsibility does lie with the government. In that regard, instructions could be prepared.

In terms of the disclosure, if the committee is not satisfied with the way in which the disclosures are made or with the reasons suggested for doing the redactions, the committee can report that to the House.

The committee cannot amend the order of the House because only the House can do so. But the committee can report on its satisfaction or dissatisfaction as to the way in which matters are proceeding.

**Mr. Sébastien Lemire:** In a letter you sent to the Standing Committee on Finance, you mentioned that Parliament's power to order the production of documents is absolute.

Under the Constitution, no act can preclude that, not even the Privacy Act, to which Parliament is not subject. The only limits on Parliament's power to order the production of documents is the common sense of parliamentarians, who must consider the public interest in their requests.

In that context, would the \$9 billion spent to buy vaccines not be a matter of public interest, especially when we know that our country probably paid a lot more than others?

Considering the public interest, how could we frame a request for access to that information?

Did we pay too much for our doses, especially last December? How much did we pay for Justin Trudeau's marketing campaign on the 249,000 doses, just to stay up with other countries, even though we knew very well that we were way behind?

**Mr. Philippe Dufresne:** In terms of the committees' approach, you will always be asked about the topic of your study, your mandate, why is it important and in the public interest to have and report that information, in order to be able to hold the government to account.

Then, there may be questions about the reasons put forward. Either the government, or a private company or an individual may have good and acceptable reasons to justify confidentiality. However, sometimes, there are also options. For example, one option could be to require that the information be seen by parliamentarians in camera, or that it would not be explicitly mentioned in a report, but that parliamentarians could have access to it.

For the Afghan files, a committee was set up. People had the security clearance and there were arbiters.



So there are options, and my advice has always been that those considerations not be overlooked when they are reflected in the legislation or when they are in the public interest, because that is important. However, the House has the final word in terms of its procedures, just as courts have the final word when members of the public come before them.

**Mr. Sébastien Lemire:** Thank you very much.

[*English*]

**The Chair:** Thank you.

[*Translation*]

Thank you, Mr. Lemire.

[*English*]

We'll now go back to Mr. Davies.

Mr. Davies, go ahead, for two and a half minutes.

**Mr. Don Davies:** Mr. Dufresne, I'll go back to Mr. Barlow's motion to get the vaccine contracts to this committee. It says:

If the law clerk does not have such documents, that the committee request from the government the contracts for Canada's seven vaccine agreements....

Sir, can you tell the committee whether there is any reason for you to have the vaccine contracts, other than the October 26, 2020, motion of the House?

• (1805)

**Mr. Philippe Dufresne:** There would be no order that I'm aware of that would require the government to provide me with this information. It would be up to the government to provide them on its own initiative. There would be no order that I'm aware of that would require it.

**Mr. Don Davies:** Thank you, sir. That's because there isn't one.

Can you give me a general idea, Mr. Dufresne, what the average number of pages per document is, just the roughest ballpark estimate, that you can best estimate?

**Mr. Philippe Dufresne:** I'll turn to Mr. Bédard to see if he can provide that type of estimate in terms of number of pages per document. I think it varies.

**Mr. Michel Bédard (Deputy Law Clerk and Parliamentary Counsel, Office of the Law Clerk and Parliamentary Counsel, House of Commons):** In response to the question, if we were to talk about an average, that would be five or six pages, but this is not representative, because we will have a document with only one page and documents with a hundred pages.

**Mr. Don Davies:** I understand. That's why I'm asking for an average. It's nothing I'm going to hold you to. I realize you're giving me your best estimate.

Let's say it's six. You said you've received how many documents?

**Mr. Philippe Dufresne:** We've received about 8,500 documents.

**Mr. Don Davies:** Okay. My math is bad. Quickly, that's about 50,000 pages; six times 8,500 is 51,000 pages.

Mr. Shugart, the Clerk of the Privy Council, has told us in writing that the government has millions of pages.

You received about 51,000 pages out of millions of pages of documents in seven months. Does that strike you as an acceptable rate of delivery of documents in compliance with the House order of October 26? I will note for the record again that it had a deadline of December 7 to produce documents.

**Mr. Philippe Dufresne:** What I can say is there were estimates that were made by the Clerk of the Privy Council at that time in those letters and in committee. It was of a far greater number than what we have received so far. I can't comment or speculate on the reason for that. I can only note that the initial estimate was much higher than ultimately the number that we received.

**Mr. Don Davies:** Can you tell me briefly what kinds of documents—

**The Chair:** Thank you, Mr. Davies.

That ends round two of our questions. We start round three with the Conservatives.

Once again, Ms. Rempel Garner, is it you?

**Hon. Michelle Rempel Garner:** Yes, it's me. Thank you, Chair.

**The Chair:** Go ahead, please, for five minutes.

**Hon. Michelle Rempel Garner:** We've heard quite a bit today. I think Mr. Davies' line of questions established the obligations of the government under both the House order and the order of the health committee.

Mr. Dufresne, thank you for all your work in this regard, and thank you for your ongoing efforts to provide transparency to Parliament. It has been disappointing to not be able to have access to some of these documents, given the gravity of the situation. I would be remiss if I didn't say I feel as though we should talk about Britney Spears and her conservatorship today and I feel as though I should just say "Free Britney" on the record. However, given that and the amount of testimony we've heard today, I'm fairly confident in what needs to be done next.

Therefore, I move:

That the analyst and clerk be directed to prepare a brief report to the House, outlining the material facts of the possible contempt, discussed with Bill Matthews, Deputy Minister of Department of Public Works and Government Services, concerning the documents ordered by the House on October 26, 2020, and further requested by this Committee on February 19, 2021; and that report be tabled as soon as it is ready.

Chair, it's very clear to me that the government is in contempt of both the House motion and the motion in front of this committee. I believe Mr. Davies has provided a master work to this committee in terms of laying out the obligations of the government that they have failed to comply with. Certainly the government's parliamentary secretary has not responded in any factual way that would provide a case otherwise, and that's disappointing.

Parliament is supreme. The questions that have been raised by all opposition members today really show that regardless of political stripe, Parliament is supreme and we have a right to this information. When the House or the committee orders this information, it's not up to the government to try to sue the Speaker of the House of Commons or to try to obfuscate. Sunshine is the best disinfectant. If there's no problem, then there should be no issue providing these documents to us.

If there are problems, then it is up to Parliament and to this committee to consider best ways forward. Certainly I look forward to the clerk and the analyst providing this report and I look forward to ensuring that Canadians, regardless of how they vote, know that Parliament functions; and that whatever flavour of government is in office, but certainly this Liberal government right now, understands that its power is limited by each of us. We don't report to the government. We hold them to account. That is our role here.

To the Liberal members on this committee, including the parliamentary secretary, your role is to hold the government to account. It is to ensure that every action is happening in the best interest of Canadians, not to toe the party line, not to cast aspersions, but to ensure that transparency is provided, accountability is provided, and good and just government is provided.

What we have seen from this government, on the obfuscation and delay of government, is an affront to Parliament and an affront to democracy. We might not agree on policy and we might not agree on political stripe, but we should agree that Parliament is supreme. We should agree that our rights as parliamentarians are paramount.

On the work of Mr. Dufresne and the law counsel, I know you've tried to do your best—and the Information Commissioner and the Privacy Commissioner. I strongly feel this. What has happened over the last several months in Parliament is very concerning to me and many people. Of course, there might be times when the government might not want certain facts to come to light. That is true of any stripe of government, but we cannot ignore the fact that Parliament is supreme, that we have the right to look at these documents, to ascertain what happened, to pass orders for production of documents, and then provide a better path forward where we see deficiencies.

There are ways to put constraints around the release of documents. For example, Mr. Barlow's motion talked about reviewing things in camera. These are deliberations and bounds that can be put on release of information, but that's not what this government did.

That's certainly what Mr. Davies exposed with his line of questions today. There was no effort to work with Parliament. There was no effort to work with the opposition. It was a borderline dictatorship move, and that's enough. Enough of that. We don't want that.

This motion is important, and I hope every member on this committee agrees that we are supreme and we have an accountability to our constituents. I hope it passes, and I hope that light is shed on these matters.

Again, in my closing words to you in this Parliament, I would just go to Mr. Dufresne.

• (1810)

You have a big job ahead of you in coming days, and I want to say to you on behalf of the 120,000-plus constituents who I represent, they are depending on you to make a case for our place of democracy. We cannot allow what has happened to continue. As Parliament adjourns for the summer, we look to you now to ensure that the torch is borne and to ensure that we're not silenced by rulings that preclude our supremacy.

Thank you, Chair.

I now pass it over to the rest of my colleagues, hopefully in support of this motion.

**The Chair:** Thank you, Ms. Rempel Garner.

You did move the motion, I believe, and then followed up with an argument, so we'll take the motion as moved. It is in order.

Go ahead, Mr. Maguire.

**Mr. Larry Maguire:** Thank you, Mr. Chair. I just wanted to congratulate my colleague. I do support the motion she has put forward. We really do need to get to the bottom of this process.

We've heard a lot of obfuscation today with regard to the cover-up of material. We've only seen 8,000 pages or documents, I believe.

That has been very clearly stated by you, Mr. Dufresne, and we really appreciate your testimony today as well. It really clarifies this for any Canadians who are listening. As Parliament ends this session, the government is still not providing information on the table for Canadians to know what's going on, or even for us, as committee members, even though Parliament is supreme in this case and we really need to get to the bottom of it to find more information.

It was very clear that the contracts or what was at the base of this whole discussion right back from last fall...when were trying to outline the material facts of the possible contempt that was discussed with Mr. Matthews, the deputy minister of Public Services and Procurement Canada and deputy receiver general for Canada, concerning these documents ordered by the House on October 26 last fall. We really do need to get a report tabled as soon as we possibly can.

We asked for the Privy Council to be here today as well, and they aren't here, so why not? Others have made an attempt to be here. They've even had extra time. We've had an extra couple of days here because this was supposed to have happened on Monday, so there is no reason why we couldn't have had people show up on the very last day of Parliament before it recesses for the summer to provide the information that's required to get to the bottom of the cover-up that the government has had with regard to not wanting to discuss any of the information with regard to the contracts.

I think it's very clear that getting to the bottom of the matter is not what the Liberals want to do.

• (1815)

**Ms. Jennifer O'Connell:** I have a point of order.

**The Chair:** Pardon me, Mr. Maguire.

Ms. O'Connell, please go ahead on a point of order.

**Ms. Jennifer O'Connell:** Thanks, Mr. Chair.

Since we're into debate on a motion it would be fair to allow the witnesses to go. I don't think they need to listen to the Conservative spin after they've already confirmed that this is not a breach.

Anyway, it would be fair. The witnesses are honourable public servants who have done great work and I appreciate their openness to these questions here today. It would be fair to release them while we let the Conservatives drone on with their misinformation and conspiracy theory.

Thanks.

**The Chair:** Thank you, Ms. O'Connell.

I would ask the committee if they are in agreement with releasing the witnesses at this time.

Is there anyone who opposes that?

Seeing none, I will thank the witnesses very sincerely for your time today and all of your efforts on an ongoing basis to assist this committee and the House.

With that, I would invite you to leave if it is your will.

We will carry on with Mr. Maguire.

Mr. Maguire, I apologize, we interrupted you. Go ahead.

**Mr. Larry Maguire:** Thank you, Mr. Chair.

I certainly feel that the witnesses have done their job today because they've answered so many questions that [*Technical difficulty—Editor*] to get to the bottom of this for months in regard to this whole issue of a cover-up and the lack of information the government has given our health committee for these months.

This has been a situation we've been trying to get to the bottom of to find out why we were so late in getting vaccines in Canada and to get the information out of those contracts. It would have given people the confidence to know that we could have been on the same basis as other countries that were vaccinated three months earlier than we were. Many of them have not had the same third wave levels hitting their countries as we've had in this country. That's part of the reason we're still locked down when we're going into July here, Mr. Chair.

I just want to say that I believe this is a very valid motion. We want to make sure that we get to the bottom of it and get a report on this contempt. I don't know what other word to use there. It's just been an obfuscation of responsibility, as far I'm concerned, in regard to making sure that Canadians were well informed on this issue, never mind the fact that even we on the committee didn't get these documents, even in any kind of confidence.

My colleague, Mr. Davies, has made an extremely sound case today for the whole, very good history of what we've just gone through here to bring us to today, yet we still have a government

that has some 900,000 pages of information that we haven't received.

I will leave it at that, Mr. Chair. I really do think it's a responsibility of the committee to vote this motion in and try to get that report as quickly as we can so that Canadians can be assured that everything was above board. We know full well that there were many holes in that package.

Thank you.

**The Chair:** Thank you, Mr. Maguire.

We go now to Mr. Lawrence.

Go ahead, please.

**Mr. Philip Lawrence (Northumberland—Peterborough South, CPC):** Thank you very much.

I believe that our whole committee is indebted to the excellent work of Mr. Davies, who explained it in extremely explicit terms, but I will reiterate it, probably not as eloquently as Mr. Davies has done.

The call for the vaccine contracts is fairly simple. There is a House motion that calls for documents that it says should be redacted. It says explicitly that they are to be redacted by the clerk and not by the government or any part of the government.

There is then Mr. Barlow's motion, which calls for those documents to be redacted in accordance with that motion. This is dead simple. This is not difficult to understand, and in fact, the government is blatantly disagreeing with it.

Yes, it's parliamentary supremacy, and that's clear. As Ms. O'Connell said, we've heard it over and over again from the Speaker of the House, from the previous speaker of the House, from Liberals, from Conservatives, from NDP members. It is beyond a doubt. We've heard it from the law clerk that Parliament is supreme.

However, that's not really the critical part of this because we are to be governed by the people, and Parliament is merely a function of the people. When this government decides to blatantly and blazingly disobey the Parliament, they are saying to every one of my 100,000 plus constituents, "We don't care. We're going to do what we want. We are irresponsible." This is the height of irresponsible government. This is why our country was founded. This is the reason for the Magna Carta. This is the reason that we formed a responsible government.

If government—if the executive—is not going to listen to the committee, why do we even exist? Why is this committee here? If we have no power, if we have no authority over the bureaucracy, we're just wasting money. We're just a dining club. We're not a function of the people, which is what we are supposed to be.

When, Ms. O'Connell, you call into question parliamentary supremacy, you are calling into question the very foundation of our country, of our nation, which I believe is the greatest country in the world. It is absolutely incumbent on all of us—and I say this not just to my colleagues in the NDP or my fellow Conservatives but also to my Liberal colleagues. You are the stewards of responsible democracy. If you don't vote for this, you are literally disregarding all the men and women who sacrificed their lives so that we could have responsible government, so that we could have a government that responds when people's voices are heard. We are saying, "You know what? The law clerk doesn't get to see those documents." There are all sorts of provisions that are there to protect national security.

Whether it be MP Barlow or MP Rempel Garner, they have used that power with precision. They haven't said, "Let's go ahead and have these documents all go out to the public." They're aware of the impact of this power, of the unfettered absolute power to require any document, any witness from the civil service, at any time.

What they've done is protect our national security. They have protected the ability of any type of privacy by giving it to the law clerk first, who is a creature of Parliament, and giving him the ability to censor it so that we make sure that no unnecessary documents... On top of that, they even go the next level and say, "We'll have the committee in camera so that we don't inadvertently allow some information, some privacy or other documents..."

In conclusion, the law is absolutely clear. We, as parliamentarians, have the unfettered, absolute power to have any documents that we want when we want them, and we have asked for them. The government has disregarded that. This is not just a slap in the face to Parliament. It is a slap in the face to every one of the 37 million plus Canadians who send us here to Ottawa, who we represent. Shame on you if you don't vote for this motion.

Thank you.

● (1820)

**The Chair:** Thank you, Mr. Lawrence.

We go now to Mr. d'Entremont.

Go ahead, sir.

**Mr. Chris d'Entremont:** Thank you very much, Mr. Chair.

Why is it so hard to get information from Liberal governments? I spent 10 years in opposition in Nova Scotia. It was the same problem. It was a Liberal government whose arrogance made them think that they were the holders of everything: "Who cares about the opposition? Who cares about Canadians? We're doing the right thing for you."

Then I come to this Parliament, where the rules and traditions are greater, and what do I find? I see it's worse. With all due respect to the Nova Scotia member on this committee, Mr. Kelloway, because Nova Scotians tend to take care of themselves, when I see this blatant disregard for the rule of Parliament, the simple request for Canadians to be able to see the contracts and how the decision-making has been done by this government, the total disregard for it sickens me.

I had high hopes being on the health committee that we could find out about issues, that we could talk about things that are important to my constituents, that we could actually talk about health issues.

Member Sidhu is here. I'm very happy that she brought her diabetes bill. I'm so proud that she was able to pass it unanimously in the House of Commons. That's how working together actually works. My hat is off to you.

However, what I see here is this blatant disregard, especially by the parliamentary secretary, to come up with this false narrative: "It's because of how the motion was written." Come on. The government does not want to release these documents, and they are hell-bent on trying to hide it. Why?

Let's get a report done. Let's be parliamentarians and uphold the law and represent the people who put us here and support the release of these documents.

My final point would be this. This disarray by government and this arrogance, I will call it, that "It's not our fault." They're the keepers of the government, but "It's not our fault."

Ms. O'Connell likes to bring up the Conservatives. We'll use Mr. Lamoureux's line, "The unholy group of Conservatives and NDP". That's what Lamoureux is starting to use these days, but "It's not our fault. It's the provinces' fault. It's the Conservatives' fault. It's the manufacturers' fault." It's everybody's fault but the government's.

They should be ashamed. They should support this motion. We need to get down to the information. Enough of this masquerade. I've had enough.

Thank you, Mr. Chair.

● (1825)

**The Chair:** Thank you, Mr. d'Entremont.

[*Translation*]

We will continue with Mr. Lemire.

Mr. Lemire, go ahead.

**Mr. Sébastien Lemire:** Thank you, Mr. Chair.

First, because it is the national holiday in Quebec and the festivities have begun, I would like to wish all the Quebecers here a happy National Holiday. Unfortunately, there are not many of them.

We can still take an interest in issues such as the provinces' sole jurisdiction over long-term care centres. However, that is not what we are talking about right now. It is about the hierarchy of law.

Does constitutional law trump statutory law? Why are the government and some officials pitting the prerogatives of Parliament against those of personal information? That's what I'm wondering about.

Let me also refer to section 18 of the Constitution Act, 1867:

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, 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 and Ireland, and by the members thereof.

I would also like to mention Standing Order 108(1)(a), which refers to the powers of standing committees:

Standing committees shall be severally empowered to examine and enquire into all such matters as may be referred to them by the House, to report from time to time, and except when the House otherwise orders, to send for persons, papers and records, to sit while the House is sitting, to sit during periods when the House stands adjourned, to sit jointly with other standing committees, to print from day to day such papers and evidence as may be ordered by them, and to delegate to subcommittees all or any of their powers except the power to report directly to the House.

Mr. Chair, I thought it is helpful to share this with you, especially as it relates to the study that we should be doing now. For me, it is really of national interest to know how much Canadians are paying for vaccines. We are talking about supply and demand, an issue that has an impact on the world.

We know that Canada's first problem was that we didn't have a domestic vaccine production capability. So we found ourselves completely dependent on the international market. If supply and demand cause prices to fluctuate, will the price of a vaccine purchased when it first became available in December, and the price of a vaccine purchased this summer be the same? Consequently, did the vaccine cost more at the beginning because the government wanted to put on a show for the cameras? Can we have the exact information?

What we have learned from the budget is that \$9 billion was apparently allocated for the purchase of vaccines. If we can compare supply and demand, would we be able to have more information?

This is a public policy issue. The difficulty in being able to analyze the actual price of the vaccines—because the documents were redacted by the department instead of being sent to a law clerk who would have redacted them, according to the rules of the motion—is really interesting. According to a February 5 article, Canada paid more to be at the top of Pfizer's and Moderna's delivery lists in December, paying an average of \$37.70 per vaccine, according to data released by Statistics Canada.

At a committee meeting, I asked Mr. Pinnow, the president of Pfizer Canada, just how the supply and demand factor influences the price of a vaccine. He replied, "Pfizer has been on record from the beginning to say that traditional supply and demand economics do not factor into our pricing decision."

I then asked him whether the price of a vaccine purchased by the Government of Canada or any other country in the last quarter of 2020, in December, would be higher or lower than if the vaccine were purchased in summer 2021, when there's less demand. Mr. Pinnow answered: "Again, I appreciate the question, but we will not be discussing pricing publicly."

So we are really in a position where parliamentary privilege does not apply. This is about the best interests of the public, the public interest in knowing how much the whole COVID-19 pandemic will

have cost. We are given no answers, but I think that knowing the data is absolutely essential.

Statistics Canada, in an analysis of international merchandise trade for the month of December 2020, tells us the following: "Based on a preliminary analysis, it is estimated that Canada's imports of COVID-19 vaccines totalled approximately \$16 million in December." Is this number good or bad? Could we find out?

As of December 30, Ottawa had received 424,150 doses from Pfizer and Moderna. The government declined to say how much it had paid for each one, but Statistics Canada's analysis put us back at \$37.70.

However, Canada also received its first vials in time for Christmas, shortly after the U.K., but before the European Union. It made for great television in Canada and other countries to see seniors finally getting the vaccine.

● (1830)

However, according to figures released by a Belgian MP last month, the European Union paid far less for those doses than Canada—\$22.91 for Moderna and \$18.47 for Pfizer. The U.S. also paid less than us, \$24.80 for Pfizer doses and \$35 for Moderna doses, according to data published by Washington and *Forbes* magazine. The Europeans and Americans are vaccine producers.

Canada is not because we have given up our ability to produce vaccines. Fortunately, we may take some symbolic steps towards producing vaccines, but that will probably be after all Canadians have been vaccinated. The Americans and Europeans have ordered more vials than Canada and they have production facilities at home. These two factors influence prices. In this regard, I would like to know whether we, as taxpayers, have paid the right price for what we received, and especially whether the government will remember that depending on other vaccine-producing countries has put us in a weak position. The same is true for personal protective equipment.

We are entering another phase with the Patented Medicine Prices Review Board (PMPRB), where we are still totally dependent on the prices in other countries. Is there anything we can do about it?

Transparency, meaning not having redacted documents, would allow us to make informed decisions in the best interests of the people we represent.

My hypothesis is that we have paid far too much and that the pharmaceutical companies have made a lot of money on the backs of Canadian taxpayers. Of course, we are in a pandemic and the debt is over \$1 trillion. The amount of money is very relative, but I think it is essential to have responsible management. Perhaps that is what we do not have.

I remind you of the urgency of making sure that Canada's plants can be used and that our researchers can do research by applying basic science. We need to fund the entire vaccine chain, the ecosystem, as Mr. Lamarre said to the committee last week. We have missed the boat in many ways, and ultimately, we should ask whether the money we overpaid for vaccines could have been invested in producing our own vaccines.

I think those questions answer themselves. However, I'm not a scientist, I'm a parliamentarian. I would like to be able to rely on very tangible data to have these things clear in my head. But the government is not allowing us to have the data at this time. It seems to me that it would be irresponsible to run an election campaign on such a fundamental issue: have we paid too much for vaccines?

In that sense, I support the motion.

• (1835)

**The Chair:** Thank you, Mr. Lemire.

[*English*]

We will now go to Mr. Morantz, please.

Go ahead.

**Mr. Marty Morantz (Charleswood—St. James—Assiniboia—Headingley, CPC):** Thank you very much, Mr. Chair.

I want to thank the committee for having me today. It's been a very interesting meeting.

First off, I want to say to you, Mr. Chair, regarding the initial comments of the parliamentary secretary, that I do not drone and I do not engage in conspiracy theories. When I say something, I mean it.

It's clear that transparency is paramount to the proper functioning of democracy in Parliament. If the government were really sincere about its claims of national security, it would have engaged in meaningful conversations with all opposition parties to come out with a way to have these documents provided. But that, simply, has not been the case. It's hard to draw any other conclusion than that there are problems in these documents that the government does not want made public.

It's important that, as parliamentarians, we work together, and that's not what's happening here. It's time to stop suing the Speaker. That's just sheer desperation on the part of the government.

I want to turn to the excellent cross-examination by Mr. Davies today. I think at one point he touched on the United States court case, the United States versus Richard Nixon, regarding the release of the Watergate tapes, which was a seminal decision by the United States Supreme Court. Of course, I recognize that it's not jurisprudence here, but it's a very important case.

More important than that, it reminded me of a widely known, reported conversation that took place between former White House counsel John Dean and former president Richard Nixon. John Dean said to the president that there was a cancer upon the presidency.

Mr. Chair, I want to say to you today that it's time to turn over these documents, because there is a cancer on this Prime Minister and on this government.

Thank you.

**The Chair:** Thank you, Mr. Morantz.

We go now to Ms. O'Connell.

Go ahead, please.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair.

I really sincerely hope that the members of the opposition don't start charging rent for how much I am living in their heads right now.

I find it particularly interesting that when you have a very weak argument you instead go to personal attacks. That's all we've heard in these last ramblings.

Let me do a bit of a recap here.

What we heard today was that thousands of pages or documents—however you want to define them—were provided to the law clerk. They are continuing to be provided in unredacted form when appropriate. The law clerk confirmed that. He also confirmed that the government has never indicated that they are withholding anything. In fact, he confirmed that the documents are still being produced. In fact, he also didn't argue in any way—and didn't take the bait from the opposition—to say that the government was in any way in breach. He clearly said that he is continuing to do his job. He is receiving the documents that are being provided.

I think the Conservative and NDP coalition's big day today was to try to get some gotcha moment that just didn't happen, because it's not happening because the government is providing the documents.

That's a quick recap.

What has happened here since then is this whole kind of like throwing of spaghetti to see what sticks. Mr. Morantz spoke about national security. Nobody in the motion before us is talking about national security. He perhaps is at the wrong committee. The reference to national security was simply on some of the parameters in the House motion for redactions, but the law clerk never suggested that any of the documents from the October 26 motion were not being complied with. In fact, he said he's still receiving them, and that work is still ongoing.

Then what did the Conservatives do? They called this a dictatorship. They referred to Watergate, Richard Nixon.... I mean, has there been a substantial argument on the facts before us? No. It's nothing but name-calling. This is the Conservatives' big moment.

Documents are being presented. In fact, I think the clerk said that over 6,000 documents have been provided to the clerk. I received notification of them, and guess what? Not a single member of the opposition has called to have a meeting to review any of those documents. We haven't had a meeting talking about them. The Conservatives just received them. The conspiracy theory that I'm referring to is the fact that there's this conspiracy theory that there's some big set of documents not being provided, and they don't receive anything. In fact, they've received the documents, and what they're not telling Canadians is that there is no scandal in them, so "let's pretend that there's some big thing here that's missing". It reminds me of the U.S.—the big lie. There's no scandal in the documents that they've received, the thousands of documents that they've received, so now it's about innuendo of what else is out there.

Well, Mr. Chair, let me move on, then, to the next part that was brought up. Mr. Lawrence and I forget who else mentioned it, but they talked about the contracts. The contracts are the base of this issue. Mr. Maguire said that: the contracts are at the base of this issue. Mr. Lawrence said it's "simple". Well, Mr. Chair, I have the October 26 motion in my hands right now. It is four pages long. There are 30 clauses in this motion. The opposition even included an amendment through the process—30 clauses, four pages, and not a single mention of vaccine contracts. How simple is that?

I think what has happened here is that the Conservatives went on a fishing expedition with the NDP, and nothing came up. Then they get into revisionist history with what I keep referring to as "the Barlow motion", because again, Mr. Chair: four pages, 30 clauses, and not a single mention of the vaccine contracts that the Conservatives say are at the heart of this. They have a funny way of showing what's at the heart of something.

• (1840)

There's been more mention of personal attacks on me than vaccine contracts by the opposition today. I think Canadians can see through the games.

After the October 26 motion was put in place—30 clauses, four pages and no mention of vaccine contracts—the Conservatives realized that, oops, they didn't mention that, so in walks the Barlow motion on February 5.

In this motion they actually acknowledge in the third paragraph—I kept referring to it today—that, "If the Law Clerk does not have such documents". Well, if it was so simple and in the October motion or order of the House, why would you put in a provision like that? It's because it didn't exist, so the Conservatives are trying to rewrite history.

But, when you take the Barlow motion, it clearly says that if the law clerk doesn't have these documents—because the law clerk was never required to have those documents—it sets out parameters of how these documents should be shared with the committee.

Here's the big thing that Conservatives don't want Canadians to understand, Mr. Chair. It asks for the vaccine agreements with the suppliers, that they be tabled with the committee in both official languages and that the documents be vetted in accordance with the parameters set out in the House motion.

The law clerk confirmed that was done. The documents were provided to the members of this committee. They were provided in both official languages and they were set out with the parameters of the motion. The vetting was done based on the parameters of the main motion.

The difference is, and what the Conservatives are trying to argue, that the law clerk should have done the vetting. If the members of the opposition wanted that, why didn't they include it in their motion? It is not the government's fault that the Conservatives create this web of lies, confusion and procedure upon amendments, motions and orders that don't actually make sense, and then come back and say that government never did the thing they never asked it to do.

No Canadian would see this as a logical way to do business. Instead, the government, in an attempt to be as transparent as possible said that here are the documents in both official languages and that the government had vetted them based on the parameters of the October motion. The government complied. The Conservatives are so unused to the government because when they were in government.... These members are so not used to committees actually receiving this information that I think their heads exploded and they didn't know what to do.

I guess to conclude, Mr. Chair, I'm pretty animated on this because I feel like it's such a misuse of this House. The insults that have been said, that this is somehow a dining club and why are we here....

If the members want something to do, why don't they go through the thousands of documents that have been provided to them? Why don't they speak to Canadians about those documents?

It's because there's no scandal. The only things Conservatives know how to do is make up conspiracy theories and suggest that there is some horrible thing happening and Canadians just need to know about it.

When you actually look at the facts in front of you, I think it says a lot that the Conservatives and the NDP actually tried to filibuster their own motion today because they know they don't have legs to stand on. Instead they resort to personal attacks, name-calling, referring to this as a dictatorship—a dictatorship that provided all the documents. I think they have a pretty messed-up view of what a dictatorship looks like because we complied with the motion.

It's not the government's fault that their motion doesn't make sense. It's not the government's fault that the October order didn't include vaccine contracts. The government complied with it. It's not the government's fault that after 30 clauses, four pages and not a single reference to vaccine contracts, now the Conservatives, propped up by the NDP, are crying conspiracy theory and crying that there is some horrible thing happening here.

• (1845)

This is my last point, Mr. Chair. I think it's pretty horrible that... I couldn't disagree more with Mr. Lemire's comments about vaccines being too expensive. I'd be super curious to know what he thinks the price of one of his constituent's lives is. He wanted us to wait and not purchase vaccines, but I would say, Mr. Chair, that we worked to save lives, to procure vaccines for the saving of those lives. I think his constituents would be very interested to know that he felt we spent too much money trying to save their lives.

I think what we have here is a classic case of the Conservatives really not having any facts to back up their accusations. Instead, they turn to innuendo and name-calling. That's fine, Mr. Chair. I think Canadians can see right through it because we have the documents right in front of us. The committee has been provided thousands of pages and not a single thing has been raised by these committee members. I think that says it all.

Thank you, Mr. Chair.

**The Chair:** Thank you, Ms. O'Connell.

I'm obliged to inform the committee that our time is up. We committed to two hours and we're well over that time. I see there's a whole list of people left to speak. Being at the end of the session, I would like to thank the clerk and the interpreters for their steadfast patience in being with us this whole time, throughout many months, if not years.

I would also certainly like to thank the House administration and all the people behind the scenes who make this place function.

I would like to give a big shout-out as well to the interpreters, to thank them all.

I do have four speakers left, but we have no time. We will not get to a vote on this matter today. I would ask if there's consensus to adjourn at this time, and we can deal with this another time. Is there anyone who opposes?

Seeing none, therefore, we are adjourned. Thank you all for all your hard work.

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