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# Standing Committee on Canadian Heritage

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Chair: The Honourable Hedy Fry





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Tuesday, May 21, 2024

• (1655)

[Translation]

**The Chair (Hon. Hedy Fry (Vancouver Centre, Lib.)):** I call this meeting to order.

Welcome to meeting number 120 of the House of Commons Standing Committee on Canadian Heritage. I would like to acknowledge that this meeting is taking place on the unceded traditional territory of the Algonquin Anishinabe nation.

[English]

Pursuant to the order of reference of Wednesday, November 22, 2023, the committee is resuming its consideration of Bill C-316, an act to amend the Department of Canadian Heritage Act (Court Challenges Program).

Before we begin, I want you to know that we have a hard stop at 6:30. I've asked the clerk to see if we can get resources to go on after that, because we were late starting. Normally, 10 minutes after a vote we are supposed to be ready to roll.

Before we begin, I ask all members to consult the cards on the table for guidelines on using your headsets and to make sure you know to put your earpiece down on the little round disc on your table if you're not using it. Remember to keep your earpiece away from all microphones at all times. You can no longer use the grey earpieces; you have to use the black ones. When you are not using your earpiece, place it face down on the sticker placed on the table for this purpose.

Thank you for your co-operation.

Today's meeting is taking place in a hybrid format, and I want to make a few comments for the benefit of members and witnesses.

Please wait until I recognize you by name before speaking. For members in the room, raise your hand if you wish to speak. For members here virtually, use your virtual hand. The clerk and I will manage the speaking order as best we can, based on when we see your hand come up. We appreciate your understanding. Remember that all comments should be made through the chair.

For Bill C-316, an act to amend the Canadian Heritage Act, I would like to welcome our witnesses from the Department of Canadian Heritage, who are available to answer questions during the clause-by-clause consideration of the bill: Blair McMurren, director general, strategic policy and international affairs, and Flavie Major, director, international affairs and human rights, strategic policy and international affairs.

Today we are dealing with the clause-by-clause of the bill. I shall begin. I hope you have your clauses in front of you.

Pursuant to Standing Order 75(1), consideration of clause 1, which is the short title, and of the preamble are postponed to the end of clause-by-clause. I will begin by calling clause 2.

(On clause 2)

**The Chair:** Did you have your hand up, Mr. Noormohamed?

**Mr. Taleeb Noormohamed (Vancouver Granville, Lib.):** Yes. Obviously, we support clause 2.

**The Chair:** We're looking at, first and foremost, supporting the whole of clause 2.

G-1 is the amendment we're looking at first.

**Mr. Taleeb Noormohamed:** There is a change that we're proposing.

**The Chair:** Yes, go ahead.

**Mr. Taleeb Noormohamed:** The change is that clause 2 be amended by replacing lines 10 to 16 on page 2 with the following:

(a.1) establish and implement the program referred to in section 7.1 of this Act and paragraph 43(1)(c) of the Official Languages Act that is administered by an organization independent of the Government of Canada; and

The effect would be to clarify that the program contemplated in clause 2 of Bill C-316 is the same program as the one contemplated in 7.1 of the Department of Canadian Heritage Act and in paragraph 43(1)(c) of the modernized Official Languages Act.

**The Chair:** Are you amending G-1?

**Mr. Taleeb Noormohamed:** Yes.

**The Chair:** All right. Is there any discussion?

Mr. Lawrence.

**Mr. Philip Lawrence (Northumberland—Peterborough South, CPC):** Thank you, Madam Chair.

I was wondering if the officials could give us a quick briefing on the effect of Mr. Noormohamed's proposal.

**The Chair:** Go ahead.

[Translation]

**Mr. Blair McMurren (Director General, Strategic Policy and International Affairs, Department of Canadian Heritage):** Thank you, Madam Chair.

[English]

I'm very happy to explain the intended effect of this amendment, which is to clarify that essentially three references to this program in Canadian law are referring to the same program. Two new provisions were created: a provision in the modernized Official Languages Act, through Bill C-13, and section 7.1 of the Department of Canadian Heritage Act. We're simply seeking to have maximum clarity that we're talking about the same program by using the same language in Bill C-316 to describe that program.

**Mr. Philip Lawrence:** You're just changing the language to reflect the modernization of the Official Languages Act.

**Mr. Blair McMurren:** That's right. It's to align it exactly, word for word.

**Mr. Philip Lawrence:** Okay.

**The Chair:** Is there any more discussion?

Mr. Serré.

**Mr. Marc Serré (Nickel Belt, Lib.):** Madam Chair—

**The Chair:** Oh, I'm sorry. Mrs. Thomas was before Mr. Serré.

Mrs. Thomas.

**Mrs. Rachael Thomas (Lethbridge, CPC):** Thank you.

I'm sorry. I just want to make sure I understand.

Mr. Noormohamed made a slight change to G-1. Is that correct?

Can you just clarify that for me? Then I have a question for the officials.

**Mr. Taleeb Noormohamed:** Sure. I'll read what the amended version would look like, if that helps. Basically, it would say:

(a.1) establish and implement the program referred to in section 7.1 of this Act and paragraph 43(1)(c) of the Official Languages Act that is administered by an organization independent of the Government of Canada; and

• (1700)

**Mrs. Rachael Thomas:** Sorry, what am I missing? Isn't that what you have here? You're not amending G-1.

**Mr. Taleeb Noormohamed:** Well, no. It's for the consistency of alignment.

**Mr. Philip Lawrence:** G-1 is the amendment.

**Mr. Taleeb Noormohamed:** It is the amendment, yes.

**Mrs. Rachael Thomas:** I'm so sorry. I thought you were saying that you were changing it a bit.

**Mr. Taleeb Noormohamed:** No. That is the amendment.

**Mrs. Rachael Thomas:** Okay. I apologize. That's my misunderstanding.

**The Chair:** Perhaps members could speak a little more slowly when they're reading out something for us, because some of us are not particularly bright and cannot write as quickly—i.e. me. Just slow down, guys.

Go ahead, Mr. Serré.

**Mrs. Rachael Thomas:** Sorry, no. That was—

**The Chair:** I'm sorry. That was just the first one.

**Mrs. Rachael Thomas:** Yes.

Thank you for that clarification, Mr. Noormohamed.

My question for the officials, just to piggyback on Mr. Lawrence's question, is on the language. Really, the reason for it is just to bring it into alignment with Bill C-13.

**Mr. Blair McMurren:** That's correct. We just want to avoid potential legal incoherence between the two laws involved.

**Mrs. Rachael Thomas:** Understood.

Thank you.

**The Chair:** Thank you.

Mr. Serré.

**Mr. Marc Serré:** Thanks, Madam Chair.

What was proposed here was to make the act align with Bill C-13, and what I would like to do at the end of what Mr. Noormohamed just presented is submit a subamendment. I would ask the clerk to circulate it to all committee members.

While you're doing that, I'll just read it out if that's okay, Madam Chair.

**The Chair:** Yes, slowly.

**Mr. Marc Serré:** At the end, where you have “the Government of Canada”, we'd add:

and whose purpose is to provide funding for test cases of national significance to be brought before the courts to clarify and assert constitutional and quasi-constitutional official language rights and constitutional human rights that are guaranteed by the Canadian Charter of Rights and Freedoms; and

That would be the language. My understanding is that all members will receive the subamendment.

Essentially, this addition, the subamendment, looks at the court challenges program. Obviously, we all know that it helps to empower the most vulnerable Canadians to fight for their rights under the charter. In that way, it helps make the charter stronger and connects it with the needs and challenges of the people who are most in need of its protection.

The subamendment emphasizes the importance of the charter. It is a timely subamendment given the recent promises by the leader of the Conservative Party to take away the charter rights of some groups with the notwithstanding clause.

It's really important that we emphasize this. I just want to make sure that this clause has this part.

**The Chair:** Thank you, Mr. Serré.

Is it an amendment, Taleeb? I still have difficulty understanding if it's an amendment or not.

**Mr. Taleeb Noormohamed:** It is an amendment. That's correct.

**The Chair:** All right. Before we go to the amendment, let's deal with Mr. Serré's subamendment.

**Mr. Philip Lawrence:** Could we suspend? This is substantive.

**The Chair:** We'll suspend while everyone talks among themselves. Thank you.

• (1700) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1705)

**The Chair:** We're resuming the meeting.

We have a subamendment.

Mr. Lawrence.

**Mr. Philip Lawrence:** Thank you very much.

I would be happy if either Mr. Serré or the officials could respond to my question.

This is what appears to be a substantive amendment, and I'll be candid: I don't fully understand the impact of it.

I'll start with the officials. Maybe they would be kind enough to provide us with the impact of this subamendment.

**Mr. Blair McMurren:** It appears to us that this amendment would add descriptive language around the program that is very consistent with the references elsewhere in the Department of Canadian Heritage Act and the Official Languages Act. It uses almost identical language in describing the program.

**Mr. Philip Lawrence:** I am legitimately and sincerely just trying to understand. You don't need to assign blame, and I don't want you to do that, but was it an omission to not have this in the initial language? Is the purpose to clarify or is it to validate?

My understanding is that this legislation is to allow for court challenges. In other words, it is for individuals to bring claims that are funded by the federal government against missteps by the federal government. The subamendment inserts "to provide funding for test cases". I thought that was the whole purpose of it, but we didn't have that in there before. Is it somewhere else?

I am sincerely and legitimately just trying to understand why this was not in there before and why it's in there now.

**Mr. Blair McMurren:** The original amendment I think was a little more factual. It referred to the relevant articles of the Department of Canadian Heritage Act and the Official Languages Act without getting into the description. The subamendment appears to bring in some language that is descriptive but very closely aligned. The language around "test cases of national significance" is identical to what appears in those other articles.

• (1710)

**Mr. Philip Lawrence:** I appreciate everyone's patience here.

The amendment brings this program to the Official Languages Act, if I have that correct, or am I off there? That is the original amendment, not the subamendment. Is that right?

**Mr. Blair McMurren:** That's right. The original amendment is establishing the connection between the clause in Bill C-316 and a clause in the Official Languages Act that refers to the court challenges program. It's also trying to establish a connection to a refer-

ence to the court challenges program in a different section of the Department of Canadian Heritage Act.

**Mr. Philip Lawrence:** Under the Official Languages Act there is a court challenges program. Is that correct?

**Mr. Blair McMurren:** That's right. There is now a reference, further to Bill C-13.

**Mr. Philip Lawrence:** I apologize. I am not normally this obtuse.

We have the Official Languages Act, which has the court challenges program in it, and then we have this amendment to recognize that in this private member's bill, or am I off there?

**Mr. Blair McMurren:** As I understand it, it's simply to use the same language in Bill C-316 to describe what the program is meant to do.

**Mr. Philip Lawrence:** Okay, so we're amending the Official Languages Act to reflect the language in Bill C-316. That's the original amendment, or do I have that wrong?

**Mr. Blair McMurren:** I think it is amending Bill C-316 to reflect what is in Bill C-13.

**Mr. Philip Lawrence:** We do that in the amendment, and then we add the subamendment to make the language match better, for lack of a better term, with what's in the private member's bill. Is that what we're doing or not?

**Mr. Blair McMurren:** The subamendment is seeking to bring language into Bill C-316 from the Official Languages Act, and, as it happens elsewhere in the same bill, from the Department of Canadian Heritage Act.

I don't know if it would be helpful to read out those other two provisions. I could do that.

**Mr. Philip Lawrence:** Yes, that would be very helpful.

**Mr. Blair McMurren:** The allusion is to section 7.1 of the Department of Canadian Heritage Act, which was added by Bill C-13. This provision states:

To promote a greater understanding of human rights, fundamental freedoms and related values, the Minister may take measures to provide funding to an organization, independent of the Government of Canada, responsible for administering a program whose purpose is to provide funding for test cases of national significance to be brought before the courts to clarify and assert constitutional human rights.

This is a provision referring to the human rights stream of the court challenges program. There are two streams. There's a human rights stream and an official languages stream. I could read the provision from the Official Languages Act now, if that would be helpful, which corresponds.

**Mr. Philip Lawrence:** Yes, please. Thank you.

**Mr. Blair McMurren:** Subsection 43(1) says:

The Minister of Canadian Heritage shall advance the equality of status and use of English and French in Canadian society, and to that end may take measures to

Then paragraph (c) says:

provide funding to an organization, independent of the Government of Canada, responsible for administering a program whose purpose is to provide funding for test cases of national significance to be brought before the courts to clarify and assert constitutional and quasi-constitutional official language rights;

**Mr. Philip Lawrence:** Without the amendment, Mr. Serré's private member's bill would not have sufficient clarity that the Official Languages Act reviews...or court challenges are meant to be administered by this organization independent of the Government of Canada. Have I got that right?

• (1715)

**Mr. Blair McMurren:** As I understand it, the amendment would seek to add even more clarity by using identical language from the provisions it's referring to. The original amendment simply referred to section 7.1 and paragraph 43(1)(c). This would go further and spell out in identical language the program we're talking about.

**Mr. Philip Lawrence:** Now it's becoming a little clearer to me.

In the original PMB, it just said "7.1". In this amendment, we have included the language afterwards, and then we have a subamendment on it, just in case there was any doubt as to the purpose behind the court challenges act—which probably would not have gotten challenged—and to add extra clarity. Have I got that right?

**Mr. Blair McMurren:** I believe so.

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

I'll go to Mrs. Thomas.

**Mrs. Rachael Thomas:** Thank you very much.

I believe you've clarified most of what I needed to have clarified, but just for absolute certainty, I want to make sure of this. It is, then, a bit redundant or repetitive, because it is already being covered off in those previous two acts that have been mentioned. It's taking that language and using it in this bill again.

I just want to make sure. You're saying that being repetitive brings clarity, but is there any chance of that muddying the waters instead of bringing clarity?

**Mr. Blair McMurren:** I would venture to say no. I would agree with the statement that it brings extra clarity by using identical language. It has been amalgamated from the two other articles into one, and I believe it would add clarity.

**The Chair:** Thank you, Mrs. Thomas.

Mr. Champoux.

[*Translation*]

**Mr. Martin Champoux (Drummond, BQ):** Thank you, Madam Chair.

Mr. Méla, I have a quick question. I don't even want to debate the amendment, which doesn't seem to add much or do any harm. However, I wonder about the impact of passing amendment G-1, subamended or not. If we pass amendment G-1, will this affect amendments CPC-1, CPC-2 and CPC-3, in the sense that these three amendments won't be moved as a matter of course?

[*English*]

**The Chair:** Go ahead, Mr. Méla.

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

[*Translation*]

Mr. Champoux, you're right. If amendment G-1 is passed, subamended or not, amendments CPC-1, CPC-2, CPC-3, NDP-1, CPC-4 and CPC-5 can't be moved as a result of a line conflict.

**Mr. Martin Champoux:** Thank you, Madam Chair. I have no further questions on this topic.

[*English*]

**The Chair:** Thank you.

I think I will call the vote on the subamendment.

Mrs. Thomas.

**Mr. Philip Lawrence:** I'd like to—

**The Chair:** Mr. Lawrence.

**Mr. Philip Lawrence:** I'm sorry. In the preamble to Mr. Serré's—

**The Chair:** I think, Mr. Lawrence, that Mrs. Thomas's hand was up before yours.

**Mr. Philip Lawrence:** I thought you were calling the vote. I'm sorry. That's my fault.

In Mr. Serré's preamble, he referenced charter protections. The Liberal government illegally invoked the Emergencies Act in violation of charter rights. Would there be anything in this subamendment that would provide additional protection to those Canadians who had their bank accounts frozen and their rights violated, as found by the court?

**The Chair:** Are you finished, Mr. Lawrence?

**Mr. Philip Lawrence:** Yes.

**The Chair:** Do you require a response to that?

**Mr. Philip Lawrence:** Yes.

**The Chair:** Will the officials from Heritage please respond?

**Mr. Blair McMurren:** We observe that the reference to the charter in the proposed subamendment seems fairly neutral and factual given that the program is oriented around supporting court challenges involving certain sections of the charter. We would see it as consistent with the parameters of the program.

• (1720)

**Mr. Philip Lawrence:** It clarifies, but it doesn't provide any additional protections of charter rights for Canadians. Of course, it will allow for more court challenges, which could then mean people bringing challenges, but the subamendment does not strengthen the charter, really, in any way.

**Mr. Blair McMurren:** I would see it as a fairly factual reference to the program as it is now.

**The Chair:** Mrs. Thomas.

**Mrs. Rachael Thomas:** I seek clarification, then. Understanding that other amendments would potentially be lost if G-1 were to be passed, would there be an opportunity to propose amendments from the floor? Assuming that G-1 is accepted—

**The Chair:** If G-1 is adopted, amended or not, then CPC-1, CPC-2, CPC-3, NDP-1, CPC-4 and CPC-5 cannot be moved due to a line conflict, as Mr. Méla said earlier on.

**Mrs. Rachael Thomas:** I understand that. My question was whether other amendments could then be put forward from the floor.

**The Chair:** Do you mean amendments to G-1, which is what we're dealing with at the moment?

**Mrs. Rachael Thomas:** Those would be subamendments. I'm asking whether amendments to clause 2 could be put forward.

**The Chair:** Of course, yes, you can move subamendments to G-1 if you wish.

I need clarification, Mrs. Thomas. Do you mean further subamendments to G-1?

**Mrs. Rachael Thomas:** No, Chair, I don't. I mean if G-1 were to pass with or without the subamendment, would we be given an opportunity to move an additional amendment from the floor with regard to clause 2, with G-1 as part of it?

**The Chair:** Mr. Méla.

**Mr. Philippe Méla:** For clause 2, you could not for the lines that would be amended by G-1, so lines 10 to 16 would be closed for amendments. If you wanted to add amendments after line 16, that would be an option in clause 2.

**Mrs. Rachael Thomas:** Thank you.

**The Chair:** Thank you.

Mr. Waugh.

**Mr. Kevin Waugh (Saskatoon—Grasswood, CPC):** I think I know what Mrs. Thomas was getting at if G-1 does pass. We're looking ahead to CPC-1, CPC-2, CPC-3, CPC-4 and CPC-5. I don't want to put words in Mrs. Thomas's mouth, but maybe there was something we wanted out of them. Is now the time to amend G-1 with CPC-1, CPC-2, CPC-3, CPC-4 or CPC-5 if there was a line we wanted? That's if G-1 passes and the rest is thrown out.

I'm just asking for clarification on CPC-1 to CPC-5.

**The Chair:** Go ahead, Mr. Méla.

**Mr. Philippe Méla:** Let's say the subamendment is adopted—or not. It actually doesn't matter if it's adopted or not. You can always propose another subamendment to G-1. That would be an option you can consider.

**Mr. Kevin Waugh:** Okay.

**The Chair:** Thank you.

Martin.

[*Translation*]

**Mr. Martin Champoux:** Thank you, Madam Chair.

Mr. Méla, thank you for the clarification.

Madam Chair, I have a question concerning the next amendments up for consideration. I just want to make sure that we know, at the start of the discussion, the impact of passing or rejecting an amendment on subsequent amendments. That would be useful and helpful for our discussions. Thank you.

[*English*]

**The Chair:** I think the Heritage official said that it's a clarification amendment, but we have to vote on the subamendment.

I don't understand your question, Martin.

[*Translation*]

**Mr. Martin Champoux:** Madam Chair, I just asked that we be told, at the start of the discussions, whether passing or rejecting an amendment will affect the subsequent amendments up for consideration.

• (1725)

[*English*]

**The Chair:** Future amendments to what, G-1? We're dealing with G-1 right now. I don't know if you're mentioning future amendments to G-1.

[*Translation*]

**Mr. Martin Champoux:** I'll say it again slowly, Madam Chair. When we start to study any new amendment, I want to know at the start of the discussion whether the passage of the amendment will affect any subsequent amendments. This wasn't done at the start of the discussion on amendment G-1. However, I would like to see this done systematically for all other amendments.

[*English*]

**The Chair:** All right. If the amendment is moved, I will reread the note after it's moved.

Is that what you want to know, Martin? I'm still not understanding what you're asking.

**Mr. Martin Champoux:** It's okay.

**Mrs. Rachael Thomas:** No, it's not okay. This is very important.

**The Chair:** Okay. Mr. Méla is explaining to me what you want, Martin, because I'm still not clear. If we move a new amendment, we're going to read out for you what its impact will be on the other ones at the very beginning.

Is that what you want?

[*Translation*]

**Mr. Martin Champoux:** Yes.

[*English*]

**The Chair:** Okay. Thanks.

Mr. Lawrence.

**Mr. Philip Lawrence:** Thank you.

Further to what my colleague said, which I think is an excellent suggestion, I have been in past clause-by-clauses—Mr. Méla is always doing fantastic work; we've spent many hours together—and in other committees, there's an option, which Mr. Méla can maybe comment on. In other committees, when we've had amendments that knock out latter amendments, which is exactly what we're talking about here, we've had the opportunity, or members have given us the indulgence, to talk about all the options on the table, because while you might like one and think it's great at clarifying, you might see that number three or four is better. We discuss them as a group, and then work collaboratively to pick one of the horses in the race, amend one of them or even consolidate them, as often they're very similar.

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

Now I'm going to call a vote on the subamendment.

Is anybody opposing the subamendment? I'm seeing no opposition, but do you want me to call a vote, or should I just go ahead and say that the subamendment is carried?

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

**The Chair:** Now we have to go to the amended amendment that Mr. Noormohamed moved.

Mrs. Thomas.

**Mrs. Rachael Thomas:** So....

**An hon. member:** Did we just call a vote?

**The Chair:** When I'm speaking and the speaking bar is on, I cannot hear a single thing in my earpiece.

What did you say, Mr. Waugh?

**Mr. Kevin Waugh:** I was just saying that we were going to vote on the subamendment.

**The Chair:** It was his subamendment. That's what we were voting on.

**Mr. Kevin Waugh:** Yes, not Mr. Noormohamed's. That's fine.

**The Chair:** I did not see any opposition to the subamendment, so it passed.

Now we're dealing with Mr. Noormohamed's amended amendment.

Mr. Noormohamed.

**Mr. Taleeb Noormohamed:** I think it's Ms. Ashton.

**The Chair:** I'm sorry, Niki.

**Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP):** It's fine. I want to propose a subamendment to G-1 if that's still possible.

**The Chair:** It is possible to have a subamendment, yes.

**Ms. Niki Ashton:** I propose the following subamendment—

**The Chair:** Excuse me, Niki.

Mrs. Thomas.

**Mrs. Rachael Thomas:** I believe I was next on the speaking list, and I believe you called on me and then got distracted.

**Mr. Kevin Waugh:** I interrupted. I'm sorry.

**The Chair:** I thought you were no longer going to speak and Mr. Waugh was speaking. I'm so sorry, Mrs. Thomas.

Go ahead and speak.

**Mrs. Rachael Thomas:** Okay, thank you.

I would like to offer a subamendment to G-1. I apologize. I am having to act on the spot here, so I'm trying to figure out exactly how to fit it in best.

After “independent of the Government of Canada”—so at the end of G-1—I would insert the following:

and that the program be overseen by a board of directors composed of members appointed following consultations with each of the political parties represented in the House of Commons,

Then it would continue with the subamended text.

• (1730)

**The Chair:** Could you please read that again, Mrs. Thomas?

**Mrs. Rachael Thomas:** At the end of G-1, I would insert—

**The Chair:** You mean G-1 as amended by the subamendment of Mr. Serré.

**Mrs. Rachael Thomas:** At the end of G-1, I would insert:

and that the program be overseen by a board of directors composed of members appointed following consultations with each of the political parties represented in the House of Commons,

Then it would continue with the subamendment that has been added to the text.

**The Chair:** Thank you.

**Mrs. Rachael Thomas:** The significance of this subamendment is that it would make the entity non-partisan. It would allow there to be accountability, whoever is in government at the time, rather than allowing for an appointment to be made just by that government. It would allow for each political party to be consulted, to have input. Ultimately, the final decision would come from the minister, but it would at least allow for consultation, which allows for cross-party bridges to be built. That would be the hope.

This comes out of testimony we heard from numerous witnesses, who talked about the fact that the court challenges program can be good and can be used for good. However, it can also become partisan in nature because, of course, whoever happens to be the government at the time can flex in that decision-making process.

Over the years, we've observed the Liberals and the Conservatives and how they've managed it. This subamendment would allow all parties to be part of the decision-making process with the board of directors, therefore hopefully achieving a more non-partisan approach.

**The Chair:** Thank you, Mrs. Thomas.



Seeking to amend the Department of Canadian Heritage Act to maintain the court challenges program and appoint the members of the board overseeing the program would result in payments out of the public treasury and would require a royal recommendation. That's because *House of Commons Procedure and Practice*, third edition, states on page 772:

Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.

I'm ruling that subamendment inadmissible.

**Mrs. Rachael Thomas:** If I may....

**The Chair:** Go ahead.

**Mrs. Rachael Thomas:** There is already an entity that has been put in charge of the court challenges program, and within that entity, there's a board of directors. I'm not asking to appoint a new board of directors. I'm not asking to spend extra money.

Within the framework of the program, there is already an arm's-length entity in charge. I'm asking that the parties have input on who is at the table.

**The Chair:** I hear your explanation. I'm going to ask Mr. Méla to tell me what he thinks of that suggestion.

I'm being told there is no debate. I'm ruling it inadmissible, so you may have to challenge the chair.

• (1735)

**Mrs. Rachael Thomas:** Okay. I'm not sure how this works. We're asking for a subamendment to be drafted, so perhaps legal could bring that to our attention so we have an opportunity to draft something that could be admissible. I was set up for failure, if that's the case.

**The Chair:** Mr. Méla, would you answer, please?

**Mr. Philippe Méla:** For all members, you can always consult us before submitting amendments officially. We will get back to you if there is a royal recommendation issue or if there is an issue with the scope or principle of the bill. We can then work to fix the problem if the problem is fixable.

In this case, because the members of the board are appointed, it means anybody could be paid out of the CRF. Once you appoint somebody, the Interpretation Act provides for the payment of these people. They could be the ones you're mentioning or other people.

**Mrs. Rachael Thomas:** The process at this committee is insane. Thank you.

It's very troubling. I have been a part of this process at other committees, and generally, there are two things that happen that are not happening here.

First, we are given a heads-up if something is determined inadmissible so that we have the opportunity to suggest something different. To surprise me at the table today is unfair. I worked with legal to accomplish an end. This was the way they recommended I achieve that end. Taking their expert advice, I've come to the table in good faith thinking I would be able to accomplish that end. I never wanted to spend money. That was not a part of what I asked to do.

That's a letdown. As a legislator, I have been let down by the system, so I'd like to know how that can be remedied, because it is very serious. It's actually a violation of my parliamentary privilege to come to this table with confidence and move exactly what I intend to move.

Second, the other process that is not going the way it needs to today is when an amendment is read out. To my colleague's point, we need to know what effect it will have on other amendments coming after. To withhold that information from us is, again, a violation of our parliamentary privilege.

**The Chair:** Mrs. Thomas, I couldn't rule on your amendment until you actually moved it. I ruled on it, telling you it was inadmissible because of the decision on page 772 of *House of Commons Procedure and Practice*. That's all I can do. I cannot presume to know what's going to happen.

If you spoke to legal and you say legal said this was okay to do, I guess we'll have to find out what happened. I am just reading out to you that this is inadmissible because of the reasons I gave you. I am following the rules. I cannot make these decisions. I am not legal and I'm not a lawyer. I'm running this committee the way it should be run according to procedure.

Also, I read out the procedure as soon as you finished reading out your subamendment. I couldn't do it before you read your subamendment, because I didn't know what you were going to say.

**Mrs. Rachael Thomas:** My ask of the legislative clerk is that we be given a heads-up if something is deemed inadmissible.

**The Chair:** Mr. Méla.

**Mr. Philippe Méla:** An opportunity that all members have is to submit amendments to the clerk before the committee starts—before anything starts, really. Members can also consult us prior to submitting them to the clerk of the committee. We can have a discussion at that point to see if they are procedurally admissible or not. However, it's not something we do proactively, because we assume that members, generally speaking, don't want to know what the answer is.

**Mrs. Rachael Thomas:** Why would we not want to know? We would want to be stupid. We would want to come to the table unable to....

**The Chair:** Mrs. Thomas, did you consult the legislative clerk before you brought in this amendment?

**Mrs. Rachael Thomas:** Madam Chair, I created all of my amendments with the assistance that was provided to me based on an email that was sent from the clerk outlining the resources I had at my disposal. I used those resources.

If further resources were available to me, that was not made known. In no way was an email or any other form of communication sent to me or to my office recommending that we double-check the work that was done by legal by running it by the legislative clerk and his office.

• (1740)

**The Chair:** It's traditional, I think, during clause-by-clause, for people to consult with a legislative clerk, so thank you.

Go ahead, Mr. Méla, if you want to say something.

**Mr. Philippe Méla:** A memo is sent to all members prior to submitting the amendments indicating the deadlines for amendments, the dates the amendments are to be submitted and when clause-by-clause will be taking place. On that memo, there are two pieces of information that are important for members to know: who the legislative counsel is—basically, the lawyer who's going to draft the amendment according to the law—and who the legislative clerk is. That's to help members know what the procedures are. If they have questions regarding procedure, they can consult us. That's on the memo sent to all members every single time there is a bill in committee.

**Mrs. Rachael Thomas:** If I followed that email and sent my desire to the email address that was provided to me and they sent back the recommended amendment in the final form I have in front of me today, you're saying that in addition to the counsel provided to me, I needed to double-check with you.

**The Chair:** Mr. Méla.

**Mr. Philippe Méla:** Yes, indeed. In 2001, there was a Speaker's ruling. I don't want to go back to what was once the legal.... The legislative clerks and the office of the law clerk were once under the same umbrella. In 2001, it was divided into two separate entities, so nowadays, as the memo provides, one entity is the lawyer's office—the office of the law clerk. It has a specific relationship with members, which has client privilege from the get-go, and nothing is shared with us.

That's why the memo has a second part, which is that if members need procedural advice on the admissibility of amendments, they should contact us once the amendment is provided by the law clerk's office. At that point, we can provide them with procedural admissibility advice.

**Mrs. Rachael Thomas:** Then at the point that amendments were submitted to this committee, the legislative clerk was aware of what would be admissible and what would not be admissible, but that information was withheld from us until we came today.

**Mr. Marc Serré:** I have a point of order, Madam Chair.

**The Chair:** Yes, Mr. Serré.

**Mr. Marc Serré:** Madam Chair, the rules in the debate that's happening between Mrs. Thomas and the legislative clerk are the same rules that have been in place for decades. The clarification that Mrs. Thomas is asking for...

Maybe you should ask your team, because these are the same rules that—

**Mr. Philip Lawrence:** Madam Chair, this is not a valid point of order—

**Mr. Marc Serré:** The chair has already ruled.

**The Chair:** Mr. Lawrence, I will allow the point of order.

Go ahead, Mr. Serré.

**Mr. Marc Serré:** Madam Chair, just quickly, you've already ruled, and now there's a debate going on with the legislative clerk that is not accurate, because these are the same rules that have applied for every other committee for every other clause-by-clause I've been part of. They have been in place for decades.

I don't understand what's happening here right now, Madam Chair, but you've already ruled. If a member wants to challenge your ruling, there should not be a debate. There should be a vote on that ruling.

**The Chair:** I agree with you, Mr. Serré. I asked the member if she was challenging my ruling and she did not respond.

Are you challenging my ruling, Mrs. Thomas?

**Mrs. Rachael Thomas:** I was simply seeking clarification.

**The Chair:** I think Mr. Méla gave you clarification. Thank you.

We will move to Ms. Ashton, who had her hand up—

[*Translation*]

**Mr. Martin Champoux:** Madam Chair, I have a point of order.

[*English*]

**The Chair:** —prior to Mrs. Thomas. Now Mrs. Thomas is after Ms. Ashton.

Ms. Ashton, go ahead.

[*Translation*]

**Mr. Martin Champoux:** Madam Chair, I have a point of order.

• (1745)

[*English*]

**The Chair:** I am so sorry, Martin.

[*Translation*]

**Mr. Martin Champoux:** Madam Chair, I don't want to drag out the debate. However, I think that we have a good opportunity to improve and that we should take it.

Mr. Méla explained things nicely. I agree with my colleague, Mr. Serré, that these rules are in place in all the committees. This isn't the first amendment ruled out of order during clause-by-clause consideration.

However, it would be useful to know whether the same decision will be made concerning amendment CPC-2 and the other amendments that depend on the outcome of our vote on amendment G-1. Personally, I think that we should know whether amendments CPC-2 and CPC-3 are in order, because the vote on amendment G-1 will affect them. If amendment CPC-2 is ruled out of order, this may change our position on amendment G-1. We could get a head start and determine which amendments are in order.

[English]

**The Chair:** Martin, to repeat, If G-1 is adopted, amended or not, CPC-1, CPC-2, CPC-3, NDP-1, CPC-4 and CPC-5 cannot be moved due to a line conflict.

[Translation]

**Mr. Martin Champoux:** Are these other amendments in order?

[English]

**The Chair:** We will vote on G-1, which is on the table right now.

[Translation]

**Mr. Martin Champoux:** Fair enough, Madam Chair. However, the vote on amendment G-1 will affect amendment CPC-2. You just ruled amendment CPC-1 out of order. I now want to know whether amendment CPC-2 is in order, since this would affect my vote on amendment G-1. If amendment CPC-2 is out of order, we'll consider things differently.

I want to know whether the other amendments affected by amendment G-1 are all out of order.

[English]

**The Chair:** Mr. Méla would like to answer that.

**Mr. Philippe Méla:** Thank you, Madam Chair.

[Translation]

Mr. Champoux, if amendment G-1 is passed, amended or not, lines 10 to 16 can't be changed afterwards. Amendments CPC-2 or CPC-3 could no longer be moved, because they concern these lines. However, before the vote on amendment G-1, a subamendment can still be moved to change it.

To answer your specific question about whether amendments CPC-2 and CPC-3 are in order, an amendment's admissibility can be determined only once it has been moved. For this reason, your question can't be answered immediately.

**Mr. Martin Champoux:** Thank you, Mr. Méla. You answered my question perfectly.

[English]

**Mr. Philip Lawrence:** I have a point of order.

**The Chair:** Go ahead on a point of order, Mr. Lawrence, but I have Ms. Ashton with a subamendment patiently waiting.

**Mr. Philip Lawrence:** This is a point of order, so that trumps it. That's the way it works.

**The Chair:** Go ahead. Please state your point of order.

**Mr. Philip Lawrence:** Mr. Méla, you have provided to me before whether something is admissible or not. That's completely al-

lowable. You can, right now, tell us—in fact, it's your obligation to tell us—whether CPC-2 and CPC-3 are admissible.

**The Chair:** I don't know how else to say it. It will depend on whether G-1 is passed. Now everyone knows that, so it's going to be up to anyone to vote against or for G-1. If they want a subamendment, they can move it now, because we're still dealing with G-1.

**Mr. Philip Lawrence:** This shouldn't be that difficult. We're asking whether CPC-2 and CPC-3 are admissible. Whether G-1 passes or not is incidental.

Are CPC-2 and CPC-3 admissible? It's a simple question.

**The Chair:** I will answer you very simply, Mr. Lawrence.

**Mrs. Rachael Thomas:** You're not answering that question.

**The Chair:** According to the orders of this meeting, G-1 is on the table. We have to vote on G-1. If it passes—I'll read it again—CPC-1, CPC-2, CPC-3 and NDP-1 are not going to be admissible because of the line conflict.

We need to get G-1 dealt with. If you want to amend G-1, as Mr. Méla said, please do.

**Mr. Philip Lawrence:** I have a point of order.

We're at cross-purposes. I think there's a misunderstanding. In order to decide whether we want to vote on G-1, we need to know whether CPC-2 and CPC-3 are admissible. That informs our vote. If it were before the meeting, I could call Mr. Méla—correct me if I'm wrong—and ask, “What are your feelings on CPC-2 and CPC-3? Do you believe that's admissible?”

Ultimately, it's your decision, Madam Chair, but he would inform that decision. I am just asking, if G-1 failed for whatever reason, whether CPC-2 and CPC-3 would be admissible.

● (1750)

**Mr. Ron McKinnon:** I have a point of order.

**The Chair:** Go ahead, Mr. McKinnon.

**Mr. Ron McKinnon:** I just want to clarify for Mr. Lawrence that you can't rule anything inadmissible until it's been moved. The distinction between these other amendments and this one is about whether they can be moved at all. That's due to a line conflict.

Whether they're inadmissible cannot be answered. We know for a fact that if G-1 passes, there will be a line conflict with these other matters, so they cannot be moved, not because they're inadmissible, but because there's a line conflict.

**Mr. Philip Lawrence:** Madam Chair, since Mr. McKinnon cited me, perhaps you'll allow me the indulgence to respond.

Mr. McKinnon, I understand what you're saying. We will not be able to move CPC-2 or CPC-3 if G-1 passes. However, you're allowed to go to the legislative clerk, as Mr. Méla just said, and even if it's laddered down on the slate.... He can't make a ruling, but he can let me know whether, in his opinion, it would be admissible or inadmissible.

**The Chair:** Mr. Méla, please answer the question.

**Mr. Philippe Méla:** Indeed, if you were to call me, or if any member were to call me.... I'm sorry. Let me rephrase that. It's not any member. We're talking about Mr. Lawrence and his amendments.

If you were to call me and ask me, "What do you think of my amendments?", I would give you the procedural advice that I give any member on their amendments. I would say that they're possibly inadmissible or admissible, but I would always add that, at the end of the day, it's the prerogative of the chair to rule on the admissibility of any amendment. Of course, that can only happen when they are moved, so we are in a bit of a situation where you want to do something—

**Mr. Philip Lawrence:** You can provide it now. You can provide your advice. It's ultimately the chair's call whether or not to deem them admissible, but in your opinion, Mr. Méla, are CPC-2 and CPC-3 admissible?

**The Chair:** Well, which comes first, the chicken or the egg?

**Mrs. Rachael Thomas:** It's not difficult. It's just as they stand right now.

**The Chair:** Mr. Noormohamed.

**Mr. Taleeb Noormohamed:** Madam Chair, I think the question that Mrs. Thomas has asked is a reasonable question. By no means do I claim any expertise or intelligence, but it would seem to me that, notwithstanding what the vote is, the amendments would be admissible and would or would not work on the basis of a vote on them in their own right.

I think we've spent a lot of time trying to answer whether or not, notwithstanding the result of the vote, the things they have put forward are in fact admissible. I have no issue with putting them to a vote as we ordinarily would.

Does that answer the question you're trying to get to?

**Mr. Kevin Waugh:** What did Mr. Méla tell you?

**Voices:** Oh, oh!

**Mr. Philip Lawrence:** I'll talk to you on the way out, Mr. Méla.

**The Chair:** I think inherently these things are admissible, but until we get them on the floor to be voted on, we cannot deal with them. We cannot do that until we dispense with or dispose of G-1 in one way or the other.

I also have a subamendment to G-1 by Ms. Ashton on the floor. I would like to go to that, please.

Ms. Ashton, go ahead with your subamendment.

• (1755)

**Ms. Niki Ashton:** Thank you very much.

I'm basing it on the second part of NDP-1. We were under the impression that we could still make this subamendment in our deliberations.

The piece I would like to put forward is to replace line 16 on page 2 with the following:

rights, particularly such rights that are recognized and guaranteed by the Canadian Charter of Rights and Freedoms and the Canadian Human Rights Act; and

Essentially, the addition here is a reference to the Canadian Human Rights Act, which we believe is important grounds for court challenges. We know that to be the case from the recent historic court challenge put forward by Cindy Blackstock based on first nations' rights grounded in the Canadian Human Rights Act, so beyond the Charter of Rights and Freedoms.

We are looking to include the Canadian Human Rights Act as part of this important legislation to ensure that people who are fighting for their rights, like first nations, are able to do so on the grounds of the Canadian Human Rights Act.

**The Chair:** Ms. Ashton, we are still dealing with G-1. Is this a subamendment you are making to G-1, or are you—

**Ms. Niki Ashton:** Yes.

**The Chair:** Okay, you're bringing a subamendment to G-1.

Where exactly would you like that to go?

**Ms. Niki Ashton:** It's line 16 on page 2. Essentially, it is adding "the Canadian Human Rights Act" after the reference to the Canadian Charter of Rights and Freedoms.

I believe we sent a copy to the clerk.

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

I believe Mr. Méla would like to comment.

**Mr. Philippe Méla:** What you are trying to do is propose a new amendment because you're amending lines of the bill, and you should be amending the text of G-1. In order to do that, it would be a subamendment, and you would tell the committee the text that you want to add to G-1 and where it is going.

**Ms. Niki Ashton:** Okay. Then the comment about line 16 on page 2 is not enough information in that respect. I understand what you're saying about G-1, but I did indicate the line.

**Mr. Philippe Méla:** No. This is because line 16 on page 2 is no longer the same line 16 on page 2 that you have in the bill. Now you have to work with the G-1 as amended, and you need to put your text somewhere in there.

**Ms. Niki Ashton:** Right.

Basically, after the reference to the Canadian Charter of Rights and Freedoms, we want to add the reference to the Canadian Human Rights Act.

**The Chair:** I just want to clarify.

After “the Canadian Charter of Rights and Freedoms”, you want to add “and the Canadian Human Rights Act”. Is that it?

**Ms. Niki Ashton:** Yes.

**The Chair:** Okay.

I think, Mr. Méla, that's a valid subamendment.

• (1800)

**Mr. Philippe Méla:** Yes.

**The Chair:** We're going to discuss the subamendment, which is adding “and the Canadian Human Rights Act” after “the Canadian Charter of Rights and Freedoms”.

Is there any discussion?

Mr. Serré.

**Mr. Marc Serré:** First of all, I know the work Ms. Ashton has done on human rights and indigenous rights. The Canadian Human Rights Act is very important, but my understanding is that it's completely separate from this bill.

Can I ask our expert witnesses about that? Is there overlap with Bill C-316, or does the Canadian Human Rights Act have its own processes? I just want to clarify that, if they can add to it.

Based on my understanding, I will be voting against this, because it's a completely separate process outside of the scope of this bill. I just want to get clarification, please.

**The Chair:** Mr. McMurren.

**Mr. Blair McMurren:** We agree this is a discussion point, for sure. The Canadian Human Rights Act is governed by a separate legal regime and is administered by a commission. In some cases, it's administered by a tribunal. It has quite a different scope from the existing court challenges program as well. It involves the federal machinery of government, but also federally regulated private sectors, such as transport or banking, which is not the case with the existing court challenges program.

On the face of it, it would appear to evoke an expansion of the existing program, which we think would need to be considered carefully. It would raise some issues of policy alignment, we think.

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

Mrs. Thomas, I think your hand was up for the subamendment, although I think I'm hearing that it may not be valid. It may be affecting a totally different act.

Go ahead, Mrs. Thomas.

**Mrs. Rachael Thomas:** I think that was the clarification I was looking for. In my mind, it expands the bill beyond its intended scope.

**The Chair:** We'll go to Ms. Ashton again.

**Ms. Niki Ashton:** I appreciate what was shared with us. I want to make it clear that we heard from a number of witnesses that expanding the scope of the bill to include a reference to the Canadian Human Rights Act was in the spirit of what this bill seeks to do. It's for that reason that we put it forward. It was to give marginalized communities, like first nations and others, the tools to fight for their rights based on the Canadian Human Rights Act and the Charter of Rights and Freedoms. It's in that spirit that we in the NDP put forward the subamendment, and I'm happy to vote for it.

**The Chair:** Shall I call a vote?

Mr. Lawrence.

**Mr. Philip Lawrence:** I'm sorry. Mr. Waugh, you were—

**Mr. Kevin Waugh:** Yes, vote.

**The Chair:** Are we going to vote on the subamendment?

**Mr. Philip Lawrence:** No. We just heard from the officials that it expands the legislation. We've heard from the clerk that's not allowed; it's out of scope.

Mr. Clerk, it appears you might have missed one.

**The Chair:** Do you want to answer him?

**Mr. Philippe Méla:** Since the chair has not ruled it inadmissible, by default, it would be admissible.

**The Chair:** Based on what I think the mover of the bill, Mr. Serré, intended for this bill—he said he would vote against it because it would expand the intent of his bill—and what we heard from the officials, which is that it would expand the scope of the bill, I will have to move Niki's subamendment inadmissible.

Niki, I'm sorry.

Now let's move on to the amendment that Mr. Noormohamed made. We're now going back to that discussion.

Mr. Noormohamed, is there anything you want to say? You spoke to it already, unless you think you can gild the lily a bit more.

**Mr. Taleeb Noormohamed:** If you would like me to gild the lily, I can, but in the interest of time, I'd love for us to vote on it and get on with the game.

• (1805)

**The Chair:** On the amendment, Mr. Serré and Mrs. Thomas wanted to speak to it. Do they still wish to speak to it?

Mr. Serré said no.

Mrs. Thomas, is it a yes or no?

**Mrs. Rachael Thomas:** Y-E-S.

**The Chair:** I'm sorry, Mrs. Thomas. You don't have to be sarcastic. When I don't hear you, I don't hear you.

**Mrs. Rachael Thomas:** You just have to listen.

**The Chair:** I'm trying to listen, but my earpiece is blocked when my speaking button is on. It's pretty simple to understand that.

Mrs. Thomas, go ahead.

**Mrs. Rachael Thomas:** I would like to move a subamendment. I would be inserting it after G-1 in its original form, which ends with "Government of Canada". I would insert "and that the program be overseen by an independent organization for which the selection criteria shall be made public and the final selection decision shall be tabled in each House of Parliament".

Do you need me to repeat that, Clerk?

**The Chair:** Yes, please.

**Mrs. Rachael Thomas:** It's to insert "and that the program be overseen by an independent organization for which the selection criteria shall be made public and the final selection decision shall be tabled in each House of Parliament".

**The Chair:** That's admissible.

Let's discuss the subamendment by Mrs. Thomas.

**Mrs. Rachael Thomas:** Thank you.

For context, again, we heard from a number of witnesses who talked about the importance of independence, transparency and accountability around the program and the way decisions are made. This would seek to do that.

Regardless of the government in place at the time, the program would be overseen in such a way that an independent organization would be overseeing it. The selection criteria of that independent body would be made public so there would be transparency. Also, the decision on the final selection of that independent organization would be tabled with the House of Commons, therefore allowing for accountability.

This allows for a clear look into how the program is run, or at least the decision-making process of each government in place.

**The Chair:** I want clarification, please, Mrs. Thomas. You originally said, "be tabled in each House of Parliament". Are you now saying it's the House of Commons only? Are you suggesting both houses, the Senate and the House of Commons?

**Mrs. Rachael Thomas:** It would be tabled in each House of Parliament.

**The Chair:** Thank you.

Mr. McKinnon.

**Mr. Ron McKinnon:** Thank you, Chair.

I just want to clarify Mrs. Thomas's subamendment. She mentioned it modified the original amendment. The original amendment is gone; it has already been subamended. I wonder where it's going to fit into the amendment as already amended.

**The Chair:** I think she suggested adding to Mr. Noormohamed's amendment, after it says, "by an organization independent of the

Government of Canada", that "the program be overseen" and so on. I think that's where she wants it to be added.

Ms. Lattanzio.

**Mrs. Rachael Thomas:** I'm sorry. If I may...

**The Chair:** I'm sorry, but Ms. Lattanzio has the floor.

**Mr. Kevin Waugh:** Her mic is muted.

**The Chair:** Ms. Lattanzio, we cannot hear you. I'm sorry. Are you muted?

● (1810)

**The Clerk of the Committee (Ms. Geneviève Desjardins):** Ms. Lattanzio, can you try unplugging and re-plugging the headset?

**Mr. Marc Serré:** Madam Chair, while we're waiting, can I just clarify that this bill is Mr. Ron McKinnon's? It is not my bill. I just want to make sure that Mr. McKinnon—

**The Chair:** I'm sorry about that.

**Mr. Marc Serré:** That's okay, Madam Chair.

**The Chair:** I thought it was yours because you were so invested in it originally.

**Mr. Ron McKinnon:** He means to say that it's all my fault.

**The Chair:** We're going to have a technician call you, Ms. Lattanzio.

**Mr. Taleeb Noormohamed:** Madam Chair....

**The Chair:** Mr. Noormohamed.

**Mr. Taleeb Noormohamed:** Madam Chair, just for clarification for the benefit of the committee, it's 6:10. I think 6:30 is the hard stop.

Could I ask my question?

**The Chair:** Well, actually—

**Mr. Taleeb Noormohamed:** Let me just ask you my question. What would—

**The Chair:** We have resources until 6:50.

**Mr. Taleeb Noormohamed:** I don't know if others can stay.

The question is more about if we don't get this done. Is the plan for us, from a scheduling standpoint, to continue this at the next meeting?

**The Chair:** We hope so. We've been trying to do this for a long time.

**Mr. Taleeb Noormohamed:** I just wanted to make sure.

**Mr. Ron McKinnon:** This is better than hockey.

**The Chair:** Mrs. Thomas, while we're waiting for Ms. Lattanzio, go ahead.

**Mrs. Rachael Thomas:** Thank you.

I realize that the first part of my subamendment is redundant, so I would be willing to withdraw it and offer a different subamendment, if I have the will of the committee to do so.

**The Chair:** Does anyone disagree?

Mr. Noormohamed.

**Mr. Taleeb Noormohamed:** I'm not disagreeing. Ms. Lattanzio sent a message, and I'll just convey what she said. I don't want to take away from what Mrs. Thomas was saying.

Ms. Lattanzio has a very simple point. She just wants the amendment sent to the P9 so that people can see what it is. That's all.

**The Chair:** Can we give the simple amendment to the clerk, please, so that she can send it to everybody?

**Mrs. Rachael Thomas:** I believe that's the clerk's job.

**The Chair:** I don't have a copy of the amendment. I'm writing it down as you speak. You're changing it now. Is that what you're suggesting?

**Mrs. Rachael Thomas:** Madam Chair, it would appear that we have two options here.

I'm asking for the consent of the committee to withdraw my subamendment and reframe it.

**The Chair:** Thank you.

Will everyone give unanimous consent for her to withdraw her subamendment and rephrase it?

**Some hon. members:** Agreed.

(Subamendment withdrawn)

**The Chair:** I saw no one saying no, so go ahead.

**Mrs. Rachael Thomas:** Here we go.

I'm offering the following subamendment. After “independent of the Government of Canada”, I'd add a comma, followed by “for which the selection criteria shall be made public and the final selection decision shall be tabled in each House of Parliament”.

**The Chair:** Thank you. That's great.

The legislative clerk is asking for it in writing.

**Mrs. Rachael Thomas:** That's no problem. I'm not able to offer that right now, but if we suspend for two seconds, I can probably get it emailed over.

**The Chair:** All right. We will suspend.

• (1810) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1820)

**The Chair:** We're back in session. Thank you.

Have you given the written version to the clerk, Mrs. Thomas?

**Mrs. Rachael Thomas:** I'll let the clerk confirm.

**The Chair:** The clerk is going to have it translated into French. It cannot be submitted to anybody by her unless it's in both English and French.

**Mr. Philip Lawrence:** We don't have Mr. Champoux. Can we suspend for a few more minutes? Mr. Champoux will be here shortly.

**The Chair:** We'll suspend.

• (1820) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1830)

**The Chair:** I wanted to come back in session to tell the committee that we cannot incorporate the language of the subamendment until it's put in the right place within the motion already amended. We have to get some of the legal people to take a look at it to make sure the language is appropriate to fit in there. We will not be able to get that done within the next 20 minutes. We also cannot get Ms. Lattanzio because her mics are not working.

Are there any suggestions from the committee? Otherwise, we can just sit here until 10 to seven.

**Mr. Philip Lawrence:** Taleeb, do you want to get a beer or something?

**Voices:** Oh, oh!

**The Chair:** I don't know whether we should ask the clerk to have beer sitting in the corner in the future in case this happens.

**Voices:** Oh, oh!

**The Chair:** Mr. Gourde.

[*Translation*]

**Mr. Jacques Gourde (Lévis—Lotbinière, CPC):** Thank you, Madam Chair.

I want to know whether the committee members give their unanimous consent for the following motion: “That the committee instruct the clerk and analysts to prepare a report to the House, which the chair shall table forthwith, outlining the potential breach of privilege concerning Catherine Tait's refusal to and prevarication in answering those questions which the committee asked her.”

[*English*]

**The Chair:** That's not what the meeting is about today, so I don't know. There would have to be unanimous consent for the motion to be allowed. Because we're dealing with Bill C-316 right now and we're waiting for translation and a legal opinion on Mrs. Thomas's subamendment, I think we just have to sit here right now and wait out the time, unless I get unanimous consent.

Ms. Lattanzio, are you able to speak? No.

Okay, so Ms. Lattanzio is out of the picture.

As the chair, I am at the wishes of the committee.

• (1835)

**Mr. Philip Lawrence:** Madam Chair, I just want to confirm that Mr. Gourde's motion passed because there was no opposition. I didn't hear any.

**The Chair:** I don't think anybody thought that it was appropriate to move that motion, which did not have 48 hours' notice. If Mr. Gourde wants to write it down and present it for the Thursday meeting, that would be reasonable. He can do that, but we can't accept it now because it's not on the Order Paper for this meeting. This is not a business meeting either.

Mr. Gourde, go ahead.

[*Translation*]

**Mr. Jacques Gourde:** Madam Chair, I just asked if you could check with the committee whether my motion has unanimous consent, but you didn't do so. Could you do so?

[*English*]

**The Chair:** I got the sense from looking at the committee that they didn't want to. People were shaking their heads. All you need is one person to say no and you don't have unanimous consent.

Mr. Noormohamed.

**Mr. Taleeb Noormohamed:** Madam Chair, we haven't seen the motion. It may or may not be perfectly fine. If we could have it circulated to everybody in both official languages, we'd be in a position to consider it, but we haven't seen it. As for Ms. Lattanzio, we don't even know how she will weigh in given that we haven't managed to figure out what's going on with her technical piece.

We'd all be very happy to look at it and consider it given that we have lots of time on our hands for the next 14 minutes. I think it's hard to give unanimous consent for a motion we haven't all seen and had the chance to consider.

**The Chair:** I take it that there isn't unanimous consent.

Go ahead, Niki.

**Ms. Niki Ashton:** I was going to say that we need to see a written copy of what was just proposed before we are even asked for unanimous consent.

**The Chair:** We have 10 more minutes on the clock. I just thought you should know that.

I gather there isn't unanimous consent for adjourning, because nobody has moved it. Nobody seems to agree with it.

**Mr. Marc Serré:** Madam Chair, can we adjourn? This is not appropriate.

**The Chair:** Mr. Serré, do you move a motion to adjourn?

**Mr. Marc Serré:** Yes, please.

**The Chair:** Is anybody opposed to the motion to adjourn?

I see no hands up at all, so the meeting is adjourned.

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