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• (1600)

[English]

The Vice-Chair (Mr. Kevin Waugh (Saskatoon—Grasswood, CPC)): Hello, everyone. I'm going to call the meeting to order here this afternoon. Welcome to meeting number 122 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 people.

Pursuant to the order of reference on Wednesday, November 22, 2023, the committee is resuming its consideration of Bill C-316, an act to amend the Department of Canadian Heritage Act respecting the court challenges program).

Before we begin, I would like to ask all members to consult the cards on the table for guidelines to prevent audio feedback. Take note of the following preventive measures in place to protect the health and safety of participants. Use only the black approved earpiece. The former grey ones are no longer in use. Always keep your earpiece away from the microphones, and when you're not using your earpiece, please place it face down on the sticker placed on the table for this purpose. Thank you for your co-operation.

Today we're going to look at Bill C-316, an act to amend the Canadian Heritage Act regarding the CCP. We welcome back our witnesses from the Department of Canadian Heritage, who are available once again to answer our questions on clause-by-clause. We have Blair McMurren, director general.

Welcome back, Mr. McMurren.

As well, for the first time, we have Ms. Labbé, manager of human rights.

Welcome to the committee.

We will resume debate on Ms. Rachael Thomas's subamendment to amendment G-2. That's where we're going to pick it up today.

Ms. Thomas, if you don't mind, could you lead us off on the subamendment to G-2?

Mrs. Rachael Thomas (Lethbridge, CPC): Sure. Thank you, Chair. I appreciate the floor.

Just before I get to that, I wish to give notice of a motion that I'll be tabling here at committee. It shouldn't come as a surprise. On Sunday, we had a historic event take place, and that was game six between the Edmonton Oilers and the Dallas Stars. Of course, the winning team would go on to compete for the Stanley Cup, which is quite a great achievement. That winning team was the Edmonton

Oilers, the Canadian team that will represent us as we go for that cup. Should we be successful, it will be the first time in more than 30 years, which is quite exciting.

Canadians tuned in to the CBC in hopes that they would be able to watch the game there, but unfortunately they were not able to, because it was not made available. The CBC is a public broadcaster. It's paid for with tax money, so for Canadians to be forced to subscribe in order to access that game seemed altogether inappropriate.

The motion that I'm giving notice of reads as follows:

Given that the CBC receives \$1.4 billion from taxpayers, the CBC holds the rights to broadcast the NHL playoffs, the CBC chose not to broadcast the Edmonton Oilers game that sent them to the Stanley Cup finals, the committee calls on the CBC to commit to broadcast all Stanley Cup final games and to report this finding to the House.

This motion is now on notice at committee. Thank you.

(On clause 3)

The Vice-Chair (Mr. Kevin Waugh): Thank you, Ms. Thomas. As I said earlier, we're going to stay with you on the subamendment to G-2, and you're up.

Mrs. Rachael Thomas: That's perfect. Awesome. Where we left off last day, I understand, was with a subamendment to amendment G-2 having been moved to replace lines 26 to 28 in clause 3. I believe I already read it into the record, but, again, we would insert "and financial performance of the program, as well as a list of all the cases that received funding and the amount provided for each case". It would end there, and that, of course, would be inserted into amendment G-2 as amended.

The reason for this is that we want a list of all cases, to create greater accountability and transparency, and we want to know the amount of money provided to each of those cases, also to provide greater accountability and transparency. These were things that numerous witnesses called for around the court challenges program. They wanted to see a greater degree of accountability being achieved and wanted to see greater transparency with the Canadian public in terms of how tax dollars are used with regard to funding cases or not funding cases. Of course there are others that are "ix-nayed", so I would be seeking the support of committee members in order to make sure that this is accomplished.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Ms. Coteau.

Oh, Mr. Coteau.

• (1605)

Mr. Michael Coteau (Don Valley East, Lib.): Thank you, sir.

The Vice-Chair (Mr. Kevin Waugh): I just wanted to make it—

Voices: Oh, oh!

Mr. Michael Coteau: I get “Michelle” and “Ms. Coteau”. That’s fine.

To the officials, what is the purpose of holding back some of those details the subamendment would reveal? Is there a reason for it?

I believe you addressed some of this at the last meeting. Maybe you could take a minute to explain.

Mr. Blair McMurren (Director General, Strategic Policy and International Affairs, Department of Canadian Heritage): The current practice of the modernized program—as we’ve attempted to explain at different moments, and I think as the executive director of the program also explained during her testimony—is to try to achieve a balance between transparency, on the one hand, and respect of what you could describe as litigation privilege or solicitor-client privilege, or simply personal privacy, security and safety, on the other hand, of end recipients of the program funding. For that reason, the specific amounts and the names of recipients are not published in any format, currently.

What’s envisioned, once they’ve exhausted all avenues of appeal, is a publication of the case names and the outcomes of those cases.

Mr. Michael Coteau: Are there cases in which the information is revealed because there is agreement that it’s in the public interest to provide that information?

Mr. Blair McMurren: Currently, that’s not the practice. It would be at the discretion of an end recipient of program funding to reveal that kind of information. It’s not disclosed through the reporting of the modernized program or through the contribution agreement that governs it.

Mr. Michael Coteau: Okay. Thank you so much.

The Vice-Chair (Mr. Kevin Waugh): Okay, Michael.

We’re going to move to Mr. Champoux.

[*Translation*]

Mr. Martin Champoux (Drummond, BQ): I’ll be very brief, Mr. Chair.

To refresh the memory of my colleagues around the table, we discussed this Conservative subamendment at length at the last meeting. I was under the impression that we had reached the stage where we had to vote. It seems to me that the ideas had been expressed on both sides and that the questions had all been asked.

That’s just a comment. Personally, I’m ready to proceed with the vote, unless someone else has questions, of course.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Are there any more questions?

Seeing none, we’ll have a vote on the subamendment to G-2 by Mrs. Thomas.

(Subamendment negatived: nays 6; yeas 4 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): Now we’ll go to amendment G-2.

I remind you that if G-2 is adopted, BQ-4, CPC-6 and NDP-2 cannot then be moved, due to a line conflict.

Is there any further discussion on G-2?

(Amendment as amended agreed to: yeas 6; nays 4)

The Vice-Chair (Mr. Kevin Waugh): Now we go to BQ-5, I believe. If BQ-5 is adopted, I’ll say once again that CPC-6 cannot be moved, due to a line conflict.

Mr. Champoux, do you want to speak to BQ-5?

• (1610)

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I think my colleagues understand the principle of BQ-5. We’re all talking about transparency, accountability, and being able to do a proper and as fair an analysis as possible of how the program is being managed. In our case, it’s absolutely not a matter of trying to obtain information that could be prejudicial to the applicant, but of having a little more transparency on the way this program is managed.

With that, I’ll stop here, because I want us to move quickly to a vote. However, if my colleagues have any questions, I’m obviously ready to answer them.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Are there any questions on BQ-5?

(Amendment negatived: nays 6; yeas 4 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): We’ll move on now to BQ-6.

Again, Mr. Champoux, if you have a few seconds...

[*Translation*]

Mr. Martin Champoux: I had CPC-6 instead, Mr. Chair. However, if you want to discuss BQ-6, we’re ready.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): I had CPC-6....

Mrs. Rachael Thomas: That’s what he just said.

The Vice-Chair (Mr. Kevin Waugh): No, we just did BQ-5.

Ms. Rachael Thomas: No.

The Vice-Chair (Mr. Kevin Waugh): Did we not? We just did BQ-5.

Mrs. Rachael Thomas: Before that, we did CPC-6.

A voice: There was a subamendment.

The Vice-Chair (Mr. Kevin Waugh): Yes, we did your subamendment to G-2. Then we went to G-2.

Then we went to BQ-5, and now I'm moving down to.... Because of G-2, we had BQ-4, CPC-6 and NDP-2 that couldn't be moved due to a line conflict.

The Vice-Chair (Mr. Kevin Waugh): Exactly.

The Vice-Chair (Mr. Kevin Waugh): We're at BQ-6 on page 16.

Mr. Champoux.

[*Translation*]

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

Once again, the purpose of BQ-6 is to allow for more transparency. Without necessarily getting into the details that identify the applicants, we would like to have a little more transparency, as I was saying, particularly on the number of cases that were not accepted under the program. We propose that the Department of Canadian Heritage Act be amended by adding the following subsection after the new subsection 5.1(1) of the act proposed by the bill:

(1.1) The annual report shall also state, for each of the program's two components, the number of cases that were denied funding.

We're keeping the same preamble. There you go.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Mr. Serré, do you have a comment?

[*Translation*]

Mr. Marc Serré (Nickel Belt, Lib.): Thank you, Mr. Chair. I know we can vote on BQ-6, but I think you skipped CPC-6 and NDP-2. I just want to make sure that we come back to it.

Mr. Martin Champoux: There was a line conflict.

Mr. Marc Serré: What you said wasn't clear, Mr. Chair. I just wanted to make sure that we were going to come back to it, to have confirmation of that.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Go ahead, Clerk.

[*Translation*]

Mr. Philippe Méla (Clerk of the Committee): Mr. Serré, there was indeed a line conflict between amendment G-2 and the two amendments you mentioned.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Okay. Are there any other comments on BQ-6?

Seeing none, I'm going to call for the vote, please.

• (1615)

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): I'm sorry. We just want to try to get some clarification on something before we go to the vote.

We need to get some clarification because of the order right now. I'm going to ask if we can suspend for just a minute.

The Vice-Chair (Mr. Kevin Waugh): We'll suspend for a second.

• (1615)

(Pause)

• (1615)

The Vice-Chair (Mr. Kevin Waugh): We're going to resume. We're back on BQ-6.

Mr. Noormohamed, please.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

In principle, we are in support of this. There is a subamendment that we would like to make. I've asked the team to give me the language, which would read as follows. Basically, everything would stay the same; however, where it says "the number of cases", the word "cases" would be replaced by the word "applications".

The Vice-Chair (Mr. Kevin Waugh): Are there any comments on the subamendment?

Mrs. Thomas.

Mrs. Rachael Thomas: Sure. I wouldn't mind understanding from the officials the significance of this change.

Mr. Blair McMurren: Thank you, Mr. Chair.

As I said, I would observe that changing the language in that way would make it consistent with the current practice of the program.

At the moment, it's already possible to calculate this statistic or figure if you are talking about "applications", as opposed to "funded cases". The annual report on the program currently publishes the number of applications received and funded, as opposed to cases. An application generally pertains to a case, but you could potentially have multiple applications for the same case. Therefore what is published is the number of discrete applications received.

The Vice-Chair (Mr. Kevin Waugh): We'll move to Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: That's fine, Mr. Chair. I think Mr. McMurren answered my question.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Yes, thank you.

Is there other discussion on the subamendment?

Seeing none, I'm going to call for the vote on the subamendment by Mr. Noormohamed.

Mrs. Rachael Thomas: I'm sorry.

We're just voting on the subamendment. Is that correct?

The Vice-Chair (Mr. Kevin Waugh): Yes, we're voting on "applications" instead of "cases".

(Subamendment agreed to: yeas 7; nays 3)

(Amendment as amended agreed to: yeas 10; nays 0)

The Vice-Chair (Mr. Kevin Waugh): Shall clause 3 as amended carry?

(Clause 3 as amended agreed to: yeas 7; nays 3 [*See Minutes of Proceedings*])

(On clause 4)

The Vice-Chair (Mr. Kevin Waugh): Shall clause 4 carry?

Mr. Serré.

• (1620)

[*Translation*]

Mr. Marc Serré: I would like to ask the departmental experts a question about clause 4 of Bill C-316: Given that Bill C-13, which received royal assent last year, already covers what clause 4 seeks to do, is clause 4 necessary?

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Mr. McMurren, go ahead.

[*Translation*]

Mr. Blair McMurren: Thank you, Mr. Chair.

Indeed, as officials, we see a potential problem with the transitional provision, especially toward the end, which might suggest that there wasn't the necessary authority at the time to establish the former versions of the Court Challenges Program. As we understand it, the goal seems to be to anchor the program in a new provision of the Department of Canadian Heritage Act. However, we think the government and the ministers at the time had all the authority they needed to establish the former versions of the program.

[*English*]

It's a bit of a fine legal point, but our perspective is that duly elected governments and ministers of the day had the authority under, among other things, the Department of Canadian Heritage Act to establish former iterations of the court challenges program. The transitional provision here could give the unintended suggestion that there was no authority previously to establish the program when, in fact, there was. It's suggesting that it's anchored in the new paragraph 5(a.1) of the act when, in fact, there was legislative authority for previous governments and ministers to establish the program.

[*Translation*]

We just want to avoid a bad suggestion. It may be a small point, but that's our legal view as public servants.

Mr. Marc Serré: Mr. Chair, after the comments we just heard, do we need to vote on this clause or can we just say it's unnecessary?

• (1625)

[*English*]

The Vice-Chair (Mr. Kevin Waugh): I'll ask Mr. Méla.

The Clerk: Thank you, Mr. Chair.

[*Translation*]

Mr. Serré, if you feel that the provision is no longer necessary and you want to remove it, you have to vote against it.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): If that is the will of the committee, we will have a vote to eliminate—

Go ahead, Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, first of all, I'd like to clarify one detail.

Mr. Méla, our amendment BQ-7 proposes to create a new clause, clause 4.1. If clause 4 is defeated, will clause 4.1 simply be renumbered, or will it be defeated at the same time as clause 4?

[*English*]

The Clerk: Thank you, Mr. Chair.

[*Translation*]

Mr. Champoux, clause 4 and clause 4.1 are two separate clauses, and one has no impact on the other.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Shall clause 4 carry?

(Clause 4 negatived: nays 10; yeas 0 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): Mr. Champoux, we're at amendment BQ-7, proposing a new clause 4.1.

[*Translation*]

Mr. Martin Champoux: Thank you very much, Mr. Chair.

I'm quite happy to add an entirely new clause to this bill. This clause is interesting, but above all very important, given that Quebec is a nation and that it makes choices that are different from those of the Canadian nation in a number of areas where the state intervenes. The proposal made by the Bloc Québécois is a serious one, and I therefore invite my colleagues to think about it seriously.

Our proposal will make it possible to solve a problem that concerns the distinct nature of Quebec, as well as respect for the sovereignty of the National Assembly in all areas under its jurisdiction. Since the Court Challenges Program affects a number of areas of jurisdiction of the National Assembly of Quebec, we feel it is entirely appropriate to adopt this new clause 4.1, which proposes that:

Within six months after the day on which this Act comes into force, the Minister of Canadian Heritage shall enter into a framework agreement with the Government of Quebec for the purpose of making an arrangement respecting the management of any program established under paragraph 5(a.1) of the *Department of Canadian Heritage Act*.

I admit that this is a bold request. However, if we think about it objectively, I believe that everyone will recognize that this proposal is consistent with the fact that the Quebec nation and its distinct character have been recognized a few times by the House of Commons itself. So that's the motivation behind BQ-7.

So I invite you to put it to a vote right away and to pass it.

[English]

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Mr. Serré, go ahead, please.

[Translation]

Mr. Marc Serré: Thank you, Mr. Chair.

Amendment BQ-7 requires the minister to enter into a specific arrangement with the Government of Quebec regarding the Court Challenges Program.

I don't remember which motion it was, but another proposal was ruled out of order on the grounds that the program cannot apply to a specific province but must apply to Canada as a whole. If there were other amendments that were ruled out of order because they applied to a particular province, I'm wondering if that is the case with this amendment as well.

It's a national program, so I just wanted to clarify that.

• (1630)

[English]

The Vice-Chair (Mr. Kevin Waugh): Thank you.

We'll have Mr. Méla.

The Clerk: Thank you, Mr. Chair.

[Translation]

Mr. Serré, the provision is a little different here. It simply asks that the minister contact the Government of Quebec to propose possible arrangements. Ultimately, it's not necessarily related to what's in the bill, but rather to arrangements that could be made outside the bill, while respecting its application, of course.

Mr. Marc Serré: Thank you, Mr. Méla.

Mr. McMurren, if we proceed in this way with the program, will that set a precedent? Will we have to negotiate with a province in the case of another national program? What's your opinion on that?

Mr. Blair McMurren: Thank you.

This amendment would add an administrative complexity to the program, which could compromise its timely implementation. It could also have an impact on access to the program for various—

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

I'm sorry to interrupt Mr. McMurren, since we're currently dealing with Mr. Serré's question, but, with all due respect to Mr. McMurren, I think there's a bit of extrapolation here. Since we're only talking about establishing a framework agreement, I think it's a bit premature to conclude that this measure would complicate the application and accessibility of the act. I think that a framework agreement can take into account all these concerns and that we cannot conclude here that this amendment would complicate the process.

[English]

The Vice-Chair (Mr. Kevin Waugh): Mr. Serré, if you are done, I will move on.

[Translation]

Mr. Marc Serré: Yes, it will add an administrative burden that could lengthen the applicants' process. Obviously, it's relative. It would still be an administrative burden if we ever added that we had to negotiate an agreement with a province, because negotiating is negotiating. It could have a negative impact if a province objects to an applicant.

With all due respect, Mr. Champoux, I would like us to let the witness finish his answer. I'd like to hear from Mr. McMurren on that.

[English]

The Vice-Chair (Mr. Kevin Waugh): Okay.

Mr. McMurren, please continue.

[Translation]

Mr. Blair McMurren: Thank you, Mr. Chair.

I want to acknowledge the objective behind the amendment. However, we're wondering if this could add a dimension of administrative complexity that could have an impact, not only on the one-time application of the program, but also on the access of various minority communities in Quebec to the program.

[English]

The Vice-Chair (Mr. Kevin Waugh): Ms. Lattanzio.

Ms. Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): Thank you, Mr. Chair. My question will be directed to Mr. McMurren.

We understand this needs to be an independent program. Would this amendment not go against the program's nature and objectives in being subservient to the will of any province, whether it be Quebec or any other, in your opinion?

Mr. Blair McMurren: I wonder if I would characterize it as being “subservient” to a certain province.

I think we're more concerned with simply the timely administration of the program and, as I mentioned, the potential obstacles this could create for different minority communities in Quebec jurisdictions in accessing the program. That would be more our concern than what was being discussed.

• (1635)

Ms. Patricia Lattanzio: If the impediment is on an administrative level, would incorporating this language still not be regarded as a negative or a problem, if I can address it as such?

Mr. Blair McMurren: I have to confess that it's a question I hadn't thought about from exactly this perspective.

We're well aware that provinces have different perspectives on the program and their own interests in terms of the laws, policies and programs they implement in their jurisdictions. We don't consider it to be untoward that there are these different perspectives.

To restate it, I think our concern at the end of the day would be more around the administrative impacts and potential impacts on access within a particular jurisdiction in which this kind of agreement was required in order to deliver funding to recipients.

The Vice-Chair (Mr. Kevin Waugh): Mr. Champoux.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I've heard some people say that they're afraid that this will complicate the process and that it will delay or complicate access to the program.

We recognize Quebec as a nation, and we recognize that Quebec has legal traditions that are distinct from those of Canada. We aren't just talking about a regional distinction, we're talking about the recognition of a distinct nation, with distinct legal traditions, values that are unique to it, and a number of areas of jurisdiction that fall exclusively under the jurisdiction of the National Assembly of Quebec.

We're not putting obstacles in the way of the program. We've said many times that we think the Court Challenges Program is a good program, if it's administered properly and if it's intended for the right clientele. So we don't want to prevent people from accessing the program, quite the contrary. We don't want to prevent people from having access to the courts and all the means by which they can challenge laws that they feel are discriminatory.

However, we think it's relevant, in the case of Quebec, to establish guidelines during negotiations. We don't impose them, we're not banging our fists on the table, but we want the Minister of Canadian Heritage and the Government of Quebec to negotiate these guidelines, particularly to recognize that the federal government won't go in a certain direction in a given situation if it falls under Quebec's jurisdiction.

Once the negotiations have been completed and concluded, there's no reason why this would delay the administration of the program and impede access to the program for anyone in Quebec and Canada. It's simply a matter of being consistent with the fact that the House of Commons has recognized, on more than one occasion, that Quebec forms a nation, with different values and different legal traditions. In our opinion, adding a framework agreement to such a program, which has an impact on Quebec's jurisdictions, values and legal distinctions, is not at all exaggerated or far-fetched.

I'll leave it there, Mr. Chair.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Are there any other comments on BQ-7 as discussed?

(Amendment negatived: nays 8; yeas 2 [*See Minutes of Proceedings*])

The Vice-Chair (Mr. Kevin Waugh): Shall the short title carry?

Some hon. members: Agreed.

The Vice-Chair (Mr. Kevin Waugh): We move on now to BQ-8.

Mr. Champoux, I'll have you move this first. Then I will have some words to say on it.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I move amendment BQ-8. I will wait for your comments before arguing about the amendment.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Thank you very much.

The amendment seeks to make a substantive modification by adding new elements to the preamble.

As *House of Commons Procedure and Practice*, third edition, states on page 774:

In the case of a bill that has been referred to a committee after second reading, a substantive amendment to the preamble is admissible only if it is rendered necessary by amendments made to the bill.

In the opinion of the chair, the proposed amendment is substantive and is therefore inadmissible. That's the ruling on BQ-8.

Mr. Martin Champoux: You're tough.

The Vice-Chair (Mr. Kevin Waugh): Well, I'm not tough, but that's....

Voices: Oh, oh!

The Vice-Chair (Mr. Kevin Waugh): We are now on BQ-9.

Again, I need you to move this.

• (1640)

Mr. Michael Coteau: It's a set-up.

Voices: Oh, oh!

[*Translation*]

Mr. Martin Champoux: I feel like I'm walking to the scaffold.

Some hon. members: Oh, oh!

Mr. Martin Champoux: Mr. Chair, I'm proud to move amendment BQ-9, which talks about recognizing French as the official language of Quebec.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Thank you very much.

The amendment seeks to make a substantive modification by adding new elements to the preamble.

Again, as *House of Commons Procedure and Practice*, third edition, states on page 774, "In the case of a bill that has been referred to committee after second reading—

Mr. Martin Champoux: Suspense.

The Vice-Chair (Mr. Kevin Waugh): Suspense? Good.

In the opinion of the chair, the proposed amendment is substantive and is therefore inadmissible.

Now we go to G-3.

I will turn it over to Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

I would like to bring this forward as amendment G-3, if I might.

The Vice-Chair (Mr. Kevin Waugh): Yes.

Mr. Taleeb Noormohamed: I would like to amend Bill C-316 in the preamble by replacing lines 13 and 14 on page 1 with the following:

Whereas it is of utmost importance that it be possible to bring before the courts test cases of na-

The Vice-Chair (Mr. Kevin Waugh): Are there any comments on this?

Mrs. Rachael Thomas: Is it admissible?

The Vice-Chair (Mr. Kevin Waugh): It says here that, if asked, the amendment is admissible, since G-1 was adopted.

Mrs. Thomas.

Mrs. Rachael Thomas: Through you, Chair, to the officials, the amendment would delete “for Canadians”:

Whereas it is of utmost importance for Canadians to be able to bring before the courts test cases of national significance

What is the significance of taking out “for Canadians”? What does it do?

Mr. Blair McMurren: Thank you, Mr. Chair.

This amendment would explicitly clarify that access to funding through the court challenges program is not limited to legal citizens, Canadians. The basis of the modernized program is in, effectively, charter rights that apply to everyone in Canada, including non-permanent residents and other classes of people, regardless of their citizenship status.

Some charter rights do apply only to legal citizens, such as the right to vote and the right to enter and leave the country, but the rights covered by the modernized program apply to all people in Canada. This amendment would seek to reflect that, given that the program's eligibility tracks with that situation.

The Vice-Chair (Mr. Kevin Waugh): I think that could have been a quorum call. It wasn't a vote. It could have been a quorum call, because the lights are off.

Go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Thank you.

Certainly, charter rights apply to those who are citizens and non-citizens alike. The Court Challenges Program is money put aside by Canadian taxpayers, essentially used to challenge the Government of Canada and the rulings made there.

Potentially, then, what this would do is say that non-citizens have the right to access those Canadian tax funds put aside for the Court Challenges Program to challenge the Canadian government with regard to decisions it has made.

Is that correct?

Mr. Blair McMurren: Given the nature of charter rights, this amendment would outline the way the program works with the charter it's based on. Eligibility for the program is based on certain

charter rights. Given that they apply regardless of citizenship status, we would observe that the reference to Canadians here might not be completely appropriate and is possibly misleading. Maybe that's too strong, but it is not apt, we would think.

• (1645)

Mrs. Rachael Thomas: Again, through the chair, the Court Challenges Program has nothing to do with whether or not the charter applies to citizens or non-citizens. The Court Challenges Program has to do with how taxpayer money is used to pay for cases.

Mr. Blair McMurren: I would respond that applications are received and considered by the program based on the charter rights that are being invoked by the applicants. Given that those apply regardless of citizenship status, it's effectively how the program runs.

I take the point in terms of public funds and Canadian taxpayers, but a decision has been made to establish a program on the basis of charter rights that apply a certain way to all people in Canada.

Mrs. Rachael Thomas: Through the chair, then, in your estimation, what does removing “Canadians” do? Does it actually change the way the program functions right now?

Mr. Blair McMurren: Given that we're talking about the preamble, no, I do not believe it would affect how the program is run. It would just align the language of the preamble with the eligibility criteria of the program, effectively.

Mrs. Rachael Thomas: Okay.

Thank you, Chair.

The Vice-Chair (Mr. Kevin Waugh): Mr. Serré.

Mr. Marc Serré: Chair, this is a very minor amendment being proposed, which reflects how the program is being operated today.

Organizations are not citizens. Basically, this is just making the preamble a bit more consistent, as was just described, with what the program is actually doing today. It's obviously based on the charter rights.

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Mr. Noormohamed.

Mr. Taleeb Noormohamed: Mr. Serré took the words right out of my mouth.

I will cede my time back to you, Mr. Chair.

The Vice-Chair (Mr. Kevin Waugh): Mr. Champoux.

[Translation]

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

Mr. McMurren, I'd like clarification: Are you able to tell me the proportion of applications submitted by individuals as compared to the number submitted by organizations or organized groups?

Mr. Blair McMurren: We could probably confirm that by looking at the annual reports, but as far as I know, we don't have access to that kind of breakdown.

Mr. Martin Champoux: So we don't know how many people amendment G-3 might apply to. I agree that an organization isn't an individual. That said, it does raise a rather pertinent question. We're opening up this program to challenge Canadian laws, and we'd be making it available to people who don't have Canadian status. So I think it's quite relevant to ask questions and to want to explore this further. That's why I want to know how many people this would apply to.

However, Mr. McMurren, you're telling me that we don't have access to data that would allow us to determine, in the Court Challenges Program, the proportion between individual applicants and applicants who are organizations.

Mr. Blair McMurren: Thank you for your question. I imagine that it would be possible to do some calculations based on data from closed files when that information is published.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): All right. Seeing no more, I'm going to ask the question.

Shall G-3 carry?

(Amendment agreed to: yeas 6; nays 4)

• (1650)

The Vice-Chair (Mr. Kevin Waugh): We now go to NDP-3.

Ms. Ashton, I'll ask you to move this. Then, unfortunately, I'm going to have a couple of comments. I do need you to move it first.

Ms. Niki Ashton (Churchill—Keewatinook Aski, NDP): Okay, I can definitely move it and also predict what you might say. I have only to say that, for us in the NDP, it has been important for the Court Challenges Program to be able to expand to include cases based on the Canadian Human Rights Act. It's something that we heard from multiple witnesses and that is critical to the work we need to do in our country to advance everyone's human rights.

The Vice-Chair (Mr. Kevin Waugh): Thank you very much. I can read out the chair's decision here.

In the opinion of the chair, the last line of the proposed amendment is substantive and, therefore, inadmissible.

We'll go to BQ-10 and Mr. Champoux. It's almost the same thing. I need you to move it. I'm not going to be your big friend here today, but I can see why I'm in the chair.

Go ahead.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, I'll take my time and read the entire amendment to give you time to reflect on your decision.

The purpose of BQ-10 is to add to the preamble a recognition of the predominance of English in Quebec.

Mr. Chair, I'll let you make your tough ruling.

Mr. Marc Serré: You said "English".

Mr. Martin Champoux: Excuse me, Mr. Chair, I'm talking about French, of course. You're throwing me off me with your harsh decisions.

We're talking about the fact that French is the only minority language in Canada.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Unfortunately, in the opinion of the chair, the proposed amendment is substantive and, therefore, inadmissible.

I'll give you one more shot, with BQ-11. Unfortunately, it will be the same result, but I'm going to have you move BQ-11.

[*Translation*]

Mr. Martin Champoux: Mr. Chair, you've filled me with hope by giving me another chance.

I assume that the same fate awaits BQ-11, this beautiful amendment that I would really have liked to debate with my colleagues. Its purpose is to highlight the recognition of Quebec as a nation and the fact that French is the only official language in Quebec.

Mr. Chair, I see what's coming.

[*English*]

The Vice-Chair (Mr. Kevin Waugh): Unfortunately, on BQ-11, it is the opinion of the chair that the proposed amendment is substantive and, therefore, inadmissible.

We're down to the short strokes here, ladies and gentlemen.

Shall the preamble as amended carry?

(Preamble as amended agreed to: yeas 7; nays 3)

The Vice-Chair (Mr. Kevin Waugh): Shall the title carry?

Some hon. members: Agreed.

An hon. member: On division.

The Vice-Chair (Mr. Kevin Waugh): Shall the bill as amended carry?

Some hon. members: Agreed.

An hon. member: On division.

The Vice-Chair (Mr. Kevin Waugh): Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

An hon. member: On division.

The Vice-Chair (Mr. Kevin Waugh): Shall the committee order a reprint of the bill as amended for the use of the House of Commons at report stage?

Some hon. members: Agreed.

The Vice-Chair (Mr. Kevin Waugh): It's done. Okay. Thank you.

• (1655)

Mr. Michael Coteau: With a minute to spare.

The Vice-Chair (Mr. Kevin Waugh): Well, no. We have five minutes.

An hon. member: Do you have other business?

The Vice-Chair (Mr. Kevin Waugh): There's other business. We believe Mr. Noormohamed was going to move something.

Mr. Taleeb Noormohamed: Yes. Thank you—

The Vice-Chair (Mr. Kevin Waugh): Thank you, officials. You're free to go.

Thank you, Mr. McMurren and Ms. Labbé. Thank you for sitting in for the last 56 minutes.

Go ahead, Mr. Noormohamed.

Mr. Taleeb Noormohamed: Thank you, Mr. Chair.

Fully recognizing that there is a desire on the part of the committee to get safe sport and Bill C-354 done, as well as to do the online harms study, I move:

That, with respect to the review of Bill C-354 and other matters before the committee, the committee be scheduled as follows:

That:

(a) June 6 be dedicated in the first hour to reviewing the Safe Sport draft and in the second hour to the sponsor's appearance on Bill C-354;

(b) June 11 and 13 to witnesses on online harms;

(c) June 18 to witnesses for Bill C-354, and that the deadline for amendments on Bill C-354 be at noon on that date; and

(d) June 20 to clause-by-clause on Bill C-354.

That way, we can get at least those three things done.

The Vice-Chair (Mr. Kevin Waugh): Just to recap, June 6 would be on safe sport and Bill C-354; June 11 would be on online harms for both hours; June 18 would be on Bill C-354 and the amendments; and on June 20 we would have Bill C-354.

Is there any conversation?

Mr. Michael Coteau: It sounds like a great plan.

The Vice-Chair (Mr. Kevin Waugh): We have a plan. Thank you, everyone.

Yes, go ahead, Mrs. Thomas.

Mrs. Rachael Thomas: Can you give us one minute just to verify it?

The Vice-Chair (Mr. Kevin Waugh): Yes. We'll suspend for 30 seconds. You take a look at it.

Mrs. Rachael Thomas: It looks reasonable. We're good.

The Vice-Chair (Mr. Kevin Waugh): Ms. Ashton, your hand is up. The real hand is up.

Ms. Niki Ashton: Yes, exactly.

We have some thoughts on how things could be done more effectively. Our concern is with pushing Bill C-354 until the very end. I understand it has to be back in the House by the end of September. I think it might be more prudent to switch out even one of the online harms sessions to move Bill C-354 up, and then we could do online harms later.

I know we don't always sit until the very end of the House sitting, so in the hope of finishing Bill C-354 before we leave and in time for September, I'm wondering if folks might consider that.

The Vice-Chair (Mr. Kevin Waugh): Yes. Bill C-354 has to be done by Friday, September 27.

Is there any discussion on this? I see none.

Do I call for a vote? What is the procedure with this?

Mr. Michael Coteau: You're the chair. You decide.

The Vice-Chair (Mr. Kevin Waugh): We should vote on....

Mrs. Rachael Thomas: On what? Is she moving an amendment?

The Vice-Chair (Mr. Kevin Waugh): I guess, Ms. Ashton, you'll be moving an amendment to what has been brought out as a schedule.

Mr. Michael Coteau: Let's just vote on whether we agree or disagree.

The Vice-Chair (Mr. Kevin Waugh): Yes, okay. We can do that.

We'll vote on Ms. Ashton's comments on Bill C-354, especially for June 20. We may not be here, and we need to get this....

Mr. Michael Coteau: Ask her if she's moving it, though.

The Vice-Chair (Mr. Kevin Waugh): Are you moving it, Ms. Ashton, or is it just for discussion?

Ms. Niki Ashton: Whatever's more effective. I'll move it.

I don't know, folks. It's based on the premise of us possibly not sitting on the 20th. Why would we leave clause-by-clause until the very last meeting when we may not sit? It has to be in right when we get back. That is a bit of a concern for me. I'm fine to move it.

• (1700)

The Vice-Chair (Mr. Kevin Waugh): We would need clarification on where you would want Bill C-354 to move to, if not June 20.

Ms. Niki Ashton: I'm suggesting bumping it up, so one of the online harms meetings could move to the 20th, in case we're still sitting, or into the fall.

I understand we wouldn't have the witnesses right away for June 11, so we could leave online harms there. We could do safe sport, or whatever, but if folks want to move with online harms, that's fine. However, we could move Bill C-354 to June 13 and make June 18 clause-by-clause, and then June 20 would be online harms or whatever.

The Vice-Chair (Mr. Kevin Waugh): Are there any thoughts?

Mrs. Thomas.

Mrs. Rachael Thomas: I'm sorry. With all due respect, an amendment doesn't end with "or whatever". If Ms. Ashton wants to move an amendment, she has the ability to do that. However, if she's just wishing to have a loosey-goosey conversation, that's something you do off-line.

I don't hear an amendment, therefore I don't see a need for a vote, except for the motion as moved by Mr. Noormohamed.

Mr. Taleeb Noormohamed: Take the moment.

The Vice-Chair (Mr. Kevin Waugh): Yes, go ahead, Ms. Ashton.

Ms. Niki Ashton: I guess, regarding "loosey-goosey", we could take out the "whatever". I just think it's not very prudent for parliamentarians to commit to a June 20 clause-by-clause when it's likely we're not going to be sitting. If we're going to be loosey-goosey, that's the way to do it.

My proposal is that we move Bill C-354 to take over the two previous meetings, ending clause-by-clause on June 18. June 20 could be for online harms.

The Vice-Chair (Mr. Kevin Waugh): I think Mr. Méla wants to know about the deadline for amendments on June 13 for Bill C-354.

We're running over time here, so we have to—

Ms. Niki Ashton: Yes.

The Vice-Chair (Mr. Kevin Waugh): Okay.

What is the will of the committee in front of me, because of time constraints?

Ms. Anna Gainey (Notre-Dame-de-Grâce—Westmount, Lib.): Stick to this.

The Vice-Chair (Mr. Kevin Waugh): Ms. Ashton, I think you're going to get defeated here. Everyone kind of agrees with the Liberals on this one. Thank you, though, for bringing it up, because Bill C-354 has to be reported to the House by September 27.

I need someone to move to adjourn.

An hon. member: Yes, I'll move that.

The Vice-Chair (Mr. Kevin Waugh): You don't....

Okay. Mrs. Thomas.

Mrs. Rachael Thomas: Just to make sure, you need to take a vote on the motion as moved by Taleeb.

The Vice-Chair (Mr. Kevin Waugh): Yes, that's right.

Could we have a vote on the schedule Mr. Noormohamed has brought out here, starting with safe sport on June 6 and going to Bill C-354 and the rest on June 11, June 13, June 18 and June 20?

(Motion agreed to: yeas 9; nays 1)

The Vice-Chair (Mr. Kevin Waugh): Thank you.

Does anyone move to adjourn?

An hon. member: Yes.

The Vice-Chair (Mr. Kevin Waugh): Okay. Thank you.

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