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# Special Joint Committee on the Declaration of Emergency

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**NUMBER 001**

Monday, March 14, 2022

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Co-Chairs:  
The Honourable Gwen Boniface Mr. Matthew Green Mr. Rhéal Fortin





## Special Joint Committee on the Declaration of Emergency

Monday, March 14, 2022

• (1110)

[*English*]

**The Joint Clerk of the Committee (Mr. Mark Palmer):** Honourable senators and members of Parliament, we have a quorum.

As Senate joint clerk of your committee, it is my duty to preside over the election of the Senate joint chair. I am ready to receive a motion to that effect.

Are there any nominations?

Mr. Harder, go ahead.

**Hon. Peter Harder (Senator, Ontario, PSG):** Thank you.

I move that Senator Boniface be elected as the Senate chair of this committee.

**The Joint Clerk (Mr. Mark Palmer):** It has been moved by the honourable Senator Harder that the honourable Senator Boniface take the chair of the committee.

Is it your pleasure, honourable senators and members of Parliament, to adopt the motion?

(Motion agreed to)

**The Joint Clerk (Mr. Mark Palmer):** I declare the motion carried. I invite Senator Boniface to take the chair.

**Voices:** Hear, hear!

**The Joint Chair (Hon. Gwen Boniface (Senator, Ontario, ISG)):** Thank you, members of the committee. I look forward to working with you.

We will now proceed to the election of the Senate deputy chair. I am ready to receive a motion to that effect.

Are there any nominations?

[*Translation*]

**Mr. Rhéal Fortin (Rivière-du-Nord, BQ):** Madam Chair, I move that Senator Claude Carignan be appointed.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** The honourable member Mr. Fortin has moved that the honourable Senator Claude Carignan be the Senate deputy chair of this committee.

Is it agreed to adopt the motion?

(Motion agreed to)

**The Joint Chair (Hon. Gwen Boniface):** I declare the motion carried.

**Voices:** Hear, hear!

**The Joint Clerk of the Committee (Mr. Paul Cardegna):** Honourable members, we can now proceed to the election of the chairs from the House of Commons.

Pursuant to the order adopted by the House on March 2, 2022, the House co-chairs will be from the Bloc Québécois and the New Democratic Party. I am now prepared to receive motions for co-chair from the Bloc Québécois.

[*Translation*]

**Ms. Rachel Bendayan (Outremont, Lib.):** Good morning, Madam Chair.

I move that my honourable colleague, Rhéal Fortin, be elected the co-chair of the committee.

[*English*]

**The Joint Clerk (Mr. Paul Cardegna):** It has been moved by Ms. Bendayan that Monsieur Fortin be elected House co-chair for the Bloc Québécois.

[*Translation*]

Is it the will of the committee to adopt the motion?

(Motion agreed to)

**The Joint Clerk (Mr. Paul Cardegna):** I declare the motion carried and Mr. Fortin duly elected the House of Commons co-chair, representing the Bloc Québécois.

**Voices:** Hear, hear!

[*English*]

**The Joint Clerk (Mr. Paul Cardegna):** I am now prepared to receive motions for the co-chair from the New Democratic Party.

**Mr. Larry Brock (Brantford—Brant, CPC):** Mr. Clerk, I propose that Matthew Green be the co-chair from the NDP.

**The Joint Clerk (Mr. Paul Cardegna):** It has been moved by Mr. Brock that Mr. Green be elected House co-chair from the New Democratic Party.

Is it the will of the committee to adopt the motion?

(Motion agreed to)

**The Joint Clerk (Mr. Paul Cardegna):** I declare the motion carried and Matthew Green duly elected House co-chair of the committee, representing the NDP.

**Voices:** Hear, hear!

**The Joint Clerk (Mr. Paul Cardegna):** I will now invite both chairs to take their seats.

We'll now proceed to the election of the vice-chairs for the House of Commons.

Pursuant to the order adopted by the House on March 2, 2022, the committee shall elect two vice-chairs from the House, of whom the first vice-chair shall be from the governing party and the second vice-chair shall be from the official opposition.

• (1115)

[*Translation*]

I'm now prepared to receive motions for the election of the first vice-chair from the House of Commons.

[*English*]

**Mr. Yasir Naqvi (Ottawa Centre, Lib.):** I move that Arif Virani be elected as first vice-chair of this committee.

**The Joint Clerk (Mr. Paul Cardegna):** Mr. Naqvi has moved that Mr. Virani be first vice-chair of the committee. Are there any other motions?

Is it the will of the committee to adopt the motion?

(Motion agreed to)

**The Joint Clerk (Mr. Paul Cardegna):** I declare the motion carried and Arif Virani duly elected first vice-chair of the committee.

**Voices:** Hear, hear!

[*Translation*]

**The Joint Clerk (Mr. Paul Cardegna):** The second vice-chair shall be from the official opposition.

I'm now prepared to receive motions for the election of the second vice-chair from the House of Commons.

[*English*]

**Mr. Larry Brock:** I move that my colleague Glen Motz be nominated as the second vice-chair.

**The Joint Clerk (Mr. Paul Cardegna):** Mr. Brock has moved that Mr. Motz be elected the second vice-chair of the committee.

Are there any other motions?

Is it the will of the committee to adopt this motion?

(Motion agreed to)

**The Joint Clerk (Mr. Paul Cardegna):** I declare this motion adopted, and Mr. Motz duly elected second vice-chair of the committee.

I will now turn the meeting over to Senator Boniface. Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

We will now move to proposed routine motions, starting with motion number one, regarding analyst services.

Do I have a mover for motion one?

It's moved by Senator Harder that the committee retain as needed and at the discretion of the chairs the services of one or more analysts from the Library of Parliament to assist it in its work.

Is it agreed to adopt the motion?

(Motion agreed to)

**The Joint Chair (Hon. Gwen Boniface):** I will now invite the analysts to come to the table and, colleagues, perhaps we can take a moment to let the analysts introduce themselves.

Thank you very much.

**Ms. Stephanie Feldman (Committee Researcher):** Hello, everyone. My name is Stephanie Feldman and I'm one of the two analysts assigned to this committee. I'm really looking forward to assisting the committee with its work.

[*Translation*]

**Mr. Brendan Naef (Committee Researcher):** Good morning, everyone. My name is Brendan Naef.

[*English*]

I recognize some of you from previous Senate or House of Commons committees, and there are a lot of new faces as well. I look forward to working with my colleague Stephanie and with all of you as well.

**The Joint Chair (Hon. Gwen Boniface):** On behalf of the committee, we welcome you aboard.

Motion two is on the subcommittee on agenda and procedure. Do I have a mover for motion two?

It is moved by Mr. Motz that the subcommittee on agenda and procedure be composed of the chairs, the vice-chairs from the House of Commons, and all four Senate members of the committee, and that the subcommittee work in a spirit of collaboration.

Is it agreed to adopt the motion?

Mr. Fortin, go ahead.

[*Translation*]

**The Joint Co-Chair (Mr. Rhéal Fortin):** I'm sorry. I'm a bad co-chair. I'm not sure how to take the floor in a committee that I'm co-chairing.

I believe that this is a good time to discuss the motion regarding the subcommittee on agenda and procedure.

Normally, House of Commons subcommittees don't make decisions. They report to the full committee, which either approves or rejects their motions. However, the motion introduced would give our subcommittee decision-making authority. In addition, eight committee members would sit on the subcommittee, and there are 11 committee members in total. Upon reflection, a discussion involving 11 people isn't really any more challenging than a discussion involving eight people. Moreover, it would be more democratic and comfortable if all 11 committee participants made every decision together.

I'm wondering whether it's appropriate to create a subcommittee under the current circumstances, given the number of workers on that subcommittee and its decision-making authority.

I'm raising the issue and turning the floor over to you.

• (1120)

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Ms. Bendayan, go ahead.

[*Translation*]

**Ms. Rachel Bendayan:** Thank you, Madam Chair.

I'm inclined to agree with Mr. Fortin's proposal. That said, we must still ensure that our discussions are efficient and that they lead to progress. As my colleague said, there isn't much difference between a discussion involving 11 people and a discussion involving eight people. I think that his proposal makes sense.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Are there any comments?

Senator Harder, go ahead.

**Hon. Peter Harder:** Very quickly, I have no objection. I think there's some logic to this.

**Mr. Arif Virani (Parkdale—High Park, Lib.):** Madam Chair, my hand is raised. It's Arif Virani online.

**The Joint Chair (Hon. Gwen Boniface):** Please go ahead.

**Mr. Arif Virani:** Thank you.

First of all, welcome to everyone.

Congratulations to you, Madam Chair, and to all the co-chairs, vice-chairs and deputy chairs. There is a lot of terminology being thrown about. Congratulations to the analysts.

I look forward to working with everyone on this committee. It's going to be very important and precedent-setting work.

I think when you analyze the terms of the proposed motion, it would actually end up including only one member of the Liberal Party, and I think that renders an unfairness on its face, so I would be very supportive of what Monsieur Fortin is suggesting, that if there is a subcommittee struck with only one Liberal member—because there is only one Liberal among the chairs, the co-chairs and the vice-chairs—it only make recommendations and not make formal decisions, and the final decisions be referred to the entire committee only.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

Mr. Motz, go ahead.

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Thank you, Madam Chair.

It would strike me, then, if we are looking at this from a subcommittee perspective, that we could either eliminate motions two and three completely, or add that, as in number three, they would have the ability to make some decisions on witnesses, but they would bring those back to the committee for approval.

That is a friendly amendment I was going to propose once we got to number three, that the subcommittee's work come back to this main committee for approval. It's not as efficient, but it could work. It's one or the other. I suppose we could eliminate it completely or we could change the wording to allow decisions to come back to this table for approval.

**The Joint Chair (Hon. Gwen Boniface):** Are there any other comments?

Ms. Bendayan, go ahead.

[*Translation*]

**Ms. Rachel Bendayan:** Thank you, Madam Chair.

I have a few other questions about the discussions that would take place in the committee, rather than in a subcommittee.

Could we agree to have these discussions in camera, rather than on television, since a subcommittee's work is never televised?

I would like to confirm whether we'll be using this approach.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** I am advised by the clerk that one way we may wish to deal with this motion—and I am seeing consensus around the table that we do it as a full committee, as Mr. Fortin has proposed, and try to work with as much efficiency as possible—would be just to defeat motion number two and not propose motion number three.

Would that be agreeable to everyone? I think that meets your purpose, and I think I am hearing around the table that we want efficiency, but at the same time the difference between eight and 11 members is not significant.

Have I read that correctly?

**Voices:** Agreed.

**The Joint Chair (Hon. Gwen Boniface):** I would then ask, on motion number two, if I have heard you correctly, whether it is agreed to adopt the motion.

• (1125)

**Ms. Rachel Bendayan:** Madam Chair, would we agree that the discussions would be in camera?

**The Joint Chair (Hon. Gwen Boniface):** I think—

[Translation]

**The Joint Co-Chair (Mr. Rhéal Fortin):** You may or may not agree with me. In my view, our discussions should be in public where possible, and in camera where the Emergencies Act requires it.

At this point, I don't see how we could determine what will be discussed in camera. I wouldn't want us to pass a motion to work in camera without a good reason. We've all seen that, according to the act, orders in council and regulations that aren't subject to publication in the *Canada Gazette* must be discussed in camera. This makes sense and is understandable. No one here wants to compromise government security. Should we pass a motion here about working in camera? With all due respect, Ms. Bendayan, I don't think so.

I just don't think that we need a subcommittee. However, again, I'll leave this up to the discretion of all committee members.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz is next, to be followed by Senator Carignan.

**Mr. Glen Motz:** Can I just withdraw my motion? That would be easier, and then we wouldn't even deal with it.

**The Joint Chair (Hon. Gwen Boniface):** We could do that.

Is that the proposal you have on the table?

**Mr. Glen Motz:** Yes, please.

**The Joint Chair (Hon. Gwen Boniface):** Can I go to Senator Carignan?

[Translation]

**Hon. Claude Carignan (Senator, Québec (Mille Isles), C):** I agree with Mr. Fortin. If the committee is working as a whole, it should address public matters in public. The committee can still meet in camera to discuss the more sensitive security issues. Not everything should be done in camera, however.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

If I have heard you all correctly—

**Mr. Arif Virani:** Madam Chair, could I intervene on this very same point, please?

**The Joint Chair (Hon. Gwen Boniface):** Pardon me. I'm sorry. I couldn't see your hand.

Go ahead.

**Mr. Arif Virani:** Thank you, Madam Chair. I appreciate that.

I'm just trying to reflect on this. I think it's absolutely wise that we are moving away from a subcommittee. I think we're all in agreement on that. As to matters that are administrative in nature, such as the scheduling of meetings, the timing of meetings or the witness allocation between parties or Senate groups, these are rather mundane and administrative matters. In my parliamentary career, I have never seen such matters ever discussed in public. I don't think the public has a strong public interest rationale for being privy to those kinds of conversations.

I think transparency is important in terms of what Monsieur Fortin is mentioning, but that's transparency vis-à-vis the witnesses coming and their testimony, the questions that are asked of those witnesses by the various members and the responses that are heard. That is what we have a critical public interest in being transparent with Canadians about. I'm not sure that whether we have a meeting on April 10 or April 11, the length of that meeting and how many witnesses appear for what length of time is particularly salient or important for Canadians to be privy to.

To my mind, when we're discussing routine matters such as the scheduling of witnesses, that should be done in camera.

**The Joint Chair (Hon. Gwen Boniface):** Is there anyone else?

[Translation]

**The Joint Co-Chair (Mr. Rhéal Fortin):** Madam Chair, the motion doesn't refer to work in camera. Did I read it wrong? Is there a reference somewhere else in the text? If we could clarify this, we might resolve the issue.

[English]

**The Joint Chair (Hon. Gwen Boniface):** I think the proposal was that if we didn't deal with this particular motion, we would in fact ensure that there will be some discussion in camera in terms of the more mundane issues, if I can use that term, if I understood correctly.

Senator Harder, do you have a solution for us?

**Hon. Peter Harder:** Well, it seems to me that we have all agreed that the whole committee should be a party to the discussions on procedure and agenda, but I would suggest that when the committee is dealing with procedure and agenda, it do it in a normal in camera fashion, so that we can have a non-public conversation around whom we hear and in what time frames, but our committee work.... I totally agree with the bias. Our bias should be on transparency, except for issues around security, on which we will have to take advice, but let's do the sausage-making in camera [*Technical difficulty—Editor*] acting as a subcommittee on agenda and procedure in the whole committee.

• (1130)

**The Joint Chair (Hon. Gwen Boniface):** I think we're seeing agreement around the table. I think what we'll have to do is just move it as we go. We'll come to those issues and we can then have the discussion on whether it would necessarily move in camera or not. Is that suitable to everyone? Okay.

For this motion, then, Mr. Motz, would you be agreeable to withdrawing the motion?

**Mr. Glen Motz:** Yes. I withdraw that motion, please.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

I think this would therefore apply to motion number three as well. That would be withdrawn.

Then we'll move to number four, on communications.

Do I have a mover for motion four? It is moved by Mr. Green that the chairs be empowered to direct communication officers assigned to the committee in the development of communications plans and products where appropriate and to request the services of the Senate communications directorate and the House of Commons social media team for the purpose of promotion of the committee's work.

Is it agreed to adopt the motion?

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

**The Joint Chair (Hon. Gwen Boniface):** Motion number five is regarding time for opening remarks and questioning of witnesses. Do I have a mover for the motion?

**Hon. Peter Harder:** I have a question.

**The Joint Chair (Hon. Gwen Boniface):** Yes, go ahead.

**Hon. Peter Harder:** In motion five, there is no reference to the Senate for the second round. Is that an oversight or intentional?

**Mr. Glen Motz:** Madam Chair, I would like to speak to that as well.

I have a proposal to make a friendly amendment to motion number five.

**The Joint Chair (Hon. Gwen Boniface):** Can we move it first and then do the amendment?

It is moved by Senator Harder that witnesses be given five minutes to make their opening statement; that, whenever possible, witnesses provide the committee with that opening statement 72 hours in advance; that, at the discretion of the chairs, the order of questions for the first round of questioning should be: four minutes House of Commons Conservative, four minutes House of Commons Liberal, four minutes House of Commons Bloc Québécois, four minutes House of Commons New Democratic Party and four minutes for each senator; and that the questioning during the second round shall be divided as follows: three minutes House of Commons Liberal, three minutes House of Commons Conservative, three minutes House of Commons Liberal, two minutes House of Commons Bloc Québécois and two minutes House of Commons NDP.

**Hon. Peter Harder:** I've been informed that there's a difference in procedure between the House and the Senate. The second round in the House is a different concept than that in the Senate. I withdraw my comment.

**The Joint Chair (Hon. Gwen Boniface):** Thank you. I was going to ask the clerk to explain that when we had that discussion.

Mr. Motz, do you have an amendment?

**Mr. Glen Motz:** Thank you, Madam Chair.

I'm fine with the motion as moved, up to and including "during the second round shall be divided as follows". From there, I would suggest that it read, "three minutes House of Commons Conservative, three minutes House of Commons Liberal, two minutes House of Commons Bloc Québécois, two minutes House of Commons NDP and two minutes each for each senator."

**The Joint Clerk (Mr. Paul Cardegna):** Madam Chair, could I ask Mr. Motz to repeat the amendment, just to make sure I have it, please?

**Mr. Glen Motz:** Yes.

The wording up to "during the second round shall be divided as follows" remains the same in the motion. The change will then be "three minutes House of Commons Conservative, three minutes House of Commons Liberal, two minutes House of Commons Bloc Québécois, two minutes House of Commons NDP and two minutes each for each senator", of the four senators.

**The Joint Clerk (Mr. Paul Cardegna):** Thank you.

**Mr. Glen Motz:** As an addition to that, this would go generally in line with the way in which many of the committees are operated now in the House.

**The Joint Chair (Hon. Gwen Boniface):** Just to clarify for my purposes, Mr. Motz, you're reversing the order. The Conservatives are first and the Liberals are second. Is that intentional?

**Mr. Glen Motz:** It's in line with the first round. The first round is Conservative, Liberal, Bloc and NDP. The second round would follow the same rotation of Conservative, Liberal, Bloc and NDP.

● (1135)

**The Joint Chair (Hon. Gwen Boniface):** Okay.

Are there any comments on the amendment?

**Mr. Arif Virani:** Madam Chair, I have a comment.

It's Arif Virani. I'm online.

**The Joint Chair (Hon. Gwen Boniface):** I apologize, Mr. Virani. When your hand goes up, I don't see it at this angle because of the tree. I'm not ignoring you.

Go ahead.

**Mr. Arif Virani:** Madam Chair, I wish it were a tree. This is my rented condo and that's a pretty fake tree, which will always be green. Thank you, and I'm sorry about that.

In terms of the allocation of the time and the order in round two, again, I'm not privy to Senate practice, but pursuant to House of Commons practice, I believe we normally do invert it. The official opposition goes first in round one, and the government usually goes first in round two. That's my understanding of the practice.

The second point is that I guess we're in sort of a special situation here, and that is because it is a committee of two Houses. Among the Senate group, in the past there was such a thing known as a "Liberal" Canadian senator. There no longer is. The same does not apply to all of the other parties, including the official opposition.

The unfairness I'm pointing out here is that when we allocate additional time to the senators, that includes Senator Carignan, who's a member of the Conservative caucus. That would present, in my respectful submission, undue unfairness. You would have multiple opportunities for Conservative members of that party's caucus to speak, including two members of the House and the Conservative senator. The same cannot be said for any of the other senators. We can't create equality by propping up the amount of speaking time of the Liberal senator, because there are no Liberal senators.

I raise that for the committee's consideration. I do think it renders some unfairness with respect to my party and the speaking time we are being allotted.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

Go ahead, Mr. Green.

**The Joint Chair (Mr. Matthew Green (Hamilton Centre, NDP)):** Perhaps by way of finding some kind of common ground here, I would suggest that maybe we consider having a Senate rotation and a fifth slot. Rather than having all of them, perhaps we could rotate through the groups.

I can state with assurance that we do not have a New Democratic senator, although maybe some are close. We certainly do not officially have a New Democratic senator.

Maybe one way to find common ground between the two alternatives would be to provide slot "e", where we could have a rotation through senators. That could be determined by the senators, notwithstanding the fact of having to exclude somebody in a way that wouldn't allow them to participate. It would be my suggestion that there are probably Liberal-leaning senators, and there are probably other senators who tend to lean in different partisan ways.

That would be my suggestion as perhaps a way forward to find that common ground.

**The Joint Chair (Hon. Gwen Boniface):** Next is Senator Carignan, to be followed by Mr. Brock.

[*Translation*]

**Hon. Claude Carignan:** I want to point out that we must be careful not to give political labels to senators. There aren't any senators from the Bloc Québécois, either. We can't start making these types of arguments in terms of the Senate. We won't have the committee members take a blood test to find out whether they're red or blue.

I think that Mr. Motz's motion makes sense and provides some balance.

I think that everyone will agree that all the senators on this committee are very ideologically independent.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Senator Carignan.

Go ahead, Mr. Brock.

**Mr. Larry Brock:** I want to start off by indicating my support for my colleague Glen Motz's suggestion with respect to the second

round of witnesses. With all due respect to my colleague Mr. Virani, my understanding from my brief experience as a parliamentarian sitting on the justice committee, and occasionally on the public safety committee, is that in the second round, the opposition party goes first, not the governing party. I'm not sure if his committee work is a little different, but at least in the two committees I sit on, the second round is always led by the Conservative Party.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Go ahead, Ms. Bendayan.

• (1140)

**Ms. Rachel Bendayan:** In the spirit of collaboration, I would be very comfortable with and happy to support the proposal that the official opposition goes first in the second round.

I would like to pick up on a point that Mr. Green mentioned just a few moments ago, to indicate that, quite apart from any partisan reasons or purposes, it is important for each member to have the opportunity to ask questions, but that is not the case. Quite simply, we are three members on this side and we only have two slots. The way the committee will operate de facto is that not every single member will have an opportunity to ask questions at every single panel.

It is something to keep in mind, in the spirit of fairness, that we try to give equal weight to that argument as well.

**The Joint Chair (Mr. Matthew Green):** I appreciate those remarks. In the same spirit of how the governing side will likely have to rotate within their own coordination, that lends weight to my suggestion that the Senate do the same, notwithstanding the fact that we understand the Senate tends to work fairly well in that regard and would likely be able to figure out a rotational basis, in the same way that we're figuring out a rotational basis as the chair.

I want to remind people of the unique nature of this committee and the way in which we're constituting, hopefully, a very collaborative and non-partisan blueprint for other committees like this, should this ever have to happen again, to work on a move-forward basis. From what I'm hearing, maybe there's that spirit that the Conservatives would get the lead in the second round and we would not have every senator, but a senator in the second round. I think that's a vast improvement on what was proposed in the original draft and it finds us in that agreeable space.

**The Joint Chair (Hon. Gwen Boniface):** I have Mr. Virani, Mr. Brock, and then Senator Harder.

Mr. Virani, please go ahead.

**Mr. Arif Virani:** In response to Senator Carignan, I would simply say that the facts are the facts, sir. There's one senator on this team who sits as a member of a party caucus, and that is you. That's for Canadians to verify themselves.



On the second point, I would say that I am in complete agreement with Ms. Bendayan that we either keep the extra three minutes that were allocated to us, so that every Liberal on this committee—not on rotation, but in every meeting—has a chance to ask questions, or we ensure that the Senate goes into a rotation. As proposed by Mr. Motz, you could have a situation where two out of the three Liberals in a given meeting get to ask questions—one does not—and every senator gets two opportunities to ask questions. That is a patent unfairness that is, to my mind, not acceptable.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Go ahead, Mr. Brock.

**Mr. Larry Brock:** To address my colleagues, Mr. Virani and Ms. Bendayan, they raise interesting issues and it's a trend that I've been seeing on the justice committee. We have to ensure equity. We have to ensure that every party has an equal opportunity to ask questions. There is a simple solution to this, and that is our ability to control the number of witnesses per session.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Next is Senator Harder, to be followed by Mr. Motz.

Senator Harder, go ahead.

**Hon. Peter Harder:** Not speaking for any other senator, I'd be happy to accept the notion of rotation among senators for witnesses.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz, go ahead.

**Mr. Glen Motz:** Thank you, Madam Chair.

In light of the discussions, I would amend my own motion to read as Mr. Green has suggested: three minutes, Conservative; three minutes, Liberal; two minutes, Bloc; two minutes, NDP; followed by four minutes, two for each rotated senator, to be determined by the Senate group themselves.

**The Joint Chair (Hon. Gwen Boniface):** Is the amended motion agreeable to everyone? That incorporates all of the discussion.

**Mr. Arif Virani:** Madam Chair, could I just get clarification from Mr. Motz on the last piece? It was four minutes for the Senate.... Could you just repeat that, please?

**Mr. Glen Motz:** Yes, Mr. Virani. I am proposing that two senators speak for two minutes each, so that will be four minutes total for two senators, and the rotation is...they will determine themselves, among the four senators, who would speak in that length of time.

• (1145)

**The Joint Chair (Hon. Gwen Boniface):** I am seeing agreement. Thank you.

(Amendment agreed to)

(Motion as amended agreed to [*See Minutes of Proceedings*])

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

We'll move to motion number six, on document distribution. Do I have a mover for motion six?

It is moved by Mr. Brock that the joint clerks of the committee be authorized to distribute to the members of the committee only documents that are available in both official languages, and that witnesses be advised accordingly.

Is it agreed to adopt the motion?

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

**The Joint Chair (Hon. Gwen Boniface):** Do we have a mover for motion number seven?

[*Translation*]

**The Joint Co-Chair (Mr. Rhéal Fortin):** Madam Chair, with your permission, I'll come back to the sixth motion. I'm sorry. I wasn't quick enough. A small issue with the translation may need to be resolved. The French version states "*que seuls les cogreffiers du Comité soient autorisées à distribuer aux membres du Comité seulement des documents qui sont disponibles dans les deux langues officielles*", whereas the English version states "that the joint clerks of the committee be authorized to distribute to the members of the committee only documents". The French version contains both the word "seuls" and the word "seulement", whereas the English version expresses this notion just once. I think that the word "seuls" is a small issue with the translation.

**The Joint Clerk (Mr. Paul Cardegna):** What do you suggest?

**The Joint Co-Chair (Mr. Rhéal Fortin):** The word "seuls" should be removed so that the text states "*que les cogreffiers du Comité soient autorisées à distribuer ... seulement des documents qui sont disponibles dans les deux langues officielles*". I think that this reflects the spirit of the English text. In the French version, the word "seuls" at the start of the sentence is superfluous. It isn't that serious. However, I'm suggesting this correction for the sake of consistency.

[*English*]

**The Joint Clerk (Mr. Paul Cardegna):** Madam Chair, what Monsieur Fortin is suggesting is that the word *seuls* in the French text be removed. That was probably an editing error when I wrote it originally. My apologies.

[*Translation*]

**The Joint Co-Chair (Mr. Rhéal Fortin):** There's also an error in the word "autorisées". It should be spelled "autorisés" instead. The *e* should be removed. It's simply a French error. It doesn't change the substance of the motion. However, since we're correcting the text, we might as well do so properly.

Thank you.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Is the committee agreeable to this friendly amendment?

**Voices:** Agreed.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

Thank you, Mr. Fortin.

We'll move back to motion number seven. Do I have a mover for motion seven?

It is moved by Mr. Green that the joint clerks of the committee be authorized to make the necessary arrangements to provide snacks and beverages for the committee and its subcommittee.

Is it agreed to adopt the motion?

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

**The Joint Chair (Hon. Gwen Boniface):** Motion number eight is about committing and certifying accounts. Do I have a mover for motion number eight?

It is moved by Senator Harder that either chair or, in accordance with the direction of the chairs, either joint clerk be authorized to approve payment of expenditures of the committee.

Is it agreed to adopt the motion?

**Ms. Rachel Bendayan:** Madam Chair, I apologize. I was a bit late to my button before the motion was moved.

May I suggest that we come back to motion number eight? Otherwise, I would flag for my colleagues that we might wish to agree as a committee on any expenses of outside counsel.

**The Joint Chair (Hon. Gwen Boniface):** How do you want to deal with it?

**The Joint Clerk (Mr. Paul Cardegna):** Madam Chair, if I may bring some light to this issue here, what “committing and certifying accounts” usually deals with is paying for witnesses and the costs for that. That’s my understanding. On the House of Commons side, hiring outside counsel is a completely separate matter. It will require a separate budget and further approval by the committee. I would say that this aspect is not contained in this motion.

However, I would defer to my Senate colleague to see if he has anything to add on this subject.

**The Joint Clerk (Mr. Mark Palmer):** No. I was going to make the same comment.

I believe hiring would be a totally separate motion and agreement of the committee.

**Ms. Rachel Bendayan:** That is an extremely useful clarification.

Thank you to both of you.

• (1150)

**The Joint Chair (Hon. Gwen Boniface):** Go ahead, Mr. Naqvi.

**Mr. Yasir Naqvi:** Do we need clarity in this particular motion as to the point that both clerks are making about hiring outside counsel? Would that be clarified if there’s a subsequent motion to that effect?

**The Joint Clerk (Mr. Paul Cardegna):** If I may, our financial policy manual on the House side is quite clear that hiring outside staff requires a separate budget and separate approval. In the financial policy manual, I don’t believe the two issues are linked at all.

**The Joint Chair (Hon. Gwen Boniface):** For clarity, it’s the same on the Senate side.

Are we okay then to move on with motion number eight and agree to it?

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

**The Joint Chair (Hon. Gwen Boniface):** It has been moved by Mr. Green that, if requested, reasonable travel, accommodation and living expenses, including child care and/or personal attendant care, and/or the cost of approved headset be reimbursed to witnesses upon application, not exceeding two representatives per organization, and that in exceptional circumstances payment for more representatives be made at the discretion of the chairs.

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

**The Joint Chair (Hon. Gwen Boniface):** Do I have a mover for motion number 10?

It has been moved by Mr. Brock that each committee member be allowed to be accompanied by one staff member at an in camera meeting, and that one additional person from each officer’s office be allowed to be present; and for the Senate, that the office of the leader of the government, or the leader or facilitator of each recognized party or parliamentary group be entitled to one additional staff member at these meetings, provided that all committee members and staff present shall take the oath of secrecy as set out in subsection 62(3) of the Emergencies Act.

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

**The Joint Chair (Hon. Gwen Boniface):** On motion number 11—

**The Joint Chair (Mr. Matthew Green):** Madam Chair.

**The Joint Chair (Hon. Gwen Boniface):** Yes, Mr. Green.

**The Joint Chair (Mr. Matthew Green):** I’m sorry. I should have let you read it out before I interjected. Regarding the transcripts of in camera meetings, I oppose destroying documents and having a direction at the beginning of this committee to destroy documents of in camera meetings.

I want to reiterate the nature of this committee and the ability for us to provide a blueprint and detailed information on the spirit of discussions to those who, perhaps at a future date, may be seeking guidance from previous committees. I know how helpful it would have been for us if we had that access. That underscores and understands that if we were to maintain these documents, we would be doing so knowing that those in future proceedings would also have to have the kind of security clearance that would be necessary.

I suggest that we delete “that the transcripts be destroyed when the committee ceases to exist”, given the unique nature of this and holding those documents in trust for future contemplation. I would also add “that the analysts assigned to the committee also have access to in camera transcripts”.

**The Joint Chair (Hon. Gwen Boniface):** Are there any comments on that?

[*Translation*]

**Ms. Rachel Bendayan:** I want to clarify something with the clerks.

Does this mean that anyone who wants to see these documents and the minutes of our in camera meetings must take an oath?

[*English*]

**The Joint Clerk (Mr. Paul Cardegna):** Yes, actually, but that is following the provisions of the act, because anybody who is involved with the committee will have to take the oath. However, the motion also mentions that anybody who has access to the transcripts will also have to take the oath of secrecy.

**Ms. Rachel Bendayan:** Okay. Perhaps I misunderstood, Mr. Green, but in reference to the value of having these records reviewed in historical fashion, that would mean that each subsequent person reviewing the documents would also need to swear the oath of secrecy.

**A voice:** That's right.

**Ms. Rachel Bendayan:** I see. Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Are there any other comments?

Mr. Green is proposing on this motion that we eliminate the last clause. Therefore, the motion would actually end at “subsection 62(3) of the Emergencies Act.” There would be a period at that point.

• (1155)

**Mr. Glen Motz:** Is that with the addition of the analysts included as well?

**The Joint Chair (Hon. Gwen Boniface):** What would you like the wording for that to be?

**The Joint Chair (Mr. Matthew Green):** It would be “that analysts assigned to the committee also have access to the in camera transcripts”.

**The Joint Chair (Hon. Gwen Boniface):** Go ahead, please, Mr. Motz.

**Mr. Glen Motz:** Are you referring to having access to the transcripts moving forward beyond the ceasing of this committee, or are you saying that as the committee sits, it will have access to the in camera ones from before? It would be in an in camera session anyway, would it not?

**The Joint Chair (Hon. Gwen Boniface):** Can we get clarity from the clerk in that regard?

**The Joint Clerk (Mr. Paul Cardegna):** Normally, when we talk about the analysts having access to the in camera transcripts, that's within the parliamentary session. At the end of a session, the committee's directorate does not keep the in camera transcripts. They are put into the wallets that go off to the national archives. The analysts, theoretically, would have access only while the committee still exists in that parliamentary session.

**Mr. Glen Motz:** Is that the practice? Is that the convention now?

**The Joint Clerk (Mr. Paul Cardegna):** That's the convention now. For example, analysts would never have access to in camera

transcripts from a committee from a previous session. They wouldn't be able to access them.

**Mr. Glen Motz:** Then, Mr. Green, can you provide any clarity as to what you're referring to by “the analysts having a copy of the transcripts” as well?

**The Joint Chair (Mr. Matthew Green):** My thoughts around this are that future committees that are dealing with the Emergencies Act, given the sensitive and unique nature of it, would have the ability to retrospectively contemplate what was discussed in camera for the purpose of guiding and providing better procedures and better information on a move-forward basis. I personally don't see the value in our doing this body of work, which is really substantive, very unique and precedent-setting, and then taking some of the information, which would be sensitive and again still remain confidential, and destroying it.

On the contrary, I feel as though in future occurrences, there would be an administrative value, for those cleared to have access, and that would include analysts, in being able to provide information to future sittings.

We have young analysts before us. Hopefully they will never have to be back before us in this way, and hopefully we'll never have to be back in this way, but it could happen. If it does, I feel as though starting from where we finish would be better than starting from the beginning all over again.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz, I'm wondering if clarity from the clerk would be helpful on this in terms of how it would normally be done.

Mr. Clerk.

**The Joint Clerk (Mr. Paul Cardegna):** Normally, in camera transcripts at the end of a session are included, as I said, in the wallets, and they're sent to the National Archives. Under the memorandum of understanding between the National Archives and the House of Commons, those documents remain confidential for 30 years.

Now, if the committee wishes to investigate perhaps amending that, we could look at the possibility of the committee's rendering them publicly available in a shorter period of time, but we'd have to do some research on our side to see if that might contravene a decision of the House. If it would, that could be problematic.

That being said, if the committee doesn't want to destroy them, the committee doesn't have to destroy them. They will go into the wallets.

Alternatively, this is something the committee doesn't necessarily have to decide now. It can decide as we get into the work more and the committee has a better understanding of the documents we're talking about. At this point, it's difficult for me to say, since we don't know which documents we're going to be dealing with that might have to be kept secret under the act, versus those that are under the purview of the committee.

Thank you.

**The Joint Chair (Mr. Matthew Green):** For one point of clarity, in the explanation, I believe I heard the clerk say “for public availability”. It's never contemplated in my remarks that it would be made public. I want to make sure. Maybe I heard incorrectly, but to make sure for those watching, it is not the contemplation that people would have access to this in any kind of public way. The transcripts wouldn't be destroyed; they could be referred to by people who have sworn a secrecy oath under the context of this committee moving forward.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Go ahead, Mr. Naqvi.

**Mr. Yasir Naqvi:** I think the clerk is informing us of the arrangement that exists between the House of Commons—I assume it is the same with the Senate—and Library and Archives, and it is totally appropriate that we not look into changing that memorandum of understanding.

I agree with Mr. Green about not destroying the documents, as has been stipulated. I think there is a fair bit of agreement on that, but everything else on access we should leave as is until 30 years later or so, when it is made public as contemplated under the existing protocols.

During that time, anybody who wanted to access those documents would be required to take an oath of secrecy, as stipulated in the legislation.

• (1200)

**The Joint Chair (Hon. Gwen Boniface):** Go ahead, Mr. Green.

**The Joint Chair (Mr. Matthew Green):** To defend my point about being open by default, I would suggest that we at least entertain and receive back whatever opinion there is on whether or not these remain sealed for 30 years. The spirit of my amendment in this regard is to provide a context for future contemplation. To me, it would defeat itself if future MPs, staff or analysts who are working on this didn't have access for 30 years. At that point, it might not make sense.

The analysts have their hands up.

**Mr. Brendan Naef:** Thank you, Mr. Chair.

I want to point out that there is the future aspect, but there is also the near future. The clerk can correct me if I'm wrong, but the in camera blues help the analysts quite a bit when we're either preparing a work plan or reviewing evidence for reports.

There is the thing far down the road, but if the one copy of the transcript is available only for members of the committee or their staff, that could potentially make our work difficult.

**The Joint Clerk (Mr. Paul Cardegna):** I'm glad the analyst mentioned that. I forgot to mention earlier that one of the advantages of the suggestion that the analysts have access to the in camera transcripts is that when drafting reports and preparing briefing notes on behalf of the committee, if they want to access the in camera discussions that were held by committee members, they have access to these transcripts.

In the last few years, we started adding this text into the routine motions. Part of the reason for that is that it greatly helps the ana-

lysts do their work, which is on behalf of the committee, so I appreciate the analyst raising that point. One of the reasons we added that in was so that the analysts have the resources to do their work on behalf of the committee.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz is next, followed by Senator Harder.

**Mr. Glen Motz:** Thank you, Madam Chair.

In light of Mr. Green's addition of the analysts and to answer your earlier question, Madam Chair, about where we would insert that, may I suggest that it goes in “that one copy of the transcript of each in camera meeting be kept with the joint clerks and the analysts for consultation by....”?

Would that work as your addition, Mr. Green? It would include allowing both the joint clerks and the analysts to keep a copy of the transcript.

**The Joint Chair (Hon. Gwen Boniface):** Perhaps I can go to the clerk for clarity.

**The Joint Clerk (Mr. Paul Cardegna):** I appreciate what you're saying.

We usually have the transcripts housed on our servers. The way Mr. Green has talked about the analysts having access allows them access to the servers, instead of having a copy.

The reason we prefer to do it this way is that we retain control of them in our office, on our servers, but we can now allow access to them and the analysts can readily have access, rather than having multiple copies being sent around.

**Mr. Glen Motz:** Thank you.

It would be [*Inaudible—Editor*].

**The Joint Chair (Hon. Gwen Boniface):** Mr. Clerk, if we did, “that one copy of the transcript of each in camera meeting be kept with the joint clerks for consultation by members of the committee or by their staff, or by the analysts”, would that cover it? Would that put it in the right context?

**The Joint Clerk (Mr. Paul Cardegna):** Yes. I think we can do that.

**The Joint Chair (Hon. Gwen Boniface):** Then that puts it in the right context.

Senator Harder.

**Hon. Peter Harder:** Madam Chair, I would suggest that we leave the issue that Mr. Green has raised outside of this motion. This motion is for the conduct while we are operating as a committee.

I would also suggest that we instruct the clerks to investigate whether a motion could be considered later to accomplish what Mr. Green has suggested with respect to the work of this committee once it is completed.

I'm for the spirit of transparency, but I don't want to confuse this motion with what the situation will be once we are *functus officio*.

• (1205)

**The Joint Chair (Hon. Gwen Boniface):** Mr. Fortin.

[*Translation*]

**The Joint Co-Chair (Mr. Rhéal Fortin):** Thank you, Madam Chair.

I agree with Senator Harder. I think that it would be good to delete the last two lines of the motion, which state that the transcripts will be destroyed when the committee ceases to exist, and to include the reference to analysts, as the clerk suggested. I think that we would then have a motion that could be passed.

[*English*]

**Hon. Peter Harder:** That's perfect.

**The Joint Chair (Hon. Gwen Boniface):** Can I ask you to move that, Mr. Fortin? Thank you.

(Motion agreed to)

**The Joint Chair (Hon. Gwen Boniface):** Motion number 12 has been moved by Mr. Green: "That the committee publish its public proceedings in both official languages."

(Motion agreed to)

**The Joint Chair (Hon. Gwen Boniface):** Motion number 13 is moved by Mr. Naqvi: "That a 48-hour notice, interpreted as two nights, be required for any substantive motion to be considered by the committee unless a substantive motion relates directly to business under consideration, provided (1) that the notice be filed with the clerks of the committee no later than 4:00 p.m. from Monday to Friday; (2) that the motion be distributed to members and offices of the whips of each recognized party in the House of Commons and recognized party or parliamentary group in the Senate in both official languages by the joint clerks on the same day the said motion was transmitted if it was received no later than the deadline hours; (3) that notices received after the deadline hour or on non-business days be deemed to have been received during the next business day; and that when the committee is travelling on official business, no substantive motion be moved."

(Motion agreed to)

**The Joint Chair (Hon. Gwen Boniface):** Motion number 14 has been moved by Mr. Green. It is "that the joint clerks inform each—

**Mr. Larry Brock:** Madam Chair.

**The Joint Chair (Hon. Gwen Boniface):** I'm sorry, Mr. Brock. Are you on 14?

**Mr. Larry Brock:** It's on motion number 14.

I don't know if this is the subject of a friendly amendment or whether it can be dealt with at a later occasion, but my experience has shown that far too many times committees have been delayed as a result of connectivity issues, so can we ensure, for whoever is arranging the connectivity tests, that so much time be allowed in advance of a start time to deal with those technical issues, so we're not wasting precious time at the start of a session?

**The Joint Chair (Hon. Gwen Boniface):** I will turn to the clerk.

**The Joint Clerk (Mr. Paul Cardegna):** Thank you, Madam Chair and Mr. Brock, for your comment.

This motion insists that, as the joint clerks, we inform each witness who is going to appear before the committee that technical tests have to be done before the witness appears. These are done regularly with all witnesses, and they are not done immediately before the meeting begins. They are actually done, in some cases, several days in advance, so we can try to allow our technical team time to troubleshoot issues. We also make sure to try to send, whenever possible, a headset, so that the appropriate headset is used by the witnesses when they are giving testimony.

We have faced cases in the past—and I have seen this even as recently as in the last few weeks—in which we have had a witness test everything, and their equipment has all worked, and then for some reason there's been a technical problem at the meeting itself.

We do a sound test when they sign on, to make sure their sound is sufficient. I caution all members of the committee, however, that there are always instances in which, despite all the work we do, we continue to have technical issues.

That being said, this motion was set up so that we could also put pressure on the witnesses to make sure they do that technical testing. I have to say that the vast majority of witnesses are quite happy to do that technical testing, and in many cases it has prevented problems.

However, I caution all members that we can't offer a 100% guarantee that we're not going to have technical issues. We do everything we can, and part of the reason this motion was set up was to add pressure to convince witnesses that we really do need to do these tests before the meeting itself.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Brock, does that require an amendment, or are you satisfied?

• (1210)

**Mr. Larry Brock:** I am satisfied with that explanation. Thank you.

**The Joint Chair (Hon. Gwen Boniface):** I think we share your concerns. As indicated by the clerk, it's best intentions. We do the best we can.

[*Translation*]

**The Joint Co-Chair (Mr. Rhéal Fortin):** Madam Chair, I would like to speak.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Go ahead, Mr. Fortin.

[*Translation*]

**The Joint Co-Chair (Mr. Rhéal Fortin):** I don't think that I've seen any provisions in the routine motions that specify whether witnesses must appear in person.

This motion addresses technical tests. We all experienced technical issues during committee meetings. Some evidence was difficult to hear properly. The interpreters were often unable to do their jobs as a result of inadequate equipment or inaccessible WiFi. Technical issues can arise for any number of reasons.

In this situation, wouldn't it be a good idea to include a separate paragraph in our routine motions that specifies that witnesses with offices on the Hill must appear in person rather than virtually? I'm saying this because staff from members' and ministers' offices or other officials will likely be asked to give evidence.

Is this a good idea? If so, could we make a provision for this somewhere?

[English]

**The Joint Chair (Hon. Gwen Boniface):** Go ahead, Mr. Clerk.

[Translation]

**The Joint Clerk (Mr. Paul Cardegna):** Thank you, Madam Chair.

I want to clarify something for all committee members.

The order initially adopted by the House at the start of this Parliament specified that all witnesses should appear only virtually. However, on December 7, 2021, the House of Commons passed another motion, which relates to the parliamentary committees of the House and which ensures that some witnesses are allowed to appear in person:

That, notwithstanding any Standing Order, special order or usual practice of the House, members, senators and departmental and parliamentary officials appearing as witnesses before any standing, standing joint, special or legislative committees may do so in person.

[English]

This motion essentially allows certain witnesses to appear in person, but it limits which witnesses can appear in person. This rule was adopted specifically in the context of House committees. It mentions special committees and standing joint committees. It will be up to the committee to decide if it feels this that is....

To my mind, this should also allow this committee to have certain witnesses in person. However, I should say that the caveat with this motion is that only certain witnesses can appear in person.

[Translation]

According to this motion, only members of Parliament, senators, departmental officials and parliamentary officials are allowed to appear in person before the committee. All other witnesses must appear virtually.

I don't know whether this helps you understand the situation, Mr. Fortin.

That said, public servants with offices on the Hill may also experience technical issues, even if their equipment is checked and tested beforehand.

I don't know whether an amendment to the motion would clarify this issue.

**The Joint Co-Chair (Mr. Rhéal Fortin):** I gather that the witnesses you listed, meaning members of Parliament, ministers, and

their staff, for example, are allowed to appear in person. I would personally suggest that the wording say that they must appear in person, rather than that they can.

Perhaps this can't be done. The clerk raised a significant issue when he told us what motions were passed by the House.

If we can't require witnesses to appear in person, can we at least ask them to make an extra effort to appear in person? This would make things easier for the interpreters and for the whole committee. We could avoid some of the issues or delays caused by a poor connection, for example.

• (1215)

**The Joint Clerk (Mr. Paul Cardegna):** I'm glad that you raised the issue.

According to the motion passed by the House, the witnesses, not the committee, must determine whether they'll appear in person. However, the committee can always strongly suggest to eligible witnesses that they appear in person, in order to make things easier. The committee can always use wording to that effect. It can't require witnesses to appear in person, but it can strongly suggest that they do so.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Mr. Fortin, I'm wondering whether the motion as it currently reads could stand on its own and then, when we get to witnesses, we can deal with that request on behalf of the committee.

Would that satisfy?

[Translation]

**The Joint Co-Chair (Mr. Rhéal Fortin):** Madam Chair, I suggested that we add a paragraph to the end of motion number 14 about the appearance of witnesses who have an office on the Hill. We could refer to the list from the motion passed by the House of Commons in December, which the clerk read. I can't remember the wording off the top of my head. However, we could refer to that list.

Of course, I first suggested that we require these witnesses to appear in person before the committee. If this type of requirement isn't possible, I would settle for language stating that we strongly encourage them to appear in person or that we ask them to make an extra effort to appear in person. We could just add a paragraph to the end of the motion. I can write it if you want.

I was particularly interested in hearing all the committee members' views on this issue. I suspect that we're all concerned about these types of situations, which arise in our regular committees. Now that this special joint committee has been struck, we're moving into uncharted territory. The situation is even trickier. If we could make provisions right away to eliminate these types of inconveniences, it would make our work easier.

I'm personally concerned about this. I don't know what the other committee members think.

[English]

**The Joint Chair (Hon. Gwen Boniface):** It's Mr. Motz, to be followed by Mr. Naqvi.

**Mr. Glen Motz:** Thank you, Madam Chair.

I would tend to agree with Mr. Fortin. "Incumbent on members" would be the words I would use, as the motions in the House read for members, senators and departmental and parliamentary officials.

There shouldn't be an option as to whether they could appear virtually. It should not be an option, especially at this committee. I know the motion says "may". I think quite honestly that we as a committee might be able to put a bit more emphasis on "should" or "must".

The responsibilities of this committee are very serious. We all recognize that. Given my background, I want to see someone in person. I want to see how they answer. I want to see their body language. I want to see all that sort of stuff because I will know whether or not they are giving me a load of BS.

It makes a big difference to see them in person. I can't see all of that virtually. As much as is reasonable and possible, even for non-parliamentary staff and senators and members, I would encourage us to invite people to appear in person, Mr. Clerk.

**The Joint Chair (Hon. Gwen Boniface):** It's Mr. Naqvi, then Mr. Brock, and then I will ask the clerk to respond.

Mr. Naqvi.

**Mr. Yasir Naqvi:** Thank you, Madam Chair.

I respect the points that my colleagues are raising, but I will also respectfully disagree with them on two grounds.

One, as the clerk mentioned, a motion has been approved by the House with respect to the hybrid nature of Parliament until June 23, and we are obligated to live by that motion, which is how this Parliament is going to function until that time.

Two, I want to remind the members that we are still in a global pandemic. The pandemic is not over yet. I'm concerned about people's personal health and to what extent they feel comfortable being present here in person versus appearing in a hybrid fashion. I think, given the times we are living in, we should give due consideration to their views.

If the committee wishes, when witnesses are being invited, a line may be added to say that if they are able and feel comfortable coming in person, they will be most welcome to do so. I think we have seen of late that many ministers have been making the effort to appear in person, but requiring them by way of a motion of this committee not only contravenes the House motion but also puts us in a difficult position from a public health perspective, which we should be mindful of.

• (1220)

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

Mr. Brock will go next, and then Senator Carignan.

**Mr. Larry Brock:** I can't underscore enough the importance of the words of my colleague, Mr. Motz.

This is to all the lawyers who are on this committee, particularly my colleague Mr. Virani, who worked for the Ontario public service as a Crown attorney. There is no substitute, in my view, for questioning someone in person. I'm mindful of the House order. I'm also mindful of the fact that we can't force anybody to attend in light of that order. However, we can use words such as "strongly encourage", "strongly recommend", "make every effort to", or "wherever possible".

To the extent that some ministers have already appeared in person on the public safety committee in the last couple of weeks—the Minister of Public Safety, Minister Mendicino, has done that on numerous occasions—it is within the purview of this committee to make that type of language possible. I would encourage that wherever possible.

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Mr. Brock.

Go ahead, Senator Carignan.

[Translation]

**Hon. Claude Carignan:** I agree with my colleagues. We can't force people to appear in person, but we can strongly recommend that they do so. We should adopt this type of wording. It would be appropriate, given that we must see witnesses' body language.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Senator Carignan.

Yes, Senator Harder.

[Translation]

**Hon. Peter Harder:** I just want to say that I agree with my colleague, Senator Carignan.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Clerk, do you have comments on that?

**The Joint Clerk (Mr. Paul Cardegnà):** I would just say that, unfortunately, the order of the House applies to the committee. The committee can't overturn an order of the House, though I certainly appreciate the comments made by all members about the value of having witnesses in person.

I might suggest something as a possible amendment, or as a possible text that could be added in at the end of the motion.

[Translation]

The text could say that the committee strongly recommends that witnesses who can appear in person, pursuant to the order adopted by the House of Commons on December 7, should consider doing so.

[English]

I'm sorry. It's not my best writing in French, but it would be something to that effect. I guess the loose translation in English would be that the committee strongly recommend that witnesses who are able to appear in person, pursuant to the order adopted by the House of Commons on December 7, consider doing so.

That's just the text that I've put out. I don't know if members are happy with that or not.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Virani, you have your hand up.

**Mr. Arif Virani:** I want to return to the statements that were made by Yasir Naqvi and the most recent statement that was just made by the clerk.

We have a motion that's been passed with respect to hybrid Parliament. We have a statement that's been endorsed by Parliament itself, by the House of Commons, that relates to the hybrid nature of the sittings. While perhaps that may not be convenient for the way this process rolls out for this committee, that is where we're at. We're not at this juncture because of any political or ideological imperative. It's based on the public health nature of the fact that the global pandemic is still with us, as Mr. Naqvi rightly pointed out.

I guess I'm a bit puzzled by the concern that is being voiced by members of this committee with respect to in-person attendance, and the feeling that they need to alter the language that's been used at many committees, because the track record with witnesses, including government witnesses and government ministers, is that at least four or five in the last few weeks have appeared in person. Everyone is trying to do that whenever possible. That's already the status quo. Changing the status quo to address a concern that actually isn't present, to my mind, is illogical at this point.

We're following something that has been enacted by Parliament that relates to every single committee. At this point, trying to word-smith it at the eleventh hour does not, to my mind, seem like an efficient use of this committee's resources.

Thank you, Madam Chair.

• (1225)

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Mr. Virani.

We'll go to Mr. Green, followed by Mr. Motz and then Mr. Brock.

**The Joint Chair (Mr. Matthew Green):** Thank you.

I've been listening intently to positions that have been put forward by all sides. I have to defer to my policy of what's good for the goose.

There could be a scenario where any of us at any given time, including today, would have to rely on the meetings being in a hybrid format. I suggest that we extend to the witnesses the same principles in courtesy that we extend to ourselves as committee members, notwithstanding the importance of having people in person.

I agree that I'm recapturing an element today that I've missed in other meetings, but it's also not lost on me that we have two mem-

bers of this committee logging on in a hybrid format, which is good. It's something we may have to rely on in different places throughout this process, understanding that some of us are coming from a bit further away. Given the uncertain nature of our own planning and scheduling, it may be required that each of us at any given time may have to do that. If we have the ability to do that, it would be fair and consistent to ensure that this is extended to the witnesses.

I wanted to say that this wasn't lost on me throughout this discussion.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

Mr. Motz, before I go to you, I'll check in with Senator Carignan. Is your hand still up or do you want to be on the list?

[Translation]

**Hon. Claude Carignan:** I just want us to make a distinction. Hybrid meetings have their place. I'm participating in today's meeting virtually. However, participating in a meeting virtually doesn't have the same significance for a committee member as it does for a witness. We must assess the credibility of a witness. If they're at their desk, someone else can suggest answers or pass along notes to ensure that they respond in a certain way to the issues at hand. This isn't possible if they appear in person. You can see these types of things when you're there in person. To assess the credibility of a witness, it's better to have them appear in person.

Again, I think that we must comply with the order adopted by the House and encourage witnesses who can appear in person to do so.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Senator Carignan.

We'll have Mr. Motz, to be followed by Mr. Brock.

**Mr. Glen Motz:** Thank you, Madam Chair.

In light of these conversations, it's important to recognize.... I know that the House order requires non-official witnesses to appear virtually. However, we also know the Board of Internal Economy has made a decision to allow spectators in committees after Easter. That House order may very well be relaxed with respect to the other witnesses, so we need to keep that in mind and be flexible to the whole concept that there may be a relaxation of the requirements to be here as much as possible.

**The Joint Chair (Hon. Gwen Boniface):** Go ahead, Mr. Brock.

**Mr. Larry Brock:** Thank you, Madam Chair.

I want to go back to square one. We've had so much debate and discussion that I don't know what the actual wording is that you're ultimately seeking an agreement on. I don't know whether it's the original wording or the wording as amended by our clerk.

Can we get some clarity on that? I'm forecasting a situation in which, if it's in relation to the friendly amendment proposed by the clerk, you may not get full agreement across this committee. We may have to turn to a vote.

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

I'll ask the clerk to repeat it.



**The Joint Clerk (Mr. Paul Cardegna):** Yes, I can repeat it. Thank you to my learned colleague, who pointed out that I had the wrong date of adoption of the order. I apologize.

[*Translation*]

Basically, the amendment could say that the committee strongly recommends that witnesses who can appear in person, pursuant to the order adopted by the House on March 2, 2022, are encouraged to do so.

[*English*]

That being said, this is just text that I'm throwing out. I can't move amendments.

**The Joint Chair (Hon. Gwen Boniface):** I understand.

**The Joint Chair (Mr. Matthew Green):** That was actually the point I was going to raise: that it was a suggestion. It hasn't been duly put.

• (1230)

**The Joint Chair (Hon. Gwen Boniface):** Would you like to move it?

**The Joint Chair (Mr. Matthew Green):** Not necessarily.

[*Translation*]

**The Joint Co-Chair (Mr. Rhéal Fortin):** I'll move the amendment.

**Hon. Claude Carignan:** I'll move the amendment then.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** It is moved by Mr. Green, and we heard—

**The Joint Chair (Mr. Matthew Green):** I just observed it. I did not move it.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Fortin, go ahead.

[*Translation*]

**The Joint Co-Chair (Mr. Rhéal Fortin):** Senator Carignan said that he wanted to move the amendment. I agree.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Senator Carignan, are you prepared to move it?

[*Translation*]

**Hon. Claude Carignan:** Yes, I'll move the amendment.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Thank you. I'm sorry, but I'm not picking up the translation, so I want to be clear.

**Hon. Claude Carignan:** Yes, I so propose.

**The Joint Chair (Hon. Gwen Boniface):** Thank you, Senator.

It is moved by Senator Carignan, and I will ask the clerk to just read it again.

**The Joint Clerk (Mr. Paul Cardegna):** Thank you, Madam Chair. It would be “and that the committee strongly recommend that witnesses who can appear in person, pursuant to the order adopted by the House of Commons on March 2, 2022, be encouraged to do so.”

**The Joint Chair (Hon. Gwen Boniface):** Do we have agreement?

**A voice:** We may have to call a vote on this.

(Amendment agreed to: yeas 6; nays 4)

**The Joint Chair (Hon. Gwen Boniface):** Do I have a mover for motion 15?

**Ms. Rachel Bendayan:** Yes.

**The Joint Chair (Hon. Gwen Boniface):** It is moved by Ms. Bendayan that all documents submitted for committee business—

Pardon me, committee members. We have adopted the amendment, so now we will put the question on motion 14 as amended. Do we have agreement?

(Motion as amended agreed to [*See Minutes of Proceedings*])

**The Joint Chair (Hon. Gwen Boniface):** Okay. We will move to motion 15, which was moved by Ms. Bendayan: “That all documents submitted for committee business that do not come from a federal department, member's or senator's office or that have not been translated by the translation bureau be sent for prior linguistic review by the translation bureau before being distributed to members.”

Is it agreed to adopt the motion?

(Motion agreed to)

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

On motion number 16—

• (1235)

**The Joint Chair (Mr. Matthew Green):** Madam Chair, it might be a minor thing, but we may want to add—

**The Joint Chair (Hon. Gwen Boniface):** Is this dealing with number 16?

**The Joint Chair (Mr. Matthew Green):** This is dealing with number 16. That's correct.

We may want to say, “That the interim budget of \$50,000 be adopted and sent to the Board of Internal Economy of the House of Commons for approval.” We may want to add “for approval”. It might be a minor thing.

[*Translation*]

**The Joint Co-Chair (Mr. Rhéal Fortin):** This item is already included in the French version. I agree with my colleague, Mr. Green. It's simply a matter of consistency.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Okay.

**Mr. Glen Motz:** I have a question, Madam Chair.

I appreciate that \$50,000 is the standard committee budget, but should the committee retain legal counsel, we may need to adjust this, or am I right in understanding that it would be a separate budget line from this \$50,000?

Very good. Thank you.

**The Joint Chair (Hon. Gwen Boniface):** For those on the screen, I am seeing that it is correct.

Mr. Green raised the question of adding “for approval”, for clarity and to bring it in line with the French version.

It's been moved by Mr. Green that an interim budget of \$50,000 be adopted and sent to the Board of Internal Economy of the House of Commons for approval.

Do I have agreement?

(Motion agreed to)

**The Joint Chair (Hon. Gwen Boniface):** That ends the motions that have been tabled so far.

Go ahead, Mr. Motz.

**Mr. Glen Motz:** Is this where committee members can introduce additional motions that we want considered?

**The Joint Chair (Hon. Gwen Boniface):** We can do that now.

**Mr. Glen Motz:** Could I get someone to hand these out for me, please?

I would propose the following motion, “that during questioning of witnesses at all future hearings, the chair of the committee—

**Ms. Rachel Bendayan:** I have a point of order, Madam Chair.

I apologize, Mr. Motz.

I was just wondering, in the order of things—I see that my colleague Mr. Virani's hand was up—if a committee member has a routine motion, should we go to complete the routine motions first, or should we move on to this motion?

**The Joint Chair (Hon. Gwen Boniface):** I believe this is a routine motion.

**Mr. Glen Motz:** This is a routine motion for me. I'm sorry, Madam Chair.

**Ms. Rachel Bendayan:** Okay.

**The Joint Chair (Hon. Gwen Boniface):** For clarity, Mr. Motz is introducing a routine motion.

**Mr. Arif Virani:** Madam Chair, my hand was raised. I'm not sure who was first in the order of precedence, but mine is fairly routine and probably is going to engender less debate than Mr. Motz's.

I'm in everyone's hands. The clerk has been provided a copy of the text of what some other Liberals and I are proposing.

**The Joint Chair (Hon. Gwen Boniface):** Okay.

Would it be agreeable to let Mr. Virani go first?

**Mr. Glen Motz:** I'll do anything for Arif. Absolutely.

**The Joint Chair (Hon. Gwen Boniface):** Do we have that distributed, Mr. Virani?

**Mr. Arif Virani:** It was sent by one of our staff to the clerk and it's marked “Additional routine motions one and two”.

Mr. Clerk, can you confirm you received it? I think it was Ms. Bendayan's staff who sent it to you.

**The Joint Clerk (Mr. Paul Cardegna):** Thank you, Madam Chair.

Yes, we received that document. If you consent, we can distribute it to the members of the committee now electronically, which is what I will do in a moment.

**Mr. Arif Virani:** Thank you very much.

**The Joint Chair (Hon. Gwen Boniface):** Could we suspend for five minutes while he does that?

**Mr. Arif Virani:** Sure. Thank you.

● (1235) \_\_\_\_\_ (Pause) \_\_\_\_\_

● (1250)

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz, I understand you want to raise an issue.

**Mr. Glen Motz:** Yes, Madam Chair. I would like to raise a point of order based on my generosity to Mr. Virani.

My routine motion was actually ready to roll in both official languages, and we've had to endure a long recess from this committee in order for Mr. Virani to go forward. I hope he recognizes my generosity in this and will endeavour to extend me some grace at a point down the road, which I'm sure I will need.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Virani, the floor is yours.

**Mr. Arif Virani:** Any man with a purple tie gets my vote of confidence, so yes, Glen, absolutely understood. Thank you for your generosity.

I will try to be very brief, Madam Chair. Hopefully, the document has been distributed to all members at this point. The routine motion, just paragraphs 1 and 2, which is what I will speak to, calls for some basic additions.

The first paragraph says, “That each two-hour meeting in which witnesses are called be limited to one witness panel of up to four to five witnesses, so as to allow the opportunity for a fulsome or comprehensive question period.”

This is to avoid the situation in which we have such a distribution of the questioning, etc., among the various senators and members.... It's so that we have time to probe the issues and give them the consideration they deserve with each set of witnesses. Trying to jam in multiple sets of witnesses within a two-hour window is probably unlikely to be efficient.

The second paragraph, Madam Chair, says this: “That the clerk and analysts be instructed to compose balanced witness panels whenever possible, such that each witness appearing on a panel must have been requested by a different party or senator, save and except for situations where all members agree that a particular witness or witnesses should appear.”

Speaking to the latter part of paragraph 2, there's going to be, I think, very little contention that ministers and entities like the RCMP and law endorsement should be coming. That's one where I presume we will find a strong consensus; in other situations, it will be less so. Again, this is meant to be a direction but not a firm obligation on the part of the clerks and analysts. The words "whenever possible" are injected there to try to provide some balance to the types of panels we are hearing, so that we're not getting all of one side of a particular story or particular vantage point in any given meeting.

Thank you very much, Madam Chair. I will end it there.

• (1255)

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

The motion is so moved.

Mr. Brock.

**Mr. Larry Brock:** Thank you, Madam Chair.

I think my colleague Mr. Virani sent each member a copy of this document to our P9 accounts. For some reason, it did not go to my account, so I have not had a chance to read this.

I'm wondering if Mr. Virani or a member of his staff can ensure I receive this.

**Mr. Arif Virani:** I believe it was sent by Ms. Bendayan's staff to the clerk, Mr. Brock, and the clerk is the one who distributed it to you.

**The Joint Chair (Hon. Gwen Boniface):** That will be sent to you, Mr. Brock. I had to refresh my phone to get it. I wonder if that's part of the problem.

Mr. Motz, do you have questions?

**Mr. Glen Motz:** Yes. I have questions in regard to the routine motion.

The first is regarding the motion that each two-hour meeting in which witnesses are called be limited to one witness panel of up to four to five witnesses, so as to allow the opportunity for a fulsome...question period.

I agree that we need to allow for a fulsome question period, but I'm wondering whether we should consider limiting the number of witnesses for each panel to two and, in the right circumstance, maybe three. To me, it would enable all of us on this committee to have a fulsome round of questions on that. I don't think there's any time limit on our committee. I think there's already been some understanding that we want a fulsome, transparent process here in order to do that.

We've all been in committees on which we have so many witnesses appearing that we can't get through them; we can't get through their testimony well; we can't get through asking the questions we want, and not everybody on the committee can ask a question.

I like the idea, but let's limit that to two—possibly three—witnesses per two-hour panel, please.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Green, and then Mr. Fortin.

**The Joint Chair (Mr. Matthew Green):** Thank you.

I want to reflect on our earlier amendments to the routine motions that basically set the agenda-making process open to the entire committee.

I have had the privilege of reaching out to every member of this committee. I've had discussions with the other co-chairs about really being intentional about setting our work plan early and having an emphasis, perhaps, in the next two or three meetings, on the specificity of the work plan.

Having reviewed the motions that have been set out today, and recognizing where we are with time in this meeting, I wonder if we can come to a consensus that we will concentrate the next two meetings for sure on setting out a work plan in which we can get into witnesses and agenda items. The fact that we've already contemplated the agenda items as being open to the committee as a whole suggests that we could address the first two routine motions put forward by Mr. Virani. I would go even further, to suggest that while the other new motions that have been presented are in order and this is the appropriate time to deal with them, it might be better for us to take advantage of having constituted this committee and gone through the administrative processes that were already agreed upon in advance, rather than trying to embark on this whole new subset of administrative questions, which may be better suited for a next meeting that deals strictly with the work plan.

I don't know what the intention is in terms of how long people want to debate this long list of new and additional motions. It has generally been my experience that prior to considering routine motions, the different parties have had discussions and have come to some kind of consensus so that members can move through them routinely. I would put, through you, Madam Chair, to the movers of these motions, both Mr. Virani and Mr. Motz, that it might make sense, for the sake of making it through this first meeting, to commit to addressing these in a deeper way at the very next sitting of this committee, so that we don't feel rushed for time and we don't feel squeezed by the need for interpretation.

• (1300)

**The Joint Chair (Hon. Gwen Boniface):** Mr. Fortin.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Madam Chair.

First, I tend to agree that it might be a bit soon to come up with a witness list.

Second, Mr. Virani's two motions bother me. The point of routine motions is to set some general rules that apply to the committee for the duration of its work as well as to witnesses. In some instances, we can probably all agree that two minutes is enough, but in others, we may want a whole day. I wouldn't be at all comfortable to say today how many witnesses we are going to hear from without knowing which witnesses we are talking about.

I suggest we stick to general rules here. That's not to say that Mr. Virani's idea is a bad one, but I think we can figure out those details when it comes time to discuss potential witnesses. Then, on the basis of the witnesses we want to hear from, we can decide whether it's appropriate to limit the number of witnesses on a particular afternoon to two or three, for instance, and how much time we want to give them.

Something else to consider when it comes to having panels made up of specific witnesses is that we may want to hear from witnesses on a particular topic, regardless of who requested them.

I think it might be too early to decide these things. As I said, it bothers me a bit to put, in the general rules, details that the committee will probably want to adjust depending on the witnesses who are appearing.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** I have Mr. Virani on the list, then Mr. Green and Mr. Motz.

Mr. Virani, go ahead.

**Mr. Arif Virani:** Madam Chair, I believe that was my hand from earlier. I apologize. I'll drop it.

I would appreciate the ability to respond in total once everyone has made their submissions.

**The Joint Chair (Hon. Gwen Boniface):** Thank you. We will do that.

Mr. Green.

**The Joint Chair (Mr. Matthew Green):** Again, contemplating the time and knowing that part of our legislative requirements will be to agree, hopefully, on an interim report that will go back to the House, I would remind members that at some time during this meeting, we would probably like to consider what that might look like. It's just, as we get into this debate, to make sure we set aside time at the end for that interim meeting to report back to the House that we have constituted this committee and are meeting our legislative requirements.

**The Joint Chair (Hon. Gwen Boniface):** Before I move to Mr. Motz, I want to be clear that there has been a request to extend, but obviously we can't extend for very long.

Mr. Motz, I'll go to you.

**Mr. Glen Motz:** Thank you very much, Madam Chair.

I agree with Mr. Fortin that the idea of witness lists now might be a bit premature. We should maybe consider finishing routine.... I guess number one has kind of a routine focus. I feel that the motion I presented is a routine matter that could be dealt with quickly today.

Mr. Green, you indicated that maybe one and two are not routine and should be moved to next time? Is that what you're saying?

**The Joint Chair (Mr. Matthew Green):** I was just suggesting that given our constraints we should set aside the next two meetings to do this type of work. I don't believe any of the parties has been consulted to get to some kind of consensus, so it would save us

time for more substantive debate if we held it off until the next meeting and the meeting after that.

It's at the will of the committee, of course, if the committee would like to delve into that. I just want to make sure we hold time aside within the remaining minutes—I'm not sure how long we're going to extend for—to hopefully come to a consensus around what has been agreed upon in this initial constituting meeting, and send that back to the House as part of our first interim report. Before we go down a rabbit hole of debating these motions, I just want to make sure we hold fast to that time.

● (1305)

**The Joint Chair (Hon. Gwen Boniface):** I think we're back to Mr. Virani. I'm not seeing anyone else around the table.

Go ahead, sir.

**Mr. Arif Virani:** Thank you very much, Ms. Boniface.

I intentionally didn't raise my hand because I didn't want the plant interfering with you again.

I would just point out that obviously we'll have some differences of opinion as to what's routine versus what is not. I thought—and I think some of my Liberal colleagues thought—that these were fairly uncontroversial. I would just respectfully point out to Mr. Motz—and again, thank you for letting me address this now—that I think if we're going with only one panel, then having only two witnesses for a two-hour meeting would be not an efficient use of our time. That's why I was contemplating four or five witnesses for the full two hours, which is roughly two per hour. I think that's well within what committees are capable of, this committee and others.

I would just gently push back on this idea.... This committee does have resource limitations, as does every committee, and they may be exacerbated by things that are being suggested, including, potentially, the retaining of outside counsel.

I would also say that Canadians and this Parliament will benefit from our doing work that is thorough but also timely. We know there is no time limit prescribed within the statute or within the motion that created this committee, but this committee's work is also commencing now. Within 60 days an inquiry will commence. That informal inquiry must report back within one year of the invocation of the declaration, etc. Therefore, there are notional time parameters for the work we're doing, and I think it's incumbent on all of us to respect those time parameters for the benefit of all Canadians, so that they understand that a declaration of an emergency was invoked and that the study is being done and being done thoroughly but on a timely basis.

I will place in the hands of the committee members the ultimate question Mr. Green has put forward as to whether we should just defer this to a later date. I am conscious that, as he correctly points out, there is the matter of reporting within seven sitting days pursuant to...I forget the clause—it's around section 62 or 63—in the statute that says this committee must make some type of report back to Parliament, I believe, by next Tuesday. Perhaps that should be addressed immediately.

I'll leave it at that. Thank you, Madam Chair.

**The Joint Chair (Hon. Gwen Boniface):** It's Mr. Naqvi and then Senator Harder.

**Mr. Yasir Naqvi:** Thank you, Madam Chair.

Mr. Virani has insight into my mind, because he pretty much used exactly the same words I was going to use, which were just to be cautious, since we do not have unlimited time, and that we be mindful of the responsibility that has been given to us under the statute. There are two different processes, and different language has been used in the legislation that gives us guidance as to the scope of the work we have to do and its timeliness. The way I see it, what we'll be engaging in is more of an oversight process.

The other point is that I just want to caution—and I heard Mr. Green use this term twice now—about using the term “interim report”. Let's not add things we don't see in the statute. The statute speaks of “a report”, so let's not start giving labels to things that may not exist, because doing that will just get us off track, if I may say so. I just want to make sure we try to focus on the statutory language and the mandate that has been given, and remember that there are some timelines embedded in that document.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

Senator Harder.

**Hon. Peter Harder:** Very quickly, I think Matthew Green has given us some good advice. I think we are now getting into that which we would have had our procedure and agenda committee deal with, and I think that should be the subject of the next meeting.

What we might want to conclude today is that part of what we must report to comply with the order that has been given, which is what has to be tabled next Tuesday.... I think we've done a good job thus far in terms of the interim of that report and the motions we've already passed. If there are other routine motions that we could deal with in short order, fine, but we have only limited time today.

I agree that we have to indicate that we're making progress quickly, but the best way of doing that is to develop a work plan and get it adopted, so that people can see that we're being deliberative as well as expeditious. I would suggest that we finish today in the spirit of the motions that we've already adopted—and others, if necessary, that are routine—and have an agenda that is more procedural and scheduling as soon as possible.

• (1310)

**The Joint Chair (Hon. Gwen Boniface):** Madam Bendantayan.

**Ms. Rachel Bendantayan:** Thank you, Madam Chair.

It sounds to me like there is some consensus around the table. I wonder if I could ask the clerks to let us know what might be included in the report that we are contemplating.

**The Joint Chair (Hon. Gwen Boniface):** We would obviously set it as a priority, and we'll ask the clerk to look at the anticipated interim report that will be required to be tabled, I understand, in the House on Tuesday and in the Senate on Wednesday.

**The Joint Clerk (Mr. Paul Cardegna):** Thank you, Madam Chair.

The analysts have prepared a brief draft report, which I have just sent by email to all members. Hopefully, all members will receive it electronically and be able to look at the text that's in it, and then the analysts can speak to it as necessary.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Madam Bendantayan.

[*Translation*]

**Ms. Rachel Bendantayan:** Can I ask the clerks to clarify something in the draft report that was just sent out?

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Yes, Madam Bendantayan.

[*Translation*]

**Ms. Rachel Bendantayan:** Thank you, Madam Chair.

The report refers to the meeting being held today, March 14, as an organization meeting. As I see it, this is a committee meeting, not necessarily an organization meeting. Is there a difference between a meeting and an organization meeting?

**The Joint Clerk (Mr. Paul Cardegna):** An organization meeting is the meeting when the committee begins its work. Only one item appears on the agenda for the organization meeting, the election of the chairs. The committee cannot be properly constituted until the chairs have been elected. That meeting is referred to as the organization meeting to indicate that no prior meetings have been held. Basically, it's the first meeting, at which the chairs are elected. Once the chairs are elected, the committee can proceed with its work as it sees fit.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** Are there any comments on the report?

**Ms. Rachel Bendantayan:** Madam Chair, I understand the explanation now, but I would still like to propose that we use the term “a first meeting”.

**The Joint Chair (Hon. Gwen Boniface):** I am not seeing anybody disagree with “first meeting”. Is there agreement?

Instead of saying “held as an organization meeting”, it would say “held as a first meeting”.

We're seeing agreement around the table and thumbs-up on the screen. Thank you very much.

**The Joint Chair (Mr. Matthew Green):** I'm happy to move the report as amended.

**The Joint Chair (Hon. Gwen Boniface):** Are we all in agreement?

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

**The Joint Chair (Hon. Gwen Boniface):** Excellent. Thank you.

Mr. Motz.

**Mr. Glen Motz:** I'd like to go back to some comments from Mr. Virani and some of our Liberal colleagues. I have to agree that items one and two, as Mr. Virani sent, and my first motion as well, are routine matters that could be dealt with today. We've already dealt with the report.

I don't know how much time we have, Mr. Clerk, before we have to be gone, but if we have 10 or 15 minutes, we can deal with them, and then they are out of our way. Then we can get on to more substantive stuff next time we meet, whenever that is, which I suppose is another issue we have to deal with as well: When is that going to be, and where?

That's just my observation. I might be out of line, but I think they fall within the category of routine motions.

**The Joint Chair (Hon. Gwen Boniface):** I look to the committee.

• (1315)

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Are you talking about this motion, Mr. Motz?

[*English*]

**Mr. Glen Motz:** That one, yes, Mr. Fortin, as well as numbers one and two from Mr. Virani, which I think could also be categorized there, unless I'm missing something—number one for sure.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Green.

**The Joint Chair (Mr. Matthew Green):** Yes, this is again a reference to the routine motions we deleted that would have constituted an agenda meeting. To me, it feels like these two motions, one and two, would have been appropriate had we not disregarded the subcommittee nature of the agenda and process committee.

We're now contemplating this as a whole, and I believe my friend Mr. Fortin raised an important point, which is that if we're overly prescriptive without first contemplating the work plan, there may be scenarios in which some people would require greater scrutiny, and there may be situations in which having a panel that's more varied might be better. My caution is against being overly prescriptive before we've contemplated the work plan and, given that we're already going to be deciding this on a case-by-case basis in terms of who our selected witnesses are, it's going to be agreed on by consensus anyway, so it seems to be moot at this point.

**The Joint Chair (Hon. Gwen Boniface):** I see a lot of nodding. I'm wondering if we would be best to reflect on this, and we could deal with it as a priority and either move ahead with the motions at the next meeting or, once you've had a chance to reflect on it, deal with it as time permits as we move along.

Does that sound more agreeable to everyone?

I'm hearing agreement.

Mr. Clerk, are there other matters?

**The Joint Clerk (Mr. Paul Cardegna):** I'm not aware of any other matters that have to be raised at the committee at this time.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz.

**Mr. Glen Motz:** Would the motion I distributed about legal counsel be something that would be discussed at the next meeting as well?

**The Joint Chair (Mr. Matthew Green):** Prioritized—

**Mr. Glen Motz:** Very good. Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Just for clarity, Mr. Motz, since you also raised the issue on when we would meet again, we don't have a date at this point. I checked with the clerk earlier. That will be circulated as soon as we get clarity from the leadership.

Mr. Brock.

**Mr. Larry Brock:** On that question, I know I can't speak on behalf of everyone on this committee, but certainly my colleague Mr. Motz and I came to Ottawa to work. We changed our vacation plans and our March break plans and we came here to work. I'm prepared to sit this week if necessary, between sessions, between our non-sitting weeks. I'm prepared to sit.

I'm listening to what my Liberal colleagues have indicated—that we don't have an unlimited amount of time—but we need to prioritize this committee and take it as seriously as we can. I think we would be remiss if we did not take this opportunity, with the time we have, to actually, at the very least, schedule our next meeting, as opposed to waiting for some input from the House leader's office. Why can't we deal with that today?

**The Joint Chair (Hon. Gwen Boniface):** I don't disagree. I think our issue is trying to fit within the agenda of the availability of staff and suchlike. We anticipate that we will meet next week. I just can't give you a date and time at the moment.

Am I correct, Mr. Clerk?

**The Joint Clerk (Mr. Paul Cardegna):** My understanding is that the matter of when the committee will sit next has been raised at the level of the whips. I have not heard any news as to any decision taken by the whips. I know that the whips of the House of Commons are discussing the matter. They will then speak with our counterparts in the Senate, and when there is an agreement as to when they are sitting next, they will inform me, and we will inform the chairs. That's my understanding of where the discussions are at this time.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

I think we share your concerns in terms of ensuring that the committee moves along, so thank you for that.

Mr. Motz.

**Mr. Glen Motz:** I'd like to add just one more thing.

As Mr. Brock said, I am sure all of us on this committee are here to work, but for me to get here it takes a day, and I can't just do that on a whim because, as we know, flights are not what they used to be.

If we could have some flexibility there.... A meeting just at the drop of a hat tomorrow may not work for me. I might get here just as you guys are wrapping up, which is probably good for you guys but not necessarily for me.

Just keep that in mind when we have these conversations. Having some dialogue ahead of time to set some days in advance so we can all get our calendars together and try to do a SurveyMonkey of what days work the best, I think, would work really well.

• (1320)

**The Joint Chair (Hon. Gwen Boniface):** I think we're all of the same view. We're trying to get some standard timing, and we would then give you significant notice in advance.

Ms. Bendayan.

**Ms. Rachel Bendayan:** Thank you, Madam Chair.

I just want to express my agreement with my colleagues opposite. We have all made extraordinary sacrifices to make this a priority in our work. I was very glad to make the trip to Ottawa to be here in person, and I think everybody around the table is in agreement that the work this committee is about to undertake is absolutely critical and actually historic, so I encourage the whips to continue discussions so that we may meet quickly and regularly.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Naqvi, do you have something to add?

**Mr. Yasir Naqvi:** Absolutely, and in the spirit of getting down to work, Madam Chair, I wonder if I can request that the analysts provide a copy of all debates and committee proceedings from both the House of Commons and the Senate from when the Emergencies Act was debated in 1987.

**The Joint Chair (Hon. Gwen Boniface):** That's to the analysts.

**Mr. Yasir Naqvi:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** As chair, I had made a request as well, or discussed with my colleagues, perhaps looking at the Hansard from the initial debate on this issue back at the establishment of the act, and I wonder if the analysts could also bring that forward so all members could have a chance to look at it.

Mr. Green and then Mr. Motz.

**The Joint Chair (Mr. Matthew Green):** On that, with the briefing and given the nature of debates, I know that we had legal counsel present and I'm wondering if, for the good and welfare of this

committee, any definitions of terms or interpretation of terms as they have been defined within the legislation or contemplated could also be added in the briefing notes.

I say that because, as was referenced earlier, we want to make sure we're debating from the same set of terms and definitions and understanding. I would say that in my initial glance at the legislation, I found some significant cases of ambiguity. Where legislation contains ambiguity, it is often taken, at least to my understanding, as allowing for a liberal—a very small “I” liberal—interpretation. A “wide application” would, I think, be a more appropriate, non-partisan term, but I thank my honourable colleague for that.

In addition to any briefing notes, if any types of definitions of terms could be added to help give us an overarching common space for debate, that would be helpful as well.

Thank you.

**The Joint Chair (Hon. Gwen Boniface):** I'll just let the analysts reply first, in case there is something specific they want to clarify.

**Ms. Stephanie Feldman:** I think we'd just like to make sure the committee is aware that the Library of Parliament analysts cannot give legal advice. They can only do legal research and provide legal information.

In terms of defining the meaning of specific terms in the Emergencies Act, that might be borderline legal advice, so we just wouldn't want to get into that realm.

**The Joint Chair (Hon. Gwen Boniface):** Mr. Motz, do you have a final word?

**Mr. Glen Motz:** I don't get to have the final word very often, but I will take advantage of it, Madam Chair. Thank you.

Can we add to the motion or suggest that the analysts also include what has occurred at committee already for this invocation, not just for the previous, historical, one?

I know the public safety committee has already had this conversation, and I don't know if there has been anything in any other committee, but if the conversations by any other committee that has dealt with this Emergencies Act could be included in that material, that would be very good.

It would be National Defence and Public Safety, I know...Finance?

**The Joint Chair (Hon. Gwen Boniface):** Yes. Perhaps they could search committees at which this matter has been discussed and provide that to the committee members.

Does that cover what you're looking for, Mr. Motz?

**Mr. Glen Motz:** Thank you.

**The Joint Chair (Hon. Gwen Boniface):** Okay.

Thank you very much, everyone. We're over time, and I apologize for that.

On behalf of Mr. Fortin, Mr. Green and myself, we appreciate the opportunity to co-chair this committee. If there are no other words, we'll adjourn.

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