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Chair

Ms. Bonnie Brown

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•(1105)

[English]

The Chair (Ms. Bonnie Brown (Oakville, Lib.)): Good morning, ladies and gentlemen. It's my pleasure to bring this meeting to order.

When I look at the motions we've agreed to consider this morning, I note that certain of them are what I would call procedural, that is, what we're going to do at our meetings, and a couple of them are substantive, that is, what topics we might wish to engage in discussions. The clerk has put the motions into an order. I'm wondering if we could do the procedural ones first and leave the two substantive ones for the end. Hopefully, we can move a little more quickly and leave some time for the substantive discussion toward the end.

On page 1 there are two notices of motion by Mr. Ménard. The first is procedural: that we ask the minister to appear no later than Friday, November 19, to speak about the health care agreement of September 15.

Mr. Ménard has moved this. Would you like to speak to it, Mr. Ménard?

[Translation]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Quite simply, I think it would be a good idea to invite the minister to come and speak to us about the agreement. It is, after all, an important agreement, since it involves 41 billion dollars to be disbursed over 10 years. There was a public conference about it. In fact, the members from all of the political parties represented in the House were present. Thus, I think that it was an important federal-provincial conference.

I conveyed 10 written questions to the department because certain things were not clear with regard to the home care concept, primary care, etc. I think that it is our duty as members of the Health Committee to have the clearest possible understanding of that agreement. We should hold one meeting with the minister, specifically on the agreement.

[English]

The Chair: Are there any other comments?

I understand from some inquiries I made that the supplementary estimates are going to be tabled on about November 2. We always have to give the officials and the minister some time to prepare. He would be able to come and talk about the main estimates and the supplementary estimates during the week that includes Friday, November 19.

•(1110)

[Translation]

Mr. Réal Ménard: I suggest that there be a specific hearing on the agreement and not on two different topics. The main estimates give rise to many questions. We need a specific session on the agreement with the minister and the officials. Forty-one billion dollars over ten years is a considerable sum. I don't think we should discuss both topics at the same meeting.

[English]

The Chair: Are there any other comments?

Mr. Thibault.

[Translation]

Hon. Robert Thibault (West Nova, Lib.): I agree with the member on condition that we invite the chairman to maintain order and that the meeting deal with these issues, which are very important for all Canadian men and women. I suggest, then, that we spend one meeting discussing this agreement.

[English]

The Chair: Mr. Merrifield.

Mr. Rob Merrifield (Yellowhead, CPC): I agree that we come on the 19th specifically for the new deal.

I have another motion with regard to the estimates. Both are covered, at any rate. I think we need the two meetings, and I think that's the intent.

The Chair: I understand that.

(Motion agreed to)

The Chair: We'll delay part 2 until after we do the procedural motions.

On page 3 there is another motion about meetings, a rather specific one, from Mr. Merrifield. He wants the health minister to appear on Tuesday, October 26, to talk about the main estimates. I did the research you asked me to do. The minister is in Vancouver on that day and is not available. I wondered if you would like me to ask the other health minister, Minister Bennett, to come to that meeting and answer questions.

Mr. Merrifield.

Mr. Rob Merrifield: I understand that's the day she has invited us to tour the facilities here in Ottawa. I don't necessarily have a problem with spending some time with her in the afternoon with regard to some of the questions we may have coming out of that. We would concur with the chair on that. But I would ask that we not drop the idea of having the minister come. Maybe Thursday would work for him, or another date at his convenience.

The Chair: Did you want to ask the public health minister about the main estimates or just the general thrust of what she's planning to do with her department?

Mr. Rob Merrifield: I think we should leave that open and allow either one. I don't see that being a problem.

The Chair: So we would just put a period after October 26, that the committee call on the public health minister to appear at the committee's regularly scheduled meeting on Tuesday, October 26. Is that agreeable? Whatever topics we want we'll question her on.

Mr. Rob Merrifield: That's fine as long as we don't lose the other part of that motion.

The Chair: No.

Do I have unanimous consent to allow Mr. Merrifield to phrase his motion about the health minister coming on the main estimates and presenting it to us?

Some hon. members: Agreed.

Mr. Rob Merrifield: I'm probably going to change the date.

The Chair: So rather than put the one about the public health minister here, we'll keep the health minister in and change the date. Do you want to be specific? I always think you're better to do it the way Réal did it, before some date.

Mr. Rob Merrifield: That's fine. Let's do that: prior to November...I don't have a calendar in front of me.

Hon. Robert Thibault: The main estimates are to be deposited, I understand, on November 2, so you'd have a two-week period.

Mr. James Lunney (Nanaimo—Alberni, CPC): We're not here the week before that.

Hon. Robert Thibault: That would mean we would have to come four or five days after the main estimates.... That would be the best time, I suppose.

The Chair: My guess would be that he'd come to talk about the health accord earlier but save the estimates until after the supplementary estimates are tabled so that he can handle both.

Mr. Rob Merrifield: That would put it off until after the 19th, is what you're saying.

The Chair: No, prior to the 19th.

Mr. Rob Merrifield: Prior to the 19th and as early as convenient. How's that?

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): What about before the 12th?

The Chair: The estimates are tabled on the 2nd. They prepare them, but they then need time to anticipate our questions and prepare their responses.

•(1115)

Mr. Steven Fletcher: We just have to meet with the minister to talk about the health accord, right?

The Chair: No, the health accord would be earlier. What I will do is work on this afterwards to try to encourage him to come early on the health accord, because he could talk about that tomorrow if he were available, but delay the estimates until we get both sets of estimates. Is that okay?

We can say "before November 19, to answer questions on the main estimates for a minimum of two hours". So everyone knows what the amended motion says. Any comments on it?

Welcome to Ms. Wasylycia-Leis, who was a long-time member of this committee and needs no introduction to some of you, but the new members may not know her. Welcome, Judy.

Mr. Steven Fletcher: What happens if he won't come the week of Remembrance Day?

The Chair: No, we'll be home. It will be after that. My guess would be Tuesday the 16th, which would be the first meeting after the break.

Seeing no further discussion, I'll call the question.

(Motion agreed to)

The Chair: Now we have our set-up for the minister.

Mr. Merrifield, would you like to put one forward to have the public health minister on Tuesday?

Mr. Rob Merrifield: Yes, I'd move that we ask the public health minister to come on Tuesday.

The Chair: Is that acceptable? It's not a notice of motion, but it fits in with what we're doing.

Mr. Ménard.

[*Translation*]

Mr. Réal Ménard: I did not check this with my colleague, but I didn't receive the invitation to visit the new Public Health Agency of Canada. Would we be visiting the Public Health Agency in the morning and would Ms. Bennett come in the afternoon?

[*English*]

The Chair: My guess is we'll be asking her questions as we have this tour. Therefore, the afternoon meeting could be rather short, but I think officially to see the minister would be a good thing.

[*Translation*]

Mr. Réal Ménard: Did everyone receive the invitation? I did not receive one.

[*English*]

Mr. Rob Merrifield: I don't know if you know the public health minister as well as I do, but I don't believe I've ever been to a meeting that's been short with this minister.

The Chair: It will be short if the questions are somewhat succinct and limited.

We're not in camera, I should remind you.

I'm wondering if somebody could photocopy this invitation so that we make sure everybody has one. Thank you.

Now we've dealt with page 3.

Mr. Savage.

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): When the public health minister comes we're not restricting her topics. She'll just discuss her department and we'll be able to ask questions.

The Chair: That's right.

Mr. Merrifield.

Mr. Rob Merrifield: I'm wondering whether the chief public health officer could accompany her, and she could introduce him and we could ask him some specific questions.

Hon. Robert Thibault: I understand that the chief public health officer could be part of what we're doing also.

The Chair: Yes. The other thing is that it is an order in council appointment.

But I think to be polite, we'd have to have him on his own for that, would we not?

Mrs. Nancy Miller Chenier (Committee Researcher): I think it's whatever the committee wants to do.

The Chair: Do you want to interview him?

It is one we're entitled to interview, and we have to approve it before November 12.

Mr. Rob Merrifield: Why don't we schedule that meeting as well.

Mr. James Lunney (Nanaimo—Alberni, CPC): Yes, schedule that meeting as well.

Mr. Rob Merrifield: It's groundwork for whatever the committee is going to do.

The Chair: Okay. Add that to your motion. We could have the minister from 3.30 p.m. to 4.30 p.m. and him from 4.30 p.m. to 5.30 p.m., if you like.

Mr. Steven Fletcher: I would like to have the minister for the maximum amount of time. I don't mind meeting longer so we could do both.

Mr. James Lunney: Another occasion.

Mr. Rob Merrifield: I'm sure my colleague knows his ministers well.

The Chair: You phrase it the way you want, Mr. Merrifield.

Mr. Rob Merrifield: I think it's appropriate to have the minister for an hour, and the chief medical officer for an hour after, because the discussion will be on the same subjects at any rate. They may both stay for the time period. I'm sure that's what will happen.

The Chair: Okay. Could the clerk just tell us what she's putting down here?

The Clerk of the Committee (Mrs. Carmen DePape): You want to meet with both the public health minister and the chief public health officer on October 26, 2004.

● (1120)

The Chair: Yes, the minister from 3.30 p.m. to 4.30 p.m., etc.

You're really just authorizing me to invite them, although I have checked with the minister and she said she could come. I'm just not sure about him.

Mr. Lunney.

Mr. James Lunney: Madam Chair, we have a major public health event happening right now—the papers are full of it today—with clostridium difficile, Montreal hospitals, and so on, and that members may have significant questions for both of these invitees. I'm therefore suggesting that it might be very helpful to committee members to schedule a separate meeting for the chief public health officer, so that we have some time with both of these officials—the minister and the officer. An hour can pass pretty quickly if members have significant questions.

The Chair: Don't forget we will have already spent two hours with these exact two people in the morning.

Mr. Rob Merrifield: But not on the record.

The Chair: No, no, not on the record, but certain questions you don't even care—you just want to get the information. Then when they come in the afternoon, it would seem to me you would have sorted out what it is you want to get on the record.

Mr. Rob Merrifield: We will also be having them both appear when we review the Quarantine Act.

The Chair: Exactly. We'll be having them again.

Mr. Rob Merrifield: That's another reason why I think this is fine.

The Chair: We have a motion that suggests an hour for each on Tuesday, having spent two hours with them in the morning anyway.

Is there any further discussion on that?

(Motion agreed to)

The Chair: Next week is somewhat taken care of.

Let's go back to page 2, because it's procedural as well.

If I may just express from the chair, I have a little bit of concern with this and the word “whenever”. To say when an Auditor General's report is tabled...what if we're in the middle of legislation? Had you thought of that, Mr. Merrifield?

Could we get some kind of an escape clause if we don't want to do this?

Mr. Rob Merrifield: I believe you're inviting a minister to come, so it's under invitation. I think there's flexibility in that word, and when you say it that way, it's not a concern.

The Chair: It could be read the other way: “whenever”, meaning that this happen automatically. I'm wondering if we could have a little bit of leeway here.

Mr. Rob Merrifield: My intent in the motion is that when this happens, we make the invitation when it's appropriate to both the committee and the Auditor General. That's what I think is the intent of the invitation.

The Chair: I think this is the same one we moved this last year. Well, it didn't get in our way then, so it probably won't.... I'm seeing ghosts where none exist.

Any comments on this?

Seeing none, I'll call the question. We're on page 2.

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

The Chair: Let us go back to page 1, for part 2 of Mr. Ménard's motion.

Hon. Robert Thibault: Madam Chair, my motion is also procedural.

The Chair: Sorry, I didn't notice that one. This is the one that Mr. Thibault put forward at the end of the meeting. We had unanimous consent on it even though we didn't have it in writing: "that Kristopher Knowles be invited to appear before the Standing Committee on Health at his convenience". I believe he's going across the country, and the idea is that when he comes to Ottawa, we will listen to him.

Mr. Rob Merrifield: We may not need a full two-hour session with him.

The Chair: We may not. We just put forward our intention, and then the clerk works with us and with the other agenda items that are demanding our attention at the time.

(Motion agreed to)

The Chair: This is something the clerk has to keep track of. I trust, Mr. Thibault, you will alert the clerk as to his approach.

Hon. Robert Thibault: Yes.

Mr. James Lunney: What is Kristopher Knowles raising money for?

Hon. Robert Thibault: This is in reference to the Kristopher's Wish campaign. Kristopher Knowles is the 13-year-old boy who is waiting for a liver transplant, and he is raising awareness of organ donations.

Mr. James Lunney: Thank you very much.

The Chair: We'll now deal with part 2. Mr. Ménard, would you like to speak to this? Describe to me what you see happening, how many meetings you have in mind, who else might be included in this besides the three persons named, etc. Describe to us how you envision this happening.

•(1125)

[*Translation*]

Mr. Réal Ménard: Madam Chair, I don't know if all of my colleagues on the committee are familiar with this story which is quite troublesome and means that we must monitor events and keep a vigilant eye on the way in which Health Canada discharges its responsibilities. There were three researchers who had more than 20 years of seniority at Health Canada, who worked in what has now become the therapeutic products directorate and were involved in the registration of products, especially for veterinary medicine.

Last year, all through our proceedings we heard testimony to the effect that there were problems concerning drug registration at Health Canada. These researchers refused to approve the registration of one product. They were subject to pressure exerted by Health Canada. They were in fact fired because they refused, as scientists, to approve the registration of a product used as a growth hormone for animals.

As a committee, we could first of all agree to hold a hearing wherein we could hear researchers explain their work to us. Secondly, some Health Canada officials would have to come to explain the context in which these dismissals took place. Thirdly, I know that the researchers were represented by the Professional Institute of the Public Service of Canada. We can consider what we feel would be most useful for us to do.

As parliamentarians, I think that we have to be vigilant and monitor goings-on. This is a situation where Health Canada has some explaining to do and must be accountable. Inviting the minister is not really where we are at. This is not a situation which requires at this time that the minister declare himself responsible for what happened.

You will remember, Madam Chair, that when we studied the whole issue of the cost of medication we heard explanations pointing to the fact that there were problems surrounding the registration of drugs.

In summary, we should meet with the researchers, Health Canada and the Professional Institute of the Public Service of Canada, which represents the researchers.

[*English*]

The Chair: Mr. Thibault.

Hon. Robert Thibault: Madam Chair, I don't want to block the intent of what Mr. Ménard is suggesting, but I think we have to be careful. So I will raise a few points for the consideration of the committee. Number one is that there is a quasi-legal process that can go forward for these individuals, and I think there are some processes underway. If they have complaints about the way they've been dealt with, they may sue. We have to be careful that we not impede or interfere. I think it would be important for the committee to seek legal counsel to see what the implications of this are for all of us.

Number two, I think if we open the window, we have to open it completely. I think we have to ask these individuals to give all the information they can and give the department a chance to respond, so that they don't have to be guarded because of court or other judiciary processes. So I think that legal opinion would be very important.

Another thing we may choose to do after we hear that is to hear exactly what Mr. Ménard is suggesting, but with no report.

But I think it is important that we get that legal advice before we get to any of those decisions.

So I would ask Mr. Ménard that we not vote on this today. You've given your notice. It's before the committee. But before I could support this, I would like to see a legal opinion. Otherwise, it would be impossible for me to support it.

The Chair: Or you could amend it to that effect, that we seek a legal...well, we have to worry about privacy. There are various laws we have to be careful of.

[*Translation*]

Mr. Réal Ménard: I would like to have the floor again at the end to add some clarifications. Let's listen to our colleagues, but we do not want to amend the motion.

[*English*]

The Chair: Mr. Lunney is next, then Mr. Carrie.

Mr. James Lunney: I think Mr. Ménard has raised a very significant and important issue here for a number of reasons. Number one, there is a lot of secrecy around the therapeutic products directorate. It's been that way for a long time. There is a lot of uncertainty about how products are regulated. Frankly, that's one major issue that may not always serve the public interest.

Second, we have whistleblower legislation before the House right now, and there are public servants who have been in a position.... We know how important this issue is before the House right now, and on other issues as well. If bureaucrats are aware of things that may be done contrary to the public interest, they certainly need the support of members of Parliament to be able to serve the public, which is really their mandate.

I see our role as a committee actually as an intermediary between the government and the people, and when there are issues people are concerned about, we have an obligation to air those issues.

I was quite concerned when these firings took place in the summer when we were all off and we weren't here to ask questions. The bovine growth hormone issue Dr. Chopra and others raised on behalf of Canadians is a very significant issue. There are very significant concerns to the health of Canadians related to this.

I think we need to give these people a chance to express to us what their concerns are related to this and why they were fired. Frankly, I think the department should explain why they were axed.

• (1130)

The Chair: Mr. Carrie.

Mr. Colin Carrie (Oshawa, CPC): I think it's important that we look into this, but could we confirm if there is legal action that's happening right now with respect to this issue?

The Chair: I think there is, but I could do some research and come back with a report.

Mr. Ménard.

[*Translation*]

Mr. Réal Ménard: Before Judy takes the floor, I simply want to specify that they are before the Public Service Commission and not before a regular court of law. As a committee, we can't begin to not meet with officials because they are exercising their right to appeal before the appropriate entities. This is not a case that involves the separation of the legislative, executive and judiciary arms of government. They are before the Public Service Commission and there is no reason for us not to exercise our monitoring and information-seeking or dispensing role; all the more so since, as James said, what is the point of having a whistleblower bill if we

ourselves on parliamentary committees do not allow ourselves to get to the bottom of things?

There have been irregularities. There are situations Health Canada has to explain. Perhaps Health Canada is right. I want to hear Health Canada, for my part. I want to hear the researchers, I want to hear Health Canada, I want to hear from both sides. But I want parliamentarians to be able to make up their own minds about what happened.

When you are a scientist and a public servant at Health Canada, and have been for 25 years, and are dismissed because you refused to endorse a certain way of doing things, that is worth investigating. Let's not try to dilute the motion. It is our work to examine this situation.

[*English*]

The Chair: Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): I'm glad I'm here today to support this motion, because in fact this motion really helps us get at the heart of a number of matters that have been before this committee as long as I've been around.

For the benefit of new members, we're talking about three scientists who have been at the forefront of a movement in Canada to ensure that health protection is not just a concept on paper but is practised in reality. They have been there every step of the way, speaking out whenever there were reasons to be concerned about the drug approval process, the process involving veterinary medicines. They were key to the whole study here and in the Senate on bovine growth hormone. They spoke out actively around the BSE issue when in fact Canada took some action against Brazil and it became a trade issue as opposed to a health issue.

They are incredibly informed, knowledgeable, committed scientists. They have been threatened with action for all of these years because in fact they are a nuisance; they are a thorn in the side of the government and of the Health Protection Branch.

I don't have any reason to believe there was any different set of circumstances around their final firing this summer, but I think we should know, from the department, from them, from wherever, to piece together this issue so we can in fact show that we stand for something when it comes to credible, reputable public servants who actually take positions, and we should not stand back and let this kind of manipulation happen.

I would certainly support the amendment, and I'm sure my colleague, Bill Blaikie, would support it as well.

The Chair: Thank you, Ms. Wasylycia-Leis.

Mr. Fletcher, and then Ms. Dhalla.

Mr. Steven Fletcher: Madam Chair, I'm finding myself agreeing with the Bloc Québécois and the NDP. I'm just wondering if you put something in the Kool-Aid.

This is an important issue. I don't have a problem if...(*Technical difficulty—Editor*)...civil servants or the people who brought their own legal counsel to protect them from legal action. I think this is important, and I certainly support the Bloc's motion, unamended.

•(1135)

The Chair: Thank you.

Ms. Dhalla.

Ms. Ruby Dhalla (Brampton—Springdale, Lib.): I think the intention of finding out the circumstances for the firing is very valid and very important. I think it's our responsibility as elected officials to get to the bottom of it.

My only concern is that I would like to ask for consideration—and perhaps Mr. Ménard or someone else around the table knows—because it's in the process of a legal hearing and so forth, on both sides, has anyone checked with these particular scientists whether or not their coming to the committee will impinge in any way their rights or their circumstances surrounding their legal proceedings?

When Mr. Thibault had earlier mentioned getting a legal opinion, I think that was what the intent was—as long as it doesn't harm those scientists and it doesn't harm Health Canada to find out where exactly they are in the legal process.

The Chair: Mr. Ménard, and then Ms. Chamberlain.

[*Translation*]

Mr. Réal Ménard: I met the researchers and they are quite willing to come. They asked for a public intervention and an investigation by Parliament. These researchers are quite ready to come and testify before the committee. They are exercising their right to appeal the decision within the public service. That has nothing to do with us and it is an arm's length process.

There is no reason, I reiterate, for the committee not to hear these researchers, in order to gain an understanding of how these dismissals came about and how Health Canada behaved. That is our responsibility and there is nothing in that that will adversely affect the researchers. They are ready to come. Madam Chair or the clerk may check this with them. If they decline the invitation it will be their choice. I met with them two weeks ago and they really wanted to come and testify before the committee.

[*English*]

The Chair: Ms. Chamberlain.

Hon. Brenda Chamberlain (Guelph, Lib.): I would just like to say that I would like to hear from them also. I have no issue around that whatsoever.

I do think it would be a little bit smart to at least seek the lawyers' advice when this is through legal action, but clearly if you're not wanting to go that route, that's fine. I just think that's really the honest thing we would do, but I want to hear from them too. I have no issue around that whatsoever.

The Chair: Mr. Savage, then Mr. Thibault.

Mr. Michael Savage: Thank you very much.

Being new to the House of Commons and to committees, there may be some questions I ask that seem a little self-evident to people who have been here for longer than I have.

I didn't get into the House of Commons or on the health committee to suppress information. I'm interested in hearing from these researchers. I also, like Ruby and Brenda, would have thought

legal advice might be wise. I assume that if we do invite them, that we invite the employer and colleagues. Anybody who we individually think should be here, we could make an application that they should be here. Is that normal?

The Chair: I would think so.

Mr. Ménard has already mentioned the scientists themselves, their union, and officials from the health department. That's three groups already.

[*Translation*]

Mr. Réal Ménard: Can we vote?

[*English*]

The Chair: Just a minute. I want Mr. Thibault's turn, and then you can wrap up, Mr. Ménard.

[*Translation*]

Hon. Robert Thibault: Mr. Ménard has raised two points, among them the procedure followed to register the drugs in question. I think it is important that we conduct a good investigation and shed light on this. Moreover, there is the matter of the particular case of the individuals involved. That can be a different issue but sometimes these things are related. In my first comment I did not in any way want to suggest—and I am not doing that now—that we should not hold the investigation requested by Mr. Ménard. I would simply like us to obtain some legal opinions before we decide how we will proceed.

It is possible that the agenda suggested by Mr. Ménard is fine. I don't know, and I have no idea one way or the other. My only suggestion would be that we ask the clerk to obtain legal advice that we could be given at the next meeting of the committee. We could then vote on what Mr. Ménard is suggesting.

[*English*]

The Chair: Mr. Ménard.

[*Translation*]

Mr. Réal Ménard: I move that we vote on the motion. I don't think that this will be the case, but if we discover that for procedural reasons these people cannot appear we will of course respect whatever rules force us to exclude them. However, I don't think that we should begin to make decisions now as though that were the case.

So, let us vote on the motion. If there are legal difficulties, in any case we won't be able to follow through on the motion because this prohibition will apply. But let's not let that prevent us from voting this morning.

•(1140)

[*English*]

The Chair: Perhaps the lawyers who are representing these three people may be the ones to say it isn't wise to come here. Who knows?

Hon. Robert Thibault: We should have advice from the legal counsel as to what our role is, what our limitations are, what our responsibilities are. I would like to have that just to assure myself that we are doing the right thing and that we will proceed in the proper way when we go forward.

The Chair: Mr. Merrifield.

Mr. Rob Merrifield: I believe that would be a prerequisite to what is actually happening under this motion, at any rate. We're going to get to the same place. I don't see a big difference around the table. The decision of the committee is to look into this. Let's see as far as we can go, and we will be limited by the court process or perhaps lawyers or legal opinion by our clerk. Let's just pass this and proceed. That would be my recommendation, because it's all going to be subject to the concerns you have.

The Chair: I can understand that Mr. Ménard does not want all kinds of additions to his motion. He wants the intent clear that the committee wants to see these people, but along with that I hear some agreement with Mr. Thibault's concerns. Perhaps I should see what I can find out about what limitations might be around us.

Mr. Steven Fletcher: I'd like to call the question.

The Chair: I'm trying to articulate what I see as the consensus emerging. The motion stands as it is. If there are some cautions to be issued to us, I could find out from counsel attached to us in the House of Commons.

Mr. James Lunney: Can I suggest, though, that if there are legal impediments to these witnesses speaking to us, they and their lawyers would be aware of those, and we're not going to force them; we're not subpoenaing them.

The Chair: No, no.

Mr. James Lunney: We're just inviting them to come and share, and I think they would be aware of the risks.

The Chair: Mr. Savage.

Mr. Michael Savage: I'm not quite familiar with this. Is it normal to say we're going to devote exactly three working sessions, or would it be the appropriate amount of time? We don't know who's going to come from Health Canada, etc.

[Translation]

Mr. Réal Ménard: I think we could start with three. We have to give ourselves some leeway. That is just a suggestion. If, after two meetings, we have covered the waterfront, we can adjust accordingly. If we need a fourth one, I think we can count on the good will and reciprocal affection that is developing amongst us.

[English]

The Chair: In investigatory matters like this one sometimes we decide as we go whether we need another meeting or if we are ready.

I have one other concern about this motion and that has to do with the fact that it says right in the motion that a report be tabled in the House. What if we decide at some point not to go further with it, for one reason or another, maybe legal, maybe protecting the scientists? I'm wondering if it's wise to decide now we want a report or whether we shouldn't leave that open to a later decision after we hear....

[Translation]

Mr. Réal Ménard: I would be willing to make a friendly amendment, as they say in English. We could say: "and that a report be tabled if necessary."

[English]

The Chair: That leaves the question a little bit open: the report be tabled in the House if necessary, or if agreed upon by the committee, or something like that.

I think we have the general gist of where we're going with this. Are you ready for the question?

(Motion agreed to)

The Chair: Well done, people, we're moving.

We're on page 4 now with the other substantive motion.

Before we proceed to this, I just want to caution the committee that prior to Christmas, if we break on about December 17, which is fairly normal, December 17 or 18 or somewhere in there, we only have 14 meetings after today. We have to be thinking about how we're going to manage those meetings, because we are getting a piece of legislation probably next week.

In any case, with that in mind, perhaps Mr. Merrifield would like to speak to it.

Mr. Rob Merrifield: Yes, I would.

This is an issue that has been debated in the House almost to nausea. We recognize that the Krever commission studied this for four years and came forward with a recommendation looking after all of the victims outside of the window of 1986 to 1990. Now, \$1.2 billion was put into trust to be able to look after this. At the time, the estimated numbers were around 20,000, they thought, within those years. That was false, and we said so at the time. We now know that we were right; only 5,000 were compensated. And 100% of those victims are compensated now.

When we look at the fund, we find that of the \$1.2 billion, \$1.1 billion is still in the fund. More than that, we also know how many are outside that window. That was also the fear, I think, of the government at the time, not knowing how many were outside that window—that being about 6,000. So we have ample money to do what we should have done initially as a government for those who were infected with tainted blood through no fault of their own. It's a devastating disease.

We can't undo the wrong of the last decade. What we can do here in this committee is the right thing. There is no rational reason why we should not do this. We could say that we could study it more, but I think it's been studied to death. I think we need to make a decision. I think we need to urge the minister to act on this as quickly as possible and look after these victims. All of those who were victimized by tainted blood—not just hepatitis C, but also HIV—outside the window were compensated. It's just hepatitis C who were not. I could go on and on about why, but I don't think I need to do that. I think everybody around this table is fairly well versed on what's going on with this subject.

Perhaps we could tighten the language of this motion. Perhaps we could make it even more aggressive in impressing upon the minister to act. My motion is to urge the minister to act on this immediately. I think we should vote on that and give that strong message to the minister, in support from this committee.

● (1145)

The Chair: Thank you.

Ms. Chamberlain, then Mr. Ménard.

Hon. Brenda Chamberlain: Thank you.

I speak in support of the motion. I'll be voting for it.

The Chair: Mr. Ménard.

[Translation]

Mr. Réal Ménard: If the presenter of the motion agrees, of course, I would suggest a small amendment. It is all well and good to urge the government to do things, but I think we have to go a bit further than that. We could add a second paragraph which would read as follows: "That the committee invite, in this regard, the managers of the fund, the Canadian Hemophilia Society, and that the committee report to the House." I think that we really have to devote a meeting to that. The manager of the fund is Crawford, as we know. The Canadian Hemophilia Society also has a great deal of expertise. We have to do more than urge the government to act, we have to table a report and let the government or the parliamentarians know that we are in favour of broadening the compensation regime.

Mr. Merrifield was quite right. Seven thousand people have been found up till now. When the government, through Allan Rock, proposed the provincial-federal-territorial fund, we had hoped to reach 20,000. Then another sum of 300 million dollars was added, but I think that we have to do more, Madam Chair. And so I am moving this subamendment. Would you like me to reread it?

[English]

The Chair: I'm wondering if the mover of the motion would agree to that as a friendly amendment so that we don't have to vote. This is to invite these people—and not only these people, if we think of others, but specifically these.

Mr. Rob Merrifield: Yes, I have no argument with inviting others to it. I would have a problem if we were not to vote on this as urging the government, but then following that through with bringing these witnesses in and then perhaps having a report in the Commons. That's what I think the friendly amendment is, and I would agree with that.

The Chair: The mover has agreed that we add to this motion that we further invite the managers of the fund and the Canadian Hemophilia Society to meet with us on this subject.

Hon. Robert Thibault: On a point of order, I would ask the chair if this is an acceptable amendment. It does add quite a bit. We got notice of motion of an amendment. We all agreed to it. It's a great amendment. We know what the minister's position is, from what he has said in the House, that he's favourable to what the motion does. The amendment that changes it to a study I think requires a notice of motion. I think that's a motion in itself, that the committee "study". We're getting into the work of the committee, into the procedures of the committee, into putting a report to the House. I'm not opposed to that, but we're looking at time, we're looking at a big change.

I'm very supportive of the motion. I'd like to vote on that motion, and put it forward right away. Other than that, what we're doing is going to a study, then putting a report that supports the motion that was put forward. We're backing ourselves up.

• (1150)

The Chair: That's an interesting perspective.

Mr. Ménard.

[Translation]

Mr. Réal Ménard: I am not suggesting a lot of other things, I am suggesting that we hold one meeting with two other witnesses. That is not a study, it is one meeting and a report, of course, but it could be a one-page report. I think that the clerk could confirm that according to *Beauchesne*, when the debate is going on and there is a main motion on the floor, you do not have to give notice of an amendment. In committee we have never required that advance notice be given for amendments. They are part of the creative genius of the committee.

I believe that the motion is quite in order and I understand that that was your ruling. And it is at times like these that we do not regret having entrusted you with the chairmanship of the committee.

[English]

The Chair: I agree it's in order and so does the clerk, and the mover of the motion has agreed.

Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis: Speaking on the amended motion, I will support it. I was happy to support the original motion and I'm a little concerned that the amendment takes it in another direction. Let me explain.

I have no problem with the associations representing the victims of the tainted blood tragedy appearing before the committee again to reinforce the seriousness of the situation and the errors that were made by the government back a number of years ago when they failed to recognize the need to compensate all victims, consistent with Krever's recommendations.

I don't think we need to see the managers of the fund because this isn't about money that's available. This is now about a principle, and this motion reflects that principle—that all victims of the tainted blood tragedy who were infected with hepatitis C, through no fault of their own, ought to be compensated.

I think it was the sentiment of most parliamentarians when we debated this that in fact there was dereliction of duty on the part of Health Canada throughout this whole sorry chapter in the history of Canada; that there shouldn't have been a restriction on the period of time for which compensation would be applied; that the argumentation for compensating only in the 1986 to 1990 period was weak and did not take into account some of Justice Krever's findings around tests that were available at the time and were ignored by government.

I think we need to get this before Parliament. If we need to hear from witnesses to get a report to Parliament, so be it. But the key is that we actually get the issue there; that there be a vote, or some acknowledgement, that this is now the policy of Parliament; and that the government must take action regardless of how much money is in the fund or not.

The Chair: Thank you.

Mr. Fletcher.

Mr. Steven Fletcher: I'm just going to speak in favour of the motion. I'd reiterate it's long overdue. We should just do the right thing and get on with it.

The Chair: Thank you.

Mr. Fletcher is so succinct. That's very good. You haven't caught the disease around here of long-windedness.

Mr. Rob Merrifield: She said that about me in the first meeting, too.

The Chair: No, I don't think I ever said it about you.

Mr. Savage.

Mr. Michael Savage: Thank you.

I certainly would support the motion as well. On the amendment, my concern is simply that we seem to have pretty unanimous consent on this motion. We have a limited amount of time to meet on issues where there will be less consensus. I don't really see the need for that other meeting and then the further report. I'm not dramatically opposed to it. I just don't see the need of it. I think we have consensus around this motion and we should vote on that motion.

The Clerk: Maybe you should read his amendment again.

The Chair: What I have is “and invite the managers of the fund and the Hemophilia Society to meet with us”.

Mr. Rob Merrifield: Let's not limit it to just that. I would suggest we not limit it to those two. We may want to invite others if it's one specific meeting. We've had all kinds of meetings with six or seven witnesses. That's what I mean. That's all I want.

• (1155)

[*Translation*]

Mr. Réal Ménard: If the mover of the motion agrees, we could add the words “and any other witness the committee deems relevant.”

[*English*]

The Chair: Is that all right?

Okay, that's in a friendly amendment. The mover has agreed.

Ms. Dhalla.

Ms. Ruby Dhalla: As someone who is new to the health committee—I was discussing this with Mike—I think the principle of the original motion is very important. I think it's the responsibility of government to provide compensation and I think there is unanimous consent to do that.

My only concern with inviting individuals from the Hemophilia Society or whoever else we deem necessary is that because we have only 14 sessions of the health committee, there are a lot of other issues I would like to look at if there is time—things like prevention and promotion of health and wellness.

My only concern is, out of the 14 sessions, we already have things we have to do necessarily, i.e., the Quarantine Act. We're going to have a couple of days spent on public health and on estimates and time with the minister, and that leaves us, even if this is only one session, with a shortage of time to discuss and explore other avenues and topics.

I think we ought to agree on the basis of the motion. But as to the one session with these individuals, I think people around the room who have a lot of experience have already explored this avenue and we're already in agreement. I would personally like to use that one other session for some other topics that we could have light shed on.

The Chair: Mr. Merrifield, as the mover, perhaps you can wrap it up. I think we're ready to vote.

Mr. Rob Merrifield: I hope we do vote on it fairly soon.

With all respect to the members who are here, this government has not done the right thing. This isn't new information before this committee. What we have is a lack of political will to do the right thing, which has been there since 1998. We have to impress upon the minister of the day and this government and the members of the Liberal Party who are here have to impress upon their colleagues that they have to do the right thing. The minister should be doing that now. He shouldn't have to wait for the committee before he does that. The money is there. The right thing to do is obvious. It has been for a considerable amount of time. Anything we can do to impress upon him that this has to be done now is what we should be doing. The motion reflects that. But as well, we should reinforce the necessity to have it done now. That's why I agree with the amendment. I think we should vote on it.

The Chair: Mr. Thibault.

Hon. Robert Thibault: I just want to remind the member that I wasn't here in 1998. Neither were three of the members on this side, nor the minister himself. The minister said in the House that he agrees with the motion you're putting forward.

Mr. Rob Merrifield: It's the same government. Those victims were here in 1998, and they're still here today. That's where our focus should be.

The Chair: Mr. Merrifield, I know you want to get things on the record. In the spirit of cooperation at this committee, you have found support on the other side. I think that to go back in time and ascribe motive to earlier players is not helpful to all of us getting along. I think that rather than suggest that other people didn't want to do the right thing, all we have to be concerned about is that we as a group want to do what we think is the right thing. It is true that you had a vision of what was going to happen to this fund. So did Health Canada and the minister of the day. Those visions of the future, when people were guessing, essentially, differed. It turned out that your vision was correct and the then minister's was not. But you can't suggest that because of that, his motivation was not good. That's not really fair. We now have an actuary studying all of this, and the facts are becoming known. In any case, I'm just saying let's not go back in time and blame others who aren't here anymore.

Mr. Rob Merrifield: I'm not trying to argue motive. I'm trying to argue that those victims have not been compensated, and there's no rational reason for that.

The Chair: We all agree with you on that.

Mr. Rob Merrifield: That's the intent of the motion. I think we're agreed around this table. So let's get on with it.

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

The Chair: Mr. Fletcher.

•(1200)

Mr. Steven Fletcher: With regard to your last comment, I've asked the Minister of Health four questions in the House of Commons. I asked him whether he will compensate all the victims of tainted blood. He waffled and dithered and then essentially said no. There was a window when he said he would consider it, but then he went back to the actuarial study. I saw an actuarial study this morning that shows that over \$1 billion is left in this fund. With all due respect, I know that in the spirit of cooperation we all agree on this and that you guys and the minister weren't here when the decision was made, but the fact remains that this government has the power to compensate all the tainted blood victims, and they are refusing to do it today.

The Chair: It may seem that way from the position in the House, but the way the government works, a cabinet minister cannot announce in the House that he's going to do anything with regard to money without having taken it through cabinet. So he couldn't say yes to you even if it was his serious intention to do it until he had some kind of approval.

Mr. Thibault.

Hon. Robert Thibault: Just for the benefit of Mr. Fletcher, it's my understanding that according to the rules of the trust account, if an actuarial surplus is determined, the two courts that were instrumental in setting it up have to agree with any disposition or any additional beneficiaries to the trust. There also has to be a discussion with all the participants putting funds into the trust. That would be the provinces, if they actually put into that trust, as well as the class of beneficiaries who would be in that 1986 to 1990 group.

So it's not quite as simple as it might seem. There are steps here.

The Chair: I really can't answer you on that. You can vote in the House the way you want.

Mr. Steven Fletcher: But you can understand the frustration. These people are suffering. It just seems like a no-brainer.

I know I'm new, and I don't know all the intricacies, but the answers the minister has been giving are completely unacceptable. With all due respect, it was your government; you've had a long time to deal with it, and it hasn't been dealt with.

Hon. Robert Thibault: [*Inaudible—Editor*]...we did everything perfect.

Mr. Steven Fletcher: It's not personal.

[*Translation*]

Mr. Réal Ménard: Madam Chair, I think that you are right to urge us to work and not impugn each others' motives, but I also think

that our Conservative Party colleagues are right to remind us of the Krever commission. We can't act as if the Krever commission never existed. This commission had warned the government about the fact that a larger number of people would have to be found. It was thought that 20,000 would be found and only 7,000 were tracked down. That is why the way in which things are developing is a bit sad. You are right, let us work in a spirit of good will, but we can't completely ignore the past. The background to all this is also meaningful.

[*English*]

The Chair: Ms. Wasylycia-Leis.

Ms. Judy Wasylycia-Leis: I just have to make one point, and that is, does anyone think for a moment that we would be dealing with this issue only if there were an actuarial surplus? No, Madam Chairperson, we would be dealing with this issue on a matter of principle, regardless of how much money was left over. At least on the opposition side, based on what has happened since 1998, we felt this was an issue that had to be dealt with as a matter of principle, and consistent with the Krever commission, not based on the amount of money.

When the minister says in the House and outside the House that this is an issue of actuarial surplus, and he will assess how he'll handle the issue based on, just as Mr. Thibault has said, how much money is left after all is said and done, that's still not what we on this side of the House want, and it's still not what's reflected in the motion. The motion is to convince the Minister of Health and the government that it is time now to do what is right, what is morally right, not what's convenient because there is a surplus.

I think we have to take a strong stand as a committee and send that message.

Some hon. members: Hear, hear!

The Chair: Thank you.

We already voted on this. Because we don't have a heavy agenda today, I am being very lenient, letting people talk after the vote. Usually after the vote you can't go back to that subject. I just want to remind you of that before we have our next meeting.

We have the public health minister and the chief public health officer coming next Tuesday, and I believe by Thursday we will have the Quarantine Act before us. This is just so you have an idea.

Is there any further business? Seeing none, I declare the meeting adjourned.

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