



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Health

HESA • NUMBER 125 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Tuesday, November 27, 2018

—
Chair

Mr. Bill Casey

Standing Committee on Health

Tuesday, November 27, 2018

• (0845)

[English]

The Chair (Mr. Bill Casey (Cumberland—Colchester, Lib.)): Welcome to the 125th meeting of the Standing Committee on Health.

This morning we have three sections of our committee meeting. In the first section, we're going to hear from our guest. I think his name is Mr. Webber. He's going to have a 10-minute opening statement, and then we'll have one round of questions. Then, we're going to suspend for a few moments and we're going to bring in the CRA officials. They're going to have a two-minute opening statement, and then we'll have questions. Then, we're going to suspend and do clause-by-clause.

We have quite a bit to do, although I think the amendments are pretty simple and shouldn't take too long.

I want to tell you a little story. Yesterday, I got a call from a man whose son was killed in a car accident in my riding. Because the system didn't work right, he was not able to donate his organs, and he should have been able to. He was 30 years old. He could have saved many lives and improved the lives of many people, but because the donation system didn't work right, nobody responded, and nobody did what they should have done or could have done in order to make good use of those organs from that donor. I just want to put that on the record for his sake. The father feels so bad that the son missed the opportunity to share.

I tell that story as an incentive for us to move forward, and now I turn the floor over to Mr. Webber.

Welcome, and congratulations.

Mr. Len Webber (Calgary Confederation, CPC): Thank you, Bill. I appreciate it.

I don't know if you recall, but a couple of years ago I was at this committee and I couldn't even speak because I had lost my voice. I'm getting there again, so it's bad timing, but I hope I can get through this.

Colleagues, it is my absolute pleasure to be here today to speak on my private member's bill, Bill C-316. Before I begin, I want to thank you all immensely for your unwavering support of this initiative. There is no question that we all share the common goal of improving our organ and tissue donation system here in Canada, so that Canadians no longer have to die awaiting a life-saving transplant.

As I have said before, this is not a political issue; this is a human issue, and our work on this issue is proof that when it really counts, we're able to leave our partisan stripes at the door. I also want to thank those who rose in the House to speak to this bill. I was moved by your kind words and your personal stories, and I think it's fair to say that many people had no idea how passionate we could all be about this issue.

Finally, I want to thank the analysts and the clerk for the work they have done on this issue. Your work on the committee report was excellent. You perfectly captured what we heard and what we want to see done, so I sincerely thank you.

As I mentioned in greater detail in my comments in the House during second reading, this bill would sensibly utilize the annual tax return process to allow Canadians to indicate their intention to consent to be organ donors. I have been afforded the opportunity to discuss my bill in greater detail with the Canada Revenue Agency, and I very much appreciate that collaborative gesture. I thank them for allowing time for me to meet with them.

This bill would enable the CRA to facilitate the registration of individuals with their respective provincial and territorial registries, but it will be the provinces and territories that will ultimately finalize the consent with those who wish to register.

This bill does not specify, at least at this point, the exact nature of the data collection process or the actual content that is to appear on the tax return. This bill is very narrowly focused on giving the CRA the legal exemption it requires to set up agreements with provincial and territorial partners, because existing legislation prohibits the use of tax returns for any purpose other than the collection of taxes, and of course allowing Elections Canada to pass on their information to them.

While I wanted to provide the CRA with a lot of working space and flexibility to implement the will of Parliament, I do have some concerns and I hope that we can put those to rest today when the CRA is up here and we're questioning them. I want to ensure that the CRA hears loud and clear that the expectation of Parliament is to have this addition made on the front page of the T1 tax returns in all provinces and territories. I also want it made clear that we expect people to have the option to tick a box on that front page—a call to action, if you will. We've all filled out forms before, and we know that unless there's a box to tick or a space to fill, we tend not to stop and read the fine print. We need to make sure that we have a front page that calls on tax filers to take a specific action to demonstrate their willingness to register.

I realize that the front page has very limited space, but it does have enough space to do what we all envision. In fact, the options I've offered would take less space than that afforded to Elections Canada on the front page. I think we can all agree that unless this initiative appears on the front page, we will lose a tremendous opportunity and dramatically reduce the impact of our work.

• (0850)

When it comes to the electronic filers, the e-filers, things should be quite simple, and of course the majority of Canadians, probably 90%, e-file. The CRA should make it a requirement of all tax software, which they certify annually, that the offer to consent appear prominently in the filing process. Based on residency, a tax filer should be afforded a secure connection to their own provincial or territorial registry to consent. A tax preparer should also have the option of requesting a consent package for those who are not physically filing their own return. We need to seize every opportunity to register as many as possible.

I should also mention here that I will be moving two minor amendments to my bill. These amendments are friendly amendments. They will simply change “organ donors” to “organ and tissue donors”. I believe, from my earlier discussions with colleagues and the chair, that this is not going to be an issue. We will ensure that we are not limiting ourselves from a legal perspective. I'll bring those motions forward during clause-by-clause.

I don't believe that we are intending any other amendments to the legislation, but I do welcome any that will help ensure we reach our goal to have more registered donors.

Of course, we will be hearing from the CRA officials, and I encourage my colleagues to implore a continued sense of urgency for implementation. It's always been my experience that a deadline focuses everyone and helps get the job done.

I believe that we could have this in place for the 2019 tax returns, but that would require everyone to continue pushing all involved in the process. This committee has shown its willingness to move quickly on the legislation, and I hope that those after us, meaning the CRA and of course the minister, are just as motivated to make this happen quickly, because once it leaves here, it's out of our hands.

We know that a Canadian dies almost every day awaiting a life-saving transplant. Every day sooner that we get this done means that we literally could save a life.

A while ago, the elections commissioner indicated to Parliament that if Parliament wanted to implement changes in time for the 2019 election, then legislation would have to be passed by a certain date. That was for changes to the elections laws. I would like to see the CRA provide a similar breakdown on their timelines to give us a sense of what needs to be done, and by when, for this to happen in 2019. This would be helpful for everyone in the process to have. It gives us a target to focus on.

Finally, I would like to thank the government. That doesn't happen too often. I would like to thank the government for committing the funding to this initiative in the fall economic update just last week. Governments don't often commit funding ahead of legislation passing, especially when it's from a private member's bill and, for that matter, an opposition private member's bill. The fact that this

funding has been committed is very much appreciated by me, and it signifies an impressive willingness from the government to see this happen.

I have referred to this bill several times as “my bill”, as it stands in my name, but I do want to say that this is really our bill. This is our committee's bill, because we all worked together as a single team to make this a reality. We found a shared goal and a sensible solution, and we all worked together to make this happen.

I'm very proud of all of you who were here along this process with me. We are getting closer every day, but there still remains a lot of work ahead. I must be honest in saying that I am a bit concerned that we don't yet have a clear, unambiguous commitment on some important implementation aspects. Hopefully, we will deal with that today with the CRA. Nonetheless, we've gone a long way in a short amount of time, and I'm very proud of all you guys. I have to thank you all for the work you've done on this.

Thank you.

• (0855)

The Chair: Thank you.

You have 12 seconds left.

Mr. Len Webber: That's okay.

The Chair: Thanks very much.

Now we'll go to our first round of questions.

We're going to go to Mr. Ayoub for seven minutes.

Your Worship, go ahead.

[*Translation*]

Mr. Ramez Ayoub (Thérèse-De Blainville, Lib.): Thank you, Mr. Chair.

I also want to thank my colleague, Mr. Webber. I would like to echo the positive comments regarding this bill, which, as has been said, transcends partisanship.

Mr. Webber, even though the bill hasn't been implemented yet, it's undoubtedly helping to save lives simply by encouraging discussion on organ and tissue donation. By discussing and promoting these issues, we're saving lives by providing information to people, who can then decide to register as organ donors. I would like to congratulate you once again. We now need to work hard to ensure that the bill is passed before the next general election.

I have before me an income tax form. My questions are relatively simple. If I understand correctly, and I would like you to confirm this, the Canada Revenue Agency will give the province the names of citizens who wish to become organ and tissue donors only if the province asks that the information be included in the federal income tax return. Is that the case?

In addition, since Quebec has two income tax returns, we must ask the province which of the two forms will be chosen. Have you had these types of discussions with the officials? What's the current situation?

● (0900)

[English]

Mr. Len Webber: Absolutely. I had a good meeting with the CRA. We discussed a lot of issues.

Just to be clear here, Mr. Chair, to have the CRA up here and to ask particular questions.... I think that's where most of the questioning should be going, although if you have questions for me, I'll be happy to answer them. If the CRA would like to come up here and answer those specific questions, I would like to hear what they have to say on this as well. They will be afforded the opportunity, I guess, once I'm finished here.

On specifics with regard to the provinces, yes, the CRA will have to go into negotiations or discussions with the provinces, and the provinces will have to indicate whether they're willing to be a part of the program.

[Translation]

Mr. Ramez Ayoub: I gather then we'll need to try to convince each province to include the notice in the tax return, since the Canada Revenue Agency isn't responsible for doing so from the outset. We can ask the officials questions later to ensure that these measures are taken.

I also have a question about the success of this approach. We now have an additional tool, which is very good. However, have we planned a way to measure the tool's success, which is the number of people who tick the box indicating that they want to be contacted to join a registry? Out of 100,000 people who agree to be contacted, maybe only 50,000 people will actually end up being contacted or registered. I think it would be worthwhile to obtain this type of information. The officials may be able to answer this question as well.

In addition, earlier, you quickly referred to the online tax return. By clicking on the tax return, will we be automatically redirected to the site of the province that has chosen to participate in the registry?

[English]

Mr. Len Webber: With regard to online returns, that's what I understand as well. Again, the CRA can certainly answer that question.

By the way, I do my taxes old school, with a piece of paper. I fill it out and I send it away, so I'm not that familiar with how the electronic filing goes.

What I would like to envision there is that when you're online, there's a box there that asks, "Would you be interested in consenting to be an organ donor?", and you click either "yes" or "no" there, and you send that off. It will go to the provinces' registries, and they would then pursue the legalities of getting you registered.

● (0905)

[Translation]

Mr. Ramez Ayoub: Mr. Webber, I want to use my remaining time to hear your more personal perspective on the process surrounding your private member's bill, the major steps of the process, and the general responses to the bill. How has everything proceeded?

[English]

Mr. Len Webber: Absolutely. This has been a big passion of mine for many years, developed from life experiences. As part of the work I did, first of all I pursued a provincial registry in Alberta to get it onto the driver's licence.

There was frustration there, because only 20% of Albertans were registering, so we built up this new registry. We got it on the driver's licence, yet only 20% of Albertans were registering, and it was disappointing. I had to think of a way to get all Albertans—and now all Canadians, because I'm on the federal level—to tap into a product, the tax return. This would enable every Canadian to be approached—or at least every Canadian who does their taxes. I think that it would significantly increase the number of registrations on registries throughout the country.

It has to be put in front of Canadians. It has to be asked when they're there. For example, I went to renew my driver's licence. Of course, I've already registered, but there were others up ahead of me, and the registry agent would get them their new licence and ask if they would like to be an organ donor, if they would be willing to consent. When I was there that day, there were three people, out of maybe four or five, who said yes. The registry agent then went through the process of signing them up to the registry, which took maybe five minutes.

We just need to have people in place to be able to ask the question of Canadians.

The Chair: I'm going to interfere for a second. I don't want to cause anybody any grief, but we've just been notified that there is a motion in the House that could come to a vote later this morning.

I wonder if we should go to the CRA, and then do the clause-by-clause. I need unanimous consent. I don't want anybody denied their opportunity to ask Mr. Webber questions. I know you all have personal interest in this. I know Mr. Aboultaif, especially, has been a long-time advocate and has been involved with organ donation. Mr. Ayoub has as well, and so on.

Would we have unanimous consent to throw Mr. Webber out, bring in CRA, and move forward with the CRA testimony?

Mr. Davies, go ahead.

Mr. Don Davies (Vancouver Kingsway, NDP): I have a couple of questions. Our whip's office told me yesterday that a vote might be coming at 10 o'clock and bells at 10:40 a.m. Do you have any information that it will be before that?

The Chair: We don't.

We have one chance to get through this, get through clause-by-clause and get it done today. I don't want to interfere—

Mr. Don Davies: I do object to your raising this after the Liberals have had their full—

The Chair: No, he hasn't had his full time. I was just notified now. I realize that, so if we don't have unanimous consent, we will continue with Mr. Webber.

Mr. Lobb, go ahead.

Mr. Ben Lobb (Huron—Bruce, CPC): Maybe a form of compromise would be to throw Mr. Webber out, let the CRA appear, and then if there's still time, he can come back up and finish off his time.

The Chair: This is up to you. We're not trying to take anything away. I'm sure Mr. Aboultaif, especially, would like to have a word here.

Mr. Davies, go ahead.

Mr. Don Davies: We've just had one round. We're at about 14 minutes.

The Chair: I just don't want to miss it. That's all. I just wanted to give the committee the option. We don't have unanimous consent, so we will continue with—

Go ahead.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): If we could have them all up here together, we could ask whomever we like.

• (0910)

The Chair: Would that work for you, Mr. Davies, to bring the CRA up now?

Mr. Don Davies: Yes. Maybe that's a better compromise.

The Chair: All right. Thanks very much.

We will suspend the meeting for a moment and bring the CRA up. Thanks very much, everybody.

• (0910)

_____ (Pause) _____

• (0910)

The Chair: We will resume meeting 125.

We welcome officials from the CRA. On behalf of the committee, I want to thank you for all your co-operation and help to get this thing moving along.

We're going to ask you, Mr. Vermaeten, to introduce your colleagues and give a two-minute opening statement. Then we're going to riddle you with questions.

[Translation]

Mr. Frank Vermaeten (Assistant Commissioner, Assessment, Benefit and Service Branch, Canada Revenue Agency): Good morning, everyone.

[English]

Thank you for the invitation to appear here before this committee and respond to your questions about Bill C-316, an act to amend the Canada Revenue Agency Act regarding organ donations.

I'm Frank Vermaeten. I'm the assistant commissioner of the assessment, benefit and service branch of the Canada Revenue Agency.

[Translation]

My branch is responsible for administering key services on behalf of the CRA in support of tax and revenue generation programs. I'm accompanied today by my colleagues Sheila Barnard and Randy Hewlett.

[English]

Sheila Barnard is the manager of the legislation section in the individual returns directorate in my branch. Sheila is responsible for coordinating the implementation of the legislative changes affecting T1 returns.

Randy Hewlett is the director general of the legislative policy directorate, whose mandate is to manage the legislative and regulatory process within the agency. Randy's team also works with the provinces and territories to implement and administer provincial and territorial tax legislation.

Bill C-316 would enact a provision that would authorize the CRA to enter into an agreement with a provincial or territorial government to collect any information required for establishing or maintaining an organ donor registry in the province or territory.

Specifically, the CRA would collect and share personal information for individuals who wish to receive information from their provincial or territorial government on becoming an organ donor. The individual authorization to share personal information for this purpose would be collected with the income tax return.

[Translation]

Mr. Chair, we would now be pleased to answer the committee's questions regarding the implementation of Bill C-316.

[English]

The Chair: Perfect. Thanks very much.

Now we go to our second questioner, Mr. Aboultaif, for seven minutes. I know he has had personal experience with this. He's had private member's bills himself. He's had a very close family connection and has been a donor himself, if I'm not mistaken.

Mr. Ziad Aboultaif (Edmonton Manning, CPC): Thank you, Chair.

Thanks to everybody for having me here today.

Congratulations to my colleague Mr. Webber. I know he was a provincial champion on organ donation registry before. I think this is one area where we can improve the life of Canadians, and we can save lives even by mentioning it, as Mr. Ayoub said earlier.

The question is on a technicality. Is ticking the box going to be mandatory? In other words, if you're filing your tax online and you ignore this box, will you be able to submit your form or not? Will you be able to continue to file or not? I think that will be a nice option if it can be there. Somebody has to stop and ask themselves the question. Even if you file on your own, it comes as a box saying you haven't finished, or for whoever is assisting you to file the return, it says there's a question. That will become mandatory because that will help to gather as much data as possible.

● (0915)

Mr. Frank Vermaeten: Generally speaking, when there is a question like this and there's a yes-or-no alternative, if a person fails to answer that it would be considered a no. Therefore, we would continue to process the tax return, whether or not the individual filled that out. It would be very difficult otherwise. You can imagine people who are filing by paper not responding. We'd be in a difficult position not to be able to process the tax return.

Mr. Ziad Aboultaif: Okay.

When talking to the provinces to be able to coordinate that with CRA and the individual provinces, how much of a timeline do you think you'll need to be able to get those agreements in place?

Mr. Frank Vermaeten: It's difficult to say. I will say that we do this on a regular basis. We have MOUs with provinces and territories, and with various departments within the province or territory. We have a very well-oiled machine for that. We do need to have an MOU, because we don't collect information unless there's a very specific purpose for collecting that information. That absolutely needs to be in place.

Then we need to be sure that all the privacy and confidentiality standards are met. For example, in the province or territory, they would have to have a proper physical space. They would have to have the IT systems and access to those systems to ensure that they comply with the privacy requirements for this. The people accessing this in the provinces and territories would have to have a criminal record check. Those things need to be in place.

This would not be a particularly complex negotiation. Our experience is that we're quite good at this. It's waiting for the provinces and territories to provide the necessary information. There wouldn't be a lot. If they're motivated, this could be done very quickly.

Mr. Ziad Aboultaif: Mr. Webber, the money that the government allocated is a very serious and good step forward for this bill, and good news. Do you know if the campaign to raise awareness of this is going to be in place, based on the funds available? Are you going to be part of that, trying to do that across the country and making sure everybody understands what is coming and how we're going to handle it, moving forward?

Mr. Len Webber: That's a very good question. I first saw the dollar figure last Wednesday with the announcement in the interim budget. It was a pleasant surprise to see \$4 million being allocated to this. I have no idea what it would cost to get that question on the form, and I would hope, absolutely, that there is some type of education or awareness campaign along with this as well, provided by the government or by the CRA. It would be a good question to ask the CRA, about this \$4 million.

Mr. Randy Hewlett (Director General, Legislative Policy Directorate, Legislative Policy and Regulatory Affairs Branch, Canada Revenue Agency): The funding is basically for the CRA to be able to make systems changes, to enter into negotiations with provinces and to be able to arrive at memoranda of understanding. I'm not aware of any funding that has been allocated for an awareness campaign.

Mr. Ziad Aboultaif: Mr. Webber, the bill doesn't have a definition for organ donation registry. It is going to create a registry, because you're collecting a bunch of data on potential donors. Coming from this committee, do you think that a definition of organ donation registry in this fashion is important, just to strengthen the bill and give it extra clarity? The question is going to come up anyway. What does this bill mean? What does a registry mean? How do you define that?

Have you had that discussion at all? I think that would be important to strengthen the bill.

● (0920)

Mr. Len Webber: The first time it came up was when I read the analyst's possible questions on this. It certainly didn't come up during our review of the organ donation system here, and we talked a little bit about the bill. With regard to a definition of a registry, to me it's a registry, an accumulation of data that is put into a file. If it needs to be defined in the bill, then so be it. That might have to be an amendment, but I don't see that as something that has to be done.

Again, I guess that's where maybe a lawyer might come in to say whether a definition of a registry is required here. A registry is a registry. I think most Canadians know what an organ donor registry is.

The Chair: Thank you.

Now we move to Mr. Davies, for seven minutes.

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

First, I want to express, on behalf of the New Democratic Party, our congratulations to Mr. Webber, not only for his initiative but also for his tenacity in seeing this through. It takes a lot of energy. I don't know if Canadians realize how much energy it takes to conceive of a bill and then work not only to get it drafted and thought through but also to get it to this stage. I congratulate you on that.

The devil is sometimes in the details, so I'm just going to focus a bit on the details of the legislation. It's really a simple bill. It's a powerful concept but a simple bill, made up by adding two new subsections, 63.1(1) and 63.1(2).

Proposed subsection 63.1(1) says, “The Agency [meaning the Canada Revenue Agency] may enter into an agreement with a provincial or territorial government to collect [using income tax returns] any information that the province or territory requires for the purpose of establishing or maintaining an organ donor registry in the province or territory.”

To either Mr. Webber or anybody from CRA, do we know what information they will require in order to maintain the registry?

Mr. Len Webber: I will start by saying that, from what I understand from this area, every province has different requests, different items that they need to know. Every registry in every province is different in one way or another. To me, the basic questions that the CRA would have are just a consent to give a name and an address, phone number, perhaps an email address, so that the information can be transferred over to the provincial registries.

For anything more detailed than that, I think that's where the variability of each province comes in, where they might need more information to actually get that consent in a legal document. But with regard to the CRA, to me, it's just the name of the individual and contact information.

Mr. Don Davies: If I understand, that information is gathered by the CRA, and then the second part of the bill would authorize the CRA to release that information to the province or territory, if the individual so authorizes. Is that correct?

Ms. Sheila Barnard (Manager, Legislation Section, Stakeholder Relations Division (Individual Returns Directorate), Assessment, Benefit and Service Branch, Canada Revenue Agency): Yes.

Mr. Don Davies: Okay, so we just have information going to the province or territory, but at that point, I guess, it's up to the province or territory to contact the individual. Is that how you envision the system working?

Mr. Len Webber: That's how I envision it, yes. Again, in my meetings with the CRA.... That's basically the way it would work. The CRA will develop those contacts with each province.

Mr. Don Davies: Okay.

Mr. Webber, is it possible to be even more direct than that? I think the basis of your whole idea and your bill here has been motivated by the desire to get more people to agree, and to make it easier. Could we not put on the tax return a clear box that says, “I hereby agree to be an organ donor”? The next box would be, “I hereby authorize CRA to transfer whatever information is necessary to make that happen in the province or territory in which I reside.” I don't really see that direct check-off. Is there a structural reason we can't have that in the tax return?

• (0925)

Mr. Len Webber: I would love to see that, Don—a form that goes to every Canadian that actually offers a consent. Boom, you've now consented. There would certainly be more of a requirement for information and such, but from talking to the CRA, I think that it's not the job of the CRA to collect that unless, I guess, we told them to in legislation.

Of course, each province is different, as well, when it comes to registering their organ donors. I think there are some issues with

jurisdictional areas here as well. Provinces, as you know, are quite possessive of what they're responsible for. That was one of the reasons why Ziad's bill for a national registry was not passed earlier. There was concern that it was impinging on provincial jurisdiction, so it wasn't passed.

Mr. Don Davies: Thank you, Mr. Webber.

Maybe I can ask the CRA. Is that the reason? Is there a constitutional reason that we can't have a sentence on the tax return that says, “I would like to be an organ donor”—yes or no, check—and then that information is passed on to the provinces and territories, which do have jurisdiction for health, to then implement? Is there a constitutional problem with that structure?

Mr. Frank Vermaeten: I wouldn't say “constitutional”, but there are a number of problems with that. I'll just give you a few.

One is the different rules in provinces and territories. They have different rules on age and mental competency requirements. Some require health card information. Some, in fact, require an actual signature. When you have 90% of people filing electronically, you're not going to get an actual signature. That's one block, in terms of the complexity and the different rules.

Also, 60% of people go to tax preparers. I think it's a real challenge in terms of having that discussion with the tax preparer—this very private discussion on whether or not you want to donate organs, which organs and under what conditions. That would be very difficult in terms of privacy. I think a lot of people would tend to just put “no” because they don't want to have that discussion. They don't want to have that kind of relationship with a tax preparer.

I'd also say that it could potentially have some consequences. People are filing only once a year, so if they put “yes” but then change their mind later on, or if they put “no” or think they've put “no”.... That decision may be irreversible at some point.

Mr. Don Davies: I want to ask one last question. I'm running out of time.

I'm convinced. When can we get this done? I think we all want to get this done as soon as possible. If Parliament were to move swiftly, is it possible to have this on the tax return for the 2019 taxation year?

Mr. Frank Vermaeten: Yes, I think it's very possible that you could have it done for the 2019 taxation year, which would mean February 2020, when that process begins of people filing. If the legislation passes, and if we have the discussions with the provinces and territories and they're willing to do their part, we can certainly get it done.

Mr. Don Davies: Do we know how many provinces and territories already have provincial organ registration systems? Mr. Webber, do you know?

Mr. Len Webber: Absolutely. I have a list of the provinces that do have registries, and the ones that don't.

Mr. Don Davies: Who doesn't have one? Do you know?

Mr. Len Webber: Saskatchewan doesn't have one. I hope that after this legislation goes through, it will incite and encourage them to do it.

The Chair: Thank you.

Dr. Eyolfson, go ahead.

Mr. Doug Eyolfson (Charleswood—St. James—Assiniboia—Headingley, Lib.): Thank you, Mr. Chair.

Congratulations for doing this. In my opinion, this is a very elegant solution to a problem. There have been some suggestions that there be more consent, and this sort of thing, put in on this. Having worked in the medical system, I know different portions of it. They worry about mission creep. When they say that there is some portion of it... I'll give you an example. It's sometimes thought that because the emergency department is always open and it's always there, you could also use it as a central area for people to come and get their immunizations. It's not an emergency, but it's always open, so you can always do it.

They want to make sure that's not adding to the workload for doing something that's not part of their mandate.

Would you not agree that adding all these extra things—asking for the consent and all these things that are normally done by the province—would add to mission creep, whereas simply sending this to the provinces, which is what you have here, would avoid that? Would that make sense?

• (0930)

Mr. Len Webber: That's exactly what I'm asking for in this bill, just to have a simple, two-question...one that we can collect, and then also for CRA to be able to transfer it to the provinces. They'll go into negotiations to have that happen. That's what the bill is all about.

Getting detail to get actual consent does require a lot more, and it may not be in the purview of the CRA to do that. I'm just asking for two questions on the actual document. When it comes to the e-file, there could probably be more questions asked there, just to get that authorization. Then they transfer the information to the provinces.

Mr. Doug Eyolfson: Thank you.

To the staff at CRA, would you agree that restricting it to this would avoid the mission creep phenomenon of adding more to the CRA than what's really your job?

Mr. Randy Hewlett: I'm not exactly sure what mission creep is. The way you've explained it, our responsibility is to collect tax and benefit information. We would be able to facilitate the simple transmission of whether or not someone wants to receive information on organ donation.

Mr. Doug Eyolfson: Thank you.

I should just clarify what that is. It's jargon that we have used in my profession for years. I forget that it's not used a lot outside my previous bubble. For instance, you would have an organization that, because of its placement, is a good conduit or vehicle for something, like using the emergency department for immunizations or as a conduit for someone to access social work, because it's always open. That actually happens.

They find that by not pushing back on that, departments get overloaded with work that wasn't part of their original mandate. It gets established and you're having to expend resources on things that you weren't created to do. This is what we mean by mission creep.

That was my thought when I heard.... I didn't really think there was much of that in this. You're just ticking yes or no boxes and sending it to the provinces, whereas putting all these extra things—getting consent and having your lawyers do it.... Someone might say, "If we can do this for organ donation, let's do it for something else. Let's do it for registering kids for vaccinations" and this sort of thing.

That's what I meant by it. I'm satisfied by the answers given that it tends to avoid that with this rather simple and elegant solution to this. It seems very straightforward. I don't have any further questions on this.

Thank you.

The Chair: Does anybody else want to pick up on this?

Mr. McKinnon, go ahead.

Mr. Ron McKinnon: I have a kind of quibbly question. In the bill, proposed subsection 63.1(2) says, "in their last return of income, that individual authorized..." and so forth. Given that we're talking about people who are dying—or are potentially dead at some point—"their last return" is somewhat ambiguous. Do we mean the most recent return, or do we mean their actual last return, which typically would be filed by their estate and not meaningful in this case?

I'm wondering if the word "last" is meaningful in this, or should it be dropped?

Ms. Sheila Barnard: I think I get what you're saying. In terms of that last return, you are asking whether it is the final return for someone who has passed away or just the annual tax return.

We have understood the intention of the bill to be the annual tax return that a person would file. For the last one, the reference would be the last tax year for which they have filed a tax return.

Does that help to clarify it?

Mr. Ron McKinnon: It just seems ambiguous in this context. I was wondering whether taking away the word "last" would be reasonable.

• (0935)

Ms. Sheila Barnard: Or, how necessary is it?

With the way it's proposed to be handled, where we're collecting consent to provide personal information to the province, that question would be on the return every year. A person can tick "Yes, I want to receive it" one year. Once they've received the information from the province and become an organ donor, it wouldn't really be necessary for them to tick the yes box again.

Mr. Ron McKinnon: One could say, "That wasn't my last return, because I'm still alive, so I haven't actually authorized you to give this information."

Ms. Sheila Barnard: Yes, so maybe you want to look at the wording there.

Our understanding, just so you're clear, is that we intend to put the question with each tax return that a person would file.

Mr. Ron McKinnon: Thank you.

The Chair: Thank you very much.

Now we will go to Mr. Kelly, for five minutes.

Mr. Pat Kelly (Calgary Rocky Ridge, CPC): Thank you.

Again, I'll add my voice of thanks to you, Len, for your contribution, not only with this bill but also in Alberta, where you were instrumental in the establishment of the Alberta organ donor registry when you were a member of the legislative assembly.

I'm going to focus my questions on the CRA officials.

Mr. Vermaeten, can you tell me if this can be done for the 2019 tax year? Can the forms and the interaction with the necessary provincial bodies be done for the 2019 tax year?

Mr. Frank Vermaeten: Yes, we believe it can be done for the 2019 tax year, starting February 2020.

Mr. Pat Kelly: Great, that's perfect.

In any of these draft T1 general layouts that you may have seen, is there any reason not to add it either above or below the current Elections Canada tick box? Is there any problem with that?

Mr. Frank Vermaeten: The front page is certainly a crowded page, especially when you move into the French version of it. That being said, we believe we can put it in that first page. That would be our intention.

Mr. Pat Kelly: Excellent.

The space constraints are not the same in electronic filing. I presume there's no real obstacle to having that on the electronic file.

You mentioned that you thought there might be some sensitivity or an issue with the 60% of filers who have theirs done by a professional. Is it really any different from the authorization for Elections Canada? You're just authorizing the transfer of data for the purpose of addressing the question.

Mr. Frank Vermaeten: We don't think that, as envisaged, there would be a problem.

Mr. Pat Kelly: Great.

Are there any essential deadlines or time frames that Parliament needs to be aware of? Obviously, this bill hasn't passed; we hope it will. If this bill does pass, certainly it is the will of Parliament to have this implemented as soon as possible. I don't think any sooner

than 2019 is possible. But are there any key deadlines that we need to be aware of?

Mr. Frank Vermaeten: You'd certainly want to have it passed by the spring of 2019 in order to implement it for February 2020.

Mr. Pat Kelly: That's this Parliament. All right. That's very encouraging. I'm glad to hear that there's all this.

Len, I have about a minute and a half left. Do you want to get in on that?

Mr. Len Webber: Yes. Frank made a comment about the front of the T1 being quite crowded. You can clearly see in the documents that I have not augmented anything else on that form. I brought the Elections Canada box down a bit in order to fit in the question of organ donation.

Mr. Pat Kelly: I think I heard him say it could be done.

Mr. Len Webber: There should not even be a concern about its being crowded. Even after I look at it, I don't see it being crowded. That would be my comment.

Mr. Pat Kelly: I think it looks okay, too. This is all very encouraging, and I think it sounds as though, for the agency—correct me if I'm wrong here—from an administrative point of view, this can all be done.

Are there any obstacles or any reasons why, should this bill pass in this Parliament, we couldn't have this implemented and have Canadians able to consent to the use of their information for the purpose of organ donation by provincial registries?

● (0940)

Mr. Frank Vermaeten: For our part, we're very comfortable with the amount of work involved. We have funding, and we'll do our part to get it done. Of course, we need to have the provinces and territories participate in getting the MOU in place, and the security with respect to making sure the information is properly protected. That's going to be up to the provinces and territories. Certainly the CRA will be ready, and we'll get it done if we have willing partners.

Mr. Pat Kelly: Thank you.

The Chair: Thank you very much.

Now we go to Ms. Sidhu.

I understand you're going to split your time with Mr. Ayoub. You have two and a half minutes each.

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

Thank you, Mr. Webber. I commend your efforts. Thank you very much for saving Canadians' lives. People are waiting for the organs.

One of my questions has already been answered. You said it's possible that, on the T1 layout, we can have the tick box on the front page so it can't be missed. Mr. Webber has an example: "Do you want your Provincial/Territorial government to send you a consent package so that you can register to be an organ and tissue donor at your time of death?" I think that's possible. I think most of the members are recommending that layout. It can be possible.

Number two, Mr. Hewlett said the funds are there to manage that bill. We are talking about the province. If proper training is required for families when a person is deceased, and if the approach is good, then we can get more donations. A study shows that. Sometimes an opportunity for donation is missed, as we heard from the witnesses. Are we investing those funds in the proper training as well?

Mr. Randy Hewlett: The funds that have been allocated in the fall economic statement are for the CRA's administration of this bill, which would include changes to our systems and forms, the appropriate IT work, and negotiating MOUs with the provinces and the territories. My understanding is that no funds have been allocated for any training or awareness campaigns that would incite individuals to register to donate their organs.

Ms. Sonia Sidhu: Thank you.

I'll turn it over to Mr. Ayoub.

[Translation]

Mr. Ramez Ayoub: Thank you.

I have a technical question. Have you already had discussions with the provinces, or do you plan to have any discussions with them?

Mr. Frank Vermaeten: Thank you for your question.

[English]

At this point in time, we haven't had any discussions with provinces and territories.

Mr. Ramez Ayoub: Do you plan to have any discussions with them just to coordinate everything, to be ready?

Mr. Frank Vermaeten: We absolutely would be required to have those discussions to put in place the MOU. As soon as the bill passes, we would enter into those discussions. Mr. Webber has also indicated that he will be reaching out to provinces and territories to encourage them.

Mr. Ramez Ayoub: That leads to my other question. Who is going to be responsible for that to happen? Will it be federal or provincial?

Mr. Randy Hewlett: It will actually be the agency that will reach out to the provinces and territories to negotiate the memoranda of understanding.

[Translation]

Mr. Ramez Ayoub: I don't want to talk about the purpose of the registration. I gather that the information is sent to each province or to an agency responsible for registering people. I want to know who's responsible for the project and for making the information available.

Earlier, I asked Mr. Webber about the potential success. How many income tax returns does the Canada Revenue Agency receive each year, 25 million or 28 million? If 10% of the people who complete an income tax return tick the box, that amounts to 250,000 people in the first year. In the second year, there may be 500,000 people. However, all these people must be contacted. I'm talking about the anticipated success, but this involves having people in each province who are prepared to contact these individuals. It's important to prevent backlogs resulting from the fact that, for

structural reasons, hundreds of thousands of people couldn't be contacted.

I want to know who's responsible for the success of this process. The goal is for people to register. It's not a matter of including one line in the tax return forms, then saying that people will handle the rest. That's why I want to know to what extent the addition of this line can increase the number of people in the registry.

• (0945)

[English]

Mr. Frank Vermaeten: There would be a very clear division of responsibility for this. For our part, the CRA would be responsible for ensuring that we communicate to Canadians very clearly in terms of the question that's laid out, to make sure the question is one that people understand. We would work on that. We would also make sure that the systems are properly in place and that the transmission of that information is done securely.

It would then be up to the provinces and territories to make sure that they have the mechanism in place to deal with capacity issues, for example, to make sure that they have the capacity to respond to however many people are asking for this information. Of course, there would be a dialogue in that, and we would share whatever information we have and indicate to them where we think potential problems are, but ultimately it would be up to the provinces and territories to do their part, because our job in this case is to transmit that information to them.

The Chair: Okay. Thank you very much.

Mr. Hewlett, you said that someone would reach out to the provinces. I didn't hear if you said who.

Mr. Randy Hewlett: It will actually be the agency. We have an area in the agency responsible for negotiating memoranda of understanding with the provinces and territories.

The Chair: Thanks very much.

Now we'll go to Mr. Aboultaif.

Mr. Ziad Aboultaif: Before I say anything, thank you, Chair. You supported my bill, among very few on the government side. Thank you again. I note that you were very supportive of the bill, from the beginning to the time the vote came in 2016.

I'm very pleased to hear that the CRA is on full readiness for that and has a full understanding of what needs to be done. That's going to leave the bill in good hands to make sure that it gets implemented.

Chair, I would suggest that we move to clause-by-clause consideration and get into it, since we may have limited time before voting.

The Chair: In the interest of time, I'm going to go to Mr. Davies, unless anybody here has a question.

Mr. Davies, go ahead.

Mr. Don Davies: Thank you. I'll be brief.

I just want to state once again for the record how important it is to recognize that Canada is doing a very poor job in terms of making sure that Canadians are registered for organ and tissue donation, and that compared to other countries we are really falling behind.

I want to state for the record as well that the New Democrats support a presumed consent system where every Canadian is presumed to be an organ and tissue donor unless they specifically elect not to be. Of course, we have seen the figures from Spain and other European countries that saw a 30% to 40% or 50% increase in their organs and tissues available for donation by moving to a presumed consent system.

That's the gold standard that I would like to see our government working towards. That in no way takes away from Mr. Webber's excellent initiative here. As long as we have an opt-in system, searching for as many portals and entries as possible to put in front of Canadians the opportunity to be an organ donor, I think is commendable. That's why the New Democrats will offer their full support to this.

I'm happy to move to clause-by-clause so that we can do everything we can to expedite this fine initiative, and I hope that it can be made law as soon as possible.

• (0950)

The Chair: That concludes our—

Yes, Mr. McKinnon.

Mr. Ron McKinnon: In our discussion, we have talked about the importance of this data capture appearing on the first page of the T1, but it doesn't specify that anywhere in the bill. Is there a way to ensure that this happens?

Mr. Frank Vermaeten: I don't think there's a clear legislative way to ensure that this happens. As I indicated, it would be our intent to put it on the front page. I would caution that things can always change. There may be major tax changes and changes in the way the form is designed, for example, and there may be situations like that where it might not be possible.

However, as far as we're concerned, for the foreseeable future it seems fairly clear that we can put that on the front page, and that's what we would do.

Mr. Ron McKinnon: Thank you.

The Chair: Thank you very much.

I want to thank the CRA officials. It seems to me you've really worked hard to accommodate this bill, and we appreciate your co-operation 100%.

I'm going to suspend just for a second while we clear the deck and go to clause-by-clause.

A voice: We need the officials here in case there are questions.

The Chair: I'm sorry. We need the officials in case there are questions for clause-by-clause. We don't need to suspend, so we'll go right to clause-by-clause.

Does everybody have their bill of many pages?

(On clause 1)

The Chair: We're going to clause 1. I'm advised that if CPC-1 is adopted, then CPC-2 is automatically adopted as consequential, so we only really have one amendment.

Somebody has to move the amendment.

Mr. Davies, go ahead.

Mr. Don Davies: I move the amendment.

The Chair: Perfect. Is there any debate?

Mr. Webber, go ahead.

Mr. Len Webber: Was that the amendment on changing the title to add "tissue", or what was the amendment?

The Chair: It's not the title. It's actually effectively amendments 1 and 2. That's all it is.

Mr. Len Webber: Yes, that was to add the word "tissue" in the title and then down again in the summary. Okay.

The Chair: That's what the amendments will do if they pass.

Mr. Abouttaif, go ahead.

Mr. Ziad Abouttaif: Mr. Chair, I'm not sure about "taining". Should it be "obtaining an organ and tissue donor registry"? Is this a typo here? It doesn't make sense.

The Chair: It's just the exact replacement.

Mr. Ayoub, go ahead.

• (0955)

Mr. Ramez Ayoub: It's not the same in French as in English. I don't have the exact line.

[Translation]

It's line 13, which reads "des donneurs d'organes et de tissus." The amendment is more specific in the English version. More terms have been removed and changed in the English version than in the French version.

Mr. Philippe Méla (Committee Researcher): We need to do so because of the lines.

Mr. Ramez Ayoub: Okay.

[English]

The Chair: Is there any other debate?

We're going to vote on amendments CPC-1 and CPC-2.

(Amendments agreed to [See Minutes of Proceedings])

The Chair: Mr. McKinnon, go ahead.

Mr. Ron McKinnon: Mr. Chair, may I submit another amendment from the floor?

The Chair: Yes.

Mr. Ron McKinnon: I move, in line 15, to drop the word "last" from the English, and in the French to drop the word "dernière".

The Chair: All right.

Mr. Davies, go ahead.

Mr. Don Davies: I have a question for the CRA officials.

I understand the explanation, and it makes sense to me. I understand you can disclose to the province if, in their last return of income, they have indicated it. So I don't see the confusion with a person's final return. But I also understand Mr. McKinnon's point about clarifying.

I am concerned and want to ask you about whether this is the standard way this is phrased in the act. If we take out “last”.... For instance, in other similar things in the act, do we make reference to the “last return”? If we don't have this word in, perhaps we run into an interpretive legal issue down the road that there is a difference between these, thereby causing confusion.

Mr. Randy Hewlett: In the Income Tax Act, there is usually a reference to their return of income for the taxation year. I don't see an issue here, but if you want to be very clear, you could say “their latest return of income”, or something like that, which would make it very clear.

Mr. Don Davies: Just to follow up on that, what I'm trying to find out is whether there is any legal significance or meaning to the adjective “last”. Why do we need anything in there at all? I guess it would be the substance of Mr. McKinnon's amendment.

It's almost understood: The agency may disclose to the province or territory the information collected in their return of income. Why do we have to qualify it in any way? I'm just trying to find out if there is a term of art or whether it is to be consistent with the Income Tax Act in some way.

If there isn't any reason, then I think it makes more sense to drop the word.

Mr. Randy Hewlett: In the context of what the plan is to transmit, which is the willingness to receive information, it really doesn't matter whether or not the word is “last”, or if the word is there at all.

Mr. Don Davies: Okay, thank you.

The Chair: Mr. McKinnon, do you still have your motion?

• (1000)

Mr. Ron McKinnon: Yes.

The Chair: Mr. McKinnon has moved an amendment to remove the word “last” in the English and the word “*dernière*” in the French.

(Amendment agreed to [See Minutes of Proceedings])

The Chair: Congratulations. It's changed.

(Clause 1 as amended agreed to)

The Chair: Shall the title as amended carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

Mr. Len Webber: Immediately.

The Chair: Shall the committee order a reprint of the bill as amended for the House at report stage?

Some hon. members: Agreed.

The Chair: I want to thank everybody involved. I certainly want to thank the committee, because we probably broke all the rules today but we got the job done. I believe it will save lives.

In the debate, there were two members of Parliament who stood up—one Conservative, one Liberal—and both said that they have two children who are going to need organ donations. That's right in the House of Commons. Maybe somebody who ticks the box off on the next income tax return will be the person who provides that organ to those members of Parliament.

Mr. Len Webber: Mr. Chair, as far as I know, we have two people here who are live donors. They donated organs.

Thank you to both of you for doing that. You're heroes.

The Chair: This probably is the most important thing that happened in the House of Commons today, for sure.

Thanks very much, everybody.

Mr. Davies, go ahead.

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

If I may, I'll move to a different order of business. I served notice last week of the following motion:

That, pursuant to Standing Order 108(2), the Committee invite the Minister of Health to provide a briefing, at the earliest opportunity, on the forced sterilization of Indigenous women in Canada.

I would like to move that motion today and speak to it, if I may, briefly.

I think all members of this committee are well aware of the very disturbing news that women in this country have, as recently as 2017, been compelled to be sterilized or have been sterilized without their consent or knowledge. This has been particularly prevalent among indigenous women. We know that there's not a person in this room or in the House who would not express complete abhorrence of that practice.

I'm informed that, internationally, forced sterilization falls squarely within the definition of torture. This is a very serious issue, and I think that it's also pressing, because it's alarming that it has happened so recently. I know I was very surprised to hear that it was done as recently as 2017.

I do think the Minister of Health should come before this committee and give us a briefing on this. Now, I understand this is an issue that probably crosses over multiple ministries. Obviously, these are medical procedures that are being administered in health facilities, and primarily to indigenous women, which is a core responsibility of the federal government. There's no question that this falls under the jurisdiction of the health committee.

I think that it would also be of interest to the indigenous affairs committee, but of course we have to remember that not all women who have undergone this procedure are indigenous, so this is not only an indigenous women's issue. It is purely a health issue, and also I think it's a women's issue, so probably the committee responsible for the status of women and women's issues would be interested.

My understanding is that in the committee responsible for women's issues and the committee responsible for indigenous health—I think under Minister Philpott—there have been motions that either have been tabled or will be tabled at those committees, but they're not to call the Minister of Health. They are to call the respective ministers responsible to those committees. This is the only motion in Parliament that is before any committee that will ask for the Minister of Health to come and provide a briefing.

I would move that motion today, if I may, and ask for my colleagues' support so that this committee can at least have an opportunity to inquire of the Minister of Health into this very pressing, urgent and important matter.

Mr. Doug Eyolfson: I move that debate be now adjourned.

The Chair: That goes directly to a vote.

• (1005)

Mr. Don Davies: Could we have a recorded vote, please?

The Chair: The vote is on the motion to adjourn the debate. We'll have a recorded vote.

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

The Chair: That's it. The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

The proceedings of the House of Commons and its Committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its Committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website at the following address: <http://www.ourcommons.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Les délibérations de la Chambre des communes et de ses comités sont mises à la disposition du public pour mieux le renseigner. La Chambre conserve néanmoins son privilège parlementaire de contrôler la publication et la diffusion des délibérations et elle possède tous les droits d'auteur sur celles-ci.

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web de la Chambre des communes à l'adresse suivante : <http://www.noscommunes.ca>