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Chair

Mr. Daryl Kramp

Standing Committee on Public Safety and National Security

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• (1540)

[English]

The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): Colleagues, we will call the 37th meeting of the Standing Committee on Public Safety and National Security to order. The meeting will be televised today. Pursuant to the order of reference of Thursday, June 19, 2014, we will be dealing with Bill C-2, an act to amend the Controlled Drugs and Substances Act. We will be doing clause-by-clause consideration today.

Pursuant to Standing Order 75(1), consideration of the preamble and clause 1, the short title, is postponed. Therefore, we will carry on with our clauses and the subsequent amendments the chair has before him at this time. Of course, there is the possibility, for those who wish, to make an amendment off the floor, and these can and will be accepted in due course.

It's my understanding that the amendments have also been presented to our analysts, so they have an idea of where these would fall in line with the orderly structure of the clauses to be studied. Should there be any doubt as to where they are placed, the chair will suspend briefly until I get clarification from the analysts as to which position these would be in, if they appear to be out of position in your order. But I'm very confident that our analysts are very capable, quite frankly, and have them properly structured.

Mr. Garrison.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): I guess this is a question under a point of order. What you're saying to me is that for those we have already submitted and wish to move from the floor, you will call them at the proper place because we've given you notice.

The Chair: That's correct.

Mr. Randall Garrison: Okay, just so we understand that.

Ms. Libby Davies (Vancouver East, NDP): That's helpful.

Mr. Randall Garrison: That's very helpful. Thank you.

Second, on the question of the five-minutes-per-party rule by clause, I know that we had some discussion at the beginning that the chair should have some discretion here. Given that our clauses vary from nine words to several pages, I'm hoping the chair will have the indulgence of the committee to give some latitude, since there are huge differences between these clauses.

The Chair: All I can tell you is that the chair is not going to borrow from Peter to pay Paul. However—

Some hon. members: Oh, oh!

Mr. Randall Garrison: So we'll get credit for—

The Chair: That's just not going to happen unless, of course, the chair is directed otherwise, but I think there should be a reasonable degree of flexibility, and the chair will be reasonable. That is all I can suggest, but if we appear to be getting a little out of balance, we do want to get these finished, so I would just ask you, then, to respect the chair's comments to try to bring your discussion to a close.

Okay? We're ready?

We shall start off with clause 2. Shall clause 2 carry?

Mr. Randall Garrison: On division.

(Clause 2 agreed to on division)

(Clause 3 agreed to on division)

(On clause 4)

The Chair: On clause 4 we have an amendment.

You have a copy of Liberal amendment L-1. Are there any comments?

Hon. Hedy Fry (Vancouver Centre, Lib.): Is this Liberal amendment L-1?

The Chair: That's correct.

Hon. Hedy Fry: I will not be moving that, Mr. Chair.

The Chair: Thank you very much. Is there discussion? Seeing none, all in favour?

Ms. James.

Ms. Roxanne James (Scarborough Centre, CPC): I'm sorry, Mr. Chair. Are we on amendment L-1 put forward by the Liberals?

The Chair: That's correct. We are at clause 4, Liberal amendment L-1.

For clarification, Mrs. Fry, the chair may have heard you wrong. Are you moving it or are you not?

Hon. Hedy Fry: No, I am not moving the amendment.

The Chair: Thank you very much. That one is now removed.

We will go to amendment NDP-1.

Mr. Randall Garrison: Mr. Chair, I'd like to move the motion. Ms. Davies will comment for us.

The Chair: Thank you.

Ms. Libby Davies: Thank you.

Very briefly, Mr. Chair, the reason we put in this amendment is that we believe this new subsection is very problematic because it largely guts the existing discretion of the federal cabinet. Under this bill, basically the only route for an exemption would be under the very restricted measures that are laid out for the minister. We think it's very important to retain the existing provision that was used originally with InSite and that includes discretion from the federal cabinet. That's what this amendment is for. It would preserve that existing provision.

• (1545)

The Chair: Thank you very much for the comment.

Are there further comments?

Mrs. James.

Ms. Roxanne James: The government side will be opposing this amendment. The purpose of this bill, the proposed act, is designed so that the minister cannot consider an exemption application until such time as all criteria as set out in the act have been addressed. By deleting this section that would no longer be the case, so we are opposing it. We will not support it.

The Chair: Thank you.

Are there further comments? Seeing none, all in favour of amendment NDP-1?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We will now go to amendment LIB-2.

Hon. Hedy Fry: Mr. Chair, this amendment takes out sections on page 4, going from lines 32 to 35 in clause 4. We're asking to delete those lines. It's going to refer to paragraph 56.1(3)(z.1) later on, which says: "any prescribed information that is submitted in the prescribed manner."

The Chair: Thank you very much.

Any further comments? Seeing none—

Mrs. James.

Ms. Roxanne James: We're opposing this for the same reasons that I stated with regard to the first amendment that was put forward.

The Chair: Thank you very much.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We will now go to amendment NDP-2.

Mr. Randall Garrison: I'd like to move the amendment as submitted, Mr. Chair, and turn it over to Ms. Davies.

Ms. Libby Davies: Thank you very much, Chairperson.

On this particular amendment, again, we believe that the bill before us is so narrow in its interpretation and reference. In the original Controlled Drugs and Substances Act, there was flexibility. There were references to "scientific purpose or...otherwise in the public interest", and this has been removed. This particular wording would ensure that it is still in the bill.

The Chair: Thank you very much for that explanation.

Mr. Norlock.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you very much.

I oppose the amendment due to the fact that the bill is designed to create two separate exemption regimes, one for licit substances—that is, substances obtained in a manner authorized by the CDSA and/or its regulations—and the second for illicit substances such as street drugs.

For licit substances, exemption applications would still be considered for the activities falling under three categories, and they are medical, scientific, and public interest. For applications for activities involving illicit substances, the categories under which an application would be considered would be medical, law enforcement, or a prescribed purpose.

The regulation-making authorities proposed in the act reflect the structure of the proposed two separate exemption regimes, and for that reason I oppose the amendment.

The Chair: Thank you, Mr. Norlock.

Is there further discussion?

(Amendment negated [See *Minutes of Proceedings*])

(Clause 4 agreed to)

(On clause 5)

The Chair: We will now go to clause 5 and amendment NDP-3.

Mr. Randall Garrison: Mr. Chair, once again I'd like to move the amendment as submitted, and I turn it over to Ms. Davies for an explanation.

Ms. Libby Davies: Thank you, Mr. Chair.

I'm being very brief in my comments because I realize we're under a very severe time restraint, so I'm saying not all that needs to be said, but just a sort of shortcut.

We put in this particular amendment because, again, we're very concerned that it's gutting the original intent of the bill. It's about narrowing the discretion of the federal health minister. It really gets to the heart of the Supreme Court of Canada decision, because it limits the safety valve that's offered in the CDSA against a blanket prohibition. The way this is written is very problematic, and we think this amendment will at least preserve some of the flexibility that was already in the CDSA.

• (1550)

The Chair: Thank you very much.

Mrs. Ablonczy.

Hon. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Chair, because there are so many complexities around this issue, around the decision that the minister will be asked to make, the act is designed so that changes to what the minister must consider can only be done by Parliament. This amendment would allow just the cabinet to make those changes. As I say, because there's such a public impact, we really believe that it's better for Parliament to be making that decision as a whole.

Although I understand Ms. Davies' rationale, I really think it's a matter for Parliament, so I wouldn't be supportive of moving the discretion back to cabinet.

The Chair: Thank you very much.

Is there further discussion?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We will go to the Parti Vert and amendment PV-1.

Mr. Garrison.

Mr. Randall Garrison: Mr. Chair, if we weren't in the current circumstances where we have such severe time limits, I would be happy to move motions on behalf of Ms. May. Given that she's not here to do the explanations and we have severe time limits, I will not be moving the motion on her behalf.

The Chair: The chair has been advised that it is deemed moved.

Ms. Libby Davies: It's deemed moved?

The Chair: Pursuant to the routine motion that was adopted by the committee, once it has been presented, it's deemed to be moved.

Mrs. James.

Ms. Roxanne James: I have to ask a question on this. Once we get past a certain section or a clause, we have to vote on the overall clause. How can we have a motion before us that we haven't yet voted on? Does that mean we have to leave the clause until the end?

The Chair: The chair doesn't follow you.

A voice: It's an amendment.

Ms. Roxanne James: Okay. Sorry.

The Chair: Mr. Garrison.

Mr. Randall Garrison: Not to prolong this, but under our routine motions, I thought—and correct me, I'm probably wrong—the wording was that if they're submitted by a member of the committee, they would be deemed to be moved. Ms. May is not a member of the committee.

The Chair: Could we get some clarification from our clerk?

Mr. Randall Garrison: Thank you.

The Chair: The clarification from the clerk, which I will read, is as follows: suggested amendments filed, pursuant to paragraph (a), at least 48 hours prior to the start of clause-by-clause consideration of the Bill to which the amendments relate shall be deemed to be proposed during the said consideration, provided that the Committee may, by motion, vary this deadline in respect of a given Bill

Ms. Libby Davies: What does that mean?

The Chair: It means that given 48 hours' notice, according to the routine motion we have here, the orders of reference respecting bills... I'll ask our legislative clerk to give us a fuller explanation other than what the chair has here at his disposal.

Mr. Bob Dechert (Mississauga—Erindale, CPC): We have two sets of motions before us: motions from the members of the committee and motions that are proposed by the independent members. The motions proposed by any member of the committee can be moved by any member of the committee on either side. The motions proposed by the independent members are deemed moved because of the motion that was adopted by the committee at the

beginning of the session, so there's no need for anybody to move it because it's deemed moved. All of them are.

● (1555)

Mr. Randall Garrison: It creates a practical problem for us when we don't have someone here to explain the intent of their motion, so let's just deal with it as quickly as we can.

The Chair: I understand. We will still deal with it, then, obviously.

Is there anybody speaking on this motion?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Mrs. Ablonczy.

Hon. Diane Ablonczy: Unanimity is a good thing.

The Chair: Isn't it wonderful?

That amendment is defeated. We'll now go to amendment LIB-3.

Hon. Hedy Fry: Thank you, Mr. Chair.

This will be deleting, in the English version, page 5 lines 29 to 39, page 6 lines 29 to 36, and, in the French version, page 7 lines 1 to 30, and, in the English version, page 7 lines 17 to 26, and page 11 line 36 to page 12 line 36.

We move to do that because we are trying to remove the definitions of “alternate persons in charge”, “key staff members”, and “responsible person in charge”, because we believe that these are intruding into provincial jurisdiction. The province that is going to be—if given an exemption or whatever—delivering the care should be hiring the people who are doing this, and therefore they should be making those decisions. We think this is outside of federal jurisdiction and is really under provincial jurisdiction.

The Chair: Thank you very much.

Is there any further discussion?

Mr. Carmichael.

Mr. John Carmichael (Don Valley West, CPC): Thank you, Mr. Chair.

With regard to this amendment, these sections of Bill C-2 are consistent with information that is required under regulations currently under the CDSA, for example, the narcotic control regulations or the benzodiazepines and other targeted substances regulations. This type of information is required, given the risks associated with illicit substances. The supervised injection site currently operating with an exemption from the CDSA has provided this information for a number of years. The bill does not preclude a person with a criminal record from working at a supervised consumption site, only from being a responsible person in charge. That being the case, I would oppose the amendment.

The Chair: Thank you very much.

Is there further discussion?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We will now go to amendment LIB-4 to clause 5.

Hon. Hedy Fry: This asks that clause 5 be amended by deleting line 40 on page 5 to line 25 on page 6 inclusive, thereby deleting the clause related to staff persons with criminal offences. We think if a person has had a criminal offence but gets an okay from the police to work in that place, having completed their criminal activity or criminal offence and having paid their dues, we should not be looking at them as not having that ability.

A good example was a witness who presented here, who actually works at InSite, and who has had criminal offences related to drug charges but has now been clean for 5 years. It is kind of retroactively penalizing people, and we felt that was important.

The Chair: Thank you, Ms. Fry.

Is there further comment?

Ms. Ablonczy.

Hon. Diane Ablonczy: As I understand it—and somebody can correct me if I'm wrong—a person like that witness can still work at InSite but just can't be in charge. I think that's reasonable just because certain requirements put more responsibility on somebody in charge.

The Chair: Thank you.

Ms. Fry.

Hon. Hedy Fry: If the person has the requirements through expertise and meets a whole lot of other professional requirements to be able to do this, but once had a criminal charge for which they have paid their dues, I don't think we should—we don't do this in our society for anybody else—retroactively decide to discriminate against them.

• (1600)

The Chair: Thank you.

Hon. Diane Ablonczy: The argument is that if you have a criminal record and you meet the requirements, I would say no in this case, because it's a very sensitive position.

The Chair: Thank you very much.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now, on amendment NDP-4, the chair's ruling is that this is inadmissible.

Mr. Randall Garrison: Thank you.

The Chair: First of all, it has to be moved.

Mr. Randall Garrison: Or you can't rule it inadmissible?

The Chair: That's correct.

Mr. Randall Garrison: Okay. I move the motion.

The Chair: So moved. The chair will not repeat his ruling.

That will pass by the wayside now. We will go to amendment NDP-5.

Mr. Randall Garrison: Mr. Chair, it's my pleasure to move the amendment, and I'll turn it over to Ms. Davies for an explanation.

The Chair: My understanding is that they don't have to be moved though, do they?

Okay, they still have to be moved. Carry on then.

Ms. Davies.

Ms. Libby Davies: We're speaking just briefly to this amendment. We think this is a key amendment because, as you can see in the sections that follow, Bill C-2 speaks repeatedly to the opinions of various officials. Originally we were thinking that each one should be amended, but what we came up with was an amendment that says:

For the purpose of this section, any opinion must be evidence-based.

This is certainly a very strong underpinning of the whole debate we're having. I don't think we should be interested in people's opinions. Certainly, public consultation concerns people's opinions, but when we're talking about public health officials, police, provincial authorities, and so on, we believe very strongly that we should be focusing on evidence as opposed to someone's "opinion".

What does that mean? This particular amendment, if it were approved, would make it clear that in the following clauses where the bill speaks about opinions, we're saying that the definition would be "opinion [that] must be evidence-based". It's really a clarification.

The Chair: Thank you very much.

Mr. Falk.

Mr. Ted Falk (Provencher, CPC): Mr. Chairman, we'll be opposing this for the following reason: letters of opinion would be sought from, for example, provincial ministers of health and public safety, heads of the local police, and heads and lead health professionals of the government of the province. They've been given these positions because they're qualified for them and have an opinion on these matters based on their qualifications and their professional capacity.

Given the responsibilities that are entrusted to them as holders of these positions, we value their opinions. I think it's appropriate to leave that in there.

The Chair: Thank you very much.

Mrs. Fry.

Hon. Hedy Fry: I support this motion, and I would like to add that this does not preclude somebody giving an opinion. It is just that the opinion must be evidence-based.

Also, I beg to differ. The people who are actually ministers of health are not necessarily experts who have the evidence-based background in much of these things. You need to get these from a strong evidence base, and I don't believe that we should be going around saying that because somebody has a particular position, they automatically have the expertise to be able to deliver an opinion that is scientific and is evidence based.

The Chair: Thank you very much.

Is there any further discussion?

(Amendment negated)

The Chair: We will now go to amendment NDP-6.

Mr. Randall Garrison: Thank you, Mr. Chair.

I am pleased to move the amendment as submitted and turn the floor over to Ms. Davies.

Ms. Libby Davies: Thank you very much.

Mr. Chairman, this particular amendment omits the words “other than this section”. This clause says that “the Minister may, on any terms and conditions” consider an exemption from “the application of any or all of the provisions of this Act” other than the section below, and basically that's the section where we get into the *a* to *z* that we've debated a lot with witnesses.

Our amendment would make it clear that, in effect, taking out “other than this section” would allow the minister the discretion to act quickly and to more easily set up consumption sites if the minister were of the belief, based on the information before her, that it was in the public interest and was medically necessary to do so. It's really allowing the minister discretion to do that. The amendment also adds “otherwise in the public interest” for inclusion in the language. Again, this is to ensure that there's a broader application by saying that the minister can consider what that “public interest” is.

That's the purpose of this amendment.

•(1605)

The Chair: Thank you very much.

Is there further discussion?

Ms. James.

Ms. Roxanne James: We will not be supporting it. We've stated reasons similar to this on another amendment put forward. The bill is designed to create two separate exemption regimes, one for licit substances and one for illicit substances. Exemption applications would still be considered for activities falling under three categories with regard to licit substances: medical, scientific, and public interest. The public interest is well served through this regime. For activities involving illicit substances, the categories under which an application would be considered would be medical, law enforcement, and prescribed purpose. These categories have been chosen given the risks associated with the use of these types of substances, so we will not be supporting this amendment.

The Chair: Thank you very much.

I see no further debate on the issue.

(Amendment negated)

The Chair: Mr. Garrison, go ahead.

Mr. Randall Garrison: I'd like to move an amendment from the floor, which we have submitted to the committee in advance. It amends clause 5 by replacing line 3 with the following: medical, law enforcement or prescribed purpose or is otherwise in the public interest

The Chair: Thank you very much.

Members, we will just take a second while that amendment is being distributed for your perusal. Since this is off the floor, we'll just give you a couple of minutes to peruse it.

Do you need any more time?

Hon. Diane Ablonczy: Mr. Chair, which subsection is this seeking to amend?

The Chair: We are dealing with an amendment off the floor—

Hon. Diane Ablonczy: Yes, it's clause 5—

Mr. Randall Garrison: It's replacing lines 3 to 8.

Hon. Diane Ablonczy: I see that, but I'm not sure where line 3...

The Chair: Do you need more time?

•(1610)

Hon. Diane Ablonczy: I can't square the circle. It says page 8, in clause 5—I want to make sure I understand what's going on here.

The Chair: I'll just wait.

Hon. Diane Ablonczy: It takes some of us longer than others, Mr. Chair. I'm sorry.

The Chair: The chair understands that, personally.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now we have amendment PV-2.

Ms. May, you have a short while.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

First of all, I want to apologize for missing the tabling of my first amendment. I had one of those awful moments of having to decide which thing is more important. I was on the floor of the House and had the opportunity to join other leaders in paying homage to our veterans and making Remembrance Day statements, or I could... I was hoping to be in two places at once. Every now and then that works, Mr. Chair, but today my powers failed me, and I chose to give the statement on our veterans.

But this legislation—and again, we're on clause 5 on page 8—is also very important to the Green Party, and with this amendment, Mr. Chair, I'm attempting to replace quite a lot of language with more succinct language.

Let me just say by way of prefacing this that it appears to me the government is attempting to do indirectly what it could not do directly, which the Supreme Court of Canada has said violates section 7 of the charter by preventing harm reduction clinics such as InSite from operating.

These numerous conditions that begin on page 8 and run on and on and on until we get to page 12 are essentially creating a set of obstacles and hurdles designed to stop InSite centres from operating. So to replace all these things, which I believe are mischievous in their intent, I suggest language that will be familiar to people who have read the Supreme Court of Canada decision on the Vancouver area network of drug users and the Attorney General and Minister of Health and so on. In the Attorney General v. PHS Community Services Society, the Supreme Court of Canada said on page 74 of the decision that discretion must be—

The Chair: Ms. May, you'll have to keep your comments brief. I would just encourage you to not carry on too much longer.

Ms. Elizabeth May: I understand that the edict passed to me from all committees allows me time to present my amendments. I won't be too long but I just wanted to—

The Chair: Actually you are wrong.

Ms. Elizabeth May: I'm wrong?

The Chair: You are wrong.

I will read the section here for you very briefly.

Ms. Elizabeth May: Of course, the entire purpose of the motion passed by this committee was to circumscribe my rights at report stage, which is offensive at that level.

The Chair: You do not have the floor. Wait one second, please.

To give you an indication, the chair will just read the orders of reference respecting bills:

During the clause-by-clause consideration of a bill, the Chair shall allow a Member who filed suggested amendments, pursuant to paragraph (a), an opportunity to make brief representations in support of them.

The members of the committee have been allocated up to 5 minutes per clause, but that is for full sitting members. The chair is obviously just trying to make a suggestion to fall within a reasonable parameter and reduce your time a bit, and the chair is flexible.

Ms. Elizabeth May: Thank you, Mr. Chair. I appreciate your flexibility. I apologize if I have taken too long.

Let me just direct the committee to the fact that the language I've used and proposed for this amendment is exactly the language recommended to us by the Supreme Court of Canada, and it's found at page 74 of the Supreme Court of Canada decision, as follows:

The factors considered in making the decision on an exemption must include evidence, if any, on the impact of such a facility on crime rates, the local conditions indicating a need for such a supervised injection site, the regulatory structure in place to support facility, the resources available to support its maintenance, and expressions of community support or opposition.

That is now reduced in language to something that fits the bill, and it will allow this legislation to be compliant with the charter.

Thank you.

•(1615)

The Chair: Thank you very much, Ms. May.

Ms. Ablonczy.

Hon. Diane Ablonczy: With the greatest respect to my colleague, Mr. Chair, it's not within the ambit of the court to write legislation. It's very clear that this section encompasses all of the areas that the court pointed out should be considered but in language that is more complete and that allows for the complexity of the issues that the minister must consider. So I don't agree with the argument that somehow we have to use the court's language. That would be entirely inappropriate, and any suggestion that doing so would be appropriate would embarrass the court.

The Chair: Thank you very much.

Yes, Mr. Garrison.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

We will be supporting this amendment, because of course nothing prevents us from adopting language used in a decision by the court.

I would also like to say—Ms. May might not be aware of it—that this committee is under very severe time constraints in dealing with this bill. Each party has been allocated 5 minutes for each clause. We are working to a very strict timeline here.

We will be supporting your amendment.

The Chair: Thank you very much, Mr. Garrison.

Is there further comment?

Yes, Ms. Fry.

Hon. Hedy Fry: Thank you.

I like the first part of this amendment, but I think the other components of the amendment dilute a whole lot of the strong language that we would like to see in the amendment.

The Chair: Thank you very much.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We have another NDP motion, I do believe from off the floor.

Mr. Garrison, perhaps you would make arrangement to pass some copies around.

Mr. Randall Garrison: Mr. Chair, we did submit copies in advance of this motion.

The amendment suggests a change to lines 11 to 15 of clause 5 on page 8. In the interest of time, since it is being distributed, I won't read the entire paragraph to the committee at this time.

The Chair: Thank you very much.

Any comments?

Ms. Davies.

•(1620)

Ms. Libby Davies: I'll be super brief, as I'm very aware that we still have many amendments under clause 5 and the clock is ticking on our 5 minutes.

This particular amendment would ensure that the minister makes a decision within a reasonable time period. I think that's very important. It would also remove the barrier that the minister doesn't necessarily have to consider all of the 26 items. The way it's written now, they all have to be in. This gives the minister some discretion, and we think that's important to do.

The Chair: Thank you very much.

Are there further comments?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: I have a memo from the clerk with regard to the time remaining. As we only have up to 5 minutes on each one, the Conservative Party has one minute and 20 seconds left to speak; the NDP has one minute; and the Liberal Party has three minutes and 15 seconds. That's what is left of your five-minute time allotment to speak on this, as has been calculated by the chair.

We will now go to amendment PV-3, put forward by the Green Party.

Ms. May, you have the floor.

Ms. Elizabeth May: Mr. Chair, can I seek clarification? When I speak, do I take time away from all my other colleagues around the table?

The Chair: No, you do not.

Ms. Elizabeth May: Thank you.

The Chair: Your time is your time. Each party is allowed 5 minutes for the entire clause.

Ms. Elizabeth May: That's a terribly short time on such an important bill, but I won't protest that. I'll just present my amendment as quickly as I can. This amendment—

The Chair: Excuse me.

On a point of order, Ms. Davies?

This won't be out of your time, Ms. May.

Ms. Libby Davies: I want to get a clarification. I believe that you're technically right, but because we're also under a time constraint of 5:30, the more we speak on various amendments, we won't get to the other amendments, because we're finished at 5:30. There are two restrictions.

One is 5 minutes per party, and we have now just about used up all our time for a huge clause, which you're not under, but the more you speak on other amendments, it's using up the clock generally, because once we get to 5:30, it's done. That's the problem.

The Chair: Thank you very much for the explanation, Ms. Davies.

You have the floor, Ms. May.

Ms. Elizabeth May: Thanks, Mr. Chair.

Given how egregious this bill is, I don't want to cut away time from anyone else. I've submitted it as written and you can take it to a vote to kill it sooner.

Some hon. members: Oh, oh!

The Chair: We are dealing with the amendment. All in favour?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We now have an NDP amendment from the floor.

Mr. Randall Garrison: Mr. Chair, I'd like to move an amendment to clause 5 that replaces line 21 on page 8 and also replaces lines 24 to 26 and line 29. It will be circulated, so in the interests of time, I won't read each one of these.

The Chair: Thank you.

We can speak on it. You can wait to have it circulated or you can vote.

The chair will take your advice. In order to expedite the situation....

Mr. Randall Garrison: You can speak—

Ms. Libby Davies: No, I'm not going to speak. I have precious seconds left. I'm saving them.

The Chair: We will wait, then, until it is distributed.

Okay, it has been fully distributed. Does anybody need more time to look at it? Are there any speakers? None?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now we have amendment LIB-5.

Mrs. Fry.

Ms. Libby Davies: Mr. Chair, I will not be moving that amendment. I would like to move another amendment from the floor.

Thank you. The amendment would read that Bill C-2 in clause 5 —

I'm sorry. I haven't moved my page from Ms. May's last—

The Chair: Excuse me for just a second. Do you have a copy of it?

• (1625)

Hon. Hedy Fry: No, I don't. I'm sorry.

The Chair: That's fine.

Hon. Hedy Fry: It's not a huge amendment. I move that Bill C-2 in clause 5 be amended by replacing lines 23 to 32 on page 8 with the following:

a letter from the provincial minister of health that provides a rationale for and endorses the application

The Chair: Mrs. Fry, we'll need to have that in writing. You'll have to write it out, please, if you would.

• _____ (Pause) _____

•

• (1630)

The Chair: Liberal amendment number 5 has been withdrawn and replaced by Ms. Fry's amendment from the floor.

Are there any speakers on this?

Mrs. Fry, did you wish to speak on it?

Hon. Hedy Fry: Yes. Given what the Supreme Court said regarding the five factors they wanted to see included, I would think that going to a provincial minister of health is sufficient. The minister will outline, in a minister's letter, every rationale that she or he believes necessary to have such a site, based on evidence. That would be all that is needed, not the other pieces that are added later on, which intrude into provincial jurisdiction.

The Chair: Thank you very much.

Are there further speakers?

(Amendment negated)

The Chair: We now have Green Party amendment number 4.

Ms. May, please.

Ms. Elizabeth May: As briefly as I can, Mr. Chair, these amendments attempt to replace some of the conditions of information required from provincial ministers of health for those items that would demonstrate the cost to the health care system of the treatment of HIV and hepatitis C and emergency treatment, as well as identifying in the next clause a description of how those activities are integrated within the provincial health care system, as well as the resources available to support the maintenance of the site.

So it gives a fuller background that would be more likely to help such injection sites be maintained.

Thank you.

The Chair: Thank you very much.

Are there further speakers?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now we have another amendment from the floor from the NDP.

Mr. Garrison.

Mr. Randall Garrison: Mr. Chair, this amendment from the floor again deals with clause 5 of the bill, but this time is replacing lines 33 to 38 on page 8. We have submitted it in advance and it will be circulated.

The Chair: It has already been circulated, I believe.

Is there any further discussion?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We now have Green Party number 5.

Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair.

Very briefly, this is an attempt to amend within clause 5 the request for information from a local government level, that is municipalities. It appears, the way it is currently drafted, to be intended to encourage negative comments about the site. To that I suggest proposed subparagraph 56.1(3)(b)(i) that would require the local government to provide “information about vulnerable populations in the area of the proposed site—including people who are Aboriginal persons, low-income or homeless individuals, survival sex workers or persons who are suffering from a mental illness or have a disability—and outlines programs already available to assist them”.

It's an attempt to provide balance for the communities who are most served by these safe injection sites.

Thank you.

The Chair: Thank you very much.

Are there any further speakers?

(Amendment negated)

The Chair: Now we have Liberal amendment 6.

• (1635)

Hon. Hedy Fry: Mr. Chair, again I have removed that amendment and replaced it with the following. I have it here for the clerk.

It says that Bill C-2 in clause 5 be amended by replacing lines 35 to 38 on page 8 with the following:

located that provides rationale for and endorses the application for the exemption

This is with respect to municipalities.

The Chair: That's fine. Thank you.

We'll just wait a second until the clerk gets a copy of that.

Hon. Hedy Fry: While you are receiving it, I would suggest again that this is very intrusive into affairs of the municipality, which as we well know is under the jurisdiction of the provinces. The federal government is again imposing itself on other jurisdictions.

The Chair: Thank you very much.

Is there any further discussion.

(Amendment negated)

The Chair: Now we go to Liberal amendment 7.

Hon. Hedy Fry: That amendment stays as is, Mr. Chair. Again it is based on the same idea opposing intrusion into municipal affairs by the federal government.

The Chair: Is there discussion?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now we have an NDP amendment from the floor.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

I'd like to move an amendment from the floor. This is to clause 5 on page 8, replacing lines 40 to 42. I believe it has been distributed.

I won't make any further comments because we're running out of time.

The Chair: Thank you very much.

Are there comments?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: All right.

[*Translation*]

We will now go to the Green Party and amendment PV-6.

[*English*]

Ms. May.

Ms. Elizabeth May: Thank you, Mr. Chair.

This amendment is an attempt to replace further subsections that are clearly designed to do indirectly that which the government has been told it can't do directly.

What I'd like to replace is at line 41 on page 8. Proposed paragraph 56.1(3)(d) would thus read as follows:

a description by the applicant of the measures that have been taken or will be taken to address potential public health and safety concerns;

That would replace the duplicative obstacles created by getting separate letters from the police force, from lead health professionals, from the provincial minister, and so on.

Thank you.

The Chair: Thank you very much.

Any discussion?

Yes, Ms. James.

Ms. Roxanne James: Thank you.

When we talk about community consultations, and requiring a wide range of stakeholders who are pertinent to health matters as well as to community and public safety, this amendment that's been put forward actually removes the requirement for police to have their say.

I'm not sure why you think that's not important, but I certainly will not be supporting this amendment.

The Chair: Thank you very much.

Further discussion?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll move now to Liberal amendment 8.

Hon. Hedy Fry: Mr. Chair, I would like to remove that motion and replace it with another.

I move that Bill C-2 in clause 5 be amended by replacing lines 1 to 4 on page 9 with the following:

would be located that provides the rationale for and endorses the application for the exemption;

• (1640)

The Chair: Yes, Ms. Ablonczy.

Hon. Diane Ablonczy: Does that mean the provincial minister of health wouldn't have to provide information?

Hon. Hedy Fry: No. These are all dealing with the different people who have to provide letters, and I am saying with the rationale for endorsing. The first is from the Minister of Health, the next one is from the municipality, and the third one is from the police force. These are criteria laid out by the Supreme Court that must be taken into consideration.

I am agreeing that the police force should, but they shouldn't give all of that detailed information. They should just provide a letter saying that we think this is a good idea, here is the evidence-based reason why, and we think an exemption should be granted. So they give their reasons in the letter, but there is no intrusion into local police force activities.

The Chair: Is there further discussion?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll go now to Liberal amendment 9.

Hon. Hedy Fry: Mr. Chair, this is again asking for us to delete proposed paragraph 56.1(3)(f) under clause 5. It is no longer necessary given the previous amendment I made.

The Chair: Thank you.

We will now go to amendment NDP-7.

Mr. Randall Garrison: Thank you, Mr. Chair.

I'd like to move the motion and pass the floor to Ms. Davies.

Ms. Libby Davies: Actually, how much time do we have left?

The Chair: You have just a little under a minute.

Ms. Libby Davies: Then I'll pass. We'll just vote on it.

The Chair: Is there any discussion?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We're now on Liberal amendment number 10.

Hon. Hedy Fry: Mr. Chair, again this is with regard to a letter from the lead medical officer of health of the government of the province that endorses the application. I'm going to remove that.

I move that Bill C-2, in clause 5, be amended by replacing lines 12 and 13 on page 9 with the following:

located that provides rationale for and endorses the application for the exemption;

The Chair: Thank you very much.

Is there any discussion?

Hon. Hedy Fry: Our rationale is the same. It's an intrusion by the federal government into other governments and other areas under provincial and territorial jurisdiction

The Chair: Thank you very much.

(Amendment negated)

The Chair: Now we have Liberal amendment number 11.

Hon. Hedy Fry: Mr. Chair, I withdraw the original and I'm again replacing it with the same. This is asking about a letter from the provincial minister responsible for public safety. I move that that Bill C-2, in clause 5, be amended by replacing lines 17 and 18 on page 9 with the following:

provides rationale for and endorses the application for the exemption;

Once again, my rationale is the same: intrusion into a provincial minister's jurisdiction.

• (1645)

The Chair: Is there any further discussion?

(Amendment negated)

The Chair: Now on to Liberal amendment number 12.

Hon. Hedy Fry: Liberal number 12 asks that clause 5 be amended by deleting lines 19 to 42 on page 9. And again, the rationale is the same.

The Chair: Thank you.

Do we have a copy of that, or can you read that out, sir?

The Clerk: There are no changes.

The Chair: Oh, it is the same. Excuse me.

Is there any further discussion?

(Amendment negated)

The Chair: And now from the Green Party, number 7, please.

Ms. May.

Ms. Elizabeth May: Very quickly, Mr. Chair, this replaces the line on page 9 that currently states:

information on crime and public nuisance in the municipalities in which supervised consumption sites are located,

I replaces it with the following:

information, including trends, on crime and public nuisance

Thank you.

The Chair: Thank you very much.

Is there any further discussion?

(Amendment negated)

The Chair: Now we have liberal amendment number 13.

Hon. Hedy Fry: Again, Mr. Chair, this is as it is. I am no longer withdrawing my motions.

It's pretty simple. It is deleting lines 40 to 42, on page 9, in clause 5, which request that law enforcement statistics be submitted by the applicant. Again, I think that is unnecessary because it would have been included in the original letter from the police.

The Chair: Thank you very much.

Is there any further discussion?

(Amendment negated)

The Chair: Ms. Fry, just so that you know, you're well past the time, so there will be no more discussion on this round.

Hon. Hedy Fry: Pardon?

The Chair: You're well past your time and so there's no more discussion for you on this round.

Hon. Hedy Fry: No, I thought you called a vote. I was voting.

The Chair: Pardon.

Hon. Hedy Fry: I didn't put my hand up for discussion.

The Chair: I thought we had called for the vote.

Hon. Hedy Fry: Yes, I was voting.

The Chair: Pardon? I'm sorry.

On a point of order, yes.

Mr. Randall Garrison: Mr. Chair, do these time limits mean that people will not be able to move motions if their time has expired?

The Chair: You can move motions from the floor but you can't speak to them.

Mr. Randall Garrison: Thank you for that ruling.

The Chair: We'll go to Liberal amendment number 14 as presented.

Hon. Hedy Fry: Again it's deleting lines 1 to 5 on page 10 consistent with the rationale I've been making about intrusion.

The Chair: Is there any further comment? Seeing none, all in favour?

Ms. Fry, all in favour?

Hon. Hedy Fry: Yes.

The Chair: Opposed?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now Liberal amendment number 15, Ms. Fry.

Hon. Hedy Fry: Again, it's removing intrusive language.

The Chair: Is there any further debate?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Pardon?

•(1650)

Mr. Randall Garrison: Only two voted.

The Chair: No, they did vote.

Number 16, please.

Hon. Hedy Fry: Again, as is and it's on the same rationale, intrusive.

The Chair: Thank you. Any further debate?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Number 17.

Hon. Hedy Fry: It's a similar rationale, Mr. Chair.

The Chair: Thank you very much, Ms. Fry.

Any further debate?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now the Green Party number 8, please.

You have a very brief time, Ms. May.

Ms. Elizabeth May: Very briefly, I've watched the current administration eviscerate environmental legislation and remove requirements for various forms of consultation, and (o) through (q) is just further evidence of overlaying this legislation with outrageous requests for consultation and proof in advance, so I'm trying to delete them. The contrast is startling.

The Chair: Thank you. Is there any further comment?

Yes, Ms. James?

Ms. Roxanne James: The purpose of this is obviously to provide community consultation, so I'm not sure why you would want to remove that capacity for people to come in and put forward their concerns or support. I'm not going to support this amendment.

The Chair: Thank you very much.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Okay, so now we have Liberal motion number 18, Ms. Fry.

Hon. Hedy Fry: Again, the same very intrusive....

The Chair: Thank you.

Any further speakers?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Number 19 now. Ms. Fry?

Hon. Hedy Fry: It's the same rationale.

The Chair: Thank you.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Number 20.

Hon. Hedy Fry: Again, Mr. Chair, it's too intrusive.

The Chair: Thank you.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Number 21.

Hon. Hedy Fry: It's the same thing.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We go to *le Parti Vert*, amendment PV-9.

Ms. Elizabeth May: Thank you, Mr. Chair.

Again, I'm attempting to delete lines 4 to 9 on page 11, as they are further examples of an illegitimate attempt by the government to do indirectly what it can't do directly.

My reasons will someday be clear in a future Supreme Court of Canada decision.

The Chair: Thank you very much.

Is there further discussion?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now we go to LIB-22.

Hon. Hedy Fry: I cannot move that, Mr. Chair. It was just defeated in the last motion.

The Chair: Excuse me?

Hon. Hedy Fry: That's the same motion I was making. I can't move it.

The Chair: No, it is just so moved.

Hon. Hedy Fry: No, I can't move it; it was just defeated. It's the same as Ms. May's, and that has just been defeated.

The Chair: Oh, thank you very kindly.

Then now you are on, with LIB-23.

Hon. Hedy Fry: Again, this is about all of the privileged information; it's too intrusive. It's to delete that clause.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now we go to LIB-24.

Hon. Hedy Fry: It's the same rationale: it's too intrusive.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We go to LIB-25.

Hon. Hedy Fry: It's too intrusive.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We go to LIB-26.

● (1655)

Hon. Hedy Fry: Again, it's too intrusive.

The Chair: All in favour?

The chair will slow down if you wish.

Mr. Randall Garrison: Yes, please.

The Chair: Fine, thank you very much. The chair will give a little bit more time. I don't mean to rush you.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll just take a little breather on LIB-27, then.

Hon. Hedy Fry: Mr. Chair, again, we think this is absolutely unnecessary

The Chair: Thank you very much.

We will just give a second here.

Hon. Hedy Fry: Are we allowed to speak to it?

The Chair: No, you're not. I'm so sorry.

Hon. Hedy Fry: It's okay. It was worth a try.

The Chair: It's always worth a try.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We go to LIB-28.

Hon. Hedy Fry: It's the same rationale: it's too intrusive.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Thank you.

We go to LIB-29.

Hon. Hedy Fry: It's a similar rationale.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We will now go to LIB-30.

Hon. Hedy Fry: It contravenes the charter of rights, Mr. Chair.

The Chair: Is there any further discussion?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Okay, now we go to NDP-8.

Mr. Randall Garrison: I'd like to move the motion.

As we've carefully saved our minute, I'll turn it over to Ms. Davies.

Ms. Libby Davies: How much time do I have?

The Chair: You have about a minute.

Ms. Libby Davies: This proposes new language and new paragraphs. What we're trying to do with this amendment is to protect against any arbitrary or bad-faith action by the minister, for example, limiting an exemption to a very short time. We have seen that. We had a one-year exemption just renewed for InSite, which will force it to reapply yet again within one year.

This amendment would also protect against a site being shut down on some really innocuous or flimsy pretext without some sort of due process and an opportunity to correct any minor problems that have arisen. In any operation there are issues that arise. So we're trying to protect against a site being shut down just because something did go wrong. Maybe it could have been corrected; maybe something was learned from it.

It would also effectively get rid of the requirement for applications to renew an exemption, because we think that once an application has been approved, it's there and should be able to continue.

That's the effect of this rather long amendment.

The Chair: Thank you very much.

Ms. Ablonczy, go ahead.

Hon. Diane Ablonczy: By the same token, if something is badly wrong, this removes the discretion of the minister to deal with it. I don't know how that's going to be helpful.

The Chair: Thank you.

I don't see further discussion.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Ms. May, your time is up, but please speak briefly to your amendment number 10.

Ms. Elizabeth May: All right. Pitching for a miracle, I ask my friends across the way to consider Ephesians 3:20.

The Chair: Thank you very much.

Are there any other speakers? No.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We will now go to Liberal amendment number 31.

Hon. Hedy Fry: Again, Mr. Chair, I don't have time to speak, I'm told.

The Chair: Pardon?

• (1700)

Hon. Hedy Fry: Do I have any time to speak?

The Chair: No, you have no time to speak, but you can propose the amendment.

Hon. Hedy Fry: Yes, I am proposing the amendment.

The Chair: Thank you very much.

Are there any other comments?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We will now go to NDP amendment number 9.

Mr. Randall Garrison: I'd like to move the amendment. If there is any time remaining, I'd like to turn those few seconds over to Ms. Davies.

The Chair: Ms. Davies, go ahead.

Ms. Libby Davies: I am going to wait for the other one.

The Chair: Thank you.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: NDP amendment number 10 is next.

Ms. Libby Davies: We've withdrawn it.

The Chair: It's withdrawn. Thank you.

We'll go to Green Party amendment number 11.

Ms. Elizabeth May: Briefly, Mr. Chair, this is an attempt to introduce evidence-based decision-making into the decisions around opening such injection sites.

The Chair: I don't see other speakers.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: NDP amendment number 11 is next.

Mr. Randall Garrison: I'd like to move the amendment. We will not speak to it.

The Chair: Is there further discussion?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll go to NDP amendment number 12.

Mr. Randall Garrison: It's withdrawn.

The Chair: It's withdrawn. Thank you.

NDP amendment number 13 is next.

Mr. Randall Garrison: I'd like to move the amendment. We will not be speaking.

The Chair: Thank you.

I don't see further discussion.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll go to NDP amendment number 14.

Mr. Randall Garrison: I'd like to move the amendment. Given the lack of time, we will not be speaking.

The Chair: Thank you.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: NDP amendment number 15 is next.

Mr. Randall Garrison: Once again, I'd like to move the amendment. We will not be speaking due to time restrictions.

The Chair: Thank you.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll go to NDP amendment number 16.

Mr. Randall Garrison: I am pleased to move the amendment, but again, due to time restrictions we won't be able to speak to this.

The Chair: Thank you.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: NDP amendment number 17 is next.

Mr. Randall Garrison: Once again, I'd like to move the amendment, and I regret that we can't speak any more to these.

The Chair: Thank you.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We'll go to NDP amendment number 18.

Mr. Randall Garrison: I am pleased to move the amendment and disappointed not to be able to speak.

Sorry, this is the one we want to speak to with our last 10 seconds.

Ms. Libby Davies: Do we have any more time?

The Chair: No, but go ahead for 10 seconds.

Ms. Libby Davies: I'll speak very briefly. These amendments try to outline a much clearer process so that the public knows what an application is really about and, importantly, applicants are aware of the public's comments and have an opportunity to respond to them. It's about ensuring a due and fair process.

The Chair: Thank you very much.

Is there further comment?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: We now have amendment NDP-19.

Mr. Randall Garrison: It's withdrawn.

The Chair: Okay.

Colleagues, shall clause 5 carry as amended?

A point of order, Mr. Garrison?

Mr. Randall Garrison: If we're creating a clause 5.1, that will come after voting on clause 5?

The Chair: That's correct.

Mr. Randall Garrison: Thank you.

And we'll have 5 minutes on that new clause?

The Chair: That's correct. That's my understanding. I will confer with the clerk.

Mr. Randall Garrison: We may wish to renumber a lot of things.

A voice: New clause, new clock.

The Chair: Yes: new clause, new clock.

Mr. Randall Garrison: Thank you very much.

The Chair: Absolutely.

Shall clause 5 carry as amended?

Mr. Randall Garrison: A recorded vote, please.

(Clause 5 as amended agreed to [See *Minutes of Proceedings*])

• (1705)

The Chair: We will now go to a new clause 5.1, proposed in NDP amendment 20.

Mr. Randall Garrison: Thank you very much, Mr. Chair.

I'm pleased to move this motion for a new clause that adds a sunset clause to the bill. In other words, it would give a chance for reporting to be done to the minister and to consider the impacts of the bill and whether this entire regime was really necessary or in fact was an obstacle to creating safe injection sites.

Much like security certificate provisions, which expired previously, this would add a similar clause to this bill, so that if, after seeing the experience, the House of Commons wishes to proceed with this, it would have to enact it again. Otherwise, it would expire.

The Chair: Ms. Davies.

Ms. Libby Davies: Thank you very much.

I too would like to speak in favour of this amendment. I do think it's a very important amendment, because this bill has been very, very controversial. Clearly it's going to go through the House, so I see this clause as one about accountability. It's saying that once we've reached the two-year mark, the Minister of Health would have to lay before the House information on public health, public safety, and the operation of this bill and what its impact has been. I do think it's very important to have that assessment.

The amendment makes it clear that it would then only be by a resolution of the House—and of course this is the sunset clause passed by both Houses of Parliament—that the act would be able to continue. It's really a pause to make an assessment. I'm very concerned that if this bill passes as is.... Well, first of all, we're very skeptical that any application will ever be approved, but having said that, if by some miracle some application were approved or some business did take place, this would allow an opportunity for an assessment to be made.

I do think that's very legitimate; it does happen in legislation. There are strong precedents for having a sunset clause, and it puts

the onus on the government of the day to argue their case as to why a particular piece of legislation should continue. I think that would be a good examination for all of us to go through.

The Chair: Thank you very much.

Madam LeBlanc.

[*Translation*]

Ms. Hélène LeBlanc (LaSalle—Émard, NDP): Thank you very much, Mr. Chair.

I would like to reinforce what my colleagues just said. I think the bill before us is very complex, as mentioned. The bill and all the proposed amendments very much reflect how complex it is. This provision, this sunset clause, will make it possible to do an evaluation.

The goal was to hold the government to account. This will enable us to assess the bill. For these reasons, I strongly support my colleagues in this.

[*English*]

The Chair: That's fine. Thank you very much.

Ms. Fry.

Hon. Hedy Fry: Thank you very much, Mr. Chair. I support this clause very strongly, because I do believe that, as Ms. Davies says, it does bring in an element of accountability. But it also allows us to examine the evidence as to where and if the minister had a balanced approach, if she did in fact give any exemptions, and what the results and outcome are two years later with regard to crime, with regard to open drug scenes, with regard to overdose deaths in that area where the exemptions were made, and to compare all of that to results in areas where exemptions were not made.

I think it gives us an opportunity to set some indicators and to look at how we evaluate them, so we will make a decision on whether the government, by not giving exemptions, had in fact made the wrong decision or the right decision. It will also allow us to hold this up against any of the charter compliance that the Supreme Court so very clearly put in place.

So I do support this. I think it's really an important clause.

• (1710)

The Chair: Thank you very much.

Ms. Ablonczy.

Hon. Diane Ablonczy: Do you think two years is really sufficient time to gather and analyze trends and statistics? It strikes me as a very short period of time.

Hon. Hedy Fry: Can I answer that, Chair?

The Chair: Yes, please.

Hon. Hedy Fry: Yes. Actually in InSite, the safe injection site in Vancouver's downtown eastside, within six months there were remarkable changes in terms of crime, the open crime scene, and open shooting up. Overdose deaths were zero and have continued to be zero since then. People are able to seek detoxification upstairs at InSite. All of these things could be seen very clearly within or earlier than six months of opening the site. So I think we are going to be able to do that within about six months in every instance.

Hon. Diane Ablonczy: Wow.

The Chair: Thank you very much.

Mr. Norlock.

Mr. Rick Norlock: Thank you very much, Chair.

I'm wondering about all the enthusiasm over there, because I believe the chair is in receipt of information from a witness who sent us some documentation indicating that many of these positive notes remain to be seen and that there are serious concerns as to the accuracy of the information that was received.

The Chair: Thank you very much.

Is there any further comment?

Ms. Davies.

Ms. Libby Davies: In response to the question regarding the two years, unfortunately with these safe injection sites, there's enormous public scrutiny, probably far too much. In some ways, you just need to let the operation get on with its business and do a good job. I do think if other applications were approved, or even for InSite itself, there is that public scrutiny.

But this amendment here is about the bill itself and the impact of the bill and how it has been implemented. I think that's a slight difference. It's really about the bill. The bill is being sunsetted. It's about the process of how this bill is being used and the discretion of the minister, so it's a slightly different matter.

The Chair: That's fine. Thank you.

Madam Fry.

Hon. Hedy Fry: Chair, I just wish to respond to the statement that was made that this was all inaccurate. We know the one person who made this charge. This was a clinical trial project and it was reviewed not only by the people who conducted the project and the trial. It was reviewed by 24 international peer review bodies. It was named in *Nature*, the major science magazine, and it labelled all of the peer review from many countries in the world. They all came down with the same agreement. That evidence is one of the reasons we have 70 sites in Europe and in Sydney, Australia.

The Chair: The Chair is going to intervene here. We're not going to entertain any more discussion on this issue. It is not pertinent.

Hon. Hedy Fry: I just didn't want it to sit without a response.

The Chair: That's fine. There's no more discussion on either side on this issue that is not pertinent to what we're dealing with right here. If we wish to take a further evaluation or study on the information that has been presented to us and we wish to comment further at some point, certainly it's up to the committee to decide where they wish to go with that, and they at every liberty to do so.

But I just don't think that right now, after the fact, it's pertinent to the information we have before us here.

You have the floor, Mr. Garrison.

Mr. Randall Garrison: Thank you very much, Mr. Chair. In the interest of fairness, since two other parties have discussed this, I checked those charges made by that witness. A complaint was made to the professional body by that witness on those studies, and it was dismissed by the professional body as being without foundation.

The Chair: Mr. Norlock, on a point of order.

Mr. Rick Norlock: The chair made a ruling and I've held my tongue. If we're all going to throw interjections in, I think, in all fairness I should be permitted to answer, but I will respect the decision of the chair.

●(1715)

The Chair: Thank you very much.

We'll actually bring it to a halt right now. I gave Mr. Garrison an opportunity only out of fairness, in that each of the other parties had an opportunity to make a comment on this issue. This issue now is not pertinent to the study before us right now and it is relative, so there's no more discussion on this issue at this time.

We will now go to the actual decision on amendment NDP-20. We'll ask for the vote.

(Amendment negatived [See *Minutes of Proceedings*])

(Clause 6 agreed to)

The Chair: On the short title now, I do believe we have amendment NDP-21.

Mr. Randall Garrison: Thank you, Mr. Chair.

I'd like to move the amendment as submitted, which would change the title to make it "Communities and Health Act".

The Chair: It may be debated, but the chair is ready to make a decision on this.

If you wish to have further comment on it, go ahead, Ms. Davies.

Ms. Libby Davies: You mean make a decision on its admissibility or—

The Chair: That's correct, yes.

Ms. Libby Davies: Okay. But you're going to allow some debate first?

The Chair: Yes, I will.

Ms. Libby Davies: Okay.

I'll obviously speak in favour of the amendment, given that we made it. I do think it's symbolic. A title of a bill is very important. Given that this bill does address the issue of safe consumption sites, and recognizing that the single purpose of safe consumption sites is actually to protect people's health through various risk-reducing measures, and that in fact we have so much evidence to show that these kinds of sites actually save lives, it seems to us that it's really important to ensure that the name of the bill actually makes a reference to the health of individuals and communities. Even though we're in the public safety committee, it is the Minister of Health who makes decisions. It just seem a no-brainer, logical, and rational that the name of the bill should make reference to the fact that this is about the health of both individuals and communities. Unfortunately, the bill doesn't do that, which is why we've moved the amendment.

The Chair: Okay, thank you very much.

The chair will now refer to the *House of Commons Procedure and Practice*, Second Edition, on pages 770 to 771, which states:

The title may be amended only if the bill has been so altered as to necessitate such an amendment.

In the opinion of the chair no amendment has been made to the bill that would necessitate a change in the short title; therefore, I rule the amendment inadmissible.

Shall the short title carry?

Some hon. members: Agreed.

The Chair: Shall the preamble carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill carry?

Mr. Randall Garrison: No, Mr. Chair, I have a point of order.

The Chair: Mr. Garrison, on a point of order.

Mr. Randall Garrison: I believe the question of "shall the bill carry?" is debatable. I would like to speak, and I believe my colleagues would like to speak.

The Chair: One second.

It is in order, but the chair will also put a limitation on this, as we have for the other clauses, of 5 minutes per party to debate the issue.

You have the floor, sir.

• (1720)

Mr. Randall Garrison: With respect, Mr. Chair, the limitation would be arbitrary at this point, because it was not included in the government's—

The Chair: The chair has made a ruling on it, and that, of course—

Mr. Randall Garrison: I haven't finished—

The Chair: —has been raised in conference with the clerk—

Mr. Randall Garrison: Out of respect for the Chair, I will respect the five-minute limit.

The Chair: Thank you.

Mr. Randall Garrison: I'll take part of that time and then give part of it to my colleagues. I'll try to be very quick.

The problem we've seen today is the inability to deal with legislation in a respectful manner that encourages debate on and improvement of legislation. The time limits prevented us many times from speaking to amendments that we were bringing forward. I think it's not advisable for committees to proceed in this manner. It seems to me fundamentally anti-democratic.

As well, the deadlines we were given caused us to have to write and submit amendments before we actually heard from all the witnesses before the committee, and sometimes committee witnesses do provide important information that helps guide us in producing better legislation. It has really been a travesty, I think, of the law-making process to have such short timelines imposed on us.

Ms. Libby Davies: Thank you.

I certainly don't support this bill. It has been a travesty in terms of both process and substance.

One of the organizations that wanted to appear, and of course couldn't because the timeline was so short, was the Canadian Centre on Substance Abuse, which is a government agency. I read their brief very carefully. I was very interested to see that they actually did not agree with many of the clauses that we've now commonly referred to as *a* to *z*.

In fact, what they were suggesting was setting up a ministerial advisory committee made up of public health officials, community representatives, and police. They had a different approach, but of course, unfortunately, they never were able to come before the committee. I do find it very distressing, I guess, that even a government agency like the Canadian Centre on Substance Abuse didn't get to appear before the committee because we only had two meetings.

This process has been very frustrating. I've been here for 17 years, and I don't think I've ever seen a bill handled in this kind of manner, whereby you don't even get an opportunity to speak on the amendments. It has been very difficult. We wanted to have legitimate debate.

At the end of the day, my great fear is that unfortunately a political conclusion that the government has about safe injection sites is going to override any evidence, any demonstration of what has been a good operation at InSite and at the Dr. Peter Centre, and all of that will be for naught, because this bill basically will now be not just a barrier but a massive wall that won't allow anything through. I do think that's a travesty of public policy, which is what we're here to do.

I think we can disagree, but to enact legislation that sets out criteria that make it so impossibly ridiculous for anything to be approved... I don't know. It just smacks of a sort of hypocrisy. It smacks of a lack of respect for the law itself. I find that very difficult. I appreciate that members have different points of view, and I really respect that, but this is going to be a really bad law. It's going to undo years of work that has been done in good faith, and that's very unfortunate.

The Chair: Thank you very much.

Madam LeBlanc.

[Translation]

Ms. H  l  ne LeBlanc: Insite is a project recognized internationally for its innovation. I fail to understand why, as legislators, we are not able to think outside the box. We are going to eliminate an innovative project that has proven its worth and that should make Canada proud. This project provides a different way of looking at taking care of people in difficulty, of moving forward and of reaching out to them in their distress.

Why can't we work together to include innovation in our legislation by doing things differently? I noticed that some of the proposed amendments could have helped us have a bill like that.

• (1725)

[English]

The Chair: Thank you very much.

Mrs. Fry, please.

Hon. Hedy Fry: Thank you very much, Mr. Chair.

I find that—

The Chair: The chair will just advise that with one minute to go, I will bring closure to this so that we can finish today.

Hon. Hedy Fry: I thought I was told at the very beginning that as a party I had 5 minutes.

The Chair: You have your time now. The chair will bring this to closure with one minute to go in your comment. This is in order to pass the bill.

You have the floor.

Hon. Hedy Fry: It's changing the goalposts in the middle of the game here, Mr. Chair.

I think it's very ironic that when the NDP motion tried to change the short name of the bill, currently labelled as Respect for Communities Act, we weren't allowed to do it according to the rules of the committee, because the bill had to be substantially changed in order to change the name of the bill. Not a comma in this bill has been changed.

Mr. Chair, I wish to say that this shows a lack of respect for the communities. The people who are addicts in those communities, the people who are the most vulnerable, the people who have died from overdose deaths in the downtown eastside year after year, which became such an absolute shame, are part of these communities that this government purports to have respect for. They show very little respect.

We brought forward witnesses, Mr. Chair. This bill will be intruding on provincial jurisdiction, municipal jurisdiction, and jurisdiction of local police forces and of the medical and nursing professions in that area, and yet this bill did not allow people from the province, especially the Fraser Health Authority, which has been running InSite for a while, to be able to come and present. They were not allowed to be here as witnesses because of the shortening of everything we do in order to ram things through. They weren't here, and yet of all the people we should be listening to, it should be them. The VPD drug enforcement officer at the time, Kash Heed, should have been able to come and say what the drug scene and the crime

scene and the open drug scene caused in Vancouver at the time and how it changed remarkably after InSite.

To me, Mr. Chair, having been here for 21 years, I just feel that what happens here, with no bill coming before committee ever, or only rarely, being altered, it makes a joke of committees. It makes a joke of looking at the idea of talking about a bill and changing it, because no amendments are accepted by this government. I think it flies in the face of democracy. It flies in the face of the democratic institution. It flies in the face of the role of any all-party committee in this House when members tend to vote in ways that do not show they've actually heard a word the witnesses have said. The witnesses could speak until the end of time and there would be no change in the thinking here.

It's a rubber-stamp committee, and I just want to make sure this is clearly stated from me—

The Chair: Thank you very much, Mrs. Fry.

Hon. Hedy Fry: It's a waste of time, Mr. Chair.

The Chair: Thank you very much, Madam Fry.

Mr. Garrison.

Mr. Randall Garrison: On a point of order, Mr. Chair, you ruled that members would have 5 minutes. As the next motion likely to come forward is also debatable, it's unlikely that we will deal with this today.

With respect, I would ask that you grant Ms. Fry the last minute of her time.

The Chair: No, the chair made a ruling on it.

We will now put the question: shall the bill carry?

Mr. Garrison.

Mr. Randall Garrison: On a point of order, this is also debatable, I believe.

I would like to speak on whether it should be reported.

The Chair: We've already spoken it: shall the bill carry? I just need the vote.

Mr. Randall Garrison: And I would like to speak to "Shall the chair report the bill as amended to the House?"

The Chair: That's fine, but first we have this vote.

Shall the bill carry?

Mr. Randall Garrison: Okay; I'm just saying it's unlikely to finish.

The Chair: That's fine.

Shall the bill carry?

Mr. Randall Garrison: I'd like a recorded vote.

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

The Chair: It is now time. The meeting is over. We will have to carry on with the final statements at our next meeting.

We are adjourned.

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