



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Public Safety and National Security

EVIDENCE

NUMBER 010

Friday, February 25, 2022

Chair: The Honourable Jim Carr



Standing Committee on Public Safety and National Security

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• (1235)

[*English*]

The Chair (Hon. Jim Carr (Winnipeg South Centre, Lib.)): Good morning and good afternoon, everybody, wherever you might be in this vast and beautiful land.

I call this meeting to order.

Welcome to meeting number 10 of the House of Commons Standing Committee on Public Safety and National Security.

Today's meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely using the Zoom application. The proceedings will be made available via the House of Commons website, and the webcast will always show the person speaking rather than the entirety of the committee.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in a committee room. Keep in mind the Board of Internal Economy's guidelines for mask use and health precautions.

Before speaking, please wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute yourself. For those in the room, your microphone will be controlled as normal by the proceedings and verification of ficer.

When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute. I remind you that all comments by members should be addressed through the chair. With regard to a speaking list, the committee clerk will advise the chair on whose hands are up, to the best of his ability, and we will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

Pursuant to Standing Order 108(2) and the motions adopted by the committee on Tuesday, February 15, 2022, and Thursday, February 17, 2022, the committee is commencing its study on the occupation of Ottawa and the federal government's response to convoy blockades.

Please note that, unfortunately, due to current operations, the Ontario Provincial Police and the Ottawa Police Service were not available to appear at this time.

With us today by video conference, we have the Honourable Marco Mendicino, Minister of Public Safety. From the Canada Border Services Agency, we have John Ossowski, president; Scott Har-

ris, vice-president, intelligence and enforcement branch; and Denis Vinette, vice-president, travellers branch. From the Department of Public Safety and Emergency Preparedness, we have Rob Stewart, deputy minister, and from the Royal Canadian Mounted Police, we have Brenda Lucki, commissioner.

Welcome to all.

Minister, thank you very much for making yourself available on short notice. We know how intense a time this has been for you.

Welcome to the committee, sir. Please proceed with your opening remarks.

Hon. Marco Mendicino (Minister of Public Safety): Thank you, Chair and honourable committee members.

First, I would like to acknowledge that I'm joining you from the indigenous territory of the Mississaugas of the Credit.

I want to thank you for the invitation to speak today about the steps our government has taken to address a unique and extraordinary situation in Canadian history: the illegal blockades and occupations of the last month.

I appreciate your contributions to the thoughtful exchanges we've had in the House of Commons on the invocation of the Emergencies Act. The emergency and the Emergencies Act have now been revoked, yet the debate will continue.

Today, I'm pleased to be here to outline how the unprecedented events of the past few weeks necessitated decisive federal action.

[*Translation*]

Over the past few weeks, we saw illegal blockades at borders and vital trade corridors, that impacted our economy, industry, and the jobs and livelihoods of many hardworking Canadians. This was also clearly a public order emergency. We saw illegal protests taking place in our capital, shutting down streets and businesses, with people feeling their sense of safety has been shattered.

We worked closely with provinces and territories to help get the situation under control, but, as time passed, it became clear that authorities needed more tools to uphold and enforce the law and protect Canadians. It was an absolute necessity that we enacted the emergency measures needed to keep Canadians safe, albeit reluctantly, in a way that allowed immediate and time-limited action for as short a time as possible. And that is what we did, to ensure we did not abandon Canadians, or our law enforcement, in a time of great need.

As you know, earlier this week, after careful consideration, we confirmed that the situation was no longer an emergency, and we ended the use of the Emergencies Act. We remain confident that existing laws and by-laws are now sufficient to protect the public, and we will continue to be there to support authorities if and when needed.

• (1240)

[*English*]

With the enactment of the Emergencies Act, law enforcement finally had the additional tools it needed to manage this extremely challenging situation. It was indeed a measure of last resort, but it was a necessary one. It was instrumental in ending the illegal blockades.

First, it allowed the exceptional and temporary measures to prohibit public assembly leading to a breach of the peace. It clearly designated protected areas around our critical infrastructure, like border crossings and the parliamentary precinct. This meant that the police could protect [*Technical difficulty—Editor*].

The Chair: Minister, we have lost your sound. We can't hear you. Is it possible that you hit the mute button on your headset?

Mr. Dane Lloyd (Sturgeon River—Parkland, CPC): It's not that mute button. It's this mute button on the headset, on the cord.

The Chair: Can you hear us, Minister?

You can. We still can't hear you.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): Mr. Chair, the minister could unplug his headset and plug it back in. That's often tried and true. Maybe that would help.

The Chair: Minister, do you have a staffer nearby who might be able to have a look at it?

Mr. Ron McKinnon: Mr. Chair, perhaps we should suspend for five minutes.

The Chair: Well, let's give him a minute.

I'm looking forward to next week, when we'll be together around a table.

Mr. Dane Lloyd: Mr. Chair, I was just doing an interesting test here. When you hit this button [*Technical difficulty—Editor*] you can't hear me talk, even though it doesn't look like I'm muted on the screen. Perhaps the minister could try that.

Hon. Marco Mendicino: Can you hear me now?

The Chair: We hear you loud and clear.

That's great. Give that staffer a raise.

The floor is yours, Minister.

Hon. Marco Mendicino: Thank you, Chair, and my apologies for the technical interruption. I'll pick up where I left off.

Second, it prohibited bringing children to an illegal blockade. I know that many of you were distressed, as I was, at the images of children being placed in the middle of blockades.

Third, it helped police go after the money. The unexpected and international use of crowdfunding platforms was a unique challenge posed by these blockades. Invoking the Emergencies Act helped us to meet those objectives.

Finally, it allowed the RCMP and other forces to quickly come together and mobilize to be integrated into operations led by police. Last weekend police from across the country helped end the illegal blockade in Ottawa. Some observers have said that it could have taken four to five days to get them all sworn in without the Emergencies Act.

Put simply, the Emergencies Act worked. As we saw in Ottawa, these new tools were used to great effect, allowing police to reclaim occupied areas of the downtown, remove trucks and other debris, move protesters out and give Ottawans their city back.

• (1245)

[*Translation*]

Here are a few caveats.

First, I want to assure you that the tools it allowed were exceptional, time-limited, and protected by the safeguards enshrined in our charter.

Second, I want to underscore that invoking the Emergencies Act did not give the federal government the authority to direct the police services of any jurisdiction.

And finally, I want to be clear that these additional tools for law enforcement were there to supplement existing tools, only to be used if and when there was an operational need as determined by police.

I'll remind colleagues that a joint committee of parliamentarians will now be struck, to review the declaration of emergency. That will be followed by an inquiry into the circumstances that led to the act being invoked, how we got there and why it was required.

[English]

I want to close by expressing my thanks to the RCMP and law enforcement across the country for their swift and professional work in ending the illegal blockades and restoring public safety. With order restored, the work continues under our existing laws. As former minister Perrin Beatty said when introducing this law in 1988, the Emergencies Act enables the federal government “to fulfil its constitutional responsibility to provide for the safety and security of Canadians during national emergencies”.

Keeping Canadians safe is a responsibility that we take very seriously. It is one we will always fulfill.

I look forward to your questions and comments.

The Chair: Thank you very much, Minister.

I'll now open the floor to questions.

First up in this first round is Ms. Dancho, who I believe is sharing her time with Mr. Lloyd.

Go ahead, Ms. Dancho.

Ms. Raquel Dancho (Kildonan—St. Paul, CPC): Thank you, Chair. I may be using the entire six minutes.

I'd like to thank all the witnesses for being here today.

Thank you, Minister, for making the time for these important questions on behalf of the public.

Minister, I want to talk a bit about the thresholds that have been met, that your government has made the case have been met, to invoke this extraordinary power, the Emergencies Act. As you know, the threshold would include a threat to the security of Canada, which includes things like espionage, sabotage and, specifically, the support of a threat or the use of serious violence.

That's very much in line with much of your opening remarks, which I'll just quote from. You said this in French, but I'll be reading this from your English version. You say that it was “an absolute necessity that we enacted the emergency measures needed to keep Canadians safe,” and that the invocation of the Emergencies Act “sent a clear message to those who decided to participate in, or support, these illegal protests”, which included “impacting the safety of the public”. You also said, “We will not yield in our responsibilities to Canadians—we must inspire their confidence that their safety is protected.”

Minister, do you believe our safety was in jeopardy with the protests in Ottawa?

Hon. Marco Mendicino: Well, certainly the size, scope and scale of the illegal blockades at a number of borders and ports of entry, as well as the illegal occupation in Ottawa, met the threshold under the Emergencies Act. That advice and the decision to invoke it were informed by non-partisan professionals, including the commissioner, who's with us today, as well as other branches of law enforcement, so yes, Ms. Dancho, we believe the threshold was met under the Emergencies Act.

Ms. Raquel Dancho: You believe there was a serious threat of violence to the national security of Canada.

On February 17, you also said, “This is a serious situation. We must resist the temptation to dismiss these as isolated incidents.” You went on to say, “At the core of the movement is anger, animosity and...violence.”

Referring to protesters who would like to come to Ottawa, you were saying to them, “You may be tying yourself to dangerous criminal activity.” You also, of course, insinuated, or you said, and I quote, that several of the individuals at Coutts had “strong ties to a far-right extreme organization with leaders who are in Ottawa”.

Again, you were saying “strong ties”. Do you believe there was a threat to public safety in Ottawa?

● (1250)

Hon. Marco Mendicino: To be clear, Ms. Dancho, those aren't just my insinuations. Hundreds of charges and arrests have been carried out by law enforcement throughout the course of the illegal blockades, not only in Ottawa but also in Alberta and British Columbia.

I would point out, Ms. Dancho, that those charges are very severe. They include conspiracy to commit murder, which carries with it a life sentence. They're not merely the insinuations of me or the government. In fact, a number of very serious and grave criminal investigations have been carried out and are ongoing.

Ms. Raquel Dancho: Right. Specifically, though, you are making the argument that the threshold to national security is a threat to public safety. You tied the extremists at Coutts to the protests in Ottawa. Do you have evidence that there was the threat in Ottawa that you saw at Coutts?

Hon. Marco Mendicino: Again, just to clarify, those comments related to a number of public reports that had been issued at the time, tracking the movements of some in Ottawa to other border points, including in Alberta.

I would just point out that from the very outset of the illegal blockade, a number of organizers and so-called leaders of the purported freedom convoy had made a number of profoundly concerning and extremist statements calling for the overthrow of the government, through violence if necessary. Some of the leaders had been quoted as saying, again very publicly, that if necessary, it would be through the use of bullets and other similar force.

Those are all reported, documented and catalogued in the public domain, Ms. Dancho.

Ms. Raquel Dancho: You believe there was a serious national security threat to public safety. I know the Prime Minister also said, when he was invoking the act that first day, that this was “about keeping Canadians safe” and that the government would “not allow illegal and dangerous activities to continue”. From your remarks and from the Prime Minister's remarks, you believe the threshold for invoking the act for the purpose of... You believe there was a national security threat to public safety.

Minister, I walked to West Block for two weeks past these protests. If there was such a threat to public safety, how could you have allowed members of Parliament to walk by that protest every day?

Hon. Marco Mendicino: I would say a couple of things in response to that, Ms. Dancho.

First, as you know, the Sergeant-at-Arms, in coordination with the Parliamentary Protective Service and the RCMP, did offer additional protection for parliamentarians, as well as for staff who were working on the Hill.

The other thing I would say, Ms. Dancho, respectfully, is that your experience was not the experience of the many thousands of Ottawans who were laid to siege as a result of—

Ms. Raquel Dancho: Minister, I apologize, but just to be clear, you were saying the extraordinary high thresholds of these incredible, never-before-invoked emergency powers met the threshold that this was a national public safety security issue, and you connected it to the goings-on at Coutts. You're insinuating that this was happening in Ottawa. That's the main argument that you've made for the purpose of invoking this act, yet I walked every single day for two weeks past these protests.

You can imagine the anxiety that this causes to parliamentarians, to Ottawa staff, and we can go on, yet I don't understand how you could be saying on one hand there are all these strong ties and this was a national emergency for public safety, while I walked by these protests every day. It just doesn't really add up at all.

The Chair: I'm sorry, Minister. You have only 10 seconds left.

Hon. Marco Mendicino: First, I would say it's not an insinuation. We got the advice from our law enforcement that we met the threshold.

Ms. Raquel Dancho: I can't believe you put us in danger in that way, to be honest. That seems very irresponsible to me.

Hon. Marco Mendicino: Secondly, Ms. Dancho, respectfully, there were Ottawans who were subjected to intimidation, harassment and threats of rape, and those were all supported by—

Ms. Raquel Dancho: How could we possibly have been allowed to walk by that every day?

The Chair: I'm sorry. The time has elapsed on this round. We now move to Mr. Noormohamed.

Sir, you have six minutes. Whenever you are ready, go ahead.

Mr. Taleeb Noormohamed (Vancouver Granville, Lib.): Thank you, Mr. Chair, and thank you, Minister, for joining us.

First, I'd like to ask you a question following on Ms. Dancho's question, because I think it's important for the public to be aware of the facts of the matter.

Who is responsible for the safety and security of parliamentarians? Is it the Minister of Public Safety or is it the Parliamentary Protective Service?

Hon. Marco Mendicino: The responsibility for parliamentarians and their staff and everybody who works on the Hill is principally with the Sergeant-at-Arms and the Parliamentary Protective Service, but there are supports that are offered by the RCMP.

• (1255)

Mr. Taleeb Noormohamed: Thank you.

Minister, we all saw what happened in Ottawa. Certainly, my experience and the experience of other members of Parliament was clearly very different from Ms. Dancho's experience in terms of what we saw and what we heard when we were crossing the street.

Twenty-one days is a really long time for the citizens of Ottawa. There are a lot of folks who wonder why the federal government didn't step in earlier.

Why did it take 21 days for the federal government to ultimately have to step in?

Hon. Marco Mendicino: First, I would point out, Mr. Noormohamed, that the government had stepped up quite clearly and concretely with supports to the Ottawa Police Service; we had sent three reinforcements. In fact, I believe—and the commissioner can confirm—that we probably sent more Mounties to the Ottawa Police Service, to Ottawa, than we did anywhere else, and that was something we were quite content to do.

If you'll permit me, Mr. Noormohamed, I'd like to come back to Ms. Dancho's question, because it really quite mischaracterizes the essential nature of the illegal occupation we saw in Ottawa. There may have been some who were able to make their way through, but I assure you and everyone on the committee, and all Canadians, that what was occurring in Ottawa was a sustained and flagrant breach of the law that laid to siege the community and neighbourhoods. Families could not drop off their kids to daycare; seniors could not get around for lack of access to transportation; women were threatened, harassed and assaulted.

These are not just the insinuations of the governments. These facts are borne out by the criminal investigations that ensued, carried out independently by law enforcement, leading to charges under the Criminal Code, which, as you know, Mr. Noormohamed, is the most serious statute that one can be charged under.

It's very important that we are clear about the facts and are clear about the record. The record and the facts clearly demonstrate that Ottawa was subjected to an illegal occupation, which was one of the main reasons we had to invoke the Emergencies Act.

Mr. Taleeb Noormohamed: Minister, does it concern you, then, on the basis of what you've said, that there are people who continue to seek to minimize this as a peaceful protest, a minor inconvenience and the price of living in a democracy?

What would you say in response to that for people who don't see the threat that you may have seen and who don't see organizers such as Pat King, who have promoted violence in the past, as part of the problem? What would you say to Canadians who feel that way?

Hon. Marco Mendicino: I would tell anyone who believes that about what was occurring outside of Parliament or at the borders to look beyond their own individual experiences, to look at the facts and the record, and to take a look at the devastating impacts that were visited upon Canadians.

For example, in Windsor, as a result of an illegal blockade to stop the flow of essential supply chains, Canadians were laid off; plants were shut down and questions were raised as to Canada's capacity to carry on the roughly one-quarter of our daily trade that we do with our most important trading partner, the United States.

Take a look at what happened in South Surrey, B.C., Mr. Noor-mohamed, in your province, where there was an effort by those participating in the illegal blockade to use an armoured vehicle to crash through a barrier that had been put up by the RCMP to control and to bring back to order the situation at the Pacific Highway port of entry. Take a look at what happened in Manitoba, in Ms. Dancho's home province, where for weeks and weeks individuals have been carrying on an illegal protest and occupation outside of the legislature there.

We can't bury our heads in the sand and trivialize and minimize what has gone on here. The size and the scope and, frankly, the simultaneous nature of these blockades that so challenged law enforcement and their ability to use existing authorities took us to the decision to invoke the Emergencies Act, but it worked.

Mr. Taleeb Noormohamed: I know I'm running short on time, but I have a question for Commissioner Lucki based on what you've just said, Minister. I have 30 seconds left.

Canadians have been asking why the RCMP, the national police force, did not go in there and clear everything out on the first day in Ottawa.

Commissioner Lucki, can you tell us why the RCMP was not in a position to do that?

• (1300)

Commissioner Brenda Lucki (Royal Canadian Mounted Police): The Ottawa Police Service are the police of jurisdiction, and if they need assistance, under the Ontario Police Act, their first request should go to the Ontario Provincial Police, which is responsible for assisting any municipalities within the province of Ontario. That would be their first ask.

Given the scope, we did assist on the first weekend. We offered our assistance and we honoured any requests from OPS for additional resources or expertise.

The Chair: Minister, we're at the top of the hour, but given the technical delay we had earlier, can I ask on behalf of the committee if you are prepared to stay longer so that we can get through the first round of questioning?

Hon. Marco Mendicino: Of course.

The Chair: Thank you very much.

Ms. Michaud, it's over to you for six minutes.

[*Translation*]

Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ): Thank you, Mr. Chair.

My thanks to the minister and the witnesses for being here. We are grateful that they could quickly make themselves available.

Mr. Minister, on February 14, the 18th day of the siege of Ottawa, your government indicated that it would be invoking the Emergencies Act. The next day, February 15, Quebec's National Assembly unanimously passed a motion asking your government to not enforce the act on Quebec territory. In Quebec, there was no major problem that would justify such enforcement, nor was there anywhere else in the country. The blockades in Windsor, Emerson and Coutts were dismantled in large part by local police forces. The Prime Minister even said that the emergency measures would be geographically targeted. Essentially, the only crisis was in Ottawa. But when we saw the order, we realized that the act would apply everywhere in Canada.

Why did you not respect the will of Quebec, and actually of other provinces that made the same request?

I will also add that believing that there might be another demonstration does not seem to me to be a valid reason for invoking the act.

Hon. Marco Mendicino: Thank you for your question.

Yes, we consulted with the Quebec government, and with municipal leaders. I had a very constructive telephone conversation with the mayor of Gatineau. She expressed some concerns about the illegal blockades.

As for your question about the way in which the act operates, yes, when the government decides to invoke it, it applies everywhere. However, the measures described in the declaration went into effect only where they were needed. Police forces can use all those measures in a very targeted and time-limited way, always in compliance with the charter.

Ms. Kristina Michaud: Thank you, Mr. Minister.

I understand that, but Quebec had expressed its view that it was not necessary to go that far. Furthermore, everything leads us to believe that the siege of Ottawa could also have been dismantled with normal legal and legislative tools.

You invoked the act on day 18, yet you have basically nothing to show that you tried anything else in the first 17 days before you came to this measure of last resort. The evidence is that, when people were begging you to act on behalf of the residents and business people in downtown Ottawa, you were telling us over and over again in the House that it was not in your jurisdiction.

So when did you learn that a large convoy was heading for downtown Ottawa and, as of that moment, what steps did you take?

Did you receive any internal briefings or legal opinions that gave you options other than invoking the Emergencies Act?

If so, could you provide them to the committee?

• (1305)

Hon. Marco Mendicino: Thank you for your question.

The government adopted many measures after the blockades began at the end of January and the beginning of February. For example, we made a number of commitments with the City of Ottawa. I talked with Mayor Watson a number of times, as did some of my government colleagues, including Minister Blair. The RCMP commissioner spoke with the former police chief a number of times and she has remained in contact with the police.

With those processes and those commitments with the City of Ottawa, we were able to provide additional resources, not once, not twice, but three times. On three occasions, the RCMP sent reinforcements into the field to help resolve the situation that was distressing for the residents of Ottawa.

The government therefore took a number of steps during the blockades before deciding to invoke the Emergencies Act.

Ms. Kristina Michaud: Thank you.

I'll come back to the RCMP and the additional support later. First, I'd like to ask you a question.

I feel that your government perhaps politicized or exploited the crisis. The major police operation that we saw last weekend and that cleared downtown Ottawa shows that it was not the Emergencies Act that did the job, it was actually a well-coordinated police operation.

When the vote was held on Monday evening, the downtown had been cleared and there was nothing to justify the act being passed. Nothing led us to believe that the country's territorial integrity was being threatened or that there was a national crisis. Your government threatened parliamentarians that you would make it into a confidence vote if they opposed it. A few hours later, you revoked the act yourselves.

So I wonder what changed between the time the vote was held on Monday evening and the time you decided to revoke the act. To my knowledge, downtown Ottawa was clear at both those times and nothing indicated that we were in a crisis situation.

[English]

The Chair: I'm sorry, Ms. Michaud. Time is up.

I want to give the minister 10 seconds to respond.

[Translation]

Hon. Marco Mendicino: As a very quick answer, the police forces used all the measures in a very effective, very targeted, and time-limited way.

[English]

The Chair: Thank you.

Mr. MacGregor, you have the last slot in the first round for six minutes. Whenever you are ready, please proceed.

Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP): Thank you so much, Chair.

Thank you, Minister Mendicino, for being here. I just want to walk our committee through a bit of a timeline. We started to see

the occupation of Ottawa on the weekend of January 28 and 29. About a week later, on February 6, we saw the City of Ottawa declare a local state of emergency. A state of emergency was declared by the Province of Ontario on February 11 and, at the time, Conservative Premier Doug Ford said, "We are now two weeks into the siege of the city of Ottawa. I call it a siege because that's what it is. It's an illegal occupation. This is no longer a protest." Of course, the federal government declared a public order emergency on February 14.

Minister, my very specific question to you is this. Before February 14, when your government made the declaration, did you or the Prime Minister receive any requests from the City of Ottawa to invoke the federal Emergencies Act?

Hon. Marco Mendicino: There was a very consistent line of communication, not only between my office—

Mr. Alistair MacGregor: With respect, Minister, I just need a yes or no, please. I think we just need confirmation. Did the City of Ottawa make a request to your government before February 14?

Hon. Marco Mendicino: My simple answer to you is that I think Ottawa had expressed concerns that they were challenged in their ability to use their police service alone to respond to the illegal occupation. There was contact between them and the Province of Ontario, as well as the RCMP, but perhaps the commissioner may want to say more about that.

Mr. Alistair MacGregor: Before we get to the commissioner, Minister, before February 14, did you or the Prime Minister receive any requests from the Conservative Government of Ontario and Premier Doug Ford, to invoke the federal Emergencies Act?

• (1310)

Hon. Marco Mendicino: Once again, we were in consistent contact with the Province of Ontario. I had a number of conversations with my counterpart, Minister Jones, who is the Ontario Solicitor General. We were talking about the ability of law enforcement to utilize existing authorities, but they then came to their judgment, as you say, and thereafter we came to ours on the basis of the advice that we were getting from law enforcement.

Mr. Alistair MacGregor: In other words, they were transmitting to you that the situation was out of hand. Was that a hint to you? I'm trying to establish for the public whether local or provincial levels of government felt they were sufficiently overwhelmed that they needed the federal government to come in with these extraordinary powers.

Hon. Marco Mendicino: That is why we were very responsive in sending three reinforcements to Ottawa. I wouldn't want to leave you or anyone else with the impression that we were sitting idly by as the situation deteriorated, but to the core of your question, we were very much watching the situation with grave concerns.

Mr. MacGregor, you and I had a number of conversations in which we talked about how it appeared that despite best efforts, law enforcement locally could not leverage existing authorities under the Criminal Code or other statutes to bring the situation under control. I think in part that was because of the large number of individuals who had become entrenched in the downtown core and in communities, but we also wanted to be sure that we were listening carefully to the assessment of police at every level. When we came to the determination to invoke the Emergencies Act, it was because at that moment in time.... It wasn't just a matter of Ottawa; it was a matter of the blockades that had popped up right across the country and, even after they had been dealt with, the concern and the very real risk—including in your province of British Columbia—that they might come back. There were concerns, likewise, that they might come back in Windsor. We then took the decision to invoke the Emergencies Act, which was very effective.

Mr. Alistair MacGregor: Thank you.

I just want to make sure I use some more of my time here. RCMP Commissioner Lucki, I'd like to ask you a question. We heard the minister say that it was the professional opinion of law enforcement that these powers were needed. I received a briefing on two occasions, repeating the same.

Commissioner Lucki, with all of the events that you saw over those first two weeks with the occupation of Ottawa and the blockades, in your professional opinion, was the declaration of public order emergency necessary under the Emergencies Act, and can you please state why?

Commr Brenda Lucki: Obviously, when we are looking at events such as protests or illegal blockades, we look at the whole operational environment and any threats. When we look at it, we have existing authorities under the Criminal Code, the provincial entities and the Ontario emergency act. There were injunctions by the City of Ottawa.

We did use measures under the act when they were put in place. We used, for example.... We don't have anything in existing laws that prevents people from coming to protest, and we can't turn them away, so for us, operationally, it was all about reducing that footprint in Ottawa. The only way to do that was to stop people from coming in or incentivize them to leave. We used it as a big deterrent to people against coming into the area. Yes, in fact, we did use the measures that were put in the Emergencies Act, along with other authorities that we had.

The Chair: Thank you, Commissioner.

Thank you, Mr. MacGregor.

We will now move into the second round of questions. To lead off a five-minute block, we have Mr. Brock.

Mr. Brock, please go ahead.

Mr. Larry Brock (Brantford—Brant, CPC): Thank you, Mr. Chair.

Thank you, Minister, and thank you, witnesses, for attending today and for your testimony.

Minister, literally since the 1960s, law enforcement has safely and securely removed illegal blockades and protests across this

country without resorting to the War Measures Act or, in the last 34 years, the Emergencies Act. A classic example of that, Minister, is what happened on the Ambassador Bridge in Windsor. Through effective police engagement and through effective containment, they were able not only to remove the protesters but also to remove the blockages on the bridge, literally one day before the invocation of the Emergencies Act.

Law enforcement, sir, had all the necessary tools under the Criminal Code, the Ontario Highway Traffic Act, Ottawa bylaws and court injunctions to end this illegal blockade. The Prime Minister confirmed this literally days before the invocation of the Emergencies Act.

Before February 14, 2022, Minister, you will agree that law enforcement had numerous powers to arrest under the Criminal Code, first, starting with mischief under section 430 of the Criminal Code, which is defined as wilful acts to destroy or damage property, or obstructing, interrupting or interfering with the lawful use or enjoyment of property or with any person in the lawful use of that property.

You'd agree with me, Minister, that this was available to law enforcement before February 14, 2022. Is that correct?

• (1315)

Hon. Marco Mendicino: Mr. Brock, I would agree that those authorities existed prior to the invocation of the Emergencies Act and that they were on the books and that they were available to police, but one requires—

Mr. Larry Brock: Thank you, Minister—

Hon. Marco Mendicino: No, if you'll permit me to finish, Mr. Brock—

Mr. Larry Brock: It was a yes-or-no question, Minister. You answered it. It was available.

I have five minutes. This is my time, Minister.

You'll agree with me that, under section 175, causing a disturbance, activities such as “fighting, screaming, shouting, swearing, singing—”

Mr. Ron McKinnon: On a point of order, Mr. Chair, Bosc and Gagnon state that we have to be respectful of our witnesses, that we have to give them.... It's not respectful to deny the minister a chance to respond to the question.

The Chair: Your point is well taken. Let's proceed.

Mr. Brock, it's back to you.

Mr. Larry Brock: You'd agree with me, Minister, that causing a disturbance by the activities that I just described to you was available to law enforcement prior to February 14, 2022, under section 175....

Hon. Marco Mendicino: Mr. Brock, what I was attempting to say was that you have to read the Emergencies Act. It says that the law is effective at dealing with "a national emergency". My point to you and to all Canadians was that despite the presence of those laws, they were not effective at dealing with the illegal blockades and the occupation. That was the advice that we were receiving from law enforcement and one of the main reasons we invoked the Emergencies Act.

Mr. Larry Brock: My question to you, Minister, was that it was available to law enforcement to effect an arrest for causing a disturbance for many of the activities complained about by numerous residents in downtown Ottawa: Do you agree with me?

Hon. Marco Mendicino: Mr. Brock, you're missing the point. The way the law works is that it isn't just about whether or not the law is on the books; it is whether or not it is effective in dealing with the illegal blockades and the occupation and—

Mr. Larry Brock: With respect, Minister, that is a law enforcement issue. The law was available for them to use. Whether they utilized it is a separate issue.

My question for you is, was that available to law enforcement, yes or no?

Hon. Marco Mendicino: Mr. Brock, you misunderstand the application of the law as well as how law enforcement interprets it. Their advice to the government was that the existing authorities were not effective at dealing with the illegal blockades and the occupation.

Mr. Larry Brock: Well, law enforcement at Coutts, Alberta, had no problem invoking the Criminal Code to take care of those criminal activities without the Emergencies Act, did they? You would agree with me that they didn't need the Emergencies Act to arrest for the attempt to murder or the other serious offences, did they?

Hon. Marco Mendicino: Mr. Brock, notwithstanding that, the tools that were afforded law enforcement were necessary for the purposes of addressing the illegal blockades and the occupation. That advice came from very experienced law enforcement, including the Canadian Association of Chiefs of Police, the Ontario Association of Chiefs of Police and the Canadian Police Association, which represents the rank and file.

Mr. Larry Brock: We'll examine those individuals in the future. We'll examine those—

Hon. Marco Mendicino: Mr. Brock, respectfully, you're on the other side of the singular opinion of all of those institutions.

Mr. Larry Brock: We'll have an opportunity to question them.

They also had numerous operations under the Highway Traffic Act, dealing with parking, honking of horns and blocking of intersections. All of that was available to law enforcement before 14 February. Is that correct?

The Chair: Thank you, Mr. Brock.

Hon. Marco Mendicino: They were not—

The Chair: The time for that section has been used up.

I'll now turn the floor over to Mr. Chiang, who has five minutes in the second round.

Mr. Chiang, go ahead. The floor is yours.

• (1320)

Mr. Paul Chiang (Markham—Unionville, Lib.): Thank you, Mr. Chair.

Good afternoon, witnesses. Thank you for participating today with us.

My question is for Commissioner Lucki. I understand that operationally you may not be able to provide us with every detail about the work your officers conducted over the weekend. However, I'm wondering if you can tell the committee why the action taken by police this weekend was different from the action taken over the past month.

What role did the RCMP play in shaping the operation led by the Ottawa Police Service this past weekend?

Commr Brenda Lucki: Obviously, we were involved from the beginning, but in a more limited capacity at the beginning. We had our protective mandate as one part of the operation, and the second part was assisting the police of jurisdiction, the Ottawa Police Service, to which we provided some resources.

As things ramped up, there was a request for more resources, and we developed a unified command so that we had Ontario police, us and OPS doing integrated planning, because the footprint was not being reduced. In fact, every weekend it was being increased. It would go down after the end of the weekend but the general numbers would never change.

Part of effectively dealing with crowds and illegal blockades is reducing the footprint, and so the plan was based on communications, deterrents and motivations to get people out of the footprint. That's why parts of the EA were very effective in that regard. It was integrated into our planning to reduce the footprint, so that we could deal with what was left after we reduced the footprint of the illegal blockade.

We provided numerous resources, specialized and frontline police officers, and an effective and integrated command centre, which was actually brought into our RCMP building. It had people from all different police of jurisdiction who were going to contribute to the effective enforcement to get rid of the illegal blockade in Ottawa.

Mr. Paul Chiang: Thank you so much, Commissioner, for those words.

I just want to clarify something with regard to police officers from different provinces coming to Ontario to assist. Without the EA, would they have been able to come across the borders, or would they have been restricted to their own provinces?

Commr Brenda Lucki: Yes, absolutely, under the RCMP model we are allowed, under the provincial police act service agreement within the RCMP, to draw up to 10% of provincial resources into other areas in emergent situations.

One thing the act did was to allow us to avoid the swearing in of our officers for frontline provincial and municipal enforcement. That was one of the things that was brought into the EA. Before that, when we brought people into the province and into the city of Ottawa, they needed to be sworn in, which was more of an administrative streamlining of our services.

Mr. Paul Chiang: Thank you so much.

I understand that the situation we had in the past month was quite fluid, and that the EA was quite good in assisting law enforcement to work co-operatively across the country. If the situation had gotten worse, it would have assisted law enforcement across the country to be fluid and to react appropriately. Would you say that?

Commr Brenda Lucki: Yes. The EA was used across.... There were many protests that were peaceful and fell within the rules of the law that we dealt with across the country—40 to 50 different ones—but there was one where it went into the illegal realm and the EA was used as a deterrent, first of all to stop people from joining the existing protests, and also to stop convoys travelling across the country to join in on the Ottawa blockade, the illegal protest there.

Mr. Paul Chiang: Thank you so much, Commissioner.

From your policing perspective, when does a protest become an occupation, that is, from a peaceful protest to an occupation...?

Commr Brenda Lucki: I don't know in regard to an occupation, but what I do know is that peaceful protests follow the rules of the law. When they get into the illegal protests, where they will not follow the law and refuse to leave or are in areas illegally or are blocking the enjoyment of others, that's when they become illegal. That's when they're asked to leave or to make sure there's not an impediment of traffic, for instance, or pedestrian traffic, or the breaking of the various laws Mr. Brock referred to—

• (1325)

The Chair: Thank you very much, Commissioner.

Ms. Michaud, the floor is now yours for two and a half minutes.

[*Translation*]

Ms. Kristina Michaud: Thank you, Mr. Chair.

Mr. Minister, I want to go back to my question that you did not have the time to answer.

Unfortunately, I believe that your government exploited the crisis towards the end.

Why did your government threaten parliamentarians to make it into a vote of confidence if we voted against invoking the Emergencies Act?

Did it really justify holding another election?

Hon. Marco Mendicino: Thank you for your question.

Ms. Michaud, right from when the illegal blockades began, the government's priority was the health and safety of Canadians.

People sometimes have differing opinions on the pandemic, but nothing justifies breaking the law, violating the rights of the residents of Ottawa, and illegal blockades. That's the most important factor.

Making the decision to invoke the Emergencies Act was very difficult, but we did so with a lot of care and we listened closely to the advice from the police forces.

Ms. Kristina Michaud: Mr. Minister, only a few hours after the vote, you revoked the act yourselves.

What changed between the time of the vote and the time when you revoked the act?

In my opinion, and in the opinion of many, downtown Ottawa was clear and the act was not justified at that point.

Hon. Marco Mendicino: Despite the progress made at the beginning of the week, there was still a risk, given that a number of participants remained at blockades outside Ottawa, but at ports of entry. That was a concern to the government and even to the police forces. So we monitored the situation carefully, hour by hour and day by day.

[*English*]

The Chair: I'm sorry, Minister. You're going to have to wrap it up.

[*Translation*]

Hon. Marco Mendicino: When we made the decision to revoke the act, it was because the situation was no longer an emergency.

[*English*]

The Chair: Thank you very much.

Mr. MacGregor, in this round, you have two and a half minutes.

The floor is yours.

Mr. Alistair MacGregor: Thank you, Chair.

Minister, I don't think history is going to be kind to this whole episode of the last three weeks, certainly for the people of Ottawa, who I think rightly felt abandoned, not only by their police services but by three different levels of government.

When I brought forward this motion to ask you and officials to come here, it was for a discussion not so much of the Emergencies Act and the powers it entailed but really of the events that led to our having to enact it. I think that very action represented a failure. The failure was that we needed this massive suite of federal powers to get the job done.

I really want to try to piece this together.

From January 28 onwards, even before the convoy appeared in Ottawa, the warning signs were there that this was not going to be a normal protest. Ottawa experiences protests pretty much every day of the week. We are used to seeing them on Parliament Hill. They stay; they make their point; they make their voices heard, and they disperse.

I'm just trying to find out why the federal government did not step in sooner to provide that coordination, the logistical and intelligence support, to effectively deal with this. We ended up having our capital, our seat of democracy, basically put under siege.

• (1330)

Hon. Marco Mendicino: Mr. MacGregor, I want to assure you that the federal government was very present and supportive of local police. We sent three reinforcements, hundreds of Mounties, to assist the Ottawa Police Service. You heard the commissioner say that she was in touch with the city to offer that support.

I would also point out that if the Ottawa Police Service was incapable of dealing with the occupation, the provincial statute says that the OPP would then step in. If the OPP could not then respond, the RCMP would be there. Throughout, there was communication and support.

I will also say that there are lessons to be taken from the last month or so, Mr. MacGregor. I agree with you, but as much as the Emergencies Act was a tool that could be used, it was effective. It did the job. It clearly helped to put an end to the illegal blockade and the illegal occupation in Ottawa, and that is what it was intended to do.

The Chair: Thank you, Minister.

Colleagues, we're at the bottom of the hour, but I appreciate the Minister's offer to stay a bit longer so we can finish the second round.

For the information of witnesses and members of the committee, that will be two five-minute blocks, and that will take us to the end of the section.

I have Mr. Brock next, for five minutes.

Is that your understanding, Ms. Dancho?

Ms. Raquel Dancho: What if I could go first and then defer to Mr. Brock? Does that work for you?

The Chair: It's entirely up to you. You have five minutes.

Ms. Raquel Dancho: Thank you, Mr. Chair.

Minister, I want to follow up on our line of questioning earlier. Again, I was asking for evidence of a serious national security threat to public safety, which your government argued was what transpired. Therefore, the threshold was met to invoke these extraordinary powers that had never been invoked before. Then you mentioned that there were threats of rape and that certain organizers talked about using bullets. Is that your evidence that there was a serious national public threat to security for Canadians?

Hon. Marco Mendicino: Ms. Dancho, that's just the tip of the iceberg. You had blockades across the country. There were hundreds of charges laid as a result of the blockades. There were hundreds of charges and arrests straight out—

Ms. Raquel Dancho: That's correct, yes. I apologize for interrupting, but—

Hon. Marco Mendicino: —that flowed from the illegal occupation. What I'm getting at is that it was not just insinuations, Ms. Dancho.

Ms. Raquel Dancho: Right, but the blockades, of course, had to come down. They were illegal. However, again, we're talking about the argument that was made by your government that the threshold—the very high threshold of a threat to the national security and public safety of Canadians—was met. Then when I pressed you, you said there were allegations of rape, and some organizers said something about bullets. Again, I was walking by those folks, so if you believe that this is true, again I'll just ask you, why would you let us parliamentarians and women parliamentarians walk—

Mr. Taleeb Noormohamed: On a point of order, Mr. Chair, under Standing Order 11, this is repetitive questioning. We've already had this question asked. We have the minister for a limited amount of time, so I'm wondering if we might be able to move on to non-repetitive questions.

Ms. Raquel Dancho: If I could respond to that, Mr. Chair, I think the Minister of Public Safety of Canada, who was formerly a Crown prosecutor, is able to handle my line of questioning just fine. He does not need the assistance of Liberal members of this committee.

Am I correct, Mr. Mendicino?

Hon. Marco Mendicino: I'm happy to take your questions, Ms. Dancho.

Ms. Raquel Dancho: Thank you, Mr. Mendicino.

If you'll allow me, Mr. Chair, I'll continue on that one minute and 26 seconds.

I'll just review, because I am genuinely concerned about this. Women on this panel right now walked by that protest every day, and you're saying there was a serious threat to public safety. Again, can you confirm that there was a serious threat to our public safety in walking by that Ottawa protest every day, and that the threshold for invoking this act was thereby met?

Hon. Marco Mendicino: Ms. Dancho, at the risk of generalizing, I would say that for every one example of a safe passage there are probably thousands who did not feel any public safety. Far from my simply insinuating that there was a lack of public safety and order, one only has to take a look at the extensive criminal enforcement operations that led to serious charges.

Yes, Ms. Dancho, although I say it regretfully, there were individuals who were intimidated and harassed. There were expressions of hate. There were apartment buildings that were chained, and there were efforts to set buildings on fire.

The individuals who live in Ottawa were terrorized. The individuals who were trying to go to work in Windsor and elsewhere in southwestern Ontario could not, because of the illegal blockades.

All of these events, tied together, constituted a national emergency. When we arrived at that, we gave law enforcement the tools they needed to get the job done. I'm very happy to say, Ms. Dancho, that they did it with the least amount of force in a very professional manner. As a result, the situation is now far better.

• (1335)

Ms. Raquel Dancho: Right. I appreciate that, but again, my line of questioning is that you said there was a serious threat to public safety and therefore the threshold for invoking this act was met. Again, in all the things you've just listed, if that's the case, then why would you permit members of Parliament, their staff and journalists to walk by this protest that was so threatening, so dangerous and so violent, by your own words today? Why would you allow us to even get close to that protest if it was such a threat to public national safety and security? It really doesn't make sense to me why you would do that.

Hon. Marco Mendicino: It's a fair question, Ms. Dancho.

I would simply say that we offered additional protection to MPs. As for journalists, trust me, I reached out to some of them and urged them to be very careful, but they probably wouldn't have listened to me anyway because they were concerned about reporting about the facts, Ms. Dancho.

It is regrettable that a number of individuals within the Conservative Party seem to want to gloss over the facts, but this is to our detriment collectively. I would just hope that on sober reflection you would see that as a result of the steps we took, we restored public safety and order, because that is what we had to do.

Ms. Raquel Dancho: Well, I appreciate that, Mr. Mendicino, but in response, I would hope that if the claims you're making are true, that if national security and public safety were in jeopardy—due to threats of rape in Ottawa, bullets and all of these other things you said—you have serious and sober reflection about the fact that you allowed members of Parliament, journalists and staff to walk among the protest for three weeks. I think that requires serious, sober reflection if that is in fact the case.

Mr. Chair, I'll cede the rest of my time to Mr. Brock. I have 30 seconds left.

The Chair: All right.

Go ahead, Mr. Brock.

Mr. Larry Brock: Thank you.

The most disturbing aspect I heard, Minister Mendicino, is this rape allegation—a very heinous, serious crime.

We debated this particular issue for over 40 hours. Not once did the Prime Minister, you or any other senior member of cabinet, or any member of your backbench, raise a rape allegation, so my question to you is very pointed. If that allegation did not result in a criminal charge—and it's not rape under the criminal charge, as you know since you're a lawyer; it's an allegation of sexual assault—

The Chair: Your time is up—

Mr. Larry Brock: —will you undertake to provide—

The Chair: Sir, the question—

Mr. Larry Brock: —this committee with proof of allegations?

The Chair: Please, have respect for the chair.

The question has been put.

Mr. Mendicino, you have 10 seconds to respond.

Hon. Marco Mendicino: The absence of criminal charges doesn't mean it didn't happen in Ottawa, and it doesn't happen every day, Mr. Brock, and I would think you would know that.

The Chair: The last slot on this round, to take us to the end of the discussion with the minister, goes to Mr. McKinnon.

You have five minutes. The floor is yours, sir.

Mr. Ron McKinnon: Thank you, Mr. Chair.

I just want to mention that a week ago Parliament was in fact shut down for a day because of safety concerns, so I think that speaks to the safety of parliamentarians on the Hill.

What I want to talk about now is that in circumstances of this kind, whether it's the blockade that happened here or the blockades we had a couple of years ago, the public often sees not enough action. They demand, depending on the circumstances, that the mayor, the premier or, in this case, the Prime Minister take action, yet we know that we, as political actors, are limited in what we can do, because we have to maintain the independence of the police services.

Could you speak to squaring that circle? What actions are available to us when we see events of this kind unfold and we don't necessarily see effective action?

Hon. Marco Mendicino: It's a very important question, Mr. McKinnon. You're quite right that the government fulfills functions that are quite different from those fulfilled by the police service. We in government are responsible for putting into place the necessary laws and for making sure that law enforcement has all the tools and resources it needs to maintain and uphold public safety, whereas it is up to law enforcement to then enforce those laws. There are very well-established conventions as to why those functions need to be maintained separately.

I would say that doesn't mean there isn't a need for communication. I would simply point out that between my team, my department and me, and the commissioner, there was very good communication. I want to commend her and the RCMP, as well as all law enforcement, for being very attentive to the concerns the government was expressing. Likewise, her advice to the government was extremely helpful so that we could understand what the challenges were, what the threats were and why we eventually needed to invoke the Emergencies Act.

The point I would make is that the Emergencies Act, while intended to be a sparingly used statute, was an essential tool. It was essential in the circumstances because of the significant disruption that was caused at our borders and the significant and devastating impact on our communities. Law enforcement used this tool with designated no-go zones, with financial controls and with the ability to more quickly mobilize police into the areas where we needed them. They did it to great effect at all times, responsibly and with restraint, and with the least amount of force. That is how, I believe, the Emergencies Act was intended to be used.

• (1340)

Mr. Ron McKinnon: Thank you, Minister.

I'd like to carry on with this theme a little.

This is of particular significance in areas where the police of jurisdiction are, in fact, the RCMP, yet they may well be contracted to municipalities or to the province. When the RCMP are involved, people say, "Well, that's a federal police force," and they say that because it's a federal police force, the Prime Minister should be responsible, or that you, as Minister of Public Safety, have the RCMP within your purview.

What do we say to those people who are demanding that the federal government step in, in these circumstances? People see arguments about jurisdiction as being excuses, and they want to see action. How do we respond to that?

Hon. Marco Mendicino: It's a fair point, Mr. McKinnon.

The average citizen, the person who is living in their community, is not concerned with jurisdiction. What they expect is that police at every level will work together and that governments at every level will work together. Certainly over the course of the illegal blockades, that was what we endeavoured to do. Initially that was by providing reinforcements where, according to the advice of the RCMP, they were needed, sending hundreds of Mounties to the community in Ottawa as well as mobilizing additional Mounties in Alberta and elsewhere across the country. Thereafter, where the challenges remained, it was by using the Emergencies Act.

Again, this highlights the differences in the functions we serve. Governments came up with the Emergencies Act because they foresaw that at a certain moment, law enforcement would potentially require some additional mechanisms to be put into place, but, importantly, with safeguards.

The Chair: Minister, thank you for extending the time. We had some technical issues, but we managed to get through two full rounds of questions.

On behalf of the committee, thank you. We understand how the stresses on your time are really quite extraordinary. We're very grateful for your having spent the last hour with us.

Colleagues, we'll suspend so that the clerk can do sound checks for the next panel.

I will be looking at my clock—

Mr. Dane Lloyd: I'm sorry, but I just want to raise this point of order. I wanted to respect the minister's time, but the member for

Vancouver Granville, earlier in this session, on a point of order, cited Standing Order 11 against repetitive questions.

There is no Standing Order 11 against repetitive questions, and there also is no standing order for raising objections to questions you don't like being asked. We all have rights as members of Parliament to ask questions and to not be interrupted by frivolous points of order.

I would ask, Mr. Chair, that you ask the member to provide proof of such a standing order, as he claimed, or to cease interrupting members with frivolous points of order.

Thank you, Mr. Chair.

The Chair: Fair enough. I'll take that under advisement.

We will suspend for five minutes. The clerk has to do sound checks for the next panel.

I'll be watching my clock. Clerk, that's five minutes for you, and members of the committee, that's five minutes for you to powder your noses or whatever you want to do.

I'll see you in a few minutes.

• (1340)

(Pause)

• (1350)

The Chair: Thank you, everybody, for being so alert to our tight time frame. Speaking of which, if we're going to get through two rounds, we'll have to go slightly over the half hour. It looks like that would be between five and 10 minutes, if there are no objections.

Seeing none, I'll call the meeting back to order, everybody.

With have with us, for the second hour, a number of witnesses via video conference.

From the Canada Border Services Agency, we have Scott Harris, vice-president, intelligence and enforcement branch, and Denis Vinette, vice-president of the travellers branch.

From the Department of Finance, we have Richard Bilodeau, director general, financial institutions division, financial sector policy branch.

From the Department of Justice, we have Samantha Maislin Dickson, assistant deputy minister, public safety, defence and immigration portfolio.

From the Department of Public Safety and Emergency Preparedness, we have Talal Dakalbab, assistant deputy minister, crime prevention branch.

From the Financial Transactions and Reports Analysis of Canada, we have Barry MacKillop, deputy director, intelligence.

From the Royal Canadian Mounted Police, we have Dennis Daley, assistant commissioner, contract and indigenous policing, and Michael Duheme, deputy commissioner, federal policing.

Members of the committee, there will be no opening remarks. I've been informed that the RCMP will be able to speak only to its own role and support regarding the police action in Ottawa.

I will now open the floor for questions.

Ms. Dancho, you will be leading off the first round. You have six minutes. Please proceed when you're ready.

Ms. Raquel Dancho: Thank you, Mr. Chair, and thank you to the witnesses for being here today.

I'm not sure who this should go to, the Department of Justice or possibly the Department of Public Safety. I want to follow up on some of the questions we had in the first hour from my colleague Mr. Brock concerning laws already on the books—I have a big old list here—that could have been used to break up unlawful protests and blockades and mischief. There are plenty of laws to, say, clear blockades at bridges and tunnels and things like that. There are even laws to have individuals aid police, which could be applied to tow truck drivers.

Can someone answer for me again why those laws weren't good enough to fix this problem and why you needed to bring in the emergency powers to fix the problem?

I'm not sure if this should go to the Department of Justice or...

Mr. Talal Dakalbab (Assistant Deputy Minister, Crime Prevention Branch, Department of Public Safety and Emergency Preparedness): Maybe I can start and then turn it over to Sam, my colleague from Justice.

You're correct about the existing laws, but I can tell you that I clearly heard back from law enforcement that they were very happy and supported the additional powers that came through the Emergencies Act. The regulations, such as section 2, that a person must not participate in a public assembly, and section 7, to be able to order the services, really came in handy, as did the financial control measures that were not available before.

I'm just letting the committee know that this is what we heard from law enforcement. They were very satisfied with the additional powers through the Emergencies Act.

• (1355)

Ms. Raquel Dancho: Let me just follow up on that. The financial powers, I know, were of particular interest to the RCMP. I have the list here that the Minister of Public Safety tweeted out about the laws from the emergency powers that were used by RCMP. Last I checked yesterday, this was still available online and it outlines only the financial powers.

That aside, the point of what I'm asking is that those financial powers did exist already. You could already freeze bank accounts. It just required judicial oversight. Is that not correct?

Mr. Talal Dakalbab: I'll turn it over to my colleagues from Finance to answer the financial powers issue.

Mr. Richard Bilodeau (Director General, Financial Institutions Division, Financial Sector Policy Branch, Department of Finance): Thank you. Maybe I can start and then turn it over to Samantha.

You are correct that the courts are always available to proceed and see about freezing or seizing funds from an account. What the regulations or the economic measures allowed the RCMP and others to do was to share information with financial institutions and for

financial institutions to take action on that information if they believed that people were designated. The order facilitated those actions with respect to people who were participating in the assemblies.

From the legal side of it, maybe I can turn it over to Ms. Dickson.

Ms. Samantha Maislin Dickson (Assistant Deputy Minister, Public Safety, Defence and Immigration Portfolio, Department of Justice): I would add to what my colleagues have already indicated, that the trigger under the Emergencies Act requires not that other laws be available, but that they be available to effectively deal with the situation. The determination that was made, as I understand it, was that the effectiveness of any statute that may have been on the books to potentially deal with it was not available at the time the declaration was issued.

Ms. Raquel Dancho: You're saying that there were plenty of existing laws to keep the peace and order of our country regarding the blockades, that in Ottawa they just weren't enforced, and that the emergency powers allowed them to be enforced. Is that what you're saying?

Ms. Samantha Maislin Dickson: Perhaps I can start.

The legal threshold is that there isn't any other statute available to effectively deal with the situation. In terms of determinations that were made in order to assess the declaration, I will pass it over to my colleagues at Public Safety and Finance.

Mr. Talal Dakalbab: From a public safety perspective, I don't want to repeat what my colleague from Justice said, but it was not about whether they were available or not; rather, it was about whether they were effective or not.

As I mentioned earlier, it was clear that effectiveness required additional powers.

Ms. Raquel Dancho: For the RCMP, which of those additional powers were used? Perhaps the RCMP could answer.

Assistant Commissioner Dennis Daley (Contract and Indigenous Policing, Royal Canadian Mounted Police): Good afternoon. I'll start, and I can pass it to Deputy Duheme.

From a law enforcement perspective, I work within the legislation and the tools that I have, with public safety being paramount. In my normal job, I am one of the principle interlocutors between—

Ms. Raquel Dancho: I'm so sorry to interrupt you. I only have a few seconds. Could you answer for me, which emergency powers were used by the RCMP?

A/Commr Dennis Daley: Within the city of Ottawa, I was not involved in some of the operational planning and that sort of thing, but what I can tell you is that the Emergencies Act worked significantly as a deterrent across the country, first of all. You may have also seen that within the city of Ottawa, there were broader abilities to restrict travel. There were broader capabilities of law enforcement to determine exclusion—

Ms. Raquel Dancho: I'm so sorry. If I could force the.... On the list I have online, from the powers you used, can you confirm that the only powers you used were what you placed online, and that they were the financial powers? They were the only ones the RCMP used—

The Chair: We're out of time. That's going to have to be a yes or a no.

Can we get a yes or no to that?

Ms. Raquel Dancho: That should be simple yes-or-no question.

A/Commr Dennis Daley: I'm unfamiliar with that document, so I can't make a comment.

The Chair: Ms. Damoff, you're up next. You have a six-minute slot.

Please proceed when you're ready.

• (1400)

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you so much, Chair.

I will say that I certainly did not feel safe when I was in Ottawa during the blockade. I know of a young woman who was followed and assaulted. What I heard the minister say was that rape had been threatened, not that it actually occurred.

I have a quick question for Public Safety. There was an insinuation that the minister is responsible for parliamentarians' safety. Could you clarify if it's the minister or the Sergeant-at-Arms?

Mr. Talal Dakalbab: The responsibility for parliamentarians lies with the Sergeant-at-Arms. There is work done, obviously, in collaboration with PPS and the RCMP, depending on the level of threat, but the Sergeant-at-Arms is the first person who is responsible.

Ms. Pam Damoff: That's who I was receiving information from throughout the occupation.

My next question is probably for the RCMP. How important was removing the ability to access funds to being able to end what was happening in Ottawa?

A/Commr Dennis Daley: When I look at the national landscape and the protests across the country and the different situations.... As I understand it, one of the reasons for the proclamation of the Emergencies Act was the potential for further unrest and violence. That was the unknown for law enforcement as the weeks went by, recognizing that since the pandemic started, we have facilitated protests all across the country. From January on, we saw a significantly different flavour in the protests.

The enactment of the Emergencies Act was an effective tool, not only to deal directly with the leaders of the blockade here in Ottawa, but also to provide a deterrent effect as our officers across the country dealt with other blockades and were able to explain what the Emergencies Act really was, especially the financial economic measures.

Ms. Pam Damoff: The first folks arrived in Ottawa on January 28, but on February 2 GoFundMe froze the fundraiser that was taking place on their platform, which at the time was about \$10 million. Then on February 4 they took it down.

Do you have any insight into how important it was to proactively remove access to those funds by occupants of the convoy?

I know that at the same time the Province of Ontario also froze the assets of a similar platform that sprang up, GiveSendGo.

Would the police operations have been more difficult had the folks involved in the protest had access to those millions of dollars?

A/Commr Dennis Daley: The unlawful protests and blockades that we saw across the country were something different from anything police have ever dealt with. With my 33 years of law enforcement, I'm very used to dealing with protests. I've been involved in similar types of protests; however, when we look at the ability to communicate on many different platforms, the ability to draw resources quickly, and the different funding sources that are available through crowdfunding, for instance, there certainly is a concern for law enforcement.

I don't have specific details on the impacts of GoFundMe or the others, but certainly the ability to freeze accounts was not only effective but also a deterrent for like-minded others.

Ms. Pam Damoff: My next question, staying on the same theme, is for FINTRAC.

We know that these crowdfunding platforms are not actually handling the payments—I understand that in Canada it's PayPal or Stripe—but do you think it would be beneficial to work with platforms like GoFundMe to develop guidelines to bring them under FINTRAC's reporting requirements?

• (1405)

Mr. Barry MacKillop (Deputy Director, Intelligence, Financial Transactions and Reports Analysis Centre of Canada): I think that is something that the Department of Finance and the Minister of Finance are now looking at bringing in. They certainly were in during the period in which the regulations were enacted.

I think it's early days right now to know what in fact they could report with respect to our mandate linked to money laundering and terrorist financing, and how much, if at all, those platforms are used for money laundering and terrorist financing. It is early days to know what in fact they could report. As an intelligence agency, we're always looking to work with our partners across the regime to see if there are ways we can improve the regime and improve the intelligence so that we can then provide through law enforcement—

Ms. Pam Damoff: I'm going to cut you off because I have only 10 seconds.

Do you think cryptocurrency should be something you look at as well?

Mr. Barry MacKillop: We already do cryptocurrency. In fact, it is regulated and reported to FINTRAC.

Ms. Pam Damoff: Okay. Thank you.

The Chair: Thank you very much.

We'll now move to Ms. Michaud.

Ms. Michaud, you have six minutes in this slot.

[*Translation*]

Ms. Kristina Michaud: Thank you, Mr. Chair.

My thanks to the witnesses for joining us.

Let me first turn to you, Assistant Deputy Minister. There is a lot of discussion about the usefulness, the effectiveness, of the Emergencies Act. The legal scholar Patrick Taillon recently explained that, in 1988, when the War Measures Act was rewritten and became the Emergencies Act, there was such a desire to circumscribe the situations under which the act would be invoked that now there must be very grave reasons for doing so. He said: "To meet the high standard required by the act, demonstrators must almost be considered terrorists. This seems to me to be a little exaggerated."

So it is not enough to tell ourselves that the act was useful, we have to say that it was necessary or essential. I do not want to downplay the troubling abuse or language we witnessed. But some men in a hot tub in the middle of Wellington Street hardly seems a threat to the country's territorial integrity.

Did the Department of Public Safety obtain information from Canadian security organizations that led you to believe that our democratic institutions were really in danger and that this act of last resort needed to be invoked?

Mr. Talal Dakalbab: Thank you very much for your question.

I will give you an answer but I may turn to my colleague from the Department of Justice to provide you with more details.

I have no knowledge of the advice you mentioned, but I can tell you that the act absolutely contains measures to make sure that the Charter is upheld. That is certainly the case and it is important.

With that said, it is certain that, when we looked at the situation, in Ottawa or elsewhere in the country, we saw threats.

[*English*]

There was disrupting the peace.

[*Translation*]

There were economic impacts of the blockades at border crossings. Many threats of a political nature were also observed and reported.

I want to ensure that those factors are acknowledged. They were very important as the need to invoke the Emergencies Act was evaluated.

At this point, I can turn to my colleague Ms. Maislin Dickson to see if she wishes to add anything.

Ms. Samantha Maislin Dickson: Thank you very much, Mr. Dakalbab.

My thanks to the hon. member for her question.

Clearly, section 2 of the Canadian Security Intelligence Service Act contains definitions in this regard. But those criteria must be in-

terpreted in the context of the Emergencies Act. In declaring a state of emergency, the Governor in Council must believe, on reasonable grounds, that such an emergency exists. Furthermore, the criteria that must be met deal with the rule of law, with security, with the social cohesion of Canadians, with the preservation of essential infrastructure, with territorial integrity, with Canada's economic prosperity, and so on. So there are a number of criteria.

Of course, the bar for these criteria is very high, but the Governor in Council decided that the criteria had been met when the declaration was issued.

Ms. Kristina Michaud: Thank you.

Assistant Deputy Minister, I heard the minister justify the use of the act by saying that there was no way to find tow trucks to remove the trucks on Wellington Street. However, to my knowledge, the Canadian Armed Forces have plenty of tow trucks. I am sure that they would have been ready to make them available to the government to help tow away the trucks.

Were steps taken to find tow trucks?

Why were the Armed Forces' tow trucks not an option?

Why did the Emergencies Act have to be invoked to find tow trucks?

• (1410)

Mr. Talal Dakalbab: Thank you for your question.

Yes, I can confirm that towing was a problem and that it was not limited to Ottawa. In our discussions with our colleagues across the country, that was regularly brought to our attention during the blockades. Not only were tow trucks unavailable, but operators also refused to come to tow away the trucks. I can't speak for the Ottawa police in terms of the exact nature of its requests, but we at the Department of Public Safety examine any request that we receive from police forces.

I can tell you that subsection 7(1) of the Emergency Measures Regulations completely changed people's attitudes and made it easier to tow away the trucks, at least in Ottawa.

However, I cannot tell you exactly why there was no request to the Canadian Armed Forces. I myself deal only with the requests we receive from police forces.

Ms. Kristina Michaud: Thank you very much.

I would like to ask a question of the RCMP officials, whether it be the assistant commissioner or the deputy commissioner.

On February 7, the City of Ottawa requested reinforcements, an additional 1,800 police officers, to deal with the crisis. A few days later, the minister made an additional 275 officers available to the City of Ottawa. Yet the media reported that the majority of these officers were for the protection of Parliament or directly for the Prime Minister. We wondered if it was because there were not enough officers available.

Mr. Duheme or Mr. Daley, can you confirm that it would have been possible to provide additional RCMP officers to grant the City of Ottawa's request for 1,800 officers?

Deputy Commissioner Michael Duheme (Federal Policing, Royal Canadian Mounted Police): I can confirm, Mr. Chair, that the 280-plus people sworn in included law enforcement troops, who should not have been sworn in. However, we did bring in other reinforcements, subsequently, who were sworn in to meet the demand.

Ms. Kristina Michaud: Thank you.

[English]

The Chair: Thank you very much.

Now I'd like to turn the floor over to Mr. MacGregor. Sir, you have six minutes. Whenever you're ready, please proceed.

Mr. Alistair MacGregor: Thank you, Mr. Chair.

I'll start with the RCMP, maybe with Assistant Commissioner Daley.

My Conservative colleagues have rightly pointed out that we have many of the offences that were committed listed on our books, either under the Criminal Code or under civil codes of the province, like traffic violations and such. There obviously was a difference between the law being on the books and it being enforced.

We're trying to find out as a committee.... I know you're with the RCMP, and initial law enforcement responsibilities were with the Ottawa Police Service, but the RCMP was in contact with the OPS and the OPP as the situation evolved. What did Ottawa's declaration of a state of emergency allow the OPS to do?

Further to that, when the Province of Ontario rounded up with its own declaration of a state of emergency, what did that then allow it to do? Why were those measures still ineffective, so that we got to the point of February 14, when the federal government had to bring in its own measure?

A/Commr Dennis Daley: It's difficult for me to respond within the City of Ottawa because, as I've stated before, I wasn't involved in the original operational planning. I'm not overly familiar with what the state of emergency declared by the City of Ottawa allowed the Ottawa police to do.

What I can tell you is that law enforcement uses whatever tool is available and whatever legislation is available. For the RCMP, the enactment of the Emergencies Act then allowed us to, primarily outside of Ottawa, use the Emergencies Act, primarily as a deterrent in ensuring that like-minded people were fully aware of such things as the economic measures and—as long as we linked the travel if a convoy was heading to Ottawa that was able to be com-

municated with—fully understood that we could prevent travel to Ottawa if required.

• (1415)

Mr. Alistair MacGregor: Thank you.

Specifically referencing now the actions of the Province of Ontario, at this point the situation had evolved considerably, so I think all levels of government were really starting to pay attention. Conservative Premier Doug Ford, who did come out publicly to support the federal government's declaration under the Emergencies Act, when the Province of Ontario made its own state of emergency, referenced this as no longer being a peaceful protest. He said it was a "siege". With his emergency declaration, he brought in considerable fines, a threat of the removal of commercial vehicle operators' licences and even the threat of time in jail.

To your understanding, were any of those measures specifically applied to the trucks in Ottawa? Do you have knowledge of that? Were those starting to act as a deterrent before we got to the federal declaration?

A/Commr Dennis Daley: Unfortunately, I don't have any information surrounding those particulars like the enactment of the Ontario emergencies act.

Mr. Alistair MacGregor: After the federal declaration under the Emergencies Act, between February 14 and February 18, when they started to clear the city of Ottawa, do you have knowledge as to whether the declaration on February 14 caused a number of people in Ottawa who had been occupying to leave? Did police services, through intelligence sharing, note that there had been a considerable withdrawal of people because of the threat of the Emergencies Act?

A/Commr Dennis Daley: Perhaps I'll start. Then I can turn it over to Deputy Duheme.

I am aware that significant efforts were made around, for instance, exclusion zones, in that the Emergencies Act allowed police broader and more clarity to enact exclusion zones. You may have seen in the media that there were up to 100 checkpoints. It also enabled the police more clarity on restricting travel, so that if there was information that a convoy was on the way to Ottawa, it enabled police to turn that convoy around—so travel restrictions.

The issue of compelling tow trucks was a significant issue. Certainly, I can speak to Alberta, but another significant issue was, we heard, where tow truck operators were either threatened or intimidated and stayed away.

As far as your question goes with respect to it as a deterrent and whether people left the city of Ottawa, I'll turn it over to Deputy Duheme.

D/Commr Michael Duheme: I don't have any numbers as to people who left, but obviously there was a deterrent against people coming back.

We've seen fewer people over the past weekend.

To your other question with regard to the economic side of things, we saw people leave when we started to go kinetic. They didn't want to stay there. They didn't want to have their trucks towed away.

I can tell you that after contacting the individuals over there, the comments after leaving were, "I'm not going back there." Because their accounts were frozen and whatnot, it had a twofold effect. It was a good deterrent, but it also put things in perspective for the people who were there.

Mr. Alistair MacGregor: Yes, it just seems that we had a summary escalation, right, with the City of Ottawa, then the Province of Ontario and then the federal government, and yes, we had these laws in the books, but they weren't acting in their capacity and—

The Chair: Thank you, Mr. MacGregor.

Mr. Alistair MacGregor: —[*Inaudible—Editor*] these measures.

The Chair: Thank you very much.

I will now turn to Mr. Lloyd, who leads off this next round with a five-minute slot.

Mr. Lloyd, the floor is yours, sir. When you're ready, please proceed.

Mr. Dane Lloyd: Thank you, Mr. Chair.

My first question is for Mr. MacKillop. You're an expert in money laundering. Are terrorist groups and organized crime using GoFundMe, GiveSendGo and other crowdfunding platforms to launder money?

Mr. Barry MacKillop: There have been studies by the Financial Action Task Force, which indicated that in some countries, they have, in fact, used these types of funding mechanisms or platforms in order to either attempt to raise money for terrorist activities or—

Mr. Dane Lloyd: Have there been any cases in Canada, as far as you're aware?

Mr. Barry MacKillop: As far as I'm aware, we haven't seen them. However, they do not report to FINTRAC at this point, so I wouldn't see if that platform was being used. With the touchpoint they have with financial institutions, we do not currently see them being a high risk, but that doesn't mean they can't be used.

Criminals are always trying to adapt and find different and creative ways to hide their money or launder their money.

• (1420)

Mr. Dane Lloyd: My next question is for Ms. Maislin Dickson. Nobody's been asking you too many questions today.

Under section 63 of the Criminal Code, there are provisions against unlawful assemblies. Was the assembly in Ottawa illegal before the invocation of the Emergencies Act?

Ms. Samantha Maislin Dickson: As I indicated in my previous answer, there were indeed laws on the books. The question became whether they were effective in dealing with the situation as it evolved, to the point that it got to when the declaration was issued.

Mr. Dane Lloyd: Was the protest in Ottawa illegal before the Emergencies Act was invoked?

Ms. Samantha Maislin Dickson: I wasn't on the ground and wasn't aware of any charges being issued at that point in time.

Mr. Dane Lloyd: You would say it wasn't illegal until the Emergencies Act came into place, and then it became illegal. Is that correct?

Ms. Samantha Maislin Dickson: No, sir. That's not what I said. I said I wasn't aware of any charges being issued.

Whether or not the activities were illegal, it was determined that it was not a peaceful protest and it had gone beyond what we would normally consider to be a lawful assembly.

Mr. Dane Lloyd: Did the justice department not know before February 15 whether this was an illegal or a legal protest?

Ms. Samantha Maislin Dickson: I wouldn't be at liberty to disclose the legal advice that was provided to the government in the context of the unfolding situation. There were laws on the books. It was understood that the activities that were taking place went beyond what would be considered lawful assembly, but I wouldn't be able to go beyond that.

Mr. Dane Lloyd: Before the invocation of the Emergencies Act on Monday, what would the process have been to seize the bank accounts of Canadians?

Ms. Samantha Maislin Dickson: I think one of your colleagues alluded to it. It would happen by way of a court process. Again, the sense would be whether the laws available would be effective to address the situation that arose. That is the determination that was made.

Mr. Dane Lloyd: Why do we need courts to determine whether or not bank accounts can be frozen by the government?

Ms. Samantha Maislin Dickson: Because we have to be charter-compliant, and that is one mechanism by which we ensure that compliance.

Mr. Dane Lloyd: That's in section 8 of the charter. Is that correct? It's unreasonable search and seizure.

Ms. Samantha Maislin Dickson: Among others, yes, that is correct.

Mr. Dane Lloyd: Are you saying, then, that the Emergencies Act was necessary in order to suspend charter rights against unreasonable search and seizure under section 8?

Ms. Samantha Maislin Dickson: I appreciate that, and you are correct. The Emergencies Act explicitly makes reference to compliance with the charter. While we benefit in Canada from very important charter protections, none of them are absolute and they are subject to reasonable limitations.

Mr. Dane Lloyd: Before the invocation of the Emergencies Act, you're saying you couldn't have seized people's bank accounts without a court order, but the Emergencies Act allowed the government to suspend that provision of the charter and suspend charter rights in order to seize people's bank accounts.

Ms. Samantha Maislin Dickson: The measures that were put in place were targeted measures to address the situation that had been evolving and led to the declaration. While there are charter protections, reasonable limits can be put on those rights in order to effectively deal with a situation.

Mr. Dane Lloyd: Would that also carry over to section 2(c), which is the right to peaceful assembly? Whether this was an illegal protest or not—you haven't said clearly either way—was the Emergencies Act necessary to suspend section 2(c) of the charter to allow law enforcement to break up a protest?

Ms. Samantha Maislin Dickson: The matters are before the court. There's litigation that has been launched.

The assessment was that what had been taking place was no longer a peaceful assembly. There were specific, very targeted criteria set out to identify what activities would be captured by the emergency measures regulations that were put in place, specifically, the serious disruption of the movement of persons or goods, or the serious interruption of trade.

The Chair: Thank you very much.

Now we'll move to Mr. Zuberi.

Sir, you have five minutes in this slot. Please proceed when you're ready.

Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.): Thank you, Mr. Chair, and thanks to all the witnesses for being here.

We've heard a lot about the Emergencies Act being used. We've heard a lot about confounding it with the War Measures Act, which is not accurate. I'd also like to acknowledge that after September 11, 2001, there was a whole piece of legislation brought in, which received royal assent on December 18, 2001, called the Anti-terrorism Act. Fast-forwarding to today, I recognize that we were dealing with an exceptional situation, a situation that, as we heard from many of the witnesses, we weren't able to deal with at that moment in time as a country. Thankfully, we have now.

That being said, I'd like to also get it on the record that several police associations, including the Canadian Association of Chiefs of Police, the Ontario Association of Chiefs of Police and the National Police Association, wrote to Minister Blair, pleading for and supporting the Emergencies Act, which I think is important for all of us to recognize.

All of that being said, I would like to go to the representative from Finance, please.

Can you please share with us how many bank accounts were frozen when the Emergencies Act was in use?

• (1425)

Mr. Richard Bilodeau: Based on the information we have, to the best of our knowledge approximately 260 accounts were frozen during the period of February 15 to February 23, when the Emergencies Act was revoked. That represents a total of about \$7.8 million.

Mr. Sameer Zuberi: Are those accounts that were frozen frozen anymore?

Mr. Richard Bilodeau: To the best of our understanding, all of the accounts that were frozen as a result of the Emergencies Act order have been unfrozen. It's likely that some accounts are still frozen because of other activity, whether a provincial court order or other reasons, but under the Emergencies Act, all those accounts have been unfrozen.

Mr. Sameer Zuberi: Great.

Was there a minimum threshold, such as \$100 or \$500, for an account to be frozen? Was there a threshold?

Mr. Richard Bilodeau: There was no threshold in the economic measures order. Maybe we can refer to the RCMP here. I can tell you that the RCMP communicated that the information that was shared with financial institutions limited itself to people who were influencers of illegal assemblies as well as owner-operators of trucks that were physically present in Ottawa.

That's the information that was provided on whose accounts were frozen. There was no targeting of donors to freeze their accounts.

D/Commr Michael Duheme: I can confirm what Monsieur Bilodeau just said.

Mr. Sameer Zuberi: Thank you.

Today we heard that accounts were unfrozen. Was there a mechanism for those who had their accounts frozen to attempt to unfreeze their accounts during that period of time?

Mr. Richard Bilodeau: People who may have found themselves with a frozen account could have reached out, or maybe did reach out, to financial institutions to engage in a conversation with them. If people had their accounts frozen and, for example, decided to leave the illegal assembly, they could have had a conversation with their financial institution, and then the financial institution could also have had a conversation with the RCMP in that situation.

Mr. Sameer Zuberi: Great. From a civil liberties perspective, I'm happy to hear that this is essentially a moot point today.

I'll shift to the Department of Justice now. With respect to the Emergencies Act, when it came into force, was it possible to retroactively freeze accounts at that point in time for those who donated or attended the convoy?

Ms. Samantha Maislin Dickson: No, there was no retroactive impact of either the emergency measures regulations or the emergency economic measures order. They came into effect on the 15th. The declaration itself was issued on the 14th, but the effective date for the two subordinate pieces of legislation was the 15th.

Mr. Sameer Zuberi: Excellent. I'm happy to hear that there was no retroactive impact.

I'm wondering when the protest was declared illegal. Do you know offhand?

Ms. Samantha Maislin Dickson: There were specific criteria set out in section 2 of the emergency measures regulations that added detail around what would be considered an offence under the regulation. If you give me just a moment, I will go back—

The Chair: I'm sorry. I wish I could, but I can't.

Thanks, Ms. Dickson.

Ms. Samantha Maislin Dickson: All right.

Thank you, Chair.

The Chair: Now we'll go to Ms. Michaud.

Ms. Michaud, you have two and a half minutes. The floor is yours.

• (1430)

[Translation]

Ms. Kristina Michaud: Thank you, Mr. Chair.

First, I want to take a moment—I should have done this earlier—to thank the police officers for their work in dismantling the Ottawa siege. I am very grateful to them. I've spoken to several of them over the last few days, and I know they worked very hard.

I will address you, Mr. Duheme. In a CBC/Radio-Canada article published on February 22, you stated that the RCMP had been consulted about the various temporary powers that had been granted to police forces under the Emergencies Act. You said that if the government decided to repeal the act tomorrow, you would go back to the traditional tools. You also said that it was difficult to quantify their use, especially in a context where police were also using existing laws and powers granted by municipal and provincial governments.

In light of all of that, would you say that with the coordination of the seven police forces that we saw in Ottawa, you would have been able to resolve the crisis with the traditional tools, existing laws and powers granted by municipal and provincial governments, without necessarily resorting to the Emergencies Act?

D/Commr Michael Duheme: So you read the article written by Daniel Leblanc.

Ms. Kristina Michaud: That's right. I've done my homework.

D/Commr Michael Duheme: Quite frankly, if I were to give you an answer, I think I would just be guessing. I think the Emergencies Act also discouraged people from coming to Ottawa because of the possible consequences, the perimeter erected and the fact that access to the Hill was made much more difficult.

Under the Emergencies Act, yes, people were not allowed to enter that perimeter. However, we were able to conduct operations in Alberta and Windsor without having to invoke the Emergencies Act.

That said, the dynamics are always different from place to place, and what we saw here in Ottawa was unprecedented. In other protests that took place, like in Quebec City and Toronto, people were able to benefit from the information we gained here, including how people got in, to better manage the situation.

Ms. Kristina Michaud: As I understand it, practically speaking, the additional tools that the act gave to police forces may not have been used on the ground, but the idea of the Emergencies Act may have discouraged people from coming to Parliament Hill. The powers it gave to the police—

[English]

The Chair: Thank you, Ms. Michaud. I'm sorry, but we're prisoners of the clock.

I will move to Mr. MacGregor.

You have two and a half minutes. Go ahead, please.

Mr. Alistair MacGregor: Thank you, Mr. Chair.

Maybe I'll turn to Ms. Dickson.

There has been a lot of discourse over the last number of weeks about whether this was a peaceful protest, a legitimate assembly of people, or whether it was an illegal occupation.

We have clearly established that the laws are on the books and there was a question of whether they could be adequately enforced. I hope all committee members would agree with me that it's illegal for me to just park my vehicle and impede traffic and that it's illegal to harass citizens, to hurl verbal abuse, etc.

Ms. Dickson, what I want to focus on is the Conservative government of Premier Doug Ford, because when he invoked the state of emergency in Ontario on February 11, he specifically referenced it being an illegal occupation. That was on February 11, three full days before the federal declaration of emergency.

Can you inform the committee on what basis the Premier of Ontario declared this to be an illegal occupation? Was he referencing at that time specific provincial laws that were being broken?

Ms. Samantha Maislin Dickson: Unfortunately, I don't have any information as to what went into the provincial determination, other than the facts that were being witnessed by everyone.

Mr. Alistair MacGregor: Okay. Thank you. It seems we very clearly have a disconnect between the federal Conservative Party and the provincial Conservative Government of Ontario. That's very clear.

I will turn to the CBSA, because we have kind of left you out. Mr. Harris, I have only about 30 seconds left. Can you just quickly inform us what it was like for your officers when they were dealing with those illegal border blockades?

Mr. Scott Harris (Vice-President, Intelligence and Enforcement Branch, Canada Border Services Agency): I'm going to turn to my colleague Mr. Vinette, who's responsible for port of entry operations.

Mr. Denis Vinette (Vice-President, Travellers Branch, Canada Border Services Agency): Thanks for turning your attention to us, I guess.

First and foremost, we looked at our officers' personal safety. That's where it initially started. We looked to make sure the perimeter of each of our ports of entry was secure. We worked with local police. Only on two occasions were our premises breached, but through conversations with the protesters and others, we were able to make it clear that they couldn't be in that space. They moved away from it, and—

• (1435)

The Chair: Thank you, sir.

Colleagues, we have two slots left.

Ms. Dancho, the first of the two remaining slots is yours, and you have five minutes.

Ms. Raquel Dancho: Thank you, Mr. Chair.

I'll follow up a bit on that line of questioning from my colleague, Mr. Lloyd, with Ms. Maislin Dickson. Can you explain for the committee a bit more in depth...?

My understanding is, in order to violate charter rights, or to infringe upon them, the Oakes test needs to be met. In essence, the test requires that the punishment be proportionate to the law-breaking. That's not very well explained, but that's my understanding.

Can you confirm that this is the threshold that has to be met?

Ms. Samantha Maislin Dickson: Yes. For the majority of the charter rights, to the extent that there would be any infringement upon those rights, it would need to be reasonable in a democratic society. That's set out in section 1 of the charter.

There are a couple that have that proportionality piece built into the establishment of the right itself, like section 7.

Ms. Raquel Dancho: Have you had any discussions with your governing counterparts regarding whether the freezing of bank accounts was proportionate? That was of some concern with the organizers and leaders of this, but my concern is for the individuals who may have been protesting on the sidewalk, and their having their bank accounts frozen. I wonder if that's proportionate to their infringement of the law.

Did you have any discussions about that?

Ms. Samantha Maislin Dickson: As we know, the Emergencies Act requires and explicitly states that there must be compliance with the Charter of Rights and Freedoms. All statutes, all regulations and all government action require compliance with the Charter of Rights and Freedoms.

The assessment of charter rights was that the impact and the objective being sought, which was to stop the illegal assembly, could be remedied by leaving the protest. We heard from my colleagues that all accounts have been unfrozen. It was a very temporary, very targeted measure to address the situation that was in front of the government.

Ms. Raquel Dancho: I have two questions.

When the Minister of Finance first announced these financial, bank account freezing powers, it took her just over a week to come forward publicly to say it was from February 15 onward. Were there any discussions about that? Why was that not provided to the public by the government originally?

Ms. Samantha Maislin Dickson: That I cannot answer. I'm sorry.

However, in terms of the orders, we were briefing parliamentarians on February 15 as the orders were made public, and we were quite clear that they had come into effect right then.

Ms. Raquel Dancho: Yes. I remember we had a briefing together. You briefed me on that, but I thought it was odd that I was being told that information but the public was not. I wasn't sure, frankly, if you were mistaken or if the minister was withholding that information. I apologize; that's a politician's—

Ms. Samantha Maislin Dickson: I can't be putting words in the minister's mouth at all. What I can tell you is the legal effect of the instrument.

Ms. Raquel Dancho: I appreciate that.

The minister also said, and this was before the act was revoked, that if someone's account had been frozen, the remedy would be to go to the RCMP. However, you said no, the remedy would be to go to the bank to plead their case and have their account unfrozen.

Which one is it? Was the minister correct, or were you correct?

Ms. Samantha Maislin Dickson: I'll pass this to my RCMP colleagues, but for the record, I indicated that they would need to leave the assembly in order to have their account unfrozen. I didn't speak to the mechanism by which that would happen.

Ms. Raquel Dancho: I apologize. When we had our briefing, you told me that they would have to go to the bank. That's what I'm referring to, whereas the minister publicly said—

Ms. Samantha Maislin Dickson: Understood. I will leave it to my colleagues at the RCMP to speak to what actually took place as circumstances unfolded.

Ms. Raquel Dancho: Okay. Thank you.

D/Commr Michael Duheme: We provided people's names to the banks. We communicated with them and then circled back to the banks to let them know we had communicated with them, and that the funds could be released.

• (1440)

Ms. Raquel Dancho: Okay. Thank you for answering that.

I have less than a minute left. Could you provide for the committee the list of emergency powers that the RCMP used?

D/Commr Michael Duheme: I don't have a specific list with me right now, but I can tell you that when we put the perimeter up, we intercepted people who tried to come in with gas or medical supplies. To quantify everything that was done under the act, nationally at that, I don't have those numbers.

Ms. Raquel Dancho: Can you provide that list? I think it's important that the committee and parliamentarians are aware of what specific emergency powers the RCMP used. Can you commit to providing that?

The Chair: Thank you very much—

Ms. Raquel Dancho: Perhaps he could just answer my question, Mr. Chair.

The Chair: We're out of time, but if he could give a yes or a no, that would be fine.

D/Commr Michael Duheme: I can look into it to see if it's doable.

Ms. Raquel Dancho: Thank you.

The Chair: Thank you.

Mr. McKinnon, I will turn the floor over to you for the last five minutes of this meeting. Please go ahead.

Mr. Ron McKinnon: Thank you, Chair.

Ms. Dickson, Mr. Lloyd focused a great deal of his questioning on the notion of the seizure of bank accounts. The rest of the discussion generally speaks of frozen accounts.

I wonder if you could explain the difference between those two situations. Was there in fact any authorization for the seizure of bank accounts under the Emergencies Act?

Ms. Samantha Maislin Dickson: That is indeed accurate. The powers that were provided through the emergency economic measures order were to freeze accounts, to prevent access to them. They were not seized in any way in order for the government or any other party to take possession of them. They were simply inaccessible for a temporary period of time.

Mr. Ron McKinnon: There is a legal difference, then, between seizing and freezing. Could you outline that, please?

Ms. Samantha Maislin Dickson: Absolutely. Seizing has to occur pursuant to authorities to do that. It often results in the person who has seized taking possession, although not in all circumstances. In the case of freezing, it is the banking institution.

I would turn to my Finance colleagues to speak more about it in terms of the mechanisms of how it took place. It was simply not rendering the accounts accessible. They may have additional details to offer.

Mr. Ron McKinnon: Mr. Lloyd also spoke about the requirements for seizing such assets. I'm wondering what might be the normal recourse to pursue for engaging in the freezing of assets.

Ms. Samantha Maislin Dickson: Ontario sought an injunction against a number of accounts pursuant to a provision of the Criminal Code that wasn't available to the federal Crown.

I would note that in the case of the protesters we were witnessing, there were a number of injunctions in place, one by private citizens in Ottawa and another by the City of Ottawa, that were not being abided by, notwithstanding there having been court authorization.

Mr. Ron McKinnon: What I'm hearing as the bottom line is that the invocation of the Emergencies Act did not, in fact, authorize any seizures, and in fact no seizures of bank accounts transpired under this invocation.

Ms. Samantha Maislin Dickson: The authority that was granted pursuant to the order was to freeze. I'll let my colleague from Finance explain what the effects of that were.

Mr. Richard Bilodeau: Ms. Dickson's description is accurate. The banks rendered those accounts inaccessible for the duration of the freezing, if we can call it that. There was never any seizure of those funds, as far as I understand it, not under the Emergencies Act order.

Mr. Ron McKinnon: Thank you.

I'll move on here a bit and go back to Ms. Dickson.

The Charter of Rights and Freedoms provisions for peaceful assembly are certainly important. I'm wondering whether there was anything in the invocation of the Emergencies Act that constrained peaceful assembly.

Ms. Samantha Maislin Dickson: No. It was not targeted in any way, shape or form at peaceful assembly. It was specifically with respect to the criteria set out in section 2 of the emergency measures regulation.

Mr. Ron McKinnon: For assemblies that are essentially peaceful, protests that are peaceful and protests that are basically law-abiding, there is no way that those particular kinds of circumstances would have been brought into the umbrella of the Emergencies Act.

• (1445)

Ms. Samantha Maislin Dickson: That is accurate. Freedom of expression and peaceful assembly are fundamental freedoms that are indeed protected by the Charter of Rights and Freedoms.

Mr. Ron McKinnon: Yes, so I guess that's really important in the writing of the Emergencies Act and, of course, the implication of it is that it explicitly guarantees the continuance of the rights that are laid out in the charter. Would you agree with that?

Ms. Samantha Maislin Dickson: Absolutely, and we know that its predecessor, the War Measures Act, did not have that explicit provision. It's my understanding that it was made explicit in the Emergencies Act to provide that contrast, but I would also offer, as I indicated earlier, that all government actions, from the making of laws to regulations to implementation, are always subject to charter compliance.

The Chair: Thank you very much. That takes us to the end of the session.

I'd like to thank the witnesses. I can only imagine how busy this time has been for all of you, and you've been generous with your time. On behalf of the members of the committee and all parliamentarians, thank you for your public service, and thank you for your appearance this afternoon or this morning, depending on where you are in this country.

Colleagues, is the committee in agreement to adjourn the meeting before I say that I look forward to the weekend and I really look forward to seeing all of you on Tuesday morning?

The meeting is adjourned.

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