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# Standing Committee on Public Safety and National Security

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Chair: Mr. Ron McKinnon





## Standing Committee on Public Safety and National Security

Monday, October 23, 2023

• (1105)

[English]

**The Chair (Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.)):** I call this meeting to order.

Welcome to meeting number 77 of the House of Commons Standing Committee on Public Safety and National Security.

Pursuant to the order of reference of Friday, November 25, 2022, the committee continues consideration of Bill C-20, an act establishing the Public Complaints and Review Commission and amending certain acts and statutory instruments. Today, the committee resumes clause-by-clause consideration.

Today's meeting is taking place in a hybrid format pursuant to the Standing Orders. Members are attending in person in the room and remotely using the Zoom application.

I will remind you that all comments should be addressed through the chair.

I recognize Mr. Shipley.

**Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC):** Thank you, Chair.

I hope everybody had a good weekend.

Chair, I'd like to move a motion that was put on notice last week. I'll read it out:

That the committee hold three meetings lasting two hours each, immediately after the study of Bill C-20, on the rights of victims of crime, the security reclassification and transfer of offenders within Correctional Service Canada, including Paul Bernardo's transfer from maximum-security to medium-security prison.

That the committee invite to appear:

1. The Commissioner of Correctional Service Canada, Anne Kelly; Deputy Minister of Public Safety Shawn Tupper; the Correctional Investigator; the Federal Ombudsman for Victims of Crime;
2. Representatives of the victims' families and friends, including Tim Danson;
3. Representative(s) of the Union of Canadian Correctional Officers...and the Union of Safety and Justice Employees....

Furthermore, that the committee invite immediately the Minister of Public Safety and department officials to appear for two hours to discuss his mandate.

Finally, that the Committee hold a one-hour in camera meeting to be briefed on trauma-informed questioning of victims at committee, in order to be prepared to receive future testimony from victims.

I would like to speak just very briefly to this.

I'm hoping, Chair, that we've come to an agreement on this. There have been a lot of discussions. We have spent a lot of time on this. I think this covers everything, hopefully, that all sides have

wanted, including some additions and deletions. I have nothing further to say on it. I think we have other things to move on with, and I'd like to see where this goes today.

Thank you.

**The Chair:** All right.

Mr. Julian, go ahead.

**Mr. Peter Julian (New Westminster—Burnaby, NDP):** I appreciate Mr. Shipley for basically re-presenting the motion that the NDP presented at the last meeting as a way to get through the impasse we've had over the course of the last month.

Mr. Chair, you talked about "resuming consideration" of Bill C-20, but the reality is that we have yet to consider one clause of Bill C-20, despite the fact we've been working for over a month, because of the Conservative filibuster. I guess I would say, with the exception of some quibbles—and I look forward to what my colleagues have to say about this—that this is essentially the same type of motion I presented weeks ago.

My question for my Conservative colleagues would be this. Why did it take them a month to basically accept the good common sense of what the NDP was offering at that time? That being said, better late than never. If the Conservatives have come around, I think that's good.

Bill C-20, for a whole range of reasons, needs to be properly considered. We've had witnesses that we've had to dismiss repeatedly over the course of the last few weeks, at a cost of tens of thousands of dollars to taxpayers. They all have important work to do, and we've retained them here, basically, to hear a Conservative filibuster.

If it's the consensus of the committee to adopt this motion, then that is a good thing. I just regret that the Conservatives didn't see the light a month ago.

Thank you, Mr. Chair.

**The Chair:** Thank you.

[Translation]

Ms. Michaud, you have the floor.

**Ms. Kristina Michaud (Avignon—La Mitis—Matane—Matapédia, BQ):** I'd like to comment on a different topic. I will therefore wait until we have voted on this motion.

I fully agree that we could well have reached this consensus much earlier. It's the compromise that Mr. Julian had put forward.

I'm in favour of this motion.

**The Chair:** Thank you.

[English]

Is there any further discussion?

I have Mr. Shipley.

**Mr. Doug Shipley:** Chair, I really don't want to get into a debate. I just want to make a clarification.

I don't believe any other motions that came forward had that we were going to have three two-hour meetings.... That's what we've always been asking for. I just want to make sure that's clear on the record. There was talk about one three-hour meeting, but we're asking for three of two hours.... Again, I don't want to get into any debate on this. I'd just like to see a vote.

**The Chair:** Okay. Is there any further discussion?

Then let's vote on this.

(Motion agreed to)

[Translation]

**The Chair:** Back to you, Ms. Michaud.

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

I'm very pleased that this matter has been settled.

My intent is really not to further delay the study of bill C-20, but there is one important study I would like to propose to the committee. I discussed it with my colleagues prior to the meeting.

I'm going to read the motion that I would like to introduce, Mr. Chair, and then would ask you to determine whether there is unanimous consent for us to debate it here today. I don't think it would take very long, because everyone appears to agree on the issue, but unanimous consent is nevertheless required.

The motion has just now been sent to the clerk. Here it is:

That, in light of the drastic increase in the number of car thefts in Canada and given that the port of Montreal, the largest in Eastern Canada, is a hub for exporting stolen cars, the Committee undertake a study, pursuant to Standing Order 108(2), on the growing problem of car thefts in Canada and on the measures the federal government has taken to combat this criminal activity;

That the study include six meetings;

That the Committee invite the ministers of Public Safety and Emergency Preparedness to appear, along with other witnesses depending on the Committee's needs;

That the Committee report its recommendations to the House; and

That the government provide a response to the Committee after it receives the report.

Mr. Chair, do I need to have unanimous consent before commenting on the motion? What's the procedure to follow?

• (1110)

[English]

**The Chair:** You can't move it at the moment, because we haven't had notice, but you can ask for unanimous consent to move it now, and if that is given, then, of course, you can carry on.

I take it you are going to ask for unanimous consent to move the motion at this time.

[Translation]

**Ms. Kristina Michaud:** Yes.

[English]

**The Chair:** Do we have unanimous consent?

**Some hon. members:** Agreed.

**The Chair:** Very well. You have unanimous consent. You may move the motion.

[Translation]

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

I'd like to thank my colleagues.

As I mentioned, the theft and subsequent export of vehicles is a growing problem in Canada, and the Port of Montreal is where it's happening most, and not only for vehicles being stolen in Quebec. Indeed, 60% of the vehicles that end up at the Port of Montreal were stolen in Ontario. They are put in sealed containers and then shipped to countries in Africa, the Middle East and Europe.

Last year, the number of thefts doubled in Quebec, with approximately 1,000 every month. Last year, insurance companies paid consumers nearly \$1 billion in compensation. It's becoming a problem that affects everyone. I would venture to say that every one of us here knows at least someone who has had a car stolen.

The government has some responsibility in this area, because the Canada Border Services Agency is a government agency which, according to its employees, is not making this problem a priority. It is in fact at the bottom of its priority list.

There are only five officers at the Port of Montreal responsible for searching over 580,000 containers a year. The x-ray scanner used for the containers only works about half of the time. There is an obvious shortage of staff and equipment, and not enough commitment and co-operation.

I am mentioning co-operation because a joint unit was set up in March 2022. The unit is made up of the Montreal and Longueuil police departments, the Sûreté du Québec, the RCMP, and Équité Association, an organization that focuses mainly on stopping the export of stolen vehicles. The Agency refused to join this unit even though it is the only body authorized to open and search container contents if there are suspicions. It doesn't always do so, even when certain high-risk containers are reported to them.

The Agency and the Government of Canada are clearly responsible. There were media reports about this issue last week and over the weekend, and both the Canada Border Services Agency and the government refused to answer questions from the media. If we were to invite them to appear before our committee, that would give us the opportunity to ask some rather difficult questions and to get some answers. The government needs to explain how it intends to deal with the vehicle theft epidemic, which some have called a national crisis. Minister of Public Safety

As I just mentioned, I discussed this with my colleagues earlier. I know that our committee workload is rather heavy, and I'm as keen as anyone to begin discussing the bill. However, it would be great if we could adopt this motion today, because it would enable us to add this study to our to-do list and to address it at an appropriate time. Many Canadians are looking for answers to the problem. C-20

I hope that my colleagues will vote in favour of my motion.

**The Chair:** Thank you.

[English]

We'll go now to Mr. Motz, followed by Mr. Julian.

**Ms. Jennifer O'Connell (Pickering—Uxbridge, Lib.):** Mr. Chair, I have a point of order.

We have a member appearing virtually. Has the motion been sent around to everyone?

**The Chair:** The email will be ready momentarily. Thank you.

Mr. Motz, go ahead.

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Thank you, Mr. Chair, and thank you to my Bloc colleague for the introduction of this motion. I support it 100%.

We know that Ontario and Quebec have been especially targeted by organized crime. Auto thefts are up by around 50% so far this year compared to last year, and 90% of vehicles taken from Ontario and Quebec end up in the Port of Montreal. Each day in Toronto, over 50 cars are stolen, and carjacking is becoming a greater risk as well.

The public safety impact of that is significant, and I support this 100%. In fact, as part of this, I think we should also include the possibility of spending a day at the Port of Montreal to get first-hand knowledge and experience from CBSA officials there, to see what's happening on the ground.

Thank you.

• (1115)

**The Chair:** Thank you.

Mr. Julian.

[Translation]

**Mr. Peter Julian:** I'm in favour of this motion, Mr. Chair. I'm glad that Ms. Michaud proposed it today. We're talking about a crucial factor in efforts to combat organized crime.

At the moment, the fact that there are too few inspections at the Port of Montreal, the Port of Vancouver and ports in other parts in

Canada, definitely has an impact on our ability to take down criminal networks. We don't have the resources needed, because the government has been negligent in this area. Indeed, over a 20-year period, fewer and fewer resources were being allocated to the port system.

This has also had an impact on public safety, because it can lead to a smuggling hub in Canada, whether at the Port of Montreal or the Port of Vancouver.

It's therefore extremely important for us to look into this matter. It's also important to go to the Port of Montreal and the Port of Vancouver to see just how lax things are in terms of the inspections needed for the police to counter criminal networks.

There are not enough inspections for either exports or imports. Port system unions and workers have said so repeatedly.

I am therefore fully in favour of the motion for this study. It's important for the Standing Committee on Public Safety and National Security to look into the problem, and also to consider what solutions and investments are needed to do something about this epidemic.

[English]

**The Chair:** Thank you, Mr. Julian.

We'll go to Ms. O'Connell, followed by Mr. Gaheer. Mr. Schiefke will be after that.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair. This is a serious issue, and I'm glad that the member opposite has brought forward this motion. I'm supportive of it.

I just have a question of clarification. I know that the member, Ms. Michaud, has been talking about and wanting to bring this forward for a while. I wonder if the language is, perhaps, from the previous session. I'm curious as to why it would be "the Minister of Public Safety and Emergency Preparedness". Maybe that is just because that was the previous title of the minister. Should it be "the Minister of Public Safety and the Minister of Emergency Preparedness"? I'm not sure what the role of the Minister of Emergency Preparedness would be in this; it might just be because of the previous title. If there's an explanation for why we would need the Minister of Emergency Preparedness, I'm willing to hear it. However, I think that this should be rectified if it's just the previous title of the minister. Otherwise, I'm supportive.

**The Chair:** I'll have Madame Michaud respond.

[Translation]

**Ms. Kristina Michaud:** Thank you.

That's a very good question. It may indeed be because of the of the minister's previous title in the last Parliament.

I'm looking forward to the committee hearing from the current Minister of Public Safety, Mr. Dominic Leblanc. This matter may be beyond the mandate of Minister of Emergency Preparedness. These words could simply be deleted in the English and French versions of the motion.

[*English*]

**The Chair:** The clerk has advised me that he can modify the minutes to strike those words, and that we can carry on so that it will be moved with just “the Minister of Public Safety”.

**Ms. Jennifer O'Connell:** That's perfect, yes.

**The Chair:** Mr. Gaheer.

**Mr. Iqwinder Gaheer (Mississauga—Malton, Lib.):** Thank you, Mr. Chair.

This is an extremely serious problem, and I'd like to thank my Bloc colleague for bringing this motion forward.

When Minister Mendicino held the post, we were actually able to visit a CBSA facility at Pearson airport. This was probably half a year ago, I believe. We were able to see what measures are taken to prevent contraband from being transported and what measures are being taken to prevent car theft.

The region that I'm from, Peel Region—which includes Mississauga, Brampton, and Caledon—is particularly hard hit. We probably have the highest level of car theft in the country. This is something that my constituents raise to me all the time. I hear it every single day. I would definitely like to see the measures that are taken at the Port of Montreal. I would support a visit to the port, as well. This is something that I raised to our provincial counterparts and to the local police force.

I'm very supportive of this motion.

Thank you.

• (1120)

**The Chair:** Mr. Schiefke.

[*Translation*]

**Mr. Peter Schiefke (Vaudreuil—Soulanges, Lib.):** Thank you, Mr. Chair.

I fully support the motion put forward by my colleague Ms. Michaud. It's something that affects families, not only in terms of their finances because of rising insurance premiums every year, but also their quality of life.

[*English*]

In my community of Vaudreuil—Soulanges, every single week that goes by, we have cars stolen. People wake up, and they are unable to go to work. Parents are unable to take their children to school.

This is an issue that touches Canadians no matter where they're situated across the country. I want to thank my honourable colleague for putting this motion forward.

**The Chair:** Thank you, Mr. Schiefke.

Mr. Lloyd.

**Mr. Dane Lloyd (Sturgeon River—Parkland, CPC):** Thank you, Mr. Chair.

In the spirit of consensus, I also want to say that I am in support of this motion. This is an issue that's actually quite personal to me,

as my vehicle was stolen. I did recover it, thanks to the tracking technology that many companies are putting into their vehicles. Unfortunately, much of this tracking technology is subscription-based. If you don't pay for your subscription, you won't have this very important capability for getting your vehicle back. I think that's a very important part of this that we need to discuss as well: the new technologies that can enable the retrieval of stolen vehicles.

This is a national issue, because it is not only providing an immense amount of capital for organized crime but also driving up insurance premiums for all Canadians. The cost of living crisis is very real right now, and the last thing that Canadians want to see when their mortgages are going up and when their grocery prices are going up is their insurance premiums going up so that they can use a tool that is very necessary to enable them to get to work to support their families. This is not only a public safety issue but also an essential cost of living issue. If we have the federal government come forward with a strong action plan to deter these vehicle thefts, then I think we'll see a corresponding benefit to all Canadians through lower insurance premiums and through an enhanced feeling of safety in our communities. Perhaps most importantly, it will do significant damage to the financial capabilities of organized crime.

I'll be very supportive of this. Thank you to my colleague for bringing it forward.

**The Chair:** Thank you, Mr. Lloyd.

Mr. Shipley.

**Mr. Doug Shipley:** Thank you, Mr. Chair.

I'll be supporting this also. Thank you to our Bloc colleague for bringing this forward.

I have two quick things to add to this, and then I think we can probably move on after a vote.

This is a very serious problem. I was astounded to find out that residents in Toronto are now installing their own mechanical bollards at the ends of their own driveways as the only way to keep their cars in their driveways. That is just astounding to me. The cost of those alone must be astronomical, but that's what's going on.

I also heard further that this appears—I'm sure we'll learn more in our study—to be an organized crime concern. They are actually placing orders for which cars they want, which kind of shocked me a bit. They want six of this car and five of that model, and they're just going out almost like they're shopping for these cars.

It's a very serious problem. I agree with what all of my colleagues have said today. Once we get to that study, I look forward to hearing some more information on it.

I will be supporting this.

Thank you.

**The Chair:** Thank you, Mr. Shipley.

Seeing no more speakers, I suggest that we go to a vote.

(Motion agreed to)

**The Chair:** That was carried. Congratulations.

We'll now welcome the officials who are with us. They are available for questions regarding the bill, but will not deliver any opening statements.

With the Canada Border Services Agency, we Cathy Maltais, director, recourse directorate. From the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police, we have Joanne Gibb, senior director, strategic operations and policy directorate; and Lesley McCoy, general counsel. From the Department of Public Safety and Emergency Preparedness, we have Randall Koops, director general, international and border policy; Martin Leuchs, manager, border policy division; and Deidre Pollard-Bussey, director, policing policy; and from the Royal Canadian Mounted Police, we have Kathleen Clarkin, director, national recruiting program; and Alfredo Bangloy, assistant commissioner and professional responsibility officer.

Thank you all for joining us today.

I would like to provide the members of the committee with a few comments on how committees proceed with clause-by-clause consideration of a bill. Many of us have gone through this before, but some of us are new to the process.

I'm not going to read this whole thing. I'll just sketch out some points.

This is an examination of all the clauses that appear in the bill, in order. I will call each clause successively, and each clause is subject to debate and a vote. If there are amendments to the clause in question, I will recognize the member proposing it, who may explain it. The amendment will then be open for debate. When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the package that each member has received from the clerk. If there are amendments that are consequential to each other, they will be voted on together.

In addition to having to be properly drafted, in a legal sense, amendments must also be procedurally admissible. The chair may be called upon to rule amendments inadmissible if they go against the principle of the bill or beyond the scope of the bill, both of which were adopted by the House when it agreed to the bill at second reading, or if they offend the financial prerogative of the Crown.

If you wish to eliminate a clause of the bill altogether, the proper course of action is to vote against that clause when the time comes, not to propose an amendment to delete it.

Since this is the first exercise for many new members, the chair will go slowly to allow all members to follow proceedings properly. If during the process the committee decides not to vote on a clause, that clause can be put aside by the committee so that we visit it later in the process.

Amendments have been given a number in the top right-hand corner to indicate which party submitted them. There is no need for a seconder to move an amendment. Once your amendment has been moved, you will need unanimous consent to withdraw it.

During debate on an amendment, members are permitted to move subamendments. These subamendments do not require the approval of the mover of the amendment. Only one subamendment may be considered at a time. That subamendment cannot be amended.

Once every clause has been voted on, the committee will vote on the title of the bill itself. An order to reprint the bill may be required, and so on.

I thank members for their attention and wish everyone a productive clause-by-clause consideration of Bill C-20.

All right, pursuant to Standing Order 75(1), consideration of clause 1, the short title, is postponed.

(On clause 2)

• (1125)

On clause 2, first up is CPC-0.1.

Mr. Lloyd, do you wish to speak to this?

**Mr. Dane Lloyd:** No, but I do on another matter, quickly.

**The Chair:** Okay.

Go ahead, Mr. Shipley.

Oh, I'm sorry. You had your hand up first. Go ahead.

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

It's in the interest of time.

I've received a lot of questions from stakeholders that were to be directed to officials. I want to know this, Mr. Chair: If I submit them in written form, could we have an agreement that officials will do their best to respond to those questions in written form—

**The Chair:** I can't commit for the officials, but—

• (1130)

**Mr. Dane Lloyd:** —or that the committee will ask officials to respond to our...?

**The Chair:** Let's save that for later. It's out of—

**Mr. Dane Lloyd:** I wasn't sure when to say it, but I wanted to do it early.

Thank you, Mr. Chair.

**The Chair:** I appreciate the heads-up.

Mr. Shipley, go ahead. It's CPC-0.1, I believe.

**Mr. Doug Shipley:** Thank you, Mr. Chair.

I very quickly would like to, first of all, thank the officials and staff for being here today, and thank them for their patience over the last few weeks.

I will not be moving CPC-0.1 to CPC-0.7, Mr. Chair.

**The Chair:** Okay.

Shall clause 2 carry?

(Clause 2 agreed to)

(On clause 3)

**The Chair:** We have NDP-1.

Mr. Julian, please go ahead.

**Mr. Peter Julian:** Thank you very much, Mr. Chair.

I want to make a brief comment on the last seven Conservative amendments.

Having the drafters draft this up backwards and forwards is a significant cost to the taxpayers. If the Conservatives were presenting seven amendments they had no intention of moving, I think that's unfortunate. Conservatives are the first to talk about waste, and this was waste. It was a waste of time.

As I mentioned earlier, the fact that our witnesses have been waiting for a month now is also indicative of a strategy I simply do not understand.

That being said, I want to thank our witnesses for being here, going through the last month and being available now for questions. I'm sure my colleagues will have questions.

I want to move NDP-1. It ensures that the commission would include representatives from indigenous, Black, racialized and northern communities. This is in line, Mr. Chair, as you know, with recommendation 3 on page 4 of "Systemic Racism in Policing in Canada", a report that provides the inspiration for this amendment. The reality is, the government response to that report also indicated that it is in the interest of the public to have a commission that includes representatives from groups that tend to be marginalized by the justice system and, often, by our institutions. They're often overrepresented, as well, in the incarceration system.

Therefore, what NDP-1 attempts to do is ensure that this diversity is present at every level of the commission. Hopefully, the commission will operate much more effectively than the existing structures that are in place.

I'm sure my colleagues will have questions.

On behalf of the NDP, I move that amendment.

**The Chair:** Thank you, Mr. Julian.

We'll go now to Ms. O'Connell, followed by Madame Michaud.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair.

While I appreciate the amendment, and while we support the intention, we happen to like the wording in BQ-0.1 better. We won't be supporting this amendment, because we prefer the language in the next one. We fully support the intention of ensuring there is good representation on the board.

[*Translation*]

**The Chair:** Thank you.

Ms. Michaud, you have the floor.

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

I fully agree with Ms. O'Connell. The next amendment on the list, which I intend to put forward, covers approximately the same

thing, but uses different wording based on the wording of the bill with respect to representation and diversity within the commission it aims to establish. This request comes directly from the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police.C-40

I am accordingly not going to vote for Mr. Julian's amendment, but rather for the amendment I will be presenting afterwards. I would recommend that members of the committee do likewise.

[*English*]

**The Chair:** As a matter of process, if we vote on this one, we won't be able to vote on BQ-0.1. Is that right?

Okay. Apparently, there is nothing that prevents both from being moved. There's a bit of overlap.

Thank you.

We have Mr. Motz, followed by Mr. Shipley.

● (1135)

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

I have a question to pose to Ms. Gibb.

I'm trying to remember the testimony from when we had this at the committee for the study. As it was indicated by Ms. O'Connell, while we certainly support the intent of this motion, how is this even going to be possible?

Can you speak to the challenges you have in having the representation that was mentioned in this particular motion in various communities across our nation?

**Ms. Joanne Gibb (Senior Director, Strategic Operations and Policy Directorate, Civilian Review and Complaints Commission for the Royal Canadian Mounted Police):** Right now, the commission has only one member, who is the chairperson. We don't have a vice-chair. We don't have other members. The chairperson has called for this indigenous racialized representation and to have that at the most senior level. Commission staff is quite diverse, but we don't have a diverse membership, because there is only one member.

In terms of representing all of the groups, it may be a bit of a challenge, because we're a fairly small organization, so if you have six or seven different members.... We see it in NSIRA, which has multiple members, so I think it's doable.

**Mr. Glen Motz:** Could you remind the committee...? Your public complaints commission is made up of basically one member, but you have investigators and you have other people who do a lot of the work to get it to the commission that hears the complaint.

Mr. Julian is saying that the commission must be made up of these, and I think the next one has appointing members of the commission. That's in the Bloc one that's coming up.



Can you explain how that's...? Are you referring to the members who do the investigation as being members of the commission, or are they investigators? That's part of the challenge that we have to understand when we're looking at this particular clause.

**Ms. Joanne Gibb:** This clause refers to GIC appointments only, not to the staff.

**Mr. Glen Motz:** I see.

**Ms. Joanne Gibb:** Yes, we have investigators, analysts and lawyers, but they are all public servants. They're not GIC appointments. They're on staff.

**Mr. Glen Motz:** I see. Okay.

Again, my question is on the practicality and the possibility. We know the intent is honourable. To play it out in practicality, what are your thoughts on that and those in the commission representing the actual communities where complaints could originate from?

That's the intent of this. It's to make sure that investigators and other people, I believe, are in tune with the needs and such of each of those communities, and aware of...and then the commission, I guess, is going to be a different scenario.

I can't speak to the intent behind Mr. Julian's wording, but again, when I read this, I was concerned about how this would play out in practice.

**Ms. Joanne Gibb:** Public Safety might be better to speak to GIC appointments.

**Mr. Randall Koops (Director General, International Border Policy, Department of Public Safety and Emergency Preparedness):** I think the concern around the amendment is that it would propose that the appointees of the commission named by the Governor in Council include four specific communities. The entire commission is quite small. It would consist of only five Governor in Council appointees: the chair and four members. If all four members of the commission are allocated in the statute to a specific community, the Governor in Council may over time have less leeway in appointing representatives of other communities who, through time and circumstance, may emerge as warranting representation on the commission.

In that regard, as the parliamentary secretary pointed out and as the chair of the Civilian Review and Complaints Commission has submitted to this committee, an amendment along the lines of BQ-0.1, closer to what exists now in Bill C-40—which is before another committee at the moment—may be desirable from that perspective.

• (1140)

**The Chair:** Thank you, Mr. Motz.

It's Mr. Shipley next, followed by Mr. Julian.

Mr. Shipley, go ahead.

**Mr. Doug Shipley:** Thank you, Chair.

Very briefly, most of this has been said, but I'm going to repeat it very quickly. Our party will not be supporting this motion, but we will be supporting the Bloc's motion. I think it fits a bit better there and isn't quite as restrictive, so we will be supporting the next one, but we won't be supporting this one.

Thank you.

**The Chair:** Thank you.

Mr. Julian, go ahead.

[*Translation*]

**Mr. Peter Julian:** I'd like to go back to this point.

We are currently grappling with an enormous problem, which are trying to resolve with the bill. But if the wording says that only certain factors be taken into consideration, it will not achieve the objective, which was mentioned several times. Given all the current problems, adopting an approach that provides for the opportunity rather than the obligation to appoint specific individuals or groups, would in my view not be as effective as an amendment that does provide for this representation.C-20

[*English*]

**The Chair:** Thank you, Mr. Julian.

Seeing no more speakers, I will call the vote.

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

**The Chair:** We go now to BQ-0.1.

[*Translation*]

Go ahead, Ms. Michaud.

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

As I was saying a few moments ago, this amendment is similar to the one that Mr. Julian just proposed with respect to the diversity of commission members. There will be no need for me to give further explanations, because it is so explicit:

(1.1) In appointing members of the Commission, the Governor in Council must seek to reflect the diversity of Canadian society and must take into account considerations such as gender equality and the overrepresentation of certain groups in the criminal justice system, including Indigenous peoples and Black persons.

This definition is based on the legislative wording of the bill, which appears to have been largely accepted. It strikes me that this wording is better than the wording proposed in the previous amendment. I would therefore ask my colleagues to vote in favour of my amendment.C-40

**The Chair:** Thank you.

Go ahead, Mr. Julian.

**Mr. Peter Julian:** Thank you very much, Mr. Chair.

I'm not against the idea, but it doesn't seem to me that it achieves the goal. I'll ask the witnesses what they think.

How do you think the words "take into account considerations" are to be interpreted? Does it mean one of the five members, or two of the five members, for example? Are we talking about a minimum number or is it simply one factor among others that need to be considered when members of the commission are being appointed?

[English]

**Mr. Randall Koops:** It would be a consideration among the many others the Governor in Council would bring to bear to ensure representation.

Similar provisions, both those in Bill C-40 and the ones that exist now in the RCMP Act in relation to the management advisory board, place that onus on the minister rather than on the Governor in Council. That may be something the committee wishes to consider the desirability of. Placing that onus on the minister allows the House or the minister to question the minister about how those considerations were taken into account, which is, of course, more difficult if the obligation is placed on the Governor in Council directly.

• (1145)

**Mr. Peter Julian:** Thank you very much.

In your opinion, if we change the words “Governor in Council” to “Minister”, would that be tighter language, stronger language?

**Mr. Randall Koops:** I think the committee may wish to consider that.

It may choose to adopt an amendment like this, in the sense that it is consistent with what we find elsewhere regarding this minister's responsibilities, including for the RCMP, and consistent with government practice. We are seeing other bills—for example Bill C-40—in which that obligation is placed directly on the Minister of Justice, rather than on the Governor in Council. It provides the committee with an individual who can be called to discuss it if it's necessary to inquire about what was considered in making the appointments.

**Mr. Peter Julian:** Mr. Chair, I'd like to propose a subamendment, that we replace “Governor in Council” with “Minister”.

**The Chair:** The debate shall now ensue on the subamendment.

Did you wish to speak more to it?

**Mr. Peter Julian:** Our witness has been very eloquent on this.

What I seek to do is make the language stronger. This committee rejected the first amendment, and we're now on the second amendment. I think it can be bolstered and rendered stronger, so I would propose that subamendment in order to accomplish that.

**The Chair:** Very well, thank you.

The debate is now on the subamendment.

[Translation]

**Ms. Kristina Michaud:** Mr. Chair, could Mr. Julian perhaps specify where in the wording he would like to replace certain words? If he could specify exactly where it is in the French version, I would appreciate it.

**The Chair:** Back to you, Mr. Julian.

**Mr. Peter Julian:** Okay. Thank you, Mr. Chair.

The wording proposed in the subamendment would begin with "In making recommendations for appointments of members of the Commission, the Minister must seek to reflect", rather than "the Governor in Council".

**The Chair:** All right.

[English]

Mr. Gaheer, go ahead.

**Mr. Iqwinder Gaheer:** I was going to propose a different subamendment, so I will wait.

**The Chair:** Mr. Bittle.

**Mr. Chris Bittle (St. Catharines, Lib.):** My question is for the legislative clerk. In terms of subbing in “Minister” for “Governor in Council”, is there any impact? Does this go against traditional forms of drafting, or does it matter at all?

**Mr. Philippe Méla (Legislative Clerk):** In this case it does not.

**Mr. Chris Bittle:** Okay.

**The Chair:** Let's vote on this.

All in favour of Mr. Julian's subamendment?

**Mr. Peter Julian:** Can I ask for a recorded vote, Mr. Chair?

**The Chair:** Yes, very well. Can we do that as a recorded vote, please?

(Subamendment negatived: nays 6; yeas 5)

**The Chair:** The subamendment is defeated.

Mr. Gaheer.

**Mr. Iqwinder Gaheer:** Thank you, Chair.

We support the amendment with a subamendment, and I think this subamendment achieves a level of balance, especially in line with what the witnesses have been saying. It reflects what the government is proposing in other bills, and it also doesn't overly constrain the Governor in Council either.

**The Chair:** Excuse me, but the subamendment has been defeated.

**Mr. Iqwinder Gaheer:** I'm proposing a new subamendment.

**The Chair:** Go ahead.

**Mr. Iqwinder Gaheer:** In the new subamendment, in the first line before the comma, I would change it to “in making recommendations for appointments of members of the Commission”.

This language also mirrors what's found in Bill C-40, which deals with the miscarriage of justice reviews. This way we can ensure consistency amongst federal review agencies.

• (1150)

**The Chair:** Would you be able to give us that in writing?

**Mr. Iqwinder Gaheer:** Yes, we can circulate that.

**The Chair:** Are you going to be able to do that right away?

**Ms. Jennifer O'Connell:** I'm sorry, Mr. Chair, we're going to have wording changes, as we did before, so we should be able to move on. We can write it out, but this is going to happen throughout the process of this—

**The Chair:** That's fair enough.

**Ms. Jennifer O'Connell:** It's just a few words that are being changed. It's not...

**The Chair:** The legislative clerk is asking for this in writing so that we can have it correct.

**Mr. Iqwinder Gaheer:** We have several of these.

**The Chair:** I understand, but it's more than a couple of words. He just needs clarification.

**Mr. Iqwinder Gaheer:** That's fine.

**The Chair:** Did you need to speak to this amendment further?

**Mr. Iqwinder Gaheer:** No.

**The Chair:** Is there any other discussion on the subamendment?

Yes, Mr. Julian.

**Mr. Peter Julian:** Thanks, Mr. Chair.

I just wanted to ask our witnesses what they felt the impact of this subamendment would be.

**Mr. Randall Koops:** I think it would be helpful to see the text before we offer our view, if that's possible. I'm sorry.

**Mr. Peter Julian:** Should we suspend for a moment?

**The Chair:** Yes. We'll suspend for a few minutes while we get this to everybody.

We're suspended.

• (1150) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1155)

• (1155)

**The Chair:** The hard copy of the proposed amendment has been distributed. I believe everyone has it in their email.

Are we all clear on what the subamendment is?

Mr. Julian.

**Mr. Peter Julian:** I had asked the witnesses a question. Have they received copies?

They have not received copies. That's kind of an oversight.

**The Chair:** We'll have to print it for them. It was sent out to the email list, but they're not on the email list.

**Mr. Peter Julian:** I would suggest, Mr. Chair, that this is a very important bill, but it is also technically very complex. I think it would be helpful if the clerk could ensure that the witnesses receive the updated subamendments and amendments so that they can more properly comment. We've taken a lot of their time over the last month. We are now finally getting them to play the role that they need to play in ensuring that the legislation is doing everything it needs to do, and an essential part of that is making sure that they're aware of subamendments and can brief us properly on what the impacts are.

**The Chair:** Your point is taken. We will do our best to see that it happens.

This is a very technical bill in some areas, and while it is theoretically possible to do amendments strictly verbally, we will probably

find it more productive, particularly if they're more complex, if we do them in writing. We'll do our best to make that happen.

We're going to have to suspend for a couple of minutes while we get the copies.

Go ahead.

• (1200)

**Mr. Peter Julian:** Before we do that, Mr. Chair, I would like to suggest—and hopefully colleagues on all four corners of this table would agree—that we schedule additional meetings of the public safety committee to catch up on the work that we've lost over the last month. This is a complex bill. There will be amendments and subamendments to consider. Each time we get to that point, it takes more time. I think we've also talked about a couple of studies that we want to do coming out of this.

Therefore, given that we have to catch up, I think the whips would agree that additional meetings of the public safety committee to get through this bill in an appropriate way would be a good thing to do. It would allow us to move on to other legislation, as well as, ultimately, to the two studies that we've just agreed to today.

**The Chair:** Absolutely, the whips will have to agree on that, but I'm quite prepared to ask for the extra time. However, I'd like to see if it's the will of the committee to do that.

We're not seeing unanimous consent to that. The whips can discuss it.

Ms. O'Connell.

**Ms. Jennifer O'Connell:** Thank you.

I have an objection to continually suspending. I've done clause-by-clause and BIA implementation several times, and while I understand that it's a complex bill, we've done complex bills before. We were able to hear rationale from others on their recommendations. We can continue to read out the amendment for officials to hear it and get comment on it. However, continually suspending every time—it's not just this one but when others make amendments—is just delaying our ability to get through this bill.

I think we need to be able to have the conversation. We have simultaneous translation. We have officials. We can reread it as many times as is needed. However, I don't think that continually suspending to print documents for a few words being changed is going to be reasonable, given what we are going to have to do in the future. For future meetings, if we have minor amendments, we can try to be prepared with additional paper copies.

In my eight years, I've never seen this, where we can't just continue to have this conversation about what the amendments are and what they mean. We've now supplied it to all members. We can reread it into the record as many times as needed for everybody to get caught up, but I think that suspending is not going to allow us to move forward on this bill in a productive way.

**The Chair:** Thank you, Ms. O'Connell.

We suspended already, because the clerk asked us to put it in writing so that he could be sure of what's going on.

**Ms. Jennifer O'Connell:** He has it.

**The Chair:** He has it, but the witnesses don't. The clerk has printed it off. He needs to go and get the documents from the printer. However, your point is taken. We shall try to do as much as we can without suspending. However, there will be times when we will need to suspend.

I think the witnesses have their copies now. We are all prepared to carry on.

Is there any further discussion on Mr. Gaheer's subamendment? Seeing no further discussion, we will have a vote.

**Mr. Peter Julian:** Mr. Chair, I asked that question of the witnesses. I think it would be good to have a very quick reply, if they're able to give it, on the impacts.

• (1205)

**The Chair:** That's fair enough.

We'll let the witnesses answer, and then Mr. Gaheer wanted a clarification.

If you'd like to respond to Mr. Julian's question, go ahead.

**Mr. Randall Koops:** We conclude that there is a risk, as it is drafted, that it confuses the role of the minister and of the Governor in Council. The text we have before us reads, "In making recommendations for appointments of members of the Commission, the Governor in Council must seek to reflect..." However, it is not the Governor in Council who makes the recommendations; it is the Governor in Council who makes the appointment and the minister who makes the recommendations.

It would seem that the inserted text about making recommendations is therefore superfluous. It could simply read, "In making appointments of members, the Governor in Council must seek to reflect", as it's not the Governor in Council who makes the recommendation; that role is on the minister.

**Mr. Peter Julian:** You should have voted for my subamendment. I'm just saying. Like, seriously....

**The Chair:** Okay, Mr. Gaheer, you wanted to speak on a point of clarification.

**Mr. Iqwinder Gaheer:** I'm open to changing the language of the subamendment to reflect what Mr. Koops said.

**The Chair:** You would have to withdraw the subamendment and then move another one, or else change it by unanimous consent.

Let's try for unanimous consent.

Could you clarify what changes you're proposing?

**Mr. Iqwinder Gaheer:** I seek unanimous consent of the committee to change the language of my subamendment.

**The Chair:** Let's seek unanimous consent to withdraw your subamendment.

**Mr. Iqwinder Gaheer:** Sure.

**The Chair:** Okay, so we have unanimous consent to withdraw the subamendment. It is withdrawn.

Now you wish to move a different subamendment.

**Mr. Iqwinder Gaheer:** Yes. We'll circulate the language. We just need to replace "Governor in Council" with "Minister".

**Mr. Peter Julian:** Ah, that's a great idea. Wow, somebody should have thought of that.

**Voices:** Oh, oh!

**Mr. Iqwinder Gaheer:** I wanted my name on the sheet of paper, Mr. Julian. That's why....

**The Chair:** Okay. Are we all clear on that subamendment?

Mr. Gaheer, could you clarify your subamendment, please?

**An. hon. member:** Read it again.

**Mr. Iqwinder Gaheer:** The language would be, "In making recommendations for appointments of members of the Commission, the Minister must seek to reflect", and then it just continues.

I can repeat that. "In making recommendations for appointments of members of the Commission, the Minister must seek...."

**The Chair:** I have Mr. Julian followed by Mr. Motz, followed by Madame Michaud.

**Mr. Peter Julian:** I think that is a brilliant amendment, Mr. Gaheer. I support it immensely.

I have a bit of déjà vu, Mr. Chair, but I'm glad that the Liberals are coming around. I support the amendment.

**The Chair:** Thank you.

Mr. Motz.

**Mr. Glen Motz:** I support the amendment, but I'm curious to know what Mr. Koops has to say. The whole idea is that the Governor in Council selects the commission. The minister doesn't. The minister makes recommendations. Clause 3 is about the people who are on it being appointed by the Governor in Council.

Does this language, as amended in the subamendment, not muddy the waters on the establishment of this commission? I know it's clarification on how the diversity should look in the recommendations that are being proposed. However, if we remove the Governor in Council, it kind of takes away that the Governor in Council is supposed to make the decision based on what the minister recommends. That's what Mr. Gaheer is suggesting.

**The Chair:** Before you answer, I'm going to ask you to clarify the wording.

**Mr. Iqwinder Gaheer:** I am very happy to do that, Mr. Chair. Thank you.

The language is this: “In making recommendations for appointments of members of the commission, the Minister must seek—”

• (1210)

**The Chair:** Go ahead, Mr. Koops.

**Mr. Randall Koops:** Thank you, Mr. Chair.

I think the amendment clarifies the roles between the minister and the Governor in Council. Inserting new text establishes an obligation on an individual actor—that is, the minister—to make a recommendation that would then be considered for appointment by the Governor in Council in the clause before that. This recognizes the role of the minister, and that a minister can be answerable for that. It is also consistent with other legislation, including the RCMP Act and Bill C-40. I recognize that these are fairly new types of clauses. It's only in the last few years that Parliament has been adopting these.

There may be some benefit in consistency around the duties of a given minister.

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

I apologize. I was under the impression, initially, that it was proposed that subclause 3(1) was going to have this language added to it. It's actually a new subclause under clause 3, which makes total sense.

Thank you. I appreciate that.

**The Chair:** Thank you.

[*Translation*]

Ms. Michaud, you have the floor.

**Ms. Kristina Michaud:** I'd like to make sure that I understand.

Earlier, I thought I heard Mr. Koops say to Mr. Julian that the previous subamendment being proposed was too long and that it would be better to just replace "Governor in Council" by the word "Minister". That's also what the subamendment we are now examining is attempting to do.

However, Mr. Gaheer would like to keep:

[*English*]

“In making recommendations for appointments of members...”

[*Translation*]

As I understand it, according to Mr. Koops the wording should remain as is with just "Governor in Council" replaced by "Minister". It would therefore begin as follows: "In making recommendations for appointments of members of the Commission, the Minister must seek to reflect..."

Is that correct, Mr. Koops, or is it essential to add the proposed words in this instance?

**Mr. Randall Koops:** I believe that the current wording of the amendment is appropriate. It reflects the roles of both.

**Ms. Kristina Michaud:** Good. Thank you.

[*English*]

**The Chair:** Mr. Julian, go ahead.

[*Translation*]

**Mr. Peter Julian:** Thank you, Mr. Chair.

They are indeed two different roles. This wording says that members of the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police are appointed by the Governor in Council. Another provision states that recommendations come from the minister. Mr. Gaheer's subamendment combines these two roles and that's why I support it. I think that it strengthens the Bloc Quebecois proposal and the one made earlier by the NDP, in which there is mention of giving consideration to "factors such as gender equality and the overrepresentation of certain groups in the criminal justice system, including Indigenous peoples and Black persons".

Generally speaking, these two amendments strengthen the bill. It's an important improvement and I'm satisfied with it.

[*English*]

**The Chair:** Thank you, Mr. Julian.

Is there any further discussion? Seeing none, let's vote on Mr. Gaheer's subamendment.

(Subamendment agreed to)

**The Chair:** That brings us to CPC-1.

**Mr. Peter Julian:** On a point of order, Mr. Chair, we haven't voted on BQ-0.1 yet.

**The Chair:** That's correct. Thank you. I'm just getting so enthusiastic about moving forward here.

Is there any further discussion on BQ-0.1 as amended?

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

**The Chair:** Thank you, Mr. Julian.

Now we are at CPC-1.

Mr. Shipley, did you wish to move this?

• (1215)

**Mr. Doug Shipley:** Yes, Chair. I will be moving this. We've gotten through only two so far. Hopefully we can get through this one a little more quickly, but we'll see.

This amendment is that Bill C-20, in clause 3, be amended by replacing line 21 on page 3 with the following:

mission, including the Chairperson or the Vice-chairperson, if that person

**The Chair:** Thank you.

Is there any discussion?

Go ahead, Mr. Julian.

**Mr. Peter Julian:** Thank you, Mr. Chair.

I want to ask our witnesses a question. I see the language as being superfluous, but I may be wrong on that. I just wanted to make sure that it's already covered in the existing clause, or is it necessary to cite “the Chairperson or the Vice-chairperson” for further clarity?

**Mr. Randall Koops:** Our view would be the same as yours, sir. We don't think it's necessary, given that the chairperson and vice-chairperson are already defined as members.

**The Chair:** Is there any further discussion on this amendment?

Go ahead, Mr. Shipley.

**Mr. Doug Shipley:** If you feel it is that way.... We just felt they were maybe not considered as members and wanted to make sure that the language of that....

**Mr. Randall Koops:** The definition of a member includes them explicitly throughout the bill.

**The Chair:** Seeing no further discussion, all in favour of CPC-1?

(Amendment agreed to)

**The Chair:** That brings us to NDP-2. If NDP-2 is adopted, NDP-3 becomes moot.

Go ahead, Mr. Julian, if you wish.

**Mr. Peter Julian:** Not wanting to make NDP-3 moot, I'm not moving NDP-2 in favour of NDP-3.

**The Chair:** That brings us to NDP-3.

We'll go to Mr. Julian once again.

**Mr. Peter Julian:** Thank you, Mr. Chair.

The issue here, which also came out of Breaking Barriers Together, is the concern around both external misconduct and internal misconduct. In terms of ensuring that we have an ability for employees, people who are in the service with CBSA and RCMP, who give so much to our country, that they are...ensuring that this commission is free from the potential for conflicts of interest that may arise, NDP-3 endeavours to include the following:

is a member of the immediate family of a member, as defined in subsection 2(1) of the Royal Canadian Mounted Police Act, immediate family having the same meaning as in section 33 of the Canada Labour Standards Regulations

We've already adopted a clause that makes it clear that a member of the commission can't be a member of the RCMP, but immediate family as well could potentially, I think, give rise to that conflict of interest. We need to ensure, on behalf of RCMP officers and CBSA officers, that there are no potential conflicts of interest.

That's why I'm moving NDP-3.

**The Chair:** Thank you, Mr. Julian.

Are there any comments?

Yes, Ms. O'Connell.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair.

Could we just ask officials here to talk about whether that is an issue or not in terms of this amendment? That's for whoever is qualified to answer that question.

**Mr. Randall Koops:** We think the amendment may raise some concerns in the sense that, as defined here, not only a former member of the RCMP but also their children, grandchildren and others would be ineligible to be members of the commission. That would

seem to unnecessarily restrict the pool of Canadians who are eligible for consideration.

It would also create a sort of intergenerational ineligibility. A person may be ineligible from being appointed to the commission because an ancestor who may no longer be alive or whom they may never have met may have served in the RCMP or CBSA. That may seem to some to be an unnecessary restriction.

● (1220)

**Ms. Jennifer O'Connell:** Thank you.

Following up on that, through the chair, in addition to this, I'm assuming that part of the commission.... In finding these appointments they would have someone with a pretty specific background or skill set, wouldn't they? Limiting finding that individual or those individuals would be problematic. It isn't just anybody, probably, who would be appointed to the commission. There is a skill set that would be looked for.

Is that a fair assessment as well?

**Mr. Randall Koops:** That's correct. It has been difficult, from time to time, to fill positions on review bodies, given that the pool of qualified applicants can be very small.

**Ms. Jennifer O'Connell:** Would there be ways, for example, if somebody did have, let's say, a family member who served at one point, to put in a screen or to put in some sort of process or disclosure so that, if there was a perceived conflict of interest, that could be established but wouldn't disqualify them altogether? Does that process already exist?

**Mr. Randall Koops:** There is a process for public office holders to be screened for conflict of interest and to declare matters to the commission to which they're appointed that they may not be best suited to sit in consideration of.

**Ms. Jennifer O'Connell:** Okay.

I'm satisfied with that explanation, that there are screens that could be put in place, and that, in looking for a specific skill set to sit on the commission, it would be unfair for someone who may not have been able to determine their family's career choice to be automatically disqualified for life.

I think it would be best to not support this. I do understand the need to ensure that there's fairness on the board, but I think there can be mechanisms put in place at the commission to take that into consideration.

**The Chair:** Thank you.

Mr. Lloyd, please.

**Mr. Dane Lloyd:** My question for Mr. Julian is, what is the intent of this amendment?

Is the intention to prevent a conflict of interest in the case where somebody is a member and has a living member of the RCMP that they could possibly have a conflict of interest with, or is this about weeding out an entire group of people from consideration who have had any sort of familial connection to the RCMP?

I'm just wondering what the intention of this is.

Thank you.

**Mr. Peter Julian:** The intention is, as I stated, to avoid conflict that could occur for both internal and external misconduct investigations.

This is already very clearly referenced as “is or was a member” of the Royal Canadian Mounted Police. That is something that already ensures ineligibility.

I think one could consider the potential for a conflict of interest in having an immediate family member as well. The bill already explicitly states that this could be a concern. That's why we're looking at it from the standpoint of the immediate family.

It's already defined in the Canada labour standards regulations, section 33.

**The Chair:** I see no further speakers, so I'll ask for all those in favour.

(Amendment negatived)

(Clause 3 as amended agreed to [*See Minutes of Proceedings*])

(Clause 4 agreed to)

(On clause 5)

**The Chair:** This brings us to clause 5 and CPC-2.

• (1225)

**Mr. Doug Shipley:** Thank you, Chair.

I will move CPC-2. It is that Bill C-20, in clause 5, be amended by adding after line 30 on page 4 the following:

(1.1) For the purposes of this Act and the regulations, the Chairperson has all the powers of a peace officer conferred under an Act of Parliament or the common law.

**The Chair:** Thank you, Mr. Shipley.

The chair's ruling on this is that Bill C-20 establishes the public complaints and review commission and amends other acts and statutory instruments. The bill states that some powers are given to the commission and that the chairperson of the commission has the rank and all the power of a deputy head of a department. The amendment seeks to give the chairperson all the powers of a peace officer, which is a new concept that goes beyond the scope of the bill as adopted by the House at second reading.

As *House of Commons Procedure and Practice*, third edition, states on page 770, “An amendment to a bill that was referred to a committee after second reading is out of order if it is beyond the scope and principle of the bill.”

In the opinion of the chair and for the above-stated reason, I rule the amendment inadmissible.

Shall clause 5 carry?

(Clause 5 agreed to on division)

(On clause 6)

**The Chair:** This brings us to clause 6 and CPC-3.

Mr. Shipley, did you wish to move this?

**Mr. Doug Shipley:** Yes, I will move that Bill C-20, in clause 6, be amended by adding, after line 31 on page 5, the following:

(3.1) While an officer or employee under subsection (3) may have investigative experience, the officer or employee is not eligible to be appointed if the officer or employee

(a) is or was a member, as defined in subsection 2(1) of the Royal Canadian Mounted Police Act;

(b) is or was an officer, as defined in subsection 2(1) of the Customs Act, or is or was a person designated by the Minister of Public Safety and Emergency Preparedness as an officer under subsection 6(1) of the Immigration and Refugee Protection Act, who, in performing their normal duties, is or was required to interact with the public; or

(c) is not a Canadian citizen or a permanent resident, as defined in subsection 2(1) of the Immigration and Refugee Protection Act.

**The Chair:** Thank you, Mr. Shipley.

Is there any discussion? Seeing none—

I have Ms. O'Connell.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair.

Again, similar to my questions earlier about where this may limit the ability to employ former RCMP or CBSA agents to help with investigations, could I maybe ask the officials—any of them—for their perspective on this amendment?

**Mr. Randall Koops:** Thank you.

I think we would offer the view that while it maybe necessary and desirable to impose those kinds of limits around members of the commission, it would be less desirable to impose those limits on staff or employees of the commission. Excluding any former RCMP or CBSA members from being employed by the commission risks depriving the commission of expertise and knowledge in specific areas of practice of both of those agencies that it may be in the public interest for the commission to acquire.

We would suggest that the decision is best made by the commission itself. My colleagues from the commission may have more to add.

**Ms. Joanne Gibb:** Yes, I agree. It limits the pool. I think it fetters the chairperson's ability to staff.

We're all public servants, so we are subject to the code of values and ethics. We have lawyers who have to be members of the bar in good standing, so if they are former members of CBSA or the RCMP, they would still have to adhere to that.

**Ms. Jennifer O'Connell:** Thank you.

Similar to my question earlier, are there opportunities for employees as well to be screened for conflict of interest, should an investigation, given their past, have any sort of cross-sections? Are there abilities for any of these employees or those working on cases to raise their hand to say, “Okay, I may need to sit this one out,” without excluding them from the position altogether?

• (1230)

**Ms. Joanne Gibb:** Yes, they can, and I believe that in the past they have.

**The Chair:** Thank you.

I have Mr. Shipley.

**Mr. Doug Shipley:** Thank you.

Upon hearing the advice of the officials, I'd like to withdraw that amendment, if I could.

**The Chair:** Do we have unanimous consent to withdraw?

(Amendment withdrawn)

**The Chair:** Okay. This brings us to CPC-4.

I have Mr. Shipley once again.

**Mr. Doug Shipley:** I would like to move that Bill C-20, in clause 6, be amended by adding after line 39 on page 5 the following:

(a.1) in prescribed circumstances and in relation to a specific complaint made under this Act, engage, on a temporary basis, the services of a person having technical or specialized knowledge of any matter relating to the work of the Commission or those of a member, as defined in subsection 2(1) of the Royal Canadian Mounted Police Act, to advise and assist the Commission in the exercise of its powers or the performance of its duties and functions under this Act; and

and by replacing, in the English version, line 2 on page 6 with the following:

sons engaged under paragraph (a) or (a.1).

**The Chair:** We have Mr. Lloyd on a point of order.

**Mr. Dane Lloyd:** I think this amendment might be moot, considering the previous amendment didn't pass. I think it might be.

**The Chair:** Do you wish to withdraw the amendment?

**Mr. Doug Shipley:** I guess if we have unanimous consent, we will.

**The Chair:** Do we have unanimous consent to withdraw this motion?

(Amendment withdrawn)

**The Chair:** That brings us to NDP-4, Mr. Julian.

**Mr. Peter Julian:** Thank you, Mr. Chair.

Similar to NDP-3, what this seeks to do is ensure no conflict of interest, including the member of an immediate family, having the same meaning as in section 33 of the Canada labour standards regulations. I think the committee was fairly clear in its intent on this, but I wanted to move the motion for the amendment just the same.

**The Chair:** Mr. Motz.

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

I would suggest that this is moot. Again, it's based on a decision and a previous vote on almost the exact same language in another area. It's, again, the same thing. We're limiting a pool. I would think that we should vote against this, or withdraw it.

**The Chair:** Thank you, Mr. Motz.

Mr. Gaheer.

**Mr. Iqwinder Gaheer:** We tend to agree with Mr. Motz. This is in line with NDP-2 and NDP-3, to limit who can be employed. We run into the same issues, that a child of an officer would be prevented from ever providing technical assistance to the review agency. We tend to agree.

**The Chair:** Is there any further discussion on NDP-4?

(Amendment negated)

**The Chair:** Shall clause 6 carry?

(Clauses 6 and 7 agreed to)

(On clause 8)

**The Chair:** That brings us to clause 8 and NDP-5.

Mr. Julian, please go ahead.

**Mr. Peter Julian:** Mr. Motz will be happy to learn that I'm not moving NDP-5 in preference for NDP-6.

**The Chair:** Thank you.

That brings us to NDP-6.

Mr. Julian.

• (1235)

**Mr. Peter Julian:** Thank you very much, Mr. Chair.

The issue of service standards is something that has been raised regularly by labour representatives who have come here on behalf of the employees. The reality is that investigations take months, sometimes years. We need to have service standards that actually have some teeth, and ensure that there is a timely resolution to concerns that have been raised and complaints that are handled both by the RCMP and the agency.

What is suggested through this process in NDP-6 is essentially that:

The Commission, the RCMP and the Agency must deal with and resolve complaints made under this Act within a year after the day on which the complaint is made....

It also provides some scope:

within any longer period the Commission considers appropriate.

However, it does set a line in the sand in terms of what the service standards should be. This is something both for internal and external complaints. Obviously, it would make a difference. As we know, Mr. Chair, justice delayed is justice denied.

I move NDP-6 to put in place those minimum service standards. It still gives the commission the ability to prolong past that date, as needed.

**The Chair:** Thank you, Mr. Julian.

I will note that if NDP-6 is adopted, CPC-5 and CPC-6 cannot be moved due to a line conflict.

We go now to Mr. Motz.

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

I appreciate the need for service standards. It's absolutely necessary that there be time limits on how long investigations can go before decisions are made, or even reporting back to complainants, victims, etc.



What I don't think is necessary, and what I'm really concerned about, is having unions involved in decision-making at the commission level. Complaints need to be dealt with, and that's important. Establishing collective bargaining agreements in that process to me would be somewhat problematic, in my opinion.

While I agree with the idea of a standard, which is what we're getting at in CPC-5, I believe, moving on, it certainly removes any idea that our unions are involved in the commission's work. That could be construed as being somewhat of a conflict, as well.

**The Chair:** Thank you, Mr. Motz.

We go to Mr. Gaheer.

**Mr. Iqwinder Gaheer:** Thank you, Chair.

I'm also concerned about the one-year mark in terms of whether it's actually sufficient for the resolution of complaints. I know the bill also contains codified timelines as well.

My question to the officials is how the one-year time limit would affect complaints or systemic reviews.

**Ms. Joanne Gibb:** In relation to complaints, you're right: The codified timelines that are in this bill allow the RCMP commissioner six months to respond to a review by the commission. You're already, right off the top, taking away six months, which leaves just six months from the time the complaint is made to the RCMP's investigation of it. The individual has 60 days, as per the statute, to request that the commission review it. The commission then has to request the material from the RCMP and then actually undertake the review, write the report and send it to the commissioner, who has six months to respond.

Although it would be ideal to have it done within a year for complaints that go to review, I don't see that being feasible.

**Mr. Iqwinder Gaheer:** Thank you.

Chair, with that I'd like to move a subamendment. I would delete the part about subclause 8(3) from the amendment.

**The Chair:** The discussion is on Mr. Gaheer's subamendment.

Mr. Shipley, go ahead.

**Mr. Doug Shipley:** I'll pass for now, Chair.

**The Chair:** Is there any further discussion?

Mr. Julian, go ahead.

• (1240)

**Mr. Peter Julian:** In this case I would like to argue against the subamendment by Mr. Gaheer. I think the reality is that—and we saw this in our hearings on Bill C-20—the complaints commission hasn't been adequately funded and resourced in the past. This is a problem. We see an underfunding of our courts system, and we see an underfunding of our complaint process as well. To put this framework in place, we need to have minimum service standards that have some flexibility.

Subclause 8(3), which Mr. Gaheer is seeking to remove from the amendment, gives the opportunity to the commission to make it a longer period if that is appropriate. The reality is that it's a question of resourcing that makes the difference. Currently, when we look at

our judicial system and complaint process, they're not adequately resourced.

I would point out, for folks who say that might cost money, that we give over \$30 billion a year to overseas tax havens. That's tax money, according to the Parliamentary Budget Officer. There are resources that should be allocated to this. If we want a complaints commission that works effectively for the public, for CBSA and for RCMP employees, we need to establish some meaningful minimum service standards. A one-year period is a long period of time, but it is by no means exaggerated, and the commission does have the opportunity to prolong that if it chooses to.

I would argue against a subamendment. I think the reality is that a one-year service standard is something that should absolutely be contemplated and resourced. The reality is that if this bill passes without that service standard, I think we are going to see these complaints prolonged unduly. Again, I will cite that justice delayed is justice denied.

**The Chair:** Thank you, Mr. Julian.

I'd like to clarify Mr. Gaheer's subamendment.

To accomplish what you want, you're trying to remove paragraph (e) from amendment NDP-6?

**Mr. Iqwinder Gaheer:** That's right.

**The Chair:** Is there any further discussion on Mr. Gaheer's subamendment?

Mr. Motz, go ahead.

**Mr. Glen Motz:** I'd like to ask the officials—either the RCMP or Ms. Gibb from the commission—a question.

While I agree with Mr. Julian on the need for service standards to get investigations looked after appropriately and in a timely way as much as possible, we heard during the study that some of these investigations have taken a considerable period of time. My office has received complaints over the years, from members of my constituency who have complaints before the commission, about the length of time it took to hear anything back, so I support that.

We heard evidence at committee about how a lack of resources is going to make this problematic. We know the financing that's been allotted to this new improved commission, including the CBSA and the RCMP, is woefully inadequate in the opinion of the commission, and I would tend to agree.

However, with this particular subamendment that was moved, I'd like to get a perspective from you, Ms. Gibb, on the subamendment and whether it fits. We're looking at CPC-5 and CPC-6, which follow this—also talking about service standards—and whether we are in line with the realities of this.

If we put a timeline in here that's six months or a year from... I know you can go and ask for an extension—I get that—but what's the reality that we should be looking at as a committee, so that there's a proper guideline for you to follow in the act to do your work?

**Ms. Joanne Gibb:** I think it would be helpful to distinguish what part of the complaints process we're talking about. If we're talking about the investigative part on the front end in the first instance, most complaints are done by the RCMP. The RCMP has an internal service standard for the investigation, which is 90 days, not a year.

However, if we're talking about a complaint that goes from the time it's filed to the time the commission reviews it, in the instances when there's an interim report—when the commission is not satisfied with the way the RCMP handled the complaint—or a report is sent to the minister and to the commissioner, and the commissioner then has six months to respond.... In those instances, I won't say that meeting a one-year time frame would be impossible, but it would be a challenge when the commissioner has six months to answer our report. It would have to be filed and investigated, and the commission would have to get the 60 days the individual has to request that review, do the review, write the report and send it to the commissioner, who then has six months.

If you want to parse out which complaints we're talking about, that might be helpful.

• (1245)

**Mr. Glen Motz:** That's the part we have to clarify. Even around this table, the thought is that once a complainant makes a complaint to the RCMP or the CBSA, the clock starts, but that's not necessarily the case, as you described.

The RCMP has its own process for handling an initial complaint...because this deals with all complaints that go to the commission. It's not necessarily only about how the Mounties deal with theirs. Is that right?

**Ms. Joanne Gibb:** All complaints come to the commission. We're the point of intake. They can be made at a detachment, but the RCMP will then send that complaint to us. We do the intake, and the chairperson has the discretion to decide whether the RCMP will investigate or we will investigate.

**Mr. Glen Motz:** Let's say the commission gives it back to the RCMP to deal with. Are the timelines in this act, then...? Is it incumbent upon the RCMP to follow them, or does it have its own timelines inside its own act?

**Ms. Joanne Gibb:** There are no timelines currently in the RCMP Act for the amount of time it takes to investigate a complaint.

**Mr. Glen Motz:** That's part of the problem.

**Ms. Joanne Gibb:** That's correct. There are internal service standards, and we have an MOU with the RCMP, but it's not a statute.

**Mr. Glen Motz:** I see.

Go ahead, Mr. Bangloy.

**Assistant Commissioner Alfredo Bangloy (Professional Responsibility Officer, Royal Canadian Mounted Police):** There are no legislated timelines within which we have to complete the public complaint investigation, but we have internal established timelines of 90 days to complete a complaint. Following that, a letter of disposition is issued to the complainant. If they're not satisfied with how the RCMP dealt with the complaint, they can seek a review from the CRCC, and then that takes time.

**The Chair:** Thank you.

Mr. Julian, go ahead.

**Mr. Peter Julian:** Thanks to our witnesses.

Remind me of the current average time. I know there are internal service standards, but what's the average time for treating a complaint? This comes from our hearings a few months ago, so I'd be interested in knowing what the current average complaint treatment time is.

**A/Commr Alfredo Bangloy:** Currently, the average time to complete a complaint over the past five years has been 128 days, so it's beyond our 90-day service standard.

**Mr. Peter Julian:** Thank you for that.

I would suggest that 365 days is still very much an appropriate service standard to set, given the average treatment at this point. As I mentioned earlier, and as it states in proposed subclause 8(3), which Mr. Gaheer has proposed to take out of the amendment, it talks about 365 days. I think it makes sense for us to set in place those service standards, with the ability of the commission, of course, to prolong that if it chooses to.

However, putting in place a service standard makes sense and obliges the government, in my opinion, to put in the resources. This was a big part of the hearings last spring—the fact that it is under-resourced. What the government has set aside will not get the job done. I think, as legislators, we have to say to the government, very clearly, that this needs to be adequately resourced in order to ensure that the complaints commission does the job, in terms of RCMP officers, CBSA officers and—just as importantly, if not more so—the general public.

**The Chair:** Thank you, Mr. Julian.

The discussion continues on Mr. Gaheer's subamendment.

We'll go to Mr. Lloyd, followed by Mr. Motz.

• (1250)

**Mr. Dane Lloyd:** Thank you.

To start, I'll say that I agree we need to have some service standards in this. However, I have some questions about this to pass on.

My first question is this: Concerning the language “the Commission, the RCMP and the Agency must deal with”.... Is that standard parliamentary language—“must deal with” something?

The second is concerned with the definition of “resolve”. When we're talking about resolving a complaint.... There are instances, I'm sure, where you can't resolve a complaint. Does that mean the complainant is satisfied with the resolution, or does that just mean you've completed the process?

My third and final question is this. There's a second page here, which says the complaint must be resolved “within a year”, or “within any longer period the Commission considers appropriate.” Is it even a legislated standard to say, “Yes, you should do it in one year, but if the Commission thinks it appropriate to go longer, then it can go longer.”

Those are my three questions. Thank you.

**Ms. Joanne Gibb:** I won't speak to the standard parliamentary language. I'll let Public Safety deal with that one.

In terms of resolution, it means it's completed, in my mind. It doesn't mean the individual may be satisfied. A lot of times, I'm sure, they are not satisfied, but it has come to its full conclusion. Therefore, it's resolved.

To your point, it's giving the commission discretion, certainly. How that's defined and operationalized.... As it is right now, we know it takes longer than even the 90 days. I'm thinking that in most instances, right off the bat, it's never going to meet this one-year service standard when a complaint goes through to the review process and an interim report. It's not a lot of them. There are about 350 a year.

**Mr. Dane Lloyd:** In the parliamentary language, is “deal with” a term we use in legislation?

**Mr. Randall Koops:** I'm not sure. That might be a better question for the legislative clerk. As my colleague pointed out, the operative term there seems to be “resolve”.

**The Chair:** Okay. We'll go to Mr. Motz now.

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

I want to clarify again, Assistant Commissioner Bangloy. You said 128 days is your five-year average for resolving complaints, generally, or for having them dealt with.

**A/Commr Alfredo Bangloy:** It's a five-year average for the complaint investigation to be completed.

**Mr. Glen Motz:** That's right, but if it goes to the commission, then you have to add the commission's time onto it, because you reinvestigate in some circumstances.

To get to Mr. Julian's point, sometimes the reality—and I can speak to this from experience—is that you are not going to complete an investigation inside of six months, and 128 days is your four-month mark. However, if the commission gets a hold of it then and follows through, which is what this legislation is about, it could go on for another six months, eight months, 10 months, a year or more following that.

When you came to the committee, Ms. Gibb, there was conversation about what your service standards were, what your averages were once you got a complaint—not what the RCMP had. What would you think is reasonable, from a commission's perspective, with regard to having a regulated service standard on investigation completion?

Resolution is a different story. To me, when you have a complaint, have investigated it and have passed on your findings to the complainant, if you will, many times there's a process after that, a follow-up, and some sort of a resolution beyond that. You've completed your investigation, and the complainant knows what your investigation result is. Should we be separating those two? It does extend the timeline for resolution. If we're using that word, if we're saying that we're going to “resolve” it, an investigation is one thing. Letting the complainant know at the end of an investigation is another thing. Then, having the complaint resolved completely.... The complainant doesn't have to be satisfied, as you said, but having it resolved completely can mean another extension of the timeline.

What would you suggest the language should be that meets the expectations of the community that we're here to serve on these issues of complaints with the commission?

• (1255)

**Ms. Joanne Gibb:** I think that having a service standard for the investigation of a complaint by the agency—so, by the RCMP or the CBSA—in that first instance would be helpful.

The commission has its own service standard. Once we get the complaint on review, we have our service standards. We have to report annually to Parliament on whether we meet those service standards. The process is already well established. We don't always meet our service standards, but we certainly strive to.

I think that, a lot of times, it's that first-instance investigation that is the challenge, that takes quite a while. There's a multitude of reasons for why it can take a long time, including complainants who don't make themselves available sometimes when the RCMP wants to interview them and discuss their complaints, so it can go much longer than the 90 days.

With regard to my earlier point, the language here appears to say that it's from the time a person complains to the time it's resolved, which could be upon review. If we were to go with resolving it in one year, by my math the commission would have about one month to get information from the RCMP, review it and write its report to the commissioner if it wasn't satisfied. However, if you parsed it out and perhaps excluded complaints that are on review, just that initial investigation to get the complainant the initial response might be helpful.

**Mr. Glen Motz:** We've talked about the RCMP mostly. We haven't mentioned a lot about the CBSA, although this act now includes the CBSA. Is it reasonable to expect that the CBSA has the mechanism in place, like the RCMP does, to handle the complaints that it has internally, to meet those same service standards? I know you guys look after your complaints, but you don't have a commission that oversees you just yet.

What is your service standard? Can you remind us again of what the CBSA investigative service standards are, and can you meet something similar to what the expectation is of a service standard for the entire resolution of a complaint?

**Ms. Cathy Maltais (Director, Recourse Directorate, Canada Border Services Agency):** Currently, the service standard that we try to meet is 40 days; 90%, I believe, is our service standard to the public. There are two service standards. There's a 14-day service standard for first contact with our complainant, and then there's a 40-day service standard for completion of the investigation and, I'm going to say, the resolution. Again, it's not necessarily a satisfactory resolution, but it's the resolution of the complaint—the complaint is finished.

In the case that there would be a commission, the complainants would be advised that if they're not satisfied with the responses, they can then go on to the CRCC, and their calculation would start from there.

I'm just going to give a caveat. That service standard is with current levels, current volumes. Obviously, with a commission—with marketing and everything—those numbers would probably go up.

**Mr. Glen Motz:** Would those numbers go up for you guys or for the commission?

**Ms. Cathy Maltais:** It's for complaints to the CBSA. Currently, with our levels, we're able to meet that standard 90% of the time, generally. If we double those complaints or up the volumes, then I can't confirm that we would still be able to meet those same standards.

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

**The Chair:** Mr. Julian, you have the floor.

**Mr. Peter Julian:** My final point is that I think the service standards are very doable. The commission has the ability to prolong them, if it chooses to, but setting those standards necessitates, on the government side, adequate funding of this commission, and we have had concerns raised about the lack of appropriate resourcing.

I think this sends a signal from the committee and ultimately from Parliament that this commission, to work properly, has to be adequately resourced, and a one-year performance standard that can be extended is an appropriate measure to ensure that those standards are met and that justice is not delayed in the case of complaints that come through the process.

**The Chair:** Thank you, Mr. Julian.

Are we ready to vote on Mr. Gaheer's subamendment?

(Subamendment agreed to)

**The Chair:** We now go to Mr. Julian's amendment as amended.

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

**The Chair:** I think it's a good time to adjourn. I'll note for the CPC that you guys are up next.

• (1300)

**Mr. Glen Motz:** Amendments CPC-5 and CPC-6 are going then? Oh, that's right. They would go, because it was carved out of...

**The Chair:** NDP-6 has carried, and CPC-5 and CPC-6 cannot be moved. You're right.

**Mr. Peter Julian:** Mr. Chair, I'm not sure of that, because the service standards were taken out of NDP-6, so I think there is scope for CPC-5 and CPC-6 to be considered.

**The Chair:** I believe that the problem was a line conflict.

**Ms. Jennifer O'Connell:** Yes. I thought that if CPC-5 was adopted, then CPC-6 couldn't be moved due to a line conflict. It's my understanding that we have to deal with CPC-5.

**The Chair:** That brings us to the end of clause 8. Let us vote on clause 8.

**Mr. Peter Julian:** Mr. Chair, I think CPC-5 and CPC-6 can still be considered, and they're in clause 8, so I would suggest that we just start again at our next meeting on clause 8.

**The Chair:** That's fair enough.

We'll sort this out here, and we'll carry on from where we left off the next time.

That being said, thank you, all.

Thank you to our officials, once again, for being with us. We look forward to your participation every time, and we are now adjourned.







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