



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

44th PARLIAMENT, 1st SESSION

---

# Standing Committee on Public Safety and National Security

EVIDENCE

**NUMBER 081**

Monday, November 6, 2023

---

Chair: Mr. Ron McKinnon





## Standing Committee on Public Safety and National Security

Monday, November 6, 2023

• (1100)

[English]

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

Welcome to meeting number 81 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.

I would like to make a few comments for the benefit of the officials and members. Although this room is equipped with a powerful audio system, feedback events can occur. These can be extremely harmful to interpreters and cause serious injuries. The most common cause of sound feedback is an earpiece worn too close to a microphone.

In order to prevent incidents and safeguard the hearing health of the interpreters, I invite participants to ensure that they speak into the microphone into which their headset is plugged and avoid manipulating the earbuds by placing them on the table away from the microphone when they are not in use.

All comments should be addressed through the chair.

I will now welcome the officials who are with us once again. Welcome back.

They are available for questions regarding the bill but will not deliver any opening statements.

With the Canada Border Services Agency, we have Philippe Tremblay, acting director, public complaints and external review division/recourse.

From the Civilian Review and Complaints Commission for the Royal Canadian Mounted Police, we have Joanne Gibb, senior director, strategic operations and policy directorate. We also have Lesley McCoy, general counsel.

From the Department of Public Safety and Emergency Preparedness, we have Randall Kooops, director general, international border policy; Martin Leuchs, manager, border policy division; and Deidre Pollard-Bussey, director, policing policy.

From the Royal Canadian Mounted Police, we have Stéphane Drouin, director general, workplace responsibility branch, professional responsibility sector.

Thank you for joining us today. We are at new clause 96, but I believe Mr. Gaheer has a request for unanimous consent.

Go ahead, sir

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

Thank you to the witnesses for appearing before the committee again.

I would like to seek unanimous consent to reopen clauses 41 and 53. I will start with clause 41.

This is in relation to NDP-25. As it was carried at committee, the amendment modified clause 40 to require that a complaint incident include reasons for the withdrawal of a complaint to the PCRC and RCMP commissioner. As passed, it creates an imbalance in the complaint process, as this requirement was not added for the complaints related to the CBSA under subclause 41(1). We therefore ask for unanimous consent for the committee to revisit clause 41 to narrow the requirement carried out under clause 40 so as to ensure that complaints related to the RCMP and the CBSA are treated in the exact same way.

This can be very easily achieved by applying the language under NDP-25 to subclause 41(1), which would read as follows. We would basically withdraw subsection 33(2) from subclause 41(1) and it would basically read: "A complainant may withdraw a complaint made under section 33(2) at any time by sending a written notice and the reasons for the withdrawal to the Commission or the President." That's being circulated right now.

**The Chair:** Thank you.

Mr. Julian, do you want to speak before we ask for unanimous consent?

**Mr. Peter Julian (New Westminster—Burnaby, NDP):** I'll just say that this is a consequence of the adoption of an NDP amendment, so I support this unanimous consent to clarify it. It makes the language similar in both sections.

**The Chair:** I'm not going to get into a debate on this; it's unanimous consent. I just mentioned Peter because he put up his hand as soon as Mr. Gaheer spoke.

• (1105)

**Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC):** I just want to put this out there. This committee has had such goodwill and congeniality over the last few meetings that we'll be giving unanimous consent on this. We want to make sure we're all working well together.

**Some hon. members:** Hear, hear!

**Mr. Doug Shipley:** We're looking forward to proceeding today and getting through this, hopefully.

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

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Thank you.

I have just one more comment.

I guess it's just an example of what happens sometimes when you try to ram through legislation rather than taking your time to review it. You find these mistakes.

**The Chair:** Thank you.

Do we have unanimous consent for Mr. Gaheer's motion?

**Some hon. members:** Agreed.

(On clause 41)

**The Chair:** We are back to clause 41.

Mr. Gaheer has spoken to this. Are we clear on the changes?

Is there any debate on these changes?

Are all in favour of the changes?

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

(Clause 41 as amended agreed to)

**The Chair:** We have one more UC request, as I understand it.

(On clause 53)

**Mr. Iqwinder Gaheer:** This is clause 53. This is in relation to BQ-14. This is presented as an amendment of concordance to BQ-13, which provides the PCRC a discretion, rather than a requirement, to refuse to deal with a complaint under the conditions set out in subclause 52(5) if the complaint could be better dealt with under another provincial or federal procedure.

This could create situations in which if the PCRC has already commenced an investigation and identifies that the issue being investigated would be better addressed by another procedure—for example, if human rights concerns arise over the course of their investigation—the commission would not have the ability to discontinue their own investigation. We don't believe that this was the Bloc's original intent when they introduced BQ-14.

To better align BQ-14 with what was proposed under BQ-13, the committee should provide the PCRC a discretion to discontinue an investigation into the complaint. A simple way of achieving this would be to add subclause 52(5) under subclause 53(1).

The change in language has been circulated. I can read it into the record if that's required, but it's been circulated.

**The Chair:** Thank you, sir.

We'll give the legislative clerk just a minute.

While he's doing that, did you want to make a quick comment?

We're not going to debate this, but please go ahead.

**Mr. Glen Motz:** Can I ask a question of the officials in regard to this?

**The Chair:** Sure. We'll quickly go into that as this is going on.

**Mr. Glen Motz:** Has the department obviously identified this as being an issue that needs correcting? Would that be fair to assume?

**Mr. Martin Leuchs (Manager, Border Policy Division, Department of Public Safety and Emergency Preparedness):** Yes.

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

**The Chair:** The legislative clerk is clear on this. We're good.

Is there any further discussion?

Do we have unanimous consent to go ahead on this?

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

(Clause 53 as amended agreed to)

**The Chair:** Thank you, Mr. Gaheer. Thank you all.

We have new clause 96.1, which is NDP-61.

Mr. Julian, go ahead, if you please.

**Mr. Peter Julian:** This was an amendment recommended by Breaking Barriers Together. New clause 96.1 ensures the following:

In any investigation under subsection (1), the RCMP shall disclose to the conduct authority and the member all evidence in paper or electronic form that is under its control and that may be relevant to the investigation.

I move NDP-61.

**The Chair:** Thank you.

Is there any discussion?

Go ahead, Mr. Motz.

**Mr. Glen Motz:** I have a quick question for the RCMP.

Is it not a practice now that when you're dealing with an investigation, you disclose to the alleged accused in a complaint all the evidence that's available?

• (1110)

**Chief Superintendent Stéphane Drouin (Director General, Workplace Responsibility Branch, Professional Responsibility Sector, Royal Canadian Mounted Police):** Yes, that's correct. That's exactly how it proceeds now in the conduct process. There are disclosure requirements and all the information is disclosed to the subject member involved.

**Mr. Glen Motz:** From the department's perspective or from the commission's perspective, is this clause necessary to add clarity to the act, or is it something that completely isn't necessary?

**Mr. Randall Koops (Director General, International Border Policy, Department of Public Safety and Emergency Preparedness):** We'd offer the view that it's not necessary, on two counts.

One, as my RCMP colleague has pointed out, it's already the practice under the existing provisions of the RCMP Act related to conduct.

Two, once again it would bring measures of conduct, discipline, investigation and the actions of a conduct authority into the PCRC scheme, rather than keeping that separate in the RCMP scheme, where we would suggest it is better placed.

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

**The Chair:** Thank you.

Is there any further discussion?

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

**The Chair:** It's rejected, defeated. I'm sorry.

**Mr. Peter Julian:** I don't feel rejected, but the amendment was defeated.

(On clause 97)

**The Chair:** That bring us to clause 97 and BQ-15.

[*Translation*]

Ms. Michaud, you have the floor.

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

BQ-15 is a final consequential amendment that seeks to allow third parties to file a complaint. In this amendment we used the term “non-governmental organization”, but I would propose right now that we change it to “third party” to make it consistent with the other amendments that have already been adopted on this topic.

[*English*]

**The Chair:** Very well.

BQ-15 is moved with the change that “non-government organization” is changed to “third-party”— whatever the language—organizations.

Is there any discussion on BQ-15?

Go ahead, Mr. Gaheer.

**Mr. Iqwinder Gaheer:** I'm pointing out that the language would be modified in two different spots within section 45.171 from “non-governmental organizations” to “third party”.

**The Chair:** Thank you. I believe it was moved effectively like that as well.

Thank you.

Is there any further discussion on BQ-15?

(BQ-15 agreed to on division [*See Minutes of Proceedings*])

**The Chair:** Thank you. That brings us to NDP-62.

Go ahead, Mr. Julian, if you please.

**Mr. Peter Julian:** In the spirit of collaboration, Mr. Chair, and given how co-operative both parties have been today, I am withdrawing NDP-62. We've already had the discussion around the amendment.

**The Chair:** Thank you.

Shall clause 97, as amended, carry?

It's on division. Okay.

(Clause 97 as amended agreed to on division).

**The Chair:** This brings us to a whole bunch of clauses for which there are no amendments.

For clauses 98 to 110 inclusive, do we have unanimous consent to vote on them as a block?

**Some hon. members:** Agreed.

(Clauses 98-110 inclusive agreed to on division)

(On clause 111)

**The Chair:** That brings us to clause 111 and BQ-16.

[*Translation*]

Ms. Michaud, you have the floor.

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

The purpose of BQ-16 is to provide guidelines or further enhance the definition of a serious incident.

The request comes from the Association québécoise des avocats et avocates en droit de l'immigration. Based on the experience of the members of this association, there have often been cases of immigrants being harmed in their dealings with the Canada Border Services Agency. For these members, it would be a good idea to add to the serious incident definition any conduct that would violate human rights and freedoms, including by unsubstantiated detention or extension of detention. That's the definition they're proposing, and I imagine that my colleagues will be in favour of that definition without any problem.

• (1115)

[*English*]

**The Chair:** Is there any discussion on BQ-16?

Go ahead, Mr. Motz.

**Mr. Glen Motz:** I'm just curious to know if there are any concerns with paragraphs (a.1) and (a.2) from the commission's or the department's perspective.

**Mr. Randall Koops:** We would offer two separate areas of concern in relation to the amendment.

The first is that it would create a definition of "serious incident" for the CBSA that would be different from the one that exists for the RCMP, which was not the government's intent. The intent was very much to parallel in the new legislation for CBSA the existing definition for the RCMP.

The second is in new paragraph (a.2). It would appear to provide that unfounded detention triggers a serious incident, which can involve referral to the police of jurisdiction in the case of CBSA; however, detention under CBSA is subject to review by the Immigration and Refugee Board and is subject to review in certain circumstances by the Federal Court, so we would not suggest that it is properly a police matter when that occurs.

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

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

(Amendment negated)

(Clauses 111 to 113 inclusive agreed to on division)

**The Chair:** This brings us to proposed clause 113.1 and CPC-26.

Go ahead, Mr. Shipley.

**Mr. Doug Shipley:** Thank you, Chair. I will be moving that today. I just need to get to it. I apologize.

**The Chair:** You don't need to read it, because we have it.

**Mr. Doug Shipley:** Yes, we will be moving this motion.

**The Chair:** Thank you.

The chair has a ruling on this one. The amendment attempts to create a specific pension regime for CBSA employees, which is a new scheme not envisioned in the bill when adopted by the House at second reading and which would require a royal recommendation. Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on a public treasury or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.

In the opinion of the chair, the amendment proposes a new scheme that would require a royal recommendation; therefore, I rule the amendment inadmissible.

We go now to clause 114.

(Clause 114 agreed to on division)

**The Chair:** Now we come to clauses 115 to 136, and there are no amendments proposed. Do we have unanimous consent to vote on them as a block?

**Some hon. members:** Agreed.

(Clauses 115 to 136 inclusive agreed to on division)

(On clause 137)

**The Chair:** That brings us to clause 137 and G-9.

Go ahead, Mr. Gaheer.

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

We move:

That Bill C-20, in Clause 137, be amended by replacing line 5 on page 72 with the following:

and Review Commission Act or under regulations made under subparagraph 87(o.1)(ii) of that Act,"

Basically, this is just a coordinating amendment associated with G-8, which was passed earlier and provides for new regulatory powers. Since there are areas where we've empowered the government to create regulations surrounding information sharing, referral of complaints, joint proceedings and co-operation between federal review bodies, we're just updating the provisions in the NSIRA Act to ensure that it's bound by these future regulations.

● (1120)

**The Chair:** Thank you.

Is there any discussion?

Seeing none, shall G-9 carry?

(Amendment agreed to on division)

(Clause 137 as amended agreed to on division)

(On clause 138)

**The Chair:** That brings us to clause 138 and amendment G-10.

Go ahead, Mr. Gaheer.

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

This is the same as before. Amendment G-10 could only be moved if G-8 was moved, and it was. Similarly, as before, this is just to ensure that the provisions of the NSIRA Act are bound by future regulations.

**The Chair:** Very well. Thank you.

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

(Clause 138 as amended agreed to on division)

(Clause 139 agreed to on division)

(On clause 140)

**The Chair:** We have Mr. Julian on NDP-63.

[*Translation*]

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

Given the exceptional co-operation we have at the moment, during the final stages of the bill, I am not going to move NDP-63, because we've already had discussions on the entire content of this motion.

[English]

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

(Clause 140 agreed to on division)

(On clause 141)

**The Chair:** This brings us to clause 141 and amendment G-11. We have Mr. Gaheer.

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

As with G-10 and G-9, G-11 could only be moved if G-8 was adopted. Once again, I'll repeat that there are areas where we've empowered the government to create regulations surrounding information sharing, referral of complaints and joint proceedings in co-operation among federal review bodies. We're updating the provisions of the NSIRA Act to ensure that it's bound by these future regulations, as before.

**The Chair:** Thank you.

(Amendment agreed to on division [See Minutes of Proceedings])

(Clause 141 as amended agreed to on division)

(On clause 142)

**The Chair:** We have Mr. Gaheer on G-12.

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

Once again, G-12 is similar to G-11, G-10 and G-9. It's just to ensure that the NSIRA act is bound by future regulations.

**The Chair:** Thank you.

(Amendment agreed to [See Minutes of Proceedings])

(Clause 142 as amended agreed to on division)

(Clause 143 agreed to on division)

(Clause 144 agreed to on division)

(On clause 145)

On NDP-64, it's Mr. Julian.

[Translation]

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

Since this is the last amendment before we go back to the clauses we've stood, I'm happy to say that we've already addressed and discussed the entire content of this motion, so I won't be moving NDP-64.

[English]

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

(Clause 145 agreed to on division)

(Clause 146 agreed to on division)

**The Chair:** This brings us to the clauses that we earlier stood.

(On clause 8)

**The Chair:** On clause 8, we had NDP-5, which Mr. Julian already withdrew.

We had NDP-6 and have adopted an amendment to remove paragraph (e). There was a second subamendment from MP O'Connell to remove paragraphs (b) and (d). That subamendment was under debate when the clause was stood.

If NDP-6 is adopted, CPC-5 and CPC-6 cannot be moved, due to a line conflict.

Is there any discussion on this clause?

We were debating Ms. O'Connell's subamendment. Is there any discussion?

Go ahead, Mr. Julian.

• (1125)

**Mr. Peter Julian:** The reason we stood the clause, Mr. Chair, was the issue around service standards. I think that was the intent. The subamendment basically took out the possibility of service standards being in the legislation. I would speak against the subamendment, and if we feel that what was originally in NDP-6 was potentially too ambitious, I hope that we look at service standards that are more appropriate or look to consensus around the committee.

**The Chair:** Thank you.

Is there any further discussion? I'll wait just a few minutes while people get up to date on this amendment.

Go ahead, Mr. Motz.

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

Witnesses, do you have any comment on the subamendment that was introduced the last time we parked this clause, and then on the comments made by Mr. Julian on how this might impact the intent of the legislation?

**Mr. Martin Leuchs:** The last time NDP-6 was adopted, there were unforeseen circumstances, in that joint service standards with respect to timelines between the PCRC, the CBSA, the RCMP and now unions were removed from it with respect to complaints.

What this new subamendment does is re-establish a requirement for the PCRC, the CBSA and the RCMP, with the unions, to establish joint service standards around timelines with respect to complaints.

**Mr. Glen Motz:** As I understand it, the subamendment would then force the three entities to come together and come up with a service standard that isn't going to be reflected in the act. Will it be part of a regulation, then?

**Mr. Martin Leuchs:** I can't speak to the form that the service standards would take, but it would require them, with the unions, to establish those service standards.

**Mr. Glen Motz:** Is there a timeline of when that expectation would be? I'm just trying to figure out....

The whole idea behind timelines was to ensure that complainants who made the complaint had a timely response to whatever their complaint was from the organizations they were complaining to.

Is it the normal course of practice that the three organizations would get together and develop timelines that are going to be amicable for all of them? How do we identify them as being in the act so that the public knows and can go back and say, "You didn't meet a timeline" if we don't have them codified, so to speak?

**Mr. Martin Leuchs:** The timelines that we're trying to introduce are the same provisions that are currently under the RCMP Act between the CRCC and the RCMP.

The establishment of the timelines is not between the three organizations but between the PCRC and the RCMP and then the PCRC and the CBSA respectively.

With the new amendment introduced—

**Mr. Glen Motz:** And the unions.

**Mr. Martin Leuchs:** And the unions, based on the amendment that was introduced by the NDP.

There is also a GIC power-making regulation that could be used with respect to the timelines, in case there is a need to ensure that regulations around those timelines exist.

**Mr. Glen Motz:** If I'm understanding correctly, you have no issue with the subamendment, then. Is it the department that oversees this?

**Mr. Martin Leuchs:** It fixes an issue that had been introduced.

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

**The Chair:** I've had some clarification from our legislative clerk here. The upshot of these changes is to remove from NDP-6.... We've already removed paragraph (e), so we'd then be removing paragraphs (b) and (d).

• (1130)

**Mr. Glen Motz:** Sorry; we're removing what?

**The Chair:** The effect of this subamendment is to remove paragraphs (b) and (d) from NDP-6.

Mr. Julian, I can tell you wish to speak.

**Mr. Peter Julian:** I don't follow you, actually, Mr. Chair.

Is it possible to get a written copy of the subamendment? I don't have one.

**The Chair:** The subamendment looks kind of complicated, but the legislative clerk has evaluated it and basically has advised that it amounts to simply removing paragraphs (b) and (d) from your amendment.

Go ahead, Mr. MacDonald.

**Mr. Heath MacDonald (Malpeque, Lib.):** Then basically we're going back to the original language in the bill with respect to timelines.

**The Chair:** We removed part (e), and then if we pass this, we will be removing (b) and (d), but that still leaves part (a) of Mr. Ju-

lian's amendment, plus paragraph (c) as well. It's still not quite the original language.

Mr. Julian, are you squared away on this?

**Mr. Peter Julian:** I have one final question, Mr. Chair.

I understood that elimination of (e) was part of the overall subamendment, so we have yet to vote on that.

**The Chair:** We have already voted on (e), so if the subamendment—

**Mr. Peter Julian:** Then this was the second subamendment? Thank you.

**The Chair:** Basically, this is to get rid of (b) and (d).

**Mr. Peter Julian:** You're right, Mr. Chair. You have an infallible memory, so thank you for reminding me of that.

**The Chair:** That's not true, but we'll accept that.

Good. I think we're squared away.

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

**The Chair:** I believe that finishes clause 8.

Sorry. We need to adopt NDP-6 as amended.

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

**The Chair:** That brings us to CPC-5. CPC-5 cannot be moved because there still remains a line conflict.

• (1135)

**Mr. Glen Motz:** They were withdrawn. CPC-5 and CPC-6 were withdrawn.

**The Chair:** CPC-6 is withdrawn. Okay.

Shall clause 8 as amended carry?

(Clause 8 as amended agreed to on division)

(On clause 28)

**The Chair:** That brings us to clause 28, formerly stood. NDP-17 was moved and was under debate at the time clause 28 was stood. If NDP-17 is adopted, NDP-18 and BQ-1 cannot be moved due to a line conflict.

Go ahead, Mr. Julian, please.

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

I remember acutely that we have a problem in that we have a number of good amendments, but they contradict each other, in a sense. I want to propose that we take a few moments to get a sense of where each party is.



The issue in clause 28 is the issue of review of specified activities. This is something that has been raised by a number of organizations, including Amnesty International and a variety of other organizations, such as Breaking Barriers, with respect to the ability of specified activities to be undertaken, which would be reviews, for example, on systemic racism.

In a number of the amendments, ways to initiate a review of specified activities include a request from the committee of the Senate or the House of Commons, from union representatives or from non-governmental organizations. I believe language around “third party” would cover both unions and non-governmental organizations, so I think that is covered off, but I think it would be good to hear back from other parties about the issue that's contained in amendment NDP-17 about the House of Commons committee requesting a review of specified activities. If the other parties are opposed to that, then the amendment would be a lot simpler, because we already have “third party”. I think what we would do would be to defeat amendment NDP-17 and then move on from there.

If there is interest in having a House of Commons committee triggering that review of specified activities, then I think we probably need to suspend for a moment or two and see if we can craft an amendment that includes third parties and the House of Commons committee as well.

That's what I wanted to put out. I think a few minutes of discussion will probably save us more time in finalizing that clause.

**The Chair:** We will go to Ms. Michaud and then Mr. Motz.

[Translation]

Ms. Michaud, the floor is yours.

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

We could have that discussion now. NDP-17 and NDP-18 contradict each other. So Mr. Julian would have to tell us which of the two the NDP prefers. However, if we adopt one or the other, it will prevent us from—

[English]

**The Chair:** Ms. Michaud, adjust your microphone.

[Translation]

**Ms. Kristina Michaud:** If we adopt one or the other, that will prevent us from adopting BQ-1, which will be a problem since it's a consequential amendment to many other amendments that we've already adopted.

So I'm wondering if Mr. Julian can tell us which changes he prefers between those in NDP-17 and those in NDP-18, because at this point we can't adopt both. Then I propose to include the changes he prefers in BQ-1.

[English]

**The Chair:** Okay.

Mr. Motz, go ahead.

**Mr. Glen Motz:** I know we have a “review of specified activities” section in the act. I don't remember the definition of those. I didn't look at the definition of a “specified activity”.

I want to ask the officials something first. Do you have a challenge with the way amendment NDP-17 is currently worded? Is there a problem?

Even if, as Ms. Michaud suggested, you changed the wording to list a third party, would that change the concerns that could be related to the broadening of this to include other organizations, third parties that could come in and start questioning the specified activities of the two agencies?

**Mr. Randall Koops:** We would identify concerns.

In response to your first questions, “specified activities” are what are sometimes called systemic investigations or policy investigations. Recent ones conducted by the commission would have included things about street checks or strip searches. These are broader investigations into fields of practice or fields of policy that go beyond just a single complaint.

Our concern with the amendment is that clause 28, as drafted, was not intended to limit who could come to the commission and propose that it would be in the public interest to have a specified activity review undertaken. The commission could receive that view from any third party. It could be from unions, from some of the groups Mr. Julian mentioned, from parliamentary committees, from the Auditor General or from one of the other officers of Parliament. All of those bodies and organizations could contribute to the body of knowledge that the commission uses to decide for itself when to undertake a specified activity review.

The reason the minister is brought in at clause 28 is that the minister is otherwise unable to direct the commission. The intent is that if the minister refers a matter to the commission, first, that it still be the commission that decides whether to undertake the review, and second, that the minister do so by exercising a statutory avenue so that no outside observer could conclude that the minister was in some way interfering with the quasi-judicial arm's-length nature of the commission.

I think the concern would be that if it were broadened out to other groups, it could put the commission in a position of answering to groups that are outside the process for decisions that are fully within the commission's own authority and own mandate to make.

● (1140)

**Mr. Glen Motz:** That would potentially include a parliamentary standing committee.

**Mr. Randall Koops:** It very well could, but as it stands now, nothing would stop a parliamentary standing committee from bringing a matter to the attention of the commission. The parliamentary committee does not need a provision in the statute to say to the commission, “Hey, we think this is worth a review.”

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

**The Chair:** Thank you.

I don't sense that we have a meeting of minds here on what we're doing with this.

Mr. Julian, do you still require a few minutes for us to suspend to sort things out?

**Mr. Peter Julian:** I think I will start by withdrawing NDP-17.

[*Translation*]

I think Ms. Michaud asked the right question and we can move on to NDP-18.

[*English*]

**The Chair:** Do we have unanimous consent to withdraw NDP-17?

**Some hon. members:** Agreed.

(Amendment withdrawn)

[*Translation*]

**Mr. Peter Julian:** Thank you to all my colleagues. The level of collaboration is remarkable today. I really like that.

I now move NDP-18. Furthermore, if Ms. Michaud would like to propose the changes contained in BQ-1 concerning the concept of a third party, that would go in the direction I would like to see. NDP-18 includes the three elements we're interested in: third parties, unions and, of course, parliamentary committees. By amending NDP-18, I think we'll have all the elements we need.

Whether the committee supports it is another question.

[*English*]

**The Chair:** You're not moving NDP-18 at this time?

**Mr. Peter Julian:** I am. I'm moving NDP-18 and opening the door to amendments to NDP-18.

**The Chair:** Thank you.

Is there any discussion on NDP-18?

[*Translation*]

Ms. Michaud, you have the floor.

**Ms. Kristina Michaud:** I'm thinking of amending NDP-18 with a subamendment to include BQ-1. As mentioned earlier, if NDP-18 were adopted, BQ-1 could not be moved. I think it's important to do so.

Everyone agreed to add the concept of third party in all the other parts of the bill. I don't know if it's doable or if it's going to be a problem, depending on what the officials think of NDP-18 as it stands.

• (1145)

[*English*]

**The Chair:** Is there any further discussion on NDP-18?

Madame Michaud, could you please clarify where you want to include “third party” language?

[*Translation*]

**Ms. Kristina Michaud:** Actually, I just changed my mind on NDP-18, and I'm not proposing to amend it.

[*English*]

**The Chair:** Is there any further discussion on NDP-18?

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

**The Chair:** With commiseration, it is defeated.

This brings us to BQ-1.

[*Translation*]

Ms. Michaud, you have the floor.

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

The purpose of BQ-1 is to allow a third party to file a complaint. Again, there are two references in this amendment to “non-governmental organization”, which I propose to change to “third party”.

[*English*]

**The Chair:** Very well. BQ-1 is moved with a change in wording to include “third parties”.

Go ahead, Mr. Julian.

[*Translation*]

**Mr. Peter Julian:** I would like the witnesses to clarify something. Could a “third party” include unions representing employees?

[*English*]

**Ms. Lesley McCoy (General Counsel, Civilian Review and Complaints Commission for the Royal Canadian Mounted Police):** Yes, I think it would include that.

[*Translation*]

**Mr. Peter Julian:** In that case, I'll vote in favour of BQ-1, Mr. Chair.

[*English*]

**The Chair:** Thank you.

Is there any further discussion on BQ-1?

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

**The Chair:** That brings us to NDP-19.

[*Translation*]

**Mr. Peter Julian:** Mr. Chair, I'm not going to move NDP-19

[*English*]

**The Chair:** NDP-19 is not being moved. That brings us to NDP-19.1. If NDP-19.1 is adopted, then BQ-2 cannot be moved due to a line conflict.

Mr. Julian, go ahead, if you wish.

**Mr. Peter Julian:** This is a concern that exists, and it has been raised by the Canadian Council for Refugees, the International Civil Liberties Monitoring Group, the Civilian Review and Complaints Commission for the RCMP and the Canadian Civil Liberties Association. Concerns were also raised by the Canadian Muslim Public Affairs Council, the National Council of Canadian Muslims and the National Police Federation.

The conditions within subclause 28(3) read as follows:

In order to conduct a review on its own initiative, the Commission must be satisfied that

(a) sufficient resources exist for conducting the review and the handling of complaints under Part 2 will not be compromised; and

(b) no other review or inquiry has been undertaken on essentially or substantially the same issue by a federal or provincial entity.

The concern around “sufficient resources exist” is something that has been a matter of concern for a number of organizations, as I’ve mentioned. What NDP-19.1 would do is simply take out the “sufficient resources exist”. Resourcing has been an issue, but it is up to the government to provide adequate resources for the commission to do its job. The question of sufficient resources existing or not should not be a reason to not undertake a review of specified activities, particularly concerns about systemic racism.

NDP-19.1 would simply allow the commission to consider, before conducting a review, whether the handling of complaints under part 2 will be compromised or that any other review or inquiry has been undertaken and would take out “the sufficient resources exist” component that has, I think, quite rightly drawn real concerns about whether the commission is able to undertake important systemic reviews that many Canadians want to see it do. It should not be a question of resources, and that’s why I’m moving this amendment.

• (1150)

**The Chair:** Thank you, sir.

We’ll go to Mr. Bittle, followed by Mr. Motz.

Go ahead, Mr. Bittle, please.

**Mr. Chris Bittle (St. Catharines, Lib.):** Thank you very much.

Very quickly, I’m of the belief that BQ-2 and NDP-19.1 attempt to do something very similar. We just prefer the language and the drafting in BQ-2.

**The Chair:** Thank you.

Mr. Motz, go ahead.

**Mr. Glen Motz:** I have a couple of comments. The way that subclause 28(3) is written in the act right now talks about the commission’s doing an investigation on its own initiative, not because somebody has complained about an issue. They have undertaken all by themselves to do something. That’s different from what Mr. Julian is suggesting in regard to racism, anti-Semitism or any sort of complaint that someone might have that goes to the commission. That’s a totally different scenario and a totally different path for an investigation.

I agree with Mr. Julian’s suggestion that if a complaint of that nature was to come to the commission and they chose not to investigate it because they didn’t have enough resources, the government needs to certainly give its head a shake and say we have underfunded a commission; however, if the commission on its own accord has chosen to take on an investigation for whatever reason—and I can’t think of one offhand—that they would initiate themselves and that hasn’t already come to the attention of a third party, that would have changed the language to reflect a third party coming to the commission and saying that this is an issue, because subclause 28(3) doesn’t apply to the regular scheme, and that is somebody coming to make a complaint. It only applies if the commission on

its own initiative decides to conduct an investigation, and these are the criteria for it.

I think that the act needs to stay the way it’s written. I have a problem with NDP-19.1 narrowing the focus even more. I agree with the comments made, as I said previously, by Mr. Julian for certain types of investigations that come to the commission, but subclause 28(3) doesn’t apply to those sorts of complaints, unless I missed the boat here.

I’ll defer to Mr. Koops. He usually tells me if I missed the boat or not.

**Mr. Randall Koops:** No, your observation is correct. It applies to specified activity reviews, not to complaints.

It’s really a question of the degree of latitude that the committee prefers the chair have at her disposal. When the bill was introduced, the intent was to preserve the primacy of the commission’s complaints mandate and to prevent its ability to handle complaints from the public from being eroded or degraded by the resources required for a specified activity review. That provision exists, as you’ve said, in the current act now for the RCMP. That was carried over. The reason is that only the PCRC has a mandate to review and investigate complaints from the public, but there are other bodies available to the Governor in Council to conduct systemic activity review-like undertakings.

In the meantime, the committee has heard recommendations from other organizations that this is no longer desirable. The chair of the commission has recommended that this restriction be removed and to allow her to exercise her own judgment and report to this place about how she manages the commission’s workload and its priorities.

We would note that NSIRA, around which much of this machinery has been blueprinted, does not have that provision, so the degree of latitude that the chair should enjoy in that space is really, I think, a question for the committee.

My colleagues from the commission may have more to say, given the chairperson’s submission on that point.

• (1155)

**Mr. Glen Motz:** Thank you. I was going to go next to you, Ms. Gibb.

I don’t recall exactly what the chair of the commission said specific to this issue. If she is asking for latitude that is better reflected in BQ-2, then I could certainly support BQ-2. If the testimony she gave—I don’t recall it offhand—was that the current language in subclause 28(3) is sufficient for the commission to do its work, then I think it should stay the way it is.

I don’t remember exactly what she said.

**Ms. Joanne Gibb (Senior Director, Strategic Operations and Policy Directorate, Civilian Review and Complaints Commission for the Royal Canadian Mounted Police):** I don’t recall if she said it at committee, but the submission was that paragraph 28(3)(a) be removed because the result of that—

**Mr. Glen Motz:** It's not "removed". It's saying "be amended".

**Ms. Joanne Gibb:** She asked that it be removed, but either amendment gets us to the same place, I believe. Including language that says "sufficient resources exist for conducting the review and the handling of complaints under Part 2 will not be compromised" takes our mandate to do systemic reviews and makes it secondary to the handling of complaints, so the chairperson then doesn't have the discretion to say that a certain amount of resources is going to be dedicated to look at this issue more systemically.

We have an ongoing example. There's an ongoing investigation out in B.C. into the Community-Industry Response Group. *Fifth Estate* did a piece on it on the weekend. We have over 500 complaints related to that unit in the RCMP in B.C. Those complaints are being investigated and the conduct of individual members is being examined.

Our systemic review is not looking at the individual members. We're looking at the broader issues of whether there's policy, whether there's training, and the command and control. We won't examine each individual member. Instead we're looking at it more broadly.

We couldn't start that investigation for a couple of years, until the commission actually received additional program integrity funding last year. That's when the systemic review was initiated. Up until that point, resources weren't sufficient to undertake a review of specified activities, which for clarity we call systemic investigations, so that was held off for a while until the funding came around.

**Mr. Glen Motz:** If I'm hearing and interpreting correctly, then, NDP-19.1 and BQ-2 should be withdrawn and subclause 28(3) should just be removed. That should be the amendment: It's that subclause 28(3) should be completely removed from the act, based on what the chair has asked.

**Ms. Joanne Gibb:** It should not include paragraph 28(3)(b). The chairperson has no issue with that paragraph still being there. It's a practice we would do regardless, even if that was removed. We would not be looking to reinvestigate something that the Auditor General, for example, had already examined.

**Mr. Glen Motz:** Okay.

[*Translation*]

**The Chair:** Ms. Michaud, the floor is yours.

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

I think Mr. Bittle put his finger on it earlier. I would simply like to propose to my colleagues that they vote against NDP-19.1, unfortunately, and then vote in favour of BQ-2, which is better drafted and respects the intent or the will of the current commission.

[*English*]

**The Chair:** Thank you.

Is there any further discussion on amendment NDP-19.1?

(Amendment negatived)

**The Chair:** This brings us to amendment BQ-2.

[*Translation*]

Ms. Michaud, you have the floor.

**Ms. Kristina Michaud:** It's sort of the same as in the previous case, and I don't think there's anything to add. BQ-2 better respects the will of the current commission, as Ms. Gibb has just mentioned. I therefore invite my colleagues to vote in favour of this amendment.

• (1200)

[*English*]

**The Chair:** Thank you.

It's Mr. Motz, followed by Mr. Julian.

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

Just as a follow-up to my last conversation about amendment NDP-19.1, does this language better reflect the intent of what we heard from the chair of the commission?

**Ms. Joanne Gibb:** Yes.

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

**The Chair:** I love succinct answers.

Mr. Julian, go ahead.

[*Translation*]

**Mr. Peter Julian:** Since this amendment removes the requirement that the commission be satisfied that it has the necessary resources, I will support BQ-2. Yes, it has the same meaning as NDP-19.1.

[*English*]

**The Chair:** Thank you.

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

**The Chair:** Therefore shall clause 28 as amended, carry?

**An hon. member:** On division.

(Clause 28 as amended agreed to on division)

**The Chair:** This is amazing. Thank you.

Shall the short title carry?

**Some hon. members:** Agreed.

**An hon. member:** On division.

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**An hon. member:** On division.

**The Chair:** Shall the bill as amended carry?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

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

**Some hon. members:** Agreed.

**An hon. member:** On division.

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

**Some hon. members:** Agreed.

**The Chair:** Therefore, congratulations, everyone. We are finished Bill C-20.

To our witnesses, thank you for the enormous help and for bearing with us through all this time. We deeply appreciate it.

Thank you to our legislative clerks as well, and to our analysts and clerk and to the interpreters who put up with us as well.

Mr. Shipley, do you have a comment?

**Mr. Doug Shipley:** Yes. Thank you. It was nice getting through this, so thanks to everybody.

Chair, could we maybe have a discussion of our schedule for the rest of the week and going forward?

**The Chair:** Yes. My plan at this time is to schedule the trauma-informed counselling for Wednesday. That portion of the meeting will be in camera, and there will be a short period before that for a public meeting.

**Mr. Doug Shipley:** That's for one hour, I believe. Would it be possible on Wednesday to have a short subcommittee meeting? We've had a lot of motions lately and some things brought in, I know, by the Bloc, so it's just so we can try to plan going forward. Would that be possible?

**The Chair:** We actually did a subcommittee meeting and we still have our direction forward, which is—

**Mr. Doug Shipley:** I thought that was before the Bloc's motion on the automotive issue.

**The Chair:** It was, but we've already modified our plan to do the study on Mr. Bernardo's transfer, followed by Bill C-26.

Why don't we talk—

**Mr. Doug Shipley:** If we don't want this, I just thought that maybe on that afternoon, if it wasn't the full two hours, we could have a short subcommittee meeting, a 30-minute one.

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

**Mr. Peter Julian:** I would support the idea of having a steering committee meeting for one hour and that we have one hour with the entire committee. I think that would make sense for Wednesday and allow us to schedule better.

I do want to thank the witnesses, who finally get their lives back now. Thank you very much for being with us over the weeks that this bill has taken. You've added invaluable and important testimony that has helped us shape and improve the bill.

**The Chair:** Thank you all.

We'll talk about going forward in the next couple of days.

At this point, I think we have to accept success on this bill and carry forward with a victory. Thank you all.

We are now adjourned.





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

---

### SPEAKER'S PERMISSION

---

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

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

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

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

---

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

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

---

### PERMISSION DU PRÉSIDENT

---

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

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

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

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

---

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