



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

Standing Committee on Finance

EVIDENCE

NUMBER 021

Tuesday, February 22, 2022

Chair: Mr. Peter Fonseca



Standing Committee on Finance

Tuesday, February 22, 2022

• (1435)

[English]

The Chair (Mr. Peter Fonseca (Mississauga East—Cooksville, Lib.)): I call this meeting to order.

Welcome to meeting number 21 of the House of Commons Standing Committee on Finance. Pursuant to the motion adopted in committee on Thursday, February 17, the committee is meeting to study the invocation of the Emergencies Act and related measures.

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

Today's meeting is also taking place in a webinar format. Webinars are for public committee meetings and are available only to members, their staff and witnesses. Members enter immediately as active participants. All functionalities for active participants remain the same. Staff will be non-active participants and can therefore only view the meeting in gallery view. I'd like to take this opportunity to remind all participants at this meeting that taking screenshots or photos of your screen is not permitted.

Given the ongoing pandemic situation and in light of recommendations from the health authorities, as well as the directive of the Board of Internal Economy from October 19, 2021, to remain healthy and safe, all those attending the meeting in person are to maintain two-metre physical distancing and must wear a non-medical mask when circulating in the room. It is highly recommended that the mask be worn at all times, including when seated. We must maintain proper hand hygiene by using the hand sanitizer provided at the room's entrance. As the chair, I will be enforcing these measures for the duration of the meeting, and I thank members in advance for their co-operation.

To ensure an orderly meeting, I'd like to now outline a few rules to follow.

Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of the floor, English or French. If interpretation is lost, please inform me immediately and we will ensure interpretation is properly restored before resuming the proceedings. The "raise hand" feature at the bottom of the screen can be used at any time if you wish to speak or alert the chair.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in a committee room. Keep in mind the Board of Internal Economy's guidelines for mask use and health protocols. Before speaking, please wait until I recognize you by name. If you are on the video conference, [*Technical difficulty—Editor*]. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer. When speaking, please speak slowly and clearly. When you are not speaking, your mike should be on mute. I will remind you that all comments by members and witnesses should be addressed through the chair. With regard to a speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

This meeting is scheduled for a longer duration. In consideration of the fact that our witnesses may not get an opportunity to leave their virtual set-up, at around the halfway duration mark of the meeting, I will suspend the meeting for a five-minute health break.

Members, before we go to the witnesses, I have committee business. Our subcommittee met earlier today and had an opportunity to go over the schedule of a number of studies before us, be it the PBC [*Technical difficulty—Editor*].

Ms. Annie Koutrakis (Vimy, Lib.): Mr. Clerk, is Mr. Fonseca's connection frozen for us all? He's in Gatineau.

The Clerk of the Committee (Mr. Alexandre Roger): Yes, he's frozen for us all. He's had technical difficulties all day. I believe we will have IT call him. He will probably join us by phone.

We don't have Mr. McLean as the vice-chair.

Mr. Adam Chambers (Simcoe North, CPC): [*Inaudible—Editor*]

[Translation]

The Clerk: Mr. Ste-Marie, as second vice-chair, you can decide whether to adjourn the meeting or go ahead with it.

• (1440)

The Vice-Chair (Mr. Gabriel Ste-Marie (Joliette, BQ)): Mr. Clerk, do I have the authority to suspend the meeting briefly, just so that we can contact Mr. Fonseca?

Seeing that I do, I'll suspend momentarily.

• (1440) _____ (Pause) _____

• (1440)

[*English*]

The Chair: I call the meeting back to order.

I apologize to everyone for the technological difficulties that I'm experiencing.

As I was saying, just before we bring on our witnesses, our subcommittee, by unanimous consent, agreed to our subcommittee report, which spells out a schedule to look at our pre-budget consultations, Bill C-8, the Emergencies Act, as well as our inflation study.

I believe the clerk has distributed that schedule to all members.

There were a few minor changes that were made to the schedule to accommodate a number of things, which actually make this committee much better.

We will have the pre-budget consultations on March 3 and a second meeting from 6 to 8 p.m. This is if we have the consent of all members to have them work, through their whips, to prioritize FINA over other committees and to allow for that meeting. On the deadline for members to submit recommendations regarding the Emergencies Act study, members agreed to Friday, March 11.

On the Emergencies Act study, members agreed to add 30 minutes to one hour to the last witness of the meeting. The tabling of the Emergencies Act study will be moved to Monday, March 28. We will shuffle the March 24 meeting with the March 21 meeting to help out the analysts, and give them more time for that report. We will have the RCMP and FINTRAC come before us this Thursday. Regarding the Canadian Bankers Association, Desjardin and the big five banks, we'll see if they can come before the committee on March 7.

Clerk, did I capture everything?

• (1445)

The Clerk: Yes, sir. That is my understanding, unless there is a member who heard something different.

The Chair: Could you let me know if there is any show of hands for that?

Is there agreement to adopt this report?

The Clerk: You are getting thumbs up, sir.

The Chair: Excellent, thank you very much, members. That is very helpful.

It is my pleasure now to welcome our witnesses.

From the Canada Revenue Agency, we have Sophie Amberg, director, review and analysis division, charities directorate; from the Department of Finance, Isabelle Jacques, assistant deputy minister, financial sector policy branch; Julien Brazeau, director general, financial crimes and security division, financial sector policy branch; and Manuel Dussault, senior director, framework policy, financial institutions division, financial sector policy branch

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

We'll commence with the Canada Revenue Agency, for up to five minutes.

Ms. Sophie Amberg (Director, Review and Analysis Division, Charities Directorate, Canada Revenue Agency): Good afternoon, Mr. Chair, and thank you for the invitation to appear before you today.

My name is Sophie Amberg, and I am the director of the review and analysis division of the charities directorate within the Canada Revenue Agency.

Through the clerk, the CRA has provided a copy of my full remarks for the committee's attention, which provide an overview of the CRA's specific role in this area

In the interest of time, Mr. Chair, I will summarize my remarks by noting that the CRA's contribution is administered by two distinct areas: the charities directorate, the area I represent, which has a particular focus on determining whether the charitable registration system is being abused; and the criminal investigations directorate, which supports the anti-money laundering efforts.

With that, Mr. Chair, I'll be pleased to answer any questions the committee may have.

The Chair: Thank you for your opening remarks.

Clerk, did you say we would have opening rounds by some of the other witnesses?

The Clerk: No. There are none.

The Chair: There are no further remarks.

We will move to the members. I have MP Lawrence from the Conservatives up first.

Each party will have up to six minutes for their questions in this first round.

Go ahead, MP Lawrence.

Mr. Philip Lawrence (Northumberland—Peterborough South, CPC): Thank you, Mr. Chair, including for fighting through your technological difficulties. We've all experienced that throughout the pandemic.

I want to start with a general statement and I will welcome anyone who wishes to respond. I suspect it's the Department of Finance that would be best positioned to do so, but if any of the witnesses want to respond, that would be great.

The invocation of the Emergencies Act has given government the right to freeze the bank accounts of individuals. This exposes individuals to potential financial ruin for, as the Minister of Justice said, supporting causes that the government does not believe are acceptable.

When you freeze someone's bank account, you are effectively removing them from society. They may not be able to pay for food to feed their children, put gas in their car to go to work or even pay for electricity to heat their homes.

I want to walk step by step through the emergency measures orders respecting the financial provisions, so that Canadians can clearly understand the financial implications. I believe there's a great deal of misinformation out there right now.

We'll start here. Pursuant to the emergency measures order, financial institutions can effectively debank someone as a designated person. Under the emergency measures regulations, a designated person is defined as anyone who has participated or supported an unlawful assembly. This gives the government incredibly broad powers. As Professor Paul David said, the debanking provisions are so broad that literally a clerk at a Quickie market, who sold a propane canister to a protester, could have his account frozen.

Witnesses, members, Canadians are afraid. Members of Parliament have received thousands of calls and emails from Canadians who are concerned that even a small contribution to a then-legal cause could result in their financial ruin.

I'm going to ask the witnesses some clear and succinct questions. I would very much appreciate their response, not for me, but for the rest of Canada.

To the witnesses, what specific acts could or would result in the freezing of a bank account?

• (1450)

Ms. Isabelle Jacques (Assistant Deputy Minister, Financial Sector Policy Branch, Department of Finance): What would lead to the freezing of a bank account under the order that came into force on February 15 is someone directly or indirectly funding illegal activities as set out in the regulations that came into force. For example, if somebody was giving money to a third party to enable them to participate in the illegal blockades that were occurring on the Hill, that person could be captured.

Mr. Philip Lawrence: To be clear, if a passerby gave an individual a cup of coffee, they could have their bank account frozen.

Ms. Isabelle Jacques: No, not for a cup of coffee.

We had a process in place that had two prongs. The first was that our colleagues in the RCMP had lists of individuals [*Technical difficulty—Editor*] were shared with the financial institutions. That's one way in which those individuals could be captured. The other one is if a financial institution, using their found algorithms, found that there were any issues and, further to verification, found out that they were involved in—

Mr. Philip Lawrence: I apologize. I don't mean to be rude, but my time is short.

To be clear, a financial contribution either through a crowdsourcing platform or directly could result in a person's bank account being frozen?

Ms. Isabelle Jacques: Yes, it could, to the extent—

Mr. Philip Lawrence: They did not have to actively be involved in the protest? They didn't have to be here in Ottawa or at one of the blockades?

Ms. Isabelle Jacques: No, not themselves. It could be indirect.

Mr. Philip Lawrence: So if someone gave \$20 to the Freedom Convoy through a crowdsourcing platform, they could have their bank account frozen?

Ms. Isabelle Jacques: If that person gave the money after February 15, it is possible although very unlikely in view of the circumstances. I say this because the banks or financial institutions relied heavily on the information that was provided by the RCMP further to their own internal processes and verification, so they take, basically, take a risk-based approach. Although it's not impossible that someone who gave \$20 would be captured and have their bank account frozen, I find that scenario.... I think it would happen in rare circumstances.

Mr. Philip Lawrence: But it is possible.

Ms. Isabelle Jacques: It is possible.

Mr. Philip Lawrence: To my mind the order's fairly clear. There are some caveats, but it says, "for an assembly", and the assemblies have now been disbanded. Have we stopped freezing bank accounts?

• (1455)

Ms. Isabelle Jacques: Yes, we have, as a matter of fact. I don't know if this information has been shared with the member of the committee. I may want to leave the RCMP to speak to this. I don't know if they're coming before you, but yesterday they did share a list of which financial institutions are unfreezing accounts as of yesterday. They started yesterday to unfreeze accounts.

Mr. Philip Lawrence: Following up on that—and thank you for sharing that information—if you are an individual who wants your account unfrozen, whether it was frozen by mistake or in accordance with the act, who do you appeal to? Who do you talk to?

Ms. Isabelle Jacques: [*Technical difficulty—Editor*] individuals whose account has been frozen whether mistakenly—but I haven't heard of any such incidents—should contact directly their bank's customer service to do a first verification, and if the bank doesn't feel they've had a proper answer, they could reach out to the RCMP to validate some of the information.

The Chair: Thank you.

Thank you, MP Lawrence. That's the time.

We are moving to the Liberals and MP Dzerowicz for six minutes, please.

Ms. Julie Dzerowicz (Davenport, Lib.): Thank you so much, Mr. Chair.

I want to thank all of the witnesses for being with us today on such short notice. Thank you so much for the important work you do.

I think that for those who are listening, we should just establish that when the Emergencies Act was invoked, we announced the declaration of a public order emergency under the Emergencies Act in light of the disruptions, the border blockades and the occupation of Ottawa's downtown core. Under that public order emergency, there were a series of measures around stopping the flow of money that might actually be funding any of these public order measures and events that were taking place across our country.

Perhaps I'll direct this to the Department of Finance. Can you give us a brief rundown of what the Proceeds of Crime (Money Laundering) and Terrorist Financing Act allows for and what gaps it has that the invocation of the Emergencies Act addresses?

Ms. Isabelle Jacques: Yes, Mr. Chair. Thank you for the question.

We realized that there were gaps in the system as to what our colleagues at the Financial Transaction and Report Analysis Centre of Canada, FINTRAC, could capture. We realized that it didn't capture crowdfunding platforms—not all of them—or payment service providers, so when the order came into force, crowdfunding platforms and payment service providers had to register with FINTRAC and report any suspicious transactions to FINTRAC.

This was in order to help mitigate the fact that these platforms received illicit funds, and to increase the quality and quantity of intelligence received by FINTRAC. That also allowed them to make more information available to support investigations by law enforcement.

Ms. Julie Dzerowicz: Thank you. So just in layperson's terms, basically cryptocurrencies and crowdfunding platforms were not included under the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, and so that was what was put in place by the emergency orders. Is that correct?

Ms. Isabelle Jacques: Cryptocurrencies were already covered, although what was not covered is the reporting by crowdfunding platforms and payment service providers.

My colleague, Julien Brazeau, may want to add to this question.

Ms. Julie Dzerowicz: I don't see him there.

Can you confirm that making these powers permanent cannot be done unilaterally and would require legislation?

Ms. Isabelle Jacques: To make these permanent, we have two options. We can do it by way of legislation, which includes regulation. We can make them permanent by way of regulations.

Ms. Julie Dzerowicz: Thank you.

Can you also confirm that the powers are not retroactive and only began after the Emergencies Act was declared?

Ms. Isabelle Jacques: Yes, I can confirm that it is not retroactive. We received many questions from concerned individuals who thought it would retroactively apply, but it does not.

Ms. Julie Dzerowicz: Thank you.

We saw reports of truckers leaving the convoy voluntarily after being warned by their insurance companies that their insurance may be suspended. Was this the intent of the program, and do you have any further information on the success of these measures?

Ms. Isabelle Jacques: The intent of the program was to make people responsible and dissuade people from using money or their vehicles to participate in these illegal blockades.

I do not know if any trucker or individual had their insurance suspended. I think the goal was to ensure that people first left of their own volition.

• (1500)

Ms. Julie Dzerowicz: So you wouldn't know whether or not the fact that they could lose their insurance had an influence on them.

Ms. Isabelle Jacques: I certainly think it did. With a lot of these people who were involved, trucking is their livelihood. Understanding that your insurance could be suspended, I think, would be an incentive to stop the illegal behaviours.

Ms. Julie Dzerowicz: In my final minute, I'd like one clarification.

My understanding is that government has a limited role. Really, it's enabling this information to be shared with financial institutions and RCMP from FINTRAC in order for them to have a role to enforce.

Ms. Isabelle Jacques: I could not hear your question clearly. Would you mind repeating it?

Ms. Julie Dzerowicz: Of course.

With these emergency measures in place, particularly as it relates to what we're currently talking about, the federal government has a limited role in terms of enforcement; it really is enabling RCMP and financial institutions to receive information from FINTRAC in order for them to enforce and take action.

Ms. Isabelle Jacques: That is correct. Privacy was, of course, at the fore and of concern. We want to respect the privacy of individuals and respect the Privacy Act, so the order allowed for information to flow from the RCMP and some institutions directly to the financial institutions, not through the Department of Finance. That is correct.

Ms. Julie Dzerowicz: Thank you so much.

The Chair: Thank you, MP Dzerowicz.

Now we are moving to the Bloc and Monsieur Ste-Marie, for six minutes.

[Translation]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

I would like to welcome the government officials with us today and thank them for all their hard work during these extraordinary times.

My first questions are for the finance officials. Ms. Jacques will probably be able to answer them.

The order is short on details when it comes to the process and requirements for the freezing of funds. When I read the order, I didn't find much in the way of details.

Have you shared more detailed information with the financial institutions?

Ms. Isabelle Jacques: Absolutely. Since the moment the order came into force, we have been in regular contact with the financial institutions. In relation to some aspects, we have had daily communications to answer their questions and ensure that they have everything they need to enforce the order.

Mr. Gabriel Ste-Marie: You have had discussions with the financial institutions, but have you shared the requirements with them in writing so that they can properly carry out the freezing of funds?

Ms. Isabelle Jacques: No, we haven't sent them any written details or information. However, we have made ourselves available to answer any questions the various institutions may have around implementing the order.

That said, the RCMP has provided to them directly the information they need to implement the order.

Mr. Gabriel Ste-Marie: I find what the government is doing here very troubling. The order gives the financial institutions immunity, but if the requirements they have to follow in order to freeze funds have been communicated to them only verbally, during discussions—not in writing—it opens the door to all sorts of possible interpretations. Obviously, I see that as a problem.

I'm going to try to come back to that a bit later. Now I want to talk about the vehicle insurance component.

Were insurance companies given any instructions in writing for the suspension of vehicle insurance policies?

• (1505)

Ms. Isabelle Jacques: No, they weren't provided with any written instructions.

Mr. Gabriel Ste-Marie: This is another thing the government is doing that I find problematic.

Ms. Isabelle Jacques: May I clarify something?

Mr. Gabriel Ste-Marie: Yes, please do.

Ms. Isabelle Jacques: The way the order is written makes it clear that the institutions are responsible for implementing the order. The entities are responsible for making sure they comply with the requirements of the order.

We made ourselves available and answered their questions, but they also consulted with their legal departments on a regular basis to ensure that they were in compliance with the requirements of the order.

Mr. Gabriel Ste-Marie: Yes, I realize that. Thank you for clarifying. I still see a huge problem with this, since the order is vague and open to interpretation. Without clear and specific guidelines, things could go sideways.

For example, what direction did you give insurers to permit truckers to leave blockades without having their insurance policies

suspended? Did you recommend that they not suspend insurance policies before truckers left blockades?

Ms. Isabelle Jacques: No, we did not make any recommendations. I should point out that I work for the Department of Finance. Our colleagues at the RCMP were the ones with information to share with the entities responsible for implementing the order. The Department of Finance was not involved in sharing that information.

Mr. Gabriel Ste-Marie: All right. I see.

Ms. Isabelle Jacques: I can't confirm whether insurance companies received any information, but they were responsible for checking whether policyholders were in contravention of the order.

Mr. Gabriel Ste-Marie: The implementation of this measure worries me. Say a trucker leaves the convoy and causes an accident on the way home when they no longer have any insurance coverage. At the end of the day, it would be the victim of the accident who would be penalized as a result of the order. Quebec has a no-fault insurance system, under which, victims are compensated by the Société de l'assurance automobile du Québec, or SAAQ. Ontario, however, doesn't have such a system, so the order could end up penalizing victims greatly.

That was just a comment. Sorry, it was a bit long. I'll get to my question now.

Ms. Isabelle Jacques: I'm listening.

Mr. Gabriel Ste-Marie: In Quebec, we have the SAAQ. We have universal public motor vehicle liability insurance.

Does the federal order apply to the SAAQ?

Ms. Isabelle Jacques: The SAAQ, itself, is not covered.

Mr. Gabriel Ste-Marie: However, it's an insurer.

Ms. Isabelle Jacques: Yes, but the insurers covered by the order are supposed to take the necessary measures if they know, for instance, that a vehicle is being used as part of a blockade or unlawful assembly. If the SAAQ had such information, it should have suspended truckers' insurance policies.

Now, did that happen? I don't know. Obviously, though, had it been necessary to suspend insurance policies, the information would have been communicated and the truckers would have been warned so that they could leave the area.

The RCMP issued quite a few warnings to truckers to let them know that it was time to leave.

Mr. Gabriel Ste-Marie: Yes, I understand truckers were warned, but how could insurers know they were insuring a trucker who was part of the convoy? Did the RCMP send them requests to suspend the policies of certain individuals?

Ms. Isabelle Jacques: I can only assume that, if information was shared, it came from the RCMP, but I prefer to let the RCMP answer that question. The Department of Finance wasn't involved in that step.

Mr. Gabriel Ste-Marie: Thank you.

The Chair: Thank you, Mr. Ste-Marie.

[English]

Now we're moving to the NDP and MP Blaikie for six minutes.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Thank you.

Following along that same line of questioning, whether it's for insurance companies or for financial institutions more generally, what are the sources of information they might have had? We know the RCMP is one source of information.

What would be other sources of information under the powers granted that they could act on to freeze accounts or suspend insurance?

• (1510)

Ms. Isabelle Jacques: As I was mentioning, it was either, as you just mentioned, through the RCMP, or they could also use internal information using their software, their algorithm, to see whether there were any activities related to these blockades. However, we're not privy to what they found. They would vet the information. I'm sure if they had questions, they could have had maybe contact with the RCMP, and the decision was theirs to make if they wanted to freeze the account.

Mr. Daniel Blaikie: Okay.

When that happens, are people notified that a freezing of an account in their case is a consequence of the mandate under the Emergencies Act?

Ms. Isabelle Jacques: I don't know whether the financial institutions advise their clients. I'm not sure if anything was posted, but certainly I believe in the media it was clear that this was a potential impact should somebody want to finance illegal activities.

Mr. Daniel Blaikie: Certainly I do think it was publicly communicated in advance that this could happen, but I mean in the event it does happen, are people told that their account is frozen as a consequence of the emergency orders, or are they left to wonder?

What right do people have to know whether what's happening to them is a consequence of emergency orders or whether it's happening under some other kind of authority?

Ms. Isabelle Jacques: I do not know if any such notices were provided if somebody's account was suspended, whether because of the order or other reasons or other court orders. As we know, the Ontario superior court also issued an order to freeze accounts.

As to whether an individual would know why their account was frozen, I do not know if any notices were provided. I'm not—

Mr. Daniel Blaikie: Okay, so there's no obligation to provide such a notice, coming from the government or the emergency orders. If there were, it would be a result of the internal policy of the organization that froze the account or suspended the insurance.

Ms. Isabelle Jacques: That is accurate.

Mr. Daniel Blaikie: Is it possible for government to require financial institutions that have frozen accounts under these authorities to require those institutions to offer such a notice?

Ms. Isabelle Jacques: I presume it could be done legislatively. I might want to turn to my colleague Manuel.

I've not done that research. I don't know if there's any more specific answer that Manuel Dussault can provide in this regard.

Mr. Manuel Dussault (Senior Director, Framework Policy, Financial Institutions Division, Financial Sector Policy Branch, Department of Finance): Thank you for your question.

As just an initial reaction, I agree it might be possible, but it's something we'd have to look at.

Mr. Daniel Blaikie: Okay. I think the public interest value in that kind of policy would be that there does seem to be confusion about why some people's accounts are being frozen right now. There's the appearance that some folks feel that their accounts are being frozen as a result of the emergency orders. In some cases, that is not consistent with what we're hearing from government [*Technical difficulty—Editor*]. If there were a requirement that when those accounts are frozen in consequence of the institutions fulfilling their obligations under the emergency orders, that would help people know, in a crystal-clear way, whether the emergency orders resulted in their account being frozen or whether it was something else.

Therefore, I do think that's something for us to consider at the committee and what I hope officials might consider taking back to government, because that's one relatively straightforward way we could provide a lot of clarity for Canadians who are wondering.

I am curious to know the smallest denomination of donation or contribution that has resulted in a freezing of an account so far.

Ms. Isabelle Jacques: I would not be able to provide that answer.

The information was strictly exchanged between law enforcement, the RCMP and the banks.

Mr. Daniel Blaikie: Would it be reasonable to expect the RCMP to know that?

Ms. Isabelle Jacques: Well, if the RCMP exchanged information with the bank, as you saw under section 5 of the order, there was a duty to disclose to the RCMP or CSIS.

I do not know if they have the details of the amounts. I was not privy to the information that was shared. I do not know the answer to that question.

Mr. Daniel Blaikie: Okay.

I'm looking to the chair to know how I'm doing for time.

The Chair: You have just under one minute.

Mr. Daniel Blaikie: We would be looking to the RCMP for information on how low the threshold is.

It seems to me that there are maybe two elements to the financial measures here. I'm interested in your input on this.

One clearly was that before the streets in Ottawa were cleared, it was meant to create a tool to put pressure on people to leave the occupied area and to go home.

Is that the only purpose of the financial measures? Is there also some follow-up around some of the organizers, groups and activities that may have been involved, in that they may represent a more ongoing threat to national security?

• (1515)

The Chair: Give a short answer, please.

Ms. Isabelle Jacques: From my perspective, it was solely to ensure that people stopped funding illegal activities.

The Chair: Thank you, MP Blaikie.

We are moving to our second round, members. In this round we're starting with the Conservatives.

I have MP Chambers up for five minutes.

Mr. Adam Chambers: Thank you very much, Mr. Chair.

Thank you to our witnesses for their answers thus far.

I think my colleagues have asked some excellent questions with respect to process. I would like to continue to focus on process.

Can you provide the committee with a number for how many accounts and individuals have been frozen to date?

Ms. Isabelle Jacques: I can provide an aggregate. It would be over 206 accounts. I would not be able to tell you exactly how many entities.

It's possible that one person or one company had more than one account. I think it's over 206 or maybe 210.

Mr. Adam Chambers: Thank you.

That also confirms the next question.

Could an individual have more than one account affected? It could be a savings account, a chequing account, a mortgage or additional products that a financial institution would provide.

Ms. Isabelle Jacques: That is accurate.

Mr. Adam Chambers: I've heard some discussion here today and also in the media about this notion that the bank or the financial institution makes a final determination as to whether an account is frozen. They liaise directly with the RCMP or some other source.

Is that correct?

Ms. Isabelle Jacques: That is correct. Yes.

Mr. Adam Chambers: Are you aware of any circumstances where a financial institution has provided evidence from the RCMP or other sources and the bank has not frozen the account?

Ms. Isabelle Jacques: I do not know. We would not receive that information.

Mr. Adam Chambers: Okay.

I'd like to pick up on my colleague, Mr. Blaikie's, line.

Are you aware of an opportunity for an individual to either be notified or make any representations to the financial institution or law enforcement prior to an account being frozen?

Ms. Isabelle Jacques: No, not to my knowledge. Not under this order.

Mr. Adam Chambers: Okay.

I hope you can help me understand something.

One thing we've been told about this act is that it complies with the charter.

Ms. Isabelle Jacques: Yes.

Mr. Adam Chambers: Saying that something complies with the charter doesn't necessarily make it true. It's in the preamble of the Emergencies Act.

I'm having a hard time understanding how a financial institution—which, by the way, is a third party—acting as the judge and the jury without the opportunity for an individual to make any representation is complying with the charter.

Ms. Isabelle Jacques: I understand your question.

I will give a partial answer and then turn to my Justice colleague.

This was considered when the order was drafted. Section 3, "Duty to determine", inserts into the order an obligation on the financial entities to "determine on a continuing basis whether they are in possession or control of property that is owned, held or controlled by or on behalf of a designated person". That section was inserted specifically for the purpose of ensuring compliance with the charter and ensuring that financial institutions review this on an ongoing basis.

Let's suppose that your bank account was frozen, but you were the wrong person and you were not involved. You have the opportunity to go to your institution and say that you're not involved in illegal activities, that you did not finance any activities and that your account was frozen by mistake.

• (1520)

Mr. Adam Chambers: Okay. I respect that answer. It's just that we're short on time.

With respect to due process, I mean, that is not.... Prior to a determination being made, I mean, there's no opportunity for an individual to provide any representation. To me, that's a violation of the charter and due process.

Second, was there any information or direction given to financial institutions about what information...and how long they can keep information on file on these individuals?

Ms. Isabelle Jacques: On the information piece, there wasn't to my knowledge, but the information was shared for the financial institution to make a determination.

On the charter issue—again, I may want to turn to my Justice colleague—one needs to remember that these are extraordinary measures. They are temporary. In time—

Mr. Adam Chambers: Correct, but I think—

Ms. Isabelle Jacques: —if the behaviour stops, then there is an obligation, upon review, to unfreeze the account.

The Chair: That's your time, Mr. Chambers. Thank you.

We will now move to the Liberals.

MP Baker, you have five minutes, please.

Mr. Yvan Baker (Etobicoke Centre, Lib.): Thank you, Chair.

I'm having some technical difficulties here. If I cut out, I apologize in advance.

[*Technical difficulty—Editor*] from some members that there have been freezes on individual bank accounts for someone merely donating, or purchasing merchandise for the blockades. The RCMP actually put out a statement, I think in part to kind of clarify this issue. I'll just read it. It's very brief. This was from yesterday:

Under the Emergency Economic Measures Order (Emergencies Act), the list that was provided to Financial Institutions included identities of individuals who were influencers in the illegal protest in Ottawa, and owners and/or drivers of vehicles who did not want to leave the area impacted by the protest. At no time, did we provide a list of donors to Financial Institutions.

We are now working with the banks to build a process to address the accounts that were frozen.

I thought that was important to clarify. The RCMP is trying to clarify who the individuals are on that list they've provided to financial institutions. Again, they're saying they're “influencers in the illegal protest in Ottawa, and owners and/or drivers of vehicles who did not want to leave the area”. It's important, because it speaks to the scope of who's on the RCMP's list and therefore who's being targeted by the financial institutions.

Could you clarify when the measures were implemented and whether or not they apply retroactively?

Ms. Isabelle Jacques: The measures were implemented on February 15. They do not apply retroactively.

Going to your example and understanding the information that was shared by the RCMP with the financial institutions, I must admit that based on the knowledge I have, I think it would be unlikely—I can't imagine—that someone who gave \$20 three weeks ago, or even \$20 post February 15, would have been captured by a freeze. It's not impossible in view of the order, but in view of the exchange of information and the focused approach that was taken to stop the illegal funding of these activities, it would appear to be unlikely that this occurred, but not impossible.

Mr. Yvan Baker: Could you speak to your earlier answer to a question from another member about the number of accounts that have been frozen? Could you repeat for us how many accounts we're talking about, and, if you have that information, because there have been public reports on this, the amount of money that's involved?

Ms. Isabelle Jacques: Yes. As you may know, that information has flown over time, and now that banks are unfreezing accounts, it may not be accurate. I do not have additional information.

So the numbers must be lower today, as we speak, but to my knowledge, I would say it's over 206 accounts. For the total value, the latest number I have is approximately \$7.8 million.

Mr. Yvan Baker: If I took that \$7.8 million and divided it by the 200 accounts, just roughly, doing this off the top of my head, it sounds like an average of about \$35,000. Am I in the ballpark?

● (1525)

Ms. Isabelle Jacques: Well, if you do that math, yes, but I'm unable to tell you what it was individually. We only received total amounts. The Department of Finance did not get.... We know that those accounts are personal and commercial accounts; it's a mixture of the two. Also, one person may have more than one account. It could be close to 60 entities, let's say, with a certain number of accounts in different products they have, so I'm not even able to tell you the value.

Mr. Yvan Baker: I understand.

I think I have about 30 seconds left, Ms. Jacques, so I'll just ask you this. Did banks and financial institutions have the ability to freeze accounts before the Emergencies Act was invoked? If so, under what circumstances?

Ms. Isabelle Jacques: Yes, on an ongoing basis banks certainly can freeze accounts if they are concerned there's fraud or illegal activity. As you know, on an ongoing basis, police officers and the RCMP may be in contact with banks and they take measures. Sometimes to protect consumers, they freeze bank accounts when they see some abnormal activities in them. Also, as we mentioned, there are court orders issued by the provincial courts, so it's possible that freezes also occurred independently of the actions under the order.

Mr. Yvan Baker: Thank you.

The Chair: Thank you, MP Baker.

We are moving to the Bloc, with Monsieur Ste-Marie, for two and a half minutes.

[*Translation*]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

Ms. Jacques, I realize the government did not provide financial institutions with any written guidelines as to what should be frozen or authorized. Only verbal direction was provided.

Did the government provide verbal direction in relation to joint accounts or payments such as child support, rent or heating?

Ms. Isabelle Jacques: You're right that we didn't provide any written direction, but I know that the RCMP sent lists with certain information to financial institutions. Once again, though, that would be a question for the RCMP.

As for joint accounts, it's quite probable that the joint accounts of individuals involved in the illegal blockade on Parliament Hill were suspended.

Mr. Gabriel Ste-Marie: To your knowledge, did the government take into account the fact that freezing a joint account could victimize someone else, even if that person had not done anything wrong?

Ms. Isabelle Jacques: I understand what you're saying. I realize that it may seem a bit harsh, but the solution was simple. All the person had to do was stop participating in activities prohibited by the order. The suspension was applied quickly.

Mr. Gabriel Ste-Marie: The government did not provide any guidelines in relation to child support payments. The RCMP would have been the one to interpret the direction. Is that correct?

Ms. Isabelle Jacques: No, that's not what I meant.

Obviously, the RCMP had in its possession information about individuals and entities that were taking part in the illegal blockades, and it was that information that the RCMP shared with the banks.

Mr. Gabriel Ste-Marie: The government did not put any measures in place to accommodate child support payments before accounts were frozen. Before bringing forward the order, the government did not consider that it might prevent someone from making a child support payment to the mother of their child, for instance.

Ms. Isabelle Jacques: We did discuss that specific issue with the banks, and they were able to use their judgment to make sure child support payments weren't disrupted.

Mr. Gabriel Ste-Marie: That means the government did provide some non-verbal direction.

Ms. Isabelle Jacques: They weren't given an instruction, but it was certainly a discussion.

Mr. Gabriel Ste-Marie: All right.

Thank you.

The Chair: Thank you, Mr. Ste-Marie.

[English]

We are moving to the NDP, with MP Blaikie, for two and a half minutes.

Mr. Daniel Blaikie: Madame Jacques, you've said a couple of times now—and you can correct me if I'm wrong—that when the accounts were frozen, the goal was to stop participation in the occupation in Ottawa or in blockades and that when the behaviour ceased, the accounts would be unfrozen. Financial institutions presumably received information from the RCMP and on that basis froze accounts.

What's the process for financial institutions to know whether the behaviour that's the subject of the order has ceased or not?

• (1530)

Ms. Isabelle Jacques: Likewise, the reverse is true.

Again, I should turn to my colleagues from the RCMP. I don't want to misspeak on their behalf.

Information was shared with financial institutions by the RCMP, and we were informed yesterday by financial institutions that they were unfreezing the accounts.

Mr. Daniel Blaikie: At the moment, subject to the time it takes to implement that order, there should be no accounts frozen under the emergency order.

Ms. Isabelle Jacques: I don't know that there are none, unless the financial institution had information different from what was shared by the RCMP. I'm not able to tell you. But I would think that the vast majority of accounts are in the process of being unfrozen, and that's subject to any new information that the RCMP may have. To my knowledge, that's the status of the situation right now.

Mr. Daniel Blaikie: Are there any other law enforcement agencies that are contacting financial institutions directly with intelligence on whether people are behaving in ways prohibited by the order, whether that's CSIS or local law enforcement in Ottawa or other places where there were blockades?

Ms. Isabelle Jacques: It's certainly possible. Disclosure of information by a provincial or territorial institution is prescribed by section 6.

I do not know and I'm not able to tell you whether there was any communication between those provincial or other institutions and the financial institutions.

Mr. Daniel Blaikie: If law enforcement agencies other than the RCMP were communicating with the financial institutions, is there no obligation to inform the federal government that this kind of reporting has occurred?

Ms. Isabelle Jacques: As you saw under section 5, the entities must disclose without delay to the commissioner of the RCMP, so the information would come back, but, again, I am not privy—

Mr. Daniel Blaikie: Your expectation is that this information would be captured in the RCMP reporting.

Ms. Isabelle Jacques: Yes, that is my expectation.

The Chair: Thank you.

That is the time, MP Blaikie.

We are moving to the Conservatives for five minutes.

MP Stewart, you have the floor.

Mr. Jake Stewart (Miramichi—Grand Lake, CPC): Thank you, Mr. Chair.

What we're seeing here is a complete suspension of civil liberties, number one. The Prime Minister often talks about which things are acceptable to him and which things are unacceptable. Obviously every other protest that blocked off a road or a trade route was acceptable, because he didn't follow the money on any of those, whether they were climate crisis protests or any of those ones that he obviously supported. But he's willing to suspend civil liberties, freeze Canadians' lives and put their bank accounts on hold right now because single mothers, little old ladies and lots of people in Canada supported this, rightly or wrongly.

Now, I want to know something. I thought I heard that it was not retroactive. Are these bank seizures retroactive?

Ms. Isabelle Jacques: Could you be more precise in terms of what you mean by that?

No, the order is not retroactive. They could not use the fact that a person gave \$50 five weeks ago to freeze the account.

Mr. Jake Stewart: What was the date that somebody first donated to this cause?

Ms. Isabelle Jacques: Pardon me? What was the date on which a person first donated? I would not have that information.

All I can tell you—

Mr. Jake Stewart: That's interesting. The CRA, the Department of Justice and the Department of Finance were suspending civil liberties, and you don't have the information.

Ms. Isabelle Jacques: No, what I mean is the date on which the order took effect was February 15. Financial institutions could not have used information obtained previously to freeze accounts.

I will turn to my colleague—

• (1535)

Mr. Jake Stewart: No, I have another question. There was one individual in my province who donated quite a sum of money, I believe. It was \$75,000, or something like that. If that individual donated that money, let's say, three weeks ago, what will happen to that money? Where does it go?

Ms. Isabelle Jacques: I do not know where he donated the money. I don't know which entity he gave the money to. Let's say that it ended up in the financial system and that a bank could freeze the account of the person, if it's a person, or a company that received the funding. Then it would have been frozen if captured. Now that the activities have stopped, it would be unfrozen and remain in the account. It wouldn't go anywhere else. It stays in the account.

Mr. Jake Stewart: My question was, if somebody donated money before February 15, what happens to it?

Ms. Isabelle Jacques: It should be where the person gave it. It shouldn't have been captured.

Mr. Jake Stewart: Where does it go? Does it go back to the person—

Ms. Isabelle Jacques: It's where that person gave the money. Whom did they give it to?

Mr. Jake Stewart: I have no idea. I just see it in the newspaper. Let's say it was GoFundMe. Let's say somebody made a GoFundMe donation. You can make a donation to GoFundMe from anywhere in the world as long as you have a Visa or Mastercard or something. That's my understanding.

Let's say somebody made a donation February 7. Where does that money go?

Ms. Isabelle Jacques: If that person, for example, gave it to GoFundMe, it went to the GoFundMe fund. As you may know, from the news that I read, they returned the money back to the donors on their own. The actions GoFundMe took were, I believe, their own, as they may not have been comfortable with the ongoing activities. I'm not the expert, and I don't have first-hand information.

I see that colleagues have their hands up.

Mr. Jake Stewart: I have another question though.

Ms. Annie Koutrakis: I have a point of order, Mr. Chair.

Ms. Lena Metlege Diab (Halifax West, Lib.): Yes, I was going to do that.

The Chair: On a point of order.

Ms. Annie Koutrakis: Sorry to interrupt my honourable colleague.

I'm wondering—

Mr. Jake Stewart: There's no point of order. You're not—

The Chair: On a point of order.

Go ahead.

Ms. Annie Koutrakis: I would like to ask the clerk to ask the interpreters if the interpretation is coming through because it's not coming through very clearly on my end.

Mr. Jake Stewart: This is a stalling tactic. This is a stalling tactic because they don't like the question.

The Chair: Mr. Stewart.

Clerk, could we ask the interpreters about that.

Mr. Jake Stewart: Oldest trick in the book, isn't it?

The Clerk: Is Mr. Stewart coming through? Do you need more audio from Mr. Stewart? Is that what I'm getting from the interpreters?

Yes. We need more audio for Mr. Stewart for the interpreters.

The Chair: If we could slow down the pace, Mr. Stewart, when asking the questions—

Mr. Jake Stewart: How much time do I have, Mr. Chair?

The Chair: —it would maybe reduce the cross-talk to help the interpreters.

You have right now 22 seconds. I did stop the time.

Mr. Jake Stewart: Thank you.

I wanted to say that the Canadian government gave a settlement of \$10.5 million to Omar Khadr, who shot and killed our U.S. allies. Trudeau said that we can't water down Canadian citizenship because a Canadian is a Canadian is a Canadian. But now we're picking—

Mr. Peter Fragiskatos (London North Centre, Lib.): I have a point of order, Chair.

Ms. Julie Dzerowicz: There's a point of order.

Mr. Peter Fragiskatos: Mr. Chair, I have a point of order about relevance. There are many instances where one could have called a point of order. Our colleague was interrupting the witnesses from answering. I held off because it seemed to have been corrected.

On this point especially, how it's relevant to the topic at hand, really is beyond me.

The Chair: We will stick to the emergency measures.

[*Translation*]

Mr. Gabriel Ste-Marie: I have a point of order, Mr. Chair.

The Chair: Go ahead, Mr. Ste-Marie.

Mr. Gabriel Ste-Marie: I want to throw in my two cents. For a while now, certain members have raised points of order in the course of our meetings because they felt the comments of the member who was speaking were off topic. Both in the House and in committees, the member who is speaking is usually given a good bit of leeway. If a member isn't allowed to say two sentences that segue into the topic in hand, how can we debate anything?

I would ask this of you, Mr. Chair. When someone raises a point of order because they don't think the member's comments are germane to the subject before the committee, the member should be allowed to speak and given more leeway. It's ridiculous to interrupt the debate every single time someone feels a member has gone off topic.

• (1540)

The Chair: Thank you, Mr. Ste-Marie.

[*English*]

I do allow for some leeway. We were well over the time with Mr. Stewart. I take your point.

We are moving now the the Liberals and MP Chatel for five minutes.

[*Translation*]

Mrs. Sophie Chatel (Pontiac, Lib.): Thank you, Mr. Chair.

I want to thank the witnesses for joining us today and for providing clear answers.

I want to make sure that I understood something. Mr. Stewart asked a good question. He asked what happened to the donations made on the GoFundMe platform before February 15. I think that the answer was clear. The media clearly reported that GoFundMe would give the money back to the donors. I want to thank the witness for providing the answer.

Ms. Jacques, you gave very specific answers to the questions. The committee members greatly appreciate it.

There was talk of making certain measures permanent. These measures empower FINTRAC, among other entities, to obtain certain information on payment service providers. However, there was a void in the Proceeds of Crime (Money Laundering) and Terrorist Financing Act.

We know that banks and financial institutions are already required to report to FINTRAC. These emergency regulations mean

that crowdfunding platforms and their payment service providers must now do so as well.

How could this legal void be permanently filled, if that's the goal? Could we use the legislative route, as we did in 2000 when we created this legislation, and move amendments to fill this legal void? I must admit that this legal void took me by surprise. We filled a void in 2018, I believe, with respect to cryptocurrency. Now it's clear that crowdfunding platforms are being used for illegal purposes.

Could you share your opinion on this?

Ms. Isabelle Jacques: Certainly.

We worked closely with our colleagues at the Department of Justice. We can permanently fill this void through legislation or regulation. We're working on that right now to make sure that we permanently fill the void with respect to crowdfunding platforms and payment service providers.

Mrs. Sophie Chatel: Thank you, Ms. Jacques.

I guess that we aren't the only ones in this situation. Are there any discussions about this matter in the financial action task force, or FATF?

Ms. Isabelle Jacques: [*Technical difficulty—Editor*]

I know that you'll be speaking to our FINTRAC colleagues on Thursday, but one of my colleagues here may want to comment.

One thing is for sure. We're participating in these meetings and we're always looking for ways to improve the measures in place.

Mrs. Sophie Chatel: When the government made remarks when the Emergency Measures Act was invoked, the Deputy Prime Minister also pointed out that certain activities weren't covered by the act. Again, that's somewhat concerning.

Could you elaborate on the shortcomings that must be addressed in the long term?

Ms. Isabelle Jacques: One shortcoming was that we lacked information. Crowdfunding platforms and payment service providers weren't included, so they didn't need to provide that information. We broadened the requirements. We believe that, as a result, we'll receive more information.

That said, we'll continue to review the measures in place to see whether we can do more. We'll be working closely with FINTRAC in this area.

Mrs. Sophie Chatel: This relates to the current work on the concept of the ultimate recipient. Where do these funds go when they're distributed? That's what we want to know. Where did these funds come from? We're very concerned about the interference of some foreign donors.

Will this enable us to obtain the information?

This question could be addressed to the FINTRAC officials.

• (1545)

Ms. Isabelle Jacques: This question could be addressed to FINTRAC, but also to the Department of Industry, the department responsible for looking after this issue. We're working with these people and that will certainly help us.

Mrs. Sophie Chatel: Thank you.

[English]

The Chair: Thank you.

Thank you, MP Chatel.

We are moving to our third round, starting with the Conservatives and Mr. Lawrence for five minutes.

Mr. Philip Lawrence: Thank you very much.

My questions will once again be for the Department of Finance.

I want to talk about the proclamation's second paragraph (c). In there, it gives the government the authorization to regulate property, including any crowdfunding or payment processing. Has that been done or will that be done?

Ms. Isabelle Jacques: I apologize. It has been done via the order, but we're also looking at taking measures to do it in a permanent fashion.

Mr. Philip Lawrence: Okay. You would need additional legislation, though, to do that permanently, correct?

Ms. Isabelle Jacques: Yes, we can do it via legislation and/or regulation.

Mr. Philip Lawrence: Okay. But that would have stopped....

I guess, regulation....

So that's ongoing as you're continuing to look to pursue—

Ms. Isabelle Jacques: Yes.

Mr. Philip Lawrence: Okay. Thank you.

But the moment that the Emergencies Act is revoked, then that would be completed, right? You'd have to stop, right?

Ms. Isabelle Jacques: Yes. We have to stop it unless we have other measures in place at that time, yes.

Mr. Philip Lawrence: Then, the second part of this paragraph (c) is to require financial service providers to determine whether they have possession and control of property that belongs to persons in the blockade. That relates to the freezing of bank accounts, if I'm not mistaken.

You said that you've stopped giving information to banks to freeze bank accounts and are in the process of unfreezing them. So that part of the Emergencies Act is no longer required. Am I correct?

Ms. Isabelle Jacques: My understanding is that the RCMP, which is responsible for providing that information, has shared information with the financial sector, in that they are unfreezing accounts at the moment.

Mr. Philip Lawrence: Yes.

Ms. Isabelle Jacques: That information was shared by the RCMP yesterday, and I guess they will share information on an ongoing basis. I'm not aware of any new information with respect to prohibited activities that may be ongoing.

Mr. Philip Lawrence: Thank you.

Based on your information, with the assemblies resolving, there is no longer any utilization of that provision, and when we look at the processing by FINTRAC, that should really be done by a separate regulation, following a study—not just as an ad hoc measure of an Emergencies Act that after a crisis has extended.

Would those be fair comments or would you disagree?

Ms. Isabelle Jacques: On the first part, to my knowledge, to the extent that there are no prohibited activities ongoing, the unfreezing will continue. If there is new information provided by the RCMP—to which I'm not privy—the order is still in effect, so I have no knowledge that freezing is occurring currently, only that accounts are being unfrozen, and if you please—

Mr. Philip Lawrence: Thank you very much.

Just on that, in accordance with your understanding of the proclamation, if in fact at a pipeline there was a gathering or an assembly that was unlawful and sought to interfere with critical infrastructure, namely a pipeline, the RCMP could submit information to financial institutions and have those bank accounts frozen right now or at any time that this Emergencies Act is in place. Am I correct?

Ms. Isabelle Jacques: I am not sure that situation would apply.

I don't know if my colleague Sam, from Justice, could help, as I was not privy to the creation of the section on critical infrastructure.

• (1550)

Ms. Samantha Maislin Dickson (Assistant Deputy Minister, Public Safety, Defence and Immigration Portfolio, Department of Justice): Thank you very much.

It's not that all assemblies are considered unlawful. It is the criteria that are actually set out in the emergency measures regulations. If you give me a moment to pull those up, the criteria set out there are:

the serious disruption of the movement of persons or goods or the serious interference with trade;

the interference with the functioning of critical infrastructure; or

the support of the threat or use of acts of serious violence against persons or property.

It would be a factual assessment as to whether any assembly that would occur—

Mr. Philip Lawrence: Thank you very much for that. My time is short.

Let's say, for example, an environmental activist said they should blow up pipelines. A group has assembled and they acted in a way that was unlawful or in a way to try to attempt to break up...like what happened at the coastal pipeline. Potentially, if there were a group involved, their accounts could be frozen.

The Chair: Give a very short answer, please.

Ms. Samantha Maislin Dickson: I would have to defer to the RCMP about the linkages and assessment on that point.

The Chair: Thank you, MP Lawrence.

We are now moving to the Liberals for five minutes, to Parliamentary Secretary Koutrakis.

Ms. Annie Koutrakis: Thank you, Mr. Chair. It's really nice to be here once again at the finance committee.

Thank you to the witnesses for their testimony. You've given us a lot to think about and very clear answers. It's very much appreciated.

We've talked a lot about the freezing of bank accounts. It may be you, Ms. Jacques, or it might be the RCMP, who's able to provide this information. I'm curious to know what safeguards are in place to ensure that Canadians not involved in the blockades are not mistakenly targeted by the freezing of bank accounts. Are you aware of any safeguards that are in place?

Ms. Isabelle Jacques: Well, certainly the safeguard that we put in the legislation is this ongoing obligation on financial institutions to review the information they have in their possession. If somebody was, unfortunately, captured, which would seem unlikely but is possible, the person can contact the financial institution and review the information it has. It could be a question of mistaken identity. The bank in question can unfreeze the account based on the information provided. If they need additional information, they could approach the RCMP as well.

In the way it's been set up, it seems unlikely, in view of the fact that you need to use money and you need proof that it's towards an activity that is prohibited under section 2. I think it gives a very good basis to ensure that consumers are protected.

Ms. Annie Koutrakis: Thank you for that.

I'm also very interested in determining the sources of funding to make sure that we follow the money and protect our financial institutions and our democracy. We know that leaked data suggests that nearly 41% of donations made to the convoy through GiveSendGo came from the United States. Do we have a sense of who these donors are? I'm interested to know what types of organizations or individuals from the U.S. are supporting the convoy.

In your opinion, what threats do such large foreign donations pose to our democratic institutions and our national sovereignty?

Ms. Isabelle Jacques: Well, I do not have any information or details as to the.... I read, of course, the newspaper and understand that there was a certain amount of money coming from other countries. I do not have those numbers.

Certainly, to the extent that money entered the Canadian financial sector's systems, it would be captured under the order, if it were

used and provided after the order came into force, and that money could be seized.

As for your broader question, in view of the fact that I don't have the information, I'm not able to assess to what extent it has an impact on democracy.

Ms. Annie Koutrakis: I was wondering about the following, Ms. Jacques. In response to my colleague Mr. Chambers' question earlier on GoFundMe and the Emergencies Act going into effect on February 15, you said that all of the money had been returned before that act was declared. I know that GoFundMe was suspended as a fundraiser before the Emergencies Act was declared. I'm not sure if the funds were automatically sent back before that. I just was wondering if you can clarify that point for us.

• (1555)

Ms. Isabelle Jacques: Yes, I should clarify it. [*Technical Difficulty—Editor*] in the newspaper. I know that what was reported was that GoFundMe decided to stop taking additional funds and that it returned the money in their fund to the original senders. All of this activity occurred prior to the order being in effect.

Ms. Annie Koutrakis: Okay.

Lastly, if I have time, Mr. Chair, my colleague MP Dzerowicz has said that in order to make some of these changes permanent, it would have to be legislated, and you agreed to that effect. I'm just wondering if making these powers permanent would have any impact on the ability of Canadians to legally donate money through crowdfunding platforms in the future.

Ms. Isabelle Jacques: No, not at all.

The permanent measures that we intend to take are with respect to FINTRAC, and more particularly with respect to the platforms and the payment service providers, not the part where we put in effect measures to seize and suspend accounts.

The Chair: Thank you.

That is the time. Thank you, Ms. Koutrakis.

Ms. Annie Koutrakis: Thank you.

The Chair: We are moving to the Bloc for two and a half minutes, with MP Ste-Marie.

[*Translation*]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

My question is for the Department of Justice official. This will give Ms. Jacques a break.

I want to know whether you agree with the following statement. On February 10, five days before the emergency measures order came into effect, Ontario obtained a court order to freeze the two main convoy crowdfunding accounts on the GiveSendGo platform. The order was granted under the usual legislation and was enforced under the normal co-operation agreements between Canada and the United States with respect to financial crime.

Do you agree with this?

Ms. Samantha Maislin Dickson: Yes. The procedure was conducted under a provision of the Criminal Code of Canada.

Mr. Gabriel Ste-Marie: That's fine. Thank you.

I gather that the order and the Emergency Measures Act didn't fill a legal void. Something was already there.

I also want to remind you that provincial securities regulators—in Quebec, the *Autorité des marchés financiers*—already consider crowdfunding platforms financial intermediaries subject to provincial legislation. In my opinion, there isn't a legal void, but perhaps an administrative void, while the regulators get used to these new methods.

Again, I'd like to hear from Maislin Dickson.

Does the Department of Justice agree with this?

Ms. Samantha Maislin Dickson: I'd like to quickly address your first question.

In terms of the void to fill, not all the funds donated to support demonstrations or unlawful assemblies were frozen.

As for the question about what you call an administrative rather than a legal void, I'd like to turn to Ms. Jacques.

Ms. Isabelle Jacques: At the federal level, we looked at whether there was a void on the FINTRAC side. We looked to fill that void to ensure that the various entities were required to report certain transactions that weren't previously covered.

Mr. Gabriel Ste-Marie: Yes, clearly. Thank you.

This was legally covered by the provinces and the securities regulators, but not by the federal government, because it doesn't fall under federal jurisdiction.

Ms. Isabelle Jacques: I'm not aware of the provincial side of this issue, but I'll take your word for it.

Mr. Gabriel Ste-Marie: This does fall under provincial jurisdiction.

Thank you.

[*English*]

The Chair: Thank you, MP Ste-Marie.

We are moving to MP Blaikie for two and a half minutes, please.

Mr. Daniel Blaikie: I think there are Canadians who are concerned about their support for other political causes and demonstrations being captured under these emergency measures, notwithstanding that these are meant to be applied in a prescribed, limited time frame and with respect to one particular event, which is the illegal occupation of Ottawa and sympathetic blockades at border crossings.

One safeguard that might provide some reassurance to those folks is the February 15 date, where any contributions prior to February 15 are not covered.

What other reassurances do Canadians have who are concerned that their support of other political causes might implicate them in measures coming under these emergency orders?

What other reassurances do they have that this doesn't provide law enforcement an opportunity to implicate them in these measures?

● (1600)

Ms. Isabelle Jacques: As you mentioned, the situation here was prescribed and you have to fall under the definition of a designated person and activities that are prohibited by sections 2 to 5.

Of course, if people want to donate for various purposes, they wouldn't be captured by this extraordinary measure.

Mr. Daniel Blaikie: If it were the case that government required financial institutions to send a letter in the event that an account is frozen, highlighting that the freezing of that account is related to these emergency measures, then the absence of such a letter would be something that might provide additional comfort to Canadians who are concerned that freezing an account might be connected to these measures. Is it fair to say that if there were a notification protocol, that might help put people's mind at ease?

Ms. Isabelle Jacques: It's possible that it would, but it's certainly not what is prescribed by the current order.

Mr. Daniel Blaikie: Thank you for that. That was my line of questioning.

Partly what I'm driving at is that I'm thinking about what recommendations we as a committee can make to try to address some of the very legitimate concerns Canadians have, not just about the overreach inherent in the use of the act itself but also the overreach beyond what is prescribed within these orders. I think an important component of our oversight work as a parliamentary committee is to try to provide recommendations as to how those legitimate concerns can be addressed, which is why I keep coming back to the idea of some kind of notification so that Canadians can know that if they did have an account frozen, they would know whether or not it had been frozen under the authority of this order. If not, then they would know it was not a result of this order. If so, they would have a document they could use to try to seek remedies in the case that remedies were warranted.

The Chair: Thank you, MP Blaikie.

We are moving now to the Conservatives. On my list I have MP Lawrence.

I'm not sure if, MP Lawrence, you're up again, but I have five minutes for the Conservatives.

Mr. Philip Lawrence: Does MP Chambers want to go? I see him on screen.

Mr. Adam Chambers: Yes, thank you, Phil.

I'd like to pick up on the line of my NPD colleague, who I think makes some excellent points about providing some comfort to Canadians but also some recommendations. We are establishing precedents with what's happening right now. I worry when we reference political motives as a basis for some of the actions that are being taken. I think future governments may not be as benevolent, and we should think about that as future governments might have different political leanings. I'm very interested in considering the actions we take now and applying them to the future.

As a Conservative, I'm all for outsourcing or considering outsourcing parts of government actions, but we are looking at outsourcing parts of the judicial system with zero recourse for individuals before actions are taken. I fully recognize and appreciate that these issues were contemplated in terms of violations of the charter, but if there was a clear violation of section 8 of the charter, will there be an undertaking to provide this committee with the judicial opinion that supported the decision to enact this process?

• (1605)

Ms. Samantha Maislin Dickson: I can take that question.

[*Technical difficulty—Editor*] this isn't a statute under which normal charter statements are made. These are indeed regulations made pursuant to the Emergencies Act. No legal opinion would be forthcoming in normal circumstances. The measures put in place have been tailored to limit any impact. We all understand that the rights are protected, but although a right is protected, there is a possibility to reasonably limit that right. That limit has to be proportional to the objective we are trying to achieve.

With the drafting of the legislation, what was put in place was to deal with the really unprecedented events that we were living with here in Canada. That was the assessment that was done.

Mr. Adam Chambers: No judicial opinion will be forthcoming, but I hope you will have an opinion, because this is going to be before the courts. I hope that we've thought this through. When we say that the charter is applicable, it seems as though there's a bit of a circular argument happening here, that it is applicable but it's not really because there are some limits, but that's in the charter.

I can respect that there are gaps in the current system and that emergency powers fill those gaps. I am concerned about emergency powers continuing to be invoked for an indefinite period of time until those gaps are settled. Can we expect regulations to be forthcoming to fill these gaps, and can we expect emergency powers to be invoked until that time?

Ms. Samantha Maislin Dickson: Perhaps I'll start.

I attended a briefing yesterday where Ministers Mendicino and Lametti were briefing the Senate. The communication at that point in time was that the assessment of whether the Emergencies Act and the regulations and order made under it continue to be necessary. What I heard was that assessment is being done on an hourly basis, so—

Mr. Adam Chambers: That's good. Thank you so much.

Mr. Chair, with my remaining time, based on the testimony we've heard, I have a motion I'll put to the floor. I have circulated it to some individuals.

It reads as follows: "That, for as long as the Emergencies Act financial requirements are in place, all federal departments and agencies provide a weekly report to this committee for the total number of persons and accounts, indicating the type of account and ownership of the account, they have flagged or requested be frozen by regulated financial institutions, broken down by department and agency; that all federally regulated financial agencies provide a similar weekly report of the total number of persons and accounts that have been frozen using the Emergencies Act powers."

I will forward this to the clerk for consideration. I would further note that we're looking at the gross and net accounts affected. Every week it could be 200, but it could be 200 people every week. I would hope this is something this committee could consider.

Thank you very much.

The Chair: Thank you, MP Chambers.

Now we're moving to the Liberals and Parliamentary Secretary Fragiskatos for five minutes. After Mr. Fragiskatos concludes, we are going to suspend for five minutes. As we are in a three-hour session, this will give everybody an opportunity for a bio break or to stretch their legs.

Thank you.

Mr. Philip Lawrence: I have a point of order, Chair.

I believe a motion was moved. I believe we have to debate that.

The Chair: It was not moved; no motion was moved.

MP Fragiskatos has the floor.

Mr. Daniel Blaikie: On that same point of order, if I may, Mr. Chair, can we just hear from Mr. Chambers to that effect?

I took his intention to mean to move the motion.

The Chair: I did not hear that.

Mr. Daniel Blaikie: I'd appreciate some clarification from him.

Mr. Adam Chambers: Thank you, Mr. Blaikie and thank you, Mr. Chair.

Mr. Chair, it was my intention to put that motion to the floor.

I hope we could deal with it expeditiously. It is on the floor. If we want to have the break now and then discuss it, I'd be happy to do that. I would hope we could deal with that motion perhaps by unanimous consent.

Mr. Peter Fragiskatos: Chair, if I could...

Ms. Julie Dzerowicz: We had our hands up.

Mr. Peter Fragiskatos: I'm sorry, Julie. I can't see the hands up on my end.

The Chair: MP Dzerowicz, I apologize. Yes, I could not see the members. My apologies.

• (1610)

Ms. Julie Dzerowicz: That's okay. I think Sophie was before me. I don't mind, if she has a comment before I do.

Mrs. Sophie Chatel: Actually, you were first, Julie.

Ms. Julie Dzerowicz: Mr. Chair, I welcome taking the break right now. Since I haven't seen the motion, I'd love to see it before we actually discuss it. We could move this to the end if that is amenable, since this is an outstanding and excellent conversation. We could start it either after the break or at the very end.

My preference is for the very end because I think we're actually getting through a lot of information. I'm okay to discuss this at the end, if Mr. Chambers is amenable. I'm happy to do it even in the last 15 minutes.

The Chair: Thank you, MP Dzerowicz.

MP Chambers.

Mr. Adam Chambers: I would be open to that if I could get clarification that, since this motion is considered to be on the floor, it will be voted upon before the end of the meeting. In that case, I would be more than happy to move this to the last 15 minutes of the meeting.

The Chair: Are any other hands up, Clerk?

Madame Chatel.

Mrs. Sophie Chatel: Thank you, Mr. Chair.

Echoing my colleague, I would like to read it too. Mr. Chambers went very fast. I assume we don't have it in French. That's okay, but I would like to have a bit of time to read it.

Thank you.

The Chair: Are any other hands up?

Mr. Peter Fragiskatos: Yes, Chair, there are hands up from the floor, here in Ottawa.

Mr. Peter Fragiskatos: Thank you.

I would suggest that if we are in fact going to leave this motion until the last 15 minutes, if we could have a break right before that so that all members have looked at it and discussed it, that would be helpful as well. It doesn't have to be very long.

The Chair: Mr. Fragiskatos.

The Chair: My apologies. I was on mute.

Can the clerk see any other hands up?

The Clerk: There are no more hands up, sir.

The Chair: Okay, so it's about taking a break to have the members take a look at the motion and have a bio-break as well. We're also looking to have the motion in French.

I'm just going to see how the members....

Clerk, can you scan the room, please?

The Clerk: There's Ms. Dzerowicz.

The Chair: MP Dzerowicz.

Mr. Adam Chambers: Mr. Chair, to confirm, it is in French. I have sent it to the clerk. I've also sent it to my colleagues, Mr. Fragiskatos as well as Ms. Chatel, and I believe Ms. Dzerowicz would have it in her P9 account as well.

As I said, I don't know the rules here, so I'm looking for clarification. This motion is on the floor. I would definitely agree to putting it at the end of the meeting, subject to confirmation that a vote would be held on the motion during this meeting.

If my colleagues can agree to that, I would be more than happy to—

The Chair: Is there any discussion?

I cannot see you.

Are there any hands up, Clerk?

The Clerk: Ms. Dzerowicz.

The Chair: MP Dzerowicz, I apologize.

Ms. Julie Dzerowicz: It's okay. I've given you double peace, Mr. Chair.

I have a couple of comments.

I think we're agreeing that because we're at half time, we're having a five-minute break. Then we're coming back, and hopefully we'll continue the discussion, because we're getting excellent information. Then we'll stop at 15 minutes prior to the end. I think we were going to take a five-minute break at that point to make sure we're all on track with the motion and have reviewed it. Then, I think we're going to come back and debate it until there is a vote.

I'm in agreement with that, and I hope that is good for everyone else.

The Chair: Thank you for encapsulating everything, MP Dzerowicz.

MP Chambers.

Mr. Adam Chambers: In the interest of compromise, I would agree to the five-minute break now, but I wouldn't recommend that we have an additional five-minute break at the end of the meeting. I think we could do the five-minute break now. I'd like to save some time in case there is some discussion that we need about this motion. I am open to amendments, but I would like to make sure that we get this dealt with expeditiously.

• (1615)

The Chair: Is there any other discussion? Any hands?

The Clerk: Ms. Chatel has her hand up.

The Chair: MP Chatel.

Mrs. Sophie Chatel: Mr. Chair, I am welcoming the spirit of compromise in amendments, and thank you again for the wonderful translation. I received it in both French and English.

[*Translation*]

The Chair: Thank you, Ms. Chatel.

[*English*]

Clerk, again I have to look to you.

The Clerk: There are no more hands up.

The Chair: Okay, so we will suspend at this time and we'll see the members back in about five minutes. Thank you.

• (1615) _____ (Pause) _____

• (1625)

The Chair: I call this meeting back to order.

Members, we'll deal with the motion at about 5:15 [*Technical difficulty—Editor*] witnesses today.

Mr. Fragiskatos, you have five minutes.

Mr. Peter Fragiskatos: Thank you very much, Mr. Chair.

Thank you to the witnesses.

Before I ask my questions, Mr. Chair, I think it's important to put where we're at in a general context. My colleague Mr. Chambers just spoke. I don't know him very well. Actually, I don't know him at all, but he has a very good reputation on our side of the bench. He is seen as someone who is reasonable and thoughtful. In the few finance committee meetings that I have participated in, he has been just that.

But I'm going to have to disagree with one of the things he said. It's a pretty serious thing to disagree on—that is, on the motives of the government. When he just spoke, he talked about the government acting here based on “political motives” rather than substantive concerns about the security of the country and the residents of Ottawa.

What we've seen in the past few weeks should be horrific to all of us. I hope it is. But for some reason I think, when I look across the aisle sometimes, it's maybe not. That's a deep concern. When you have an entire city, the capital city of this country, no less, laid under siege—neighbourhoods blocked off, people unable to get to work, seniors unable to get groceries, families unable to take their kids to school and unable to get to work themselves—that is an enormous concern. When our borders are blockaded, that is a serious concern also about the sovereignty and security of the country at large, not to mention the fact that the organizers of this convoy were calling for no less than the overthrow of a democratically elected government.

Each of those points relates directly to the act, because their existence indicates that the invocation of the Emergencies Act was indeed just and was indeed the right thing to do. This is a public order emergency. If we're going to disagree on things, as we naturally will, I would hope that we would agree on the security of the country and the need to do anything and everything we can to ensure that convoy organizers like Pat King, for example, are not allowed to set the narrative on this.

I still think there are colleagues across the aisle in the Conservative Party who.... Maybe we can find a way to agree on this. Maybe

we can find a way to realize moderation and work with them, even if there are clear disagreements on this.

Mr. Philip Lawrence: A point of order, Chair.

Mr. Peter Fragiskatos: That was the last point, Phil. If you want to raise a point of order, you can.

The Chair: Go ahead.

Mr. Philip Lawrence: On a point of order, this member has several times pointed out relevance. I really do wonder whether his soliloquy had anything to do with the financial matters respecting the Emergencies Act. But he's completed it, so....

Mr. Peter Fragiskatos: It's not a soliloquy to raise these concerns about the security of the country.

In any case, I do have questions for the officials from Finance and Justice.

As we know, the Emergencies Act takes very seriously the Charter of Rights. In fact, the charter still reigns supreme. It is still the supreme law of the land. I want to know from the officials from Finance and Justice what that means in terms of their interpretation of the act and their work in their departments. Where does the charter fit and how does it all work? How does it come together in the end to work as just that, the supreme law, even when we have the Emergencies Act invoked?

Ms. Samantha Maislin Dickson: I can start, and perhaps my colleague Isabelle can follow up.

The War Measures Act, which was in place and was replaced by the Emergencies Act, didn't contain the express provision indicating that the Charter of Rights and Freedoms applies notwithstanding the invocation of an emergency. But as I think we all know, the Charter of Rights and Freedoms applies to all governmental action, from the creation of statutes and regulations all the way through to its implementation. The assessment of whether a governmental action complies with the Charter of Rights is, I would offer, an ongoing, daily occurrence for all government officials.

The Emergencies Act makes it explicit because of its predecessor, but it doesn't actually change how we do business. All of the measures throughout both the emergency measures regulations and the emergency economic measures order were drafted with the Charter of Rights and Freedoms in mind. To the extent that any right has been limited in any way, it was done with respect to either the section 7 analysis or with respect to section 1 and the proportionality to achieve the objective that was sought to deal with the unprecedented events.

• (1630)

The Chair: Thank you, and thank you, MP Fragiskatos.

We are moving to our fourth round. I've got the Conservatives up. I do have MP Chambers. I'm not sure if that is still the same list, but MP Chambers is up for five minutes.

Mr. Adam Chambers: Mr. Chair, I'll pass my time to Mr. Stewart, if he has questions. If not, why don't I ask one question and I can split my time with Mr. Stewart, if he's ready.

This is a question for Justice officials. Are there other laws and statutes that allow for the bank accounts of individuals to be frozen?

Ms. Samantha Maislin Dickson: I believe the statute administered by FINTRAC would allow some freezing, but I will offer the floor to my colleague Isabelle in the financial sector.

Ms. Isabelle Jacques: No, the FINTRAC legislation does not allow for the freezing, but certainly on an ongoing basis, as you may know, when police forces are doing investigations when illegal activities are taking place, they deal with financial institutions and accounts are frozen on an ongoing basis if there are irregularities, fraud, theft.

Mr. Adam Chambers: Okay, on perhaps a finer point, there are other avenues through which individuals may have their accounts frozen, correct?

Ms. Isabelle Jacques: Currently, yes, that is correct. There are other avenues, but not ones that would cover the specific events that required the Emergencies Act to be activated.

Mr. Adam Chambers: The provincial government had accounts frozen without using the emergency measures act.

Is it the judicial opinion of the individuals here or the government that there was no other way to freeze an individual's account other than invoking the Emergencies Act?

Ms. Isabelle Jacques: I will leave Samantha to speak to the legal views, but certainly it's not that we, the federal government, thought there were no other avenues to freeze accounts. There were no other avenues to freeze the accounts in view of the current illegal blockades that were ongoing and the fact that we had to take extreme measures to freeze the accounts basically to discourage people from funding illegal activities.

Mr. Adam Chambers: That's an interesting answer. I hope we'll get some clarity on that. I suspect we will. One of the issues with the Emergencies Act is that there are no other avenues the government could have taken, so that's an interesting response.

I will yield my time to my colleague, Mr. Lawrence, for the remainder.

Mr. Philip Lawrence: Thank you very much.

I want to get some clarity so that Canadians can understand. I can't be the only MP—in fact, I know in our caucus it's almost been throughout—who has received many phone calls and emails from very concerned and scared Canadians. If we can provide some clarity....

You've already filled in some spaces, and I want to fill in the rest. If in fact someone supported the convoy or they were present at the protest from February 15 to February 22, there is a possibility that their account could be frozen, but if they provided financial support or any other type of support or were even present at the protest in Ottawa before the 15th, their bank accounts shouldn't be frozen. Is that correct?

• (1635)

Ms. Isabelle Jacques: Prior to February 15, they should not have been frozen. That is correct.

Mr. Philip Lawrence: It's really just individuals who supported or were present in the Ottawa protest between February 15 and February 22 who should be concerned.

Ms. Isabelle Jacques: Those were the ones who were involved in those activities that are prohibited by section 2 of the regulation, That is correct.

Mr. Philip Lawrence: Because we've stopped freezing bank accounts, anyone whose account has not been frozen, we can say that it will not be. Is that correct?

Ms. Isabelle Jacques: It will not be frozen to the extent that they do not start funding other illegal activities that are prohibited by sections 2 to 5 of the emergency measures regulations.

Mr. Philip Lawrence: To your knowledge, are there any of those activities going on right now?

Ms. Isabelle Jacques: Not to my knowledge, but I believe the RCMP would be better placed than me to have that information. I do not.

Mr. Philip Lawrence: I just want to follow up on Mr. Blaikie's line of questioning.

Is there anything stopping you from asking the financial institutions to send notices out to people who have had their accounts frozen under the Emergencies Act? I don't believe there is. I'm a lawyer. I don't think there's anything stopping you from asking them.

I can't tell you how many Canadians there are like the 80-year-old gentleman who called me and said "I'm not sure if I'm going to be able to eat tomorrow, because my account might be frozen because I gave 50 bucks to the convoy when it was legal."

They're terrified out there. There has to be something you and your department can do to alleviate this fear.

The Chair: Please provide a very short answer.

Ms. Isabelle Jacques: It's certainly something that we should consider. Thank you for offering that suggestion.

The Chair: Thank you, MP Lawrence. That's time.

We are moving to the Liberals and MP Dzerowicz for five minutes.

Ms. Julie Dzerowicz: Thank you so much, Mr. Chair.

I thank all the witnesses for their longevity and for being so patient in answering all of our questions.

I want to just dispel a couple of things, because I think it's important.

I believe one of my Conservative colleagues earlier said there was “a complete suspension of civil liberties”. I just want to make sure everybody is very clear that the enactment of the Emergencies Act requires that the actions undertaken under our public order emergency be charter-compliant every step of the way, and we have had that confirmed at this meeting.

There has also been the notion—and I think Mr. Lawrence was a little on this track—that little old ladies and the general public are being impacted in terms of their accounts being frozen. Therefore, I just want to make sure that I read into the record something from an article in the *Globe and Mail*. It reads:

The RCMP, banking sector and federal government said Monday that account-freezing powers bestowed under the Emergencies Act to help authorities deal with convoy protests do not affect donors to the protests, despite

—unsubstantiated—

claims by a Conservative MP that a constituent had her bank account frozen over a \$50 contribution.

“At no time, did we provide a list of donors to Financial Institutions,” the RCMP said in a statement Monday.

The agency said while it had sent financial institutions a list of accounts to monitor and freeze, those accounts belonged to “individuals and companies suspected of involvement in illegal acts,” such as “influencers in the illegal protest in Ottawa” and vehicle owners and drivers “who did not want to leave the area impacted by the protest.”

I just want to make sure that we have that on record. I do not want anybody out there to be terrified that their accounts are about to be frozen or that there are all these Canadians who have their accounts frozen willy-nilly. It's important to put that on the record.

I also think it's important to state the following. This is from a speech by our Deputy Prime Minister and Minister of Finance. She had indicated:

Federal government institutions will have a new broad authority to share relevant information with banks and other financial service providers to ensure that we can all work together to put a stop to the funding of these illegal blockades.

This is about following the money. This is about stopping the financing of these illegal blockades. We are today serving notice

She says “the Canadian economy needs them”—them being all those who were involved in the blockade—“to be doing legitimate work, not to be illegally making us all poorer.”

We also heard excellent responses from Ms. Jacques today who clarified that we did have gaps in terms of the fact that FINTRAC and the RCMP were not able to collect data from both the crowd-funding platforms as well as the cryptocurrencies.

We have also indicated that we're going to be introducing legislation to make this permanent. We've also heard that the federal government is not personally collecting the data. It is that we've enabled that information to actually go directly to financial institutions and the RCMP for them to take actions.

I just want to make sure that we put that all on record. It's important for us all to be clear about where we are at.

My first question actually falls along the lines of Mr. Fragiskatos' after his soliloquy when he talked about confirming the compliance of the Emergencies Act and for the public order emergency to be compliant with the charter.

Could I have Ms. Dickson talk to the other key difference, which is that there are accountability measures that the Emergencies Act imposes, and maybe describe some of these, please?

• (1640)

Ms. Samantha Maislin Dickson: Absolutely. Thank you very much.

Specifically, with respect to the orders and regulations themselves, the Emergencies Act provides that members of both Houses of Parliament can actually move motions forward. To the extent there was a desire to see amendments made, that is a possibility enabled by the act.

Further, there's a parliamentary review committee that is established, and has some timelines to do certain things. I won't take up your time with the specifics. It is set out in section 62 of the Emergencies Act.

Finally, when the emergency is revoked or has expired, there is an inquiry that needs to be put in place to look into the circumstances that led to the emergency being declared and the response.

The Chair: Thank you, MP Dzerowicz. Your time is up.

We are now moving to the Bloc and Monsieur Ste-Marie for two and a half minutes.

[*Translation*]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

My questions are for the Department of Justice official, Maislin Dickson.

We have regular legislation, such as the Criminal Code and the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, which prohibit financial fraud, the laundering of ill-gotten gains or the funding of criminal activity.

In your opinion, can regular legislation prevent the direct or indirect funding of illegal activity?

Ms. Samantha Maislin Dickson: The recently implemented emergency measures regulations clarified the meaning of an unlawful assembly that would be considered criminal. Once this clarification was provided, the connection to the related offences was made very clear to Canadians.

Mr. Gabriel Ste-Marie: You're telling me that all the rules in place, from municipal bylaws to the Criminal Code to traffic regulations, didn't treat the occupation or siege in Ottawa as a criminal activity. Is that right?

Ms. Samantha Maislin Dickson: I'm sorry, but that's not what I said. I said that the very clearly defined criteria in section 2 of these regulations specified what would be considered an unlawful assembly.

Mr. Gabriel Ste-Marie: In the Department of Justice's view, could regular legislation have been used to determine that the siege in Ottawa was a criminal activity?

Ms. Samantha Maislin Dickson: I'm sure that there were some aspects in the legislation. However, when the declaration was made, the government looked at the situation at hand and took the necessary steps to end it.

Mr. Gabriel Ste-Marie: I'll ask my question differently.

Before February 15, the siege in Ottawa couldn't be viewed as an illegal activity. Is that right?

Ms. Samantha Maislin Dickson: The measures needed to end the siege hadn't been taken. That's why it was considered necessary to implement the emergency measures.

Mr. Gabriel Ste-Marie: Yes, but I sense an attempt to dodge the question.

Under our system of regular legislation, could the siege in Ottawa be viewed as illegal and criminal activity, yes or no?

• (1645)

[English]

The Chair: Please give a short answer.

[Translation]

Ms. Samantha Maislin Dickson: There were definitely some criminal aspects involved.

Mr. Gabriel Ste-Marie: Okay.

Thank you.

[English]

The Chair: Thank you.

Your time is up, MP Ste-Marie.

We will now move to the NDP, and MP Blaikie, for two and a half minutes.

Mr. Daniel Blaikie: Thank you.

We know that a number of donor names were revealed, due to an anonymous hack, and posted online. Would that be sufficient, under the order, for financial institutions, if they received that information, or if staff of a financial institution saw those names leaked?

Would that be sufficient, under the order, to create a duty for them to freeze accounts or not? I guess that is the question.

Would they have to consult law enforcement, first, in order to get an adequate determination as to whether or not people were actively supporting the convoy, beyond the content of the hack?

Ms. Isabelle Jacques: I must admit that I'm not aware of the release of the hack that you're referring to.

What I can tell you is that financial institutions were very concerned about ensuring that they took the proper steps to satisfy themselves that the people, if they took the decision to freeze their accounts, would be designated persons involved in illegal activities.

Just on the face of the names themselves, I would doubt they would take action, but I cannot speak for them. I think they would

need to satisfy themselves. Again, I'm sure they would consult their legal team to ensure they meet the requirements of the order prior to taking action.

Mr. Daniel Blaikie: Has there been any direction or counsel given by the government to financial institutions as to what kind of information they can or should retain, whether they should destroy information, or how they should treat people on a go-forward basis after the resolution of the emergency that precipitated the use of the act?

Ms. Isabelle Jacques: I've not had such discussions. The information I was provided pursuant to the order was prescribed by the order. Information was shared, maybe, between law enforcement and the financial entities, and I'm sure they will advise in accordance with laws that are in place with respect to retention of any information they may have.

Mr. Daniel Blaikie: Can I get your opinion as to whether it's possible and whether it's advisable for government to issue any such direction? That includes whether there would be some legislative action required to give a clear expectation to financial institutions as to how they should treat the information they may have received from law enforcement or elsewhere, and what they should do with information on people's files, so that it would not affect people's personal financial business on a go-forward basis.

The Chair: Give a short answer, please.

Ms. Isabelle Jacques: It's a question I would like to take back and consult with our Department of Justice [*Technical difficulty—Editor*].

Mr. Daniel Blaikie: Once you've done that, could you then give the committee a response to that question in writing, please?

Ms. Isabelle Jacques: Yes, I can consider the question and see what response we can provide.

Mr. Daniel Blaikie: Thank you.

The Chair: We are moving to the Conservatives and MP Stewart for five minutes.

Mr. Adam Chambers: Mr. Chair, I think MP Stewart is having some technical difficulties, so we'll do a bit of tag teaming here.

The Chair: Go ahead, MP Chambers.

Mr. Adam Chambers: Thank you very much, Mr. Chair.

I fully recognize that we're in unprecedented times. Those are very overused words, but as it's the first time we're working through this legislation, it would be very helpful for the committee, as we're discussing or contemplating any recommendations or future uses of [*Technical difficulty—Editor*], either a process map or flow chart at a very high level that outlines the flow of information between the RCMP or other sources of information before it gets to a financial institution. That way, we can understand who touches certain information, where it ends up and where decisions are being made.

We've had some great information today from our officials about the banks making these determinations based on some information provided by the RCMP, but if this was documented in written form, it would certainly help us—or help me as a member of the committee and, I hope, others—as we consider any recommendations about the process, going forward.

Is that something we could ask of our officials?

• (1650)

Ms. Isabelle Jacques: In the sharing of information by the RCMP with the financial institutions, they would be best placed to map this out, but we can certainly consult.

Mr. Adam Chambers: That would be fine.

To the best of your knowledge, how does, at a high level... When something gets flagged, it moves over. How does it go through the process and end up with a financial institution?

I hope we'll have opportunities, and I suspect we will, to hear from the financial institutions about their own internal processes, but with respect to the government that would be very helpful.

Ms. Isabelle Jacques: That is a good point, because they also have internal processes and they rely on those to also obtain information that was helpful for this order.

Mr. Adam Chambers: Yes, please. The algorithms are a bit of a black box. I'm sure we'll learn more about those, as well, that we don't have any line of sight into.

The Minister of Finance today stated, “As of today, a bank or other financial service provider will be able to immediately freeze or suspend an account without a court order.” This implies, I think, that this could have happened in previous times with a court order, which allows for individuals to make representations on their behalf.

The executive director of the Canadian Constitution Foundation has written that this sounds like an invitation for banks to arbitrarily seize property of suspected involvement without any built-in recourse or ability to apply for reconsideration. The testimony we've heard today from these witnesses—and thank you very much for being forthcoming—is that there is the possibility for reconsideration after the fact.

I would like to confirm whether that's your understanding.

Ms. Isabelle Jacques: It is my understanding. If an account is frozen and the person finds out the account is frozen, then they can get in touch with the financial institution. As we explained, there is a duty to determine...on an ongoing basis. The financial institutions have to review the situation on an ongoing basis and address it. The nature of the suspension or of the freezing of the account is that it's temporary. This is an extreme measure and, as we found out, it can be unfrozen fairly rapidly once there's a proper determination.

Mr. Adam Chambers: Thank you.

Does this end up like a no-fly list where somebody is now asterisked for the rest of their life?

For those accounts that have been frozen, are these accounts that are limited to the individuals under investigation? I'm thinking of circumstances where there are a number of joint accounts, or per-

haps someone has power of attorney for their parents' accounts and, all of a sudden, because of one individual who has been [*Technical difficulty—Editor*] is it now possible for these other individuals to have their accounts and financial services impacted?

Ms. Isabelle Jacques: I would say that it's quite different from the passenger protect program that was in place, which has different processes. This is temporary and extraordinary under the Emergencies Act, and can be revoked and changed fairly quickly.

With respect to accounts, a number of accounts can be affected, including joint accounts. With respect to those for which—

The Chair: Thank you, MP Chambers. That is time.

Mr. Adam Chambers: Thank you.

The Chair: Now we are moving to the Liberals and MP Diab.

Welcome to committee, MP Diab. You have five minutes.

Ms. Lena Metlege Diab: Thank you very much.

This has been a fascinating afternoon.

Witnesses, thank you very much for the opportunity to hear from all of you. What we've gone through the last few weeks for me personally has been a shock to my system, and I can say it's a shock to many people who witnessed it.

I have a couple questions, but I want to finish off where you started, Ms. Jacques. I think we talked about 200-plus bank accounts that were frozen, out of—I forget how many—thousands of donors. How many donors was it? I believe it was in *The Globe and Mail* or something like that.

If there's overreach, one would assume—well, I don't know; I don't want to put words in your mouth. Did you say it was 200 and some over all of Canada, over the thousands and thousands of people we saw illegally protesting, blockading, whatever, who were frozen out of however many dollars amount [*Technical difficulty—Editor*]?

My heart goes out to anybody who really thinks that if they put \$20 or \$50 in good faith to a good cause, they could somehow be held liable. Hearing you in the last couple of hours has really reassured me that this is not the case. If erroneously it happens, it should and could and would definitely be overturned by simply contacting the bank and taking care of that.

I practised law. It's now been about 10 years since I practised law, but before that I practised for over 20 years. I know that in matrimonial law all kinds of frozen bank accounts happen. There are all kinds of situations where they get frozen and so on, and there is a mechanism if there's an error.

Can you go back to that point again and reassure us one more time, please, so that these people who in good faith did something good across the country to really help something that they thought was the right thing to do are not caught in it? Specifically, from what time would that have taken effect?

• (1655)

Ms. Isabelle Jacques: If people, in good faith, were making donations prior to knowing that the order was in effect and prior to the situation degenerating to the point that it did, certainly they were not captured. There's no retroactivity, as you point out, to the order. It was only from February 15 forward. All I can say is that, from the discussions we've had in the past week with financial entities, certainly that was not the target of the activities, certainly not the target of the list provided by the RCMP. Is it possible that somebody was captured? It's always possible, because the order provides for it, but I doubt we'd have many of those cases.

To go back to the numbers you were asking about, the numbers change all the time. I'm sure they're lower today than the last ones I had, as accounts have been unfrozen on an ongoing basis since yesterday. The last number I had was over 206 accounts, but the number of people is smaller because some of these people have more than one account. The last number I had for the total value was \$7.8 million.

[Translation]

Ms. Lena Metlege Diab: Thank you for your response.

[English]

I want to go to Justice for a moment, for whatever time I have left.

I heard a lot, and I heard all the debates—most of them. I was virtual. Thank God for that. I heard a lot of them. A lot of the debates also concentrated on this predecessor or the so-called predecessor to the act. Can Justice officials please explain, in plain language—I would say in plain English and the translation will be in plain French—the differences between the predecessor War Measures Act, which dealt with war and military, and I come from a place in the world where I've seen military, unfortunately—the current act, please, and the relation of that to our charter and what rights we have as individuals?. Differentiate between those or draw similarities, please.

The Chair: Could we have that in a short answer, please?

Ms. Samantha Maislin Dickson: In short, the Emergencies Act was passed in 1988. The charter came into force in 1982. It applies. Any governmental action, be it the statute, the regulation or the implementation, must be compliant with the charter.

The War Measures Act was a different statute. To be very explicit about it, the Emergencies Act included a specific reference to the fact that the Charter of Rights and Freedoms would apply.

Ms. Lena Metlege Diab: Thank you.

The Chair: Members, we are moving to our fifth round. This round will be our final round, with which we will conclude with the witnesses for today. As I normally do when we come to this time and I look at how much time we have left, I will divide up this round equally amongst the different parties. There will be three and

a half minutes for each party. We'll start with the Conservatives. I don't have here who's speaking first for the Conservatives or who's on the list. Could you help me out?

• (1700)

Mr. Philip Lawrence: Thanks very much.

Mr. McLean, do you want to take the round? I'm sorry. I know you've just arrived.

Mr. Greg McLean (Calgary Centre, CPC): No worries. Yes, I would like to take the round. I hope I'm not asking questions that were previously answered. I apologize for not being here for the previous session.

I'm glad you brought up the charter on this, but the whole nature of actually expropriating or freezing somebody's bank account is effectively shutting them out of their ability to transact in society, [Technical difficulty—Editor] friends and families, and effectively getting held that way. Do you not think that's an overstep with what the charter provisions are, as far as freedom to transact, one of our fundamental freedoms, goes?

Ms. Samantha Maislin Dickson: If I may answer, Isabelle, I would say the measures have been tailored to limit the impact on the charter rights to being no more than reasonably necessary for the unlawful assembly. The obligation to freeze accounts applies only to people who are participating in the illegal activities that are described in sections 2 to 5 of the emergency measures regulations. A person can regain access to their assets by stopping their participation in those unlawful activities.

Mr. Greg McLean: Yes, but it doesn't say how. The description about being involved is rather broad, if you look at it. It could be anybody who, as we say, gave \$50 to their son to go and protest his [Technical difficulty—Editor]. Is that not so?

Ms. Samantha Maislin Dickson: I might pass the floor back to my colleague Isabelle. It was effective as of the date the regulation was made, so as of February 15. Anything that occurred prior to that date is not captured. There is no retroactivity to this regulation at all.

Mr. Greg McLean: I'll go back to Isabelle. Are the 206 accounts that we're talking about here all funders, Canadians, who gave funds through GiveSendGo after February 15?

Ms. Isabelle Jacques: I don't know through which means they gave money, but certainly, there was money that was in the possession of financial institutions covered by the order after February 15. That is correct.

In previous discussions that we've had throughout this meeting, we're saying that in view of the information that has been shared by the RCMP, and in view of the fact that the goal was to stop unlawful funding of illegal blockades, the unlawful assemblies, it would seem rather rare if somebody had given \$20, and would have an account seized in view of the information that's been shared.

Mr. Greg McLean: Yet, that is the way it is written.

Ms. Isabelle Jacques: That is the way it's written, and it's very possible, but the main purpose and goal was to ensure that we stopped the funding for the illegal blockades. It is certainly possible.

Mr. Greg McLean: I appreciate that.

The Chair: Thank you, MP McLean, your time is up.

We are now moving to the Liberals, for three and a half minutes, and MP Chatel.

Mrs. Sophie Chatel: Thank you, Mr. Chair.

Again, this has been a very helpful discussion, because like many MPs around the country, we were flooded by fear. Hopefully, we can return to our constituency offices, and respond to those calls, and say, "If you have donated before February 15, your account won't be frozen. Moreover, for financial institutions to freeze your account, they need the information that you participated in a blockade, or that you used that money for such a reason."

Again, we all have the statement, and I can link it to my Conservative colleague, where the RCMP said that the list that was provided to financial institutions included identities of individuals who were influencers in the illegal protest in Ottawa, owners or drivers of vehicles, who did not want to leave the area impacted by the protest. At no time did the RCMP provide a list of donors to financial institutions. I think we have a responsibility to reassure the population in this area.

One of my main concerns is about the source of the funds, and those crowdfunding platforms. I'm extremely worried, when I hear, because of the leak, that the money, millions of dollars, and half of the donations came from the United States, other countries, and anonymous sources.

I know that right now we have a gap in finding the ultimate sources, the beneficial owners of accounts here in Canada. We don't have a registry, and it won't be ready before 2025. I welcomed the amendment in last year's budget, but I'm extremely concerned.

Ms. Jacques, this is a question for you. If we do have the information, can we trace back the money to the owner of these accounts in the U.S.?

• (1705)

Ms. Isabelle Jacques: To my knowledge, not currently, and I do not know if I have a colleague on the phone who would be able to give you a better answer. I don't know if Manuel and Julien are on the line.

Mr. Julien Brazeau (Director General, Financial Crimes and Security Division, Financial Sector Policy Branch, Department of Finance): Yes, I am here.

Unfortunately, no. We don't have...I think FINTRAC would likely be in a better position to know the origin of funds. Again, it gets information or transaction reports where there's a suspicion of potential money laundering, or when individuals are making large-value transactions. It may have the information, but we at the department wouldn't have that line of sight in terms of the origin of those funds.

Mrs. Sophie Chatel: We have identified in this Emergencies Act several gaps in our legislation. What are the concrete steps that we would have to take as a government and you as a department to fill those gaps?

The Chair: A short answer, please.

Ms. Isabelle Jacques: Julien, if you may.

Mr. Julien Brazeau: Sure. Briefly, Isabelle spoke to this before. I think the major gaps are information-gathering gaps, and that's what we're trying to address by working on regulations that will capture crowdfunding platforms and payment service providers with a view to having a better line of sight in terms of where the flow of funds is coming from and to what ends those funds are being used. Those are measures that I think the government has announced it wishes to make permanent. As Isabelle said, we're working on those at the moment.

Mrs. Sophie Chatel: Thank you.

The Chair: We are now moving to the Bloc and MP Ste-Marie.

[*Translation*]

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

My question is for the Department of Finance officials, so for Ms. Jacques or her colleagues.

Under regular legislation, financial institutions are somewhat accustomed to freezing accounts in cases of financial fraud, laundering of ill-gotten gains or funding of criminal activity. In these cases, the normal procedure is to inform FINTRAC and wait for its response before unfreezing the accounts if necessary. As I said, this is all done under the regular legislation.

In my opinion, the order is written in a fairly vague way. I'd like to know whether the department has given clearer guidance to FINTRAC on how to deal with the freezing of accounts.

Ms. Isabelle Jacques: No, FINTRAC isn't allowed to tell banks to freeze or unfreeze accounts. That isn't part of its role. I'm sure that you'll have the chance to discuss this matter in more detail on Thursday when the FINTRAC officials appear before the committee. Not only is this not its role under normal circumstances, it isn't its role under the current order.

Mr. Brazeau, would you like to expand on my response?

• (1710)

Mr. Julien Brazeau: I just want to make it clear that the FINTRAC officials haven't received any form of communication from the department regarding the freezing of accounts. This type of practice isn't part of its mandate.

Mr. Gabriel Ste-Marie: Thank you for your response.

I want to take this opportunity to thank all the officials from the various departments. They're doing an incredible job. We received a great deal of information today. I sincerely appreciate it.

I'll use the rest of my time to address my colleagues on the committee.

Over the past few days in the House, we've been dealing with the order and the Emergency Measures Act. In light of our work today and all the information provided in the House, my initial concern has been confirmed. After failing to act in the first few weeks of the siege in Ottawa, the government wanted to make a splash by passing the Emergency Measures Act. It wanted to send a message to the public that it was taking action and being proactive. However, so far, I haven't seen anything that shows that we absolutely must pull out the nuclear weapon of legislative options: the Emergency Measures Act. Everything could have been covered by the regular legislation. From my point of view and from the Bloc Québécois's perspective, this is really a communication exercise. Moreover, it has set a dangerous precedent. I imagine that the committee's ongoing work will continue to provide more in-depth information for our analysis.

I'll end on that note, Mr. Chair.

Thank you.

The Chair: Thank you, Mr. Ste-Marie.

[*English*]

Our last questioner is going to be NDP MP Blaikie for three and a half minutes, please.

Mr. Daniel Blaikie: Thank you.

I would repeat the comments that were made earlier to the effect that we really are in uncharted territory with the use of the act, so it's an important test case. I think there are a lot of lessons that we need to learn and it's incumbent upon the committee to be able to make good recommendations on what we have learned from this and how to ensure that, when powers like this are used, they're used appropriately and they're not used any more than they must be in order to deal with a national emergency.

I think there's a civil liberties association already that's challenging the use of the act. I welcome that test. I think it's appropriate that these things be tested in court.

For Canadians who have had a bank account frozen and who feel that it was inappropriate because they had nothing to do with the convoy, for instance, one of the things they need—and this is why I've been talking about the importance of a notice, letting people know that their account was in fact frozen under the authority of the Emergencies Act—is to know that that's why their account was frozen, and then they need resources obviously in order to be able to challenge that.

I'm wondering what thought the government has given, and what the plan is, for Canadians to be able to pursue this after the fact if they felt that the government got it wrong in flagging them to financial authorities, and that they weren't dealt with appropriately under the emergency orders. What recourse will there be for them? Who would be held responsible if there was a successful court case that found they were inappropriately flagged?

Ms. Isabelle Jacques: As we discussed before, certainly the issue of notice is something that we will take a look at. Certainly, in view of the extraordinary nature of the Emergencies Act and the steps that had to be taken rapidly to stop the funding of illegal blockades, it was felt that the act as drafted meets the charter re-

quirements, that there's an ongoing requirement to review the information the financial institutions have in their possession, and that there's a quick possible resolution to an account being frozen: the person ceases the illegal activity, returns home, advises the bank, and the account can be unfrozen fairly rapidly. If it's a case of mistaken identity, it's the same thing: a quick discussion with the financial institution and verification of wrongful identity and the account can be unfrozen quickly.

I think in view of the way it's been set up and the positive obligation to review on an ongoing basis, we felt that the persons were well protected.

• (1715)

Ms. Samantha Maislin Dickson: If I may just add, I would draw your attention to subsection 47(2) of the act, which states that while persons can be subject to immunity, the Crown does remain responsible pursuant to the Crown Liability and Proceedings Act. Therefore, should there ever be a case where damages were to be awarded, the act provides that the Crown is ultimately liable.

Mr. Daniel Blaikie: Okay, so there is an avenue for Canadians to pursue remedies if they feel they've been treated wrongly under the law.

I know we have the court challenges program. Would that be a suitable place for Canadians to go for resources in order to be able to challenge these things in court, or are there any other kinds of supports for challenges to the use of these powers being contemplated by government at the moment?

The Chair: Give a very short answer, please.

Ms. Samantha Maislin Dickson: I don't feel, myself, comfortable to suggest how folks should seek legal advice, but there are various mechanisms out there that people can access.

The Chair: Thank you, MP Blaikie. That is the time.

This is also the time—

Mr. Adam Chambers: I have a point of information, Mr. Chair.

The Chair: Yes, MP Chambers.

Mr. Adam Chambers: Thank you very much, Mr. Chair.

I know we were saving 15 minutes for discussion of the motion, but there have been some discussions behind the scenes with the parties, and I believe there will be a unanimous consent provided for an amended motion.

Since I took some time from my colleagues earlier discussing the motion, if it's okay with the rest of my colleagues, we wanted to offer both the Bloc and the NDP an additional couple of minutes if they had any additional time. That's an offer we'd be willing to make if it's okay with the rest of the committee, as we have our witnesses here.

The Chair: Thank you, MP Chambers.

Mr. Clerk, let me know if we have unanimous consent.

Mr. Daniel Blaikie: I certainly have no objection.

The Chair: I was sure you didn't.

Are we good with UC?

The Clerk: I don't see any objections, sir.

The Chair: So we have a bit more time.

Is this for everybody, MP Chambers?

Mr. Adam Chambers: No, it was just for the Bloc and the NDP, since they always get shortened—

The Chair: They got equal time in this last round, but okay.

Mr. Adam Chambers: They have final comments.

I have circulated the updated motion for everyone in their P9s, so it is available for us to review as the final comments come in.

The Chair: Thank you.

MP Ste-Marie, do you have any final comments? Then we'll have MP Blaikie again, with final comments.

[*Translation*]

Mr. Gabriel Ste-Marie: I have a quick question for Ms. Jacques.

How were financial institutions informed of the order after it was issued? I'm thinking in particular of the major banks, such as the Toronto-Dominion Bank, but also of financial co-operatives, such as the Desjardins Group.

Ms. Isabelle Jacques: The major banks were aware of the order. We contacted the financial institutions, including the Desjardins Group, to discuss the order and to answer their questions regarding the implementation of the new measures.

Mr. Gabriel Ste-Marie: The major banks and other financial institutions such as the Desjardins Group had enough time to ask their questions. Is that right?

Ms. Isabelle Jacques: Yes, exactly.

Mr. Gabriel Ste-Marie: Thank you.

Ms. Isabelle Jacques: My pleasure.

[*English*]

The Chair: Thank you.

[*Translation*]

Thank you, Mr. Ste-Marie.

[*English*]

Go ahead, MP Blaikie.

Mr. Daniel Blaikie: Following up in that same spirit, for folks who bank with financial institutions like the credit unions out here on the Prairies, what opportunity would smaller financial institutions have had to get clarity on what their obligations are and how to act appropriately under the orders?

Ms. Isabelle Jacques: We had a similar discussion last week. Julien can correct me if I'm wrong, but I think we had over 620 people participating in an information session. We answered questions they had on the application of the order. They were provided with—

Mr. Daniel Blaikie: That would have been made available to credit unions across the country, in addition to big banks.

Ms. Isabelle Jacques: Yes, it was made available, absolutely. We had a lot of people interested in asking questions.

Mr. Daniel Blaikie: Thank you.

The Chair: Thank you, MP Blaikie. We had great questions and answers.

This is now the opportunity to thank the witnesses for coming before us as we study the Emergencies Act, and for all the great testimony. On behalf of the members, the clerk, the analysts, the interpreters, the staff and everyone else—I hope I have not forgotten anybody—thank you for being with us here today. You are free to go at this time.

• (1720)

Okay, the witnesses are gone.

Listen, members, I apologize wholeheartedly for this. I know I've been holding my phone this whole time and jiggling around and trying to keep it as steady as possible.

We do have MP Chambers' motion.

MP Chambers, do you want to discuss your motion?

Mr. Adam Chambers: Yes. Thank you very much, Mr. Chair. You did a fantastic job under the circumstances. I know that Mr. Ste-Marie would have done an excellent job, but we're glad you were able to rejoin us.

I did circulate an updated motion. It reflects comments from all parties, and that is certainly welcomed in the spirit of collaboration, of course. We're trying to move quickly, but I can read it into the record. It is shorter, which is nice.

Ms. Annie Koutrakis: I have a point of order, Mr. Chair.

I'm sorry, Mr. Chambers.

The Chair: Go ahead.

Ms. Annie Koutrakis: I have reason to believe that perhaps not all members have received it. I just want to make sure that all members have received this amended motion.

Mr. Adam Chambers: My apologies. I did circulate it to the clerk. Perhaps he can make sure you receive it.

I'll read it in the short term, and we'll make sure you get it in your account: "That for as long as the Emergencies Act financial requirements are in place, that the RCMP, CSIS, CBSA, Public Safety and FINTRAC provide a weekly report to the committee of the total number of persons and accounts they have flagged or requested to be frozen by regulated financial institutions, and that all federally regulated federal agencies provide a similar weekly report, of the total number of persons and accounts that have been frozen using the Emergencies Act powers; and finally, that this information be provided in a manner that respects personal privacy, national security, and operational security, and that the first report be due to the committee on March 2, 2022."

For greater clarity, one report on behalf of the government would be satisfactory. I think what we're looking for in this committee would be the number. As we track this number, we may wish to re-visit additional requests for information.

I believe if you seek it, you will find we have unanimous consent to accept this motion.

The Chair: Thank you, MP Chambers.

I just want to check quickly if it has been distributed to everyone, Mr. Clerk.

The Clerk: There were quite a few names missing from the distribution of Mr. Chambers and I have forwarded it to the names that were not on the distribution. If there are MPs in the meeting right now who do not have it, please let me know and I will circulate it.

I had one question for Mr. Chambers.

When you read the motion, near the end, did you say “and that all federally regulated federal agencies”? Or is it “financial agencies”?

Mr. Adam Chambers: My apologies. It's that “federally regulated financial agencies” provide a weekly report.

The Clerk: Okay. That's perfect.

Mr. Chair, Mr. Fragiskatos raised his hand.

The Chair: MP Fragiskatos, go ahead.

Mr. Peter Fragiskatos: No, it was the same question. It's “federally regulated financial agencies”, correct?

Mr. Adam Chambers: That's correct.

Mr. Peter Fragiskatos: Okay, great.

The Chair: Thank you, MP Chambers.

Is there discussion?

Mr. Clerk, are there no hands?

The Clerk: Mrs. Chatel has just raised her hand.

The Chair: Go ahead, MP Chatel.

Mrs. Sophie Chatel: On a point of clarification, Mr. Chair, I just wanted to know what this means: “as long as the Emergencies Act financial requirements are in place”. Do we mean while the Emergencies Act is in effect?

Thank you, Mr. Chair.

[*Translation*]

The Chair: Thank you, Ms. Chatel.

[*English*]

I have MP Chambers.

Mr. Adam Chambers: That would be an appropriate interpretation, Mrs. Chatel.

• (1725)

The Chair: Mr. Clerk, again I am flying blind, so if any other hands are raised—

The Clerk: Yes. Mr. Blaikie's hand is up.

The Chair: Go ahead, MP Blaikie.

Mr. Daniel Blaikie: Chair, I just wanted to thank Mr. Chambers for bringing the motion forward.

I think this is good oversight information, and I think part of the important thing that it would allow us to do... We heard today that these powers are really only meant to have been used to freeze accounts for the period from February 15 to February 22, and that the RCMP have or ought to have directed a lifting of all account freezes so far.

I think this would just give us the opportunity to get that reporting and to be able to track, as a committee, any other frozen accounts beyond the initial report in the period going forward, and that then will be an important prompt for us to begin asking questions and maybe hear again from some of the officials.

I think this is a good piece of work and a good contribution to the oversight work that we can provide as the finance committee of the House of Commons.

The Chair: Thank you for that, MP Blaikie.

I'm not sure if there are any other hands up.

The Clerk: Mr. McLean has his hand up as well.

The Chair: Okay. We have Mr. McLean.

Mr. Greg McLean: Yes, I apologize. Instead of “agencies”, as agencies are usually government institutions, should we put “entities” in the last sentence there? It would be a friendly amendment. It says that all federally regulated financial “agencies” would provide a similar weekly report. Should we put “entities”?

Mr. Adam Chambers: So long as my colleagues around the table don't object to that amendment, I think that would provide greater clarity, yes.

The Clerk: There are Ms. Koutrakis and Ms. Dzerowicz.

The Chair: We have Ms. Koutrakis.

Ms. Annie Koutrakis: Mr. Chair, instead of “entities”, would it not be more sound to say “institutions”, as in “financial institutions”?

Mr. Adam Chambers: That's correct.

I accept that as a friendly amendment. I think that's appropriate.

The Chair: Okay.

Mr. Adam Chambers: I see some thumbs-up, Chair.

The Chair: That's excellent. It's great to see that.

MP Dzerowicz, go ahead.

Ms. Julie Dzerowicz: Can we put this to a vote?

The Chair: Well, I thought we had unanimous consent on this.

Ms. Julie Dzerowicz: Can we just declare UC?

The Chair: Do we have UC, Mr. Clerk?

The Clerk: I don't see any opposition.

The Chair: Excellent.

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

The Chair: Members, thank you so much.

The Chair: Okay.

Shall we adjourn?

Ms. Lena Metlege Diab: Yes.

Fabulous. Have a wonderful evening.

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>