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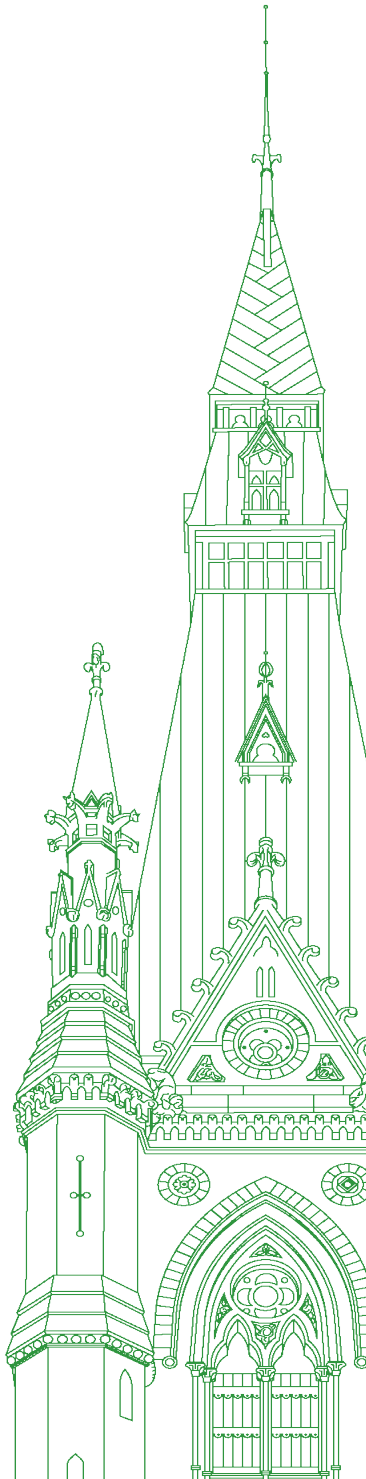

Chair: Mr. Ron McKinnon

Standing Committee on Public Safety and National Security

Wednesday, November 1, 2023

● (1630)

[*English*]

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

Welcome to meeting number 80 of the House of Commons Standing Committee on Public Safety and National Security.

Pursuant to the order of reference of Friday, November 25, 2022, the committee continues consideration of Bill C-20, an act establishing the public complaints and review commission and amending certain acts and statutory instruments.

Today, the committee resumes clause-by-clause consideration.

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

I would like to make a few comments for the benefit of officials and members.

Please wait until I recognize you by name before speaking, with some flexibility when being questioned by members, of course.

Although this room is equipped with a powerful audio system, feedback events can occur. These can be extremely harmful to interpreters and cause serious injuries. The most common cause of sound feedback is an earpiece worn too close to a microphone. In order to prevent incidents and safeguard the hearing health of the interpreters, I invite participants to ensure that they speak into the microphone into which their headset is plugged and avoid manipulating the earbuds by placing them on the table away from the microphone when they're not in use.

Finally, this is a reminder that all comments should be addressed through the chair.

I draw to the attention of the committee—and the witnesses, of course—that we have resources until midnight. This does not mean that we need to sit until midnight.

My hope—and I'm sure it's a hope shared by all—is that we can get through this bill in short order. I think we're yea close to being done.

At the end of a couple of hours, if we want to take a look at where we are and decide whether we want to continue or to resume again the following day, I think that will be up for discussion.

Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC): No offence, but let's go, then.

The Chair: Okay, well, I admire the enthusiasm.

I will now welcome the officials who are with us once again. They're available for questions regarding the bill but will not deliver any opening statements.

From the Canada Border Services Agency, we have Cathy Maltais, director, recourse directorate.

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

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

From the Royal Canadian Mounted Police, we have Kathleen Clarkin, director, national recruiting program; and Alfredo Bangloy, assistant commissioner and professional responsibility officer.

Thank you, all, for joining us today.

We are at clause 52, amendment NDP-34.

I have no idea where we left off. If there's any further discussion on this amendment, I invite people to raise their hands at this time.

(On clause 52)

The Chair: Mr. Motz.

Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC): I just wanted to know from the officials whether there's a concern raised with changing the wording as it's written in NDP-34.

Basically, if we're changing a “must” to a “may” but taking out all of the other language there, is that going to pose a problem, or are we okay with NDP-34 as it is?

Mr. Randall Koops (Director General, International Border Policy, Department of Public Safety and Emergency Preparedness): Mr. Chair, I think we would observe that the government's preference was for the language that was presented in the bill in the form in which it was introduced.

If it would be helpful to the committee, I can explain some of the considerations that were at play in the design of clause 52, which deals with restrictions on the things the commission may and may not investigate. You'll note that there is a subsection that deals with where the commission may refuse and a subsection that deals with where the commission must refuse, and so on.

The designed intent for the commission, as presented in the bill, was to give the commission the broadest possible latitude of decision making about what to investigate within the four corners of its jurisdiction, but not to give the commission discretion about making decisions about where the limits of that jurisdiction lie.

These amendments would, to varying degrees, grant the commission authority to make broader decisions about what would fall within it's mandate as a discretionary matter.

As my colleague pointed out at the last meeting, that could allow the commission to ensure that a type of complaint that was unforeseen does not fall through the cracks. On the other hand, it could also give rise to workload concerns. It could give rise to situations where the commission's mandate is brought into conflict with a space that is reserved in statute for another body.

What the amendments at 52 do, as Mr. Motz noted, is the line-drawing exercise or the balancing exercise around where the commission should be given the discretion about what falls within its mandate in addition to its absolute discretion about what is already defined as within its mandate. I think that is a question the committee is best placed to answer.

● (1635)

Mr. Glen Motz: I appreciate that. I think you're on the money with that. Would it still be appropriate, moving to BQ-13—I know we've jumped ahead—to change the “must” to “may”? Would that substantially change the intent of proposed subsection 52(5), which we're talking about, here in the act?

Mr. Randall Koops: It would change the intent. The question for the committee to consider is whether that's a desirable outcome.

Mr. Glen Motz: Thank you.

[*Translation*]

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

Even though we previously discussed this, I would like to reiterate that NDP-34 and BQ-13 are very similar. BQ-13 comes right after NDP-34. The intent is the same, but the NDP amendment goes farther by saying "The Commission may refuse to deal with a complaint if dealing with the complaint would seriously compromise an ongoing investigation." The portion of the wording that says "if dealing with the complaint would seriously compromise an ongoing investigation" is not in the initial bill.

I am therefore proposing wording that says "The Commission may refuse to deal with a complaint". That's all I would add. The initial portion stays the same. I believe it's better that way.

I will vote against NDP-34; however, my intent was the same as Mr. Julian's. I would accordingly ask my colleagues to to follow my lead.

[*English*]

The Chair: Thank you for the intervention. I should have reiterated that caution.

If NDP-34 is adopted or defeated, PV-4 cannot be proceeded with, since they are identical. Also, if NDP-34 is adopted, BQ-13 cannot be moved due to a line conflict.

Mr. Shipley.

Mr. Doug Shipley: Thank you, Chair.

I want to get this out there, so that everybody knows. We will not be able to support NDP-34, but we will be supporting BQ-13.

The Chair: Thank you.

Are there any further interventions?

Mr. Julian.

Mr. Peter Julian (New Westminster—Burnaby, NDP): To reiterate, Mr. Chair, as I did at the last meeting, this recommendation comes from the Canadian Association of Refugee Lawyers. Their concern about this is that the scope is too large for a commission to refuse to deal with a complaint. This amendment would tighten the language considerably. I urge members of the committee to vote for NDP-34. If it is defeated, I will be voting for BQ-13, which at least gives the commission some leeway in whether or not to use the loopholes that are open to it.

The Chair: Thank you.

Are we all in favour of NDP-34?

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

The Chair: That brings us to BQ-13.

If BQ-13 is adopted, PV-4 cannot be proceeded with due to a line conflict.

[*Translation*]

Go ahead, Ms. Michaud.

● (1640)

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

I believe I've already spoken about it sufficiently. This amendment gives the commission a little more latitude to refuse to conduct an investigation. I am therefore asking my colleagues to vote in favour of the amendment.

[*English*]

The Chair: Thank you.

Are there any further interventions?

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

The Chair: PV-4 cannot be moved. That brings us to NDP-35.

If NDP-35 is adopted or defeated, PV-5 cannot be proceeded with, since they are identical.

Mr. Julian, if you please.

Mr. Peter Julian: Members, the committee will be happy to hear that having already had this discussion, I will not be moving NDP-35.

The Chair: That brings us to PV-5, which is deemed moved. Is there anyone who wishes to speak to PV-5?

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

The Chair: That brings us to G-5.

Who wishes to move G-5?

Ms. Jennifer O'Connell (Pickering—Uxbridge, Lib.): Thanks, Mr. Chair.

This is just a minor change. It clarifies the English to align with the French, to affirm that the PCRC has the discretion to determine whether dealing with a complaint would compromise or seriously hinder the administration or enforcement program legislation.

The Chair: Thank you.

Is there any discussion?

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

The Chair: That brings us to NDP-36.

[*Translation*]

Mr. Peter Julian: I'm sure committee members will be delighted to know that I will not be moving amendments NDP-36 and NDP-37 because we've already discussed this issue.

[*English*]

The Chair: Thank you.

Moving on, shall clause 52 as amended carry?

(Clause 52 as amended agreed to on division)

(On clause 53)

The Chair: That brings us to NDP-37, which is not being moved.

Next is BQ-14.

[*Translation*]

Go ahead, Ms. Michaud.

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

Amendment BQ-14 is in concordance with the amendment we just adopted and which says that the commission "may refuse" rather than "should refuse" to deal with the complaint.

The logical thing to do is to adopt this amendment as well.

[*English*]

The Chair: Is there any discussion?

Mr. Shipley, go ahead.

Mr. Doug Shipley: Thank you, Chair.

We need a little bit of clarification on this from the officials. What would this amendment do?

Mr. Randall Koops: Our understanding is that it ensures concordance with the previous BQ amendment.

Mr. Doug Shipley: I understand that.

The Chair: Is there any further discussion?

Are we all in favour of BQ-14?

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

The Chair: That brings us to NDP-38.

Mr. Julian, please.

[*Translation*]

Mr. Peter Julian: Mr. Chair, I will not be moving amendment NDP-38 because we previously discussed this topic and the committee decided not to keep it.

[*English*]

The Chair: Thank you.

(Clause 53 as amended agreed to on division [*See Minutes of Proceedings*])

The Chair: Shall clause 54 carry?

(Clauses 54 and 55 agreed to on division)

(On clause 56)

The Chair: That brings us to clause 56 and CPC-21.

If CPC-21 is adopted, G-6 cannot be moved, due to a line conflict.

Mr. Shipley or whoever, would you like to move CPC-21?

● (1645)

Mr. Doug Shipley: I also will not be moving this amendment, Chair.

The Chair: Very well. Thank you.

That brings us to G-6.

Mr. Gaheer, did you wish to move G-6?

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

We're just adding in the word “prescribed” and taking out the words “provided for in the regulations”.

As far as I can tell, this amendment is recommended to better align the English and French, and to ensure that the regulations around the RCMP and timelines align, but we can hear the experts on this.

The Chair: Who would you like to ask that question of?

Mr. Iqwinder Gaheer: To the witness, Mr. Koops.

The Chair: Mr. Koops.

Mr. Randall Koops: That's correct. It would align the English better with the intent expressed in the French version of the statute.

The Chair: Very well.

Is there any further discussion?

(Amendment agreed to on division)

(Clause 56 as amended agreed to on division [*See Minutes of Proceedings*])

The Chair: We're on clause 57 and CPC-22.

Mr. Doug Shipley: Thank you, Chair.

We will not be moving this amendment.

The Chair: Okay. Shall clause 57 carry?

(Clause 57 agreed to on division)

The Chair: We're on clause 58, with CPC-23.

Mr. Doug Shipley: We will not be moving that amendment.

The Chair: Shall clause 58 carry?

(Clause 58 agreed to on division)

(On clause 59)

The Chair: We're at clause 59. We go back once again to Mr. Julian, with NDP-39.

I should note that if NDP-39 is adopted, CPC-24, NDP-40 and BQ-14.1 cannot be moved due to a line conflict. Also, if NDP-39 is adopted or defeated, PV-6 cannot be proceeded with, since they are identical.

Mr. Julian.

Mr. Peter Julian: I will not move NDP-39, Mr. Chair.

The Chair: Very well. Thank you.

That brings us to CPC-24.

If CPC-24 is adopted or defeated, NDP-40 and BQ-14.1 cannot be moved, since they are identical. Also, if CPC-24 is adopted, PV-6 cannot be proceeded with, due to a line conflict.

Mr. Shipley.

Mr. Doug Shipley: Thank you, Chair.

We will be moving CPC-24, which is that Bill C-20, in clause 59, be amended by replacing line 32 on page 40 with the following:

> (7) The parties and the union representatives for the RCMP employee or CBSA employee, as the case may be, whose conduct is the subject matter of the complaint, and any other person who satisfies the

The Chair: Thank you.

Is there any discussion?

Mr. Motz.

Mr. Glen Motz: I'd just like to ask the witnesses whether there's any issue with the addition of the language we're proposing in CPC-24. What impact will that have on how the commission will conduct its investigation or the reports?

Mr. Randall Koops: I think the intent of the clause before the amendment would have satisfied that in any condition, because there was nothing that would stand in the way of the commission's allowing union representatives to make representation provided they satisfied the other conditions for participation.

● (1650)

Mr. Glen Motz: Is it a flaw to have the language added for clarity?

Mr. Randall Koops: I think we would suggest it's unnecessary. I don't know if we would conclude that it's a flaw.

The Chair: I have Monsieur Julian.

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

Because CPC-24 is identical to NDP-40, I will be supporting this amendment. I think it provides further clarity and strengthens the ability to intervene in hearings.

The Chair: Are there any further interventions? Seeing none, shall CPC-24 carry?

(Amendment agreed to)

The Chair: PV-6 cannot be moved. That brings us to NDP-40, which cannot be moved. Also, BQ-14.1 cannot be moved.

Shall clause 59 as amended carry?

(Clause 59 as amended agreed to on division)

(On clause 60)

The Chair: This brings us to clause 60 and NDP-41.

Go ahead, Mr. Julian, if you please.

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

This is a recommendation that came to us from Breaking Barriers Together—a concern that arose out of the Merlo Davidson lawsuit that there was a complaint undertaken under internal investigation. Currently, the way the bill is worded, the commission:

> may suspend an investigation, review or hearing with respect to a complaint if, in its opinion, continuing it would compromise or seriously hinder an ongoing civil or administrative proceeding.

That is the power to suspend in subclause 60(2).

Amendment NDP-41 would strike the words “administrative proceeding”, which is internal of course—the RCMP—and, taking the lessons of the Merlo Davidson lawsuit, limit the commission's ability to suspend the investigation to when it would compromise or seriously hinder “an ongoing civil proceeding”.

The Chair: Thank you.

Is there any discussion?

Go ahead, Mr. Motz.

Mr. Glen Motz: Thank you, Chair.

I don't know if I can support this, because I think having administrative proceedings also are critically important, and may cause the investigation to be suspended. I don't think limiting it to only “an ongoing civil proceeding”, and not anything including administrative proceedings, would benefit a complainant, the person being complained about or the agencies that do the investigation. I would appreciate any feedback from our witnesses on that and whether limiting it—removing the administrative proceedings—would be a significant flaw or there would be an issue with that removal.

Mr. Alfredo Bangloy (Assistant Commissioner and Professional Responsibility Officer, Royal Canadian Mounted Police): From the RCMP's perspective, it could potentially have an impact if we're removing “administrative proceeding”, because within our administrative proceedings—one of them anyway—is a proceeding whereby we're seeking the dismissal of an RCMP member, and removing that potentially could allow this PCRC to interfere or hinder that proceeding.

Mr. Glen Motz: Okay.

Go ahead, Mr. Koops.

Mr. Randall Koops: I would agree.

I think we would offer the view to the committee that the commission should in fact retain the discretion. This is in the “may suspend” section of the “Duty to suspend”. The commission should retain the discretion to suspend an investigation in an administrative proceeding, bearing in mind, in addition to the ones the RCMP has identified, that serious incident investigations would fall within the ambit of an administrative proceeding, and the commission should have the discretion to suspend on those grounds.

● (1655)

Mr. Glen Motz: What about CBSA?

Do you see any challenges with that removal as well?

Ms. Cathy Maltais (Director, Recourse Directorate, Canada Border Services Agency): I do.

For example, we consider an appeals process—somebody who wants to appeal an enforcement action, a seizure at the border—to be an administrative process, and there are legislated timelines attached to that. The complainant may lose the chance to proceed with their appeal if the PCRC has to take over the complaint, and then that would split it all out.

Mr. Glen Motz: Thank you.

I can't support NDP-41. I'm sorry, Peter.

The Chair: Thank you.

Mr. Shipley.

Mr. Doug Shipley: Thank you, Chair.

I'm not sure who to address this question to. Maybe it's for one of the officials.

Mr. Julian mentioned it —and he's mentioned it a couple of times—and forgive me for not recalling this if it was brought up in witness testimony before: the Merlo Davidson lawsuit.

I'm not looking for a long legal brief on this from anybody. Can someone just remind me of what that lawsuit was, how that would pertain to this amendment and how that would be affected by that, please?

A/Commr Alfredo Bangloy: Yes. The Merlo Davidson lawsuit was a class action lawsuit in which approximately $125 million was paid out. Justice Bastarache issued a report on that. It was very critical of the RCMP's handling of a number of complaints. It spoke of quite a number of things, including a toxic work environment.

Mr. Doug Shipley: My follow-up to that, then, to the officials, is on how this amendment would affect or not affect what was found in that lawsuit. Would there be an effect on that, or any outcome?

I know that's speculation, but—

A/Commr Alfredo Bangloy: With respect to the RCMP's discipline process and conduct board proceedings, which are administrative processes, under the existing proposed clause, the PCRC would have the discretion to suspend an investigation if it would interfere with that process. Removal of that would remove that discretion from the PCRC, is my understanding of it, which could then potentially interfere with a discipline process whereby the RCMP is seeking to dismiss a member from the force.

Mr. Doug Shipley: Thank you.

Was anybody else's hearing going in and out there a bit, Chair?

Some hon. members: No.

Mr. Doug Shipley: Okay, maybe it's me, or maybe it's just my ears.

Thank you, Chair.

The Chair: Are there any further interventions?

Mr. Julian.

Mr. Peter Julian: I wanted to respond to Mr. Shipley.

It's a very valid question, but it's not really the Merlo Davidson lawsuit that I'm referencing. It's the recommendations coming from Breaking Barriers Together, and they reference the lawsuit.

Would this have a material change in the lawsuit? Of course not. Organizations that have come forward to this committee to make recommendations on improving the bill have put forward what they see as best practices in terms of refining the bill, improving the bill, so that the lessons from the Merlo Davidson lawsuit are learned.

It is the opinion of Breaking Barriers that this is one of the helpful amendments that would improve the bill.

The Chair: Thank you.

Is there any further discussion?

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

(Clause 60 agreed to on division)

(Clauses 61 to 63 inclusive agreed to on division)

(On clause 64)

The Chair: That brings us to clause 64 and NDP-42.

Mr. Julian.

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

This is another recommendation from Breaking Barriers. It's inserting the word “binding” in front of “recommendations” in the interim report under subclause 64(1).

That recommendation is to try to ensure that recommendations brought forward are actually implemented. That was the recommendation they made to committee.

● (1700)

The Chair: Thank you.

Mr. Motz.

Mr. Glen Motz: Officials could help me with this.

We're talking about the commission, which is to be an independent body separate from both the RCMP and the CBSA. They're making the suggestion that we're going to add the word “binding” recommendations there.

Do you find that may pose some challenges with those organizations? I think that making recommendations is one thing, but making binding recommendations might be somewhat problematic.

I'd certainly appreciate hearing from both agencies and the department on that.

Mr. Randall Koops: I can go first on that.

A binding recommendation, which sounds a lot like an order, is very much outside the government's intent in the design of the entire review regime. The regime is predicated on an independent body that operates at arm's length but then makes recommendations to the minister or the relevant deputy heads, those deputy heads in turn being accountable and answerable to the minister, who is answerable here for the decisions that are made in response to the recommendations.

If the commission begins to issue binding instructions to those agencies, the concern is that it begins to erode on the axis of accountability that exists between ministers and deputy heads, established throughout the federal statute book.

Mr. Glen Motz: I'd like to hear from the RCMP and CBSA on how this might create some challenges for your two agencies.

A/Commr Alfredo Bangloy: For the RCMP, although the vast majority of time—I'm not sure of the exact percentage but it's a very high percentage—the RCMP agrees with the recommendations of the CRCC, making the recommendations binding would have a very significant impact on operations and, potentially, service delivery, depending on the nature of what the recommendation is. It would effectively give control of certain aspects—whatever the recommendation is—to the CRCC.

Mr. Glen Motz: There will be negative impacts, if I heard you correctly. You didn't say “negative”, but you said that it would have significant impacts.

A/Commr Alfredo Bangloy: Depending on the nature of the recommendation: for example, if it impacted resources. I can't think of a specific example, but binding recommendations, I can say, would have a significant impact, both operationally, potentially, and with service delivery.

Mr. Glen Motz: The CBSA is next.

Ms. Cathy Maltais: We're not under this PCRC/CRCC yet, so we haven't had any recommendations, but I could see examples. If a recommendation came specifically that we needed to have *x* amount of resources per shift at a port of entry, and if that were binding, it could be a major issue from a funding perspective, a resources perspective that we're not able to meet. Or if there are legislative recommendations and for us that's in legislation, then it may not be possible, because there is law that we have to follow. I could see concerns, but again, they're just assumptions, because we're not part of it yet.

Mr. Glen Motz: Okay. Thank you.

The Chair: Thank you.

I have Mr. Shipley.

Mr. Doug Shipley: Thank you, Chair.

Along with my colleague, I do have some issues with this. The words themselves would make recommendations “binding”. Recommendations are recommendations. I have concerns, like Mr. Motz was saying, about making these binding....

The officials mentioned “an independent body”. If it's independent, making this binding makes it a little less independent, does it not? How would that work?

Mr. Randall Koops: That would be one of the risks of giving the commission order-making power, yes.

Mr. Doug Shipley: As it would stand right now, the recommendations would come forward, as you mentioned, and then the ministers and the staff would have approval to implement them. We would have no idea.... Obviously, the specs of those recommendations can be huge and varied. They may not be implementable for many reasons.

To make them binding would really be tying their hands to something that maybe could not be done. Am I correct in that?

Mr. Randall Koops: You are correct. It would erode the authority of the deputy heads to administer their organizations and potentially erode the authority of the minister to issue directions to both of those agencies.

The minister, of course, is now the only person who can issue a directive to the deputy head, to the commissioner of the RCMP or to the president of CBSA. Adding another person into that mix with directive or order-making powers complicates that accountability relationship and erodes the obligation of the deputy heads to answer to the minister, who in turn answers here.

● (1705)

Mr. Doug Shipley: Thank you for that clarification.

From the information I'm hearing, obviously I won't be able to support this. Unless I hear something new or different after this, I won't be able to support this amendment.

Thank you.

The Chair: Thank you.

I have Mr. Lloyd.

Mr. Dane Lloyd (Sturgeon River—Parkland, CPC): Is there a potential, witnesses, that a recommendation from the commission could be for legislative changes that Parliament would be required to enact? If we were to say that this was binding, would that put an onus on Parliament to change the law based upon the recommendations of this committee?

Mr. Randall Koops: My understanding of the amendment is that it would not bind Parliament.

It could result in a situation where the two agencies, which both have law enforcement roles, would be, in an extreme case perhaps, subject to direction from an outside body that does not have the legislative authority otherwise to direct law enforcement operations.

The Chair: Thank you.

Are there any other interventions?

(Amendment negatived)

The Chair: It was a valiant effort. Thank you.

That brings us to amendment NDP-43.

Mr. Peter Julian: I was actually thinking of asking for a recount, Mr. Chair.

Amendment NDP-43 is Breaking Barriers' recommendation. It was brought to this committee.

They are concerned, in clause 64, about the length of time within which there can be a response to reports that are issued following an investigation or hearing. They feel that leaving it open for so long—six months—for a response, particularly for victims who have been through a very long process, could be very much retraumatizing.

The recommendation in NDP-43 is to limit that response period to 90 days.

That provides for a much more rapid response in terms of the report and, as we have said all along this process, Mr. Chair—and I know you've repeated this—justice delayed is justice denied. Cutting that response period in half is a way of speeding up the response and, ultimately, the justice that must come to victims.

The Chair: Thank you.

We go now to Mr. Melillo.

Mr. Eric Melillo (Kenora, CPC): Thank you, Mr. Chair.

I appreciate Mr. Julian's moving this forward and the thoughtfulness he showed in doing so.

Mr. Chair, looking at it, I believe personally that the current timeline is sufficient, but I'm curious to hear from the witnesses—whoever would like to make a comment on it—about how feasible this is from their point of view.

A/Commr Alfredo Bangloy: From the RCMP perspective, we currently have an MOU with a six-month timeline, and we're currently able to meet that service standard.

Reducing it by half would significantly impact resources, as far as our ability to do these reviews and responses in half the time that we are currently doing them would go.

Mr. Randall Koops: This is a new provision, and legislating a timeline for the responses is, in the government's view, a very important new accountability measure that's being introduced here.

The government is proposing six months for a few reasons.

One is, as my RCMP colleague has said, that it is known to be a workable timeline because the commission and the RCMP work on that timeline now. That is, in fact, the timeline that was recommended by the chair of the commission to the minister and, I believe, to the committee here, and that also responds to the recent Federal Court jurisprudence that examined the adequacy of responses of the RCMP to the commission, in which the Federal Court identified six months as the appropriate length of time.

This provision in the bill is a response to the most recent Federal Court decision on the matter.

● (1710)

The Chair: Thank you.

Go ahead, Mr. Motz.

Mr. Glen Motz: Can you refresh my memory? I know the RCMP has a six-month investigative window within which they report back. I've heard CBSA say that it has a 40-day report-back window.

What does the commission have currently? When you get a complaint and you're working on it, what is your general timeline? Is it still six months?

Ms. Joanne Gibb (Senior Director, Strategic Operations and Policy Directorate, Civilian Review and Complaints Commission for the Royal Canadian Mounted Police): When we conduct a review, the duration depends on a number of factors, including how long it takes for the commission to receive the relevant material from the RCMP.

Mr. Glen Motz: The way this subclause 2 reads in clause 64, if you—or I guess it would be the commissioner of the RCMP—or the president of CBSA receive the report, they have to give a written response.

I guess it applies more to those two agencies than it does to the commission at this point in time. Would that be an appropriate suggestion?

Ms. Joanne Gibb: Yes, because it's the response to the commission's report back to the agency heads.

Mr. Glen Motz: All right. Thank you.

[*Translation*]

The Chair: Go ahead, Ms. Michaud.

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

My question was exactly the same as Mr. Melillo's.

In view of what my colleagues have said, I can't support Mr. Julian's amendment.

[*English*]

The Chair: Thank you.

Mr. Shipley.

Mr. Doug Shipley: Thank you, Chair.

In regard to this amendment, it's been a while.... I've already been accused of hearing things in my head, so my memory is not as good as it once was either. That's to my younger friends across the table, in all good fun.

We heard from the witnesses in the early spring that one of the issues was resources to implement, or even to keep going right now. It is tough.

With regard to an amendment like this, which would be cutting down the timeline so much, what types of personnel resources and additional funds would you need?

Can anybody guess a little—because it's quite important—at what's needed to implement something like this? I know it's a quick question and a....

A/Commr Alfredo Bangloy: Any comment I have would really be a guess.

Just based on the timeline, reducing it in half, I would imagine that a reasonable estimate would be doubling what we currently have devoted to working on this, again, depending on the nature of the review. Some of these reviews are very complicated, with quite a number of recommendations and findings that we have to look at and analyze and provide our thorough response to.

Mr. Doug Shipley: To recap, you said it's a doubling of your resources for this one amendment.

A/Commr Alfredo Bangloy: Well, again, this is not—

Mr. Doug Shipley: I know you don't have time to write down a whole business case for this.

A/Commr Alfredo Bangloy: At the current timeline that we're operating under, six months, I'm ballparking that doubling the resources to cut it in half might be able to satisfy it.

Mr. Doug Shipley: That's very considerable, then, considering we heard originally that resources were very stretched for this and additional funds were going to be needed.

Thank you for that.

Because of that and some other issues, I won't be able to support this amendment.

The Chair: Seeing no further interventions, all in favour of NDP-43?

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

The Chair: That brings us to G-7.

Mr. Gaheer.

Mr. Iqwinder Gaheer: That's great. Thank you, Chair.

This amendment clarifies that the CBSA and RCMP are responsible for sending their responses to PCRC—interim reports—to both the chairperson and the Minister of Public Safety. As it's currently written, they are required to respond only to the chairperson of the PCRC, so the minister will be made more aware through this amendment.

I think this will enjoy support from all sides.

● (1715)

The Chair: Thank you.

Are there any interventions?

Mr. Motz.

Mr. Glen Motz: What obligation does the chairperson of the independent complaints commission have to report to the minister now, and what are those timelines?

Ms. Joanne Gibb: A copy of our report is sent to the minister, and the reply, which is what this amendment refers to—a reply from the RCMP and CBSA—is currently also copied to the minister.

This changes the existing provisions in the RCMP Act, by not.... Sorry, the bill, as written, changes the existing provision, where the minister was included. The chairperson put forward that she would like to see the minister added back into this clause, so that the ministerial accountability is there—so the minister is aware of how long it took the agency to reply and the nature of that reply.

Mr. Glen Motz: All right, so this actually came from the commission itself.

Ms. Joanne Gibb: Yes.

Mr. Glen Motz: All right. Thank you.

The Chair: Mr. Lloyd.

Mr. Dane Lloyd: Thank you.

We've had some recent incidents in which the ministers were supposed to have been informed of things and the messages weren't passed along. What assurances do we have that this amendment will result in the minister's actually personally receiving this correspondence? Is there a risk that it could go into a minister's office and that the minister will never see it, that it will never see the light of day? What accountability measures can we be assured will exist to ensure that the minister's eyes are actually on this document, based on this amendment?

Mr. Randall Koops: Generally, when these types of communications are received in the department, they're provided to the minister's office very, very quickly. In my experience, it's often the same day. The accountability could fall to the minister in the sense of reporting to Parliament about when the commission made a report and when it was able to receive responses.

The Chair: Thank you.

Mr. Shipley.

Mr. Doug Shipley: Thank you.

I know that we're getting into the weeds a bit with this, and I understand what Mr. Lloyd is saying.

Just to kind of close the loop, though, because we're in agreement with this amendment, would it be at all possible to have some type of an acknowledgement—I'm trying to word this nicely—as Mr. Lloyd was saying, to make sure that the loop is closed, so that no one can just say, “Well, technology.... It didn't get sent through.” We've all heard, “Oh, I didn't receive the email; technology didn't happen.” Is there anything that can be put through so that an acknowledgement has to be made to make sure this loop is closed?

Mr. Randall Koops: It's probably possible. Whether that's necessary in the context, I think, is a question for the committee in the context of examining the amendment.

Mr. Doug Shipley: Can we move that as a...?

The Chair: Is there any further discussion?

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

The Chair: That brings us to NDP-44.

Mr. Julian, please.

[*Translation*]

Mr. Peter Julian: You'll be pleased to hear that I will not be moving amendments NDP-44 and NDP-45. We already discussed this issue.

[*English*]

The Chair: Thank you.

Therefore, shall clause 64, as amended, carry?

(Clause 64 as amended agreed to on division)

(On clause 65)

The Chair: That brings us to clause 65. NDP-45 has been withdrawn, so that brings us to NDP-45.1, and Mr. Julian.

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

A number of organizations—and I'll list some of the groups in just a moment—raised concerns around clause 65, which says that "the Commission's final report[s]...are final and are not subject to appeal to or review by any court". NDP-45.1 seeks to say that those findings and conclusions "are subject to appeal". That is the language that allows for the opportunity to appeal to the courts.

Now, there a couple of dozen organizations that have told us that this is an important provision, that it is important to have that ability, if the Commission's findings and recommendations or whatever are not satisfactory, for them to be reviewed by a court. Those groups include Amnesty International Canada, the BC Civil Liberties Association, the Canadian Civil Liberties Association, the Canadian Council for Refugees, the Canadian Immigration Lawyers Association, the Canadian Muslim Lawyers Association, the Canadian Muslim Public Affairs Council, the International Civil Liberties Monitoring Group and so on.

● (1720)

These very important organizations have told us that the fact that the existing clause 65 basically does not provide for any possibility of appeal or review by any court is something they find very concerning. For credibility in terms of the legislation, they thought it was very important to say to us that this clause needs to allow for the possibility of appeal. That's why NDP-45.1 is before this committee.

The Chair: Thank you, Mr. Julian.

Go ahead, Mr. Motz.

Mr. Glen Motz: Thank you, Chair.

I have a couple questions for our witnesses.

Number one, how long have you been operating for the RCMP?

Ms. Joanne Gibb: Since 1988.

Mr. Glen Motz: Thinking of that timeline, is it rare to have appeals of your decisions go to court?

Ms. Lesley McCoy (General Counsel, Civilian Review and Complaints Commission for the Royal Canadian Mounted Police): Yes. It's actually exceedingly rare that complainants seek judicial review in the Federal Court. The rare time that it does happen, it's almost never been a successful application.

Mr. Glen Motz: Having learned that, I understand what Mr. Julian is alluding to or trying to get at, but it's completely opposite to what's in the act right now. As a result, I'm troubled to know how this will actually improve service to the people who were alleged to have been aggrieved. There's a big difference between an appeal and thinking you can get an appeal because you don't like the result of an investigation as opposed to there being some error in law or some misconduct in the investigation in some way that would have tainted it.

I'm troubled by it. I have to understand more that there is no other recourse for a complainant. If I'm complaining about CBSA, let's say, and I go through the whole complaint process, the commission intervenes and does its bit, and I feel as if I still haven't been heard, does that mean I have no other recourse? Once the commission is done, I have zero recourse. That's what it's basically saying now under clause 65—is that correct?

Mr. Randall Koops: Yes. The government's designed intent there is that there not be a stage of judicial review between the conclusions of the commission and its recommendations to the minister or the deputy head of the agencies, because the commission's recommendation is not the final decision. The final decision rests with the minister and the deputy heads. They answer for it. Their decision to act or not act would, of course, be subject to review by the Federal Court.

Mr. Glen Motz: Would the commission be considered to be a quasi-judicial body? Would that be something that plays into that decision as well?

Mr. Randall Koops: The intent is that the commission exercises quasi-judicial powers in its investigative capacity. What you'll find in clause 64 is the commission's authority to make any recommendation "that it sees fit". The commission is unfettered in that, but the decision-making authority to finally dispose of the matter ultimately rests with the minister or with the agency head in terms of whether or not they accept the recommendations of the commission.

● (1725)

Mr. Glen Motz: Do you see any challenges with now adding the CBSA into the commissions mix, that it would create more opportunities for an appeal process, or do you feel that the way the bill is written now in clause 65 is still appropriate?

Mr. Randall Koops: The government's intent was that it is still appropriate. Clause 65 was drafted with the perspective in mind that CBSA is being brought in under the jurisdiction of the commission.

The logical conclusion of providing for judicial review between a recommendation of the commission and a final decision by the minister or the deputy head would be one of delay. The intent, the designed bias, if you will, throughout the new regime is that it favours faster resolutions by imposing more deadlines and by not providing for judicial review at an interim stage, if you will, which is before the minister or deputy head have made their final decisions.

Mr. Glen Motz: Thank you.

The Chair: Thank you.

Is there any further discussion?

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

The Chair: That brings us to NDP-46.

Go ahead, Mr. Julian.

[*Translation*]

Mr. Peter Julian: Mr. Chair, as we just discussed that, I will not be moving NDP-46.

[*English*]

The Chair: Thank you.

Shall clause 65 carry?

(Clause 65 agreed to on division)

(Clause 66 agreed to on division)

The Chair: That brings us to new clause 66.1 and CPC-25.

Mr. Doug Shipley: Thank you, Chair. We will be moving amendment CPC-25. It is that Bill C-20 be amended by adding after line 17 on page 43 the following new clause:

> 66.1 If the final report finds that the complaint is unfounded and the RCMP employee or CBSA employee, as the case may be, whose conduct is the subject matter of the complaint was suspended as a result of the complaint, the Commissioner or the President, as the case may be, must ensure that the employee is permitted to return to the duties of their employment and that they are paid compensation in an amount equal to the remuneration that they would have been paid if they had not been suspended.

I'll speak to that just a little. We brought up a similar amendment at the last meeting, or a couple of meetings ago. This is similar, but it is a bit different from our previous amendment on remuneration and back pay. This amendment would automate the back pay process for complaints that are deemed unfounded. As employees who are the subject of a complaint are not paid, we would like to make sure the process to access back pay is automatic, rather than the responsibility of the employee. This would help to protect our front-line workers, who are disproportionately placed on leave without pay as compared to managers.

Hopefully, we'll see support on that around the table. Perhaps someone else has some other comments on this. We'll see where it goes.

Thank you.

The Chair: Thank you.

Is there any discussion on CPC-25? Seeing none, all in favour of CPC-25?

An hon. member: Can we have a recorded vote on that?

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

(On clause 67)

The Chair: CPC-25 is defeated. That brings us to NDP-47.

If NDP-47 is adopted, NDP-48 cannot be moved due to a line conflict. Also, NDP-49 would become moot.

I have Mr. Julian.

● (1730)

[*Translation*]

Mr. Peter Julian: You'll be pleased to hear that I will not be moving amendment NDP-47

[*English*]

The Chair: Those are such sweet words to my ear.

We'll go to NDP-48.

Mr. Peter Julian: This is a recommendation from the Customs and Immigration Union, which is concerned about the current clause, because it doesn't include the ability for a union representative to be informed. Of course, through this legislation, we have established collective agreements. We need to ensure there is harmony between this legislation and collective agreements.

What NDP-48 seeks to do is ensure the union representative is part of the duty to inform. It also adds a new clause:

> (1.1) The member, person, officer or employee, as well as their union representative, has a right to grieve the Chairperson's recommendation that a disciplinary process be initiated.

This is in clause 67, "Notice Recommending Disciplinary Process or Measure".

The Chair: Thank you.

Go ahead, Mr. Lloyd.

Mr. Dane Lloyd: I'm inclined to be supportive of this.

I just want to ask the witnesses, is there currently a grievance process when there's a recommendation for disciplinary action from the commission? If there isn't and we move forward with this, what exactly is the process you envision? How would somebody grieve this? Who has the authority to hear this grievance and to provide a satisfactory response to the griever?

Mr. Randall Koops: To answer your question, sir, in two parts, the first is that the bill intends for the right of grievance to lie against the decision of the deputy head to discipline the employee or not. Again, the right of grievance lies against the decision-maker, not the independent body that makes a recommendation.

All of this, however, is saved by clause 71, with the provision that nothing in clauses 67 or 68 prevents the application of the collective agreement. Clauses 67 and 68 are all subject to the safeguards presented in clause 71, which includes the existing provisions of collective agreements of the labour relations regime as a whole. Bringing a right of grievance into this statute risks bringing things into it that are dealt with elsewhere, including the Financial Administration Act, the Public Service Employment Act and other places.

The Chair: Thank you.

Ms. O'Connell, please, go ahead.

Ms. Jennifer O'Connell: Thank you.

I think that summarized where some of our concerns are in the sense that if the PCRC is not able to implement disciplinary action, it's simply able to recommend in such cases that disciplinary action happens. However, the decision to implement it or not is up to other bodies. Therefore, a grievance against the PCRC is not the appropriate measure, only because the commission will not be able to implement the disciplinary action. It can only recommend it.

If that disciplinary action is not appropriate, or action isn't taken and another member wishes to grieve in terms of why that wasn't taken, etc., that grievance lies with those who implement the disciplinary action or not, and the PCRC can't.

If this amendment carries, it will start to change the bill to the extent that this bill and this process do not have a disciplinary component to them. I think Mr. Koops has already explained that piece and the later sections that deal with collective bargaining or grievances that are made.

I think it wouldn't be appropriate to allow for a grievance against the commission, which is unable to enact the discipline itself, so we can't support this amendment.

● (1735)

The Chair: Thank you.

Go ahead, Mr. Lloyd.

Mr. Dane Lloyd: I appreciated that. I think I've gained a greater understanding of this amendment.

It says it's not necessarily grieving to the decision-making authority, which is the deputy head. The recommendation is saying you have a right to grieve the recommendation from the chairperson.

Is there a mechanism already? Isn't there already a mechanism to appeal a decision by the PCRC? Would that mean that the grievance would be moot? Is that what the process would be? This appears like it is saying we're going to add a new process to grieve decisions by the PCRC.

Mr. Randall Koops: By adding the process of grieving the decision of the PCRC—which isn't a decision, but a recommendation; it's the outcome of the PCRC's investigation—it adds a grievance recourse before the final decision has been made. The final decision rests with the deputy head.

It makes much more sense that a grievance follows the decision about what the deputy head does with the recommendation of the commission. There could very well be circumstances whereby the commission makes a recommendation that the deputy head doesn't act on, so there would be no reason to grieve a recommendation that has not been acted on by the deputy head.

Mr. Dane Lloyd: Thank you.

The Chair: Thank you.

Go ahead, Mr. Motz.

Mr. Glen Motz: Thank you, Chair.

Mr. Julian, this is your amendment. Did you say at the front end where this came up in testimony?

Mr. Peter Julian: Yes, I did. It was the Customs and Immigration Union. They raised the concerns—

Mr. Glen Motz: It's from the union.

Mr. Peter Julian: Yes. They raised concerns about this, and that's why the recommendation has come forward.

Mr. Glen Motz: Okay.

The Chair: Is there any further discussion? No.

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

The Chair: That bring us to NDP-49.

Mr. Julian.

[*Translation*]

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

Once again, as we just discussed this item, I do not intend to move amendments NDP-49 and NDP-50.

It's only natural, after having discussed and voted on an amendment, to find that there are other similar amendments on the same topic. I therefore believe that the discussions we held and the questions that were asked were sufficient to enable the committee to reach a decision.

Furthermore, if our goal is to complete the study of Bill C-20 after having significantly improved it, and as several amendments have already been adopted, I think it's more important to spend our time on important amendments that have not yet been examined and voted on by the committee.

[*English*]

The Chair: Thank you.

Shall clause 67 carry?

(Clause 67 agreed to: yeas 11; nays 0)

(Clause 68 agreed to: yeas 7; nays 4)

(Clause 69 agreed to: yeas 7; nays 4)

(On clause 70)

● (1740)

Mr. Peter Julian: On a point of order, Mr. Chair, the practice of calling for a recorded vote for each clause is normally used as a filibuster tactic. We have been making good progress. I certainly heard concerns raised by my Conservative colleagues about sitting beyond 6:30 tonight, but I find it disturbing that filibuster tactics are now starting to rear their heads. I would ask, through you, to my Conservative colleagues, that we stay focused on the content and on improving the bill and not have filibuster tactics delaying those important considerations.

The Chair: Thank you for your intervention, Mr. Julian. They certainly do have the right to ask for a recorded decision.

Mr. Shipley, go ahead on the same point of order.

Mr. Doug Shipley: Thank you.

You took the words right out of my mouth, Chair.

The Chair: There you go.

That is not to say that we could not go faster and get this done today if we buckled down.

On clause 70, we come to amendment NDP-54.

Mr. Julian, go ahead.

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

Because we need to improve this bill and get it through committee so it can go back to the House, we've already had the considerations around what's touched on with NDP-54, so I'm not moving the amendment.

(Clause 70 agreed to: yeas 7; nays 4)

(On clause 71)

● (1745)

Mr. Peter Julian: Mr. Chair, on a point of order, I would like to note that you're absolutely right to point out that members of the committee have the right to go for a recorded vote rather than simply having it adopted on division, but each of those recorded votes—with the dozens and dozens of clauses still to come—would mean a delay of several hours. That costs the taxpayers tens of thousands of dollars. I wanted that noted, Mr. Chair.

The Chair: Thank you.

I acknowledge this and thank you for the intervention.

On clause 71, we have amendment NDP-55.

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

This is clause 71. Concerns were raised by the Customs and Immigration Union. Currently, in terms of safeguards, in clause 71 the wording is as follows:

> Nothing in section 67 or 68 is to be construed as

—and then there's a series of measures that follow—

> (a) affecting the powers and rights of the Commissioner or President;
>
> (b) authorizing the Commissioner or President to initiate any process...;
>
> (c) preventing the application of any applicable law or collective agreement;
>
> (d) authorizing the commencement of any process...;
>
> (e) authorizing the imposition of any measure in relation to any conduct...; [and]
>
> (f) authorizing the collection or use of information other than information collected or used in relation to an investigation of, a hearing into or a review of a complaint under this Act.

Of course, the concerns raised by the Customs and Immigration Union are that those safeguards apply only to sections 67 and 68. On the concerns, for example, around collective agreements, none of the other clauses have those safeguards in place.

Amendment NDP-55 seeks to amend section 71 to read, "Nothing in this Act is to be construed as", ensuring that the safeguards apply to the entire bill—in particular the application of laws and collective agreements—as opposed to just to section 67 or 68.

The Chair: Go ahead, Mr. Lloyd, followed by Mr. Melillo.

Mr. Dane Lloyd: Thank you.

I want to ask the witnesses. The term "safeguard" seems kind of vague to me. In your experience, what would be the impact of this amendment on your processes?

Mr. Randall Koops: We discussed that the amendment raises concerns. Some are obvious, and some might be less obvious or, in fact, unintended.

The safeguards in clause 71 are very specifically about ensuring that the existing disciplinary processes are not affected. Changing clause 71 such that those safeguards apply to the statute as a whole could result in a very strange construction in saying that nothing in the act affects the powers and rights of the commissioner or the president, when there are plenty of provisions in the act that do that very thing. They are intended to create powers and rights of the commissioner or the president in relation to the complaint process. It would appear to make a safeguard provision overly large, to the point of affecting the very purpose for which Parliament would enact the statute.

My colleagues from the commission may have more specifics to offer, but I think that would be our concern about the nature of the amendment.

Mr. Dane Lloyd: Could I follow up quickly on that, Mr. Chair?

The Chair: Yes, go ahead.

Mr. Dane Lloyd: You talked about a "strange construction". Can you clarify what you mean by a "strange construction"?

Mr. Randall Koops: It would say that nothing in the act is to be construed as doing the very thing the act does, which is set out powers for the commissioner or president in response to their obligations to deal with the PCRC.

● (1750)

Mr. Dane Lloyd: It seems clear to me, but I don't think I can support this.

Thank you.

The Chair: Mr. Melillo, you have the floor.

Mr. Eric Melillo: Thank you, Mr. Chair and Mr. Lloyd.

You sort of went down the road I was hoping to go down, but, really briefly, to build off it, Mr. Koops, you outlined clearly for me the concern with changing to this new language. Could you briefly explain why, specifically, the language was chosen as it is currently?

Mr. Randall Koops: The language was chosen to ensure that any interpretation around clauses 67 and 68 understands the intent of those provisions, which is not to bring the commission into the disciplinary process and not to intrude on the responsibilities of deputy heads under the Financial Administration Act and the Public Service Employment Act.

What is new in clauses 67 and 68 is not the ability to recommend discipline. The commission enjoys that power now, and that would be covered under clause 64, in any event. What's special about clauses 67 and 68 is not the power to recommend discipline; it is the reporting obligation that the recommendation imposes on the deputy heads.

We sometimes refer to this internally as the "bad apple clause", that, where a person has come to the attention of the commission and that person's conduct raises concern but has not yet attracted discipline, the unique power in clauses 67 and 68 is that the commission, by making that recommendation, obliges the deputy head to report his decision to the minister. That entire process is intended to be separate and apart from the existing labour relations regime and the existing provisions for discipline under various statutes.

Mr. Eric Melillo: Thank you.

The Chair: Thank you.

Are there any further interventions?

(Amendment negatived)

(Clause 71 agreed to on division)

(On clause 72)

The Chair: That brings us to NDP-56.

Go ahead, Mr. Julian.

Mr. Peter Julian: After the success of the last amendment, I will press on, Mr. Chair.

This amendment comes from the wonderful MP for Cowichan—Malahat—Langford, Mr. MacGregor, who sat on public safety up until the spring.

Ensuring accountability in this bill is very important. What the proposal would do is amend the bill in clause 72 to state that:

> The Minister must provide a copy of the report to the Chairperson and must cause a copy to be tabled in each House of Parliament within the first 15 days on which that House is sitting after the Minister receives the report.

This ensures accountability, of course, to Parliament, which I think we would all agree with. Because Mr. MacGregor was part of the initial hearings and heard the importance of accountability in this legislation, he is making this recommendation through me.

I move NDP-56.

The Chair: Thank you.

Go ahead, Mr. Motz.

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

I'm trying to understand the language, right now.

We're talking about replacing lines 30 and 31, or subclause 72(2) in the bill, with language proposed by Mr. Julian. What's the purpose of "A copy of the report must be provided to the Chairperson" in subclause 72(2) now? Wouldn't the chair already have this? Why would this need to be there?

It doesn't make sense that the reports would come back to the House in some way. I'm lost as to the purpose of current subclause 72(2) of the bill.

● (1755)

Mr. Randall Koops: The purpose of the current subclause 72(2) is this: The chair of the commission will receive the reports that the agency heads send to the minister so that she, in turn, can prepare her own assessment of their reporting, in order to include it in her report to the minister, which is tabled in Parliament.

As we understand it, the amendment would cause, as an interim step, the first report from the commissioner and president to the minister to be tabled in Parliament before the minister receives the commission's assessment of the agency's reports, and before she has completed her own annual report.

You are correct. It would create a situation whereby the reports of the agencies to the minister would come before Parliament twice: once without the benefit of the committee's commentary, assessment, aggregation of data and all the rest of that, and again—later in the reporting cycle, as amended—when the full report of the commission is sent to the minister and, in turn, tabled in Parliament.

Mr. Glen Motz: Okay. Thank you.

The Chair: Thank you.

Is there any further discussion?

Go ahead, Ms. O'Connell.

Ms. Jennifer O'Connell: Thanks, Mr. Chair.

I want to highlight this, as well. I think it could limit parliamentary oversight.

If the RCMP or CBSA reports are brought before committee for a response, for example, we might not have the benefit of the PCRC's report. Therefore, the committee would be limited in asking whether they've implemented all the recommendations, let's say, or what the status is on that. This could limit the ability for parliamentary oversight, in terms of not having the full report with the commission's findings at the same time.

That's why we can't support this amendment.

The Chair: Thank you.

Is there any further discussion?

We have a tied vote, but the chair votes against.

(Amendment negatived: nays 6; yeas 5)

(Clause 72 to 74 inclusive agreed to on division)

(On clause 75)

The Chair: That brings us to clause 75 and NDP-57.

Mr. Julian, please.

[*Translation*]

Mr. Peter Julian: As we have discussed this topic, I will not be moving amendment NPD-57.

● (1800)

[*English*]

The Chair: I didn't hear your remarks. I didn't have my earpiece on there, and my French is a little shaky.

Mr. Peter Julian: Oh, okay.

[*Translation*]

I initially said that the chair was excellent except for his last vote; I then told him that I no longer wanted to move amendment NDP-57.

[*English*]

The Chair: That's excellent, thank you.

Shall clause 75 carry?

(Clause 75 agreed to: yeas 7; nays 4)

(Clauses 76 to 86 inclusive agreed to)

(On clause 87)

The Chair: We have amendment BQ-14.2.

[*Translation*]

Ms. Michaud, go ahead.

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

The purpose of amendment BQ-14.2 is to add a provision according to which the Governor in Council may make regulations, including with respect to the criteria for determining whether a complaint is "trivial, frivolous, vexatious or made in bad faith".

Why are we proposing an amendment like that? In the bill, there is no definition of the words "trivial", "frivolous", or "vexatious", or of the expression "made in bad faith", and yet these words are important.

This amendment would allow for this to be dealt with afterwards, in the regulations. It makes things a little clearer.

[*English*]

The Chair: Thank you.

Is there any discussion on BQ-14.2?

Go ahead, Mr. Lloyd.

Mr. Dane Lloyd: I'm inclined to support this amendment.

To the witnesses, do you already have processes in place to determine whether or not complaints are vexatious and to deal with that? Would this possibly be an unnecessary amendment?

Perhaps you can explain your process as it is.

Mr. Randall Koops: My colleague can explain their process.

I would just observe that the government is of the view that it is actually preferable, as part of the commission's independence, that it define those terms itself and apply those definitions as part of its own rule-making authority, which is otherwise.... It's not resting with the Governor in Council but resting internally with the commission itself, as part of exercising its quasi-judicial role, as it does now, which my colleagues can explain.

Ms. Joanne Gibb: The commission has a policy—it's available on our website—that governs the discretion to refuse to deal with a complaint. We have a framework around what “trivial, frivolous, vexatious or made in bad faith” is. That's how we apply the discretion of the chairperson, or her delegate in this case.

I can read to you the policy and the definitions we use, if you'd like, or we can skip that.

● (1805)

Mr. Dane Lloyd: I have just a quick follow-up. Is there any evidence or have you seen cases in which your framework has said that something was vexatious, you were challenged on that, and then it was later ruled that it wasn't vexatious? Has your framework as it exists been successful at blocking vexatious complaints, without complaints that were later found to be founded?

Ms. Joanne Gibb: It hasn't been challenged.

The Chair: Is there any further discussion?

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

The Chair: That brings us to BQ-14.3.

[*Translation*]

Go ahead, Ms. Michaud.

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

The intent of amendment BQ-14.3 is also to add a provision indicating that the Governor in Council make regulations with respect to applicable criteria for not dealing with a complaint for reasons related to national security.

Once again, that would allow for regulations to be added following the passage of the bill. This was requested by the Canadian Bar Association.

[*English*]

The Chair: Mr. Melillo.

Mr. Eric Melillo: Thank you, Mr. Chair.

Similar to the last question from my colleague Mr. Lloyd, I'm curious to know whether there is already an existing process similar to this or that might be covered under this.

I'll leave the question there for your comments.

Ms. Joanne Gibb: We don't have a policy on this. The process usually is that it's identified, at the point of intake, that on its face it appears to be national security or closely related to national security. We may or may not consult with our colleagues at the RCMP if we have any questions. They then could identify whether it's closely related, yes or no. We've done that on a few occasions.

Otherwise, most of the time it's fairly obvious. Then we send it to NSIRA to deal with.

Mr. Eric Melillo: Thank you.

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

The Chair: That brings us to G-8. Who will move G-8?

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

I'll move a subamendment that a new paragraph (o.1) would include respecting:

> (i) sharing of information and cooperation between the Commission and the National Security and Intelligence Review Agency or between the Commission and any other prescribed federal entity,
>
> (ii) referral of complaints by the Commission—

Do I need to read all of these into the record?

No. Okay. Thank you. Then I'll go quickly to the explanation.

This provides for Governor in Council regulation-making power with respect to information sharing, the referral of complaints, joint proceedings and co-operation between federal review bodies such as the PCRC and NSIRA. We think this is important because if there are overlaps or national security matters, we want them to be able to be investigated but also to protect national security matters. We also want the reverse, so if something were to come forward with NSIRA that perhaps should be looked at through the PCRC, this would allow that information sharing and the ability for multiple agencies to be able to do work based on these investigations.

Thank you.

The Chair: Thank you.

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

Mr. Motz, go ahead.

Mr. Glen Motz: Thank you, Chair.

Given the explanation Ms. O'Connell just gave, could Mr. Koops explain something?

What's the difference in how it's read now...? With the way paragraph (o) is read now under proposed section 80, what will these new proposed subparagraphs (i), (ii) and (iii) do substantively to the bill? How would they change it?

What advantages or disadvantages are there if we keep it the way it is, or if we add it as proposed?

● (1810)

Mr. Randall Koops: We appreciate it may be a bit difficult to follow. It's actually a new paragraph (o.1), so it is not an addition to (o). It would simply provide for the Governor in Council to have the authority to make regulations. Proposed section 87 is the list of all the grounds on which the Governor in Council can make recommendations. This adds to that list regulations that could deal with effective information sharing between the commission and NSIRA or other bodies, while at same time ensuring that their independence and their respective mandates are maintained. That is in response to a recommendation from the chair of the commission.

My colleagues may have more detail on that.

Ms. Joanne Gibb: The commission regularly meets with and consults NSIRA on a number of matters, and this has come up. There could be instances when it is related to a complaint where, for example, NSIRA's investigating the national security elements but, say, there's a use of force aspect to it. That is not national security, per se, as I think we all understand it; it's much more directly in the realm of policing and policing authorities. How, then, would we deal with that?

We've had these discussions. We were actually looking at getting into an MOU with NSIRA, but this would be much clearer if it was in the regulations, so that we could work with it and it could share the information with us, and we could exercise our mandate as it exercises its mandate in the respective elements of a complaint.

The Chair: Thank you.

Are you done, Mr. Motz?

Mr. Glen Motz: Just hold on a second.

I'm done. Thank you.

The Chair: Thank you.

We will go now to Mr. Shipley.

Mr. Doug Shipley: There was some confusion. I just need a moment, Chair. I'm sorry.

The Chair: Are you done? Okay.

That being said, are there any further interventions?

Mr. Lloyd.

Mr. Dane Lloyd: Has there been a new subamendment added? Have we been provided with the change in writing?

The Chair: I don't believe it's a subamendment. I think Ms. O'Connell misspoke.

She is moving the amendment.

Mr. Dane Lloyd: Okay, so there has been no change to it. I think the confusion was that we heard “subamendment”.

Thank you.

The Chair: That's fair enough.

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

(Clause 87 as amended agreed to on division)

(Clause 88 agreed to on division)

(Clause 89 agreed to: yeas 7; nays 4)

(Clause 90 agreed to: yeas 7; nays 4)

● (1815)

The Chair: Mr. Julian is not moving the amendment to clause 91. Okay.

(Clause 91 agreed to: yeas 7; nays 4)

(Clause 92 agreed to on division)

(Clause 93 agreed to: yeas 7; nays 4)

(Clause 94 agreed to on division)

(On clause 95)

The Chair: That brings us to NDP-60.

Go ahead, Mr. Julian.

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

This will be an important discussion. It is a recommendation from Breaking Barriers that reservists within the RCMP should be covered by the provisions of the proposed public complaints and review commission act. Currently, clause 95 states:

> Except as provided by the regulations made under subsection (1), this Act and the Public Complaints and Review Commission Act do not apply to reservists.

Mr. Chair, Breaking Barriers has recommended that it should apply to reservists. It does make sense, when it comes to law enforcement and any concerns that are raised; the public complaints and review commission act really should also apply to complaints made against reservists.

I am moving that amendment, NDP-60.

The Chair: Thank you.

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

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

With respect to this particular amendment, Mr. Julian, back in May, asked the RCMP how many complaints there have been against reservists in the last five years. The RCMP has provided us with that information, and I'd like to read it into the record as we discuss this amendment.

The response from the RCMP to that question was as follows:

"The RCMP reserve program provides access to experienced police officers to alleviate operational pressures due to planned and unplanned events, emergencies and temporary resource shortages such as vacancies and absences.

"The reserve program provides the RCMP access to a pool of qualified former police officers to provide short-term relief to help fill human resources gaps until permanent resources are in place. The reserve also provides the RCMP with surge capacity to quickly deploy resources to address emergency situations.

"The RCMP acknowledges that public complaints made against reservists are not governed by the current part 7 of the RCMP Act, and thus not subject to a review by the Civilian Review and Complaints Commission for the RCMP. The public complaint regime set out in part 7 of the RCMP Act applies to regular members, civilian members, special constables and supernumerary special constables. At this time, it does not apply to reservists.

"Reservists are subject to the Values and Ethics Code of the Public Service. Any complaint made against the conduct of a reservist is managed by the applicable divisional reservist coordinator.

"Each incident of alleged misconduct is considered. Reservist misconduct can be addressed through operational guidance, additional training and, in some cases, revocation of appointment as a reservist.

"Divisional reservist coordinators are encouraged to inform complainants of the outcome of their complaint against the reservist. Since complaints against reservists are managed divisionally, they are not recorded in the national database used to track admissible public complaints pursuant to part 7 of the RCMP Act. As such, a manual survey of each division was required to determine how many complaints have been made against reservists in the last five years.

"Based on the available reporting, the RCMP estimates that approximately 59 complaints were received by the RCMP in the last five years, involving reservists. Since complaints against reservists are not recorded in a formal database at this time, this sum represents the RCMP's best available estimate at this time. For perspective, the RCMP currently employs 462 reservists across the country."

I appreciate that information, because I think it provides a good indication of whether or not the RCMP...or whether the PCRC complaint mechanism and process should apply to reservists. They're obviously absent now.

My question to the witnesses would be this: Do you see a need to add this? Is there an issue from the RCMP's perspective, from the commission's perspective or from the department's perspective? What are your thoughts on now adding reservists into this mechanism, and what impact will that have?

● (1820)

Ms. Deidre Pollard-Bussey (Director, Policing Policy, Department of Public Safety and Emergency Preparedness): Maybe I can start. The policy intent behind the original clause 95 of the bill was to follow through on the existing mechanisms within the RCMP Act. There are things within the RCMP Act that fall outside of the complaints regime and are HR-related items. That's the reason the bill was drafted the way it was.

The way we read this particular amendment is that it's not just about the PCRC Act. It would also include the full application of the RCMP Act to reservists, so we do have some concerns with the way the amendment is written.

In terms of the impact of this regime on reservists, I will leave it to my RCMP and other colleagues to comment on that.

Mr. Glen Motz: What is the impression of the RCMP of adding this into this bill and the implications that would have on your moving forward with the change to your act?

● (1825)

Mr. Alfredo Bangloy: My understanding of this is that, if the intent is to include reservists under the PCRC regime, I believe all that would be required would be to remove this clause 95 from the bill. Then reservists would be included in the PCRC regime, and that would give complainants the ability to seek a review from the PCRC should they not be satisfied with the RCMP's handling of their complaint against a reservist.

Mr. Glen Motz: If I understand you correctly, you said to take section 95 out of the bill—remove it completely.

Mr. Alfredo Bangloy: If section 95 were removed, then my understanding is that the PCRC act would apply to reservists, and the RCMP Act would remain intact, because the RCMP Act would remain as is.

Ms. Kathleen Clarkin (Director, National Recruiting Program, Royal Canadian Mounted Police): I'll just maybe add on some clarity to my colleague's comments. As the PCRC act is written now, it talks about those appointed under the RCMP Act. With our interpretation with Justice Canada, because the regulations to create the reserve program are part of the RCMP Act, that does include them by means of that definition without—as my colleagues from Public Safety have flagged—having to encroach on all of the other parts that impact, like compensation and other HR matters. Therefore, without specifically naming them and by being silent, we have that coverage that a reservist's complaining against them could be brought to the commissioner.

Mr. Glen Motz: From the department's perspective, what are your thoughts, Mr. Koops, on having clause 95 removed from the act?

Mr. Randall Koops: That portion of the bill is the responsibility of my colleagues in policing policy, so they are better placed to speak to it than I am. Thank you, though.

Ms. Deidre Pollard-Bussey: We recognize that this is a gap. It creates a class of individuals who are not currently covered under this particular clause of the bill, but, as I said, in terms of the impact on operations and resources, that would be a question for the commission or the RCMP.

Mr. Glen Motz: I'm a little concerned that the amendment as presented applies to reservists, yet our RCMP colleagues are saying that, if we take it out, it will apply to reservists but you won't have to change the RCMP Act. Is what I understood correct? If we take out clause 95 and take out what is non-applicable to reservists, does that mean that reservists would be included in this bill, or is it going to be that they are completely removed and that there's no reference to them whatsoever?

Ms. Kathleen Clarkin: It's our interpretation that they could be included, so, if there was a complaint against a reservist, by interpreting who it applies to, the commission could receive that, if it chose to.

Mr. Glen Motz: Is it applicable, then, or is it more appropriate to have an amendment that says that we're going to take out clause 95, as opposed to this amendment 60 from the NDP?

Ms. Deidre Pollard-Bussey: Our interpretation of the amendment as proposed under NDP-60 is that it's not just related to the PCRC Act but to the whole of the RCMP Act.

Mr. Glen Motz: All right.

Ms. Deidre Pollard-Bussey: By changing that piece of the clause, we could fix that. The RCMP Act is outside of the scope of what we're trying to achieve with this amendment.

Mr. Glen Motz: Okay, I understand that.

Do you, then, support the idea of having clause 95 removed from the act?

The Chair: I would caution that the officials aren't really here to give that kind of response.

Mr. Glen Motz: That's fair enough.

The Chair: Mr. Motz, are you done?

Mr. Glen Motz: Yes.

The Chair: Go ahead, Mr. Gaheer.

Mr. Iqwinder Gaheer: Thank you, Chair.

We agree with the intent of this amendment to ensure that the conduct of reservists is reviewable under the PCRC. I was under the impression that removing clause 95 wholesale would, in fact.... Reservists would fall under the purview of the PCRC without having to amend the act. My impression was verified by the witnesses, so we will vote against this amendment and also against the clause itself, which will remove clause 95.

Thank you.

● (1830)

The Chair: Thank you.

Mr. Lloyd, you have the floor.

Mr. Dane Lloyd: Are reservists covered under...? A lot of what we've been trying to do with this legislation is ensure that there's labour representation throughout this process, so are reservists covered by the union or by any labour protections, so that they can have advocates there for them during this process? I'm curious about that.

Thank you.

Ms. Kathleen Clarkin: Yes, reservists are represented by the National Police Federation, so they are members of that, and they do have them as an advocate.

The Chair: Thank you.

Mr. Glen Motz: Chair, I'm still confused. I'm sorry.

Mr. Gaheer, you don't support this amendment by the NDP—I don't, either—but, if I heard you correctly, you're suggesting to remove clause 95. I don't see that as a government amendment to the....

Mr. Iqwinder Gaheer: We'll vote against clause 95 when the vote comes to the clause.

Mr. Glen Motz: Oh, I see what you're doing. Okay, that's fair enough.

The Chair: Are there any further interventions?

Shall NDP-60 carry?

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

Mr. Doug Shipley: Chair, can we have a very quick suspension for two minutes? We've been here over two hours.

The Chair: We could finish this clause and then take a couple of minutes. How would that be?

(Clause 95 negatived: nays 11; yeas 0)

The Chair: I don't think there's a will to suspend at this time. We are getting so close; we have three or four pages. We could finish this in short order.

Shall clause 96 carry?

(Clause 96 agreed to on division)

The Chair: That brings us to new clause 96.1—

Yes, go ahead, Mr. Motz.

Mr. Glen Motz: Chair, I'd like to introduce a motion, please.

The Chair: What is it in respect of?

Mr. Glen Motz: It is a motion that has been placed before the committee. Notice was given a couple of weeks ago.

I'll read the motion:

> That, given that CSIS Director David Vigneault told our Five Eyes allies that the dictatorship in Beijing is targeting Canadian universities, saying, "Everything that they're doing in our universities and in new technology, it's going back into a system very organized to create dual-use applications for the military", the committee invite the Director of CSIS to brief the committee on his efforts to set up a Research Security Centre.

● (1835)

Ms. Jennifer O'Connell: Mr. Chair, on a point of order, although notice of the motion was given, we're not in committee business and it's not relevant to the topic. I would suggest that this motion is out of order at this time.

The Chair: Thank you.

Unfortunately, I did recognize Mr. Motz and notice was given, so it doesn't have to relate to the business at hand.

Mr. Motz can continue with his motion at this time.

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

I think it's important for the committee to start looking at some of the work Canadians expect us to do. It is topics like what's in the motion, about the universities and the security threat that China is to this country, that protect Canadians from the real and present threats that are out there in the world and that are at the doorsteps of Canadians.

While this government continues to ram through bad legislation, the director of CSIS, who is Canada's top spy, and our Five Eyes partners, which we have basically ignored and abandoned in the last eight years, have sounded the alarms and are imploring us to do our jobs as politicians.

Chair, I've heard the director of CSIS inform us of how important it is that we let the NDP and Liberals ram through legislation, but he also says that dictatorships in Beijing are targeting Canadian universities. He said, "Everything that they're doing in [those] universities and in new technology is going back into a system very organized to create dual-use applications for the military."

That should make the hair on the back of our necks stand on end, Mr. Chair. It's time that this committee starts taking its role seriously and starts listening to Canadians.

When it comes to what this country needs, I think it's important that Canadians help us decide that—not necessarily the PMO. I think that having the director of CSIS come to this committee, have an opportunity to use this place as a non-partisan tool to protect democracy and explain the fears he has, and inform us of how we can better act to protect all Canadians would be a necessary part of the work of this committee.

Chair, the fear of foreign espionage, foreign interference and targeting is not new. It is also not the first time the director has tried to make us aware of the problems we face as a country.

The National Security and Intelligence Committee of Parliamentarians, in 2019, in "Chapter 2: The Government Response to Foreign Interference—Part II", made reference to this, specifically on the point of interference with academic institutions.

For the benefit of the committee I am going to read a couple of sections of that report.

[*Translation*]

Ms. Kristina Michaud: I have a point of order, Mr. Chair.

[*English*]

The Chair: Ms. Michaud, go ahead on a point of order, please.

[*Translation*]

Ms. Kristina Michaud: Thank you.

I know that you ruled Mr. Motz's motion to be in order.

Am I to understand that he is now discussing it? If so, could he tell us how long it will take? I see that he has a large pile of paper in front of him and that we are approaching the end of Bill C-20.

I am therefore wondering whether we'll be able to get back to the bill within the next few minutes.

[*English*]

The Chair: I suspect that we are not going to get back to Bill C-20 tonight.

In that regard, I wonder if it's the will of the committee to invite our witnesses to withdraw.

Some hon. members: No.

The Chair: That being said, Mr. Motz, carry on. You have the floor.

Mr. Glen Motz: Thank you.

Again, this is the annual report from 2019, where NSICOP spoke specifically about interference with academic institutions.

They say, in paragraph 171, the following:

> Some states carry out foreign interference activities on Canadian postsecondary education campuses. They seek to utilize the open and innovative features of these institutions to further their own objectives, which include interference activities but also other actions with hostile intent (e.g., espionage and intellectual property theft). Foreign interference activity seeks to influence public opinion and debate, thereby obstructing fundamental freedoms such as speech and assembly, and the independence of academic institutions. In trying to influence public debate at academic institutions, foreign states may sponsor specific events to shape discussion rather than engage in free debate and dialogue. They may also directly or indirectly attempt to disrupt public events or other activities perceived as problematic.

They go on to say in paragraph 173:

> As CSIS noted, the [Chinese Students and Scholars Associations] are an important support mechanism for international students studying abroad and "provide a social and professional network for students...they are not nefarious in and of themselves." However, there is growing public concern about the relationship between the [Chinese Students and Scholars Associations] and the PRC's embassies and consulates as the [Chinese Students and Scholars Associations] are "one of the main means the Chinese authorities use to guide Chinese students and scholars on short-term study abroad." In the United States, [Chinese Students and Scholars Associations] are "mobilized to protest campus events that threatened to show China in a negative light.... Though ties with the Chinese government vary from chapter to chapter, there is reportedly 'growing ideological pressure from the embassy and consulates'. Some CSSAs already mandate loyalty to the Party—

● (1840)

Ms. Jennifer O'Connell: I have a point of order, Mr. Chair.

Do we have any printed copies available?

Mr. Glen Motz: Of the motion?

Ms. Jennifer O'Connell: Yes.

Mr. Glen Motz: Yes, we should have.

The Chair: I believe they were distributed by email.

Ms. Jennifer O'Connell: They were. I would just like to see if it's the same motion that was read into the record, so if we have printed copies....

The Chair: The clerk says that he can get us some printed copies in a couple of minutes.

Ms. Jennifer O'Connell: That's perfect. Thank you.

Mr. Glen Motz: Thank you.

> Though ties with the Chinese government vary from chapter to chapter, there is reportedly 'growing ideological pressure from the embassy and consulates'. Some CSSAs already mandate loyalty to the Party line." CSSA behaviour may also pose a threat to freedom of speech and assembly. For example, a media report discussed a Toronto-based chapter of the CSSA that immediately informed the Chinese consulate and publicly condemned a presentation at McMaster University by Rukiye Turdush, a critic of the PRC's internment of Uyghurs.

Chair, if we want to suspend until we get that motion printed off for everybody....

The Chair: No. That's fine.

Mr. Glen Motz: That's excellent.

> As part of the PRC's cultural influence efforts abroad, the Chinese government funds Confucius Institutes that "teach Chinese language and culture, including calligraphy, food and dance." For example, there are now more Confucius Institutes in Africa than the number of cultural centres of any other government except France. In Canada, these institutes are typically affiliated with postsecondary education institutes and K-12 schools. CSIS notes that New Brunswick recently shut down a Confucius Institute due to community complaints related to foreign interference. In the United States, the Permanent Subcommittee on Investigations for the Committee on Homeland Security and Governmental Affairs recently completed a review of these institutes in a report entitled "China's Impact on the U.S. Education System." The report noted that,
>
> "Confucius Institute funding comes with strings that can compromise academic freedom. The Chinese government approves all teachers, events, and speakers. some U.S. schools contractually agree that both Chinese and U.S. laws will apply.... The Chinese teachers sign contracts with the Chinese government pledging they will not damage the national interests of China. Such limitations attempt to export China's censorship of political debate and prevent discussion of potentially politically sensitive topics."
>
> Recent Canadian media reports have highlighted similar concerns, including a January 2019 article that discussed the rejection of a Confucius Institute agreement by a Toronto school board.

Further on, it states:

> The Committee believes—

This is NSICOP.

> —there is ample evidence...that Canada is the target of significant and sustained foreign interference activities...the PRC, the Russian Federation...other states.... The committee believes that these states target Canada for a variety of reasons, but all seek to exploit the openness of our society and penetrate our fundamental institutions to meet their objectives. They target ethnocultural communities, seek to corrupt the political process, manipulate the media, and attempt to curate debate on postsecondary campuses. Each of these activities poses a significant risk to the rights and freedoms of Canadians and to the country's sovereignty: they are a clear threat to the security of Canada.
>
> Canada is not alone in facing this threat. Its closest security and intelligence allies, including those within the Five Eyes and NATO, are targeted by many of the same foreign states using many of the same techniques. Like terrorism, the threat of foreign interference is increasingly seen by states as a growing threat requiring a common response.

Chair, I would like to turn the committee's attention to the NSICOP report from 2020—the last one was from 2019—submitted to the Prime Minister in December 2020. Although I know the members of the committee would like me to read the entire 60-page report, I will not, but I will read the sections of the report that directly speak to the content of the motion that I presented:

● (1845)

> In 2018, the Committee—

Again, this is from the report on espionage and foreign interference from NSICOP.

> —identified espionage and foreign interference as growing threats that will likely require a more significant response in the years ahead. Espionage and foreign interference threaten Canada's sovereignty, prosperity and national interests. These threats target communities, governments, businesses, universities and technology. In 2019, the Committee reviewed the government's response to foreign interference and found that foreign interference activities pose a significant risk to national security, principally by undermining Canada's fundamental institutions—

Hon. Kerry-Lynne Findlay (South Surrey—White Rock, CPC): On a point of order, Mr. Chair, there is so much conversation on that side of the room that I can barely hear my colleague just two microphones away.

An hon. member: [*Inaudible—Editor*]

The Chair: Let's not have crosstalk.

An hon. member: [*Inaudible—Editor*]

The Chair: Hold up.

An hon. member: [*Inaudible—Editor*]

Hon. Kerry-Lynne Findlay: Excuse me. You're interrupting me. I have the floor. It is my point of order.

An hon. member: [*Inaudible—Editor*]

The Chair: Order!

Hon. Kerry-Lynne Findlay: It is my point of order and I have the floor.

The Chair: Come to order, both of you, please. Let's have one at a time.

I understand there's some noise—

Hon. Kerry-Lynne Findlay: Mr. Chair, the noise is so loud, with at least five conversations over on that side of the room, that I was having trouble hearing my colleague only two microphones away from me.

If we could call it to order, I would appreciate that.

The Chair: I just did. Thank you for your intervention.

Things have quieted down. Thank you to all.

Mr. Motz still has the floor.

Are you raising a point of order, Mr. Julian?

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

Things have deteriorated, so I move adjournment.

The Chair: Thank you.

All in favour of the motion to adjourn?

(Motion agreed to)

The Chair: Very well. The meeting is adjourned.