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• (1105)

[Translation]

The Chair (Hon. Jean-Yves Duclos (Québec Centre, Lib.)):
Good morning, everyone. I call this meeting to order.

Welcome to meeting number 15 of the House of Commons Standing Committee on Public Safety and National Security.

Pursuant to Standing Order 108(2) and the House order of reference of October 23, 2025, the committee is meeting on its study of Bill C-12, an act respecting certain measures relating to the security of Canada's borders and the integrity of the Canadian immigration system and respecting other related security measures.

I'd now like to welcome the witnesses who will be with us for the first hour of the meeting. From the Canadian Vehicle Manufacturers' Association, we have Brian Kingston, who is the president and chief executive officer, and from the Insurance Bureau of Canada, we have Liam McGuinty, who is the acting vice-president of federal affairs.

Mr. Kingston, you have the floor for five minutes.

[English]

Brian Kingston (President and Chief Executive Officer, Canadian Vehicle Manufacturers' Association): Thank you, Chair and committee members, for the opportunity to participate in your study of Bill C-12.

One year ago, the Canadian Vehicle Manufacturers' Association, CVMA, appeared before this committee to raise our concerns about the rise in car thefts in Canada. Despite stronger regulatory requirements for Canadian vehicles in the form of mandatory engine immobilizers and the fitment of the same technologies in new vehicles in both Canada and the U.S., Canada's vehicle theft rate was growing significantly faster than that of the United States.

Since then, manufacturers have continued to improve deterrence and security systems to stop vehicle theft. The industry has also been actively working with stakeholders, including federal, provincial and municipal governments, insurance and law enforcement to better understand challenges and find solutions to deter vehicle theft.

These efforts alone cannot stop theft. Sophisticated transnational organized crime groups have targeted Canada, where the perceived risk of prosecution was low and the financial reward was high. To address this situation, we called for a comprehensive plan to target organized crime groups and close the export market for stolen vehicles.

Bill C-12 takes meaningful and necessary steps to target organized crime groups and secure our borders. These include strengthening Canada's anti-money laundering and anti-terrorist financing regime, including through stronger anti-money laundering penalties; amendments to the Customs Act obligating owners and operators at ports of entry to provide, equip and maintain facilities for any purpose related to the administration and enforcement of the CBSA mandate; and allowing the CBSA to access premises under the control of transporters and warehouse operators to perform examinations in places where goods destined for export are reported, loaded, unloaded or stored.

These measures, combined with the Government of Canada's border plan and Bill C-2, will make it more challenging to operate vehicle theft rings in Canada that primarily export vehicles to foreign markets.

The evidence is clear. More resources to secure our border and to target organized crime have already reduced theft rates in Canada. The increase in the number of stolen vehicles has been reversed, with 16,000 fewer vehicles stolen in 2024 compared to 2023. That's a 14% decrease. Through the first half of this year, auto theft rates have decreased by 19.1% compared to the same period in 2024.

To maintain and build on that success, increased border resources must be maintained. There is more that can be done to address new forms of theft. In response to enhanced vehicle security systems and police resources that are targeting theft, organized crime groups have now increasingly focused on auto financing fraud.

Organized crime groups are the root of the vehicle theft problem in Canada. Theft will persist as long as these groups find ways to profit from stealing vehicles while minimizing their risk of prosecution.

We applaud the actions taken by the federal government. We remain committed to working with all levels of government, insurance and law enforcement to continue to reduce vehicle theft here in Canada.

Thank you very much. I look forward to your questions.

[Translation]

The Chair: Thank you very much, Mr. Kingston.

Mr. McGuinty, you have the floor for five minutes.

[English]

Liam McGuinty (Acting Vice-President, Federal Affairs, Insurance Bureau of Canada): Good morning. I'm pleased to be here today on behalf of the Insurance Bureau of Canada. We represent the vast majority of Canada's home, car and business insurance companies.

My remarks today will address the persistent challenge of auto theft in Canada, emphasize the urgent need for sustained federal leadership to tackle the issue and highlight the role Bill C-12 can play in that effort.

Auto theft reached crisis levels in Canada a few short years ago. In 2023, the number of stolen vehicles surged to 115,000—a 46% increase over just a 10-year span. In the lead-up to the crisis, our industry had been sounding the alarm and has since worked closely with governments, law enforcement, stakeholders and consumers to raise awareness of auto theft. Our interest in the issue is clear: Auto theft drives up insurance costs and premiums for all of us. More critically, it undermines public safety. Beyond its immediate impact on driver safety, auto theft serves as a major funding source for organized crime.

Because of the data it holds, our industry serves as a barometer on auto theft. Let's start with the good news. Auto theft rates are dropping. According to Statistics Canada in 2024, theft rates fell by 14% compared with the previous year. Our data shows that these decreases are largely driven by fewer thefts in Ontario and Quebec. We credit this improvement to coordinated efforts by all levels of government and law enforcement. Insurance companies have also played a role through incentives and pricing signals that help consumers make informed choices about the vehicles they drive and how to protect them.

Here's the bad news: Despite the recent decreases, theft rates are 25% higher than they were 10 years ago. Last year, just under 100,000 vehicles were reported stolen. Organized crime continues to drive a significant amount of auto theft in Canada. In many instances, they're targeting newer, high-value models, often luxury SUVs and trucks, then exporting them overseas for close to full market value. In other bad news, the impact of auto theft on insurance premiums has increased. The cost of insurance claims for theft are up nearly 400% since 10 years ago.

Thankfully, we've begun to collectively recognize the need to disrupt the stolen vehicle market. The CBSA and law enforcement have made good progress intercepting stolen vehicles before they leave the country. Provincial governments and the CCMTA have begun cleaning up vehicle registry systems and sharing data, making it harder to fraudulently reVIN vehicles. The federal government has invested in the CBSA's capacity and in proposed tougher bail and sentencing laws for violent offenders.

Bill C-12 is the latest encouraging development. As this committee knows, the bill would obligate owners and operators at ports of entry and exit to provide, equip and maintain facilities to allow for the examination and detention of goods destined for export. It would also allow the CBSA access to premises under the control of transporters and warehouse operators in order to perform examinations in places where goods destined for export are stored. The bill recognizes the strategic importance of our ports of exit as critical

choke points—key points where we can intercept and prevent stolen goods, including stolen vehicles, from leaving the country. Initiatives like Bill C-12 are welcome and demonstrate the federal government's commitment to continuing the fight against auto theft.

Here's our concern: The data makes it clear that we're still in the thick of this fight. We can't afford to take our foot off the gas, which is why we've been calling for all elements of the national action plan on combatting auto theft to be adopted. This includes changes to Canada's motor vehicle safety standards that would ensure vehicle security becomes a mandatory safety feature.

In the near term, Bill C-12, along with any other effort to boost our enforcement capacity and disrupt the stolen vehicle market, is welcomed by our industry.

Thank you for the invitation to speak with you today. I look forward to your questions.

● (1110)

[Translation]

The Chair: Thank you, Mr. McGuinty.

Mr. Lloyd, you have the floor for six minutes.

[English]

Dane Lloyd (Parkland, CPC): Thank you, Mr. Chair.

We heard from the CBSA that they're seeing a shift in stolen vehicles on the east coast. It's now moving more to the west coast.

Is that something your organizations are observing?

Liam McGuinty: I'm happy to start.

What we track is insurance theft claims at IBC most closely. I think the general trend you've seen is a decrease in the value and volume of thefts in central Canada, in Ontario and Quebec. That's decreased. I'm happy to give some thought and have some discussion on why that might be.

Then there's a bit of a whack-a-mole in the rest of Canada. We've seen it decrease and we've seen it either even out in western Canada—

Dane Lloyd: In western Canada?

Liam McGuinty: We've seen some parts of western Canada increase, and some parts of Atlantic Canada increase, but it's not been an even experience.

Dane Lloyd: Thank you.

A recent CARFAX report from September claims that 372,000 vehicles in Canada have fraudulent or cloned vehicle identification numbers. This is deeply concerning. What are the concerns of the Insurance Bureau and your organization on these cloned VINs? What would be the impact?

• (1115)

Liam McGuinty: It is a growing issue. To give a bit of context, there are three things that happen, typically. They get exported to international markets; they get fraudulently reVINed and then sold to unsuspecting customers; or they get taken apart and sold in chop shops. ReVINing is a growing concern across Canada. Oftentimes a consumer, unaware, will purchase a vehicle they think has a clean bill of sale. It does not, and then there are often consequences for that consumer.

One thing we found encouraging is that provincial governments, including the Ontario government, and the CCMTA have started to clean up their VIN systems. They've started to share data more. That's an encouraging development, because the more we can share data, the more we can root out the kinds of fraudulent data we've seen in this system in the past.

Dane Lloyd: What would be the impact, if we're talking about over 300,000 cloned VINs, when people discover...? What happens to consumers when they discover that their vehicle has a cloned VIN that was fraudulently a stolen vehicle before they purchased it? What's the impact on customers?

Liam McGuinty: There are implications. The consumer ultimately has accountability for the car they drive. Law enforcement would be better equipped to speak to the specific consequences, but there absolutely is an onus on the consumer to know what they're purchasing. Oftentimes, though, they're doing it with a hand tied behind their back, because the information that's coming to them appears to be legitimate.

Dane Lloyd: Are the insurance companies going to come and claim those vehicles back? Don't they belong to the insurance companies?

Liam McGuinty: I'd have to come back to you on that. No, that's not something I've—

Dane Lloyd: If an insurance company has paid out a claim to somebody who had a stolen vehicle, and there's a consumer who bought that stolen vehicle, who ultimately owns that vehicle? Is it the consumer who purchased it or is it the insurance company that paid out the claim?

Liam McGuinty: It's a good question. There could be subrogation involved, ultimately, if it came to that point.

I don't know enough about that subject. I'd have to come back to you on that.

Dane Lloyd: Équité Association has labelled Alberta as a feeder province; Alberta now has the highest per capita rate of vehicle theft. It's clear that organized crime is engaged in reVINing. Now, some people have said that maybe we need a national vehicle registry, but I've already been told that we have an interprovincial record-sharing system. It's just not being used.

Can you give us some more information on that?

Liam McGuinty: There's something called the interprovincial record exchange. It's managed by the CCMTA. I think you are actually seeing provincial governments step up and use the IRE more. It was one of the recommendations in the national action plan on combatting auto theft.

I'm encouraged by what I've seen, which is a real focus on improving the data. The problem with a national VIN registry or an IRE is that it's garbage data in, garbage data out.

Jacques Ramsay (La Prairie—Atateken, Lib.): I have a point of order, please.

[Translation]

The Chair: The floor is yours, Mr. Ramsay.

[English]

Jacques Ramsay: I would just like the witnesses not to use acronyms like CCMTA, please.

The Chair: Okay.

Let's try to hear what CCMTA stands for. The interpreters might also appreciate that.

Liam McGuinty: Now I'm going to be challenged to actually know what it stands for. I believe it's the Canadian Council of Motor Transport Administrators. The IRE is the interprovincial record exchange.

Jacques Ramsay: Okay. Good.

The Chair: You have two more minutes.

Dane Lloyd: Thank you.

A concern has been raised to me. A vehicle purchase is sometimes people's largest purchase next to their home. When people discover that their vehicle is not legally theirs, some desperate people might do fraudulent things, such as say that their vehicle got stolen. Is that a concern of the Insurance Bureau?

As products come out, as in CARFAX's report that has just come out about these cloned VINs, could we see a rise in increased auto fraud in relation to these stolen vehicles? What is the Insurance Bureau recommending to combat that?

Liam McGuinty: It's possible that this could be a result. You are seeing an increase in auto fraud across Canada, and frankly, as you've seen a decrease in auto theft, the same kinds of criminals who committed it are looking for other opportunities to make a buck. Ultimately, the consumer needs to undertake full due diligence. There are services available through provincial governments, no matter where you are in Canada. They allow you to verify the VIN. There are also private services—you've referenced one of them—that allow you to do that. Our job, along with Équité Association, which is funded by the insurance industry and whose mandate is to combat auto insurance crime, is to share information about what you can do to protect yourself from auto theft and from fraud.

I think there's more work to do there, but we're encouraged by what we've seen on the auto theft component in the last year or so.

• (1120)

Dane Lloyd: I noted that you said there has been a decline in the number of vehicles reported stolen, but has the insurance industry seen a reduction in the financial losses from stolen vehicles?

Liam McGuinty: Marginally it has. We reached \$1.5 billion in auto insurance theft claims in 2023. It's gone down to something like \$1.3 billion, but over at—

Dane Lloyd: You said that auto thefts have gone down significantly in the last two years. Why haven't the financial claims gone down?

Liam McGuinty: It's the value. The value has gone way up. Over the last 10 years, the value of auto theft claims is 400% higher.

Dane Lloyd: The number of vehicles have gone down, but the cost of the claims has not gone down. It's gone up proportionally per vehicle.

Liam McGuinty: Well, to be clear, over the last couple of years, you've seen a decrease in both the value and the volume. Over the long run, though, the value of auto theft claims is significantly up. It's 400% up over the last 10 years.

The reality is that the cars being stolen are much more expensive now than they were previously. This isn't about folks stealing cars for joyrides. This is about targeting luxury SUVs and trucks because of the value they hold in the market.

Dane Lloyd: When luxury vehicles are stolen, does that increase the premiums of poor people's vehicles—

The Chair: I'm sorry, MP Lloyd. I apologize for interrupting you abruptly, but we need to move on to MP Dandurand for six minutes.

[*Translation*]

Marianne Dandurand (Compton—Stanstead, Lib.): Thank you, Mr. Chair.

I'd like to thank the two witnesses for being with us today to talk to us about the scourge of vehicle theft. However, I understand that the measures put in place have improved the situation over the past year, so that's excellent news.

Mr. Kingston, since we've been talking about data sharing, I'd like to know what kind of data held by manufacturers could be shared with the government or police authorities to reduce this problem.

Does Bill C-12 address the kind of information you have that could be useful to share in order to reduce vehicle theft?

[*English*]

Brian Kingston: There is a lot of record sharing between auto manufacturers and local police forces. There's also a lot of activity that occurs where they try to coordinate on vehicle safety systems, ultimately targeting some of these groups. With that being said, it is done on a very regional basis, and that was one of the challenges that we found. Manufacturers may be working with one local police force that was deeply involved in this, but there wasn't necessarily sharing occurring at the national level, for example.

Bill C-12 doesn't necessarily address that. However, the situation has improved dramatically because this became such a pressing issue for all involved. We are seeing better information sharing among municipal, provincial and federal governments, but there's always more to do.

The VINing question is a great example of that. We didn't have a coordinated approach on VINing, and different provinces had different approaches to it. It's not perfect, but it's getting better.

[*Translation*]

Marianne Dandurand: Can you describe in more detail the kind of information you have that could be useful to law enforcement? We know that our cars are being increasingly tracked through various safety systems. In the best cases of information sharing between police forces and manufacturers, what kind of information is shared?

[*English*]

Brian Kingston: It's largely case by case because what you'll see a manufacturer do, if they're coordinating with a local law enforcement agency, is try to find out how a vehicle security system was overcome, what was used to do it, and then find out what could possibly be done to avoid that in the future.

It very much is case by case, and these crime groups are very sophisticated. They're using different methods all the time. However, there is a benefit to sharing some of that information amongst law enforcement agencies so that they can understand what to look for, and of course, sharing it with auto manufacturers so that they can figure out what happened and why the vehicle was stolen in the first place.

[*Translation*]

Marianne Dandurand: Would you say there is collaboration between the various manufacturers to share information on theft techniques in order to reduce this scourge and increase vehicle safety?

[*English*]

Brian Kingston: That does occur. We don't have a formal structure for that type of information sharing, although the industry is regularly engaged with Transport Canada, which is responsible for the regulations regarding vehicle immobilizer systems, for example. There are venues for this type of information to be exchanged. I think there's probably room for improvement, though, just to make sure that everybody is responding to the most up-to-date information and the most up-to-date techniques that these groups are using.

• (1125)

[*Translation*]

Marianne Dandurand: Thank you. I invite you to create and formalize these exchanges. It can only benefit everyone.

Mr. McGuinty, I come from an area where there are no major urban centres. Based on your analysis of the data, is there a difference between vehicle thefts in urban areas and those in peri-urban or rural areas?

[*English*]

Liam McGuinty: Definitely.

This is a problem that has mostly targeted our larger cities. Frankly, Montreal and the GTA have been hot spots for auto theft. In part, that's because of their proximity to the port of Montreal.

You still see significant rates of theft in our urban centres, but that's not to say there isn't theft happening in our rural centres as well.

[Translation]

Marianne Dandurand: Do vehicles stolen in large urban centres and those stolen in rural areas have the same final destination? I imagine that vehicles stolen in the regions are more likely to be resold in Canada. Is that the case? Is that a trend we're seeing?

[English]

Liam McGuinty: That might be a better question for law enforcement.

What I can say, from what we've heard, is that in Ontario and Quebec, which have been bearing the brunt of the auto theft crisis for the last several years, a lot of those cars are destined for export. A lot of them are making their way up the 401, if you're in Ontario, toward the port of Montreal. That's not always the case, but it has certainly been a commonality among the thefts we've seen in central Canada.

[Translation]

Marianne Dandurand: Is there also information sharing to reduce the scourge? Does Bill C-12 provide a good framework or a better framework for information sharing?

[English]

Liam McGuinty: Absolutely.

One of the things our members did is offer anonymized VINs to car manufacturers in case it was useful in informing product design. We incurred that cost as an industry in the spirit of making sure that we can help create cars that are less likely to be stolen.

[Translation]

Marianne Dandurand: Mr. Kingston, we know that there are thieves who tamper with vehicle identification numbers. Are there ways for manufacturers to prevent this?

[English]

Brian Kingston: Not necessarily. You would be amazed by how much time, energy and resources these groups put into overcoming systems.

Companies have tried to make it more challenging for a VIN to be removed or replaced on a vehicle, but there have been situations where a vehicle was recovered and law enforcement found that this organized crime operation had a full VIN manufacturing facility where it was replacing the VIN with a highly convincing new VIN.

You have to always try to stay one step ahead, but I wouldn't underestimate the money and resources these groups put into replacing VINs.

[Translation]

The Chair: Thank you, Ms. Dandurand.

I now give the floor to Mrs. DeBellefeuille for six minutes.

Claude DeBellefeuille (Beauharnois—Salaberry—Soulanges—Huntingdon, BQ): Thank you, Mr. Chair.

During an appearance as part of the study on vehicle theft, the Insurance Bureau of Canada told the committee that, based on its findings, the border was porous, and that the Canada Border Services Agency and law enforcement agencies needed to do their job. However, it's estimated that there's a shortage of between 2,000 and 3,000 border services officers to ensure border security.

If we're seeing an improvement in the auto theft file, it's because the agency and the RCMP prioritized this problem, which had received a lot of media attention. However, one question often comes up: While they are focusing on vehicle theft, what services are being neglected? Organized crime comes to mind, as do other services that require the presence of border services officers.

So Bill C-12 could improve the situation, but I don't get the impression that it gives us the means to achieve our ambitions. In other words, it doesn't seem to provide sustainable resources to combat vehicle theft in the short and long term. That's what I think.

It must be said that everything depends on the agency's ability to provide its inspection services. The Montreal Port Authority tells us that it can take up to two weeks to open containers and that this has consequences for manufacturers. They can't get the vehicles to their customers, since there's a shortage of border services officers and they can't do their jobs any faster.

Do you believe that the provisions set out in part 2 or part 3 of Bill C-12 will really make a change or create a deterrent effect when it comes to vehicle theft?

Mr. Kingston can go first, and then Mr. McGuinty.

• (1130)

[English]

Brian Kingston: I think Bill C-12 is absolutely a step in the right direction, combined with all of the funding that was put into CBSA under the borders plan and some of the changes in Bill C-2. They are making a difference. We're seeing it in the data.

Your point is absolutely correct. As the border services put more energy and resources into vehicle theft, there is a risk that other types of illegal activity moving through the ports may see an increase, be it in drugs, guns or other sorts of illegal activity. That said, it was clear that we did not have the necessary resources. The inspections were not occurring on outbound cargo. Now, because the government has put funding into this, there will be much stronger deterrence against that type of activity occurring at ports.

It's a step in the right direction, but there's always more that can be done.

[Translation]

Claude DeBellefeuille: What do you think, Mr. McGuinty?

[English]

Liam McGuinty: I agree with Brian.

I will add two things.

One, I think for a very long time, and for sound public policy reasons, we had a focus on what was coming into the country, as opposed to the outflows. I think we've realized, especially with the tie to organized crime, that a focus on outflows is also in our public interest.

I would say that this bill and other measures by the government, including the increases to the CBSA's capacity, are important, and so too is the technology held by the CBSA. I know there have been pilot projects for new scanners and investments in more scanners. I think all of that will come together and continue to make improvements in, as I mentioned in my remarks, squeezing that choke point, which is really the final choke point in a very long auto theft supply chain.

[Translation]

Claude DeBellefeuille: I have a question that you may find a little unusual, Mr. Kingston. I must say that I don't really know much about it, and I didn't participate in the committee's study on auto theft, but I wonder why cars are so easy to steal. Why doesn't Transport Canada set high standards to force you to talk to each other, work together and neutralize theft techniques?

I understand that technology is evolving quickly, but from what I can understand, it seems quite easy to steal cars in Canada. Why is it so easy? Are other countries similar to us affected by this scourge in the same way as we are?

[English]

Brian Kingston: What we saw, and this is what caused us to raise the alarm when we were last here, is that we have the same vehicles in Canada, largely, as you would see on U.S. roads, but we actually have an immobilizer standard in Canada, which you don't have in the United States. Every vehicle comes fitted with an immobilizer, and yet theft rates here were far higher. That led us to investigate why it was happening, and it turns out it's because they could be easily exported out of market, which is harder to do in the United States.

To your question around the technology, companies are constantly evolving, but the amount of money that gets put into this by organized crime groups means that you put in a new security system, and in some instances, within days, those vehicles are being stolen by these groups and torn down, so they can find vulnerabilities. Then that information is shared. It is almost impossible to come up with a single solution that will make a car unstealable.

Let's say Transport Canada mandated that every vehicle should have bars on the window. You can't get into them. There would be no way possible, without some sort of heavy machinery. Well, what we saw happening here is that as the systems improved, organized crime groups turned to carjackings and violent home invasions. They will do whatever it takes to get the keys, and that's obviously a very dangerous outcome for Canadians.

There is no silver bullet on the technology side. It's a suite of measures, including closing off export markets, more law enforcement and higher penalties for criminals. There is no single technological solution that will stop the theft.

[Translation]

The Chair: Thank you very much, Mr. Kingston.

Mr. Gill, you have the floor for five minutes.

[English]

Sukhman Gill (Abbotsford—South Langley, CPC): Thank you, gentlemen, for coming in and being witnesses today.

Canada's auto sector has been coming to a breaking point for quite a while now. Theft is exploding and is costing Canadians a billion dollars a year in insurance claims, draining household budgets, and it's hammering the manufacturers who are already struggling to stay competitive.

Instead of easing the pressure, the federal government is continuing to pile on. After spending years championing the electric vehicle mandate, Mark Carney has finally admitted that the policy is unworkable. However, rather than scrapping it, he simply pushed it back to 2026 and launched another bloated bureaucratic review.

The question is very simple. How do you think the increased theft rates have affected the total cost structure of automakers, insurers and consumers, and how could these theft-related losses reduce the capital that manufacturers need to meet possible EV mandate compliance requirements?

• (1135)

Brian Kingston: The automotive industry is under unprecedented pressure, as you've outlined. Some of that is emanating from protectionist policies in the United States, but there are also a number of Canadian policies that have put huge costs on this industry at the worst possible time.

We estimate that the federal EV mandate will cost Canadian manufacturers over \$3 billion in compliance credits. It must be repealed. We have to take a look at every single element of Canada's competitiveness. If we're going to protect the automotive footprint, we should be evaluating all of these rules and regulations and determining if they are effective and what the cost is. If it's clear that they're redundant and ineffective, like the EV mandate, get rid of them. Let manufacturers focus on what they do best, which is building cars here and employing Canadians. Don't put these unnecessary regulations on top of them at a time like this.

Sukhman Gill: Do you agree that the EV mandate should be scrapped?

Brian Kingston: Absolutely.

We've been saying that for the better part of five years.

Sukhman Gill: How do you think that companies will weigh EV mandate penalties, rising vehicle tariff expenses and cross-border traffic tariff rises when determining whether to invest in new Canadian facilities or shift productions to other jurisdictions?

Brian Kingston: All of this is factored in when a company makes an investment decision. They evaluate a location on the costs of manufacturing in that location and there are a number of other factors that go into it. If you have an EV mandate that will require companies to sell fewer internal combustion engine vehicles and purchase credits from foreign automakers to operate here, that makes Canada significantly less attractive.

Sukhman Gill: If auto theft costs continue to rise and insurance premiums continue to go up, how might this affect consumers' willingness or ability to purchase higher-priced EVs?

Brian Kingston: It will make it a challenge for sure. Canadians are in an affordability crisis right now. If they are forced to purchase EVs, which is what the EV mandate does and this is according to Environment Canada, it's going to raise vehicle prices, reduce availability and ultimately impact low-income, rural and northern Canadians disproportionately.

Sukhman Gill: Would that be a struggle because the federal government has put a mandate to set a target there then?

Brian Kingston: Exactly. It's directly related to the federal mandate.

Sukhman Gill: That's what we've been saying the whole time. Given the soaring costs of theft and rising insurance premiums and the financial strain already crushing manufacturers, isn't it fair to ask whether the EV mandate is actively making Canada less secure by forcing money and attention away from combatting real threats towards unworkable strategies that the government has put forward?

Brian Kingston: Yes, it absolutely is.

Sukhman Gill: Would you like to go further into detail with that?

Brian Kingston: On the insurance question, if you boil it down to cost per consumer, at one point in Ontario, \$130 of your premium was going towards auto theft costs. Ontario has been a hot spot. In the last eight years in the GTA, theft claims have increased in value by 700%, far outpacing inflation and other factors that would contribute to an insurance premium.

Sukhman Gill: Thank you so much.

The Chair: I'll now turn to MP Ehsassi, for five minutes.

Hon. Ali Ehsassi (Willowdale, Lib.): Thank you, Mr. Chair. Thank you to our witnesses for doing a great job and providing us with a lot of information.

Mr. McGuinty, I think you mentioned the fact that most of these cars are coming from Toronto or Montreal and finding their way through the port of Montreal.

You mentioned specifically the 401. As you know, there are many cameras on the 401. I suspect that they are primarily for speeding purposes. Do you think there's any benefit to using that technology for the purposes of doing a better job detecting where these cars are coming from and cracking down on organized crime?

Liam McGuinty: I think there's merit to it, certainly.

Part of the challenge is the number of cars being stolen. Also, sometimes you don't realize that a car has been stolen and it doesn't get reported until sometime after. There are challenges with intercepting a car on the way from, let's say, your driveway to the final port of exit, which is why this bill and other efforts by the government to focus on that choke point are important.

It is typically a circuitous journey from your driveway to a cooling-off parking lot to perhaps another cooling-off parking lot and then up the road, etc. There could be opportunities for law enforcement to intercept. I think you've seen a really strong focus by law enforcement in central Canada and elsewhere, new investments and a keen focus on stopping auto theft. One of the reasons is because they know it is a primary funder of organized crime in this country.

• (1140)

Hon. Ali Ehsassi: Thank you, Mr. McGuinty.

Next, I will go to Mr. Kingston.

First of all, thank you for nice things you said about this bill. It obviously will help in our endeavour to crack down on stolen cars. You also said we should be using every tool available.

I wanted to ask the same question insofar as technology is concerned. As you know, the Premier of Ontario has said that he will not be using these cameras for speeding purposes anymore. Do you think they can be put to good use to assist our law enforcement authorities to crack down on car theft?

Brian Kingston: I would have to defer to law enforcement partners. They are best placed to answer what the tools are that they're missing to interdict and effectively intercept these vehicles before they make it to export market.

Brian Kingston: We have seen an improvement in recovery rates. It's up 3% this year, but there is a way to go.

I hesitate to give you a definitive answer on that simply because I'm not in law enforcement.

Hon. Ali Ehsassi: I appreciate full well, as you've explained to us, that there is no perfect solution to this.

Mr. Kingston, would you agree that auto manufacturers also have to bear some responsibility and there are certain things they can do to make it more difficult for cars to be stolen?

Brian Kingston: Absolutely. This requires numerous actors and players in this ecosystem coordinating and working together to address this, and the manufacturer role is working with law enforcement and improving their vehicle security systems, which they're doing constantly.

Hon. Ali Ehsassi: Thank you for that.

Mr. McGuinty, is there more that auto manufacturers can do?

Liam McGuinty: We've called for a whole-of-society approach to tackle this. There's certainly a role for automakers, and there's a role for government too.

One of the major outstanding items in the national action plan on combatting auto theft is the finalization of an update to the Canada Motor Vehicle Safety Standards. We've made input into that process, and so have a number of OEMs.

We haven't updated the standard since 2005. We think it's time to update that standard, and I think Transport Canada feels the same way. Technology has changed significantly since then and we think a standard should reflect that, and one of the ways to ensure a dynamic standard is to make it ambulatory in nature and have it evolve along with trends.

The Chair: Thank you.

[*Translation*]

Mrs. DeBellefeuille, you have the floor for two and a half minutes.

Claude DeBellefeuille: Thank you very much, Mr. Chair.

In your opening remarks, Mr. Kingston, you told us that it was a good thing that operators now have to provide facilities to enable border services officers to do their work.

Can you explain to me what concrete changes it could make, in the case of car theft, if there were facilities at a CN rail yard, for example?

[*English*]

Brian Kingston: One of the challenges we encountered when we started to dig into this and look more at what was happening at the port of Montreal specifically is that it's actually a constrained space and the CBSA didn't have the facilities to inspect outbound cargo at the rate that was necessary and pull cargo. When you think about a port of that size and scale and taking a container off a ship and bringing it somewhere you can safely open and inspect it, it takes quite a bit of physical space to do that effectively.

I think the bill is a step in the right direction because it guarantees and requires that port operators create that space for the CBSA, but there probably will still be some physical constraints at ports in Canada.

We cannot allow outbound cargo to leave Canada uninspected. That was what was happening and that was what was causing this problem.

• (1145)

[*Translation*]

Claude DeBellefeuille: Ports and railways will face significant costs to expand facilities, infrastructure and technology.

Do you think all costs should be covered by the operators, or should they be shared between the government and the operators?

[*English*]

Brian Kingston: Everybody has a role to play in it. I think the CBSA has to have the space to operate and do its job. I would argue, frankly, that if we don't address this, the costs will be borne by

all Canadians in the form of higher theft rates, higher insurance costs and, ultimately, more government and taxpayer money going into addressing these crime issues.

While there may be an upfront cost to putting in place these facilities, the long-term payoff will far outweigh that cost.

[*Translation*]

The Chair: Thank you, Mrs. DeBellefeuille.

Ms. Kirkland, you have the floor for five minutes.

[*English*]

Rhonda Kirkland (Oshawa, CPC): Thank you for your testimony.

In one portion of it, Mr. McGuinty, I believe you mentioned that theft rates are 25% higher than 10 years ago. You said it was good news that the government has potentially introduced some tougher bail and sentencing to deter that.

Would you say, then, that the light type of bail and sentencing we have had over the last 10 years has increased auto theft over that period of time?

Liam McGuinty: I'll make a more general comment, because IBC is not an expert in the Criminal Code or—

Rhonda Kirkland: I bring it up because you said it in your testimony.

Liam McGuinty: I did. I think that, for too long, auto theft was a very low-risk, high-reward proposition, and there's a lot that went into that.

One, it was easy to steal a car, and some models were easier than others. Two, there was a lack of focus on outbound exports. We started to remedy that, and I think that you've heard a number of voices, including from law enforcement, speak to the fact that sentencing was not strong enough.

We've supported Bill C-26. We've supported other measures that the government has introduced. We think it's appropriate to be more severe in terms of, especially, violent auto thefts.

Rhonda Kirkland: I would like to pick up on something that Mr. Lloyd was asking at the end of his questioning.

If more luxury cars are being stolen now, which is what we're seeing, because the cost hasn't really gone down in terms of insurance, is that cost then being borne by average and low-income Canadians in their insurance costs?

Liam McGuinty: Everyone ultimately pays for higher auto theft costs and claims.

If you're driving a high-risk vehicle or a vehicle model that's more likely to be stolen, you're going to bear much more of that risk. In fact, in some provinces, we've seen specific surcharges get levied on high-risk vehicle models. Ultimately, insurance is a risk pool, so all of us pay more for higher risk.

Rhonda Kirkland: Thank you.

Mr. Kingston, if you were to single out the largest barrier, just one, to stopping stolen vehicles from leaving Canada, what would be the largest barrier?

Brian Kingston: The biggest barrier is a lack of outbound cargo inspection.

Rhonda Kirkland: Would you say that the absence of mandatory container screening at ports is still that largest one?

Brian Kingston: Yes.

Rhonda Kirkland: Do you feel Bill C-12 addresses that enough?

Brian Kingston: Yes, it does.

The CBSA is better placed to answer this. You don't need to inspect every single piece of cargo leaving the country. They use metrics to figure out what's high risk, but they need to have the space, they need to have the equipment and they need to have the officers to intervene when they've determined that something is potentially carrying stolen goods.

Rhonda Kirkland: Thank you.

I'm sorry for the witnesses to do this right now, but I would like to move a motion that I verbally put on notice at our last meeting. I move:

That the committee undertake a study, pursuant to SO 108(2), on the systemic discrimination and toxic workplace culture within the Canada Border Services Agency;

That the study include a minimum of five meetings;

That the committee invite the Minister of Public Safety, the President of the Canada Border Services Agency, the President and additional representatives of the Customs and Immigration Union, former and current CBSA employees with lived experience, experts in workplace culture and harassment, and any other witnesses the committee deems appropriate to appear before it; and

That the committee report its findings and recommendations to the House.

I believe the clerk has been emailed this motion that I'm moving and will send it out electronically to everyone.

I would like to share why I'm at this stage where I feel that I need to move this motion. It actually started in the late summer. In my riding in Oshawa, I very often have coffee and conversation with my neighbours in Oshawa. I say, "Come and talk to me. Tell me what your concerns are." One woman addressed me briefly. Her name was Caroline. She had some real deep concerns about her treatment as an officer at the CBSA.

When she shared these concerns with me, she broke down. She said, "I'm sorry to get emotional. I think that when I get emotional, people think I'm crazy." She gets a reputation.

Women get that sometimes. We're told that we're crazy and that the things we're saying don't make any sense or that they're not really happening. A little gaslighting sometimes happens to try to convince us that this stuff isn't really going on.

I said, "Let me review your file. Let me read what it's all about." At the time, I assumed that my mode of action would be to simply reach out to the Customs and Immigration Union president and, on behalf of my constituent and my neighbour, share that I would like to see what's going on with her case. It's at the third level. It's my

understanding—and I've said this in committee before—that there are 450 cases in the east GTA alone at the third level. It was my friend Caroline's—now my friend, as I've gotten to know her—understanding that the union only had the capacity to review four at a time per month. At that rate, with 450, you can see that we're looking at six to 10 years before something is resolved.

Caroline felt that she needed to leave the toxic workplace and work somewhere else. She has left, but she still hasn't let it go. She still wants to be able to advocate not only for her case but for many others who have now said, "Thank you for having the strength and the courage to come forward. We want to come forward and share what's going on with us."

I set up a meeting with her. You know how scheduling is; it happened closer to the beginning of October. It was right around the week that we had in our committee here the Customs and Immigration Union president, Mark Weber. We asked a few questions regarding how the government saw its ability to get 1,000 new border agents in a timely manner, based on the promise the Prime Minister made.

Through discovery, I learned that the attrition is very high. Very briefly, Mr. Weber pointed out that the attrition is high because there is a toxic work culture. He touched on it just briefly, but it stayed in the back of my mind, because if attrition is that high, getting 1,000 new border agents is going to be tough.

It's going to make even the topics we're talking about today tougher—auto theft and making sure our border agents have what they need to be able to screen—if we have attrition so high that we can't get this done.

● (1150)

Caroline came into my office days after I'd heard this testimony. I didn't really discuss it with her. I just listened to her story. Her story was quite heartbreaking. Multiple former CBSA employees came forward with serious allegations, but this is about her specifically. She was diagnosed with breast cancer and had to take some time off. She was worried about what it would mean for her position if she took time off and came back. We know that, in Canada in 2025, if you have to leave for illness, you should expect to come back to work and not be demoted or in a lesser position. We expect that person should be able to come back and have the position they were supposed to receive. Her experience was devastating. She was essentially removed from a specialty position.

After she fought and beat cancer, she became pregnant. I learned throughout several instances now that pregnancy is something that is essentially discouraged at the CBSA. Parental leave is discouraged past 90 days for both the father and the mother. Specifically for the mother, we know it's especially important because sometimes there's healing needed. Pregnancy made things worse.

There's something called the National Integrity Centre of Expertise, which she reached out to. However, the problem with this organization is that it's an internal one. You've seen organizations investigating themselves and closing the case. "Nope, nothing to see here—no wrongdoing. Nothing is happening here to change. Look, we've hired all these women in managerial positions. Clearly, there's nothing wrong. This is all in your head. Really, it had nothing to do with your pregnancy and nothing to do with the fact that you decided to start a family."

It is becoming worse and worse. Another wonderful young woman wanted to start a family, and she did. She was a dog handler with the CBSA. For those of you who don't know this, dog handlers love their dogs. They become such close friends. They train them. They have so much they take part in.

I want to share with you something that she wrote: "I joined the Canada Border Services Agency in December 2014. When I graduated training, I was proud to put on my uniform."

I'll pause right there because I think that is probably the single most amazing thing I've seen throughout this process. The women I spoke to—a couple of men but mostly women—are very proud to wear the uniform. They love their jobs immensely at the border and with inland security. Caroline, whom I mentioned, was inland security. Jordana was at the border with her dog as a dog handler. They were devastated when they had to give it up because they became pregnant. How is that possible in this country? It's not okay in any way, shape or form.

She had to give it up. She said, "I believed in service and integrity, and in the importance of protecting Canadians. When I first joined, I heard stories about the environment at the Pearson airport." This is in Toronto, for those of you listening who may not know. The stories that circulated quietly among women in law enforcement were stories about women being passed over for specialized positions in favour of a man or after taking a maternity leave. They were about women being told they were too emotional for enforcement work, or being excluded from participating in special projects. They were about male colleagues being fast-tracked for opportunities that women had to fight twice as hard for. They were about bullying and harassment complaints from women that were quietly disappeared—not the women but the complaints, to be clear.

• (1155)

She said that she had hoped things had changed and that things had progressed. She wanted to believe that if she worked hard, did her job well and kept her head down, she'd be judged on her merit and not on her gender. However, to her disappointment, she eventually started to witness and experience these things herself.

The boys' club that she was hopeful was dismantled long before she started in 2014 was very much still alive. The women who were in charge were installed to protect it. She was warned by other female officers that complaining would effectively blackball her career, and she watched the agency silence women who did have the courage to speak out by labelling them as aggressive or crazy. She was told to develop a thick skin and to go numb to survive.

She was told this in her workplace at the CBSA—to toe the company line. So, she did, she says. In spite of the environment, she found a way to make the most of it.

She says that she spent time on various enforcement teams and eventually was selected to be an agricultural dog handler. After 10 weeks of intensive training in Quebec at the training college, she graduated as a dog handler. She said that it was more than a job to her; it was a calling. She was incredibly passionate about it and was dedicated to her work. She said that she was proud to serve Canadians in this way, to work in partnership with her highly trained canine partner, and to be part of a unique and specialized program. She loved her work. It gave her purpose, pride and identity. She and Faye were extremely successful and intercepted prohibited food items [*Technical difficulty—Editor*].

• (1200)

The Chair: I'm sorry, Madam Kirkland [*Technical difficulty—Editor*].

Please go ahead, MP Dandurand.

[*Translation*]

Marianne Dandurand: Mr. Chair, I doubt we'll get back to the witnesses soon. They've been very patient, and they may have other things to do. I therefore move that we release the witnesses, so that Ms. Kirkland can continue her arguments on the motion.

The Chair: If the witnesses wish to leave the meeting, they can do so. We're already past the hour that we had planned for witnesses. We will almost certainly not need their eloquent and informed comments as we continue this discussion.

Thank you for your intervention, Ms. Dandurand.

Mr. McGuinty and Mr. Kingston, thank you for being here and for your hard work. We really appreciate your coming to work with us. Have a good day.

Ms. Kirkland, you have the floor again.

[*English*]

Rhonda Kirkland: Thank you.

I will take this moment to thank our witnesses. We did get good testimony from you. I'm sorry I did take up the last 10 minutes, but it was a very important motion I needed to make. I appreciate your patience. Thank you.

As I was saying, she and her dog were extremely successful partners and intercepted close to 700 prohibited food items in the nearly three years that she was a handler. She says that when she became pregnant, that pride slowly turned into fear. Pregnancy made her afraid for her job. We heard in testimony at the last meeting from the president of the Customs and Immigration Union. He said that this is not a single-issue situation; this is a culture. He wasn't afraid to say it was a culture, because it was. There are too many examples of this happening for it to be an isolated incident.

She became pregnant. She said, “I became pregnant. That pride slowly turned into fear. Due to an antiquated policy, I was told that if I was away from the field for more than 90 days of leave, my dog would be removed and I would lose my assignment. The rule was absolute. There was no accommodation, no compromise and no exception. This was especially concerning because my husband was also a dog handler with the CBSA, so we both stood to lose our assignments over parental leave. We proposed to split our leave, each taking six months, so I could heal from my scheduled C-section, but this was met with the same rigid, callous resistance by CBSA management. The justification I was given was that a dog's operational skills deteriorate if inactive for longer than 90 days, but there are no scientific studies to support that, none. The agency admitted to me that none existed, and here's where it becomes even more difficult to understand, and the contradiction is glaring. The CBSA canine training college that created this policy also trains handlers and dogs for the Correctional Service of Canada, where handlers can be off for up to a year-long period with their canines and return to their position. Those partnerships and the work environment are maintained. It protects female corrections handlers and their protected leave.

“Why does the Canada Border Services Agency, under the portfolio of Public Safety and the public safety minister, enforce a rule that punishes women for taking maternity leave? We have a federal agency that punishes women for taking maternity leave. How, in Canada, a country with some of the most robust maternity leave provisions, does a policy like this exist with the federal government in 2025,” or ever, I might add.

She said, “I was told my canine was an expensive agency asset that must be reassigned and remain operational. I asked why a dog was given more consideration than my protected rights, my human rights as a woman. During my maternity leave, my dog was removed from me. Being stripped of my assignment at the end of my pregnancy when I was most vulnerable and focused on the well-being of my child left an indelible mark on my professional identity. It signalled to my colleagues and superiors that my commitment and competence was somehow diminished by motherhood.”

The mothers in this room know that your commitment and competence increase with motherhood. Well, there's baby brain maybe for a little while, slight baby brain.

She said, “The resulting damage to my reputation has been deeply painful.”

I don't think I can express that enough. She lost her position because of pregnancy. She lost her dog because of pregnancy.

She said, “I was made to feel as though I did not matter, and all my work invested for the CBSA was erased, replaced instead with the stigma of being unreliable and less dedicated. Why? Because I wanted to exercise my right to maternity leave. At a time when I needed compassion and understanding, I was met with exclusion, not inclusion.

- (1205)

“The worst part was when I questioned it. I was accused by women themselves in senior management positions as being aggressive. I was vilified. I was often dismissed and told that my last

name was now a household name in Ottawa as being a troublemaker, that my career was over. How dare I challenge them? I ended up leaving my career with CBSA—a career that I loved—over the discrimination that I faced.

“When I emailed the president, Erin O’Gorman, and two other executives expressing my concerns, I was met with silence. I did not even receive acknowledgement. I transferred to another department within the federal government where the treatment I received is unheard of.

“This doesn't exist elsewhere that I can see in the government to the extent it does at CBSA. My canine that needed to be reassigned so urgently”—remember, so urgent—“sat in a kennel during my leave and was never reassigned.”

That's two losses there.

“She was eventually retired, thankfully to me, after many months, but all of this was for nothing.

“Personally, the emotional impact has been devastating and continues to be. The timing of this action occurred during what should have been a period of bonding, recovery and joy with my child and transformed a profoundly human experience into one of humiliation, anxiety and loss. I struggled and continue to struggle with immense guilt for subjecting my child to the stress of this while she was in my womb. This situation stole every ounce of excitement and joy from my pregnancy and this is something I can never get back.

“At times I question whether I was wrong to prioritize fighting to keep a position I loved instead of focusing on my baby. The harm from this cannot be measured solely in professional setbacks. It extends to my dignity, my identity as both a mother and a capable professional, and my trust in an employer who claims to value women in law enforcement.

“Being penalized for needing time to care for my newborn sent a chilling message, not only to me but to every woman who dares to believe that motherhood and professional ambition can coexist.”

This isn't an operational issue. It is a gender equality issue. It is systematic discrimination embedded in policy and it needs to change.

She says that she is not the only one impacted by this policy and it is only the tip of the iceberg for the systematic discrimination issues that plague the CBSA. Four other people that she is aware of, including her spouse, have been harmed by this policy. Most recently, a female handler in Montreal was asked during her interview process if she planned on having children. It's disgusting and it's unacceptable.

This young woman is asking for leadership. She's asking for that leadership from us. We are members of the Standing Committee on Public Safety and National Security, which oversees the CBSA. She says that we have oversight, accountability and we need to fight for the reform within the CBSA to ensure that no woman in the CBSA ever again faces this kind of fear and loss during one of the most vulnerable and meaningful times in her life.

She says that no woman should have to choose between her child and her career and no department under our watch should be enforcing policies that make her choose.

- (1210)

As I asked a few more questions of these ladies, it became clear to me—and we heard this from the Customs and Immigration Union president in our last meeting—that we are dealing with a systemic issue. It is my understanding, from talking to several people, that they are aware of at least 50 women with similar stories because they're speaking out.

There are hundreds of young women currently working as officers at the CBSA who are afraid to say something. They are afraid of reprisal. They are afraid they will lose their positions, which they love. It is their life's work. They strove to work for the CBSA. It is something they wanted all of their lives.

Most of these women have spent years trying to get their grievances dealt with. Not only have they have been pushed out of their roles; they've had to leave the CBSA because it became so toxic for them.

The president of the union, in his testimony last week.... This is why I decided it was time to put the notice on motion. I couldn't wait any longer. The president mentioned the name of one person who's come forward in a news article. She's spoken out, and she has been speaking out for quite some time, but people are now paying attention.

Danielle Getzie is her name. There's a timeline of some events for her. She was a CBSA canine handler. She has provided a factual chronology of events and evidence illustrating the coordinated efforts to remove her from her position, the subsequent cover-up and the sustained misconduct that has persisted across multiple levels of CBSA management.

Corruption and deceit within the agency continue to this day, with senior officials consistently withholding information, providing false statements and obstructing fair process, despite clear findings from multiple investigative bodies.

It should be noted that when the union president gave his testimony, he also said there's an issue with too much middle and upper management, which creates a top-down issue that exacerbates the concerns these women have.

There are a few things I want to share from this timeline. They should give a fuller picture of the relentless misconduct, retaliation and mistreatment that Danielle has endured at the hands of the CBSA. The timeline she gives us is drawn from hundreds of pieces of supporting evidence that substantiate every claim contained within it. It forms the foundation for the larger body of documentation. Of course, my goal is to have this pass one day, and she'll be able to

come here and share some of this as well. The documentation has been quite exact and quite damning.

Here's a condensed timeline, focusing only on the unjust removal from K-9 that Danielle Getzie experienced. Appreciate that during certain times, there were multiple significant workplace events occurring at the same time as these events that met the definition of workplace violence and bullying.

- (1215)

Many managers were interviewed in one sitting and asked questions regarding the unjust removal of canine handlers, but also other significant events. The managers had to navigate these interviews, attempting to cover up their culpable actions and often changed their answers from investigation to investigation, depending on the nature and scope of that investigation.

What is consistent is that the managers especially refused to tell the truth about their actions and knowledge of the said events. I'm going to name them from the documents from Danielle herself: Superintendent Duffy, Chief Charlton, Director Linde and Superintendent Wakita.

In October 2018, the director of the detector dog service, DDS, was notified that Danielle Getzie was pregnant and removed her from evaluations without notifying her. This was done because the DDS wanted to remove her from the program in anticipation of her maternity leave—which is sex-based discrimination, based on family status. Getzie found out about the unjust removal and through her manager, Superintendent Wakita, confronted DDS about it and notified DDS that she would not take maternity leave longer than 90 days—so she was already making concessions to keep her position, which is already unacceptable. DDS, however, still refused to put her back on evaluations.

Getzie suffered a medical emergency as a result of the stress and was hospitalized until she delivered her baby prematurely at seven months. She then filed a grievance over the 90-day policy.

Just to be clear, this was seven years ago.

Getzie and her baby were released from the hospital in December and she then presented her grievance to the regional director general. In January 2019, a grievance response was issued and the RDG, regional director general changed the grievance from a policy grievance to a personal grievance. Getzie was successful. RDG promised that Getzie could evaluate in January 2019. She came off maternity leave to do so. She was told that she would be able to go back to evaluations and that she would not be removed from the K-9 program and would be allowed to take her full one-year maternity leave. The DDS 90-day leave policy would be changed and she was to be protected from retaliation. RDG instructed the director to protect Getzie from retaliation.

In December 2019 she returned to the CBSA from maternity leave and immediately experienced a more hostile workplace, spearheaded by a manager who was a recent addition to the K-9 program and a customs and immigration local executive. This intensified the frequency of meetings—she had almost 20 with managers—about the hostile work environment, including superintendents, chief superintendents and directors, and the bullying and harassment. However, management took no action.

Video evaluations are mandated by DDS due to COVID, and in July 2020 Getzie received a call from a whistle-blower who was a trainer in the DDS, who stated that the managers of DDS were failing her and Nova without merit. The whistle-blower didn't want to be named.

By the way, I'm seeing that a lot. Many women have come forward and they do not want to be named. They're afraid, especially those who are still officers. They're deeply afraid. One woman called me from another province a couple of weeks ago, and I happened to be in my community office in Oshawa.

• (1220)

When she called one of my case workers, my receptionist put her on hold, came back to my office and said, "There's a woman calling. She says there's something going on with the CBSA." My ears, of course, perked up, because I was thinking, "Okay, what's going on here?" I guess the first time I asked a question about this in committee, word spread that someone asked. Someone finally said something about this, even though it's been a known issue for a long time. She said that she seemed afraid, that she said, "I'm not even sure if I should call you. I don't know, am I going to get in trouble? Am I allowed to talk to her?" There was that much fear.

I took the phone call.... Yes, I'm diverting. This is a rabbit trail. This woman was an administrator, a trainer for the CBSA. We're not just talking about frontline officers here. We're talking about administrators, trainers, inland officers. She had a medical condition for which she needed a transplant, and she had an organ transplant. During that year, she was accommodated because her work—she administrates the training manuals and things like that—could be done outside the office. She did this work for a year, and everything was fine. Then, she went back for a while and started to get very sick a lot. Her many doctors and specialists wrote many messages to the CBSA, to her managers, to say that, because her immune system was so weak because of the transplant, she needed an accommodation. The simple accommodation requested was that she'd be in an office on her own, with a closed door, or she could work at home, just so she wasn't around too many people all at once because her immune system was so bad from her transplant. She was denied. She was told by people, who were not doctors that, "No, the cubicle is fine. A cubicle will keep you safe. You're going to work there." She is now in the middle of trying to fight to go back to work but not be in a cubicle. She's afraid, if she says something to anybody above and beyond her management or her union, that she's going to be treated like she's crazy, ostracized...a crazy woman complaining again about the CBSA and the workplace harassment she has had to undergo.

We're talking about a woman who had a transplant. We're not talking just about pregnancies here. I do suspect that there are men,

who have health conditions, who are also treated badly in the CBSA, which is why my motion didn't just specifically mention women. However, I also believe, with my whole heart, that women are disproportionately discriminated against in the CBSA. That should be disheartening to everyone sitting at this committee table. That should make you pause and wonder, and make us want to act quickly because there are women suffering, as we speak, in situations that are unacceptable. They would be unacceptable if it were a local restaurant that a waitress or waiter worked at, but, for some reason, it's allowable and acceptable in a federal agency.

To go back to Danielle, I'm getting calls like this all of the time. There are more stories beyond what I could ever share here. If we don't take this seriously, nothing will change, and I think that we want this to change, all of us. The only way we can do that is if we do it at our level. The women and the workers there have tried, for years, to change this culture, and nothing has changed. In July 2020, video evaluations were mandated by the DDS due to COVID. Getzie received a whistle-blower call, which I mentioned. The whistle-blower doesn't want to be named or get involved out of fear for their career, but knows Getzie's failure is a farce.

• (1225)

The whistle-blower stated that the DDS managers are retaliating for the grievance she made in December 2018 over the 90-day policy for maternity leave. That alone should make us disgusted, as we sit here, but that's just the tip of the iceberg.

We can get rid of that 90-day policy, but are women who go on maternity leave still going to be ostracized, demoted or moved from specialty positions into far lesser positions when they've worked—I want to swear—darn hard? They've worked their life for these roles, but the act of motherhood or illness is affecting them in such a horrific way.

Getzie informed a director—who already knew about it, by the way, but didn't let on that he knew—who attempted to get Getzie to name the whistle-blower, of course, and she would not. She audio-recorded that conversation, and after that, the DDS alerted them about Getzie's knowledge of the failure. This director and the DDS communicated on how they needed to find the whistle-blower to, quote, deal with them—not hear them, but deal with them.

In September 2020, a chief and a superintendent offer Danielle a replacement—it's Danielle Getzie and I'm going to use her first name—canine partner, as her dog was set to retire. Danielle accepted, and the chief emailed the entire management team of her acceptance. It was a big to-do because they were afraid of her suggesting—I don't know—that they were doing things that they shouldn't.

One of the directors was made aware of Getzie's replacement canine and got very angry. He had been saying to all BSOs for over a year how he hated Danielle Getzie. He called her a bitch repeatedly and said that he wanted to, quote, take her down. If that is not an example of workplace harassment and bullying to the most extreme, I don't know what is.

The director met with the superintendent, a chief and director, yelled at them, threatened them and told them to remove Danielle from the canine program because she was just such a witch with a capital B, I guess. The director specifically and repeatedly mentioned that Danielle should not be allowed to drive the government K-9 vehicle nor have access to the government credit card, as her canine partner was uncertified. The director wrongfully accused Danielle of committing fraud and was told numerous times that Danielle was not committing fraud, yet this person continued his practice of threatening managers and shopped the idea of fraud to every manager in the workplace.

We see what that is, right? He was going around the workplace, besmirching her name and making it so that no matter where she went, she would not be able to work in a safe environment.

This director then bragged to everyone about his actions, stating that he got Danielle removed from K-9 and that he would get a policy created to confirm it. At the end of September, at that point, Superintendent Duffy told Getzie to return her K-9 vehicle, government-issued credit card and clean out her K-9 office locker. Superintendent Duffy signalled that Getzie was now removed from K-9. This was clearly as a result of Lassie's interference.

There's an organization—I mentioned it briefly—called NICE and I'm just going to refer back to it briefly here because it's important.

- (1230)

I do want to go back to Danielle's story, but I feel like I need to add some clarity to the issues.

I would say the three main issues are as follows.

There's, of course, systematic discrimination against pregnant employees and mothers.

There's also manipulation and misuse of internal HR systems to justify that manipulation.

Also, in regard to the National Integrity Centre of Expertise, NICE, which I've referred to before, their internal investigative processes and breach of confidentiality in investigations needs to be reviewed.

It's been very clear that the systematic discrimination against pregnant employees and mothers has gone beyond what it ever should.... I can't understand, as a new parliamentarian, how it got here. I've been a member of Parliament since April 28 of this year, so what is that now, seven months? I can't understand how years of this discrimination has gotten to where it is, where pregnant women feel like they have to choose between being a mother and their career. The Customs and Immigration Union president stated here last Thursday that this is exactly the case, they have to choose. If they

become pregnant, they are highly at risk of their career being destroyed, and that is not okay.

There have been multiple women removed from acting roles or specialty positions immediately upon pregnancy or maternity leave; human rights protections are being ignored. Pregnancy continues to be treated as a disqualifying factor rather than a protected condition. Testimony last Thursday confirmed that it is a disqualifying factor and not a protected condition. The practice has become normalized, with some managers even acknowledging it happens often, and that women should simply be grateful for the lesser placements, rather than equitable treatment.

Senior leaders knowingly allow this behaviour to persist under the guise of business decisions. Women who report discrimination are labelled as aggressive or difficult, while those responsible for misconduct are promoted.

Employees and even labour relations officers fear reprisal for speaking up, leading to a culture of silence. They've been silenced.

Then we have the manipulation and misuse of internal HR systems to justify discrimination. CBSA managers have falsified or misrepresented position numbers in HR databases, is the claim, to retroactively justify decisions to terminate acting roles. Senior officials knowingly provided false information during internal investigations, creating an administrative paper trail to protect management decisions. Despite multiple complaints, no senior CBSA leader has been held accountable, even when evidence of misconduct or deception exists.

To clarify that, as these level three grievances go through the slow, agonizing process of being heard, the persons responsible for the harassment or the discrimination have then gone on to be promoted, moved and protected. We're seeing a pattern here that is so disgusting and unacceptable. I'm happy to see other members here at this table because it's such an important issue and it's an emotional one. As a mother of two, by all rights, if we behaved the way the CBSA does, I should not be here now as a member of Parliament representing my community, because a pregnancy obviously makes me unable to fulfill my role.

- (1235)

Being a single mother clearly makes me unable to possibly be here as a member of Parliament advocating for these women, but it's exactly why I'm doing it. If their voice can't be heard, then I would like to be their voice. I hope that everyone around this committee table will start this challenge and this advocacy, and will continue to be their voice until something changes. People who've known me all my life know that if I find something unjust, I'm probably not going to let it go, and neither should any of you.

Despite multiple complaints, again, I'll say that no senior CBSA leader has been held accountable, even where evidence of misconduct or deception exists. Internal reporting obscures real outcomes by marking cases as resolved once they're closed administratively but not substantively.

On ATIP review specifics, internal emails revealed that officials who raised concerns about misconduct were ignored, while managers implicated in wrongdoing faced no discipline. Recently obtained ATIP documents further confirmed that CBSA's internal accountability mechanisms are compromised by dishonesty and internal contradiction.

On falsified records, labour relations acknowledges in writing that the employee was never under the position number that management cited as justification for ending her acting role, a claim repeated for three years to defend discriminatory actions.

Also, there were false budget claims. The same report confirms that there were no budgetary constraints in the department, contradicting CBSA's long-standing excuse for terminating a pregnant employee's assignment.

Also, there were ignored warnings. Labour relations questioned management's inability to accommodate for only a few additional weeks and noticed that the external investigation failed to address serious concerns, yet the CBSA told the employee in writing that due diligence was complete, and the case was closed.

"It's closed. There's nothing more to see here—nothing more."

These contradictions show that the CBSA knowingly misled both the employee and the investigators, reinforcing the need for external oversight and the independent verification of internal investigation outcomes.

Then we come to NICE—sounds good; sounds nice, but it's not that great. The National Integrity Centre of Expertise...internal investigative processes and breach of confidentiality in investigations. NICE has been described as procedurally unfair, biased and prioritizing case closure over truth.

"Let's just...oh, case closed. Again, nothing to see here."

Reports are often factually incorrect, dismissive or influenced by management pressure. NICE staff have privately admitted that investigations are actually directed by superiors. ATIP records confirm that the CBSA's National Integrity Centre of Expertise, NICE, improperly shared a confidential harassment report with labour relations, the same group responsible for defending management in grievance proceedings.

● (1240)

Labour relations officials directed NICE's communications, approved responses and even drafted decisions, effectively controlling both the investigation and the grievance outcomes.

So, they control the outcome. It gets better.

This represents a serious conflict of interest and violates confidentiality standards, of course, under the workplace harassment and violence prevention regulations. There are several news articles, which I suggest that this committee go ahead and take a look at, including one from Global News entitled "Former CBSA dog handler calls out 90-day 'discriminatory' parental leave policy", and CBC reported on the dog handler's maternity harassment on two separate occasions.

In the most recent article from June 2025, the CBSA claims to have revised the policy, but the revised policy is very similar to the old one. It's on a case-by-case basis, when maternity leave should be non-discretionary.

One thing Caroline said to me was that, for a lot of these things, they've talked about putting them in the collective agreement for bargaining for the unions, and she asked why human rights should be part of a collective agreement. We shouldn't have to have an agreement on whether or not people are simply treated correctly.

I'll make these quick follow-up points. Then I'm sure others may want to spend time debating this as well or may have some comments to make on this before we vote on this motion—because this must be studied.

There are approximately 450 grievances in level three. That doesn't include level one and level two, and this is just the GTA. I suspect we have that many and more in the border areas of British Columbia and perhaps in Montreal, Halifax and more. They've been told that they're only hearing four grievances per month at level three, which would make it an approximate eight-year to 10-year wait. Meanwhile, these people are in this toxic environment, trying to survive or deciding that they're going to go.

The union receives the grievance submission and then passes it to labour relations at the CBSA, where it gets tied up.

The women whom I've spoken to mostly have level three grievances that are still outstanding. They know 30 to 50 other women dealing with similar situations. A lot of women can't come forward for fear of losing their job, as they still work for the CBSA.

As I said, the ones coming forward are women who have left, so they feel.... What do they have to lose now? They've already lost the job they loved so much. The best they can do now is try to protect women and men in the future non-toxic environment that hopefully the CBSA becomes.

They're afraid to come forward. Often women are told to take a lesser maternity leave. Labour relations have shared their personal confidential information without consent, as if it were gossip.

I can't thank enough these beautiful, resilient, strong mothers, these women who brought integrity and who brought their experience and their expertise to the CBSA, and who have been sidelined and shoved aside.

I'm going to jump ahead quickly in Danielle's story to see what outcomes we're looking at, where we are now.

In February of this year, NICE—remember that really nice unit?—closed the file, citing that all regulations had been complied with, including a joint meeting of the employer and the OHS committee, with the institution of recommendations per the WPHV final report.

• (1245)

Danielle discovered in June this year that the RDG email and statements in January regarding compliance with the regulations and the meeting with the OHS committee, were lies. No meeting and no presentation of the final report ever occurred.

When Danielle confronted the NICE unit staff, who attempted to explain their own feelings and those of the directors, they were unable to do so. NICE then was forced to reopen the file after Danielle made her sixth complaint to the Canada labour program regarding the handling of the file.

I know I shared a ton of information. I just truly felt that I needed to. When I read these messages and when I had these women sitting in front of me, telling me these stories, I couldn't not be moved by them. I really felt that it was necessary that I share them, in moving this motion, and that we study the toxic work culture.

I know I took a long time, but I will end it there and see if anyone else would like to add their comments.

Thank you.

[*Translation*]

The Chair: Thank you, Ms. Kirkland.

According to my list, the next person to speak is Ms. Dandurand. Then it will be Mr. Lloyd's turn.

Ms. Dandurand, you have the floor.

• (1250)

[*English*]

Dane Lloyd: I have a point of order.

[*Translation*]

Marianne Dandurand: Thank you very much, Mr. Chair.

I'd like to acknowledge the remarks made by my colleague Ms. Kirkland, which we found to be very emotional and deeply sincere—

The Chair: Wait a moment, Ms. Dandurand. Mr. Lloyd has a point of order.

[*English*]

Dane Lloyd: Mr. Chair, I think you'll find, if you consult the clerk, that I was on the list before Ms. Dandurand.

The Chair: I saw Madame Dandurand first and saw you second. Then there might be MP Lawton and MP Caputo.

[*Translation*]

Go ahead, Ms. Dandurand.

Marianne Dandurand: Thank you, Mr. Chair.

As I was saying, I want to acknowledge the intervention of my colleague Ms. Kirkland, which we found to be very emotional and

very sincere. The subject she raised is really very important, and it really deserves all the attention and time it takes to be properly discussed—

[*English*]

Frank Caputo (Kamloops—Thompson—Nicola, CPC): I have a point of order, Mr. Chair.

[*Translation*]

The Chair: I'm sorry to interrupt you, Ms. Dandurand.

Mr. Caputo, go ahead.

[*English*]

Frank Caputo: I asked you to consult the clerk on the list. There is a list right beside you as to the order of who asked to speak first. There are far too many times that we as Conservatives are not allowed to speak. Please, look at that list, and tell us the order of that list.

The Chair: As I just said, I looked at the MPs and also looked at the list. I saw Madame Dandurand first, and then—

Frank Caputo: Well then, that's very convenient.

The Chair: —I saw Mr. Lloyd, and then, the list also includes you, Mr. Caputo, after MP Lawton.

Frank Caputo: Mr. Lloyd is first on the list.

The Chair: I'm sorry for that.

Frank Caputo: Mr. Lloyd was first on the list. He should have been acknowledged. He had his hand up first. This is not a matter of the chair picking and choosing who they think should go first.

This is a matter of MPs stating, "I want to speak." We follow an order. I look forward to hearing from Madame Dandurand in due course, but we have to follow rules here. We don't get to adjourn meetings because we feel like it. We don't get to pick which MPs go first because we feel like it. Mr. Lloyd should have been recognized. He should be recognized now.

Thank you.

The Chair: Thank you, Mr. Caputo. I already shared my thoughts on that.

[*Translation*]

Ms. Dandurand, you have the floor.

[*English*]

Dane Lloyd: I have a point of order.

Andrew Lawton (Elgin—St. Thomas—London South, CPC): On a point of order, I would like to challenge the chair's ruling on that point of order.

The Chair: Thank you.

There is a challenge to my allocation of the floor to Madame Dandurand.

Andrew Lawton: Could we see who's on the list first, please?

The Chair: I would like to see who is in favour of a ruling against my decision please.

Frank Caputo: I would like a recorded division.

The Chair: I'll suspend for a moment. I want to check who among the Conservative MPs is actually able to vote. There is a substitution rule, which I need to check with the clerk.

• (1250) _____ (Pause) _____

• (1250)

The Chair: We have a designation of the floor. Conservatives MPs are the usual MPs, so the first four will vote, and the others will not.

Who is in favour of the motion that was moved, that my ruling be reversed?

Four MPs are in favour of that.

Who is against that ruling?

(Ruling of the chair sustained)

The Chair: Good, thank you. That means we are now returning to MP Dandurand for her reaction to the motion being moved.

Madame Dandurand, please go ahead.

[*Translation*]

Marianne Dandurand: Mr. Chair, I move that we proceed immediately to clause-by-clause consideration of Bill C-12.

[*English*]

The Chair: That is a dilatory motion, which is immediately moved to the floor and requires an immediate vote.

I'll pause for a few seconds to make sure we all understand what the motion says. The motion says that we would be moving to the clause-by-clause work as of now.

An hon. member: I ask for a recorded division.

(Motion agreed to: yeas 5; nays 4)

The Chair: This motion is adopted, which means we will be moving to the clause-by-clause work. However, we will suspend for a few minutes so that we can attend to some of our physical needs. We'll be back in a few moments.

• (1255) _____ (Pause) _____

• (1305)

[*Translation*]

The Chair: We are resuming the meeting.

To begin, I want to share two pieces of information with you.

First, we will take a break at 2 p.m. so that members can participate in oral question period in the House.

Second, I want to share the following remarks with you.

We are doing clause-by-clause consideration of a bill. As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause is subject to debate and a vote.

If there are amendments to the clause in question, I will recognize the member proposing it, who may explain it.

Amendments will be considered in the order in which they appear in the package of amendments that members have received from the clerk.

Amendments have been given a number in the top right corner to indicate which party submitted them.

During debate on an amendment, members are also permitted to move subamendments.

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

I thank the members for their attention and wish the committee a productive, even pleasant, clause-by-clause consideration of Bill C-12.

The first clause we're dealing with is clause 2, because pursuant to Standing Order 75(1), consideration of clause 1, which is the short title, is postponed until the end of clause 2.

(On clause 2)

• (1310)

The Chair: Does anyone wish to move CPC-1, which seeks to amend clause 2?

[*English*]

Helena Konanz (Similkameen—South Okanagan—West Kootenay, CPC): Chair, I'd like to move the motion that was presented, during the last meeting, by my colleague Dane Lloyd.

I move:

That, given the Department of Agriculture has advised the Pentiction Shooting Sports Association (PSSA) that their lease is to be terminated at the end of 2025;

The range has operated for 42 years and is essential not only for recreational shooters but also for the RCMP, B.C. sheriffs and cadets who depend on it for training—

[*Translation*]

The Chair: I'm sorry to interrupt, Mrs. Konanz.

[*English*]

I'm sorry, but there seems to be a point of order.

Madame Dandurand, please go ahead.

Marianne Dandurand: Yes, Mr. Chair.

[*Translation*]

I think we should do the clause-by-clause consideration of the bill first and come back to the motions afterward. We already voted on a motion to move to clause-by-clause consideration of the bill, so I think we should continue that consideration.

The Chair: I appreciate that.

[English]

Helena Konanz: I believe that I'm allowed to—

The Chair: I'm sorry, Madame Konanz, but perhaps I wasn't listening carefully enough. Are you presenting a different motion from the amendment that is called CPC-1?

Helena Konanz: I'm presenting a motion that was presented, during the last meeting, by my colleague Dane Lloyd.

The Chair: Unfortunately, that is not possible because we now have a motion, which is the motion on clause 2.

Helena Konanz: No, it's between clauses. I was given the floor, Chair, and it's between clauses.

The Chair: That is not possible because we have a motion already. The motion is to adopt or to reject clause 2 of the bill. Now, that motion can have an amendment attached to it. There has, I understand, been a proposal by the Conservative MPs to table an amendment, called CPC-1, which is found on page 1 of the proposed amendments submitted to the clerk.

Frank Caputo: I have a point of order.

The Chair: If a Conservative member of Parliament wants to move that amendment, it's time to do it now. Otherwise, we'll move forward.

Frank Caputo: I have a point of order, Mr. Chair.

We are actually in between amendments. She has the floor. She was recognized. It is her time now. You recognized her. This is not a time of...point of order. We are between clauses 1 and 2. Nobody has moved CPC-1 yet, which means that she has the floor now.

The Chair: I'm sorry, Mr. Caputo, but this is not how the procedure works.

Rhonda Kirkland: I have a point of order.

[Translation]

The Chair: I will explain in French to make sure that everyone understands better.

We're currently on clause 2; it's a motion. To get this clause adopted, it's possible to move an amendment.

[English]

Rhonda Kirkland: I have a point of order.

[Translation]

The Chair: If anyone around this table wishes to do so, they can do so now.

In the list of amendments that the clerk received, one is for clause 2, and that's amendment CPC-1. If a Conservative member or any other member would like to move it, now is the time to do so.

[English]

Rhonda Kirkland: On a point of order, can I ask you to check? Nobody has moved that amendment yet. You said that it has been moved and that, therefore, we can't hear MP Konanz's movement. It has not been moved.

Can you tell me who moved the amendment that you claim was moved?

The Chair: I'll say it in English this time.

Clause 2 is itself a motion. We have a motion to adopt or to reject clause 2—

• (1315)

Frank Caputo: I have a point of order.

The Chair: I said in French, and I'll say it in English this time. It is subject to possible amendments. If there is such an amendment to be moved, it's time to proceed now, otherwise we will debate clause 2 and eventually vote on it.

Frank Caputo: On a point of order, who moved that motion that you just referenced?

The Chair: This is what the procedure says. If we are going through clause-by-clause, we start with clauses. I can repeat it in Spanish or Italian. I don't think it will be helpful, but that's how it works from a procedural perspective.

Helena Konanz: Chair, I did make that motion between clauses, and this won't take long. Could you ask the clerk if this [*Technical difficulty—Editor*] take long. It's something that I planned to do between clauses. Those are the rules, but you can ask the clerk, if you'd like.

The Chair: What I will do is I will suspend for a few minutes so we can each, with our own advisers, and there are many of them around this room, connect—

Andrew Lawton: I have a point of order.

The Chair: —and listen to the advice that is provided.

I will suspend for a few minutes, but don't go far—

Andrew Lawton: I have a point of order before this, please, sir.

The Chair: I will suspend and come back to your point of order in a moment.

• (1315)

(Pause)

• (1320)

[Translation]

The Chair: I call the meeting back to order. Thank you for your patience and goodwill.

We're on clause 2. I will repeat my invitation one last time: Does anyone want to move amendment CPC-1?

[English]

Andrew Lawton: I have a point of order.

[Translation]

The Chair: Yes, I'm sorry, Mr. Lawton. I forgot you had a point of order. The floor is yours.

[English]

Andrew Lawton: Thank you, Mr. Chair.

I'm sorry, Mr. Chair. I appreciate this, and I preface this by saying that I'm a new member of Parliament, and I think that, like all of us here, I'm learning the rules.

I'm looking at Bosc and Gagnon right now and specifically the section dealing with committees, which falls under chapter 20. There's a section there that delineates "Substantive Motions", and I think all of us would agree that constitutes what Ms. Konanz's motion was.

I understand that this is clause-by-clause. There was a previous motion adopted by this committee to proceed to clause-by-clause. I would like to get some very clear direction from you, Mr. Chair, on precisely when a substantive motion that has previously been put on notice—I don't think anyone is disputing that—could be raised, because it moved very quickly, it seemed, from clause 1 to clause 2, and there was no recognition of there being, for lack of a term, a dormant time between those two.

I would seek very clear direction from you, Mr. Chair, on at what point someone could be recognized from the floor and introduce a substantive motion that has previously been put on notice.

The Chair: Thank you for your input.

First, each clause is in itself a substantive motion to which amendments and even subamendments can be moved.

Second, we have, I believe, 138 substantive motions to go through today. Each clause is one, and as I said, there may be amendments and subamendments to them.

After those substantive motions are gone through, there might be opportunities for other substantive motions, but that depends on how late this process is going to finish tonight.

Is that a point of order?

Helena Konanz: My point of order is I'd like to know exactly when I am able to make this motion. Am I able to make it between clauses 2 and 3?

The Chair: I will follow the procedure that we have agreed to in the House business motion that was voted on by this committee.

This is an excellent question. I don't know when the committee will have handled all of these motions. If we finish early, then there will be an opportunity, Madam Konanz, to do that, if the committee so wishes.

Helena Konanz: Am I not able to make it between clauses? I thought that was a reasonable time to do it.

The Chair: No, because we have 138 substantive motions to deal with now.

Helena Konanz: The rules don't allow me to make a motion between clauses. Is that correct?

Is that what the clerk agrees—

The Chair: This is the process that we have agreed to. This committee asked me to go through clause-by-clause today, and that's what we're starting to do.

Helena Konanz: We're changing the rules just for this meeting. Is that correct?

The Chair: No, we're following the rules that were adopted by this committee. We're doing this and then, thereafter, depending on when we finish that process, we can collectively decide what we want to do next.

• (1325)

[*Translation*]

Andrew Lawton: On the same point of order, Mr. Chair, could you please repeat your explanations in French for our francophone colleagues?

The Chair: You want me to say them in French?

Andrew Lawton: Yes. It's because there are differences with the interpretation.

The Chair: It would be my pleasure to do so. In fact, I'm very happy to note your excellent French. I'm going to speak to you in French next time, knowing that you have not only the ability to understand it, but also an interest in French. Thank you for that.

We have 138 substantive motions to deal with. We're on clause 2, but there will be other motions after that. Once we've dealt with those 138 substantive motions, depending on the time and the will of the committee, there may be further debate on other substantive motions.

[*English*]

Madam Kirkland, please go ahead.

Rhonda Kirkland: I'll be quick.

I'm asking you to possibly... There is a translation happening at times and sometimes we're jumping from one thing to the other very quickly. If you could be careful to let the translation finish for us before you jump to the next thing, that would be very helpful for me.

Also, I would ask the chair, with due respect, to be cautious and careful. I know you didn't mean to sound belittling when you said you will say it in English and French and Spanish and a bunch of other languages, but it did sound a little demeaning, so I would appreciate if you would not do that.

The Chair: That's a good point, Madam Kirkland.

Rhonda Kirkland: Thank you.

The Chair: I appreciate your saying that. I'll be more careful in my future remarks so that we all have a spirit of respect that we all deserve.

Having said so, let me again check whether amendment CPC-1 is going to be moved. I understand it's not.

We are therefore going to move to a recorded vote on clause 2.

Frank Caputo: Can I ask a question?

Marianne Dandurand: No.

The Chair: I'm sorry?

Frank Caputo: She said "no." I thought it was funny, myself.

The Chair: Very good.

There is no amendment, but obviously we can discuss clause 2.

Mr. Caputo, please go ahead.

Frank Caputo: Thank you to the officials.

This actually is of interest to me, believe it or not.

Right now, the way section 6 of the Customs Act is worded, infrastructure and property must be provided for duties related to the proper detention and examination of goods. This is quite a bit of an impact.

My question is twofold.

Firstly, with respect to private border crossings versus border crossings that are owned in whole or in part by the government, is there a difference? At a private border crossing, would private enterprise be expected to put this up, whereas at a government-owned or partially government-owned border crossing it would not?

Secondly, what is the import of the proper detention and examination of goods as opposed to the all-encompassing wording? Does that mean, for instance, if the CBSA says they need a new lunchroom, the private enterprise has to pay for it?

Graeme Hamilton (Director General, Traveller, Commercial and Trade Policy Directorate, Canada Border Services Agency): I'll unpack it a little bit, and then feel free to ask any follow-up questions if it's not clear.

The language in section 6, as drafted now, specifically requires those facilities to be provided uniquely for "imported goods". It's not just about the examination of goods; it specifies only imported goods right now in section 6.

Where it comes down to what is provided at the 67 different private ports that operate across the country—we call them "legislative facilities" versus what we call "custodial-owned facilities" for the rest of the 200 and some-odd ports that the CBSA operates—there are a variety of different requirements from a commercial inspection point or from a passenger perception perspective, simply based on the volumes and type of traffic coming in.

The marine ports, for example, are all privately owned marine ports. The marine container examination facilities, for example, are provided by our section 6 owners and operators, and are unique to marine ports of entry, whereas, when we look at our land borders, which are, for the most part, majority-owned by the Government of Canada, there are significant inspection facilities, including secondary examination facilities, large-scale imagings, etc., at those busier commercial ports, like we have in southern Manitoba, southern Ontario and B.C.

The facilities that are required are specific to the type of traffic received, and there are differences between what's required from private sector-owned ports versus ones that are owned wholly by the Government of Canada.

On the second part of your question related to what is covered in that section 6 and what is not, and the difference between the specification around the inspection of goods coming into the country versus the language that has been submitted under Bill C-12, which is around advancing the CBSA's mandate, it's really just to make sure that in those facilities where the CBSA does not own the land or the buildings, we are able to work in partnership with those section 6 owner-operators to ensure that we're able to fulfill the full mandate of the agency in terms of its inspections of people's goods.

To your question around whether lunchrooms, parking, etc., are provided to the CBSA, those are done in negotiations and discus-

sions with the section 6 operators under a framework that exists in order to delineate which goods are deemed part of the delivery of our service and which ones are ancillary and therefore covered by the Government of Canada.

● (1330)

Frank Caputo: Thanks. That was really good. It was a huge help.

[*Translation*]

The Chair: Thank you, Mr. Caputo.

Mr. Lawton, you have the floor.

[*English*]

Andrew Lawton: Thank you very much.

I was wondering if you could clarify, on fentanyl in particular, sources of origin and how granular the data is, to your best estimation, and where the points are where we're seeing that, and inflows versus outflows.

Graeme Hamilton: Unfortunately, I'm not a technical expert in the intelligence world of the CBSA and wouldn't be in a position to comment on trends, sources or locations, either import or export. I'm more, within my job, focused on the policy development around commercial and traveller policies as opposed to the intelligence piece, which is where your question is coming at. I wouldn't want to mislead you with an ill-informed answer.

[*Translation*]

The Chair: Thank you.

If there's no further discussion, we'll go to a recorded vote on clause 2.

Mrs. DeBellefeuille, you have the floor.

Claude DeBellefeuille: Mr. Chair, I'd like to clarify something: Is this not the amendment we just discussed?

The Chair: No. It's normal for there to be confusion. In theory, there was an amendment to this clause, but it wasn't proposed.

Claude DeBellefeuille: Okay, that's fine.

Could you announce things more clearly for me, going forward?

The Chair: Yes. I'm indeed going to have to improve considerably, because we clearly have a long day of sensitive and important work ahead of us.

Since the amendment in question wasn't moved, we're now going to vote on clause 2.

I'm going to ask the clerk to do a recorded vote.

(Clause 2 agreed to: yeas, 9; nays, 0)

The Chair: We will now move on to clause 3.

[English]

Helena Konanz: I'd like to have the floor.

[Translation]

The Chair: Is there any discussion on clause 3?

Mrs. Konanz, the floor is yours.

[English]

Helena Konanz: Are we between clauses right now?

The Chair: We're following clause-by-clause, so clause 3 is now up for discussion.

Helena Konanz: I'm wondering... Because I was doing this as quickly as I could, and with the translation and everything that comes a little late, I wasn't able to quite get in between clauses 2 and 3.

I'll maybe have to talk while you're talking next time, just so I can get it in.

The Chair: Just to make sure I don't sound as irritating as I can be, we are following the clause-by-clause process. After a clause is voted upon, I introduce necessarily the next clause unless there is a point of order, which may be relevant, but a point of order doesn't allow any MP to introduce a motion.

If I don't follow the procedural order that is appropriate, MPs are free to mention that through a point of order, but we're going to go through clause-by-clause until we have finished the 138 clauses and whatever amendments and subamendments there may be.

• (1335)

[Translation]

That brings us back to clause 3.

Are there any members who wish to speak to this?

Seeing none, we will now vote on clause 3. I invite the clerk to proceed with a recorded vote.

(Clause 3 agreed to: yeas 9; nays 0)

(On clause 4)

The Chair: We'll now go to clause 4.

Mrs. DeBellefeuille, would you like to move BQ-1?

Claude DeBellefeuille: Yes.

Should I read it, Mr. Chair?

The Chair: You have the opportunity to share your comments on this amendment.

Claude DeBellefeuille: Okay.

We in the Bloc Québécois moved this amendment because we were very mindful of the testimony of the Privacy Commissioner, who strongly recommended that we clarify the whole concept of a dwelling-house. We believe that this amendment will improve the clarity of the bill.

The Chair: Thank you very much, Mrs. DeBellefeuille.

Mr. Lawton, you have the floor.

[English]

Andrew Lawton: Just to confirm, is this the amendment adding 97.01 and 97.02 to section 97?

[Translation]

Claude DeBellefeuille: This amendment to clause 4 would be at line 32 on page 2 of the bill.

[English]

Andrew Lawton: Okay. I just wanted to make sure. I appreciate that.

This section is one that I have heard some concerns about. Just because there are a number of individuals connected in this space, there are going to be questions around anything that looks like it's suggesting or inviting warrantless access, anything that looks like it's referring to officers being able to—with no evidence, no probable cause and no reasonable grounds—scrutinize any space.

Just so there's an understanding of what we're talking about here, this section, the original section, which I think is germane to Madam DeBellefeuille's amendment, adds the following after section 97 in proposed section 97.01 and says:

Every person who transports or causes to be transported within Canada goods destined for export must, at an officer's request, give the officer free access to any premises or place under the person's control that is attached to or forms part of any place where any goods destined for export are reported, loaded, unloaded or stored and open any package or container of those goods or remove any packaging from those goods.

This is fairly broad in its wording in licensing officers' access to basically any room, any cabinet and any box, case or envelope. I think you have to look at this in the broader context of the original Bill C-2. One of the chief criticisms of Bill C-2 was that it was giving the government unfettered power to trample on due process, to trample on civil liberties, to allow warrantless searches of people's mail and to ban cash transactions. That's why there is a fairly substantive amount of mistrust about powers that government is giving itself under the auspices of border security.

When I look at some of these regulations around exportation, I understand why people have raised some concerns about this. I know there have also been a number of discussions regarding Bill C-2, and now Bill C-12, about access to electronic devices. Now, electronic devices and digital information are not specified here. It refers to access to "goods", but given the expansive language we see in this proposed section, I actually don't see any reason that CB-SA officers would not feel like they are empowered to not look just at any box, cabinet, or room in a warehouse, but also the contents of an iPhone or a computer that may be found in there.

Always, whenever we are talking about powers and authorities given to government, I think we have to look at what the worst possible outcomes would be of a government using such authority, and then work back from there to ensure civil liberties are never put in jeopardy.

I think this is something that's incredibly germane when we look at this government's track record on this and at the authorities and powers that this government has given itself and has abused. One notable example is the Emergencies Act. This is something that is still—right now, actually—going before the court. You have the Federal Court decision saying that the Liberal government broke the law and trampled on Canadians' rights and freedoms.

To look at this in the context of border security, there is not a single bit of objection from any member of the Conservative Party that we need to take border security very seriously. We are the ones who have been raising these alarms, talking about the inflows of fentanyl and talking about the lack of examination and the export of shipping containers. In fact, we support more scrutiny over things that are leaving Canada, over things that are being exported, but obviously this scrutiny has to be measured and it has to be restrained when we are talking about giving governments quite significant power.

We've heard, by the way, this criticism from the left and the right. I note that on this committee right now we have a member of the New Democratic Party. We're graced with the presence of the Green Party leader herself. We, on the Conservative benches, are raising some concerns about this as well. I believe that, looking at this particular section, there are always going to be concerns about what officers are empowered to do and what limitations there are on that, if any.

I'll go back to the precise wording here—"any premises or place under the person's control that is attached to or forms part of any place where any goods destined for export are reported, loaded, unloaded or stored, and open any package"—and so on. Are we talking about the bathroom at the warehouse where certain products are being prepared for export?

• (1340)

Are we talking about executive offices?

We go back to some of the concerns raised on digital materials. You go on to proposed section 97.02, and it goes beyond there, not simply the transportation aspects but also warehouses.

We know that warehousing is an incredibly diverse space. We have dropshipping, which has become a bit of an industry that has been becoming more and more popular. I think that was something over the COVID era in particular.

I suspect that the government may have been planning to add some clarity to the law, but you always have to acknowledge that, as they say, the devil is in the details. What may be done ostensibly to provide clarity actually opens up a new terrain for government.

The reason that Bill C-12 exists in the first place is that the government had such a reckless disregard for privacy rights in Bill C-2. We were told that Bill C-12 would be the answer to these problems, that Bill C-12 would be the way the government could strip out some of these concerning aspects of Bill C-2, have a bill that would have broad appeal and would reach across party lines. Instead, we have a bill that has some of the same core fundamental issues that we saw in the original legislation. I'm not getting a sense that the government has fully understood or realized that.

We have to look at these individually. I think the value of clause-by-clause analysis is that we go through this and we find things that you don't necessarily see in the summary, that you don't see in how the government has originally specified this.

If you look at part 1, it's very vague. It says that the first part of the legislation deals solely with the Customs Act. If you look at the summary of this, it simply talks about making sure that there are "facilities free of charge for carrying out any purpose related to the administration or enforcement of that Act". It doesn't talk about the additional powers that the government is—

[*Translation*]

Claude DeBellefeuille: I have a point of order, Mr. Chair.

The Chair: Go ahead, Mrs. DeBellefeuille.

Claude DeBellefeuille: My colleague is speaking so quickly that the interpreter is having trouble interpreting. It's very painful.

The Chair: The good news is that Mr. Lawton understands French well.

If you want to speak in French, Mr. Lawton, it will be a bit slower.

Andrew Lawton: If I speak in French, it will be very slow.

[*English*]

I appreciate that, and I am happy to slow down because I know every member here is eager to hear all of the thoughts I have on this.

I thank my honourable colleague. I was a bit excited because this is such an important bill. I may have been speaking so quickly and trying to pack as much as I could into question period, but I will happily slow down. I thank my colleague for that.

We all need to take some lessons from that, especially in the holiday season, and slow down from time to time and smell the roses, as they say. It's a very good reminder of something that applies outside this committee as well.

Returning to the bill—my colleague can feel free to add any points of order she'd like to if she feels I am speaking too quickly again as I get excited about this—the summary really dilutes what we see in the details of the section in part 1 of the bill and, specifically, where we are now, which is clause four and the amendment from Madame DeBellefeuille.

The government has not been forthright about where it would limit these authorities. We saw this in Bill C-2, when a warrantless search of letter mail was proposed. There was this default position taken any time these concerns were raised that we should just trust the government. We should trust the government that broke the law by freezing Canadians' bank accounts. We should trust the government that wanted to ban cash transactions. I think a lot of Canadians don't trust it, which is why we are very concerned about this.

I regularly sit on the justice committee, so my view is that we need to be very serious about law and order, but we can never let that come at the expense of due process and privacy rights. That's why I've raised these concerns with this section and the changes this bill proposes in adding sections 97.01 and 97.02.

I realize this is the debate on the amendment. When we get to the opportunity to ask some of the officials questions about this, I will ask what, precisely, will limit that power. Is there going to be a line drawn for where officers cannot search? If not, does one need to be drawn? Has there been an appropriate charter analysis done of this section and this authority, and of what, if any, limitations are required to ensure that it does not violate the constitutional rights of Canadians?

I live an hour from the Canada-U.S. border. This is very important to the economic vitality of my region. When you work in cross-border trade, you have to deal with other countries. It's not as simple as saying, "I'm a Canadian and I have rights as a Canadian citizen," because you are subject to the laws of the United States and the laws of other countries to which you may export. We still have to ensure that we are not compromising privacy rights or disadvantaging companies that are engaging in cross-border trade by putting them through the wringer and forcing them to engage in all of these different things that make it more complicated and more convoluted, and prevent them from being able to do what they're doing, which I hope all members here can understand is crucial to the economy.

This leaves us forced to question exactly what the implications of this will be for Canadians and Canadian businesses. It leaves us forced to question precisely why the Liberal government did not, in Bill C-12, take in good faith the criticisms that were being made not just by legislators, but by civil society groups and Canadians from the left and the right, and produce in Bill C-12 a bill that deals with the border issues that are very real and we've been seeing for many years.

I remember when the government couldn't even point to Roxham Road on the map. It was the fault point in the flow of illegal immigration into Canada. The government wouldn't even acknowledge it and call it illegal immigration.

This is not a new issue to Conservative members of Parliament, but it is an issue that needs very real solutions. We had in our platform a very real border security proposal that would have beefed up the border. It would have responded to the issues that have been identified by border officials, people living in border communities and people in other countries that have been forced to deal with the repercussions and consequences of the Canadian government's failure over the last decade to deal with these issues. That proposal, which very much resonated with a lot of Canadians, is not the one the government has chosen to go with.

• (1345)

What we're left with is now Bill C-2, which is still a live bill, and Bill C-12, which has not responded to these issues. That's exactly why we're having the discussions on this that we are. Where in the demands that have been coming from Canadians to get serious on the border have the calls been that border guards need to be able to open every matchbox in every room in every warehouse? Precisely

what limitations, if any, will there be on the power of those officers?

This is, I think, a very legitimate question. It's one that, for the sake of those members here who have been engaging in this debate, I would love to hear an answer to. Instead, whenever we've been trying to raise issues that are germane to this committee's work and to what Canadians are going through, we've found roadblock after roadblock and certain Liberal members who want to obstruct discussion and debate on issues that are incredibly important to Canadians.

An hon. member: [*Technical difficulty—Editor*]

Voices: Oh, oh!

Andrew Lawton: Exactly. I share that. I share that concern from my colleagues here.

I think what we need to be looking at in all of this is a holistic picture that reflects the concerns that have been raised about the lack of trust that Canadians have in this government to respect civil liberties and respect privacy rights. I still get, at my constituency office and my Parliament Hill office, a number of calls and emails on a regular basis from people alarmed that Bill C-2 was proposed in the first place; from people alarmed by Bill C-8; and from people who simply do not trust the government on Bill C-12, because all these other things happened along the way that led here.

If this truly is a new government, which is the line we hear often in question period, then it should be responsive to these concerns. That, I think, is the real problem we're seeing right now. This is not a government that seems to have learned any lessons. This is not a government that wants to play ball with Canadians, or certainly with those alarmed by incursions into privacy. This is not a government that has really shown any real self-awareness on this.

That's dissatisfying to me, and it's disheartening to a lot of Canadians. This is a minority Parliament. It has always been the case that in a minority Parliament, the onus is on the government to find support from opposition parties to enact its agenda, whether it's a budget or other bills, especially ones that are so crucial to the fabric of a country as border security is. This is where I go back to the fact that governments are supposed to unify. Leaders are supposed to unify. The only thing this government has managed to do is unify the NDP, the Green Party, the Bloc and the Conservatives, who have all seen the shortcomings of what this government is trying to do. I guess there is a slight participation medal that can be awarded for that type of unity.

Where we are headed with this, if the government does not honestly take heed of these concerns, is a government that will not get anything done, will point fingers everywhere else, and will blame every other party for that without being able to point to a single thing it has done to truly acknowledge where these frustrations are coming from and where, frankly, the distrust is coming from. All of this comes from an institutional distrust that has ballooned over the last five years in particular. We saw during the COVID period the distrust in institutions. We saw where people stopped believing that the government had their best interests at heart. A lot of these frustrations were the reasons I decided to run for office. I thought Canada desperately needed a change. Despite the proclamations that this is a new government, we have not seen that change really advanced here. I look at where we are on this particular legislation....

I realize, Chair, that we are heading toward question period. I'm happy to continue my thoughts here, now that I've wound down my preamble, after QP, if you so desire.

This is, I think, something that fundamentally can be framed through the lens of when someone shows you who they are, believe them.

• (1350)

This is a Liberal government that has shown us who they are time and time again. It's a Liberal government that has not tried to earn the trust of Canadians, has certainly not tried to earn the trust and confidence of this House and has not listened to the fundamental concerns that have been raised—concerns that I'm certain my colleagues, Ms. May and Ms. Kwan, will speak to in due course. It's a government that cannot truly get anything done without showing that it's willing to engage with critics and willing to fundamentally have some introspection here to look, right down to the granular, at what powers it wants to give itself and how Canadians can trust that it will not abuse those powers.

This has been a question that you can ask in so many ways. It's a question that has become core to the discussion that MPs are having about Bill C-8. It's the discussion in the committee that I sit on regularly, on Bill C-9, which is coming fundamentally from a place where Canadians do not view this government as having engaged with civil liberties issues in good faith.

I know we're going to be getting to other clauses after this. I will admit that some of these arguments will apply there as well, but you saw it in the discussion of section 97 of the act, which is why it's so relevant to what we have at hand here. It really did bring shades of Bill C-2 in the section dealing with mail search. It brought that back because that was the issue that really alarmed a lot of Canadians. That and the ban on cash transactions over \$10,000 remain among the top issues that I've had correspondence to my office about because Canadians are so alarmed about that. I'd say it might be in competition with ostriches. I'm sure all members here have received a number of emails about that as well. Before that issue came up, it was exclusively about Bill C-2.

The government, it sounded like, was prepared to take a step back to listen to these concerns. Instead, we have in Bill C-12 some other similar dimensions, where government is giving itself a power without spelling out necessarily—certainly not in these clauses—

exactly what is going to be the check on that power, what is going to be the mechanism by which we can assure that power and that authority are not abused, and what is going to be the way that we can be guaranteed, as Canadians, that C-12 will not be a way to shoehorn in provisions that were so resoundingly unpopular when first proposed in C-2, which was the very first substantive bill this government put forward. That was how high on its agenda and its priority list that bill and those authorities were. I think this is why we have to be very skeptical of all of this.

In the previous clause, we have shown our willingness to work across the aisle on this. We voted for the previous clauses. This is about trying to enhance legislation. It's not trying to obstruct. This is actually—

• (1355)

[Translation]

Claude DeBellefeuille: Mr. Chair, I have a point of order.

The Chair: Mrs. DeBellefeuille, you have the floor.

Claude DeBellefeuille: My colleague is bringing up many points for discussion, but I feel that he's going beyond the scope of my amendment. He isn't a regular member of this committee, so he didn't have the privilege of hearing the Privacy Commissioner's testimony. He strongly encouraged us to propose this amendment.

Perhaps by speaking slowly, I can make him understand that my amendment seeks to specify what a dwelling-house is, how an officer may enter such a place and under what circumstances they may do so, depending on whether they have a warrant. My amendment does a good job of answering the commissioner's questions.

The Chair: Honourable member, your point of order has been heard.

Claude DeBellefeuille: Thank you.

The Chair: I believe you're encouraging Mr. Lawton to speak more specifically to your amendment, which he can do after question period in the House, because it's now two o'clock.

I'm going to suspend. We'll be back at 3:30 sharp.

• (1355)

(Pause)

• (1530)

The Chair: I call the meeting back to order.

The discussion is still on amendment BQ-1.

I believe Mr. Caputo is next.

Actually, Mr. Lawton, were you finished with your intervention?

[English]

Andrew Lawton: No, not yet.

The Chair: Not yet. Ah, okay, so there is more pleasure to come.

Some hon. members: Oh, oh!

The Chair: Thank you.

I turn to you again.

Andrew Lawton: Thank you very much, Chair, and thank you all, members.

I realize it was a very eventful question period, so I appreciate everyone returning here to deal with the issue at hand. Just because some time has passed, I wanted to recap a couple of the core issues that were underscoring my intervention on this, specifically referring to the amendment proposed by Madame DeBellefeuille.

Her amendment I believe deals with some of the issues I was getting at, but in doing so, it exposes one of the core issues that Conservatives have raised with Bill C-2 and now Bill C-12, which is the lack of consideration for the full scope of authority and power that the government is trying to grant the CBSA in some contexts and other agencies in others.

When I was referring to the initial clause 4 of the bill, which refers to CBSA officers having access to transportation and warehouses and being able to search and open packages and all of these things, I mentioned dropshipping, which was just one example of a space that we've seen a bit of a resurgence in.

People have decided to take it upon themselves to run, in some cases, home-based operations for importing and exporting. The amendment proposed by Madame DeBellefeuille specifically looks at a "dwelling-house". It actually considers this and exposes what I believe is a core issue with the initial legislation. It identifies, the way the bill is currently worded, that if someone is exporting something from their own home, government would be able to go in and, without a warrant, open up doors, open up the medicine cabinet and potentially look at telephones and computers and the contents thereof.

I would like to have some context on this from our experts here.

Regarding the section of the bill we're dealing with here, which is clause 4, when would this be activated? What would be required for these measures to be activated under proposed sections 97.01 and 97.02?

Graeme Hamilton: There are actually two components at play here, as 97.01 and 97.02 deal with access to the goods, which is separate from the examination authority covered under existing components of the Customs Act, specifically in section 99, and is not part of—

[*Translation*]

Claude DeBellefeuille: Mr. Chair, I have a point of order.

The Chair: Mrs. DeBellefeuille, you have the floor.

Claude DeBellefeuille: What Mr. Hamilton is saying is very interesting, but he's speaking so fast that I don't have access to the content of his answer in real time through the interpretation. It's very difficult for me. However, since it's my amendment, I would like to fully understand his arguments.

The Chair: Thank you, Mrs. DeBellefeuille. I think your message has been heard loud and clear.

• (1535)

[*English*]

Graeme Hamilton: I'll recap a little more slowly. My apologies again, Madame DeBellefeuille.

Your question really invokes two components of the Customs Act.

The first is the one that is dealt with in the amendment under section 97, which deals with access to the goods, so that's our ability to access the goods that are being exported in this particular case.

The second one your question touches on is the actual authority to examine those goods, which is covered under section 99 of the Customs Act and is not part of Bill C-12.

The way proposed sections 97.01 and 97.02 are written lays out specifically within the legislation the conditions that must be met before an officer can request access to those goods. The goods need to be identified by the CBSA as being imminently exported or being loaded for export. We need to know that, and that can be because they're reported or because we have other information that those goods are about to be exported, that they're under the control of the person and that they are in that location because they're loaded, unloaded or stored.

There are some constraints that are written into section 97 that mirror the existing constraints under section 21 of the Customs Act, which deals with the exact same issue but on importation.

Andrew Lawton: Just to confirm, we are talking about the Customs Act here, so is this searching for the purposes of duty, or also contraband or a combination of both?

Graeme Hamilton: These are regulatory search provisions, not criminal search provisions.

Andrew Lawton: Then we are not talking here about a section pertaining to access to warehouse space or what's in shipping containers because of suspected wrongdoing but simply the regular checks that are taking place. Is that correct?

Graeme Hamilton: It's the regulatory enforcement role of the CBSA, yes.

Andrew Lawton: In your view, what was missing, under the current law, necessitating this? CBSA officers have always had, as I understand it, some level of authority to do these searches. Is this simply a clarification or is this adding a new power?

Graeme Hamilton: Section 21 of the Customs Act deals with goods that are being transported into Canada, and with warehouses that store goods that are being imported into Canada. The language is almost the same as proposed sections 97.01 and 97.02, but that language was specifically related to import. This new sections, after section 97, deal explicitly with goods, which are subject to those exact same powers, that are being exported from Canada, so it is a mirror provision of section 21 and is meant to close a gap in power that we do not presently have under the Customs Act.

Frank Caputo: I have a point of order, Mr. Chair.

Andrew Lawton: Thank you.

The Chair: Go ahead, Mr. Caputo.

Frank Caputo: Thank you. Mr. Lawton is so compelling, so this is very difficult. I believe that we can probably move a bit more expeditiously. I would propose that we address all of the proposed amendments, apart from parts 5, 6, 7 and 8, and that, once those are dealt with, we suspend until after Private Members' Business. I think our time is better served elsewhere.

The Chair: That is an invitation to all members to follow that advice.

Go ahead, Ms. Dandurand.

[*Translation*]

Marianne Dandurand: I support Mr. Caputo's suggestion. I would add that I'd like us to finish the clause-by-clause consideration of the bill this evening.

The Chair: Thank you, Ms. Dandurand.

[*English*]

MP Caputo, can you make even more precise which clauses concern parts 5 to 8?

Frank Caputo: Generally, I think that we will be in a greater position to deal with all amendments and clauses related to matters of immigration at that time. There are, roughly, 10 to 15 amendments, if memory serves, that aren't related to that. I think we could probably deal with those fairly expeditiously. There may need to be some votes on those amendments, but I think we could deal with them fairly expeditiously and, then, suspend—if there is agreement to move in that manner.

The Chair: We'll suspend for a minute or two, just to make sure we have a common understanding, and we'll come back very quickly.

• (1535) _____ (Pause) _____

• (1545)

[*Translation*]

The Chair: I call the meeting back to order. Thank you for your patience.

We're going to continue the discussion on clause 4 and amendment BQ-1. We will have other things to do afterward, but let's first continue the discussion on amendment BQ-1.

Mr. Caputo, you have the floor.

[*English*]

Frank Caputo: Thank you, Mr. Chair.

I'll be seeking unanimous consent for the following:

That, with respect to clause-by-clause consideration of Bill C-12, all clauses and amendments dealing with clauses 28-75 be stood until after Private Members' Business hour today, provided that the committee continue to deal with all other clauses of the bill in the interim, and that the clause-by-clause consideration be completed today.

• (1550)

Brad Redekopp: That's after PMB.

Frank Caputo: Yes, it would be after PMB. That would roughly be about 7:15 p.m. That's what we anticipate.

I think that we can move fairly quickly once we have unanimous consent. I'll signal where we're at on the remainder of the amendments before clause 28.

The Chair: Mr. Caputo, can you repeat that again, as slowly as you've just done, so that the translators are able to appropriately convey the message?

[*Translation*]

Claude DeBellefeuille: I have a point of order, Mr. Chair.

First, I would like to have a written version of this motion.

Second, earlier, you didn't allow motions to be moved immediately after the adoption of a clause in the bill and just before the start of the discussion on the next clause. We're now debating my amendment, and you're suddenly allowing the committee to debate a motion. This isn't the same as asking whether there's unanimous consent on what's being proposed. This is a proper motion. I may not be an expert on procedure, but I think something's wrong here.

You said earlier that we were going to deal with amendment BQ-1 and that we'd move on to other things afterward. I understood that those other things could include the possibility of putting forward a motion or asking whether there's unanimous consent on how to proceed. I don't want to call you to order, but I'd like us to deal with my amendment first. We can then move on.

Now, I'm telling you, I'm starting to get a bit irritated by the fact that there's a double standard when it comes to applying the rules of procedure. There's never any consistency.

The debate is currently about an amendment to a clause of the bill, and a member has been filibustering since this morning. I'd like to know whether the debate will continue and whether we're going to vote on the amendment. I think it's your job to clarify that before the committee starts debating Mr. Caputo's motion.

The Chair: Absolutely.

I would like Mr. Caputo to repeat what he is proposing, because I myself didn't fully understand everything that was said.

Once everyone has understood, we can rule on the issues that you just—

Claude DeBellefeuille: Mr. Chair, I don't want to press you on this, but there are a lot of employees here from the whip's office and the Conservative leader's team in the House. I don't accept, then, that I don't have a copy of the motion in front of me. That isn't normal.

This is a clause-by-clause consideration of a bill, so I think we have to be thorough. If this is a motion to make our work easier, the staff of the party proposing it need only arrange to provide a copy to committee members and the interpreters, if possible.

The Chair: If I may, we'll proceed in order.

First, Mr. Caputo, you will respectfully repeat what you said.

[*English*]

That's so that we all understand the content of your motion. Then we'll establish the steps after.

Frank Caputo: Thank you.

I'm seeking unanimous consent. Then, at that time, I believe that we, as Conservatives, will be in a position to support BQ-1. So, before that, I would seek this motion, and then we can move on to voting or any further debate. I don't think you'll hear any further debate from us as Conservatives.

The motion is as follows:

That, with respect to clause-by-clause consideration of Bill C-12, all clauses and amendments dealing with clauses 28-75 be stood until after Private Members' Business hour today, provided that the committee continue to deal with all other clauses of the bill in the interim, and that the clause-by-clause consideration be completed today.

The purpose of this is to move on to Madam DeBellefeuille's amendment after unanimous consent is achieved on this.

The Chair: That's very good.

I think it's better understood now. Granting unanimous consent involves every MP around this table being comfortable with this. I propose that, while we continue speaking to the amendment, BQ-1, a printed copy of that motion be distributed. Then we'll see whether there is unanimous consent, because unanimous consent would be needed.

If that is fine—if someone can ensure that this is both printed and translated—then I think we will be able to follow your kind advice.

Having said that, let me return to the discussion on the amendment.

Jacques Ramsay: I have a point of order, Chair.

[*Translation*]

The Chair: Mr. Ramsay, the floor is yours.

[*English*]

Jacques Ramsay: Considering the likelihood that this motion will be adopted, can we proceed and vote on a clause and not waste any further time? Not that Mr. Lawton wasn't interesting, but....

[*Translation*]

The Chair: Okay.

It's very clear what we have to do. We're going to continue the discussion on amendment BQ-1. In the meantime, qualified and re-

sponsible people are distributing the motion, which has just been translated into French and printed in both languages. We can look at it after we finish discussing BQ-1.

Would any members like to speak to BQ-1?

• (1555)

[*English*]

Go ahead, Mr. Lawton.

Andrew Lawton: I am happy to cede the floor to my colleague Mr. Au. I believe he has some concerns about clause 4.

Chak Au (Richmond Centre—Marpole, CPC): I'm fine now.

The Chair: Before Mr. Au, I had Madame DeBellefeuille on the list.

[*Translation*]

Mrs. DeBellefeuille, do you wish to speak to your amendment?

Claude DeBellefeuille: Yes. I would like to remind committee members that the Privacy Commissioner clearly indicated in his testimony that such an amendment would improve Bill C-12 by adding some clarifications that were missing. I'd like this amendment to have the support of committee members, because I have a great deal of respect for the commissioner's thoughts and work. I think it's reasonable to quickly adopt this amendment, which I think improves and clarifies the bill.

Mr. Chair, I suggest that we go to a vote.

The Chair: That's a suggestion.

Mr. Lawton, do you have a comment?

[*English*]

Andrew Lawton: I would like to be added to the speaking list.

[*Translation*]

The Chair: Okay.

[*English*]

Go ahead, MP Au.

Chak Au: I'm happy to ask a few questions for clarification, because I think we are dealing with very serious business here when we do clause-by-clause consideration. Forgive me for speaking slowly because English is not my first language. I think Madame DeBellefeuille will be very happy, and the translators will be happy, too.

I also want to ask the presenters, when you answer my questions, to please give me examples and descriptive answers, because, in terms of learning style, I'm a concrete, sequential visual learner. I have to think in pictures, okay?

To begin with, I want to ask you to give me an example of how new proposed section 97.01 will be used. Give me a situation where the officer will request entry into a place. What kind of situation could that be?

Graeme Hamilton: I'll give you an illustrative example of what that could look like. Going back to the stolen vehicles issue specifically related to rail yards in southern Ontario, cars were being loaded into railcars and they were being put onto rail lines to be shipped directly to the port of Montreal in order to be exported.

This clause would allow us to have access to the goods that are being held by one of the rail operators, the transporters, in order to then exercise our existing examination authorities to check those railcars to see if they contain stolen vehicles. That would be an example of where we would use this in the context of a rail yard.

Chak Au: Then, on the contrary, can you give an example where the current provisions in the legislation could not apply to a situation that you have just mentioned?

Graeme Hamilton: Yes, right now, CBSA would not, under the current construct of the Customs Act, be able to necessarily access those goods or require the transporter to provide those goods for examination. That authority exists only for goods that are being imported, not for goods that are being exported. This is meant to close that gap so that we have both import and export access authorities for goods.

Chak Au: Thank you for the clarification.

Are you saying that the purpose of this provision is to give the officer the power to inspect?

Graeme Hamilton: The particular provisions in section 97 are about access to the goods. Section 99 in the Customs Act is around the authority to do that examination or inspection of the goods. So this is to be able to access the goods, and then they invoke section 99 in order to perform an examination. There are a number of different examination authorities that they can use. It's examination 99(1)(c) that specifically relates to examining goods for export.

• (1600)

Chak Au: In that case you're saying that it's basically to examine and to inspect?

Graeme Hamilton: It supports the examination process, yes.

Chak Au: Okay.

In that case, why is this not being specific in these provisions? This is just to talk about the officer's request. Can you add that the request is to inspect and examine? What I want to do is I want you to specify the objective of this request.

Graeme Hamilton: It has to be read in conjunction with the examination authorities that are in section 99 of the Customs Act, which I unfortunately don't have in front of me now. We would need to have access to the goods first, and then once we have access to the goods, we'd be able to examine the goods. So the two provisions work together to make sure that we can appropriately perform the function of examining goods before they leave the country.

Chak Au: Are you saying that under this provision the only purpose of the request is limited to examination and inspection and not for other purposes?

Graeme Hamilton: These are drafted specifically to ensure that we have clear authorities to access goods that are being transported for export or that are being warehoused prior to their exportation.

Chak Au: Great.

In what form could the request be delivered? Could it be written or verbal?

Graeme Hamilton: Operationally speaking, there's a lot of engagement between warehouse operators and CBSA officers. Those would be either communicated in writing or they would be communicated orally as part of that regular ongoing engagement that the border services officers have with these officials. I'm not a frontline officer myself, but in discussions with operational colleagues, I know that that happens in both ways. There's often quite a tactical level of coordination that takes place between these types of operators and the border services officers who are delivering these services.

Chak Au: In this case, when the request is made, is there any provision in the legislation to make sure that the respondent, the other party, understands the request?

Graeme Hamilton: There is not, to my knowledge, anything specifically in the legislation that's drafted that answers whether or not they understand the access request or that provision. It may be contained somewhere else in the legislation, I'm just not sure off the top of my head.

Chak Au: Would this not be a loophole if you make a request without making sure that the other party understands it?

Graeme Hamilton: I wouldn't want to qualify it as a loophole right now. It may be contained elsewhere in the legislation, and I can certainly confer with colleagues quickly and get back to you if that's acceptable.

Chak Au: Okay. Can you make sure that there's some kind of provision to make sure that the other party understands the request. In Canada, we are a multicultural society. In many cases French and English might not be the person's first language and they might have difficulty understanding the request. I don't want their lack of understanding because of the language barrier to be seen as obstructing the officers in carrying out their duties. I just want to make sure that the language issue is being addressed.

You said there's also a time reference for the other party to respond. When the officer makes a request, do they have to respond immediately or can they engage in consultation? I can think of the situation where perhaps the person the officer is dealing with is only a caretaker—he's the lowest person in the hierarchy—and may say he doesn't have authority to open the door for an inspection. How would you address those situations?

Graeme Hamilton: On the time provision, there is nothing specifically that I'm aware of around the time required for the person to respond back.

I will say to your previous question, under the Customs Act, the request can be made in either official language and that has worked operationally with the transporter. There's an operational relationship that exists between these transporters and the BSOs because they are often engaging on a daily basis.

• (1605)

Chak Au: I know you've acted legally in terms of the two official languages, but what if the person doesn't understand and delays in responding? Would he or she be charged with obstructing the duties of an officer?

They are not intending to obstruct, but in that situation, what would happen?

Graeme Hamilton: I'd have to get back to you on that. I do know that there are provisions within the Customs Act around obstruction of an officer, but I am not able to testify today whether they would come into play in that situation.

I'm being told that it would be taken into account in terms of the officer's discretion.

Chak Au: Then, in the case of the person at the bottom of the hierarchy, can he or she consult with the person who controls the premises, the owner or the operator?

Graeme Hamilton: Absolutely. It's my understanding that that type of operational coordination within the transporter or the warehouse would take place in order to grant the official access. It would be an official request under the Customs Act to access and there may be a time requirement. Transporters are often moving goods rather rapidly through the supply chain infrastructure. There is sometimes a time-pressing component associated with the BSOs' ability to access the goods before they actually move off-premise and further up the supply chain potentially to, say, the port of Montreal.

Chak Au: How do you define the person in control of the premises? Is it the caretaker, the owner?

Graeme Hamilton: The person who is considered to be in control of the premises is defined in section 42.2 of the Customs Act already, which defines who is considered to be in control of the goods that are being moved.

Chak Au: I also see that there are two different terms. In proposed section 97.01, you used "the persons in control", but in 97.02, you used "the operator".

What is the technical difference between the operator and the person in control or person in charge?

Graeme Hamilton: The warehouse itself contains the goods, so it is operated by a person. The definitions that are contained within the Customs Act use that to define a warehouse operator, whereas for transportation, they define that as the person who is in control and has care of the goods. It comes back to the definitions within the Customs Act and how they are laid out within the act in earlier parts of the provisions.

Chak Au: In proposed section 97.02, if there's only a caretaker on site and he's not the owner or operator, again, what will happen? Can the caretaker say, "I'm not the operator. I cannot open the door for you"?

Graeme Hamilton: It is my understanding that the request would have to be made to the person who is deemed the operator of the warehouse as defined in the act, which would not be the caretaker who is answering the door, for example.

Chak Au: Can you elaborate further?

Graeme Hamilton: There are provisions within the Customs Act. I don't have the exact provisions right now that define who those people are. The request would need to be submitted to those persons in order to allow them to have access to the site.

Chak Au: You're saying that it may not be the caretaker on site?

Graeme Hamilton: It's my understanding that, as defined within the Customs Act, that is not the caretaker on site.

Chak Au: In that case, there could be some time lapse.

Graeme Hamilton: Yes.

Chak Au: If you're talking to the caretaker, and he says, "I'm not the operator. You know, talk to the operator," then you have to find the operator and make a phone call or whatever, so there could be a time lapse.

Graeme Hamilton: Potentially. Again, I'm sorry, sir, I'm not a frontline operator dealing with these situations every day. I will try to get from my colleagues explicit clarity on this, but my understanding is that an operational lag between when the request is made to the person at the site versus the person as defined in the act is an appropriate component within that.

Chak Au: Thank you. That's what I'm seeking—clarification.

How do you define warehouse?

Graeme Hamilton: Warehouses are defined specifically within the Customs Sufferance Warehouses Regulations, which are made under the provisions of the Customs Act. There are publicized regulations that manage our warehousing provisions and define what a warehouse is and the different types of warehouses.

• (1610)

Chak Au: Let me give you an example. If I have 50 boxes of goods and for some reason I bring one box back to my home overnight, would it turn my home into a warehouse?

Do you need permission to enter my house?

Graeme Hamilton: What is a warehouse and what isn't a warehouse is defined within the warehousing regulations. That particular scenario would not, from my understanding, qualify your house as a warehouse. You would not have a licence to be considered a warehouse and you would not be subject to the warehousing regulations as defined by the government.

That would not be a warehouse.

Chak Au: A warehouse is defined by being licensed or zoned.

Graeme Hamilton: Yes, within a stand-alone set of regulations that are made under the powers of the Customs Act.

Chak Au: That's good. Thank you for that clarification.

How about a farm? I own a farm and have boxes of goods in my house at the farm. It's not licensed as a warehouse in land use. In that case, is it a warehouse?

Graeme Hamilton: In that case again, it would not be considered a warehouse.

Chak Au: How about boats? I have a boat and I use my boat for some storage.

Graeme Hamilton: Again, it would not be considered a warehouse from my understanding, but there are obviously cargo ships, which are treated differently from private vessels. Just because you have a box on your boat, it would not be considered a warehouse under the construct of the warehouse regulations.

Chak Au: In that case, is it possible that in this legislation you need also to spell out some exemptions or exclusions? As you said, the farmhouse, residential dwelling and yacht will not be classified as a warehouse. Can you have those kinds of exemptions or exclusions in the act?

Graeme Hamilton: The provision itself only speaks to sufferance and bonded warehouses, which are defined already and, by definition, exclude those scenarios that you've already laid out.

Chak Au: Okay. That's very good.

Can you think of some defence that a person can use to defend themselves when they have been charged for the violation of the legislation as presented?

Graeme Hamilton: I'm not sure that I specifically understand the premise of the question. The Customs Act does have a recourse process that people can go through if they have questions around the customs tariff that's been applied to their goods and a recourse process around licensing, etc. There are a number of recourse provisions that exist in the context of the Customs Act.

My first suggestion would be that they avail themselves of those particular recourse processes, depending on what violation they have apparently found themselves running afoul of.

Chak Au: Thank you.

Those are my questions for now, Chair. I may have more questions later.

[*Translation*]

The Chair: Thank you, Mr. Au.

Let me go back to the previous discussion. As I understand it, current discussions could lead to this motion being moved, as long as it's unanimously accepted by committee members, to speed up the committee's work on Bill C-12. I repeat that the committee has to give its unanimous consent first, or such a motion can't be moved until the business to be considered has been completed.

I'm going to suspend the meeting for a few moments to ensure that everyone has a copy of the motion that Mr. Caputo read a few moments ago. The motion has now been printed in English and French. The committee will then have to decide whether it unanimously agrees to deal with that motion right away, which could facilitate and speed up our work.

I will suspend the meeting for a few moments.

• (1615) _____ (Pause) _____

• (1625)

The Chair: I call the meeting back to order.

[*English*]

Are we ready to proceed with amendment BQ-1? Are there any further remarks?

Mr. Lawton, please go ahead.

Andrew Lawton: Thank you, Chair. I believe Mr. Jackson is on the speaking list after me. I will try to be expeditious, which I'm known for in my interventions.

I want to return to the amendment that's been proposed by Madame DeBellefeuille. What is the view of our experts here on the need, or lack thereof, in your opinion, to add this amendment on the dwelling-house categorization specifically?

Graeme Hamilton: We thought about this a little bit to try to come up with a scenario where this would be required. We couldn't necessarily think of one when we were considering this as officials. There are conditions within section 97 that talk about how the goods need to be there, or be just about exported, or the person needs to be in control of them, etc. We couldn't necessarily think of a particular scenario.

That's not to say that one wouldn't arise where this would be required and we would need to access a dwelling-house in this particular context.

Andrew Lawton: I don't know how tuned in you were when I was speaking about this earlier, but the language in clause 4 looks very expansive. Specifically, proposed section 97.02 states, "The operator of a sufferance warehouse or a bonded warehouse must, at an officer's request, give the officer free access" and so on, "and open any package or container of goods destined for export or remove any packaging from those goods."

The other proposed section under transportation says, "free access to any premises or place under the person's control that is attached to or forms part of any place where any goods destined for export are reported, loaded, unloaded or stored".

My reading of this is that there's no stipulation that the part of the premises being inspected has to be connected to the act of exporting. I mean, just to use an extreme example, would this authorize searching a bathroom at a warehouse?

Graeme Hamilton: With the location itself, in terms of a sufferance warehouse or a bonded warehouse, as we have it under proposed section 97.02, the goods would need to be stored there for export. If we were going to go look at those goods, we would be able to access the premises that are considered part of that warehouse in order to do that examination authority.

Andrew Lawton: Is the word "premises" here limited to only specific portions that are directly connected to where the goods are stored, or is it any office, any bathroom or any coat closet on those premises?

Graeme Hamilton: It's the portion of the premise that is considered a sufferance warehouse or a bonded warehouse.

Andrew Lawton: Thank you.

In the event of, say, digital products, by which I mean cell-phones, computers and tablets, does the authority in Bill C-12 extend to searching contents of those devices or just the physical devices themselves?

Graeme Hamilton: The examination authorities under the Customs Act fall under section 99. The ability to search digital devices would be contained under section 99 of the Customs Act. Section 97 would be about just having access to the location where those goods are stored.

• (1630)

Andrew Lawton: That's the physical ones. Okay.

What was it, in your view, that required the addition of proposed sections 97.01 and 97.02? What was missing?

Graeme Hamilton: Do you mean within the Customs Act?

Andrew Lawton: Yes.

Graeme Hamilton: Within the Customs Act as it's drafted today, section 21 deals with transporter obligations and warehouse obligations for imported goods, containing very similar language to what is being proposed under section 97. It's to mirror those obligations for goods that are about to be exported and to mirror the authorities that we have currently for goods that are being imported.

Andrew Lawton: Just to look at your comments on the need for, or lack thereof, you say, for a dwelling-house carve-out here, as the amendment before us right now puts it, if someone is running a home dropshipping business where they are readying products for export from their garage, where would that fit or not fit into this legislation in this proposed amendment?

Graeme Hamilton: In that particular sense, the person would also have to be the transporter of those goods, which they wouldn't be. They would be putting them into a courier system or a mail system. We would use existing provisions within the Customs Act in order to access those goods in a separate location, mostly a mail-sorting facility or some other type of courier facility.

Andrew Lawton: There would still be cases where someone who perhaps lives in a cross-border community might have a business where they're ferrying goods back and forth, and they could be the warehouse and the transporter. Is that correct?

Graeme Hamilton: If they were to have their goods in their car and were to bring them to the border, we would have the authorities to examine them. If they were physically at the border, it wouldn't necessarily be this provision. We would be using provisions under section 99 as opposed to section 97.

Andrew Lawton: There are a lot of communities in Canada that.... There's that old line—and I don't know if it's statistically valid, but it's often cited—that 90% of Canadians live within 100 miles or 100 kilometres of the U.S. border. I don't live in a traditional border community, although my riding does go along the shore of Lake Erie, so it does technically border the United States that way. I live about an hour from Port Huron, Michigan.

Again, Canadians have often, notwithstanding the current circumstances, gone back and forth across the border. There are a number of cases where Canadians have tried to score a deal of some sort, so they order a product, ship it to a UPS store across the border and bring it back.

Are there issues with this that, in your view, Bill C-12 is trying to capture—this long-standing cross-border trade, some of which is more formalized and some of which is more informal? It's just Canadians and Americans who have gone back many decades not even really viewing there being a true border there.

Graeme Hamilton: Yeah, those types of goods that are coming into the country are being casually imported by a traveller and would be subject to examination under other authorities, not under section 99. Section 99 would come into play, for example, if it were a trucking company bringing those goods across or a rail company transporting those goods for export. It would not come into play for a casual importation by a traveller seeking to access a mail facility in the States and to import those goods casually into Canada after having ordered them online.

Andrew Lawton: I'm just trying to get a sense here. I realize that you've addressed this to some extent, but is it your view that new powers are needed on this? I'm specifically talking about section 97 here. Are new powers needed, or are greater direction and clarity needed on existing powers?

Graeme Hamilton: There was not clarity in the existing Customs Act that would oblige transporters and warehouse operators to give access to the CBSA to do examinations on exported goods, similar to what's in the Customs Act for imported goods. It's seeking to close a legislative gap that was identified by the CBSA as we were examining the powers and authorities that we were using with respect to stolen vehicles.

Andrew Lawton: Do you have any sense of how many entities—that is, companies or, to a lesser extent, individuals—fall into this gap? How many operators are we dealing with here, roughly?

Graeme Hamilton: I'm sorry, sir. I don't have the answer off-hand. I do know that there are hundreds of licensed warehouses across the country, but I don't have a specific number on that. In terms of transporters, I wouldn't want to hazard a guess.

Andrew Lawton: Would fulfilling this require, in your view, more resources? Are we talking about a greater workload that the CBSA has to take on to do this? Are you expecting, for example, a greater volume of these searches, of these premises inspections, if this bill passes and if the amendment to it passes and would be law?

Graeme Hamilton: I wouldn't want to speak to the use of operational resources. What I can say is that I know there are 8,500 frontline officers who are assigned to do risk-based examinations of imported and exported goods. These new authorities would open the aperture in terms of the potential goods that they could look at using that risk basis. They would continue to work within the resources that they have.

• (1635)

Andrew Lawton: Do you believe that there is a new gap created in this? I go to the amendment that we're discussing right now, which talks about dwelling-houses. It specifically says that there should be an "*ex parte* application by the Minister". In response to that, "a judge" would be able to "issue a warrant authorizing an officer to enter a dwelling-house".

Now, I realize your view that "dwelling-house" was not.... I understand why that was not contemplated in the initial legislation here, but do you believe that there is a gap in this, in not including warrant language and the requirement for a warrant under these authorities with respect to warehouse and transport operators?

Should we be looking at warrants there? That's basically the question.

Graeme Hamilton: I wouldn't want to provide a legal assessment on that. If this were something that we looked at, I think we could operationalize this from a CBSA perspective, but I wouldn't want to speak to the legal requirements and assessments associated with it.

Andrew Lawton: Okay. Thank you very much.

Just to put this into the broader context, the reason I focus on this is that, as we have been discussing this bill and as Canadians have been weighing in on this, there have been a lot of concerns that I've fielded, certainly from people in my riding, and from across the country, about mission creep. That is not at all an indictment of the CBSA. They perform incredibly important work for our country and our communities. For border communities in particular, CBSA officers live and work amongst them, and they are very important members of the community.

The question is about the law itself and the direction given to these officers. There is a profound mistrust by Canadians for a great many of the authorities that we have seen put forward in Bill C-2, which was the precursor to Bill C-12. It's interesting that Bill C-12 is in some ways ripped from the pages of Bill C-2. The hope that a lot of members of Parliament and a lot of Canadians had was that the government would learn their lesson with this and would realize the error of their ways—which I concede is a lot to ask after the last 10 years—and in doing so would have addressed some of these concerns, some of these due process concerns and the scope issues.

Our witnesses here have made some very important comments that are very valid about why the government perhaps did not think of contemplating "dwelling-houses" in the original text of clause 4 of Bill C-12, and why that was not the case, but the amendment here reveals that there are gaps still. It's not quite clear to me—and I've tried to get a clear answer from the government on this in the past—whether they are trying to simply codify and clarify operational realities—areas where there are some gaps—or whether they are trying to expand the authority they have. I think that in and of itself is a bit of a concerning problem here.

Again, why has it taken so many hours of this committee's time to deal with what are really just two paragraphs of the bill? People can decide for themselves, but I think there are still a number of outstanding questions that need to be dealt with.

I know that Mr. Au, my colleague from British Columbia, had tried to get into some of the specifics of which locations we are dealing with. Mr. Hamilton, are you able to offer any context on the licensing for warehouses—realizing it's contained in another statute—and whether that itself creates an issue with the CBSA? Are you going to have warehouses that don't fit the legal definition but are still being used for export?

Graeme Hamilton: I think the licensing framework that exists for warehouses that is contained in section 24 of the Customs Act, and then elaborated on in the warehousing regulations, provides sufficient clarity to industry around which locations are considered warehouses, but also the requirements that fall to those warehouses as well. I think there's a fairly robust system around the designation of warehousing and the licensing of warehousing.

• (1640)

Andrew Lawton: I'm glad you brought up section 24 of the Customs Act because, as I understand it, that section also deals with duty-free shops, correct?

Graeme Hamilton: There is a section of the Customs Act that deals with duty-free shops. Whether it's section 24, I can't say for sure off the top of my head.

Andrew Lawton: As I understand it, I believe it's right after section 24. It's under the same category, but not the same section number.

Do goods that are being retailed but are destined to cross the border factor into your work on and consideration of these issues?

Graeme Hamilton: On this particular issue for section 97, no, sir, they wouldn't. There is a separate set of regulations that deals with duty-free shops, however.

Andrew Lawton: Okay. I believe we may be getting to those at another point.

That's all I have for now. Thank you.

Thank you, Chair. I believe my colleague Mr. Jackson has some questions as well, if he is next on the list.

The Chair: Thank you.

MP Jackson, please go ahead.

Grant Jackson (Brandon—Souris, CPC): Thank you, Chair. It's a pleasure to be here at committee this afternoon. I appreciate the opportunity.

It's nice to meet the witnesses. I'm sorry I missed your testimony this morning, so please forgive me if I repeat some questions. That's certainly not my intention.

My constituency is Brandon—Souris in the southwest corner of Manitoba.

Graeme Hamilton: I'm a Brandon boy.

Grant Jackson: You're a Brandon boy, very good. I'm from Souris, and I grew up in Brandon, and I went to Brandon University. It's a pleasure to have a fellow Westman resident here. That's wonderful.

You're very familiar with our neck of the woods then. I have nine border crossings in our constituency alone. A lot of people are really curious as to how this bill is going to impact the operations of those border crossings.

I was just down in Cartwright, Manitou and Waskada not long ago. They're already experiencing changes to the hours of operation of those border crossings. Whether or not that's due to resourcing issues, I'm not sure. Perhaps you can provide some clarity.

I am hearing concern that increased responsibility and increased tax, while good things, might impact the operations of those borders due to resourcing issues.

I wonder if you could provide a little commentary on what impact you may foresee this bill might have when it comes into force on our nine border crossings in our neck of the woods.

[Translation]

Claude DeBellefeuille: I have a point of order, Mr. Chair.

The Chair: Mrs. DeBellefeuille, you have the floor.

Claude DeBellefeuille: I don't know if you're paying attention to the questions my colleague is asking, but I'm having trouble finding how they relate to my amendment. I don't know if you can call him to order.

The Chair: Indeed, without necessarily forcing them to do so, we can strongly encourage members to speak to amendment BQ-1.

[English]

Grant Jackson: Certainly. My apologies, Mr. Chair.

I wonder then, in specific reference to a dwelling, as mentioned in Mrs. DeBellefeuille's amendment, what the context of that might look like if this amendment came into effect, in the context of Westman and the impact that it may have on CBSA operations in the region that I represent?

Graeme Hamilton: It's my understanding that, if the amendment were to pass, there would be a certain amount of additional work that the CBSA would need to undertake in order to access goods that are contained in a dwelling-house.

As previously testified, we haven't thought of a scenario where that would necessarily be the case, but in the unlikely event that one were to occur, we would need to go through that process in order to get judicial authorization to enter the dwelling-house. That would take the time that it would take, and there would be a cascading impact down in terms of other CBSA availability.

Grant Jackson: In that context, then, in terms of our region that is many small towns that are hours apart, are CBSA officers then going door to door in those communities in a situation like this? Are you working with RCMP partners? How would that logistically work?

Graeme Hamilton: This would only be for the amendment. The amendment, if it were to pass, would only come into play in a very specific set of scenarios where the goods have been identified by the CBSA as being ready to be exported because they're reported. There are a number of other conditions listed in section 97 that would have to be met before the CBSA would then have that information to make the request to access and to look at those goods.

It would not necessarily require a CBSA presence running around looking for these things. It would have to be based on where we know goods are being loaded, unloaded and packed and where they've been reported for potential export or imminent export. We would then look at whether or not we had a need to examine these goods. Then we would seek to access those goods and examine them.

• (1645)

Grant Jackson: With respect to our constituency, other than Brandon, there's very little that's stopping and starting within the constituency. Is there any concern on your part that being so far from the crossings may present a challenge in identifying those locations as opposed to when they might cross the border?

Graeme Hamilton: No. From a licensing perspective on the warehousing side, they have to be licensed, so we have good knowledge in terms of where those locations are. It's only specifically bonded in sufferance warehouses, so it's a subset of all warehouses as well. I don't think that it presents any particular challenges.

Grant Jackson: Okay, that's interesting to me. I'm curious about the resourcing side. We know that's a bit of a challenge for you folks, specifically with the commitment of the government to hire 1,000 new border security officers. We haven't seen a whole lot of results on that.

In terms of the warrant as well, our courts are quite backlogged. Do you see that presenting any challenge in terms of a timely turnaround on accessing a judge to provide those warrants?

Graeme Hamilton: I'm sorry, but I wouldn't be in a position to testify to the time it is currently taking the CBSA to get warrants. We do have to get warrants as part of a big swath of the intelligence, enforcement and inland enforcement that we undertake, but I'm not working on that side and wouldn't want to hazard a guess about whether or not this would exacerbate that issue and how long it currently takes.

Grant Jackson: That's fair enough, although I can understand that the context would be a bit challenging for the courts to be able to provide these things in a timely fashion.

In terms of the entry into the "dwelling-house", which is a warehouse, is that how we're terming that in subparagraph 3(b) of the amendment?

Graeme Hamilton: In the amendment, "dwelling-house" refers back to a specific definition of "dwelling-house" that exists in the act already.

Grant Jackson: In terms of gaining entry to the "dwelling-house", then, is that something that the CBSA, once the warrant is granted, would enact themselves, or would you be working with the RCMP and other partners?

Graeme Hamilton: My understanding of how the amendment is drafted is that this would be access that the CBSA would use in order to access that for the exercise of regulatory examination powers under the Customs Act. It wouldn't be in conjunction with the RCMP, who would be there for criminal purposes. It would be regulatory enforcement.

Grant Jackson: In our neck of the woods, should a warrant be issued for a warehouse in Brandon, are officers being pulled away from border crossings or other duties to go and investigate these cases? Under the amendment, is that how that would be interpreted?

Graeme Hamilton: If the CBSA had information that there were goods being readied for export in a particular warehouse that we had intelligence on and we thought there was a reason for us to examine them, we would assign officers to do those examinations.

I don't know off the top of my head whether or not there are CBSA officers specifically assigned in Brandon, but in many large metropolitan areas, there are CBSA officers who are present because of airports, seaports and other reasons. Part of their job is to do warehouse inspection. There are requirements under the licences that are provided for warehouses in terms of engagement with the CBSA, and part of that business is that they're available to do those inspections.

Grant Jackson: Yes, and I totally get that. In urban contexts, that makes a lot of sense, but if you're sending somebody to investigate a warehouse in Tilston, there's not a lot around there. There certainly aren't officers there on a regular basis to investigate those types of warehouses where we know illicit and illegal actors set up shop wherever they think they can hide the most effectively.

I'm curious about the deployment side of things and how that would work in more rural and remote areas of the country. That wasn't much of a question, but I know that people in my area who... There was a significant bust at the International Peace Garden border crossing not long ago that was heading for a warehouse somewhere in Manitoba. People are concerned about the implications for this in rural and remote areas.

Graeme Hamilton: I'm sorry, but I wouldn't be able to speak to how this would be operationalized specifically, although I would just recall that there are similar provisions for imported goods that already exist. The CBSA does use that access provision in order to undertake warehouse inspections under those existing authorities in section 21.

Grant Jackson: I think I'm very close to being done with my questions specific to my constituency, but I do want to understand a little bit more. Could you be clear on the "reasonable grounds" piece as mentioned in paragraph 3(a) of the amendment?

What would that look like to officers in the CBSA in terms of information or a tip that would lead you to conduct an investigation or an inspection of a "dwelling-house" as described under the act?

• (1650)

Graeme Hamilton: "Reasonable grounds" is a legal search authority that the CBSA is very familiar with. A number of our examination authorities rely on that as a legal threshold that they need to meet before they undertake certain examinations. There's a well-understood framework that supports that and is taught at the CBSA college in Rigaud. It is well understood by officers, and they would need to be able to meet that in order to prove that to a judge.

I'm not a lawyer, so I wouldn't want to pronounce on specifically what they are, but there is a very defined set of criteria that needs to be met.

Grant Jackson: The reason I ask that is not to question whether folks at the CBSA understand the legal framework of reasonable grounds, but I think people are frustrated in my constituency. They see illicit operations going on all the time, even across the border. Guns are coming in and they're ending up in Melita. How else did they get there but from the United States? Nothing is happening. Nobody is taking action. Nobody is holding these criminals accountable. They're openly and blatantly operating in our small communities.

I think people are curious, when they see this happening so blatantly in our communities, why that isn't reasonable enough grounds to take action. I understand there may be context in terms of other facets of an investigation that is ongoing. This is a very small part of a long and organized crime operation, so you're trying to get the bigger fish, but I ask that question because I think the average rural Manitoban is frustrated sometimes that action isn't taken on these operations more quickly.

I don't know if you have any response to that.

Graeme Hamilton: I have no specific response to that. I'm sorry.

Grant Jackson: It's frustrating for them, but I know you folks are doing the best you can. I honestly hope that when this bill proceeds, it does give you the tools to better deal with these illegal operators.

Mr. Chair, that reaches the conclusion of my questions. I know some of my colleagues have further questions that they would like to ask as well, so I will cede the floor to them.

The Chair: We are back to further input, if that is so desired.

I have Mr. Caputo's name here.

Frank Caputo: I'm prepared to provide further input at this point, Mr. Chair.

The Chair: No one can block you.

Frank Caputo: I'm sure some would love to.

I have a very short question to start out, for whoever would like to answer.

Is there a reasonable expectation of privacy?

I'm just trying to connect the dots between a reasonable expectation of privacy at a border crossing and personal ownership. How does one actually own a dwelling at a border crossing, essentially? It couldn't be one that's government owned. Is that possible? How does that all work?

Graeme Hamilton: Can I just get quick clarification? Are you talking about a privately owned house that's on the border or a privately owned port that's on the border operating as a port of entry?

Frank Caputo: I'm talking about at a port of entry, whether it be privately owned or government owned. I'm just having trouble wrapping my head around how you would have a dwelling-house there. I guess it's conceivable that on a privately owned port, there might be a home there for somebody, perhaps the president of the port or something like that.

Is that accurate?

Graeme Hamilton: Potentially, yes.

Frank Caputo: I'm talking about expectation of privacy on this. That would attract the same expectation of privacy as a dwelling-house not on that property. Is that right?

Graeme Hamilton: I wouldn't want to comment on expectation of privacy outside of the context of the provisions.

Frank Caputo: That's where I was actually going to go. I'm kind of a nerd. The expectation of privacy is what triggers the charter right to not be subject to “unreasonable search or seizure”. If there is no expectation of privacy, then section 8 is not generally triggered, but I may be mistaken on that.

Now, within this amendment, it says that “entry into the dwelling-house” must be “necessary for any purpose related to the administration or enforcement of this Act”.

Hypothetically, is a warrant then not issuable for contravention of another act?

• (1655)

Graeme Hamilton: I'm sorry, I'm not sure I fully follow the question.

Frank Caputo: I'm reading from a spreadsheet here. The spreadsheet I have says that this is under proposed paragraph 3(b).

Are you with me there?

Graeme Hamilton: Yes, I'm just looking at it right now.

Frank Caputo: This is what I have here.

You have the basic oath or affirmation that's required for a warrant and then it says, “a judge may issue a warrant...subject to the conditions...specified in the warrant, if the judge is satisfied...on oath” or affirmation that “there are reasonable grounds to believe that the dwelling-house is a premises or place referred to in subsection (1);”—

[Translation]

Claude DeBellefeuille: I have a point of order, Mr. Chair.

The Chair: Mrs. DeBellefeuille, the floor is yours.

Claude DeBellefeuille: The interpreter is telling us that she's unable to interpret properly. First, she doesn't have the text, so she can't read it. Second, since Mr. Caputo is speaking very quickly, it's impossible for her to interpret what she's saying.

The Chair: Mr. Caputo, I would ask you to adjust both the speed and the intensity of your remarks. That might help the interpreters.

[English]

Frank Caputo: Sure. I will attempt to go slower, then. Thank you.

I just read the portion of sub 3.

(3) On *ex parte* application by the Minister, a judge may issue a warrant authorizing an officer to enter a dwelling-house, subject to the conditions that may be specified in the warrant, if the judge is satisfied by information on

oath or affirmation, which is fairly common boilerplate, that

(a) there are reasonable grounds to believe that the dwelling-house is a premises or place referred to in subsection (1)

It's fairly common in a warrant that you have to prove that there's a place where evidence is going to be found, which I believe is in part (c)—sorry, I may have skipped ahead—and

(b) entry into the dwelling-house is necessary for any purpose related to the administration or enforcement of this Act; and

Where I'm going here is the emphasis on “this act”. When it comes to the act at play, let's say that it is a contravention of another act other than this act, for instance, the Controlled Drugs and Substances Act. Does that mean that a warrant could not be issued if that was the case? Do you get what I'm saying there now?

Graeme Hamilton: Yes, I do.

The CBSA does enforce over 100 different acts and regulations at the border, and so it is something that we do from a regulatory perspective across the board. It's my read of this act that it would be specific to the enforcement of the Customs Act, not of another particular act that we would be looking for a contravention of. It's written as the enforcement of the Customs Act, so it would be linked to the Customs Act and not the broader suite of responsibilities that the CBSA has.

Frank Caputo: Right. I'm curious, does that mean that—sorry I'll let you finish up there, to find whatever you're looking for.

Graeme Hamilton: I'm just trying to get confirmation from my experts who are just making sure that I did put that down correctly.

Frank Caputo: This is a highly technical question. I get that. Most people think I'm not a very technical person, but there you go. I'm trying to prove them wrong right now. This stuff is genuinely interesting to me. I find that super interesting because that's why ordinarily what we see here.... Sorry, I'll let you finish up there.

• (1700)

Graeme Hamilton: It was just a clarifying measure.

Frank Caputo: Okay. Ordinarily, what we would see is a reference to an act of Parliament, because that is kind of the catch-all. Is that right?

Graeme Hamilton: Again, I'm not a lawyer, so I wouldn't want to mislead you here, but it is true that in many places in the Customs Act, we would see “enforcement of this act or any other act of Parliament” would be the normal language that we would see in this type of amendment.

I am being told that this could include enforcement of other acts if they are enforced under the Customs Act, so potentially, it is actually broader than just the Customs Act itself.

Frank Caputo: I don't expect you to know this, and I'm just thinking out loud. I would imagine the Customs Act incorporates other acts into what it deals with, as in it doesn't just say we deal with this suite of things. It may say we deal with things under the Controlled Drugs and Substances Act, under the Criminal Code, things like that. Does that sound about right?

Graeme Hamilton: It does, but the controls are limited to the regulation of imported and exported goods, so not the full suite of authorities under those other acts, but just as they relate to the import and export of goods.

Frank Caputo: Right. This is quite different from Bill C-2.

I'm going to talk about Bill C-2 because it was born of Bill C-12. I just saw something about the Liberal secretary of state for crime reduction, who asked why the Conservatives aren't voting in favour of parts 14 and 15 in Bill C-2. She said the Toronto Police Association want this. I found that very interesting because the Toronto Police Association also asked for the swift passage of MP Khanna's bill, and the secretary voted against it. It never ceases to amaze me how short some people's memories are when it comes to what they voted against, and now they're saying, "Please vote for it."

The reason I reference that is that Bill C-2, particularly in parts 14 and 15, grants substantial powers of search for something like intellectual property that's stored with Facebook or Meta, and things like that. This is often called the lawful access regime. I don't think we should make any mistake about it. Lawful access is something we can all look at.

The Bykovets decision, for instance, was a decision from the Supreme Court of Canada that said there is an "expectation of privacy" in an IP address. I'm not an expert at all on IP addresses. If somebody tells me how to find an IP address, I might be able to find it. They would have to tell me or I'd have to look up how to do it. It would probably take me about as long as it would to figure out the serial number on my phone. I'm told that finding an IP address is similar to opening up a phone book. Anybody who knows what they're doing can look at it and figure out your IP address. It's very similar.

In the Bykovets case, the Supreme Court of Canada said you have an expectation of privacy in your IP address. That added another step to law enforcement's steps of investigation.

The way it typically works for Internet offences—let's take an Internet offence against a child—is the provider flags something as potentially breaching the Criminal Code. Let's say it's child sexual abuse material. It sends that to the National Center for Missing & Exploited Children in Washington, D.C. If it's Canadian, it sends that to the RCMP, identifying the IP address, and then the preliminary work is done to determine whose IP address it is. It can usually be done very quickly if it's just a matter of figuring that out, but this decision in Bykovets says you need a production order to obtain it. That means judicial authorization to say who owns this, even though it's super easy to find.

Once you get that, you would seek a warrant to determine whether you can enter the house and whether a crime has been committed and there's evidence of that crime to be found within that dwelling. It's interesting that this looks at ensuring that there is

proper lawful access, if you will, by way of warrant, yet Bill C-2 was plagued by warrantless searches and the Liberals are still demanding that we pass Bill C-2.

When I look at an amendment like this, which seems fairly sensible to me, and I juxtapose it with lawful access—like in the Bykovets decision, which I think we need to address as a Parliament—and going much further than that in parts 14 and 15 in Bill C-2, I have very real questions about whether parts 14 and 15 in Bill C-2 are constitutional. We've seen a number of commentators who have talked about parts 14 and 15.

• (1705)

Can I just clarify if I'm speaking too fast for the translators?

Some hon. members: No.

Frank Caputo: No. We're good. Mr. Ramsay's giving me a thumbs-up, and I don't know if that is because he really likes what I'm saying or because he's just hearing what I'm saying.

Marianne Dandurand: You're talking in favour.

Frank Caputo: My friend and colleague across the way said that you're speaking in favour of lawful access. Lawful access, we have to remember, has to be constitutionally compliant lawful access. I will never vote in favour of lawful access that is not constitutionally compliant. Lawful access, since we started on this, must recognize that there is a relationship between the rule of law, the rights of the individual, and constitutionality and law enforcement seeking to get what they need.

Thank you very much.

[*Translation*]

The Chair: Thank you, Mr. Caputo.

I believe that concludes the interventions on BQ-1.

We will now vote on amendment BQ-1. I'll ask the clerk to do a recorded vote.

(Amendment agreed to: yeas 9; nays 0 [*See Minutes of Proceedings*])

The Chair: We will now vote on clause 4 as amended. We'll go to a recorded vote once again.

[*English*]

Frank Caputo: I don't know if we need a recorded division. We may be able to indicate consensus. Is that okay, Mr. Chair?

The Chair: Yes. We just want to make sure that everyone is attentive enough to make sure that if he or she disagrees with a clause, he or she has the opportunity to signal that.

We can proceed slightly faster.

Andrew Lawton: On division, please.

The Chair: Is everyone all right with that?

Some hon. members: Agreed.

(Clause 4 as amended agreed to on division)

• (1710)

[*Translation*]

The Chair: Unless there's unanimous consent to discuss the motion that Mr. Caputo proposed earlier, we will move to clause 5.

Is there unanimous consent to discuss this motion?

Some hon. members: No.

(On clause 5)

The Chair: In that case, we'll move on to the consideration of clause 5.

Mr. Lawton, you have the floor.

[*English*]

Andrew Lawton: I appreciate the floor, Chair.

This is now an entirely new debate that we're having, although I realize a lot of these issues are interconnected. I was hoping that our witnesses could speak to what they believe clause 5 will achieve.

The Chair: I'm sorry to interrupt, but I didn't quite finish with my initial remarks. I was going to point out that clauses 5 to 21 are not subject to amendments at this point.

[*Translation*]

For that reason, I need to confirm with the members around this table whether there's unanimous consent to combine clauses 5 to 21 for the purposes of voting.

Is there unanimous consent for that?

Some hon. members: Agreed.

The Chair: That means we can vote on clauses 5 to 21.

Is it the pleasure of the committee to adopt clauses 5 to 21?

(Clauses 5 to 21 inclusive agreed to on division)

The Chair: That brings us now to clause 22, which could be affected by amendment G-1.

Do I have a mover for amendment G-1?

It doesn't look like it.

That brings us to a vote on clause 22 itself.

Is it the pleasure of the committee to adopt clause 22?

(Clause 22 agreed to on division)

The Chair: That brings us to clause 23.

Do I have a mover for amendment G-2?

It doesn't look like it.

Is it the pleasure of the committee to adopt clause 23?

(Clause 23 agreed to on division)

The Chair: That brings us to clause 24.

Does anyone wish to speak to this clause?

Mr. Caputo, you have the floor.

[*English*]

Frank Caputo: I will move amendment CPC-2.

The Chair: That will be done immediately after clause 24.

[*Translation*]

Is it the pleasure of the committee to adopt clause 24?

(Clause 24 agreed to on division)

The Chair: Before we go to clause 25, we have amendment CPC-2.

Do I have a mover for CPC-2?

[*English*]

Frank Caputo: Yes. I will move that amendment, please, Mr. Chair.

[*Translation*]

The Chair: Okay.

As a result, we're going to discuss amendment CPC-2, which would create the new clause 24.1.

Since CPC-2 has been moved, I'd like to inform you of the following ruling, which is based on the advice I received from the clerk's office.

The amendment proposes to amend subsection 40(2) of the Oceans Act.

House of Commons Procedure and Practice, third edition, states the following on page 771:

...an amendment is inadmissible if it proposes to amend a statute that is not before the committee or a section of the parent Act, unless the latter is specifically amended by a clause of the bill.

Since subsection 40(2) of the Oceans Act isn't being amended by Bill C-12, it's the opinion of the chair that the amendment is inadmissible.

• (1715)

[*English*]

Frank Caputo: I would seek to challenge the chair's conclusion on that with a recorded vote, please.

The Chair: There is a motion to challenge that decision with a recorded vote.

(Ruling of the chair overturned: yeas 4; nays 5 [*See Minutes of Proceedings*])

[*Translation*]

The Chair: As the chair's ruling has been overturned, we will now proceed to discussion on amendment CPC-2.

Do any members wish to speak?

It doesn't look like it.

That brings us to a vote on amendment CPC-2. We'll have a recorded vote.

(Amendment agreed to: yeas 5; nays 4 [*See Minutes of Proceedings*])

(On clause 25)

The Chair: That brings us to clause 25, on which amendment CPC-3 has been tabled.

Would someone like to move that amendment?

[*English*]

Frank Caputo: I will move that amendment, please.

[*Translation*]

The Chair: Mr. Caputo is moving amendment CPC-3.

Does anyone wish to speak to this amendment?

Seeing no further discussion on this amendment, we'll go to a vote on CPC-3. We'll have a recorded vote, for greater certainty.

• (1720)

[*English*]

Frank Caputo: Can it carry on division?

[*Translation*]

The Chair: No, we'll have a recorded vote because I want to make sure everyone can express their vote properly. I know this may be an abundance of caution on my part, but I'm going to ask the clerk to take a recorded vote on amendment CPC-3, even if it takes a few more moments.

(Amendment agreed to: yeas 9; nays 0 [*See Minutes of Proceedings*])

The Chair: That brings us to clause 25 as amended. Is there any discussion on this?

It doesn't look like it.

Is it agreed that clause 25 as amended shall pass?

(Clause 25 as amended agreed to on division)

(Clauses 26 and 27 agreed to on division)

(On clause 28)

The Chair: On clause 28—

Do you want to tell me something, Mr. Caputo?

[*English*]

Frank Caputo: At this point, we're getting into a new batch of amendments.

I move that we suspend until 7:15.

The Chair: You would move that we suspend?

This is a motion that is admissible.

Frank Caputo: I'm sorry. In that motion, I move that we stand clauses 28 to 75, just to be clear.

The Chair: That's different. Would you like to suspend the meeting or to stand clauses 28 to 75 while we move to the remaining clauses?

Frank Caputo: Let's move to the remaining clauses.

I move to stand clauses 28 to 75. We can move to the remaining clauses, at which time I will then move to suspend—once we are done the remaining clauses.

The Chair: I will need to check with the legislative clerks to see how we handle that motion.

• (1720)

(Pause)

• (1735)

The Chair: We'll start the meeting again. Thank you for your patience.

Before the suspension, MP Caputo moved a motion to stand clauses 28 to 75. That means that these clauses would be discussed after the clauses following 75, so 76 and thereafter. That's the intent of the motion that was moved by MP Caputo.

This, I understand, is an admissible motion that is subject to debate and then to a vote.

Is there debate on that motion of Mr. Caputo?

Go ahead, Madam DeBellefeuille.

• (1740)

[*Translation*]

Claude DeBellefeuille: Mr. Chair, I don't really understand the point of the proposal or why we would proceed this way. I think things are going very well. Since we started the clause-by-clause, things have been going well. Clearly the bill has good support from committee members.

Perhaps Mr. Caputo could comment on that and explain to us the real reasons why he wants us to consider clauses 28 to 75 later.

The Chair: That's possible. It's up to Mr. Caputo if he wants to explain it further.

[*English*]

Frank Caputo: At this time, I've spoken with my counterparts, and the desire is to get through these sections that relate to this committee and then, after that, to examine those sections that relate to questions of immigration. That bill has been studied at immigration. At that point, we would see some of our immigration critics be subbed in, and those subject matter experts can go from there.

[*Translation*]

The Chair: Thank you, Mr. Caputo.

Is there any further discussion on this motion?

Mrs. DeBellefeuille, the floor is yours.

Claude DeBellefeuille: I understand the reason, Mr. Chair. The people who want to come and speak to the clauses in question aren't necessarily available at the moment. However, I don't think that reason really justifies the committee delaying the study of the bill or setting aside clauses for consideration later. We've all studied the bill. Everyone around the table is a permanent member of the committee. The motion doesn't really make sense to me, so I, for one, will not be supporting it.

As I said before, there's a renewed spirit of collaboration among us. We've agreed to quite a few clauses on division. I also think it would set a poor precedent if we allowed certain clauses to stand because people who wanted to speak in favour of them couldn't get here on time. Personally, I look forward to debating clauses 28 to 75, because there will be interesting positions to defend and good amendments to debate.

In all sincerity, the motion doesn't make sense to me. I think we should keep the momentum going and continue the clause-by-clause study of the bill by looking at clause 28 right now.

The Chair: Thank you, Mrs. DeBellefeuille.

Ms. Kirkland, the floor is yours.

[*English*]

Rhonda Kirkland: Thank you.

I want to add a couple of comments in response to my colleague Madame DeBellefeuille. I have a lot of respect for her. In my understanding of this, I feel it's not just waiting for certain people to be here. I don't believe that was the intent necessarily; it's mostly to combine the portions of the bill that have more to do with public safety at one time and then continue after that with the portions that have to do with immigration.

If we can agree to that, I think that we can move forward and continue with the public safety portions of the bill and then address immigration after. It might be easier for some of us who are newer members. I'm trying to follow along very quickly; I'm sure that others are as well. It would be helpful for me.

• (1745)

[*Translation*]

The Chair: Thank you, Ms. Kirkland.

Is there any further discussion on this motion?

Seeing none, we will go to a vote on this motion, and it will be a recorded vote, if that's what the committee wants.

(Motion agreed to: yeas 8; nays 1)

(Clauses 28 to 75 inclusive allowed to stand)

The Chair: We will study clauses 28 to 75 after we study the clauses that we will be debating right now, starting with clause 76.

Mr. Caputo, you have the floor.

[*English*]

Frank Caputo: Mr. Chair, I would seek to group together clauses 76 to 137. I believe the Liberals may have an amendment on clause 138.

The Chair: The motion is to group together clauses 76 to 137.

[*Translation*]

We need the unanimous consent of the committee for this.

Is there unanimous consent to group clauses 76 to 137 for the purpose of voting?

Some hon. members: Agreed.

The Chair: In that case, is it the pleasure of the committee to adopt clauses 76 to 137?

(Clauses 76 to 137 inclusive agreed to on division)

The Chair: That brings us to amendment G-5, which would introduce a new clause 138 into the bill.

Would someone like to move that amendment?

It doesn't look like it.

We will therefore move on to the next clause. Actually, I think we have to wait, since we've come to the schedule of the bill.

Mr. Caputo, did you want to say something?

[*English*]

Frank Caputo: Thank you.

I seek unanimous consent to group clause 138 and the remaining clauses to the end of the bill—not clauses 28 through 75—and deal with them.

Some hon. members: Agreed.

Frank Caputo: I think there are no other clauses apart from those we have stood down. Is that correct?

The Chair: There are two clauses we can discuss now and vote on.

[*Translation*]

We have the schedule to the bill and the title of the bill.

Actually, at this point, we can vote on the schedule, since consideration of the title of the bill has already been postponed to the end of the study.

Shall the schedule carry?

(Schedule agreed to on division)

• (1750)

The Chair: Given the adoption of the motion to stand—

Jacques Ramsay: Mr. Chair, I would like to request clarification. The schedule covers controlled substances, right?

The Chair: Is that correct, Madam Clerk?

Jacques Ramsay: I would actually like to know why the schedule was adopted on division.

The Chair: This is a standard procedure that avoids a recorded vote. That's often how it works.

Jacques Ramsay: I thought maybe our colleagues were obstructing based on the science behind that list.

The Chair: I'll leave it to the committee to decide that outside of this process.

[English]

Rhonda Kirkland: Mr. Chair, I have a point of order.

[Translation]

The Chair: Go ahead, Ms. Kirkland.

[English]

Rhonda Kirkland: I'd like to move to suspend until 7:15 p.m.

The Chair: That's an admissible motion. It's a dilatory motion.

I am wrong. It's a motion that doesn't lead to an immediate vote because amendments are possible, given the time condition there. We don't need to amend the motion, but if we want to, we can do that.

Is there any discussion on that motion, which is to suspend until 7:15 p.m.?

[Translation]

Mrs. DeBellefeuille, you have the floor.

Claude DeBellefeuille: Can someone explain to me why anyone would want to suspend the meeting? It's still early, and we're going to sit until a quarter after midnight. What's the valid reason for suspending the meeting?

Can Ms. Kirkland answer that question?

The Chair: Do you want to comment on or clarify why you're proposing we suspend the meeting until 7:15?

[English]

Rhonda Kirkland: Yes, I'm sorry. I've yet to take a break, but also there is a Private Members' Business hour that some of us would like to be part of and see. There is also a colleague who would be coming after Private Members' Business.

The Chair: Thank you for that piece of information.

Are there any other remarks?

Is the motion adopted?

[Translation]

Claude DeBellefeuille: Can we have a recorded vote?

[English]

The Chair: We will proceed with a recorded vote.

(Motion agreed to: yeas 8; nays 1)

The Chair: We will, therefore, suspend until 7:15 p.m.

• (1750) _____ (Pause) _____

• (1915)

[Translation]

The Chair: Good evening, everyone. I call the meeting back to order.

Pursuant to the motion adopted earlier, we will now study clause 28 of Bill C-12.

(On clause 28)

The Chair: Only one of the amendments tabled concerns clause 28. That amendment is NDP-1. Pursuant to the committee's routine motion adopted on June 19, 2025, this amendment is deemed moved.

Ms. Kwan, do you wish to move this amendment?

[English]

Jenny Kwan (Vancouver East, NDP): Thank you very much, Mr. Chair.

Amendment NDP-1 would amend clause 28. The purpose of this is as follows.

Bill C-12 would introduce ministerial powers to disclose personal information that is in IRCC's possession to any department, agency or body of the federal or provincial governments, including Crown corporations. This power to share people's personal information is, in my view, unnecessarily broad.

In the review process for Bill C-12, Amnesty International said that this "could expose people to persecution, discrimination and harm, and could inhibit refugees' and migrants' ability to access critical services without fear."

As the Canadian Council for Refugees explained, "This could negatively impact the safety of migrants and refugees in Canada or their country of origin if they are forced to return."

To that end, Mr. Chair, my amendment limits its power by reducing this list of agencies to the Canada Border Services Agency and the Immigration and Refugee Board for the purposes of this section.

[Translation]

The Chair: Thank you, Ms. Kwan.

Is there any discussion on this?

Mrs. DeBellefeuille, the floor is yours.

Claude DeBellefeuille: Mr. Chair, I would like to ask the officials some questions. May I?

The Chair: Yes, you may.

Claude DeBellefeuille: Thank you.

Can you tell us what the consequences would be if the amendment were adopted? There was an intent behind this clause, so what would be the impact if we amended it and narrowed it?

• (1920)

[English]

Tara Lang (Director General, Integrity Policy and Programs, Department of Citizenship and Immigration): IRCC already has the legal authority to disclose to CBSA and IRB the personal information that is necessary for these entities to undertake their responsibilities under IRPA. The proposed amendments are unnecessary and actually conflict with the bill's policy intent, which is to modernize IRCC's information-sharing authorities with domestic government partners, including closing gaps in IRCC's current information-sharing framework.

More specifically, IRCC currently, under a patchwork of laws, shares information with various domestic government partners, but the process is slow and burdensome, and the legal authority does not currently exist for some desired disclosures of personal information to these domestic partners, even when these disclosures would assist in the administration or enforcement of Canadian laws. This clause in Bill C-12 was designed to close such long-standing gaps and to modernize how we use and share the information we already collect, while adding greater transparency on how it's handled.

There are privacy safeguards in place to guide the disclosure of the information—such as the requirement to develop information-sharing agreements or arrangements, as well as a prohibition against onward sharing by provincial or territorial government partners to foreign entities, except with the written consent of IRCC. Where this would happen, it would happen in a way that complies with Canada's international obligations in respect to mistreatment, as defined in the Avoiding Complicity in Mistreatment by Foreign Entities Act. By limiting which entities can receive information from IRCC, the proposed amendment would fail to resolve long-standing challenges for federal, provincial and territorial partners that rely on IRCC to confirm identity, immigration status and document authenticity. This is key to timely access to services. It supports faster integration into Canadian society, and it maintains stronger program integrity.

In addition, the CBSA has noted that this would have an impact on the immigration national security screening program. This is a trilateral program delivered by IRCC, CBSA and the Canadian Security Intelligence Service. This amendment could not be accepted as proposed, as the omission of CSIS would hamper the effectiveness of information sharing under the program and restrict national security information for admissibility determinations.

The bill's intent is to modernize IRCC's domestic information-sharing framework, not to re-legislate protections that already exist under the Avoiding Complicity and Mistreatment by Foreign Entities Act. For instance, the CBSA is already explicitly subject to the avoiding complicity act. Further, the proposed changes in part (a) of the amendment are not supported, as they are unnecessary and in conflict with the bill's policy intent. As such, the proposed changes in part (b) of the amendment are not required, given that no changes to part (a) are being recommended.

[Translation]

The Chair: Thank you. I hope the interpretation was able to keep up with the rapid pace.

Tara Lang: Did I speak too quickly?

The Chair: Yes, but that's normal. It was both technical and fast, so we really feel for the interpreters. Thank you for your detailed answer, Ms. Lang.

Are there any other comments or questions?

It doesn't look like it.

Is the committee in agreement with NDP-1?

(Amendment negated [See Minutes of Proceedings])

The Chair: The amendment was therefore defeated on division.

[English]

Peter Fragiskatos (London Centre, Lib.): Chair, you said “on division”. I'm not sure what you meant by that.

The Chair: I'm sorry.

Peter Fragiskatos: We're glad to vote....

The Chair: No, it's not.

[Translation]

The amendment was simply defeated. That's pretty obvious. I should have been much clearer.

Now we have to vote on clause 28.

(Clause 28 agreed to)

The Chair: Shall clause 29 carry?

It looks like it, so we're moving on to clause 30.

[English]

Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC): Chair, just on a point of order for one minute, if I may, would you do me the courtesy of letting Brad and me catch up to the speed of this committee? We won't hold it up. We just want to make sure we're in the right clause here. Thank you for your indulgence.

Are we on clause 30?

The Chair: Yes, we are now on clause 30. We just carried clause 29.

• (1925)

Andrew Lawton: Clause 29 should be on division, Chair.

(Clauses 29 and 30 agreed to on division)

[Translation]

The Chair: I see that Ms. May has her hand up.

[English]

Do you want to speak now or very soon on your amendment?

[Translation]

Elizabeth May (Saanich—Gulf Islands, GP): Mr. Chair, it's difficult for members attending virtually to follow along.

[English]

I just want to mention that when the vote on NDP-1 happened, had we been in the room as non-members of the committee but obliged to be here by the motion that committee passed, I would have known if anyone had voted for NDP-1. All I know is that it was rejected.

It has to do with cameras. If the camera is only on the speaker, I can't see the hands. I wonder if the committee or the clerk would oblige members in my position, which I guess tonight is Jenny Kwan and me. If one of our amendments is put to a vote, could it at least be stated, as the voting takes place, that the vote unanimously rejected the motion or that one member from party X voted to support it?

I don't know that we'll ever be able to catch up and find out if anyone supported our amendments when we're in the position of members of Parliament from non-recognized parties.

If it's not helpful and the scene is obstructive, forget about it. I just wanted to let you know that we can't tell from virtual participation whether our amendments have had any votes at all in favour of them.

The Chair: It's a point well taken. I will try to be as helpful as possible, given the virtual challenges.

(On clause 31)

[Translation]

The Chair: Clause 31 is the subject of amendment PV-1. Pursuant to the routine motion that we adopted, this amendment is deemed moved.

[English]

Madam May, would you like to present that amendment?

Elizabeth May: Yes, I will.

Mr. Chair, as I warned you earlier this evening, the motion that was passed by this committee is routinely passed without an awareness of the effect it has on those of us who are members of Parliament from unrecognized parties.

It's been the custom since the previous government under then prime minister Stephen Harper to deprive members of Parliament from the smallest parties of rights that we would ordinarily have at report stage to present amendments before the whole House on both substantive amendments to bills and deletions.

It's difficult—and I just want to register this—not to object every single time because the larger powers that be, the bigger parties, didn't take the trouble to go through PROC to change the rules, but they have a motion that every committee is told to pass. I think that makes a mockery of the notion that a committee is the master of its own process and procedures.

It does oblige the parties with members of Parliament with the least resources to produce amendments within 24 hours. As the

rules state, my amendments are deemed to have been moved. I'm allowed to speak to them briefly, not consider friendly amendments and so on.

It remains offensive to me, as a member of Parliament, that I don't have rights equal to other members. Particularly when we don't have equal rights—and we have a right under our rules to present amendments at report stage—we're deprived of that right through the clever use of identical motions before every committee.

I wanted to state the objection on the record. You won't hear me mention it again tonight. I'll confine myself to speaking to my amendments one at a time, but I do wish committees would consider the damage it does to our rights as members of Parliament from smaller parties. I'm sure many members say, "Oh, we're doing them a favour because we've given them an opportunity." It's an opportunity we don't want. We want our rights.

Thank you, Mr. Chair, for the time. If it's all right with you, I'll just move straight into explaining why I'm hoping this committee will consider PV-1.

● (1930)

[Translation]

For new members, the letters "PV" in our amendments refer to "*Parti vert*". If we used the letter "G" for "Green", it would be the same as the letter used for government amendments. Unfortunately, we are not in government right now. That's why it's PV-1.

[English]

I will continue just to say that these amendments come from the excellent work of the Canadian Association of Refugee Lawyers. I'm very distressed that Bill C-12 did not receive enough witnesses or enough time for witnesses so that the Canadian Association of Refugee Lawyers could testify before amendments were due.

In any case, as a former member of the Canadian Association of Refugee Lawyers, I can say that what they're arguing here and the reason I brought forward this amendment is, of course, changing clause 31 to replace line 25 on page 15. When we're talking about refugee claimants who are in a position of requiring a designated representative, that would be children or people who do not have the capacity to represent their own concerns.

The amendment is to make clear the responsibilities of a representative. Their primary role is to support an individual's decision-making, not to supplant their own views for the individual. Again, the responsibilities of a representative, in particular their primary role, is to support an individual's decision-making.

I submit this amendment and hope the committee will see fit to accept it.

[Translation]

The Chair: Thank you, Ms. May.

Is there any discussion on this amendment?

It doesn't look like it.

Is the committee in agreement with PV-1?

[*English*]

Some hon. members: No.

The Chair: Will it pass on division?

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

Elizabeth May: Were there any votes for it at all? I wouldn't be able to tell from here.

The Chair: There seems to have been no request for on division, which means there would seem to be unanimity for rejecting it.

Elizabeth May: Thank you, Mr. Chair.

The Chair: That brings us to amendment PV-2, which is deemed to be moved according to the House committee business rules that we adopted last June.

Madam May, would you like to speak to it?

Elizabeth May: Thank you, Mr. Chair.

I can make this submission much briefer, because this is, again, recommendations from the Canadian Association of Refugee Lawyers around the same point, that when you have someone as a designated representative, they are appointed for the purpose of providing support. Again, in this case, it's more explicit that they are not to make decisions on behalf of the person they represent. That is in PV-2, and that's why we propose to delete lines 28 and 29.

[*Translation*]

The Chair: Thank you, Ms. May.

Is there any discussion?

It doesn't look like it.

Shall PV-2 carry?

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

The Chair: That brings us to PV-3.

Ms. May, would you like to speak to it?

[*English*]

Elizabeth May: Thank you, Mr. Chair.

This is, again, to the same point that the designated representative may not make decisions on behalf of the person they represent specifically relating to services or waivers under section 160 of the immigration and refugee protection regulations.

[*Translation*]

The Chair: Thank you, Ms. May.

Is there any discussion?

It doesn't look like it.

Is the committee in agreement with PV-3?

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

(Clause 31 agreed to on division)

• (1935)

The Chair: There are no amendments for clauses 32 to 35.

Is there unanimous consent to group clauses 32 to 35 for the purpose of voting?

Some hon. members: Agreed.

[*English*]

Hon. Michelle Rempel Garner: I have a point of order, Chair.

We have an amendment that would be moved after section 35. We want to be clear that you're still going to allow us to move that.

The Chair: Yes.

Michelle Rempel Garner: Thank you.

[*Translation*]

The Chair: We have unanimous consent to group these four clauses for the purpose of voting.

(Clauses 32 to 35 inclusive agreed to on division)

The Chair: That brings us to amendment CPC-4.

Would someone like to move that amendment?

Ms. Rempel Garner, you have the floor.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I move that Bill C-12 be amended by adding after line 34 on page 16 the following new clause:

35.1 (1) Paragraphs 36(1)(a) to (c) of the Act are replaced by the following:

(a) having been convicted in Canada of an offence under an Act of Parliament punishable by way of indictment;

or

(c) committing an act outside Canada that is an offence in the place where it was committed and that, if committed in Canada, would constitute an offence under an Act of Parliament punishable by way of indictment.

(2) Subsection 36(2) of the Act is repealed.

Chair, briefly, my rationale for this amendment is as follows.

The stated intent and purpose of Bill C-12 is ostensibly to protect Canada's borders as well as to reform the immigration process. However, it lacks substance around the definition of serious criminality in IRPA, where we've seen many non-citizens who have been convicted of serious crimes issued sentences that are essentially lower than what is stated in IRPA in order to avoid inadmissibility or deportation consequences.

We feel that if this were accepted, it would reduce the incentives for people to abuse the immigration system. It would also restore some of the value of Canadian citizenship. I think it's something that a lot of Canadians across the political divide would like to see. There are many instances in news stories over the last year in particular of non-citizens convicted of serious crimes avoiding deportation due to some of the wording in IRPA.

We feel an indictable offence or a hybrid offence where an indictable charge is proceeded with by the Crown constitutes a serious crime. The six-month provision in IRPA is being gamed, if you will, by the judicial system in order to avoid the spirit of the law.

An indictable offence, as my colleagues know, covers a lot of very serious crimes, and I think the spirit of IRPA in this clause and the inadmissibility provisions are designed essentially to ensure that people who come to Canada as non-citizens understand that there are responsibilities as well as rights that are associated with being in Canada. A bare minimum of that is upholding the law.

We want some clarity. We feel this would improve the bill, strengthen Canada's immigration system and, hopefully, also restore some of the lost consensus in Canada's immigration system.

It's a common-sense amendment, and I hope my colleagues will support it.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

According to the notices received from the clerk's office, I see that the amendment proposes to amend section 36 of the Immigration and Refugee Protection Act. Since section 36 of that act is not being amended by Bill C-12, it is the opinion of the chair that the amendment is inadmissible.

[*English*]

Hon. Michelle Rempel Garner: I challenge your ruling, and I would like a recorded vote.

[*Translation*]

The Chair: There's a challenge to the chair.

We'll have a recorded vote on this.

(Ruling of the chair sustained: yeas 5; nays 4)

● (1940)

The Chair: That brings us to amendment CPC-5.

Would someone like to move that amendment?

[*English*]

Hon. Michelle Rempel Garner: Yes, Chair.

I move that Bill C-12 be amended by adding after line 34 on page 16 the following new clause:

35.1 Section 25.1 of the Act is amended by adding the following after subsection (1):

(1.1) The Minister must, on or before April 1 of each year or, if a House of Parliament is not then sitting, within the next 30 days on which that House is sitting after that date, table in each House of Parliament a report on the number of foreign nationals who, in the preceding calendar year, were granted permanent resident status or an exemption from any applicable criteria or obligations of this Act under subsection (1).

(1.2) The Minister must publish the report on the Department of Citizenship and Immigration's Internet site within 10 days after the day on which it is tabled in a House of Parliament.

Colleagues, this is a common-sense reporting requirement that adds transparency and reports back to Parliament on how many PR cards were granted in the previous year and how many exemptions

were granted. Additionally, of course, the minister must publish this on the website.

The rationale for this is to allow parliamentarians to better scrutinize decisions that are made—for example, comparing decisions with the immigration levels report. There are colleagues who have a difficult time obtaining information from the department and the minister on immigration levels. It makes it difficult to assess the department's function, the department's performance and the adequacy of the levels plan.

I encourage colleagues to support parliamentary transparency on these crucial items and to support this amendment.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

My ruling on the admissibility of this amendment is similar to the one I expressed a few moments ago. Amendment CPC-5 proposes to amend section 25.1 of the Immigration and Refugee Protection Act, but that section is not amended by Bill C-12. Therefore, it is the opinion of the chair that the amendment is inadmissible.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I respectfully challenge your decision, and I would like a recorded vote.

[*Translation*]

The Chair: We'll have a recorded vote on that.

(Ruling of the chair sustained: yeas 5; nays 4)

● (1945)

The Chair: Moving on to clause 36.

Is there any discussion? If not, we'll go directly to a vote.

(Clause 36 agreed to on division)

(Clause 37 agreed to on division)

(On clause 38)

The Chair: That brings us to clause 38.

An amendment to this clause has been submitted. This is amendment CPC-6.

Would someone like to move that amendment?

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: I move that Bill C-12, in clause 38, be amended by replacing lines 14 to 16 on page 17 with the following:

44.1 The Immigration Division must terminate all proceedings in respect of an admissibility hearing if the permanent resident or foreign national who is the subject of the proceedings is not physically

Colleagues, the reason I'm presenting this amendment is that I believe that we have a duty as parliamentarians to address some of the abuse that we've seen of Canada's asylum system over the last several years.

The point of the asylum system is to provide refuge and safe harbour—this is well established under different conventions—to people who are in genuine need of protection.

In recent years, we've seen the number of asylum claims spike, particularly after an ill-fated #WelcomeToCanada tweet in 2017 and a decision to lift the visa requirement on Mexican nationals without a plan to prevent bogus asylum claims. I now feel that we need to ensure that we are clearing the backlog of 300,000 applications in a judicious way, as well as ensuring that we are disincentivizing people from continuing to abuse the asylum system.

I know that if somebody has made an asylum claim in Canada and is claiming that they can't go back to their home country out of fear of persecution and therefore want to stay in Canada, it is somewhat questionable if they would go back to the country from which they are trying to claim that they need protection while their claim is pending.

People might say somebody needs to go for a birthday party or whatever, but here's the reality. If you are seeking asylum in Canada from your home country, you probably shouldn't go back to your home country while your asylum claim is pending. I think that constitutes an obvious abuse of the asylum system, and I hope that my colleagues accept this common-sense amendment.

Thank you.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Is there any further discussion on this amendment?

Mr. Fragiskatos, you have the floor.

[*English*]

Peter Fragiskatos: Thank you, Chair.

I'd like to go to officials to get their view on the implications of it, so that can go on the record.

Brett Bush (Director General, Immigration and Asylum Policy Directorate, Canada Border Services Agency): That would be me. Thank you.

In clause 38, the amendment to section 44.1 is dealing with the immigration division, not the refugee protection division. This is dealing with admissibility determinations, not refugee determinations. There is a clause in the in bill that deals with refugee determinations, so we wanted to make sure there was concurrence between both sections to make sure that there would be no hearings outside of Canada.

[*Translation*]

The Chair: Thank you.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Yes. Forgive me, Chair. It's been quite a day.

Look, I think that the principle still stays the same.

We've seen a massive abuse of the immigration system writ large. These amendments are designed to protect from that abuse on the principles that I've already outlined above. We need to start making some changes to the system so that it just can't be gamed by people who aren't taking the process seriously.

I understand there are other amendments that will be similar in the future here, but the principle is the same, and I urge colleagues to support it.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Is the committee in agreement with amendment CPC-6?

• (1950)

[*English*]

Hon. Michelle Rempel Garner: I'd like a recorded vote.

[*Translation*]

The Chair: Okay, we'll have a recorded vote.

(Amendment negated: nays 5; yeas 4)

(Clause 38 agreed to on division)

(On clause 39)

The Chair: On clause 39, we have amendment CPC-7.

[*English*]

Is amendment CPC-7 to be moved?

Hon. Michelle Rempel Garner: Thank you, Mr. Chair.

I move that Bill C-12, in clause 39, be amended by adding after line 23 on page 18 the following:

(4) Section 49 of the Act is amended by adding the following after subsection (2):

(3) The Minister must prepare a report in respect of each month of the year that sets out the number of removal orders that were enforced in that month, the number of removal orders that were not enforced in accordance with subsection (3) and the reasons for the delays.

(4) The report must also include countries of origin, age and gender breakdowns and criminal backgrounds of persons removed.

(5) The report must be tabled in each House of Parliament within 10 days after the last day of the month to which the report relates or, if a House is not then sitting, on any of the first 10 days on which that House is sitting after that day.

Colleagues, this reporting requirement will ensure that we are updated on the number of removals by the government and, more importantly, that we are updated on the removal orders that were not enforced, including the reasons.

There have been many stories of the fact that there are, I think, at least 600 non-citizens who have been convicted of serious crimes and are set to be removed from the country, and the government has lost track of them. Canadians want to know these results. This is very serious. It undermines trust, essentially, in the immigration system. They want to know if people who are here unlawfully or who have no legal reason to be here are being removed or not.

It's also a matter of simple transparency. I think all parliamentarians would want to know these numbers. It allows us to adjudicate whether or not the government and officials are actually doing their jobs. It also allows us to adjudicate whether or not Parliament needs further oversight, or other types of interventions, to ensure that these principles are upheld.

I'm not confident that they're being upheld right now, but I would like to have the data to argue otherwise. Members of the governing party would want to have that data public as well, on an ongoing basis and on a more timely basis.

I think that's the other point. We need to have this information on a timely basis given the state of the immigration system right now. This would allow Parliament to improve processes and to exercise our rights in that regard.

I hope that my colleagues will vote in favour of more transparency being established in this reporting mechanism.

Thank you.

[*Translation*]

The Chair: Thank you for your intervention on this amendment, Ms. Rempel Garner.

Mr. Lawton, you have the floor.

[*English*]

Andrew Lawton: Thank you, Mr. Chair.

I'd like to thank my colleague Ms. Rempel Garner for introducing this amendment.

This requires some transparency from the Minister of Immigration over whether the government is upholding a core obligation for national security, and for the integrity of the immigration and refugee system, and that is removing people who have no legal right to be in Canada.

Ms. Rempel Garner mentioned a story that came out a couple of months ago in which there were, I believe, “600 foreign nationals with criminal convictions” whom the federal government was failing to remove from this country because it didn't know where they were.

I remember the Auditor General also, about five years ago, revealed that the CBSA had lost track of 34,000 foreign nationals who were slated for removal—people who had no legal right to be in Canada. This itself makes a mockery of our immigration system and of our sovereignty as a nation.

We absolutely need transparency so that we are able to fix these issues. We've seen that, over the last several years, we can't actually deal with these problems because we don't get the data we need to make these decisions.

I will be very much supporting this motion, and I hope the government does as well.

• (1955)

[*Translation*]

The Chair: Thank you, Mr. Lawton.

Mr. Ramsay, you have the floor.

Jacques Ramsay: I would just like the witnesses to clarify one thing for me: Isn't that information already available?

[*English*]

Brett Bush: Yes, we publish removals information on the CBSA website. Not all of the information that is suggested in the amendment is covered. Of course, we provide the reasons for the removals, the number of removals and those stats. Regarding the underlying criminal backgrounds of individual clients, we do not provide that online.

Yes, largely, that's available.

[*Translation*]

Jacques Ramsay: Do you see a benefit to adding that information, as provided for in this amendment?

[*English*]

Brett Bush: From a CBSA perspective, the shorter the period of time for the reporting, the less fidelity you'll have in the information. Having it on an annual basis, you'll have a much better picture of what's going on, because on a monthly basis.... It takes time to enter the removal numbers after the person's been removed. The people removed later in the month might not be captured in that information.

When the sample size is smaller, you'll run into privacy issues where we might have to exempt information. The smaller the numbers get, the more we run the risk of identifying the individual.

[*Translation*]

Jacques Ramsay: You're saying it would be a lot of work for you to do that on a monthly basis. Would it be better if it were quarterly?

[*English*]

Brett Bush: Quarterly or annually would be better, yes.

[*Translation*]

Jacques Ramsay: I therefore propose a subamendment to amend the text of amendment CPC-7 such that the report would be tabled four times a year.

The Chair: We'll suspend the meeting for a few moments to make sure we understand the nature of this subamendment.

[*English*]

Hon. Michelle Rempel Garner: On a point of order, what is he amending? I don't understand.

The Chair: That's what we're going to figure out. We'll suspend for a minute or two, and then we'll have a clearer picture of what is being subamended.

• (1955) _____ (Pause) _____

• (2010)

[*Translation*]

The Chair: I call the meeting back to order.

The information was sent to your email addresses. Mr. Ramsay will give us a verbal summary of how the subamendment would change the amendment.

Mr. Ramsay, the floor is yours.

Jacques Ramsay: Should I read the subamendment?

The Chair: Yes, you can read the subamendment. I will then summarize what it does.

Jacques Ramsay: I propose the following changes.

[*English*]

Instead of “prepare a report in respect of each month of the year”, it would be, “prepare a report quarterly that sets out the number of removal orders that were enforced in that period”.

[*Translation*]

The Chair: I'll summarize very quickly.

[*English*]

We're replacing monthly with quarterly. That's what the subamendment would do to the amendment.

[*Translation*]

Ms. Rempel Garner, you have the floor.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

Colleagues, I would just say that the rationale given by our colleague for this amendment was the question he asked officials: Is it good for you?

Well, what is good for us as parliamentarians? Again, I think this is a fairly bipartisan amendment as originally laid out. This helps us all do our jobs better.

I don't support the subamendment, but I thank my colleague for trying.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Is there any further discussion?

Is the committee in agreement with the subamendment?

[*English*]

Hon. Michelle Rempel Garner: I'd like a recorded division.

[*Translation*]

The Chair: Okay, we'll have a recorded vote.

(Subamendment negatived: nays 5; yeas 4 [*See Minutes of Proceedings*])

• (2015)

[*English*]

The Chair: Let's move back to the amendment.

[*Translation*]

(Amendment agreed to)

(Clause 39 as amended agreed to on division)

The Chair: Before we go to clause 40, we have CPC-8, which would add new clause 39.1 to the bill.

[*English*]

Do you want to move that amendment, Madam Rempel?

Hon. Michelle Rempel Garner: Yes.

I move that Bill C-12 be amended by adding after line 23 on page 18 the following new clause:

39.1 Subsection 55(1) of the Act is replaced by the following:

55 (1) An officer must issue a warrant for the arrest and detention of a permanent resident or a foreign national who the officer has reasonable grounds to believe is inadmissible and is a danger to the public or is unlikely to appear for examination, for an admissibility hearing, for removal from Canada or at a proceeding that could lead to the making of a removal order by the Minister under subsection 44(2).

Colleagues, we all agree, I would hope, that when a legally executed warrant is issued, it is for the safety and well-being of Canadians. When our law enforcement determines that someone poses a risk to public safety and the threshold is met for a warrant, then a warrant must be issued. Currently, the text of Bill C-12 says that an officer “may” issue the warrant when they believe an arrest is needed. Canadians deserve the peace of mind of knowing that those who are subject to warrants have warrants issued in their names and keep our streets safe.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

As I have already done a few times, in the opinion of the clerk, which I support, this amendment is inadmissible because it amends section 55 of the Immigration and Refugee Protection Act and this section of the act is not amended by Bill C-12. Therefore, it is the opinion of the chair that the amendment is inadmissible.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I challenge your ruling, and I request a recorded division.

[*Translation*]

The Chair: Okay, we'll have a recorded division.

(Ruling of the chair overturned: nays 5; yeas 4)

The Chair: We will therefore debate amendment CPC-8.

Is there any discussion?

Mr. Fragiskatos, the floor is yours.

[*English*]

Peter Fragiskatos: I'd like the view of officials, please, so that it's on the record.

Brett Bush: I think we should start with the fact that officers have the authority to arrest and detain someone without a warrant, so we need to make sure, when we start talking about discretion that currently exists in the act for issuing an arrest warrant, that the rationale for issuing that arrest warrant in the first place is based on the facts of the case and not on a mandatory requirement.

Second, and from the outset, if we are of the belief that the person is a danger to the safety and security of Canada—if that was the evidence we had—we would be attempting to keep them detained in the first place.

From a CBSA point of view, we believe that this would curtail the officer's discretion to make those decisions. The implications of that from a practical standpoint, in terms of the capacity of places to put these people, will quickly be exposed as an issue as well.

• (2020)

[*Translation*]

The Chair: Thank you, Mr. Bush.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Colleagues, I think it's slightly frightening that the officials just said that there are so many people that requiring officers to do what this amendment says would overflow Canada's detention facilities. That suggests to me that there is a definite breakdown in the system writ large, and that is more justification for this requirement.

Wow, that was quite some testimony there. I'm even more convinced that we need this at this point. Here's the reality, colleagues. The system has shown significant breakdown. The CBSA has lost track of hundreds of non-citizen criminals who have been convicted of serious crimes and are under removal orders. Canadians need assurances that the system is working. We need to restore trust, which polling has shown has been broken, and this amendment will allow us to do that.

Thank you.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Is there any further discussion?

It doesn't look like it.

Is the committee in agreement with amendment CPC-8?

I believe we'll have a recorded vote.

(Amendment agreed to: yeas 5; nays 4)

The Chair: That brings us to CPC-9.

Would someone like to move that amendment?

[*English*]

Hon. Michelle Rempel Garner: Yes.

[*Translation*]

The Chair: Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I move that Bill C-12 be amended by adding after line 23 on page 18 the following new clause:

39.1 Paragraph 55(3)(b) of the Act is replaced by the following:

(b) has reasonable grounds to suspect that the permanent resident or the foreign national is inadmissible on grounds of security, violating human or international rights, sanctions, serious criminality, transborder criminality or organized criminality.

Colleagues, this is a knock-down effect of our previous amendment, which amended the definition of serious criminality. This would be a harmonizing amendment to that.

I just want to reiterate some of the arguments I made earlier. I think that this is a juncture in Canadian history, particularly when we've seen a massive surge of non-citizens to Canada in the last several years and many media stories... There are many people who come to Canada. Most of them adhere to the law, and that's great, but we have seen a lot of news stories to the effect that serious criminality among non-citizens is not resulting in the intended effect of the law, and I propose this amendment.

Thank you.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Before allowing debate on this amendment, I must inform you of my decision on the matter. It's similar to the one I've already made for other amendments.

Once again, the amendment proposes to amend a section, in this case section 55 of the Immigration and Refugee Protection Act, that is not amended by Bill C-12. Therefore, it is the opinion of the chair that this amendment is inadmissible.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I challenge your ruling and request a recorded vote.

[*Translation*]

The Chair: Okay, we'll have a recorded vote on this.

(Ruling of the chair sustained: yeas 5; nays 4)

• (2025)

The Chair: That brings us to CPC-10.

Would someone like to move that amendment?

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I move that Bill C-12 be amended by adding, after line 23 on page 18, the following new clause:

39.1 Paragraph 58(1)(c) of the Act is replaced by the following:

(c) the Minister is taking necessary steps to inquire into a reasonable suspicion that they are inadmissible on grounds of security, violating human or international rights, sanctions, serious criminality, transborder criminality or organized criminality;

Again, I would make similar arguments to the ones I have made in the past, Chair, that the system needs to be tightened. There are too many instances of serious criminality falling through the cracks in Canada, and this amendment is long past due.

Thank you.

[Translation]

The Chair: Thank you, Ms. Rempel Garner.

Again, the chair's ruling is the same as before. This amendment amends section 58 of the Immigration and Refugee Protection Act, which is not amended by Bill C-12. It is therefore the opinion of the chair that the amendment is inadmissible.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: Thank you, Chair.

I challenge your ruling and request a recorded vote.

[Translation]

The Chair: Okay, we'll have a recorded vote.

(Ruling of the chair sustained: yeas 5; nays 4)

The Chair: That brings us to CPC-11.

Would someone like to move that amendment?

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: I move that Bill C-12 be amended by adding after line 23 on page 18, the following new clause:

39.1 Subsection 68(4) of the Act is replaced by the following:

(4) If the Immigration Appeal Division has stayed a removal order against a permanent resident or a foreign national who was found inadmissible on grounds of serious criminality or transborder criminality, and they are convicted of another offence referred to in subsection 36(1), the stay is cancelled by operation of law and the appeal is terminated.

Again, this is related to the concept of strengthening provisions around serious criminality and non-citizen criminals.

Colleagues, I encourage you to support this amendment and provide some strengthening of and confidence in Canada's immigration system.

Thank you.

[Translation]

The Chair: Again, it is the opinion of the chair that this amendment is inadmissible, as it amends section 68 of the Immigration and Refugee Protection Act, but it is not amended by Bill C-12.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: Chair, I challenge your ruling and ask for a recorded division.

[Translation]

The Chair: Okay, so we'll have a recorded vote.

(Ruling of the chair sustained: yeas 5; nays 4)

The Chair: We'll now go to CPC-12.

Would someone like to move that amendment?

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: I move that Bill C-12 be amended by adding after line 23 on page 18 the following new clause:

39.1 Section 72 of the Act is amended by adding the following after subsection (1):

(1.1) Despite subsection (1), a claimant who knowingly provides an officer with false or misleading information is not entitled to make an application for judicial review with respect to any matter under this Act.

Colleagues, it is my opinion that in any application, there should be more serious consequences for lying to officers. Canadians are tired of fraud in our immigration system. This amendment paves the way for a common-sense consequence for those who knowingly lie to an officer. All of us have this issue in our casework as well.

Removing judicial review, meaning there would be no recourse for liars and the system would be freed up to serve the people it's intended to serve, is what this amendment proposes to do. It also should deter bogus asylum claims and reduce the abuse of our asylum system. It will also reduce court delays, which will free up dockets. This move aims to restore Canadians' and newcomers' confidence in Canada's immigration system.

Colleagues, I direct your attention today to an article in the National Post. It was actually published this morning. The title says, "Somali woman who was in a polygamous marriage and lied to get into Canada wins another chance to stay".

It goes on to say:

A Somali woman barred from Canada for five years for giving false names and birth dates for herself...while applying for refugee status here, dodging the fact that she had entered into a polygamous marriage with a Canadian-Somali man, has won another chance at staying in this country.

I think that our asylum system—and our immigration system writ large, but especially our asylum system—should be predicated on a foundation of truth. The adjudicators in our asylum system should be making decisions based on true information. If somebody has lied, that should preclude them from receiving protection under the system.

This is a common-sense amendment. I think that if Canadians are listening to this at home, they would say that, yes, if somebody lies, they should not be eligible. I hope colleagues will support this amendment.

Thank you.

• (2030)

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

In the opinion of the chair, this amendment is inadmissible, as it amends section 72 of the Immigration and Refugee Protection Act, but it is not amended by Bill C-12.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: I challenge your decision and request a recorded division.

[*Translation*]

The Chair: Okay, we'll have a recorded vote.

(Ruling of the chair sustained: yeas 5; nays 4)

The Chair: We'll now go to CPC-13.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I move that Bill C-12 be amended by adding after line 23 on page 18 the following new clause:

39.1 Section 78 of the Act is replaced by the following:

Determination

78 The judge shall determine whether the certificate is reasonable, within 30 days after the day on which it was referred in priority cases or within 60 days after the day on which it was referred in all other cases, and shall quash the certificate if they determine that it is not reasonable.

Colleagues, this section governs how a federal court judge reviews a security certificate. This is a tool that is used for non-citizens deemed inadmissible on national security or serious risk grounds.

Currently, the Immigration and Refugee Protection Act lets a judge determine whether the certificate is reasonable and quash it if it's not, with no deadline. With no deadlines, our judicial review process becomes delayed and inefficient, as we have seen it become, and people who are not supposed to be in Canada get to stay in Canada for a very long time.

This delays eventual removals. It prolongs uncertainty and potentially exposes Canadians to offenders who would otherwise be deported, as set out in current law. Also, this means that our backlogs get bigger. This amendment allows priority removal cases to be dealt with within the tighter 30-day timeline and the rest within a reasonable 60-day timeline, while leaving the remaining language of the text, allowing judges—the judiciary—to quash certificates at their discretion. This is a common-sense amendment. It clears backlogs in our courts, allowing for due process to reach the fami-

lies it intended to reach. It makes our courts more efficient while also ensuring that we're making the system more efficient.

Come on; we need that. It's so bad right now.

Here is a common-sense proposal for the government that would make the government function better. I hope that colleagues will support it.

• (2035)

[*Translation*]

The Chair: Thank you very much, Ms. Rempel Garner.

The opinion of the chair is that this amendment is inadmissible, because it amends section 78 of the Immigration and Refugee Protection Act, but it is not amended by Bill C-12.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Chair, I challenge your decision and request a recorded division.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Therefore, we'll have a recorded vote.

(Ruling of the chair overturned: nays 5; yeas 4)

The Chair: I will therefore open the floor to debate on amendment CPC-13.

Mr. Fragiskatos, you have the floor.

[*English*]

Peter Fragiskatos: Thank you, Chair.

I'd like to know the view of officials, please, of whoever wishes to take it.

Brett Bush: I'm mindful that although the authority in IRPA belongs to the Minister of Public Safety, but the provision is enjoining justices that are not under the authority of the Minister of Public Safety. That being said, security secrets are the most complicated and complex files, because you're dealing with the management of due process for using national security information in the context of admissibility determination, and the courts, through experience, have had a challenging time dealing with that in very short order. Establishing a timeline on the court may not result in the outcome desired.

[*Translation*]

The Chair: Thank you.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I would just say, colleagues, that it's about time we forced the government to make the system more efficient, and that's what this does. I'm sorry. Somebody should have been giving political direction to the bureaucracy to make these types of changes a long time ago, so giddy-up. Let's do it.

[Translation]

The Chair: Thank you, Ms. Rempel Garner.

Is there any further discussion?

It doesn't look like it.

Is the committee in agreement with CPC-13?

[English]

An hon. member: I would like a recorded vote.

[Translation]

(Amendment agreed to: yeas 5; nays 4)

The Chair: We'll now go to CPC-14.

Would someone like to move that amendment?

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: Thank you, Chair.

I move that Bill C-12 be amended by adding after line 23 on page 18 the following new clause:

39.1 Section 81 of the Act is replaced by the following:

Ministers' warrant

81 The Minister and the Minister of Citizenship and Immigration must issue a warrant for the arrest and detention of a person who is named in a certificate if they have reasonable grounds to believe that the person is a danger to national security or to the safety of any person or is unlikely to appear at a proceeding or for removal.

Colleagues, the ministers of immigration and public safety have the powers to issue these warrants. In line with other amendments that we have discussed today, we are looking to change the language from “may” issue a warrant to “must” issue a warrant. If the conditions under our laws are met for a detention, these ministers have the responsibility to issue detention orders. Canada's safety should not be optional or discretionary. If someone named in a certificate, such as a security certificate, is deemed to be a danger to the public or a flight risk, why should ministers have the option to not detain them?

Seriously, that is actually crazy. Canadians expect our laws to be followed. Our amendment ensures that those who should be detained are actually detained.

Thank you.

• (2040)

[Translation]

The Chair: Thank you, Ms. Rempel Garner.

In the opinion of the chair, this amendment is inadmissible, as it amends section 81 of the Immigration and Refugee Protection Act, but it is not amended by Bill C-12.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: Thank you, Chair.

I challenge your decision and request a recorded division.

[Translation]

The Chair: Therefore, we'll have a recorded vote.

(Ruling of the chair overturned: nays 5; yeas 4)

The Chair: I will now open the floor to debate on amendment CPC-14.

Is there any discussion?

Mr. Fragiskatos, you have the floor.

[English]

Peter Fragiskatos: We'd like to hear the view of officials again.

The Chair: Thank you.

Brett Bush: The only thing I would say is the same thing I said on the previous amendment on warrants, that we'd be removing the discretion of the officers. Security certificates do not happen frequently. To the best of my knowledge, we detained every last one of them until the courts ordered their release.

[Translation]

The Chair: Thank you.

Is the committee in agreement with CPC-14?

[English]

Hon. Michelle Rempel Garner: I would like a recorded vote.

[Translation]

(Amendment agreed to: yeas 5; nays 4)

The Chair: That brings us to CPC-15.

Would someone like to move that amendment?

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: Thank you, Chair.

I move that Bill C-12 be amended by adding after line 23 on page 18 the following new clause:

39.1 Section 94 of the Act is amended by adding the following after subsection (2):

(3) The report shall also include

(a) the number of warrants issued under section 81 and the percentage of those warrants enforced;

(b) the number of persons detained under subsection 82.2(1);

(c) the number of Social Insurance Numbers assigned under section 90;

(d) the number and category of documents varied or cancelled and the percentage of persons whose documents were varied or cancelled who subsequently departed Canada;

(e) the number of removal orders enforced within 30 days and a summary of the reasons for delays in the case of orders not enforced within 30 days

I'm going to leave it at that and leave out the final bullet that was in the component submitted to the clerk, just for the analysts' information.

Colleagues, Canada's annual report to Parliament is the keystone transparency document to provide the public with details of their immigration system. It is critical to update the government reports on these numbers. Enforcement of legally executed warrants is an important step in ensuring our laws are followed. Canadians want the government to tackle skyrocketing crime. We want to know how many of these warrants were actually enforced.

The status of the government's enforcement of removals is already authorized, and we need to know if these people are in Canada or if they aren't. That's the only way for us as parliamentarians to be able to get this information in a timely way without prying it out of the government. Again, across political stripes here, this is data that we should be using to inform our choices. We want to know if the government is cancelling documents for individuals who have departed Canada.

These are basic principles that should be in a reporting requirement, and more information is better, particularly given the state of Canada's immigration system today.

I hope you will support this amendment.

• (2045)

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

This amendment would amend section 94 of the Immigration and Refugee Protection Act, which is not being amended by Bill C-12. It is therefore the opinion of the chair that the amendment is inadmissible.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: I challenge your decision and request a recorded division, Mr. Chair.

[*Translation*]

The Chair: We'll have a recorded vote.

(Ruling of the chair overturned: nays 5; yeas 4)

The Chair: We will now proceed with debate on CPC-15.

Is there any discussion?

Mr. Fragiskatos, the floor is yours.

[*English*]

Peter Fragiskatos: I would like to hear the view of the officials once again.

Mr. Bush.

Brett Bush: The number of security certificate cases is very low, so the number of warrants issued would be very low, but reporting is possible on that if Parliament would like to have that.

The agency does not issue social insurance numbers, and the documents that might be varied or cancelled would not be within CBSA's purview to speak to.

I'll turn to my colleagues.

Tara Lang: Certainly. Thank you.

In regard to the number of social insurance numbers assigned under section 90, IRCC does not accept the proposed amendment, as we have no purview over the issuance of social insurance numbers and, therefore, cannot report on their issuance.

This authority rests with the Canada Employment Insurance Commission, which may register a person to whom the Minister of IRCC has given direction per IRPA section 9, and the Canada Employment Insurance Commission may decline to issue a SIN to any person who is not eligible.

As it pertains to the number and category of documents varied or cancelled and the percentage of persons whose documents were varied or cancelled who subsequently departed Canada, IRCC does not accept the proposed amendment. Reporting on the number of people who departed Canada after a cancellation or variance would be misaligned with the intent of the authorities, as the use of authorities does not result in a loss of status or removal from Canada.

The proposed amendment does not limit the reporting requirement to mass authorities; therefore, we would have to report on other existing cancellation authorities, such as CBSA authorities to cancel immigration documents when a removal order is made against a foreign national, and IRCC authorities to cancel immigration documents on a case-by-case basis under certain circumstances.

The proposed amendment would also exclude reporting the number of documents suspended as well as of applications that have been terminated or suspended. If the government would like to report on the use of mass authorities in the annual report to Parliament on immigration, IRCC could report on the number of documents cancelled, suspended or varied and the number of applications suspended or terminated as part of an order in council made under all the subsections.

Thank you.

[*Translation*]

The Chair: Thank you.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I have a few questions.

To start, just for clarification, because I've heard this come up a few times, Ms. Lang, when you say that the IRCC does not support this amendment, are you offering a political statement on the admissibility of this? I just found that wording a little weird.

Tara Lang: No, I'm speaking about the bureaucracy at IRCC.

Hon. Michelle Rempel Garner: The bureaucracy is offering a position on this amendment, saying that you don't support it. You're speaking on behalf of all of IRCC.

• (2050)

Tara Lang: I'm speaking on behalf of IRCC as it pertains to the policy expertise underneath the question.

Hon. Michelle Rempel Garner: Okay. My understanding is that ESDC would have the reporting requirements for the social insurance numbers. Would that be correct?

Tara Lang: As I understand it, it is not ESDC. It's the Canada Employment Insurance Commission.

Hon. Michelle Rempel Garner: Okay, the information exists. Is that correct?

Tara Lang: I would assume that it exists. It's just not under IRCC's purview.

Hon. Michelle Rempel Garner: My understanding, though, is that the report is already a multiministry production. Is that correct?

Tara Lang: Which report are you referring to?

Hon. Michelle Rempel Garner: The one that we're amending here—the information that we'd be getting.

What I'm trying to say is that you routinely draw on information from other departments, and we talked about CBSA tonight. Would that be correct? When you're developing reports, you occasionally do that.

Tara Lang: Not necessarily. Normally, departments report on their own aspects of IRPA, so CBSA would report, and IRCC would report.

Hon. Michelle Rempel Garner: It would be in Parliament's scope to ask for a report that would draw from information from many different government sources. Is that correct?

Tara Lang: I guess it could be within Parliament's scope.

Hon. Michelle Rempel Garner: That's what I'm getting at here. What I'm saying is that we are, as parliamentarians, asking the government for information that exists, which you have said does exist. Is that correct?

Tara Lang: Yes.

Hon. Michelle Rempel Garner: Okay. Then my response would be to figure it out. Is it possible to figure this out if we passed it? If we passed this, there would be some sort of committee or something that would say, "Let's figure out how to get this information." Is that correct?

Tara Lang: This is true, yes.

Hon. Michelle Rempel Garner: Okay. You have now said that the information exists, and that all it takes is somebody saying to figure it out. Is that basically right?

Tara Lang: I am saying that it's not under IRCC's purview. If we are directed to figure out a way to get the information, as public servants, we will do so.

Hon. Michelle Rempel Garner: Can I ask for clarification from the analysts?

Would the amendment as written allow the information, which the department officials have said exists, to be produced for Parliament?

The Chair: Being the chair, I will seek—

Hon. Michelle Rempel Garner: I'm sorry. I mean through the chair. I apologize.

The Chair: That's all right.

This is an important question. You may want to think through it. I may suspend for a moment or two, if that is better.

Okay, so, we'll suspend for a moment to give the appropriate time to provide the appropriate answer.

• (2050) _____ (Pause) _____

• (2055)

[*Translation*]

The Chair: I call the meeting back to order.

Mr. Fragiskatos, you have the floor.

[*English*]

Hon. Michelle Rempel Garner: Isn't it still my round?

The Chair: Yes, I'm sorry. You were asking a question, and then you wanted to follow up.

Hon. Michelle Rempel Garner: Thank you.

The clarification I was seeking was whether or not this direction from Parliament would require the government to produce this information. The way the instructions have been drafted—and I trust the way that the drafters have drafted it—it would require that. We've been told, colleagues, that the information exists, and we are giving direction to the government to produce it to Parliament. The only missing step here is some ministerial will to say, "Find it, and put it out there."

I think Parliament should certainly exercise its powers to get this information out. Then, hopefully, the government will find a minister who will then say, "Find it." If it can't find one, then perhaps they should elect a different government.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Mr. Fragiskatos, the floor is yours.

[*English*]

Peter Fragiskatos: Thank you, Chair.

I think that Ms. Lang does have a point, as does Mr. Bush.

I'm not swayed, with all due respect, by what Ms. Rempel Garner has put forward. Hence, I will propose a subamendment that proposed paragraph 94(3)(c) be struck from this amendment. The rest of it holds.

The Chair: Thank you.

The subamendment is quite simple. We'll have, obviously, a need for the legislative clerks to record this subamendment precisely, but the subamendment is to strike out proposed paragraph 94(3)(c) in the amendment we are currently discussing.

Is there debate on that subamendment?

(Subamendment agreed to: yeas 5; nays 4)

• (2100)

[*Translation*]

The Chair: That brings us back to CPC-15 as amended.

The debate can continue, if anyone wishes to speak. Otherwise, we can vote on CPC-15 as amended.

(Amendment as amended agreed to)

The Chair: That brings us to CPC-16.

Would someone like to move that amendment?

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: I thank you, Chair, for running an efficient meeting tonight.

I move that Bill C-12 be amended by adding after line 23 on page 18 the following new clause:

39.1 Subsection 94(2) of the Act is amended by adding the following after paragraph (a.1):

(a.2) all federal benefits provided during the year in question to claimants for refugee protection, including the total cost of the benefits;

Colleagues, let me explain briefly what this amendment would do. It would require the government to report to Parliament all of the federal benefits that are provided to claimants for refugee protection. Canadians have rightly been asking questions about coverage received by claimants for refugee protection. These are asylum seekers. Some of these are #WelcomeToCanada people who have been sitting in the queue for years. Particularly where the taxpayer has been covering said benefits, even in cases where Canadians do not receive these benefits, we are asking on behalf of Canadians that the federal benefits provided each year to refugee claimants be known, including the costs. We can continue to debate the viability of these benefits—this would not preclude us from doing that—but how can we do that if we don't know what the amount is?

Colleagues, I want to just say that as a parliamentarian, I've had to do Order Paper questions, ATIPs, begging, harassing and working through journalists to try to get information on this. It's shameful. I found out that the interim federal health program costs increased by 1,200% in a decade. It's said to be over \$1 billion this year. The government spent over \$1.2 billion on hotel costs for asylum claimants.

Look, we can agree or not on whether these benefits are good. We can have all sorts of discussions about it, but how can we do that if we don't have this information? The fact is that there are 300,000 asylum claims in the system right now. Some estimates have said it's a 25-year backlog. It would take 25 years to clear the system. There are more coming every day. We need to understand this. We need to understand the benefits that are being received. We need to understand the sustainability. Particularly when the government keeps coming to us in supplementary estimates, and I see IRCC.... They're like, "Oh, can we please have another several hundred million dollars in the supplementary estimates?" We don't even have this information.

I think this is a no-brainer. This one is near and dear to my heart. I hope colleagues will support it. It's just transparency.

Thank you.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

This amendment amends section 94 of the Immigration and Refugee Protection Act, which is not amended by Bill C-12. It is therefore the opinion of the chair that this amendment is inadmissible.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: I challenge this ruling and request a recorded division.

The Chair: Thank you.

Madam Clerk, please proceed with the recorded vote.

(Ruling of the chair overturned: nays 5; yeas 4)

[*Translation*]

The Chair: I will now open the floor to debate on CPC-16.

Is there any discussion?

Mr. Fragiskatos, you have the floor.

[*English*]

Peter Fragiskatos: I would ask for the view of officials once again, please.

Jason Hollmann (Director General, Asylum Policy, Department of Citizenship and Immigration): The IRCC departmental results report reports against federal program expenditures made by the department. The reporting is structured around responsibilities and results indicators. It does include information around the programs IRCC is responsible for that would benefit asylum claimants.

The challenge in relation to the broader question of federal benefits becomes one of tracking across the government. Asylum claimants may be eligible for benefits under other programs by virtue of those programs, such as programs to support low-income individuals. It's unclear whether those programs track whether people are asylum claimants or benefiting from them by other means. It would be challenging for IRCC and the government to compile that information across the government. The scope would be unclear without a definition of benefits.

Thank you.

• (2105)

[*Translation*]

The Chair: Thank you.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: I think it's hard for Canadians to pay a lot of the money that has gone out through the asylum system. I actually think it has undermined Canada's trust in the asylum system. As a parliamentarian, I'm asking for this information. What I'm hearing you say is that it's hard—it might be hard—to get this information, but that it would be possible. If you're not tracking it, that's also problematic. I just want to establish that. Is the amount that is going out to asylum seekers in federal benefits actually being tracked?

Jason Hollmann: I'm saying the core benefits that are provided specifically to asylum claimants would be the interim federal health program. IRCC reports against that in the departmental results report. I would not necessarily be able to speak to other benefits that a claimant might have access to. As a result of tax filing, for example, they may be eligible for other programs. How those programs track which individuals have access to them and whether they differentiate between claimants or not, I wouldn't necessarily know. There are information protection sensitivities to whether we are disclosing people as claimants.

Hon. Michelle Rempel Garner: What I'm hearing is that it's possible. I hope your minister has the political will to tell you get 'er done. Let's proceed to a vote.

[Translation]

The Chair: Is there any further discussion?

It doesn't look like it.

Is the committee in agreement with CPC-16?

I believe we'll have a recorded vote.

(Amendment agreed to: yeas 9; nays 0)

The Chair: That brings us to CPC-17.

Would someone like to move that amendment?

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: I move, Chair, that Bill C-12 be amended by adding after line 23 on page 18 the following new clause:

39.1 Subsection 94(2) of the act is amended by striking out “and” at the end of paragraph (e.1), adding “and” at the end of paragraph (f) and adding the following after paragraph (f):

(g) measures taken to ensure that persons whose claim is determined to be ineligible under section 101 do not receive federal benefits, except for emergency health care.

Colleagues, there has been over a 400% increase in people who have been using the interim federal health program since the Liberals took power, from 84,967 users in 2016-17 to a whopping 426,750 in 2024 and 2025. At the same time, the median Canadian medical wait time to see a specialist went from 20 to 30 weeks. The cost to taxpayers for the interim federal health program has dramatically increased, from \$66 million in 2016 to—wait for it—over \$821 million in 2024, with little to no explanation from the government. There was over \$456 million of taxpayer money spent on supplementary coverage in 2024 and 2025 alone. Many of these

benefits the regular and average Canadian would not receive, such as mental health support, prosthetics and eyewear. Also, I would just note, 6.5 million Canadians currently lack access to a family doctor.

The interim federal health program was set up and designed to provide medical care to people who are coming to Canada as refugees who were fleeing war zones. I think about people who are welcomed to Canada as refugees under a motion I put forward and work that I did to bring Yazidi genocide survivors to Canada. However, at this point we now have 300,000 people in the asylum backlog queue, and many, if not most, of these claims will be found to be bogus.

What happens, and what we've heard tonight, is that the government has a very difficult time enforcing removal orders, and that includes people who have failed asylum claims. During the time after somebody is deemed ineligible as an asylum claim, they are still eligible to access federal benefits. Now, I believe that somebody should have access to emergency benefits that relate solely to emergency health care. Of course, you want somebody in Canada to have access to emergency health benefits, but as to everything else, the insanity has to stop somewhere. This is a common-sense amendment that will not only restore the public's trust that the asylum system is working but also reduce incentives to abuse the system. If somebody has an asylum claim that is deemed ineligible, and they know they can't continue to receive federal benefits, then perhaps they will stop appealing and leave.

This is where we're at in the country. We have to restore sanity to Canada's asylum system. Colleagues, this is a common-sense way I'm sure colleagues across the country who have struggled with issues would support. It's going to restore that compassionate sense of the asylum system as well. It's going to focus it on people who actually need it.

Colleagues, I hope you will support this amendment. I think this will do a lot to restore public confidence in Canada's asylum system.

Thank you.

● (2110)

[Translation]

The Chair: Thank you.

In the opinion of the chair, this amendment is inadmissible, as it amends section 94 of the Immigration and Refugee Protection Act, which is not amended by Bill C-12 that is before us today.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: I challenge your ruling and request a recorded division.

[Translation]

The Chair: We'll have a recorded vote.

(Ruling of the chair overturned: nays 5; yeas 4)

The Chair: That brings us to the debate on CPC-17.

Is there any discussion?

Mr. Fragiskatos, you have the floor.

[*English*]

Peter Fragiskatos: I'd like the view of the officials, please.

Jason Hollmann: What I can offer is that this section is about reporting and not about eligibility for specific programs in and of themselves. Each of those programs would be governed by the policy, regulation and legislation around those programs. That doesn't take away from any questions around looking at programs, but this section is particularly around reporting.

Thank you.

[*Translation*]

The Chair: Thank you, Mr. Hollmann.

Mr. Ramsay, the floor is yours.

[*English*]

Jacques Ramsay: I would submit that as it is, this amendment is not for the benefit of Canadians, since it doesn't include any care for public health-related matters, and that could put the Canadian population in danger, so it would need to be amended.

[*Translation*]

The Chair: Thank you, Mr. Ramsay.

Is there any further discussion?

Is the committee in agreement with CPC-17?

Jacques Ramsay: No, Mr. Chair, I'd like to move a subamendment.

The Chair: Do you wish to move a subamendment, Mr. Ramsay?

Jacques Ramsay: Yes.

The Chair: I'm listening.

Jacques Ramsay: Okay.

[*English*]

Let me find the French version.

[*Translation*]

At the end of the amendment, after the words "except for emergency health care", I would add the words "and any other care required for public health purposes". That includes all care for sexually transmitted diseases, including HIV.

• (2115)

The Chair: The legislative clerks have heard your subamendment. We'll give them a few moments to take note of it.

I will therefore suspend the meeting for a few moments to give them the time they need.

• (2115)

(Pause)

• (2135)

The Chair: I call the meeting back to order.

We've all now read the subamendment moved by Mr. Ramsay.

I'm going to ask the legislative clerk to read us the text of the subamendment.

The Clerk of the Committee (Michelle Legault): I'll read the entire text, as it would be amended by the subamendment:

39.1 Subsection 94(2) of the Act is amended by adding the following after paragraph (f):

(g) measures taken to ensure that persons whose claim is determined to be ineligible under section 101 do not receive federal benefits, except for emergency health care, care during pregnancy and any other care required for public health purposes.

The Chair: Thank you, Madam Clerk.

Mr. Ramsay, I see that you want to say something. The floor is yours.

Jacques Ramsay: I just want to explain this subamendment.

[*English*]

This is about reporting measures to make sure the federal government doesn't provide any care other than emergency care.

I think maternal care is a matter of life and death. We all know Canada has been doing this in third world countries for years. No maternal care equals death, and we do not want to be responsible for death. I look at everybody here; we do not want to be responsible for death, so we should provide maternal care.

As for the other care required for public health purposes, let me explain. It's about sexually transmitted diseases and HIV. If we do not provide care, then it spreads. We get other people who are contaminated, and we do not achieve a good outcome.

[*Translation*]

Left unchecked, sexually transmitted diseases, such as HIV, will spread.

We've been dealing with public health in Canada for 150 years. I don't see why we would stop. Just because an immigrant is illegal doesn't mean that they can't spread diseases that will have public health consequences. We've been dealing with it for 150 years and we won't stop doing it in 2025. We won't go back to the way things were. We won't go back to prehistoric times. People get treated for the sake of public health. This has been going on since the TB bacillus was discovered. Since we've known that water can be contaminated, we've been treating it. All these things are treated.

Therefore, I think the subamendment is necessary. Otherwise, we can't agree to an amendment like that. For a doctor or anyone who advocates for health, that is the foundation. It's the bare minimum.

The Chair: Thank you, Mr. Ramsay.

Is there any further discussion?

Is the committee in agreement with the subamendment?

I believe we'll have a recorded vote.

(Subamendment negatived: nays 5; yeas 4)

The Chair: That brings us back to CPC-17 in its original form.

Is the committee in agreement with this amendment?

Jacques Ramsay: I request a recorded vote.

(Amendment agreed to: yeas 8; nays 1)

(Clause 40 agreed to on division)

(On clause 41)

[*English*]

The Chair: This moves us to clause 41 and amendment CPC-18.

Is that motion going to be moved, Madam Rempel Garner?

• (2140)

Hon. Michelle Rempel Garner: Yes, Mr. Chair. Thank you.

I move that Bill C-12, in clause 41, be amended by replacing line 29 on page 18 with the following:

41 (1) Section 99 of the Act is amended by adding the following after subsection (1):

(1.1) A person who seeks to enter Canada and who wishes to make a claim for refugee protection must, on entry, provide the officer with a written or recorded oral statement that sets out the basis of the claim.

(2) Subsection 99(3.1) of the Act is repealed.

Colleagues, we have seen individuals make asylum claims after entering Canada under completely different circumstances and then make a bogus claim to remain in Canada. Our immigration system must prioritize actual asylum claimants and identify individuals who are simply overstaying their welcome as temporary residents.

This amendment would require individuals to state their intentions as they enter Canada, ensuring that those with legitimate asylum claims are inherently prioritized and that the asylum system is not further bogged down with bogus claims.

The other thing I would say, colleagues, is that there have been some stories. For example, I believe it was a lawyer in Quebec who was found to have counselled over 200 asylum claim applicants with, basically, cut-and-paste language. This is a way to deter people from making bogus asylum claims, but more importantly, it would deter people from gaming the system.

Colleagues, I would encourage you to support this amendment, because it should reduce the number of people making bogus claims. It would give our officials more tools to use to determine the veracity of asylum claims. Overall, this seems like a no-brainer to me: Upon entering the country, if you're claiming asylum, you should state your reasons for doing so to the officer, so that we have that on the record.

Thank you.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

This amendment is deemed inadmissible by the chair, because *House of Commons Procedure and Practice* states—

• (2145)

Michelle Legault: No, in this case, it's a line conflict.

The Chair: I'm sorry.

This amendment is in order, but I must inform you that if this amendment is adopted, the subsequent amendment, CPC-19, cannot be moved, since it concerns the same lines of the bill.

Thank you for calling me to order, Madam Clerk.

Is the committee in agreement with CPC-18?

We'll have a recorded vote.

(Amendment negatived: nays 5; yeas 4)

The Chair: The previous amendment was defeated, so we can go to CPC-19.

Would someone like to move that amendment?

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I move that Bill C-12, in clause 41, be amended by replacing line 29 on page 18 with the following:

41(1) Subsections 99(3) and (3.1) of the Act are replaced by the following:

Claim inside Canada

(3) A claim for refugee protection made by a person inside Canada must be made in person to an officer, must be made in a timely manner after the person's arrival in Canada or after the events giving rise to the claim, must not be made by a person who is subject to a removal order, and is governed by this Part.

Burden of proof

Colleagues, this is another very important part of this amendment:

(3.1) The burden is on the claimant to establish that they made their claim in a timely manner.

Colleagues, we're adding conditions that make a lot of sense to tackle issues with backlog and delay in our asylum system. Claimants are required, if they are in Canada, to make their claim in person and within reasonable time limits after arriving or when the claim becomes necessary. If our laws have determined that an individual has met the threshold for deportation and our immigration system has already assessed that individual and determined that they are in contravention of our laws, they should not be able to use the asylum system as a recourse to bog down our system and delay deportation.

More importantly, colleagues, when it comes time to prove that a claimant has made their claim in a timely manner, it should be up to the claimant to prove that it was done this way, not the Government of Canada.

Essentially, we're trying to change the onus. Right now, it's the Government of Canada that has to prove that the claim was made in a timely manner. We believe that onus should lie on the claimant. This is a critical portion of this amendment, which is a hallmark of a fair and judicious process and would ensure that the applicant has met the conditions to uphold the asylum system.

Thank you.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Is the committee in agreement with CPC-19?

We'll have a recorded vote.

(Amendment negatived: nays 5; yeas 4)

(Clause 41 agreed to)

(Clause 42 agreed to on division)

(On clause 43)

The Chair: We're moving on to clause 43.

Within this clause, we have NDP-2, which is deemed moved, pursuant to the routine motions adopted by the committee several months ago.

[*English*]

Madam Kwan, would you like to speak to that amendment?

Jenny Kwan: Yes. Thank you very much, Mr. Chair.

Yes, I move that Bill C-12, in clause 43, be amended by adding, after line 2 on page 19, the following:

(1.1) If the Minister does not consider the claim within the prescribed time limit, the claim is deemed to have been determined by the Minister to be eligible.

It would also add, after line 19 on page 19, the following:

(3.1) The Minister must provide reasons for a determination of ineligibility under subsection (3).

Bill C-12, Mr. Chair, introduces a new pre-screening step to the process of seeking asylum. This "Consideration of claims" step prescribes an unnecessary layer of bureaucracy to the process, whereby the minister further considers a claim that has already been deemed admissible by an officer before that claim is ultimately "referred to the Refugee Protection Division".

This was first introduced, in fact, in the last Parliament, jammed into the 2024 budget implementation act, Bill C-69. During the clause-by-clause consideration of Bill C-69 at the finance committee, members agreed to strike this section from the bill.

My amendment would ensure, for positive decisions that are then overturned by the minister in this new step, that reasons for the decision to overturn admissibility are given. It would also ensure that decisions to overturn are made within the prescribed time period, after which a claim that has already received a positive decision of admissibility by an officer is "referred to the Refugee Protection Division".

• (2150)

The Chair: Thank you, Madam Kwan.

Is NDP-2 adopted? We'll proceed with a recorded vote.

(Amendment negatived: 9 nays; 0 yeas)

The Chair: Thank you. We will move, then, to NDP—

Hon. Michelle Rempel Garner: Wait. Did they vote in favour of that? Is that vote total correct? The clerk counted and said five nays and four yeas. I'm just checking the vote total for the record.

Ariane Calvert (Legislative Clerk): I apologize. It was all nays. I'm sorry about that.

An hon. member: It's getting late. We get it.

The Chair: That's very good. You're listening carefully, Madam Rempel Garner.

Hon. Michelle Rempel Garner: I just have a point of order, Chair.

Sometimes I appear like I'm not paying attention. Most of the time, I'm not, but sometimes I am, so there you go.

The Chair: Congratulations. That means that you're always paying attention. That's wonderful.

This brings us to NDP-3, which is considered to be moved according to our business rules.

Madam Kwan, would you like to speak to it?

Jenny Kwan: Yes. Thank you very much, Mr. Chair.

I move that Bill C-12, in clause 43, be amended by replacing lines 26 and 27 on page 19 with the following:

limits and in the manner provided for in the regulations, provide the Minister with the

and by replacing line 31 on page 19 with the following:

(6) Subsection 100(4.1) of the Act is replaced by the following:

(4.1) The documents and information specified by the Minister must not include any evidence relating to the claim other than evidence—photographic, fingerprint or otherwise—that may be used to establish the identity of the claimant.

Mr. Chair, this amendment relates to the section about new documents and information that applicants must provide at the request of the minister. Bill C-12 is unclear on what sorts of documents the minister would request beyond what is normally required. In the review process for Bill C-12, the Canadian Bar Association said that the documents and information the minister could request should not be left to regulation.

My amendment specifies what documents would be provided to the minister and ensures that this excludes the presentation of evidence. Also, it prescribes that the manner in which the minister would receive the documents is determined by regulations rather than at the discretion of the minister, to improve the clarity, predictability and fair application of the law.

The Chair: Thank you, Madam Kwan.

Is amendment NDP-3 adopted?

(Amendment negatived)

(Clause 43 agreed to on division)

[*Translation*]

(Clause 44 agreed to)

The Chair: That brings us to CPC-20.

Would someone like to move that amendment?

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I move that Bill C-12 be amended by adding after line 15 on page 20 the following new clause:

44.1 Subsection 101(1) of the Act is amended by striking out “or” at the end of paragraph (e), by adding “or” [at] the end of paragraph (f) and by adding the following after that paragraph:

(g) the claimant has been found guilty of an offence that constitutes grounds of serious criminality under subsection 36(1).

Colleagues, we would like to add a new provision that makes a reasonable change by streamlining the process to make a refugee claim ineligible if the claimant has been found guilty of serious criminality. A claimant would not have their claim referred to the IRB if they are guilty of serious criminality.

This is clear, this is necessary and it would be fair. Serious criminality cannot be rewarded with refugee protection in Canada. Canadians should expect us to protect them and uphold the sanctity of the asylum system.

Thank you.

• (2155)

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Mr. Fragiskatos, you have the floor.

[*English*]

Peter Fragiskatos: Thank you.

To the officials, does the act already cover this?

Brett Bush: I guess I'm answering that question.

Yes, there's an ineligibility for the serious inadmissibility provisions that are currently found in IRPA. This is adding additional language into section 101 that is already covered there.

Peter Fragiskatos: What other concerns do you have?

Tara Lang: This amendment is related to CPC-4, which would change the definition of criminal inadmissibility in IRPA. It would add an ineligibility ground to section 101(1) of IRPA, so that claimants who have been found guilty of an offence that is grounds for serious crime under 36.1 would be ineligible to have their claim referred to the IRB.

This is redundant, because IRPA already establishes that a claim is ineligible to be referred to the IRB if the claimant has been determined to be inadmissible on grounds of serious.... I'm sorry; I'm going too fast. Let me go back. This is a redundant amendment. The act already establishes that a claim is ineligible to be referred to the Immigration and Refugee Board if the claimant has been deter-

mined to be inadmissible on grounds of serious criminality per paragraph 101(1)(f).

I would also add that, as a result of the proposed changes to the definition of serious criminality in CPC-4, this proposed ineligibility would potentially deny protected person status to vulnerable individuals by preventing claims from being referred to the IRB due to relatively minor crimes.

[*Translation*]

The Chair: Thank you, Ms. Lang.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Colleagues, what I think happened here was that we had a series of amendments that, if one passed, we would be moving another one.

That said, I want to take issue with one comment that the official made. I think that, if somebody commits a serious crime in Canada—and some of the changes that we were suggesting to make under serious criminality clarified some pretty serious crimes—I'm not sure that they would be considered a vulnerable person anymore.

If somebody's seeking refugee protection in Canada, maybe they shouldn't commit a serious crime. It disheartens me to hear public officials dismissing a principle like that, and perhaps they should be a little more judicious in how they describe these circumstances.

I'll leave it at that. I think that they would give more confidence to the public if they tried to balance some of their words with regard to common-sense principles, which we haven't heard a lot of out of the Immigration and Refugee Department in some time.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Shall CPC-20 carry?

• (2200)

[*English*]

(Amendment negated)

(On clause 45)

The Chair: Clause 45 comes with an amendment deemed moved, NDP-4 found on page 32.

[*Translation*]

Because NDP-4 has been moved, PV-4 cannot be moved, since the two amendments are identical.

Ms. Kwan, would you like to introduce NDP-4?

[*English*]

Peter Fragiskatos: I have a point of order, Chair.

I don't mean to interrupt our colleague, Ms. Kwan, but just for clarification, can we be assured that CPC-20 was, in fact, defeated? Rejecting on division is something that I haven't seen in previous meetings or in other committees.

I just want to be sure of that.

The Chair: Well, I was perhaps listening too closely to—

Hon. Michelle Rempel Garner: The Conservative members of the caucus understand that's what the division was.

The Chair: I was listening too closely to advice that I shouldn't be listening to in some cases—not in most cases.

Yes, CPC-20 was rejected, and we are therefore moving to NDP-4.

NDP-4, as I said, is deemed to be moved, and Madam Kwan, do you want to speak to it?

Jenny Kwan: I move that Bill C-12, in clause 45, be amended by replacing line 26 on page 20 with the following:

quested to do so, the Minister may transmit the claim to

Bill C-12 introduces provisions that will result in claims being declared abandoned before they have been referred to the IRB if a claimant does not provide information and documents in a timely manner. As the Canadian Council for Refugees raised in their brief on Bill C-12, “The automatic nature of the provision will generate a new backlog of abandonment hearings for the IRB.”

This would waste significant, already-scarce IRB resources by mandating referrals for claims that do not need to be referred for abandonment, for example, in cases where a claimant just needs a few more days to provide documents or misses an interview due to illness. The provisions will also disproportionately impact more vulnerable claimants who may face communications or technological barriers. Once a claim is declared abandoned, a person cannot make another refugee claim.

To avoid this, my amendment would remove the mandatory nature of this clause by changing “must transmit” to “may transmit”.

I hope committee members will support this amendment. From what I'm seeing so far, the Liberals and the Conservatives are sure as heck working hand in hand. I hope this will break that trend.

[Translation]

The Chair: Thank you, Ms. Kwan.

Shall NDP-4 carry?

(Amendment negated)

The Chair: We will now go to PV-5, which is moved by default.

[English]

Ms. May, would you like to speak to PV-5?

Elizabeth May: Yes. As it is one of the few rights I have in the motion that took away my rights to present amendments at report stage, I'll speak briefly to this.

I'll thank Jenny Kwan for her amendment that was just defeated, as she set out the rationale for that. My amendment wasn't read out and that's all right, because it was identical to that of the member for Vancouver East.

Moving on to PV-5, this is an attempt to create an opportunity for some fairness for an applicant who has missed providing the documentation for reasons that the minister may not be aware of. It actu-

ally requires the minister not to transmit a claim to the division until 45 days have expired after a person has failed to provide documentation or to appear for an examination.

It is on advice from refugee rights organizations and the Canadian Association of Refugee Lawyers. It's simply a matter of fairness in circumstances in which refugees of all people are facing critical challenges. If they fail to provide the paperwork, a 45-day grace period isn't too much to ask to make sure that their rights are protected in a country that prides itself—or at least we used to pride ourselves—on respect for human rights.

● (2205)

[Translation]

The Chair: Thank you, Ms. May.

Is there agreement to adopt PV-5?

(Amendment negated [See Minutes of Proceedings])

(Clause 45 agreed to on division)

(Clause 46 agreed to on division)

(On clause 47)

The Chair: We'll now go to clause 47.

Would someone like to move CPC-21?

[English]

Hon. Michelle Rempel Garner: Yes. Thank you, Chair.

I move that Bill C-12, in clause 47, be amended by replacing line 37 on page 21 to line 6 on page 22 with the following:

104.1(1) For the purposes of subsection 107(1), if a person making a claim for refugee protection is not physically present in Canada, the Refugee Protection Division

(a) in the case of a new claim, must not commence consideration of the claim; or
(b) in the case of an ongoing claim where the person returns to their country of origin, must deem the claim to have been abandoned.

(2) If a person who is the subject of an appeal is not physically present in Canada, the Refugee Appeal Division

(a) in the case of a new appeal, must not commence consideration of the appeal, other than an appeal by the Minister; or

(b) in the case of an ongoing appeal where the person returns to their country of origin, must deem the claim to have been abandoned.

Again, I'm making some of the arguments I made earlier tonight. If somebody comes to Canada and if they say that they need refugee status—that they are seeking asylum in Canada because they are going to face persecution in their home country—then I can't think of a circumstance, and I don't think a lot of Canadians could either, in which someone would say that they can go back to their home country and let the claim proceed.

It seems like a loophole you could drive a truck through. I think it also encourages the abuse of the asylum system. Colleagues, we need to find ways to reduce the abuse of the asylum system and also find disincentives for people making essentially bogus claims.

If somebody is persecuted enough that they have to stay in Canada to make their claim, then I get that. However, if they make an argument that they can go back for any manner of issues, then I would argue that it's probably not a legitimate asylum claimant. That is something that Parliament has the purview to decide.

I think we need to start setting some clear boundaries on the abuse of the asylum system. I hope that colleagues will support this common-sense amendment. If somebody claims refugee status and returns to the country that they are claiming refugee status from, then perhaps we should determine that they do not need Canadian asylum status.

Thank you.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Shall CPC-21 carry?

[*English*]

Hon. Michelle Rempel Garner: I would like a recorded vote.

[*Translation*]

(Amendment agreed to: yeas 5; nays 4)

(Clause 47 as amended agreed to on division)

(Clause 48 agreed to on division)

(On clause 49)

[*English*]

The Chair: Clause 49 comes with a notice of motion, CPC-22. Is someone moving that motion?

• (2210)

Hon. Michelle Rempel Garner: Yes. Thank you, Chair.

I move that Bill C-12, in clause 49, be amended by replacing line 9 on page 22 with the following:

49 (1) Subsection 110(2) of the Act is amended by adding the following after paragraph (b):

(b.1) a decision of the Refugee Protection Division rejecting a claim for refugee protection that states that the foreign national who made the claim knowingly made a false or misleading statement or withheld material facts on a relevant matter;

(1.1) Paragraph 110(2)(d.1) of the Act is re-

Colleagues, I made arguments earlier for the act writ large. This amends the rules for the refugee protection division specifically. I believe that if somebody lies to us, or lies to an officer, their refugee process should face the consequences of having the claim rejected.

For example, again, I direct your attention to one story of many, but this is timely. In the National Post this morning, a Somali woman in a polyamorous marriage lied to get into Canada. I believe she had many different names. She's being allowed to stay in the country. Well, if you lie to an officer, the whole system should be predicated on determining the eligibility of a refugee claim based on truthfulness. If we allow the system to be gamed by people who lie and change their story, or who outright lie over a period of time, then we're encouraging the abuse of the asylum system. We are.

I also think that people who lie about their circumstances to the officers make the system less compassionate for people who have legitimate claims and aren't lying. There should be no lying to officers if you are claiming refugee protection—or, frankly, in any circumstance.

I hope my colleagues will support this amendment.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Shall CPC-22 carry?

[*English*]

Hon. Michelle Rempel Garner: I would like a recorded vote.

[*Translation*]

(Amendment negatived: nays 5; yeas 4)

[*English*]

The Chair: That brings us to motion NDP-5, which is deemed to have been moved.

Madam Kwan, would you like to speak to it?

Jenny Kwan: Yes. Thank you very much, Mr. Chair.

The purpose of this amendment, NDP-5, is to prevent paragraph 111.1(1)(e) of IRPA, which ensures that regulations provide for time limits on refugee appeal division decisions. These regulations are crucial so that appeals cases are not lost in endless limbo. In our offices, we've seen many, many cases come forward where someone's waiting for their application to go through, and somehow they just don't know what the timeline is.

This will actually prevent that, Mr. Chair.

The Chair: Thank you, Madam Kwan.

[*Translation*]

Shall NDP-5 carry?

(Amendment negatived)

(Clause 49 agreed to on division)

(Clause 50 agreed to on division)

(On clause 51)

• (2215)

The Chair: We're moving on to clause 51 and NDP-6, which is deemed moved by Ms. Kwan.

Ms. Kwan, do you wish to introduce this amendment?

[*English*]

Jenny Kwan: Thank you, Mr. Chair.

This amendment actually is tied to the last amendment that I just made. It was interesting to note that it was defeated by committee members even though I hear committee members all too often bellyaching about the backlog. When it comes to issues related to refugees with their process and appeal decisions, the backlog seems not to matter to committee members, and it is noted.

[*Translation*]

The Chair: Thank you, Ms. Kwan.

Is the committee in agreement with NDP-6?

(Amendment negated)

(Clause 51 agreed to on division)

(On clause 52)

The Chair: That brings us to clause 52 and CPC-23.

Would someone like to move that amendment?

[*English*]

Hon. Michelle Rempel Garner: Yes. Thank you, Chair.

I move that Bill C-12, in clause 52, be amended by replacing line 36 on page 23 with the following:

(c) subject to subsections (2.01) and (2.1), less than 12 months

and by adding after line 37 on page 23 the following:

(3.1) Section 112 of the Act is amended by adding the following after subsection (2):

(2.01) A person whose application for protection is rejected or determined to be withdrawn or abandoned by the Minister may make a subsequent application only if they present new evidence that

(a) arose after the rejection or determination or was not reasonably available, or that the applicant could not reasonably have been expected in the circumstances to have presented, at the time of the rejection or determination; and

(b) in the Minister's opinion, indicates that conditions in the country to which the person would be removed have changed since they made their previous application.

Colleagues, after our asylum system rejects a claim, there should be a reasonable expectation that the claim could be re-evaluated for applicants whose conditions have changed or if they face new circumstances that make them ineligible. What the system cannot allow is for rejected claimants to make indefinite new applications, delay their departure and remain in Canada when they have been determined to be ineligible. We have to fix issues that create backlogs, bog down our courts and allow individuals who have been rejected to stay in Canada as claimants.

Also, this would reduce the burden on benefits that are provided to people with rejected claims, and it would also restore trust in the Canadian immigration system and the asylum system.

Finally, it would just make it more fair. People shouldn't be allowed to game the system in perpetuity in order to stay in Canada, when they have no legal reason to be here. People who are trying to come to the country as economic migrants should be trying to come to the country as economic migrants and not using the asylum system as a back door into the country.

Again, this would help us reduce the propensity for people to make bogus asylum claims, because there would be precedent and law saying that if you have a rejected claim, we are not going to allow you to make indefinite new applications.

Thank you.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Shall CPC-23 carry?

We'll have a recorded vote.

(Amendment negated: nays 5; yeas 4)

● (2220)

The Chair: We'll go to NDP-7.

Ms. Kwan, would you like to introduce it?

[*English*]

Jenny Kwan: Yes. Thank you very much, Mr. Chair.

I move that Bill C-12, in clause 52, be amended by adding after line 42 on page 23 the following:

(5) Section 112 of the Act is amended by adding the following after subsection (3):

(4) Unless the application is allowed without a hearing, a hearing must, despite paragraph 113(b), be held in the case of an applicant for protection whose claim for refugee protection has been determined to be ineligible solely under paragraph 101(1)(b.1) or (b.2).

Mr. Chair, section 73 of Bill C-12 introduces new ineligibility provisions that prevent people from making a refugee claim more than a year after arriving in Canada for the first time, retroactive to June 24, 2020. This section also expands the safe third country agreement with the United States by making ineligible individuals who make a refugee claim 14 days or more after entering a land border between ports of entry. These individuals are prevented under Bill C-12 from accessing an oral hearing before the IRB. This is one of the major concerns that has been raised by many NGOs who worked with migrants and refugees during the review process for Bill C-12.

Many stakeholders have acknowledged that this arbitrary one-year restriction violates international law, specifically the principle of non-refoulement, whereby people should not be sent back somewhere where it is believed they would be at risk of harm. This provision results in Canada sending people to countries where they face danger or persecution. This amendment would ensure that those no longer eligible to make a refugee claim through the IRB due to this arbitrary one-year bar and the government's extension of the safe third country agreement with the United States have access to a mandatory hearing to increase procedural fairness; it would also avoid having individuals sent back to persecution.

Adopting this amendment would align with legislative changes made to IRPA in 2019, when an ineligibility provision for asylum seekers from Five Eyes countries was invoked. Section 113.01 was added to the IRPA to ensure that those who were denied the ability to make a claim through this provision would have access to an enhanced process that includes an oral interview.

Mr. Chair, if you can indulge me for just one more moment, I'd like to give an example.

The Chair: It would be better if you could sum up rapidly, Madam Kwan, because it's already been a couple of minutes. Please come to the conclusion.

Jenny Kwan: I will just conclude by saying that, with this one-year bar, an individual who came to Canada many years ago as a child and later on, as an adult, became a human rights journalist and was being persecuted, would not be allowed under this provision to try to seek an asylum claim here in Canada. Those are the kinds of ways people would be impacted, because the one-year bar would apply when they first arrive in Canada.

The Chair: Thank you, Madam Kwan.

[*Translation*]

Is—

[*English*]

Hon. Michelle Rempel Garner: May I just ask one quick question to the officials?

My understanding is that there are provisions in the bill that would allow the minister to make exceptions. Is that correct?

Jason Hollmann: That is correct. The bill offers exceptions to be made in regulations.

Hon. Michelle Rempel Garner: Thank you.

[*Translation*]

The Chair: Thank you, Ms. Kwan and Ms. Rempel Garner.

Is it agreed to adopt NDP-7?

We'll have a recorded vote.

(Amendment negated: yeas 8; yeas 1)

• (2225)

The Chair: We'll now go to NDP-8.

Ms. Kwan, you have the floor.

[*English*]

Jenny Kwan: Thank you very much, Mr. Chair.

I was very disappointed with that last vote. With that being said, I move that Bill C-12, in clause 52, be amended by adding after line 42 on page 23 the following:

(5) Section 112 of the Act is amended by adding the following after subsection (3):

(4) A removal order is stayed in respect of an applicant who is not described in subsection 112(3), whose application for protection is rejected and who applies for leave to commence an application for judicial review in accordance with section 72, and the stay is effective until the day on which the Federal Court refuses their application for leave or denies their application for judicial review.

Mr. Chair, this amendment would ensure that people subject to the new ineligibility...would be afforded a statutory stay of removal, pending the termination of an application for judicial review of a negative pre-removal risk assessment, if one is filed. A legislative stay of removal like this would greatly alleviate the burden on the already overstretched Federal Court, Mr. Chair, and I hope committee members will support this.

[*Translation*]

The Chair: Thank you, Ms. Kwan.

Is the committee in agreement with NDP-8?

(Amendment negated)

(Clause 52 agreed to on division)

(Clause 53 agreed to on division)

(Clause 54 agreed to on division)

(On clause 55)

The Chair: That brings us to clause 55 and CPC-24.

Would you like to move that amendment, Ms. Rempel Garner?

[*English*]

Hon. Michelle Rempel Garner: Yes. I move that Bill C-12, in clause 55, be amended by adding after line 15 on page 24 the following:

(1.1) Subsection 161(1) of the Act is amended by adding the following after paragraph (a.1):

(a.11) the manner in which a claim that is determined to be ineligible under subsection 101(1) is to be dealt with;

Colleagues, after a refugee claim is determined to be eligible, we need to more clearly define the steps that come next. The system needs predictability, and this amendment would do that. It would clarify questions like what comes after and how long it takes. These are principles that would make our system more fair and would provide due process to applicants, giving them predictability if the decision by the government is to follow through on removal.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Shall CPC-24 carry?

We'll have a recorded vote.

(Amendment agreed to: yeas 5; yeas 4)

(Clause 55 as amended agreed to on division)

(On clause 56)

The Chair: That brings us to clause 56 and CPC-25.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Mr. Chair.

I move that Bill C-12, in clause 56, be amended by replacing lines 17 and 18 on page 24 with the following:

56 Subsection 168(1) of the Act is replaced by the following:

(1) A Division must determine that a proceeding before it has been abandoned if the applicant is in default in the proceedings, including by failing to appear for a hearing, to provide information required by the Division or to communicate with the Division on being requested to do so.

This is what I'd like to call a "show up and give us information" amendment.

Colleagues, further to changes that the Conservatives presented earlier tonight, we would like to direct the IRB to determine a proceeding to be abandoned if the applicant is in default.

As is the case in a fair and transparent process, if an applicant is a no-show to a hearing, that claim should not move forward. If an applicant does not provide the required information in a hearing, that claim should not move forward. If an applicant does not communicate as directed by our immigration officials, that claim should not move forward.

There needs to be some onus on the applicant to actually move along with the process. Canada's immigration system should serve co-operative applicants, applicants who are there and are responding in a timely manner to make the system function. It shouldn't be chasing people who don't bother to show up for hearings. Those willing to come to Canada and follow our laws should take our application system seriously.

Thank you.

• (2230)

[Translation]

The Chair: Thank you, Ms. Rempel Garner.

Shall CPC-25 carry?

[English]

Hon. Michelle Rempel Garner: I would like a recorded vote.

[Translation]

(Amendment negatived: nays 5; yeas 4)

The Chair: That brings us to CPC-26.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: Thank you, Chair.

I move that Bill C-12, in clause 56, be amended by replacing line 21 on page 24 with the following:

section 104.1 from considering a claim or appeal, it must

Colleagues, we would like to update instructions to the IRB to go from “may” to “must” when determining whether to abandon claims if the applicant does not meet the requirement for physical presence in Canada. We believe that applicants should remain in Canada to have their asylum application reviewed by the IRB.

[Translation]

The Chair: Thank you, Ms. Rempel Garner.

Shall CPC-26 carry?

[English]

Hon. Michelle Rempel Garner: I would like a recorded vote.

[Translation]

(Amendment negatived: nays 5; yeas 4)

(Clause 56 agreed to)

(Clause 57 agreed to)

(Clause 58 agreed to on division)

(Clause 59 agreed to on division)

(Clause 60 agreed to on division)

(Clause 61 agreed to on division)

(On clause 62)

The Chair: We'll now go to clause 62 and NDP-9.

[English]

Madam Kwan, would you like to speak to it?

Jenny Kwan: Thank you very much, Mr. Chair.

I move that Bill C-12, in clause 62, be amended by replacing line 17 on page 25 to line 1 on page 26 with the following:

62 Claims for refugee protection whose eligibility to be referred to the Refugee Protection Division has not yet been determined on the day on which any of sections 43 to 45 come into force or that have been determined to be eligible for referral but have not yet been referred to that Division immediately before that day are subject to the Act as it would have read had none of those sections come into force.

Mr. Chair, in the transitional provisions of Bill C-12, the new ineligibility provisions are set to retroactively apply to refugee claims that have already been made but have not yet been referred to the refugee protection division by the date on which the bill comes into force. This amendment adjusts the transition provisions so that this section would apply only to cases made on and after the day on which the bill goes into effect. In other words, it would not apply retroactively, Mr. Chair.

• (2235)

The Chair: Thank you, Madam Kwan.

[Translation]

Shall NDP-9 carry?

(Amendment negatived)

(Clause 62 agreed to on division)

The Chair: We'll now go to clauses 63 to 66. There are no amendments on those clauses.

[English]

An hon. member: Wait, let's do them one at a time, please.

The Chair: You want to do them one at a time? Okay.

[Translation]

(Clause 63 agreed to on division)

(Clause 64 agreed to on division)

(Clause 65 agreed to on division)

(Clause 66 agreed to on division)

(On clause 67)

The Chair: We'll now go to clause 67.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: Yes, thank you.

Colleagues, I move that clause 67 of Bill C-12 be amended by adding, after line 13 on page 27, the following:

(3) For greater certainty, the authority to vary under subsection (1) does not include the authority to grant permanent resident status.

Let's talk about this one.

Colleagues, I am concerned—

The Chair: Let me first check, Madame Rempel Garner, that everyone has the information.

We will take a little time.

[*Translation*]

It seems that all members now have a copy of the amendment. We can move on, then.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

Colleagues, I am concerned. There was a lot of discussion at committee on the powers that part 7 of this bill gives to the government. The way I proceed with some other things will be very dependent on how the government members proceed with this.

When we were asking the government officials questions about how they would use these powers, they really didn't provide a lot of examples, except they did provide examples that intimated that they would use these powers, or potentially could use these powers, to alter documents to a PR status. They might say that they won't, but I would direct your attention to the word “vary” in the original clause. That is a pretty ill-defined, wide term.

Now, I want to direct your attention to something else. In the levels plan this year, there were a bunch of so-called one-time initiatives to approve another 140,000 people to PR status. This was not attributed to in the levels plan, and it did not include any detail as to who would be selected.

Given the combination of the very disappointing testimony from department officials last week in terms of being able to explain examples of how they would use this, I think we can only be left to assume that these powers—these powers that we're looking at right now—would be used to avoid all scrutiny and move these people that are in the levels plan, in this one-time initiative, to a new status with no oversight. This specifies permanent residency specifically as a category that documents cannot be varied to. Without that specifically, there's a risk that the department could find a workaround through legal back doors. We wouldn't know about it. We need a specific restriction and prohibition on this practice demarcated in the law. I'm not comfortable proceeding, frankly, unless there is.... God bless, but I don't trust the department officials.

The Liberals have made a specific commitment to reduce the numbers in the levels of temporary residents in Canada. Without this amendment, I can only assume that they mean to reduce the number of temporary residents in Canada by converting them to permanent residents using these powers. I hope that's not the case.

This is how I'm going to proceed. I think the department officials will say, oh, no, that's not really what we mean, but if that's really not what they mean, then why would we not just say, “For greater certainty, the authority to vary under subsection (1) does not in-

clude the authority to grant permanent resident status”? That seems pretty clear to me.

I would like to put this to bed, but I will close with this for my colleague from Quebec. Today a story broke in the Journal de Montréal that in 1995, Jean Chrétien gave orders to the same ministry to accelerate citizenship to increase the voter base in Quebec, in the Quebec referendum. Allowing the same party to have broadened unsupervised access—to be very clear, that's seriously what we're doing here—to change immigration status, when their past behaviour has had so little respect for Canadian citizenship, is a problem.

If the department really means to not use the “vary” provision for everything I've set out, then they and the government members should have no problem supporting this amendment. I hope we can just move on and everybody supports this. We're not going to be talking about how the government, and the department, might be trying to lower the number of temporary residents in this country through insta-PRs.

I hope this amendment is acceptable and we can move on.

Thank you.

• (2240)

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Mr. Fragiskatos, you have the floor.

[*English*]

Peter Fragiskatos: Thank you, Chair.

I'd like to hear the view of officials on this, for clarification.

Tara Lang: Thank you very much for the opportunity to explain.

The provisions as written under the mass authorities sections do not pertain to any kind of loss of status or change of status. The wording around “vary” pertains only to document status. The examples in that space were ones that I have given in previous testimony pertaining, for instance, to extending the length of work permits and/or shortening the length of documents such as that. The act already has a provision that speaks to loss of status for PRs or changes to status under sections 46 and 47.

This section of mass authorities in no way grants the department, the minister, the OIC or anyone the ability to change status. The “vary” is only around documents. There is no ability legally in these clauses to change the status of someone from a TR to PR. It is strictly about a document. If you have a TR document, we could vary the status of a TR document. With a PR document, there are no opportunities for a status change.

[Translation]

The Chair: Thank you.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: My problem here is that there are a lot of mysteries that we've seen. We've had department officials.... Frankly, guys, the answers you gave us on examples and reasons for wanting us to devolve our powers to you were not great. Then there's this mystery line item in the levels about changing or granting permanent resident status to a mystery group of people.

If what the official says is true, they will have no problem supporting this, because if they have no intention of using this, then we should be able to say:

For greater certainty, the authority to vary under subsection (1) does not include the authority to grant permanent resident status.

We're just agreeing. We're violently agreeing here.

Colleagues, again, God bless, I would like, as a legislator.... The IRCC is asking us to devolve a lot of powers to them after overseeing a process that has led to 300,000 asylum claims backlogged and three million temporary residents in the country. This is serious. If there is no plan to use this, colleagues, then nobody around here should have any problem putting this insurance clause in. I'm just saying.

• (2245)

[Translation]

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

[English]

Peter Fragiskatos: Officials have been clear, and we appreciate that. I don't think there's a need to disparage their contributions here tonight. We do trust their judgment. However, for certainty, I think it is important to clarify, so our side will be supporting this amendment.

We can go straight to a vote.

[Translation]

The Chair: Thank you, Mr. Fragiskatos.

Shall CPC-26.1 carry?

(Amendment agreed to)

(Clause 67 as amended agreed to on division)

(Clause 68 agreed to on division)

(Clause 69 agreed to on division)

(Clause 70 agreed to on division)

(Clause 71 agreed to on division)

(On clause 72)

The Chair: We'll now go to clause 72 and LIB-1.

Mr. Zuberi, you have the floor.

Sameer Zuberi (Pierrefonds—Dollard, Lib.): Thank you, Mr. Chair.

[English]

I respect the fact that everyone's been here a long time.

[Translation]

I move that Bill C-12, in clause 72, be amended by adding, after line 26 on page 28, the following:

[English]

87.3001 For the purposes of subsections 87.301(1), 87.302(1) and 87.303(1) and (2), the making of an order is consistent with the public interest if its purpose is to address matters such as public health, public safety or national security and if the public interest clearly outweighs in importance any prejudice caused to individuals by the order.

A key term here is “public interest”. The reason this is being put forth is that in testimony, we heard how public interest was a matter questioned upon by committee members from all sides. As well, it was one that officials and the minister explained should apply to certain cases that are non-exhaustive, but certain cases that have been thought of in advance.

With respect to the fact that this is not an exhaustive list, the cases that were highlighted are spelled out here with “such as”, which is why this says, “such as public health, public safety or national security”. It's not an exhaustive list or an exclusive list. You can still have analogous classes. Having the term “such as” leaves some latitude. This does put guardrails, so that the Governor in Council has to have some guidelines, which are written over here.

The latter part of this amendment speaks about how the public interest should outweigh in importance any prejudice caused to an individual by the order. The reason that's important to spell out, although it should be implicit, is that it's a reminder to the Governor in Council that there is prejudice in taking such an action to utilize this aspect of the law. Therefore, it's just a reminder to the Governor in Council that there is prejudice caused and that the usage of this should outweigh the prejudice to the individuals in question.

• (2250)

The Chair: Thank you very much, MP Zuberi.

I see that MP Fragiskatos would like to intervene.

Peter Fragiskatos: Yes.

Thank you to our colleague for the amendment.

I want to offer a subamendment that would change it as follows:

the making of an order is consistent with the public interest if its purpose is to address matters such as administrative errors, fraud, public health, public safety or national security.

The last sentence would be struck. Therefore, it ends at “national security”.

The Chair: Has this amendment been circulated, MP Fragiskatos?

Peter Fragiskatos: I'm about to send it to the clerk.

The Chair: Will you send that electronically?

Peter Fragiskatos: Yes.

The Chair: We'll suspend for a minute or so, while the subamendment is circulated to the legislative clerk.

• (2250)

(Pause)

• (2300)

[Translation]

The Chair: I call the meeting back to order, if we want to finish up.

The clerk has advised me that LIB-1 has not been duly moved, as it has to be moved by a member of the committee. Therefore, the subamendment is moot.

Mr. Ramsay, the floor is yours.

Jacques Ramsay: I'm just going to move LIB-1 as read by Mr. Zuberi.

The Chair: Is everybody clear on that?

[English]

The motion wasn't moved appropriately, because it has to be moved by a member of the committee or a substitute, and MP Zuberi wasn't either of those two. The amendment LIB-1 needs to be moved by a member of the committee, which MP Ramsay just did.

I'll turn to MP Fragiskatos.

Peter Fragiskatos: I'm not sure if the request has gone in to the clerk, but you'll see that Mr. Ehsassi is not here right now. Mr. Zuberi is subbing in, so we might avoid all of this.

If he's been received.... I'm not sure, but Mr. Zuberi is here subbing in for Mr. Ehsassi now.

The Chair: No, unfortunately that cannot be done a posteriori. That needed to be done beforehand.

That's well understood and noted.

Peter Fragiskatos: That's fine. We'll stick to that.

Mr. Ramsay just moved it as it was originally proposed. For the purposes of maintaining procedural decorum, for lack of a better word, I will move the following subamendment:

For the purposes of subsections 87.301(1), 87.302(1) and 87.303(1) and (2), the making of an order is consistent with the public interest if its purpose is to address matters such as administrative errors, fraud, public health, public safety or national security.

I would strike from the original "and if the public interest" all the way to "by the order".

The clerk has a version in French as well.

[Translation]

The Chair: Thank you, Mr. Fragiskatos.

The English and French versions were emailed to you a few minutes ago.

Is the committee in agreement with the subamendment?

(Subamendment agreed to)

(Amendment as amended agreed to)

The Chair: We'll now go to NDP-10.

Ms. Kwan, you have the floor.

[English]

Jenny Kwan: This amendment actually relates to that last clause there. I'm moving that Bill C-12, in clause 72, be amended by adding after line 8 on page 29 the following:

(1.1) An order made under this section or section 87.302 or 87.303 is in the public interest if it addresses a serious threat to public health or any matter referred to in section 34.

Mr. Chair, this is actually another one of the major issues that is of grave concern to the NGOs that work with newcomers. They feel that the sweeping new proposed powers to cancel entire categories of immigration documents and applications in the "public interest" also allows the government to suspend the right to make new applications in a specific category and suspend and terminate the processing of applications already submitted, including applications for permanent or temporary residence, or for work or study permits, if it is deemed to be in the "public interest" to do so.

This not only affects international students and migrant workers, but reaches to every category of newcomer, and that does not—

• (2305)

[Translation]

Claude DeBellefeuille: I have a point of order, Mr. Chair.

The Chair: Excuse me, Ms. Kwan, but we have a point of order.

Mrs. DeBellefeuille, you have the floor.

Claude DeBellefeuille: The interpretation is not working.

[English]

The Chair: I'll speak in English to see whether the interpretation works.

[Translation]

Claude DeBellefeuille: It's working now.

The Chair: Thank you, Mrs. DeBellefeuille.

[English]

I'm sorry, Ms. Kwan. You may resume.

Jenny Kwan: Hopefully, interpretation is working. I have the same system on.

To carry on, many of the non-profits who work with the newcomer community, such as the Canadian Bar Association, have noted that this language is vague. A clear definition of public interest is needed. Stakeholders have noted that as this power defines procedural fairness, it increases the precarity of already vulnerable classes of newcomers and would open the door to discrimination for all future governments, especially as it introduces the ability to target restrictions of applications to certain foreign nationals.

My amendment limits the scope of the proposed new powers to cancel, suspend or change a whole range of immigration documents if deemed in the public interest, if it addresses a serious threat to health or any other matter referred to in section 34 of IRPA, which is concerned with security-related reasons for inadmissibility.

[*Translation*]

The Chair: Thank you, Ms. Kwan.

Is NDP-10 okay with the committee?

(Amendment negatived)

The Chair: That brings us to CPC-26.2.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

We're getting there, colleagues.

I move that Bill C-12, in clause 72, be amended by adding after line 9 on page 30 the following:

(1.1) For greater certainty, the authority to vary under subsection (1) does not include the authority to grant permanent resident status.

To be clear, colleagues, what we approved as an amendment before was that we prohibited individual officers from using these powers as laid out in the amendment individually. Now we are prohibiting on the same principle for en masse decisions. It is even more important that we pass this. If the officials truly are not going to use this to grant permanent resident status, then we should support this amendment.

It just duplicates the principle we had in the earlier amendment to this particular clause. I hope colleagues will support it.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Shall CPC-26.2 carry?

(Amendment agreed to)

The Chair: We'll now go to NDP-11.

Ms. Kwan, you have the floor.

[*English*]

I'm sorry, Madam Kwan. First, I want to hear what Ms. Rempel Garner or MP Redekopp would like to say.

Go ahead.

Hon. Michelle Rempel Garner: We provided notice of this to the clerk. The reference number is 13764269. I believe we're at the part of the bill where this would be moved. It's for clause 72, after line 3 on page 31. We're getting to that point of this bill where it's like amendment bingo. I call out—

● (2310)

The Chair: I'll pause for a second to make sure I understand.

There was a notice of motion, and the reference number was 13764269. I hope everyone has a copy of that.

Ms. Rempel Garner.

Hon. Michelle Rempel Garner: Bingo. We found it.

Chair, I move that Bill C-12, in clause 72, be amended by adding after line 3 on page 31 the following:

87.3031(1) If an order is made under subsection 87.301(1), 87.302(1) or 87.303(1) or (2), the Minister must cause to be tabled in each House of Parliament, within the next seven sitting days of the House after the day on which the order is made, a report setting out

(a) the reasons that the order was made;

(b) the number of applications or documents affected; and

(c) a description of the persons or groups affected by the order.

(2) The report stands referred to the committee of the Senate, of the House of Commons or of both Houses of Parliament that may be designated or established for the purpose of reviewing the report.

(3) At the request of the committee, the Minister must appear before it to explain the reasons for making the order and plans to prevent—

Actually, Chair, I'm just going to make it read as follows, "At the request of the committee, the Minister must appear before it."

Colleagues, here's my rationale. In part 7 of the bill, the government is asking us to devolve powers from Parliament to the government wherein, through the cabinet, the department can do a lot of things with regard to documents and applications.

We did hear from a lot of witnesses that there was concern about using these powers. We heard from different legal groups and different stakeholder groups. We also heard from officials that they wanted a more efficient way to use some of these powers going forward than having to go through legislation.

I was trying to find a way to square the circle of all of these concerns. What this amendment does is pretty simple. It just says that if the government is going to use these powers, it needs to report to Parliament that it's done it and give us some pretty high-level details on what's happened. That allows Parliament to scrutinize these decisions.

What we're saying is that Parliament wants to know. If there's a situation where the government used it and a system needs to be corrected, or if it's impacted a certain group of people, Parliament should know.

Some of us might agree with that decision and others might not, but I think that information is what is important. This is an attempt to square the circle. It's basically to give a more clear and more robust reporting requirement than simply putting it into the Gazette with not a lot of detail.

I hope this actually makes everybody happy, including my colleagues from the NDP and the Green Party, and maybe even the department officials, who might hate me less after this.

We're saying that there are going to be circumstances where the department needs to use these powers quickly, but we want to know about them. That seems pretty smart to me.

● (2315)

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Shall CPC-26.3 carry?

Does anyone wish to request a recorded vote?

[English]

Peter Fragiskatos: [*Technical difficulty—Editor*] recorded vote or abstention be on the record?

The Chair: No.

Peter Fragiskatos: Okay. Let's just keep going, then. That's fine.

The Chair: Does anyone want to request a recorded vote? No? Okay.

(Amendment agreed to on division)

[Translation]

The Chair: We'll now go to NDP-11.

Ms. Kwan, you have the floor.

[English]

Jenny Kwan: Thank you very much, Mr. Chair.

I move that Bill C-12, in clause 72, be amended by adding after line 11 on page 31 the following:

87.306 An order made under subsection 87.301(1), 87.302(1) or 87.303(1) or (2) is effective on the date on which it is made, but a motion for confirmation of the order must be made in each House of Parliament and be considered in accordance with section 87.307.

87.307 (1) Subject to subsection (3), a motion for confirmation of an order made under subsection 87.301(1), 87.302(1) or 87.303(1) or (2), signed by a minister of the Crown, together with an explanation of the reasons for issuing the order, must be made in each House of Parliament within 30 sitting days after the order is made.

[Translation]

The Chair: Excuse me, Ms. Kwan, but Mrs. DeBellefeuille has a point of order.

Claude DeBellefeuille: Mr. Chair, I wonder if this amendment is in order, given what we just adopted.

The Chair: That's a good question.

I will suspend the meeting briefly to confer with the clerks.

● (2315) _____ (Pause) _____

● (2320)

The Chair: I call the meeting back to order.

According to the legislative clerks, these amendments are compatible. The one we're dealing with now is on ratification, and the other one is on reports.

Ms. Kwan, you have the floor to continue to present your amendment.

[English]

Jenny Kwan: Yes. Thank you very much, Mr. Chair.

The motion continues:

(2) If an order is made at a time when a House of Parliament is adjourned, prorogued or dissolved, that House must be summoned to sit at the earliest opportunity after the order is made.

(3) If a House of Parliament is summoned to sit in accordance with subsection (2), the motion and explanation described in subsection (1) must be made and tabled on the first sitting day after it is summoned.

(4) If a motion is made in a House of Parliament, that House must, on the next sitting day following the sitting day on which the motion was made, take up and consider the motion.

Mr. Chair, the amendment addresses the same issues as the previous one that stemmed from the orders in the public interest. This amendment would address the complete lack of safeguards for the extraordinary power and ensure a degree of transparency, which is needed. Under the framework I'm proposing, the government must table in Parliament any such order within 30 sitting days and ensure that a designated committee study the order's intention and impacts before being able to exercise the cancellation powers proposed in this bill. It also ensures that these powers be subject to statutory review.

Mr. Chair, this is similar to the previous amendment that just passed. It's in the same spirit that I'm moving this amendment.

[Translation]

The Chair: Thank you, Ms. Kwan.

Shall NDP-11 carry?

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

(Clause 72 as amended agreed to)

The Chair: That brings us to CPC-27.

Ms. Rempel Garner, you have the floor.

[English]

Hon. Michelle Rempel Garner: Thank you, Chair.

I move that Bill C-12 be amended by adding, after line 19 on page 31, the following new clause:

72.1 The Act is amended by adding the following after section 87.31:

87.32(1) A designated learning institution, as defined in the regulations, commits a violation and is liable to an administrative monetary penalty in an amount prescribed by regulation if it accepts a foreign national to undertake a course or program of study at the institution knowing that, or being reckless as to whether, the foreign national, in applying for a study permit, has knowingly provided false or misleading information or has, in addition to applying for a study permit, made a claim for refugee protection that is subsequently determined to be ineligible or to have been withdrawn or abandoned.

(2) If a removal order is made against the foreign national, the designated learning institution is liable for the costs incurred in removing them from Canada and any related legal expenses.

(3) If a designated learning institution has repeatedly engaged in the conduct described in subsection (1), the Minister must make an order specifying that applications for study permits that indicate that the applicant has been accepted by or intends to study at the designated learning institution are not to be accepted for processing if they are received during the period that the order is in force.

(4) The Minister may, by order, place the designated learning institution on the suspension list established and maintained under the regulations for the prescribed period.

Colleagues, at the immigration committee we heard a lot about educational institutions, particularly some colleges, that have profited from what I think is an abuse of a lot of extra foreign student permits. We're now at close to three million temporary residents in the country. There are, if you think about Conestoga College, other areas where their entire region was essentially put into a housing crisis. Hospitals started to charge non-residents for having babies out there. It was just a complete disaster, because there was no match between levels and the realities of life.

There's a specific problem that we could address here in this bill: There are a lot of people who have been admitted to Canada who were misled by the government to think that they could come to the country as a temporary resident and as a student, and then stay. Their student visas are expiring, and they will have to leave or be removed from the country, so we are starting to see some abuse of the asylum system by people who came on student visas and are now making asylum claims and should be deported, or their visas are expiring and they won't have a legal reason to be in the country, and they'll need to be removed.

I believe that educational institutions should share or have some responsibility for the problems that they had a hand in causing. I think this would be good for the government because it would force educational institutions to think about the requests they're making or their participation in the foreign student program, and perhaps they wouldn't be lobbying all of us for more permits.

We need to stop the process of international students because there's a problem of abuse of international students too. If international students are brought into an area where there isn't adequate housing, health care or jobs for them, then that's not fair to them either. It leads to an abuse of the system. This amendment would transform, in a very positive way, the responsibility on educational institutions to think about how they're issuing permits and not just to juice it for profit. If institutions knowingly participate in fraud or are knowingly juicing these numbers, let them face consequences.

The other way that this has been structured—and I want to thank my team for helping with the structuring of this—is that there are regulatory powers that would be given to the minister to determine this. It's not overly prescriptive, but there need to start being some consequences for educational institutions that have helped perpetrate fraud of the asylum system. Yes, the government issued too many permits, of course, but there was another partner in crime there.

• (2325)

Let's not let this situation happen again. I hope colleagues will pass this amendment.

[*Translation*]

The Chair: . Thank you, Ms. Rempel Garner.

I would like to inform you of the following ruling.

Bill C-12 amends the Immigration and Refugee Protection Act. The amendment seeks to introduce a new provision under a clause that is not under consideration by the committee.

As stated in the third edition of the *House of Commons Procedure and Practice* on page 770, “An amendment to a bill that was

referred to a committee *after* second reading is out of order if it is beyond the scope and principle of the bill.”

The chair is of the opinion that the introduction of this new provision constitutes a new concept that goes beyond the scope of the bill. Therefore, I declare this amendment out of order.

Ms. Rempel Garner, please go ahead.

[*English*]

Hon. Michelle Rempel Garner: I challenge your ruling, Chair, and I request a recorded division.

[*Translation*]

(Ruling of the chair sustained: yeas 5; nays 4)

• (2330)

The Chair: We'll now go to PV-6.

Ms. May, the floor is yours.

Elizabeth May: PV-6 is another amendment to protect the rights of peoples—

[*English*]

It's for the most vulnerable.

I shouldn't try to speak French when I've been trying to go all day with you all. I appreciate the fortitude of committee members.

This amendment proposes that we actually add a new clause. This amendment suggests that, right before line 20 on page 31, we add this language:

72.1 Section 50 of the Immigration and Refugee Protection Act is amended by striking out “and” at the end of paragraph (d), adding “and” at the end of paragraph (e) and adding the following after paragraph (e):

(f) in the case of an individual whose claim was determined to be ineligible...and whose application for protection under Division 3 of Part 2 is rejected

(i) for 15 days if no application is made to the Federal Court for leave to commence an application for judicial review concerning the rejection; or

(ii) until the Federal Court refuses their application for leave to commence an application for judicial review, or denies their application for judicial review....

I did not read the paragraph and subparagraphs in their entirety, but the purpose of this amendment, Mr. Chair and other members, as recommended by the Canadian Association of Refugee Lawyers, is to ensure that individuals who are subject to new ineligibilities are given a statutory stay of removal. This will also, as Ms. Kwan mentioned earlier in one of her amendments, avoid a lot of backlog of Federal Court applications and allow the determination of an application for leave and judicial review to be filed. It's a matter of natural justice and constitutional rights. I also think it's required under the international convention for the protection of refugees.

[*Translation*]

The Chair: Thank you, Ms. May.

Unfortunately, the chair is of the opinion that the amendment is out of order, as it proposes to amend section 50 of the Immigration and Refugee Protection Act, which is not amended by Bill C-12.

(Clause 73)

The Chair: That brings us to clause 73 and amendment PV-7.

[*English*]

Madame May, would you like to speak to PV-7?

Elizabeth May: Thank you. I'll speak very briefly.

This one's very straightforward. If you will, the clock should start on a claimant's most recent entry to Canada. The current version of legislation is quite broad and would apply to people who came to Canada initially, with no fear that, when they previously entered Canada and subsequently left, they would be at risk of this new reality, created by Bill C-12, that they would be ineligible to make that claim. It starts the new one-year ineligibility clock on the claimant's most recent entry into Canada rather than their first.

I hope committee members will see fit to accept at least one Green amendment, although I did appreciate Michelle Rempel Garner's mentioning that she hoped I would be pleased with her efforts. It's always good to see collaboration.

[*Translation*]

The Chair: Thank you, Ms. May.

Shall PV-7 carry?

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

The Chair: That brings us to CPC-28.

Ms. Rempel Garner, you have the floor.

[*English*]

Hon. Michelle Rempel Garner: Mr. Chair, I move that Bill C-12, in clause 73, be amended by adding after line 2 on page 32 the following:

(b.3) the claimant is a national of Japan, of the United Kingdom, of the United States or of a country that is a member of the European Union, or is a national of another country but came directly or indirectly to Canada from one of those countries, unless the Minister determines that the claimant faces a well-founded risk of persecution based on individual circumstances;

Again, colleagues, the bill's purported intent is to, allegedly, according to the minister's speech from time to time—although that is not consistent either—fix the asylum system. Frankly, we did hear testimony at committee that it makes no sense for Canada to admit asylum claimants from what we would consider to be safe third countries, such as the EU or G7 countries, which are what I have listed in the amendment here. This overburdens our already strained....

Essentially, what we're saying is that when individuals have transited through a safe third country, that's where they should be making their refugee claims. This is consistent with refugee conventions. These individuals are not at risk, particularly if they're nationals of a safe third country, such as the EU or G7 countries.

Without this amendment, we'll still see an overburdened asylum system. I'm trying to come up with ways to lower that burden. I want to be very clear that I'm not talking about somebody who is.... Even if somebody is transiting through, let's say, the U.K., that's where they should be making their asylum claim. That's the principle we'd like to enshrine here today. I'm hoping that will take the

burden off the asylum system, colleagues. I feel that it is in alignment with this bill, if the bill's stated attention is, in fact, to fix the asylum system.

• (2335)

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

Shall CPC-28 carry?

We'll have a recorded vote.

(Amendment negated: nays 5; yeas 4)

The Chair: We'll now go to NDP-12.

Ms. Kwan, you have the floor.

[*English*]

Jenny Kwan: Thank you very much, Mr. Chair.

I move that Bill C-12, in clause 73, be amended by replacing line 8 on page 32 with the following:

graph begins on the day after the day of their last entry.

This amendment addresses the same ineligibilities as I mentioned earlier. It targets the arbitrary and cruel one-year bar, specifically.

It was noted, during the review process for Bill C-12, that this one-year bar since first entry timeline is arbitrary and does not have a basis in international or domestic law, nor does it take into account that country circumstances frequently change and deteriorate. Someone who had no fear when they first visited Canada, after June 2020, would be barred from claiming refugee protection after one year. This is completely unreasonable. Therefore, my amendment would make this rule somewhat less draconian by making the arbitrary one-year bar relative to the individual's last entry rather than their first entry.

[*Translation*]

The Chair: Thank you, Ms. Kwan.

Shall NDP-12 carry?

(Amendment negated)

The Chair: We will now go to PV-8.

Ms. May, the floor is yours.

Elizabeth May: Thank you, Mr. Chair.

PV-8 is a bit longer than the others, but it deals with the same theme as NDP-12, which was just moved by Ms. Kwan.

[*English*]

It suggests that what we want to do here is ensure that the timing around the rights of a refugee is stopped, based on the changes made in Bill C-12.

The Canadian Association of Refugee Lawyers make it very clear in their brief that refugee protection is grounded in the obligation not to return people to places where they face persecution or danger. Regardless of how or when they arrived, restricting claims based on entry time risks sending vulnerable people back to harm.

There are many circumstances in which an individual may not have submitted a refugee claim within one year of their first entry to Canada but faces risks in their country of origin. As Madam Kwan just mentioned, situations change in countries of origin. You can find yourself in a very difficult and dangerous position that you really weren't aware of when you first came to Canada on either a visitor's visa or a work permit, and then you discover that you really are not safe to go back. These are basic rights. They're basic rights to protect people who are vulnerable.

Again, this amendment would occur in clause 73 by adding after line 8 the text that you have before you. Given the hour, I'm not going to read out the text, but please consider the importance of allowing an individual to make the claim. It doesn't mean they get to stay. It's subjected to a very tough and difficult process, even though it's been presented tonight as though it's easy. It's not easy. These people definitely need our protection. If they ask for it, they have to have a fair chance and not have an arbitrary block put in their way.

Thank you, Mr. Chair.

• (2340)

[Translation]

The Chair: Thank you very much, Ms. May.

Shall PV-8 carry?

(Amendment negated [See Minutes of Proceedings])

The Chair: That brings us to CPC-29.

[English]

Hon. Michelle Rempel Garner: I move that Bill C-12, in clause 73, be amended by adding after line 8 on page 32 the following:

(1.2) If a claim is determined to be ineligible under subsection 101(1), the officer shall terminate the processing of the claim in accordance with the rules of the Board.

Colleagues, once an officer determines that a refugee claim is ineligible, they should stop processing it. They must stop processing it. The claim should not continue on to the IRB.

This amendment would bring efficiency back to the process, ensuring that the IRB is not further backlogged and delayed with applications that have already been deemed inadmissible by officers.

[Translation]

The Chair: Thank you, Ms. Rempel Garner.

Shall CPC-29 carry?

We'll have a recorded vote.

(Amendment agreed to: yeas 5; nays 4)

(Clause 73 as amended agreed to on division)

(On clause 74)

The Chair: We'll now go to clause 74 and NDP-13.

Ms. Kwan, you have the floor.

[English]

Jenny Kwan: Thank you very much, Mr. Chair.

I move that Bill C-12, in clause 74, be amended by adding after line 14 on page 32 the following:

(2) Section 111.1 of the Act is amended by adding the following after subsection (1):

(1.1) Regulations made under paragraph (1)(b.1) or (b.2) may provide for exceptions in respect of claimants who are unaccompanied minor children or who would be removed from Canada to a country in which

(a) general conditions, including armed conflict or an environmental disaster, pose a serious danger to the lives or safety of the civilian population;

(b) they would be at risk of persecution for reasons of sexual orientation or gender identity or expression; or

(c) they were victims of domestic violence or gender-based violence.

Mr. Chair, this amendment addresses the same new ineligibility provisions, as previous stakeholder groups have noted that these new restrictions will disproportionately impact women, 2SLGBTQ+ persons and other survivors of gender-based violence.

My amendment creates exemptions for this rule that would prevent Canada from arbitrarily sending people back to war zones, places ravaged by environmental disaster or places where they could be persecuted for their sexual orientation or gender identity.

It also creates exemptions for victims of domestic and gender-based violence, unaccompanied minors and individuals from moratorium countries where Canada has suspended removals due to generalized insecurity, i.e., Haiti, Afghanistan and Venezuela. An assessment process to achieve these exemptions would be worked out through regulation.

• (2345)

[Translation]

The Chair: Thank you, Ms. Kwan.

Shall NDP-13 carry?

(Amendment negated)

(Clause 74 agreed to)

The Chair: We will now go to PV-9.

Ms. May, the floor is yours.

Elizabeth May: Thank you, Mr. Chair.

I'll try to be brief on amendment PV-9.

[English]

Again, I mentioned earlier that a lot of the amendments we're trying to put forward now are to protect procedural fairness and accuracy in the decision-making. Individuals who are subject to any new ineligibilities must have access to a hearing, and that is potentially truncated or denied by the way Bill C-12 is currently drafted. I really hope that we'll consider passing at least one opposition amendment from the smaller parties in this meeting today to stand up for refugee rights, as both Jenny Kwan and I have tried to do.

Thank you, Mr. Chair.

[Translation]

The Chair: Thank you, Ms. May.

In the opinion of the chair, this amendment is out of order, as it proposes to amend section 113.01 of the Immigration and Refugee Protection Act, whereas that section is not amended by Bill C-12.

(Clause 75 agreed to on division)

The Chair: That brings us to CPC-30.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: This is CPC-30. I'm just looking at you, Chair. I don't have to read the whole thing. I'll summarize what it does.

It amends the Immigration and Refugee Protection Act to ensure that corporations found guilty, essentially, of human trafficking under sections 118 and 119 as well would be subject to more penalties for it. I'll read it very quickly:

120 (1) A person, other than a corporation, who contravenes section 118 or 119 is guilty of an offence and liable on conviction by way of indictment to a fine of not more than \$1,000,000 or to life imprisonment, or to both.

(2) A corporation that contravenes section 118 or 119 is guilty of an offence and liable on conviction by way of indictment to a fine of not more than \$25,000,000.

Colleagues, what we're trying to do here is bring more penalties to corporations and individuals who are guilty of human trafficking under existing provisions in IRPA. The language on individuals is reflective of language already in law, and while we are restating it, we are also introducing a fine for corporations not exceeding \$25 million under these sections.

Thank you.

[Translation]

The Chair: Thank you, Ms. Rempel Garner.

In the opinion of the chair, this amendment is out of order, as it amends section 120 of the Immigration and Refugee Protection Act, whereas that section is not amended by Bill C-12.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: I challenge your ruling and ask for a recorded division.

[Translation]

(Ruling of the chair overturned: nays 5; yeas 4)

The Chair: We will now debate amendment CPC-30.

Mr. Ramsay, the floor is yours.

● (2350)

Jacques Ramsay: Mr. Chair, I would like the experts to provide us with information on this amendment.

[English]

Brett Bush: I would observe that the term “corporation” has a very specific legal meaning, and the Criminal Code utilizes the term “organization”. That's the only comment I have at this time.

[Translation]

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

[English]

Brad Redekopp (Saskatoon West, CPC): I propose a subamendment, based on that testimony, to change the word “corporation” to “organization”.

[Translation]

The Chair: This subamendment is fairly easy to understand. Thank you for being so succinct.

Shall the subamendment carry?

A voice: Just a moment, Mr. Chair. I'd like to speak to you.

● (2350)

(Pause)

● (2355)

[English]

The Chair: We are resuming our work.

Thank you for helping me, MP Redekopp.

There is a subamendment to amendment CPC-30 that is quite simple. In English, the subamendment replaces the word “corporation” with “organization”.

[Translation]

In French, we would replace “*personne morale*” with “*organisation*”.

Those are the changes in English and French proposed in the subamendment.

Ms. Rempel Garner, you have the floor.

[English]

Hon. Michelle Rempel Garner: I have a question. During the suspension, I think there was discussion among the parties to include wording that said....

Chair, through you, could we ask the analyst to reiterate, because I think there was a slight clarification by the clerk.

I'm sorry. I apologize.

The Chair: Yes, that is correct. The term “organization” is as defined in section 2 of the Criminal Code. The legal experts in this room would know section 2.

[Translation]

So there is a legal structure that allows us to understand the meaning of these terms.

Shall the subamendment carry?

(Subamendment agreed to)

(Amendment as amended agreed to)

● (2400)

The Chair: That brings us to CPC-31.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: Chair, I move that Bill C-12 be amended by adding, after line 30 on page 32, a new clause that would bring a new perspective to the Immigration and Refugee Board, ensuring that provinces are properly represented, bringing a fresh perspective, with qualifications ranging from law enforcement to qualified lawyers, from both anglophone and francophone regions of the country. Essentially, the amendment ensures that there's better regional representation at the IRB, and that would then also reflect the often-changing nature...where there might be different issues across the country.

This amendment would also ensure that the deputy chairperson of the immigration appeal division, a majority of the assistant deputy chairpersons of that division and at least 10% of the members of the division be lawyers or former or present law enforcement officers.

I think that this additional perspective would help the IRB make better decisions. I think this is common sense. I hope all colleagues will support this.

[Translation]

The Chair: Thank you, Ms. Rempel Garner.

Bill C-12 amends the Immigration and Refugee Protection Act. The amendment seeks to change the composition of the Immigration and Refugee Board by increasing the number of assistant deputy chairs.

The third edition of the *House of Commons Procedure and Practice* states, “Since an amendment may not infringe upon the financial initiative of the Crown, it is inadmissible if it imposes a charge on the public treasury, or if it extends the objects or purposes or relaxes the conditions and qualifications specified in the royal recommendation.”

In the opinion of the chair, this increase in the number of assistant deputy chairs will impose a charge on the public treasury. Therefore, I rule this amendment out of order.

Ms. Rempel Garner, please go ahead.

[English]

Hon. Michelle Rempel Garner: I challenge your ruling, Chair, and I ask for a recorded division.

[Translation]

(Ruling of the chair sustained: yeas 5; nays 4)

The Chair: That brings us to CPC-32.

Ms. Rempel Garner, you have the floor.

[English]

Hon. Michelle Rempel Garner: All right, colleagues, I move that Bill C-12 be amended by adding, after line 30 on page 32, the following new clause:

75.1(1) Paragraph 153(1)(a) of the Immigration and Refugee Protection Act is replaced by the following:

(a) are appointed to the Board by the Governor in Council following a merit-based and open competitive process, to hold office at pleasure for a term not exceeding four years, to serve in a regional or district office of the Board;

(2) Section 153 of the Act is amended by adding the following after subsection (1):

(1.1) The Minister must publish, once a year, the selection criteria used to make appointments under paragraph (1)(a) and a summary of the results of any appointment processes.

Colleagues, we should have just passed an amendment to add more merit-based hiring to the IRB. This would further depoliticize or seek to depoliticize the IRB process and ensure that there are merit-based hires. Given the strain that the immigration system is under right now, this is, I think, a sorely needed amendment. I hope that you will support it.

[Translation]

The Chair: Thank you, Ms. Rempel Garner.

Bill C-12 amends the Immigration and Refugee Protection Act. The amendment we just heard seeks to change the appointment process for the Immigration and Refugee Board, in particular by making the appointment at pleasure and following an open, merit-based selection process.

In the opinion of the chair, this amendment infringes on the conditions and qualifications of the royal recommendation. Therefore, I rule this amendment out of order.

In addition, the amendment proposes to amend section 153 of the Immigration and Refugee Protection Act, which is not amended by Bill C-12.

Ms. Rempel Garner, you have the floor.

● (2405)

[English]

Hon. Michelle Rempel Garner: I challenge your ruling and request a recorded division.

[Translation]

(Ruling of the chair sustained: yeas 5; nays 4)

The Chair: That brings us to CPC-33.

Ms. Rempel Garner, you have the floor.

[*English*]

Hon. Michelle Rempel Garner: Thank you, Chair.

I move that Bill C-12 be amended by adding after line 30 on page 32 the following new clause:

75.1 Subsection 157(2) of the Act is replaced by the following:

(2) The Chairperson must live in Canada.

Colleagues, currently the board chair of the IRB is required simply to live in the national capital region. Our amendment opens it up to ensure that more Canadians from all regions are considered when appointing the board chair.

[*Translation*]

The Chair: Thank you, Ms. Rempel Garner.

This amendment proposes to amend section 157 of the Immigration and Refugee Protection Act, a section that is not amended by Bill C-12. It is therefore the opinion of the chair that the amendment is out of order.

[*English*]

Hon. Michelle Rempel Garner: I challenge your ruling, Chair, and request a recorded division.

[*Translation*]

(Ruling of the chair overturned: nays 5; yeas 4)

The Chair: That brings us to CPC-33.

Shall this amendment carry?

[*English*]

Peter Fragiskatos: This was the last amendment.

The Chair: We are now turning to the question of whether CPC-33 should be adopted.

(Amendment agreed to on division)

The Chair: That brings us to the final motions.

[*Translation*]

Shall the short title carry?

Some hon. members: Agreed.

Some hon. members: On division.

The Chair: Shall the title carry?

Some hon. members: Agreed.

Some hon. members: On division.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

Some hon. members: On division.

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

Some hon. members: Agreed.

Some hon. members: On division.

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

Some hon. members: Agreed.

Some hon. members: On division.

The Chair: Thank you very much to all the officials and all the teams.

[*English*]

We had another five minutes. That's very unfortunate. We went too quickly.

Hon. Michelle Rempel Garner: May I just say this? I think we did something that resembled work tonight, colleagues. Congratulations.

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