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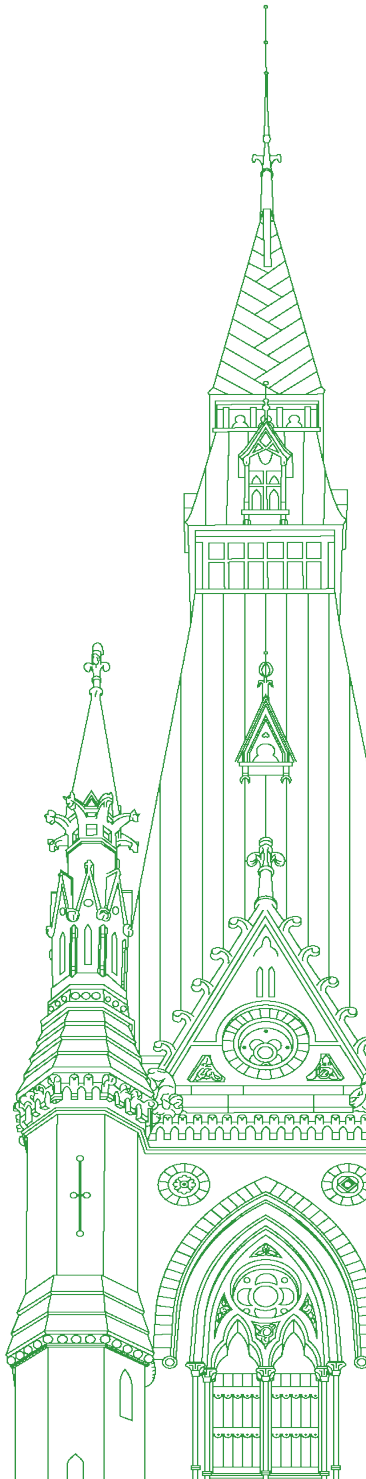
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Standing Committee on Justice and Human Rights

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● (1530)

[*English*]

The Chair (Iqra Khalid (Mississauga—Erin Mills, Lib.)): I call this meeting to order.

Welcome to meeting number 45 of the House of Commons Standing Committee on Justice and Human Rights.

Pursuant to the order of reference of June 18, 2026, the committee is continuing its study on Bill C-29, an act to establish the financial crimes agency and to make consequential amendments to certain acts and regulations.

We will also, later on in the day, be going into clause-by-clause on Bill C-223, which is an act to amend the Divorce Act.

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

Do we have any members on the Zoom application? I don't think so. Because we don't have any members on Zoom, I'll go right to the start of our meeting.

We welcome our phenomenal Minister of Finance. “Phenomenal” is a good word for François-Philippe Champagne—

Roman Baber (North York, CPC): You're supposed to be neutral.

The Chair: It is neutral. It is absolutely.... Is it not neutral? “Phenomenal” is a great word.

Have you ever read the poem by Maya Angelou, *Phenomenal Woman*? You should absolutely read that poem. It's really great.

With Mr. Champagne, we have the Department of Finance, represented by Julien Brazeau, assistant deputy minister of the financial sector policy branch. We also have Rob Stewart, who is a deputy minister representing the financial crimes agency creation.

Thank you very much to our witnesses for being here today. You will have five minutes for your opening remarks.

Please go ahead.

Hon. François-Philippe Champagne (Minister of Finance and National Revenue): Thank you very much, Madam Chair, and thank you for your kind introduction. I could see even the Conservative members smiling.

This is going to be a good meeting. I appreciate your inviting me.

I want to say to the members of the committee, especially our colleagues from the Conservatives and the Bloc, I wanted to come here as quickly as possible. Obviously, I appreciate your understanding. We had the budget very recently.

This is one of the most consequential pieces of legislation that this Parliament will pass. That's why I'm so happy to be here. I'm especially happy because I think it's my first time appearing in front of this committee as the finance minister, but also as a lawyer, so it's good to be at the justice committee.

Colleagues, I'm really honoured to be here with you today to discuss this very important piece of legislation which will enact the new financial crimes agency. This is going to be Canada's first ever federal law enforcement agency that is dedicated to investigating financial crimes. I must say this is a big step forward.

We've been talking to the Serious Fraud Office in the United Kingdom and the Guardia di Finanza in Italy. In the United States, we've been engaging with the U.S. Department of the Treasury and the United States Secret Service. We have, I think, a fairly broad understanding of what we're facing and how we can tackle it to the benefit of Canadians, and we're lucky to have someone like Rob Stewart guiding us through this process—he's a former deputy minister of public safety—and Julien, who has been dealing with this for a long time.

This is a historic, stand-alone agency we're going to be creating that will investigate financial crime, recover criminals' illicit proceeds—I think that's very important—and protect Canadians against various types of fraud.

[*Translation*]

Financial crimes pose a growing threat to Canadians, businesses and the integrity of our financial system.

Criminals today use highly sophisticated techniques that rely on digital assets, the movement of funds across international borders and shell companies to cover their tracks.

Financial crimes like money laundering fuel a host of—

● (1535)

[*English*]

The Chair: Excuse me, Minister. Give us one second. I believe the translation is not working.

Can you say something again?

[*Translation*]

Hon. François-Philippe Champagne: Of course I can say something, Madam Chair.

Rhéal Éloi Fortin (Rivière-du-Nord, BQ): The interpreters are so used to English, Minister, that when someone speaks French, people think the interpretation isn't working. It's just that they're on break when you're speaking French.

Hon. François-Philippe Champagne: I was speaking the language of Molière, Mr. Fortin. As you know, I'm from Shawinigan.

Let's try again.

Good afternoon, fellow members.

[*English*]

Welcome to the committee—

[*Translation*]

The Chair: Could you speak in French, please?

Hon. François-Philippe Champagne: Yes, of course. It's only natural since I'm from Shawinigan.

When it comes to financial crimes, obviously today, we have….

The interpretation still isn't working.

Madam Chair, let's take a break, because about half of my opening statement is in French. We have to get the interpretation working.

[*English*]

The Chair: Is it good?

[*Translation*]

Hon. François-Philippe Champagne: Is it working now?

I'm looking at the interpreters. Thank you for the work you do. It's essential to our democracy.

We'll wait until the member's connection is working, so he can hear the official interpretation.

[*English*]

The Chair: Mr. Baber, you can turn your volume up. That will allow you to hear better.

[*Translation*]

Hon. François-Philippe Champagne: It definitely helps when you turn up the volume.

Should I keep going in French?

[*English*]

The Chair: You can continue in either of our official languages. Use whichever is good for you. You have three minutes left on the clock.

I'm so sorry for the disruption.

[*Translation*]

Hon. François-Philippe Champagne: Great. I'll carry on.

I was saying that financial crimes like money laundering fuel a host of other crimes that jeopardize the safety and security of Canadians, from drug trafficking and human trafficking to extortion.

Criminal Intelligence Service Canada estimates that between $45 billion and as much as $100 billion is being laundered in Canada every year.

It's clear we need to step up efforts to combat financial crime in Canada in order to keep up with increasingly sophisticated criminals.

To counter this growing threat, Canada must take a much tougher approach that draws on best practices around the world.

[*English*]

Thankfully, our government has taken clear and strong action to combat this growing threat. The financial crimes agency is a key element in our plan to combat financial crime, but it's only one in a series of measures we've taken.

I think a number of colleagues have seen what I've done to combat extortion as well. Budget 2025, for example, launched Canada's first ever whole-of-government strategy against fraud with actions intended to extend beyond banking and reach into technology, telecommunications and other sectors. Bill S-8 was introduced in the Senate. As you know, it also contains a series of measures. You can see that we're taking a multifaceted approach to a multifaceted problem.

The financial crimes agency will be a stand-alone agency with policing powers, and it will investigate serious and complex financial crime and recover criminal proceeds. It will do so in four ways.

First, there will be a focus on the most harmful threats we're seeing across the country. We're talking about the most serious and complex cases of financial crime, such as money laundering, capital market offences and serious fraud.

Second, we'll use the “follow the money” strategy, which is the most effective way. We've done this to combat extortion. This is a great enforcement model that we're using.

[*Translation*]

Third, the proposed new agency will be an intelligence hub and force multiplier, meaning it will share information with numerous agencies and actors. We need to enable information sharing in relation to financial crimes to better identify and combat threats.

Fourth and finally, this approach will complement, not duplicate, efforts. In other words, the agency is specifically designed to work with the RCMP, local police forces, intelligence agencies, securities regulators, other investigative authorities and international partners.

I also want to point out that the RCMP and other police forces will retain their current law enforcement roles and powers in relation to financial crime.

● (1540)

[*English*]

In conclusion, the agency will complement, but not duplicate, their work by providing sustained attention and specialized resources for the most serious and complex cases.

What we need today to combat these crimes are specialists in forensic accounting, people who take a multilateral approach and multinational liaison officers to make sure that we are as agile as criminal organizations are. That's why a stand-alone agency is a big step forward in combatting crime and strengthening Canada's enforcement capabilities as the risk evolves.

With that, I don't know exactly where I stand on the time, but I'll be very happy to take questions from colleagues. I thank them again on behalf of all Canadians for stepping up and standing with us to make sure that we combat financial crime together, with a real stand-alone agency that will do this important work on behalf of Canadians.

Thank you.

The Chair: Thank you very much, Minister Champagne. You were exactly on the dot. I appreciate that.

We'll start our first six-minute round with Mr. Khanna.

Please go ahead.

Arpan Khanna (Oxford, CPC): Thank you, Madam Chair.

Thank you, Minister, for being here.

Clause 15 of Bill C-29 says the RCMP commissioner “must enter into an arrangement for the use of” RCMP officers. The union came to the committee and blasted this agency, saying that they're already under-resourced and that transferring 150 experienced investigators could weaken existing investigations.

Did you meet with the RCMP commissioner after this bill was drafted to discuss the scope, structure and operational needs? I'm asking if you personally have met him. Yes or no?

Hon. François-Philippe Champagne: As I said, the agency will have very close co-operation with the RCMP officers.

Arpan Khanna: That's not the question, Minister. The question was whether you have met—

Hon. François-Philippe Champagne: I'm trying to provide the elements of response to complement your understanding. I'm trying to help you understand the whole—

Arpan Khanna: I think I understand the issue, Minister.

Hon. François-Philippe Champagne: —issue around that.

Arpan Khanna: It's a very simple question, Minister. Have you met with him?

Hon. François-Philippe Champagne: We have been engaging, and I saw that Deputy Minister Stewart has been engaging with the RCMP. We value their contribution to the agency.

Arpan Khanna: Minister, have you met with him?

Hon. François-Philippe Champagne: As you know, we have stepped up our investment in the RCMP and added more than 1,000 officers to the RCMP force.

Arpan Khanna: Minister, have you personally met with the RCMP officer? Clearly, it seems like you haven't. Is that true?

Hon. François-Philippe Champagne: It depends on which RCMP officer you're talking about.

Arpan Khanna: It's the commissioner, whose job is going to be half this agency. You're mandating for them to be part of this agency. This is your bill under your name, and you're the responsible minister. Did you meet with the commissioner after this bill was drafted to go over the scope and structure of the financial crimes agency, yes or no?

Hon. François-Philippe Champagne: Let me correct you. The RCMP commissioner is not the commissioner of the financial crimes agency.

Arpan Khanna: He is one part of it.

Hon. François-Philippe Champagne: The financial crimes agency will have its own commissioner. That's very clear. It's a stand-alone agency, but it's going to rely.... It's not new.

Arpan Khanna: You're mandating it.

Hon. François-Philippe Champagne: No, I'm just saying that it's not new.

Madam Chair, he seems to ask the question. He wants the answer he wants. I'm trying to help him understand.

Arpan Khanna: Can you answer the question?

The Chair: Absolutely, but I will remind members to please go through the chair when we're asking questions.

Arpan Khanna: Madam Chair, the issue is that I'm asking a very direct question for the minister to give a very direct answer, and he's doing what he always does. He's giving these scenarios. We have limited time. He showed up. We have direct questions.

The RCMP commissioner has a big role to play in this agency. Did you meet with him, yes or no? It's simple.

Hon. François-Philippe Champagne: I did not personally meet with the RCMP commissioner on that, but let me tell you—

Arpan Khanna: Thank you. Moving on—

Hon. François-Philippe Champagne: No, you need to understand. You're talking about things you need to understand.

Arpan Khanna: No, we understand the issue. That's not the question, Minister.

Hon. François-Philippe Champagne: If you want to understand, the RCMP commissioner is not the commissioner of the agency. They are partner agencies.

Arpan Khanna: You're forcing them, under clause 15, to be a part of this agency.

Hon. François-Philippe Champagne: They are a partner agency.

The Chair: Can I interrupt?

It is very difficult for the interpreters to interpret when we are going back and forth and talking over each other, so I think it is—

Arpan Khanna: Even for the answer he's giving, they can't interpret what he's saying.

The Chair: You're talking over me now, too, Mr. Khanna.

Let's hear what people have to say and then go back and forth. This is a respectful conversation.

I'll give the floor back to you. I stopped the time, so you're good to go.

Arpan Khanna: You're given the power to appoint the commissioner for this agency through cabinet, and your government has a history and a record now of appointing running buddies of the Prime Minister and personal friends. You've appointed lobbyist insiders who have Liberal connections. Mark Wiseman is one example. Dominic Barton is a second example, and there are others.

This is a $400-million financial crimes agency that will have real powers. Can you confirm that the commissioner will be selected based on merit and not political connections?

● (1545)

Hon. François-Philippe Champagne: I think your statement is offensive to the men and women who serve in uniform.

Arpan Khanna: How?

Hon. François-Philippe Champagne: The men and women who serve in uniform in this country do a job to protect Canadians. The agency—

Arpan Khanna: That's not even—

The Chair: Again, I appreciate the back and forth. However, I think we need to give each other the time to ask the questions and to respond to the questions as well for the sake of interpretation. I know Monsieur Fortin would be very happy if we were able to follow decorum.

Arpan Khanna: Blame him.

Rhéal Éloi Fortin: I'm always happy, Madam Chair.

Arpan Khanna: Madam Chair, through you....

Minister, we stand with the 20,000 RCMP officers who have said that there's a problem. We do, and it's actually sad to see that you can't give a straight answer as to whether this person will be a law enforcement official, whether they will have experience in this field or whether they will be just another Liberal-picked political appointment?

Hon. François-Philippe Champagne: I reject totally the premise of your question.

I would say that, obviously, it's going to be a merit-based process. We're going to find the best possible candidate. This is an agency that will serve Canadians and fight things like fraud and financial crime.

I would say that just the question is offensive in its phrasing because, obviously, you're talking about law enforcement agents in this country. No one here should question the law enforcement people and agency we have in this country.

Arpan Khanna: We question your government, Minister. We question your reckless past behaviour of appointing Liberal insiders. Past behaviour predicts future behaviour, and your government has failed Canadians every step of the way. When your government has a record of freezing bank accounts and going against Canadians' rights with the Emergencies Act, these are legitimate questions we have to ask you to make sure that you're not going to have political bias when it comes to this agency.

Moving on to my next question, Minister, has your department identified networks from China involved in any money laundering or foreign interference when it comes to financial crime in Canada?

Hon. François-Philippe Champagne: Can you repeat that?

I'm trying to understand. Are you asking me if I have been involved?

Arpan Khanna: Have you been informed or briefed about any foreign interference or money laundering from China?

Hon. François-Philippe Champagne: As I said, we combat all forms of money laundering. We have FINTRAC to do that and to provide financial intelligence to all the actors.

The financial crimes agency will be investigating and prosecuting those who breach the laws of Canada. We'll also be partnering with international partners. We had a number of discussions with our—

Arpan Khanna: Is that yes or no to China? Would you investigate China for all the different stuff we've heard about already?

Hon. François-Philippe Champagne: Listen, this agency will apply all the laws of Canada, like we should. This is a law enforcement agency that will focus on serious offences. It's very much like what you find in the Serious Fraud Office in the U.K. This is the model we've been looking at. This is not new in the G7. The U.S. has the Secret Service. We will have our agency. The Italians have their agency.

Arpan Khanna: Minister, I'm sorry, but I only have 30 seconds to ask you my last question.

You spoke about FINTRAC. The Auditor General came out with a report that said FINTRAC missed their two core mandates. The deputy auditor general offered you a briefing, and your office refused. Why?

Hon. François-Philippe Champagne: I've been very much involved in strengthening the capabilities of FINTRAC. We have even—

Arpan Khanna: Do you mean the failing?

Hon. François-Philippe Champagne: That's your opinion. If you ask the chiefs of police—

Arpan Khanna: It's the Auditor General's opinion.

Hon. François-Philippe Champagne: Do you want the names of the chiefs of police who may have different views from yours? They do law enforcement.

Arpan Khanna: The Auditor General says that you're failing.

Hon. François-Philippe Champagne: We put officers in Surrey. We put officers in Markham. We put officers in the police in Montreal. When I talk to the chiefs, they're quite happy, because they need financial intelligence. This is bringing that to another level.

Arpan Khanna: FINTRAC is failing, and you refused to take a briefing.

The Chair: Thank you very much.

That concludes your time, Mr. Khanna.

I appreciate the invigorating back and forth. It was great.

We're moving to Ms. Lattanzio for six minutes.

Please go ahead.

Patricia Lattanzio (Saint-Léonard—Saint-Michel, Lib.): Thank you, Madam Chair.

Thank you, Minister and officials, for being here today.

We live in very sophisticated and unpredictable times when crimes are becoming more and more difficult to track down.

I wanted to thank you, Minister, for implementing Bill C-29, but also, more importantly, for creating this agency that will be able to tackle these financial crimes and will protect our people, communities and economy.

[*Translation*]

If you don't mind, Minister, I'm going to switch to French for my questions.

What is the estimated impact of financial crime on the Canadian economy?

What are the potential fiscal and economic benefits of having a stand-alone, specialized financial crimes agency, as you're proposing, to support better deterrence and more investigations?

Hon. François-Philippe Champagne: Thank you for your question. It's an important one.

We know that financial crimes in Canada are following a certain trajectory. We are talking about tens of billions of dollars. These crimes are becoming increasingly sophisticated and complex, and more and more, they are being carried out transnationally. That's why we decided Canada needed an agency to combat the most complex financial crimes, one that would communicate with the various actors in the ecosystem, one that would work with both the RCMP and provincial police forces such as the Sûreté du Québec and the Ontario Provincial Police.

It's important to understand that financial crimes have a major impact on the economy. That is why we need an agency like this if we want to protect the integrity of Canada's financial system. We're following best practices in G7 countries. I mentioned England, but there's also Italy and obviously the U.S.

The time has come for us to have our own officers doing this work. First, the agency will have civilian personnel, who will also have expertise in financial accounting because these are complex matters. In addition, we will have personnel working on what's known as the digital economy because it's important to have the capacity to follow the money across jurisdictions. We will also have police officers, who will focus on policing while working hand in hand with other agencies.

I will tell you, this is very important. It's the right strategy. That's what police forces are telling us, and that's what I'm trying to explain to our Conservative colleague. There's nothing political about this. We are working with local police forces and talking to police chiefs. They're telling us that the best strategy is to follow the money. That is priority number one in this type of intelligence. We could put more officers in the field, but as I was trying to tell my colleague, I've met with many police officers who've all said that intelligence is the game-changer.

We're going to have an agency that will be able to share certain information with sector stakeholders, because yes, there are many.

I would also say this is one of the most important ways of going after the proceeds of crime, which, as we know, finance drug trafficking and human trafficking. It's a horrific thing, and we need to move quickly, effectively and aggressively to put a stop to it. We need to send criminals a very clear message. Once the agency is created and thanks to the steps we're taking today, we will be better equipped to track and prevent this criminal activity and, of course, better protect Canadians right across the country.

● (1550)

Patricia Lattanzio: Under the comprehensive spending review and other initiatives, including the commitment to balance operating spending with revenues by 2028-29, a central pillar in your budgetary policy was reducing the size of government. As a result, people around the table are wondering whether creating a new government agency doesn't go against those efforts.

Hon. François-Philippe Champagne: When it comes to health and safety, we must do what needs to be done. You rightly pointed out—and I appreciate this—that the 2026 budget reduced the size of the government by 10%. We've already done this work to establish a sustainable long-term foundation, ensuring that the size of the public service keeps pace with Canada's population growth. I would also like to thank the public service employees for the services that they provide to Canadians every day.

We're talking about an agency here. The process is somewhat similar to our approach with the border services officers and RCMP officers. We said that we would hire 1,000 more officers for the Canada Border Services Agency, and the same goes for the RCMP. When it comes to health and safety and fighting crime, people at home can see the big picture. Yes, we can reduce the size of the government. However, at the same time, if crime is on the rise and we want to combat fraud, we need to give ourselves the resources to succeed.

That's where we stand today. Canada is a modern country, a G7 nation that will also have its own agency to combat financial crime. I think that people at home understand quite well that we can do both at the same time.

There will never be any compromise when it comes to the security and protection of Canadians. That's our number one priority. Hence our decision to establish this new agency.

Patricia Lattanzio: We're talking specifically about an agency that will have access to a great deal of information and a great deal of personal information. Should Canadians be concerned that this agency will have access to sensitive personal and business information?

● (1555)

Hon. François-Philippe Champagne: I would say that, like all other police forces in the country, the agency will be subject to the Privacy Act. Its work will be governed by all Canadian legislation, including the Canadian Charter of Rights and Freedoms. I'm told that Canada has about 200 police forces. Like all other police forces, the agency will be subject to Canadian legislation, including the Privacy Act.

[*English*]

Patricia Lattanzio: Madam Chair, I have—

The Chair: Thank you very much. That concludes your time, Ms. Lattanzio.

[*Translation*]

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

Rhéal Éloi Fortin: Thank you, Madam Chair.

Minister, I would like to welcome you to the Standing Committee on Justice and Human Rights. I'm pleased to have you here with us.

We in the Bloc Québécois also consider this an important bill. We don't oppose the idea of creating this type of agency. We may have differing opinions on certain details. That said, generally speaking—and this isn't always the case—we may be on the same page in this instance.

Still, some significant issues remain on my mind.

I'll start with the first question.

You said earlier in your testimony—I took notes, and I hope that I'm not mistaken—that intelligence plays the most crucial role in the fight against organized crime, money laundering, and so on. I tend to agree with this. Intelligence alone doesn't accomplish anything if we don't act on it. However, intelligence is indeed the foundation. It all starts with intelligence.

I would like you to tell me what the new agency would do, particularly in terms of intelligence, that FINTRAC can't do at this time.

Hon. François-Philippe Champagne: I would first like to thank you, Mr. Fortin, for your comment and for your approach. I think that this new agency is also well regarded by the authorities and by the Government of Quebec—

Rhéal Éloi Fortin: I have only six minutes.

Hon. François-Philippe Champagne: Yes. So, let's talk about the difference between this agency and FINTRAC.

As you know, FINTRAC has information. It's basically a repository for financial information, but it doesn't carry out investigations. We're now establishing an agency that can work in compliance with the legislation alongside FINTRAC, while having police powers. It will have the authority to conduct investigations, seize assets and, of course, recover the proceeds of crime. The difference is that FINTRAC gathers intelligence, whereas the agency will use that intelligence to conduct its investigations.

Rhéal Éloi Fortin: Minister, let's look at clause 2 of the bill. Please give me a moment to find it, because I want to make sure that I'm quoting it correctly. The definitions include the definition of “financial crime”. There's a whole introduction, and then the clause goes on to discuss “any conduct that adversely affects, or has the potential to adversely affect, the security or integrity of Canada's economy or financial system or of any financial market in Canada.” This seems quite broad.

I would like to hear your comments on this. Wouldn't this be too broad? Shouldn't this concept be further delineated?

Hon. François-Philippe Champagne: First, Mr. Fortin, thank you for pointing this out.

Indeed, it must be broad. When creating a new police agency, in a way, we need to include a fairly broad definition in the enabling legislation. We know that the nature of the crime will change in the coming decades. When the enabling legislation creates, for example, a new police force, the definition must be broad enough to stand the test of time, so to speak.

Rhéal Éloi Fortin: Yes, but—

Hon. François-Philippe Champagne: That way, it's clear. In England as well, the definitions are quite broad—

Rhéal Éloi Fortin: I understand. Sorry. I know that I'm being quite rude, Minister. However, the clock is ticking. I hope that you won't hold it against me.

Clause 17 states that the commissioner, who hasn't yet been appointed but will be, may “establish criteria respecting which matters should be investigated under this Act.” We'll set up an agency and you'll appoint a commissioner. The commissioner will be the one to decide what constitutes a financial crime subject to investigation by the agency.

Wouldn't it have been more appropriate to let the democratic process take its course and to specify these criteria in the legislation, rather than waiting for a commissioner to establish them?

Hon. François-Philippe Champagne: I think that a distinction must be made.

We're talking here about enabling legislation with a fairly broad framework for responding. Typically, the legislation governing police activities provides a fairly broad framework. Obviously, the legislation covers a set of circumstances.

The RCMP commissioner or the directors general of other police forces across the country, of course, prioritize resources to some extent based on circumstances that change over time. However, we'll certainly focus on—

Rhéal Éloi Fortin: In your opinion, it wouldn't have been a good idea to define the criteria in the legislation. You prefer to leave it up to the commissioner to decide.

Hon. François-Philippe Champagne: I think history tells us that, when we create enabling legislation for law enforcement, it needs to cover a fairly broad framework, because it's difficult for any of us to predict the precise nature of priorities and the ways in which such crimes will be committed in 20 or 30 years' time. Since this is the enabling legislation—

● (1600)

Rhéal Éloi Fortin: I understand, Minister. Thank you.

I have one last question and I have about one minute and 20 seconds left, so I'll try to be quick.

The Attorney General of Canada will be able to unilaterally decide to assume certain powers by issuing a fiat if he considers it to be in the national interest. However, you know as well as I do—since you're a lawyer—that prosecutions and the administration of justice are normally the provinces' responsibility. Here, it is stated that, if the Attorney General believes it is in the national interest, he will be able to launch a prosecution himself.

Don't you think it would have been more in keeping with the British North America Act to let the provinces do their job and bring the prosecutions?

I can imagine there are cases where it is in the national interest, for example in interprovincial or international matters. However, shouldn't there be a requirement for a vote in the House to determine that the national interest is indeed at stake, rather than allowing one person to decide unilaterally?

Hon. François-Philippe Champagne: I hear you, but you can understand that, from an operational perspective, what you're suggesting is somewhat complex, given the speed at which these matters unfold.

However, what I can tell the people listening to us is that there will be no shift in provincial powers. What we're saying is that, when that agency is conducting the prosecution or investigation, the Attorney General of Canada will be able to exercise the power you mentioned and issue a fiat.

I would say to you, Mr. Fortin, that we must have faith. Those things are currently taking place. The provision already exists under the National Security Act. There is always a good working relationship between provincial prosecutors and the Attorney General to ensure things are done properly and to defend the interests of Canadians and Quebeckers.

Rhéal Éloi Fortin: However, laws are made—

The Chair: Thank you, Mr. Fortin.

[*English*]

You have no more follow-ups. I'm sorry. You are out of time.

We'll now move on to Mr. Baber for five minutes.

Roman Baber: Finance Minister, welcome to the justice committee.

Hon. François-Philippe Champagne: Thank you, sir.

Roman Baber: Do you believe that in a democracy it is appropriate to put a police force under the Minister of Finance?

Hon. François-Philippe Champagne: I would say that the model is the one adopted by most G7 countries.

Roman Baber: I'm wondering if it's appropriate for the Minister of Finance—

Hon. François-Philippe Champagne: The Guardia di Finanza in Italy reports to the finance minister. The Secret Service reports to the treasury secretary. I would say that if you look at the ones in charge of securing the financial system in the country, that's typically where democracies have decided to put the powers.

Roman Baber: I am concerned that, according to clause 11, “The Minister may direct the Commissioner on” matters “that, in the Minister's opinion”, may “materially” affect “public policy or the strategic direction of [an] Agency”.

Hon. François-Philippe Champagne: I would say that's why direction has to be public. It's no different than when you have the RCMP commissioner, who reports to Parliament through the Minister of Public Safety.

I think democracies and other.... I can say that the United States—and I'm listing Italy because I had interactions with them—felt that it was appropriate, for example, for the Secret Service to report to the treasury secretary.

Roman Baber: You're actually incorrect on that. We just checked. The Secret Service does not report to the Secretary of the Treasury.

That's okay.

Brookfield is a publicly traded company. The Prime Minister holds over 400,000 stock options in Brookfield. If, hypothetically, Brookfield were suspected of a financial crime, would it be appropriate for a police force for which you are responsible to investigate Brookfield?

Hon. François-Philippe Champagne: The commissioner and the police force will do the investigation deemed appropriate to protect the interests of Canadians.

Roman Baber: Will you commit that in the event that suspicious activity is observed by any company in which the Prime Minister has an interest, the financial crimes agency, which will be under your ministry, will hand off its investigation to another agency?

Hon. François-Philippe Champagne: You know well that this is a model that exists. It's like the public safety minister. The public safety minister does not direct the investigations of the RCMP, and it's exactly the same model with respect to the finance minister when it comes to a financial crimes agency.

Roman Baber: The relevant law enforcement agency may very well transfer its investigation to another agency. It's routinely done at the provincial level, and sometimes it's done at the federal level. When there may be a conflict, specifically when an agency may be under the purview of a government minister, then it may be appropriate.

I'm surprised that you're unwilling to commit to us that, hypothetically, in the event that suspicious activity of a financial crime would be reported in a company in which the Prime Minister has an interest, you would not deem it appropriate to hand it off to another agency that is not under your purview.

● (1605)

Hon. François-Philippe Champagne: As I said, sir, operational matters are to be dealt with by the commissioner. It's the same thing with the RCMP. There's no difference.

Roman Baber: All right.

On jurisdiction, who will investigate or enforce what has not been determined for this new police force that you ask us to create? The deputy finance minister, Rob Stewart, who's sitting right next to you, told me at this committee that the minister will take, quote, a we'll see approach to jurisdiction after we pass the bill.

Don't you think you should figure out jurisdiction of this police force before you ask Parliament to create it?

Hon. François-Philippe Champagne: I think you should trust more the men and women in uniform who do that every day, sir. There are deconflicting mechanisms between police forces all the time. This is no different from what you find in other jurisdictions. I can list from the United States the ATF, the FBI, the Secret Service or the DEA. They have joint investigations. There's always a lead agency for doing that.

We have that in Canada. It's well established. Police forces do that every day, sir.

Roman Baber: I don't understand. On this side, we trust the men and women in uniform. I trust your government less.

I'll go back to my question. You're asking to create an agency, the jurisdiction of which you have yet to figure out. You have the superintendent of financial institutions. You have FINTRAC. You have federal policing operations and the integrated money-laundering investigative agency. You have the financial crime coordination centre. You have the integrated market enforcement teams. You have the federal serious and organized crime bureau.

Now you want another agency, and you can't tell us its jurisdiction, in other words, what it will be responsible for.

Hon. François-Philippe Champagne: It's very simple, sir. It's in the law. It's “serious and complex financial crimes” in the country. It's very simple.

Roman Baber: How do you know that this doesn't intertwine with the RCMP or with any of the other agencies I just listed?

Hon. François-Philippe Champagne: Sir, it's because you need special skills. This is about to complement, not replace. You need, for instance, accounting. You need digital experts. You need that kind of civilian and police force together.

Sir, there are best practices in the G7. I know your line of questioning and the kinds of things you're trying to get for a clip or something, but this is in line with what other G7 countries are doing. Look at the Serious Fraud Office in the U.K. Look at what the Americans are doing with their different agencies. There are a number of deconflicting mechanisms. Police forces do that every day. You don't need to know—

Roman Baber: Sir, you don't need to be offensive.

The Chair: Thank you, Mr. Baber—

Roman Baber: This has nothing to do with a clip. You should be able to answer about jurisdiction.

The Chair: Thank you very much. That concludes your time.

Roman Baber: I would kindly ask you to instruct the witness that he should be respectful to the committee. I asked him about jurisdiction. There is absolutely no reason to impugn the fact that I want a clip out of him.

The Chair: Sir, if that's a point of order—

Roman Baber: You should be able to answer about jurisdiction before you show up at this committee.

The Chair: Mr. Baber—

Hon. François-Philippe Champagne: I answer that all the time.

The Chair: Order.

We're suspended until you guys get your shit together.

● (1605)

_____(Pause)_____

● (1605)

The Chair: I call this meeting back to order.

Thank you very much for your co-operation.

We are moving on now to Mr. Chang for five minutes.

Please go ahead.

Wade Chang (Burnaby Central, Lib.): Thank you, Chair.

Minister, thank you for being with us.

In 2024 alone, Canadians reported losing $643 million to fraud, almost three times the amount reported in 2020. What is driving this sharp increase, and how will this new agency help turn this train around?

Hon. François-Philippe Champagne: Thank you for the question.

I just want to correct a statement I made to the Conservative member before. I thought the Secret Service reported to the treasury secretary, but I'm told that this has been changed to the homeland security secretary. I just wanted to correct that.

To my colleague, I just want to say that we're all here at committee. I didn't want to offend him in any way. I'm even willing to amend it. If he was listening to me, he would be pleased to see that I'm even amending an answer I gave to him before. The Secret Service reports to the homeland secretary. I wanted to correct that.

In fact, what you said, sir, is very important, because we have seen the billions that we have found in terms of money laundering and financial crimes committed in this country. That's why having an agency focused on serious and complex cases with national, multijurisdictional and specialized dimensions is essential.

I was trying to explain to our colleague, which I know he understands, that you need specialized, trained officers with different sets of skills complementing police. I was saying that on jurisdiction, which I'm happy to continue with, there is a very well-established mechanism between police forces when it comes to deconflicting who's going to be the lead agency in terms of investigation. This is done routinely. I would say it's well understood that in a world where you have crypto and where you have quantum in the cyber world, you need agents who have specialized skills in order to support those who would have the police powers. That's why this agency is so important. That's why it needs to have a broad mandate. When you want a "follow the money" kind of approach, you need a broad mandate, because this will evolve over time.

That's what I was answering to our colleague from the Bloc. Once you're establishing the statute, you need to encompass what these kinds of crimes can look like 20 years from now. You want to leave space so that the agency will have all the powers it needs to focus on the most serious crimes in this country and really make a difference.

● (1610)

Wade Chang: Thank you, Minister.

How will Canada's new financial crimes agency work with international partners like OECD and G7 partners to track down criminals and recover the proceeds of crime?

Hon. François-Philippe Champagne: That's a very big part. On recovering the proceeds of crime, we need to do better in this country. That's why we have worked with Justice and the Public Prosecution Service. It's so we could also have dedicated prosecutors supporting that.

This is a complex world, especially when you're talking about financial crime. There are so many aspects. There's technology. There are the international criminal networks. There are the kinds of methods they use. You need an agency with the flexibility and the muscle to go after them and say, "Enough is enough. We're not going to tolerate that. We're going to come after you. We're going to seize the proceeds and work with all the partner agencies we have—the RCMP and the police of jurisdiction." People would welcome that, because we need to step up. As I said, this is very much in line with what other G7 countries have been doing, because everyone realizes that this is not normal policing. You're trying to target people who move money between jurisdictions, obviously using opaque schemes to do so. A lot of that is done in the digital world, so you need the experts. You need forensic accounting experts coupled with those who have the policing power to achieve this.

This is going to make a difference. That's why I urge all members of the committee to act in good faith to make that happen, because everyone on this committee realizes how important it is to defend and protect Canadians, and to combat fraud in all its forms in this country.

Wade Chang: Minister, you have often shared how your mother's experience shaped your perspective on public policy.

Thinking about the lessons you learned from her, how do you see the creation of the financial crimes agency making a real difference in protecting Canadians and, perhaps, your mother's hard-earned money?

Hon. François-Philippe Champagne: She would understand that the one thing we need to do is to use all tools to protect seniors against fraud. I see members of the committee nodding. They understand that. We owe it to our seniors across the country to work for them, to protect them and to put a stop to this.

We have a lot of men and women in uniform who do great work every day, but we need to give them the tools. We need to support them, complement their work and add to their work to show them that we understand it's a complex world out there. We're going to have people with very specialized skills like digital asset tracing. Those are the very specialized skills we need to have. We need to have a network of operations with our G7 and Five Eyes partners around the world so we can collect the intelligence, conduct investigations, seek warrants, make the arrests and stop these criminals from operating in our cities and communities.

I want to urge every member of the committee to work as rapidly as possible to allow Deputy Minister Stewart and the team to set up the agency and do the important work they need to do for Canadians.

Wade Chang: Thank you.

The Chair: Thank you very much.

Monsieur Fortin, you have two and a half minutes.

[*Translation*]

Rhéal Éloi Fortin: Thank you, Madam Chair.

Once again, Minister, I only have two minutes.

In terms of the fiat issue, you are not the only one to provide the same justification. Indeed, this provision has often been justified on the grounds that it will apply in cases of cross-border or inter-provincial offences. On that point, I must admit that I broadly agree with you. The problem is that this is not what the bill says. Clause 22 of the bill states:

> (2) In deciding to issue a fiat under subsection (1), the Attorney General of Canada may take into account, among other things, any of the following…

It goes on to say that it can be a transnational or transprovincial offence or an offence that involves the national interest.

I see two problems with that.

Firstly, there is the use of the verb "may", when it says that the Attorney General of Canada "may take into account, among other things", these factors. That means that he can also disregard them. In other words, Minister, the Attorney General—in this case you—could decide at any time, every morning if he wished, to issue a fiat for just about anything. You're going to tell me that won't happen. I believe you. However, the proposed legislation would actually give you the power to do it. I have a problem with that. So I would replace the word "may" with the word "shall".

Secondly, in terms of the national interest, once again, it is not defined, Minister. Now, when a concept as important as the national interest is left undefined, it provides complete discretion to the decision-maker—in this case, the Attorney General of Canada. The Attorney General will therefore be able to decide on practically anything they want.

Personally, I trust you. You strike me as an honest man, Minister, despite any disagreements we may have. However, the fact remains that before I decide to give you the power to strip provinces of their powers at any time and assert them yourself, I need further reassurance. This bill strikes me as far too broad and far too permissive to inspire confidence.

● (1615)

Hon. François-Philippe Champagne: First off, Mr. Fortin, thank you for your trust. I am most grateful.

I think there are several considerations. As you said, there are a number of criteria. Nor is this anything new. It already appears in the National Security Act. Prosecutors, as I was saying to our colleagues earlier—

Rhéal Éloi Fortin: Even if it appeared in all legislation, wouldn't it be overly broad?

Hon. François-Philippe Champagne: It works in practice, because prosecutors talk to each other.

Only when that agency is responsible for the investigation will the Attorney General be able to invoke that power.

I think you've seen, Mr. Fortin, that it works in day-to-day operations. Police forces work hand in hand. This agency will work just as well with police forces to get things right. As you said—

Rhéal Éloi Fortin: You said it yourself, Minister: a law is being drafted. I realize that, in practice, things will probably go smoothly. However, if I voted in favour of a law that grants that power, I would feel uneasy. I'm asking you to reassure me, since you are sponsoring the bill.

I have other concerns, but that one seems significant.

Hon. François-Philippe Champagne: I'm trying to reassure you, Mr. Fortin. You put it well, and I think you understand this very clearly: these are cases involving the national interest, inter-provincial investigations and crimes of a transnational nature. You made that clear, and you also pointed out—

Rhéal Éloi Fortin: It says that it "may" be taken into account, but it may also be ignored. It could mean anything. There is nothing in subsection 22(2) that prevents the Attorney General of Canada from issuing a fiat simply because the matter seems important to him, without requiring him to justify why it's important if asked. I'm not saying it will happen, but the power is there—and that makes us uneasy.

Hon. François-Philippe Champagne: Only when this agency will be—

[*English*]

The Chair: Thank you.

[*Translation*]

Hon. François-Philippe Champagne: —conducting the investigation. That should reassure you somewhat.

[*English*]

The Chair: Thank you, Monsieur Fortin. I made up for the time that I owed you from last week. I appreciate that you have acknowledged that.

We're moving on now to Mr. Lawton for five minutes.

Andrew Lawton (Elgin—St. Thomas—London South, CPC): Thank you for being here, Minister.

Earlier in your testimony, you made a false comment to Mr. Baber about the Secret Service reporting to the treasury secretary, and I appreciate that you corrected that. However, I believe why it was incorrect is important here. In the United States, they moved the Secret Service to the Department of Homeland Security because they realized how difficult it was to have agencies that were scattered, that weren't communicating and that were operating under different authorities.

In this case, you acknowledge you are the Minister of Finance and this is your first time in all your years of cabinet experience testifying before the justice committee because you don't really belong here. Why would the Minister of Finance run a law enforcement agency under this bill?

Hon. François-Philippe Champagne: You're saying I don't belong here. I've been elected for 12 years.

Andrew Lawton: I'm saying that you, as Minister of Finance, are not a fit for justice naturally, so why are we trying to, in this legislation, create—

Hon. François-Philippe Champagne: I've been a member of the bar since 1992, sir.

Andrew Lawton: I'm not talking about you personally, sir. I'm talking about you as Minister of Finance—

Hon. François-Philippe Champagne: I take offence to that.

Andrew Lawton: —running a law enforcement agency. Why, when that doesn't exist in Canada under any other agencies, is that important to you?

Hon. François-Philippe Champagne: If you let me cite another example, the Guardia di Finanza in Italy reports to the finance minister.

The finance minister in this country and in other G7 nations has a responsibility to ensure the integrity of the financial system. That's why FINTRAC reports to Parliament, but through the Minister of Finance. It is the same thing with OSFI, which is another agency. Therefore, it is normal when you're talking about money laundering. You should be reassured that this is done through a minister. The agency is reporting to Parliament through me and—

Andrew Lawton: That doesn't reassure us just yet, Minister.

What is a “serious and complex” financial crime, in your view?

Hon. François-Philippe Champagne: It's the one that the agency will be investigating. It's the one that has a transnational nature. There's the one, which—

Andrew Lawton: Can you tell us now? Can you tell us what specific crimes this agency would investigate?

Hon. François-Philippe Champagne: The name itself says it: “serious and complex”. You would think about intraprovincial, those which—

● (1620)

Andrew Lawton: List them, please. The Criminal Code lists offences. They all have numbers. Which ones would fall under “serious and complex financial crimes”?

Hon. François-Philippe Champagne: I'm trying to respond to your question as comprehensively as one can in a few minutes.

What I'm saying to you is that you need to have a broad-based definition when you're creating a new agency like this. What we know from learning from best practices in other G7 countries is that there's an evolving nature to the types of crimes and how they are committed, and the modus operandi of the crime syndicates. Therefore, you have a broad definition to allow the agency to capture the kinds of crime that you want to go after.

Andrew Lawton: Again, I'll give you credit, Minister. It's not just you who can't answer this question. No one whom the government has sent on this has been able to tell us exactly what crimes would be investigated by this.

Your predecessor, the previous Liberal finance minister, thought that buying diesel for truckers was a sufficient enough financial crime that bank accounts should be frozen. Therefore, when we have such an obscure, nondescript mandate, how can we trust a government with a shoddy track record on civil liberties not to use these new powers and authorities to go after Canadians?

Hon. François-Philippe Champagne: I think people watching at home want an agency that can tackle serious and complex cases, which would have a national nature, a multijurisdictional nature and a specialized dimension. You're talking about the most serious criminal offences, and I think we've been able to give you a number of examples of what they are going to be.

Andrew Lawton: You haven't given any, so I'll give you some, Minister. Is extortion a serious and complex financial crime?

Hon. François-Philippe Champagne: The agency would have, with other agencies...because as you know, this is complementary.

Andrew Lawton: It's a yes-or-no answer, Minister. Is extortion a serious and complex financial crime?

Hon. François-Philippe Champagne: I'm trying to tell you.

Andrew Lawton: I'll make it easier. Could extortion be a serious and complex financial crime?

Hon. François-Philippe Champagne: It depends on its nature and how it is committed.

Andrew Lawton: Okay.

Could tax evasion be a serious and complex financial crime?

Hon. François-Philippe Champagne: Sir, you're going into operational detail. The commissioner, under the enabling legislation, will have to decide, within the umbrella of what we call a serious and complex case of money laundering or fraud, and that's going to be.... You're asking operational questions. They're going to work with other police forces.

Andrew Lawton: Minister, are you aware that under subclause 11(2) of the bill, it is you who will direct the commissioner on the public policy objectives?

Hon. François-Philippe Champagne: What the law states about a broad mandate that has to be made public.... This is no different, sir—

Andrew Lawton: You can direct the commissioner.

Hon. François-Philippe Champagne: —from what the public safety minister and the RCMP commissioner are reporting. This is no different. This is how it is done. The commissioner will report to me and will have a—

Andrew Lawton: Minister, subclause 11(2) says you can direct the commissioner. Will you direct the commissioner to make any of the crimes I've listed serious and complex crimes for the purposes of the agency?

Hon. François-Philippe Champagne: You know that the minister needs to make public the mandate that has been given to the commissioner, and the commissioner will make all the appropriate decisions on operations, and that is as it should be. It's the same thing for the RCMP. You should have trust in our institutions.

Andrew Lawton: Could you make it public now, while we're studying—

The Chair: Thank you, Mr. Lawton.

Thank you, Minister Champagne.

That concludes your time, Mr. Lawton.

We're moving on now to Mr. Caley for five minutes.

Braeden Caley (North Vancouver—Capilano, Lib.): Thank you, Chair.

Minister, thank you for being here, and congratulations on budget 2026. Like many of us, I was in my riding last week, and the measures to build more affordable homes, put Canada on a path to end homelessness and unleash an investment supercycle all have the potential to make a transformative difference on the north shore and throughout B.C.'s Lower Mainland.

The support for those affected by the tragedy at CFB Wainwright also meant a great deal in North Vancouver as we marked Remembrance Day in the hometown of Private Aidan Goulding, who was among those whose lives were taken as they trained to protect Canada.

Thank you.

All of us here will recognize that financial crime is far from abstract in the communities that we represent. As has been mentioned, including by you just now, it's fraud that drains seniors' savings. It's money laundering that can see organized crime profit from drugs or extortion.

In all senses, it reaches far beyond our borders. Money laundering and sanctions evasion can benefit authoritarian regimes in particular, including the Iranian regime as it has oppressed its own people or sponsored terror, and Putin's regime in Russia as it has waged war on Ukraine. Many of my constituents and those of other members of the committee, I'm sure, have come to Canada to get away from regimes exactly like those.

I'm wondering if you can outline for this committee the difference that the financial crimes agency can make for communities like ours, where citizens are pleased to see such actions that can better help follow the money, as you mentioned.

Hon. François-Philippe Champagne: I'm very pleased to answer your question, because based on the line of questioning from our Conservative colleague, at some stage you wonder whether or not they are in favour of combatting crime and financial crime.

I'm trying to follow the line of questioning. You say we're doing something good. We're combatting fraud. We're combatting crime. We're putting in place a specialized force. This is something we should all, as Canadians, not just parliamentarians but people watching at home.... I'm sure they are watching and saying, “We want something that will prevent fraud in the country. We want an agency that would have the power. We want an agency that will be able to tackle financial crime in all its forms.” That's the best answer you can give to our Conservative colleagues on the other side. Financial crime in all its forms—that's what you need.

That's why Canadians are reassured that we're taking that very seriously. We're looking at best practices. There's nothing political about this. This will be a law enforcement agency. We're a country of the rule of law. We have a charter. We have a number of pieces of enabling legislation. I just think the Conservative members need to think twice about how they're going to vote for this, because Canadians are watching today and saying, “This is about combatting crime. This is about going after the proceeds of crime, which is funnelling money through drug trafficking and human trafficking in our country.”

As Canadians, we should all be standing up and saying, “We don't want any of that in our streets.” That's why we're putting money behind an agency that will be able to tackle these things. We need to put a stop to them. I hope that the next statement from the Conservatives will be, “That's great. We're going to support you. We're going to be there with you because Canadians demand that.”

It's about time we did something together to create the first-ever federal law enforcement agency that is dedicated to investigating financial crimes in this country. This is a great step forward, and that's why, in my view, this bill should go as quickly as possible through the parliamentary process and the Senate and receive royal assent.

I don't think Canadians in the streets think we should be waiting to do that. They want the force to be operational. That's why we're working with the RCMP. We said, “Lend us some officers as you did with the protective services here on the Hill.” This is a well-established process. The RCMP provided officers until the protective service for parliamentarians could be set up.

It's the same process here. We're using best practices, working with intelligence agencies like FINTRAC and making sure we have the best possible talent in the country. Hopefully this is when we're going to recruit the best and brightest in the country to serve the nation at a time when we need them to come and work for us in the civil service. I'm sure young people watching at home want to do their part. I would tell them they'd get an opportunity to work on the most sophisticated types of crime we see and stop these crimes, and make sure our streets are safer and that every aspect of our financial system is more secure.

Everyone in this House should be voting in favour and saying, “Yes, that's the message you want to send to criminals.” They should say, “We're all standing up against crime.” That's basic to me. One of our first duties as members of Parliament is to protect Canadians, and we're stepping up.

● (1625)

The Chair: Thank you very much, Mr. Caley. That concludes your time.

Minister, if it's okay, in our last two minutes, I have one question for you as well.

Hon. François-Philippe Champagne: I'm at your disposal.

The Chair: Thank you very much again for being here.

My question is with respect to the difference between prosecution and disruption and how a financial crimes agency would be able to be more nimble and more effective not just in prosecuting but also in disrupting the crimes as they happen. The number one thing that we've heard is that crimes are getting more sophisticated. How would this agency help us with that?

Hon. François-Philippe Champagne: You're sending a strong message, Madam Chair.

I can give you an example of extortion. When I heard there was an issue in certain cities in the country, I talked to the FINTRAC director general and said that we need to put boots on the ground. Since we've been putting boots on the ground, look at Surrey and different cities like Markham and Montreal. What I hear back is that this is making a difference because the kind of support we can offer them through financial intelligence.... Then they can seek a warrant and conduct their investigation and operation. Just by the fact that we're doing it, we're sending a signal. Criminals have taken notice that we're going to be tough on crime, and we're going to go after these financial crimes, like you said, disrupting.... You will have agents who will use intelligence, who will have police power and who will work with all other police of jurisdiction.

It's a very strong message that we're going to send as parliamentarians to say that we support the men and women in uniform. We're giving them the tools to investigate. Imagine how frustrating it could be if you didn't have all the tools and powers you needed to go after these kinds of criminals.

Forensic accounting, I would put humbly, is a very specialized field. When you think about tracking digital assets in the world, where things can move within seconds between jurisdictions, these are the kinds of experts that you don't find very often. Now we'll have a place where all of them can work together, work with the police of jurisdiction, work with the RCMP and be dedicated. These people will wake up every morning thinking about how they can prevent fraud and financial crime in this country. This is the kind of thing we need now. That's why I'm very happy the committee has given me the opportunity to come testify.

I want to thank all the members, Conservative members as well. Everyone is serving here with the best of intention.

I hope, Madam Chair, I provided candid answers. I know some will have more questions, but I know time is limited. I just want to say that I appreciate the opportunity to come to the committee, and I thank you for that. Maybe it's been too long—12 years—for me to appear, but I'm at your service, Madam Chair. Whenever you want to see me, I will appear in front of you.

● (1630)

Arpan Khanna: Come back any time.

The Chair: Thank you very much, Minister.

Thank you, Rob and Julien, for being here alongside the minister. We appreciate your testimony. As always, if there is any additional information that you would like to provide to the committee, please submit it in writing through the clerk.

With that, I will suspend the committee until our next hour.

● (1630)

_____(Pause)_____

● (1640)

The Chair: We are back.

In the second hour of our meeting, we are dealing with the clause-by-clause study of Bill C-223, an act to amend the Divorce Act.

I just want to mention that we will be getting into the study of Bill C-41 on Thursday, as members voted on it earlier today. I would like to propose that you send me and the clerk your witness lists by this coming Thursday so that we have a good understanding of how many people are interested in speaking to this, and then we will go from there.

Andrew Lawton: I have a point of order. As a matter of record, we did not vote on Bill C-41—

The Chair: I'm sorry.

Andrew Lawton: We voted on time allocation. I hope your Liberal colleagues will have a free vote. We don't know if it's actually going to pass in the House.

The Chair: Thank you very much, Mr. Lawton, but it is my job, as the chair of this committee, to make sure that everything is planned for, as it is going to come forward, and that our committee is as effective and efficient as possible.

As we go through this week, you can anticipate—as I reminded all of you at the last meeting as well—that you will need to start thinking about potential witnesses for Bill C-41 and who you would like to have appearing before this committee. I am putting a deadline for this coming Thursday for witnesses for Bill C-41.

Moving on, we are pleased to be joined by the Department of Justice. We have Martha Butler, deputy director and senior counsel of the family law and youth justice policy section in the policy sector, and Geneviève Laurence, counsel in the family law and youth justice policy section.

Thank you very much for being here today.

We are going into clause-by-clause consideration of Bill C-223. So that members are aware, there was a second version of amendments circulated on Friday. I hope that's the version everybody is following along with.

Ms. Hepfner, I see you have your hand raised.

● (1645)

Lisa Hepfner (Hamilton Mountain, Lib.): Madam Chair, as you know, with this bill, there have been extensive conversations over the past year and collaboration among the parties. I believe we have reached some consensus on a couple of areas.

In the interest of facilitating today's clause-by-clause consideration, I would ask members for unanimous consent to vote down clauses 3, 5, 6 and 7 of this bill. I think this would best serve our objectives, and it is in the spirit of collaboration.

Clause 3 would preserve the duty of the courts to inquire about the possibility of reconciliation and refer spouses to services where the nature of the case warrants it. The bill already removes that obligation from lawyers, but it preserves it for courts in case there's a circumstance, for example, where both parties want to reconcile, so the court can still advise them in that way.

Clause 5 is all about evidence from children on parenting orders. This got a lot of reaction from everyone we were talking to throughout this process. Courts must already give weight to a child's views, and they have other ways to get them. I believe the court should always try to incorporate the view of the child.

The child is not separate from the divorce. The child is part of the divorce process, and the courts should use whatever means possible to get at what the child wishes and to understand where the child is coming from. However, I believe this clause, as it is in the bill, is overly broad and could have unintended consequences.

Finally, clauses 6 and 7 have to do with the relocation framework of the bill. I believe there are still some updates to the Divorce Act that we could make in terms of relocation, but I understand that these were changes made in the 2021 version of the Divorce Act. The system is still trying to deal with what they all mean and how to move forward. There wasn't a lot of consensus on this, so I'm content to let these two clauses also be dropped.

The bottom line is courts should always be considering what is in the best interests of the child. How is the child going to be best off in this situation? Look at every situation on its own for its own merits. It should never be about fairness for one parent or the other. It should always be about what leaves the child best off in the situation.

With that, Madam Chair, I would seek unanimous consent to vote down clauses 3, 5, 6 and 7 of my bill.

The Chair: Thank you very much, Ms. Hepfner.

To clarify the language, we are withdrawing, not voting down.

Is there unanimous consent?

Some hon. members: Agreed.

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

The Chair: Pursuant to Standing Order 75(1), consideration of clause 1, the short title, and the preamble are postponed until the very end.

(On clause 2)

The Chair: We have LIB-1. So that everybody is clear on this, if LIB-1 is adopted, CPC-1, CPC-2 and CPC-3 cannot be moved due to a line conflict. *House of Commons Procedure and Practice*, fourth edition, states in paragraph 16.71 that amendments must be proposed following the order of the text to be amended. It states, “Once a line of a clause has been amended by the committee, it cannot be further amended by a subsequent amendment as a given line may be amended only once.”

Does anybody want to move LIB-1?

Ms. Hepfner.

Lisa Hepfner: Madam Chair, I will move LIB-1.

This amendment removes the existing duty for legal advisers to discuss reconciliation. It replaces the proposed duty to assess the risk of family violence with the duty to inquire about past or present family violence, unless it's clearly inappropriate in the circumstances. It also removes the proposed restrictions on family dispute resolution and the requirement for legal advisers to develop safety plans.

We heard concerns from some lawyers that this was outside of their legal and professional expertise. We are responding to concerns raised by stakeholders while still ensuring that family violence is appropriately considered in all family court matters.

● (1650)

The Chair: Thank you very much.

Shall LIB-1 carry on division?

Patricia Lattanzio: Madam Chair, we want a recorded vote.

(Amendment agreed to: yeas 7; nays 4 [*See Minutes of Proceedings*])

The Chair: Because LIB-1 carried, CPC-1, CPC-2 and CPC-3 are no longer admissible.

We'll now move on to CPC-4.

Ms. Jansen.

Tamara Jansen (Cloverdale—Langley City, CPC): Madam Chair, throughout the study, we have heard how very important it is for lawyers to recognize family violence, including parental alienation, and the emotional harm it causes children. However, we've also heard concerns about whether legal professionals have the training and the resources to take on those responsibilities. The Alberta Family Lawyers Association specifically raised concerns about expecting lawyers to develop a safety plan when they may not have the kind of specialized training to do that work.

If Parliament is going to place additional responsibilities on lawyers, surely we have the responsibility to help make sure that they're properly equipped. This amendment would allow the Minister of Justice to work with the provinces to promote training and educational resources.

I think it's a really reasonable and practical step. We can't simply give lawyers more responsibilities and then leave them to figure out how to carry them out on their own.

The Chair: Thank you very much, Ms. Jansen.

Is there any debate?

[*Translation*]

Mr. Fortin, you have the floor.

Rhéal Éloi Fortin: I would simply like to remind our esteemed Conservative colleague that lawyers' training falls under provincial jurisdiction, in accordance with the division of powers set out in the Canadian Constitution. As such, I cannot support this proposal.

[*English*]

The Chair: Is there further debate on this?

(Amendment negatived: nays 7; yeas 4 [*See Minutes of Proceedings*])

The Chair: Shall clause 2 as amended carry?

Some hon. members: Agreed.

Arpan Khanna: On division.

(Clause 2 as amended agreed to on division)

(On clause 4)

The Chair: Given that we passed a motion that clauses 3, 5, 6 and 7 are no longer to be considered, we are moving on to clause 4, which brings us to CPC-6.

Ms. Jansen.

Tamara Jansen: Madam Chair, I have to say this particular amendment really matters to me, because of the things I've shared with this committee about my own childhood.

You all know I love my mother and I believed her when she told me my father was no good and he didn't care about us. It wasn't until I was in my thirties that I realized how wrong that actually was, and by then, I'd lost 25 years with him. I think about how different my life could have been had I actually been able to be with him and recognize what was actually happening in our family. That's what this amendment is particularly about.

The Divorce Act currently asks judges to consider whether a parent is willing to support their child's relationship with the other parent. The Alberta Family Lawyers Association told us that 90% of the lawyers they surveyed want to keep this provision.

Of course, we need to protect children from abusive parents, but what about children like me who are being turned against a parent who loves them? Surely, we can protect children from family violence without taking away a judge's ability to recognize when a parent is deliberately destroying a relationship. That's why I believe this amendment is extremely important.

● (1655)

The Chair: Not seeing any other speakers to CPC-6, we'll call the question.

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

The Chair: We'll move on to LIB-2. If LIB-2 is adopted, CPC-7 and CPC-9 cannot be moved due to a line conflict.

Ms. Hepfner.

Lisa Hepfner: Madam Chair, I will move LIB-2.

This is an amendment that responds to concerns about judicial discretion and procedural fairness. While it still hopes to strengthen the consideration of family violence in divorce court, it preserves the ability of courts to consider all relevant evidence. It clarifies how courts assess steps taken to prevent further family violence and revises the provisions addressing myths and stereotypes.

This is an important clause, because it confirms that there's no presumption of equal parenting time. Decisions must always be made in the best interests of the child. This is not about fairness for parents, but what's best for the child. These changes would address concerns that were raised during our study while still preserving the intent of the bill, which is to protect children.

The Chair: Thank you very much, Ms. Hepfner.

Ms. Cody, please go ahead.

Connie Cody (Cambridge, CPC): Madam Chair, I'd like to address this clause. I understand we want to consider the best interests of the child. Ultimately, that is the primary thing that all of us should look at in anything judicial.

What I noticed here is that the focus is on violence. That usually means physical violence. What I'm seeing being missed is abuse. Emotional abuse is not considered to be violence. I think we need to make a slight amendment to include abuse, because coercion and manipulation, those are things that should be considered by the judge but would not fall under the definition of violence.

I believe we're working on a possible amendment to put forward, to ensure that is included for judges looking after the best interests of the child.

The Chair: I'm not sure, Ms. Cody, if that was a question for our officials or for the table.

Patricia Lattanzio: Madam Chair, I understand there is a subamendment coming. Could we have the language of that?

The Chair: Give us a second.

Mr. Lawton, please go ahead.

Andrew Lawton: Madam Chair, this question is for the officials.

This is a lengthier amendment. It's three pages. I want to make sure I understand the scope of the amendment.

Is this ultimately removing the presumption of shared parenting as one of the key aspects?

● (1700)

Martha Butler (Deputy Director and Senior Counsel, Family Law and Youth Justice Policy Section, Policy Sector, Department of Justice): Thank you for the question.

I agree. It is a very lengthy amendment. It does many things.

With respect to presumption, what it would do is ensure that there would be no conflict with the civil code of Quebec. It would specifically state that there is no presumption of equal shared parenting time, but makes no reference to decision-making responsibility. That is important, as I said, for consistency with the civil code of Quebec, where there is an assumption that parents will share parental authority for their children.

Andrew Lawton: Thank you for that.

To confirm, this is in that one section about removing the presumption of shared parenting.

Martha Butler: Yes, Madam Chair. That is one portion. There would be no shared decision-making responsibility following this amendment.

Andrew Lawton: That isn't just about preventing a conflict with Quebec's civil code. If this is adopted, that would actually change, across Canada, the way that question is addressed.

Is that correct?

Martha Butler: Currently, in the Divorce Act, there is no presumption in favour of any kind of parenting arrangement, and there has been some interest among equality-seeking groups to make it clear that there is no such presumption.

An issue in the bill is that, originally, it would have said that there is no presumption of equal shared parenting, including parenting time and decision-making responsibility. Stating explicitly that there is no presumption of shared decision-making responsibility would have created an issue in Quebec.

Andrew Lawton: Looking at the changes in the bill and the changes in the amendment, is it your view, then, that this is clarifying something or changing something?

Martha Butler: In our view, this is clarifying something, because currently there is no presumption. We have heard from some stakeholders that some jurisdictions seem to act as though there is almost a presumption, but this is not the case. There is nothing in the Divorce Act that states that there is a presumption in favour of any kind of parenting arrangement.

It would just be a clarification.

The Chair: Thank you very much.

Next on my list is Ms. Lattanzio.

Andrew Lawton: I'd still like to—

The Chair: I'm sorry. I thought you were done.

Those were a lot of questions, my friend. Do you want to come back?

Andrew Lawton: No. I'll add myself back to the speaking list. I'm interested in hearing what's happening here.

The Chair: Thank you. I appreciate that.

Please go ahead.

Patricia Lattanzio: Madam Chair, my intervention is more about if we already have the subamendment being presented, can we at least have the language? Could the member read out the language of that subamendment?

The Chair: Thank you, Ms. Lattanzio. Nobody has moved a subamendment. Until it is moved, I can't really do anything about it.

I'll just go down the speaking list.

Ms. Jansen, you're up next.

Tamara Jansen: I'm actually a bit mystified by the idea that there is no presumption of shared parenting. It is very interesting to think that these poor kids are going into court where you have the two parents and there's no.... I don't understand why you would want this to be clarified, that neither parent actually has a right to parenting of the child. I'm kind of shocked. I wonder if you could tell me if it makes sense that we want to go into court assuming the child has no one who will be parenting them.

Martha Butler: Madam Chair, the idea is to have all decisions about children made consistent with their best interests. In some cases, and perhaps many cases or even most, it may well be the case that parents should share decision-making responsibility and parenting time equally.

There are situations, though, where that is not in a child's best interest. We have heard that it can be problematic if there is a presumption, because, for example, if a parent were a victim of family violence, they would have an additional burden to prove to the court that the abusive parent should not share time with that child.

Tamara Jansen: Just to clarify, you go into court assuming that neither the father nor the mother is suitable to parent the child and the judge decides, based on what the parents lay down, who is the suitable one.

● (1705)

Martha Butler: The court would decide, based on the evidence before it, whether equal sharing and equal decision-making responsibility are appropriate. The idea is that the court not have a preconceived approach.

Tamara Jansen: Am I correct when I say that you're going into court with the presumption that neither parent is suitable to parent the child? That's your basic—

Some hon. members: No.

An hon. member: There's no assumption.

Tamara Jansen: Because there's no assumption, that means neither parent is assumed to be suitable.

Braeden Caley: No, it's not.

Martha Butler: I would say that perhaps it is the opposite assumption, that parents are generally assumed to be able to care for their children, but there's not an assumption about how to divide parenting responsibilities, whether that's time or decision-making.

The Chair: Thank you, Ms. Jansen.

We have Ms. Cody next on the speaking list.

Connie Cody: Chair, I'd like to move a subamendment. I move that amendment LIB-2 be amended in proposed subsection 16(5.1) by adding after the words “any family violence,” the following:

> including physical abuse, sexual abuse, psychological abuse, financial abuse, coercive and controlling behaviour, and conduct that causes a family member to fear for their safety or the safety of another person,

The Chair: Would you like to speak to it first before I suspend?

Connie Cody: I would only say that violence is usually considered to be physical, and there are a lot of other factors. We continue to hear that our courts and our judges need to have all tools available to make proper decisions. I believe that adding this would only enhance to ensure that there's protection and we're not missing anything when we're looking at what is in the best interests of the children.

The Chair: Thank you very much, Ms. Cody.

There are two things that we need to do once your subamendment has been moved. First, we need to see if it's within the scope of the bill. Second, we need to get it translated..

I'm going to suspend for a couple of minutes while we do both of those things.

● (1705)

_____(Pause)_____

● (1725)

The Chair: I call this meeting back to order.

All of you have now received a copy of Ms. Cody's proposed subamendment to LIB-2.

The subamendment is in order.

Ms. Hepfner, please, go ahead.

Lisa Hepfner: Madam Chair, I really want to thank my colleague opposite for her concern about things like coercive control, and that things that don't leave bruises are still considered abuse and should be considered by the courts. However, it's my understanding that the courts' definition of family violence already incorporates these things. I'm concerned that the subamendment might muddy the waters a bit.

I'd like to ask our witnesses if they can explain what the definition of family violence is in family court, and whether this subamendment might be confusing for members of the court system.

Martha Butler: Madam Chair, I would note that “family violence” is in fact a defined term in the Divorce Act. Any reference to family violence that you see in the text would refer back to quite a comprehensive, broad definition that was introduced in the 2021 amendments.

I note that, of the text that is proposed to be added, every element is in fact in the defined term. I'd be happy to read it out if that would be helpful to the committee.

An hon. member: Sure.

Martha Butler: Okay. It states:

> family violence means any conduct, whether or not the conduct constitutes a criminal offence, by a family member towards another family member, that is violent or threatening or that constitutes a pattern of coercive and controlling behaviour—

That is one element in the proposed addition.

> —or that causes that other family member to fear for their own safety or for that of another person—

Then it includes a list from (a) to (i), and of those, I will note the ones that are captured in the proposed wording:

> (a) physical abuse, including forced confinement but excluding the use of reasonable force to protect themselves or another person;
>
> (b) sexual abuse;
>
> (f) psychological abuse;
>
> (g) financial abuse;

It also states:

> —and in the case of a child, the direct or indirect exposure to such conduct—

It is a preliminary assessment, but our view would be that the additional wording is not necessary. Also, as the sponsor noted, it is possible that it could cause confusion because there are elements of the defined term that would not be included in this additional wording, so it might not be clear why certain pieces were not to be considered.

● (1730)

The Chair: Thank you very much for that, Ms. Butler.

I have Mr. Housefather next on my list and then Mr. Lawton.

Anthony Housefather (Mount Royal, Lib.): I was going to ask essentially the same thing that my colleague, Ms. Hepfner, asked.

What I would see, now that we're talking about a list of inclusive.... Now that we know it's a defined term in the Divorce Act, it's very confusing to have some parts of the definition included and some parts not included.

Can you speak to what the potential risk is of a judge or somebody trying to interpret this, seeing this list, which is a part of the entire definition?

Martha Butler: Yes, Madam Chair.

For example, these are some of the elements that are in the defined term “family violence”:

> (e) the failure to provide the necessaries of life;
>
> (h) threats to kill or harm an animal...;
>
> (i) the killing or harming of an animal or the damaging of property;

Therefore, it might not be clear to a court why those elements should not be considered in the context of this amendment that would become part of the myths and stereotypes provision.

The Chair: That is a very interesting point.

Thank you, Ms. Butler.

Mr. Lawton, please, go ahead.

Andrew Lawton: Thank you very much, officials.

Just going back to the previous amendment, in the context of how you approach this, there are some occasions where, in legislation, be it this or other legislation, we put in things just for clarity's sake. Is that correct?

Martha Butler: Yes, Madam Chair. That does happen. Sometimes there is a “for greater certainty” clause added to a bill, which then becomes part of an act.

Andrew Lawton: Then what Ms. Cody has proposed as a subamendment does not detract in any way. It doesn't narrow the scope of how family violence is defined. At best, it's redundant, but it doesn't take away anything. Is that correct?

Martha Butler: From an interpretation perspective, yes, it would potentially be redundant. It would not explicitly limit consideration of other portions of the family violence definition that's already established, but it could still add some confusion.

It is important to note, as well, that the family violence definition in the act is already non-exhaustive, whereas what is proposed here is an exhaustive list.

Andrew Lawton: I'm sorry. I don't intentionally wish to challenge you. Perhaps you can inform me on this.

How it's worded, it says, “including”. That “including” is not, in statutory interpretation, exhaustive.

Is that correct?

Martha Butler: That's correct. I apologize. I suppose what I meant was that there are certain elements added here in addition to what's in the Divorce Act definition, but not all.... It's not clear why some would be here and others not.

Andrew Lawton: If you can't answer this because it gets into policy territory, that's fine: If this more closely mirrored the list already set out that defines family violence, would you be more comfortable with it? I'm just saying that if it's desired to have greater clarity there, is this the sticking point?

That's what I'm trying to ask.

Martha Butler: Madam Chair, although this is somewhat theoretical, if you were to have all the elements of the “family violence” definition in this provision here, at least there wouldn't be confusion around certain pieces being excluded. However, it would be entirely unnecessary, as it is a defined term. The term applies to the entirety of the Divorce Act.

The Chair: Thank you very much.

I will move to our next questioner.

Ms. Lattanzio, please go ahead.

Patricia Lattanzio: Thank you, Madam Chair.

To continue on that, would you not say that, from the moment we start enumerating these terms in this specific paragraph, we'd be, in fact, restrictive and not giving judges an opportunity to use their discretion and go on the definition enumerated at the beginning of the text by identifying key...? For example, “physical abuse” or “sexual abuse” would be more of a restrictive exercise.

● (1735)

Martha Butler: Yes, I suppose there is that. You would be directing the court to look at these elements of family violence only. It says, “including”, as the member noted, but it suggests more emphasis be given to these elements. It could shift a court's interpretation.

Patricia Lattanzio: Thank you.

The Chair: Thank you, Ms. Lattanzio.

Ms. Cody.

Connie Cody: Through you, Chair, I would like more clarification from the experts.

In terms of the Divorce Act, would this apply only to married parents with children? If that's the case, what happens in the relationships between common-law or never-married parents? How does that fall out? Would these have the same protections?

Martha Butler: Absolutely. The Divorce Act applies to separating married couples, but there is separate provincial and territorial legislation that applies to separating couples that were never married. In most provinces and territories, there are provisions that address family violence, but they vary across the country.

Connie Cody: Thank you.

What would the Ontario definition be? Is there a possibility that if we don't have clear definitions in here, even for things that promote alienating behaviour...? If we don't have these in this private member's bill, is there a possibility that definitions throughout the provinces could vary, or be changed or revised, and the child's best interest not, then, considered?

Martha Butler: Madam Chair, I don't have the definition of family violence in the Ontario act right at my fingertips, but I would say that there is significant FPT, federal-provincial-territorial, collaboration in the area of family law, because it is an area of shared jurisdiction. The 2021 amendments that came into force were amendments that had been developed over several years, with provinces and territories collaborating very closely and providing feedback on the proposal.

Provinces and territories are certainly involved. There is definitely an effort to create consistency across the country so that there isn't a significant difference in the laws that apply to separating versus divorcing parents.

Connie Cody: Can you assure that here today? You're not telling me the definition. You're saying that's more hopeful, but you're not actually defining whether that's accurate and would protect the child.

Martha Butler: Whether or not the Divorce Act amendments go ahead, there would be no way to interpret.... The changes to the Divorce Act would not be applied to separating non-married parents in any case.

Again, if the committee would like, we certainly can get back with the definition of family violence in Ontario provincial law. I'm fairly confident that there is one. If you can give me a couple of minutes, we'll find that for you.

Connie Cody: That would apply to married and unmarried.

Martha Butler: The Ontario definition would apply to separating unmarried couples or married couples who are not seeking a divorce—any time there's a divorce, it's the Divorce Act that applies—or to previously divorced couples if they're coming back to the court to ask for a variation to an existing order. If there was no marriage or if no one is seeking a divorce, then it's necessarily provincial or territorial law that applies.

The Chair: Thank you, Ms. Cody.

Seeing that we've exhausted our speakers list, I'll call the question on the subamendment as posed by Ms. Cody.

(Subamendment negatived: nays 7; yeas 4)

The Chair: Shall the original LIB-2 carry?

(Amendment agreed to on division)

The Chair: CPC-7 could not be moved because of a line conflict with LIB-2.

CPC-8 is where we are now.

Please go ahead, Ms. Jansen.

● (1740)

Tamara Jansen: Madam Chair, we all know how complicated family issues are and how difficult it is to know what's really going on behind closed doors. When a judge asked me whether I wanted to see my dad, I said no. He wasn't a bad father that I knew of, but I believed what my mom told me. I didn't know any better. I was just a little girl. I trusted my mom. That's the problem with limiting the evidence a judge can consider.

We've heard from the family lawyers who are concerned about this. I think they're right to ask whether we're giving judges the tools they need to understand what's actually happening in a family. This amendment simply makes it clear that judges can still look at all the evidence, question whether it's reliable and decide how much weight to give it, and that includes evidence of family violence, which obviously has to be taken seriously.

I just don't see how we protect kids by making it harder for judges to get to the truth. I would much rather have a judge who can look at the whole picture rather than one whose hands have been tied by Parliament.

The Chair: Thank you very much.

Ms. Gladu is next.

Marilyn Gladu (Sarnia—Lambton—Bkejwanong, Lib.): Madam Chair, I agree with what Ms. Jansen has said.

We've seen lots of court cases where it's he-said-she-said, and the judge needs the flexibility to broadly consider all of the evidence.

The Chair: Not seeing any more discussion, shall CPC-8 carry?

(Amendment agreed to on division)

The Chair: Look at that: a win for you guys. That's awesome, and a win for Canadians, absolutely.

CPC-9, as you know, cannot be moved because there's a line conflict with LIB-2.

(Clause 4 as amended agreed to on division)

The Chair: Clause 5, as I said earlier, was withdrawn. That eliminates CPC-11, CPC-12 and CPC-13. It's the same for clause 6, so CPC-14, CPC-15 and CPC-16 are also gone, and for clause 7, which means that CPC-17 is gone.

(On clause 8)

The Chair: We are now on clause 8 and amendment G-1.

Patricia Lattanzio: This clause, Madam Chair, seeks to amend the transitional provisions to clarify how changes to the legal adviser's duties will apply to proceedings already under way.

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

The Chair: It was unanimous. I like it.

We'll move to CPC-18.

[*Translation*]

Mr. Fortin, you have the floor.

Rhéal Éloi Fortin: Excuse me, Madam Chair, but I'm a bit lost. Where are we now?

[*English*]

The Chair: We are on clause 8.

[*Translation*]

Rhéal Éloi Fortin: We didn't do clauses 5, 6—

Voices: [*Inaudible—Editor*]

Rhéal Éloi Fortin: Oh, they were withdrawn. I understand.

[*English*]

The Chair: Mr. Fortin, I'm sorry if I'm moving very quickly.

For clarity, Ms. Hepfner moved a motion at the beginning of our clause-by-clause consideration. Clauses 3, 5, 6 and 7 were withdrawn. We are now on clause 8. We just finished G-1 on clause 8. We are now moving to CPC-18.

I see that Ms. Jansen has her hand raised.

● (1745)

Tamara Jansen: I will move amendment CPC-18.

I think we need to remember what families go through before a parenting order is finally made. These are often long, expensive and emotionally exhausting proceedings. I'd like to reiterate that they're expensive. I was just talking with a woman who said she's been going for 20 years. I think she said that $1 million has been spent on this. It's crazy.

They've spent many years in court. Kids may already have suffered terribly through the process. Eventually, a judge makes a decision based on the circumstances of that family, and then everyone has to begin to find a way forward.

What concerns me is the possibility that changing the legislation could create uncertainty about orders that are already in place. The Alberta Family Lawyers Association raised this serious concern about unintended consequences of the bill, particularly where judges have already made very difficult decisions about parenting arrangements.

This amendment is intended to make it clear that existing court orders remain valid and enforceable, while providing rules for how applications to change those orders should be handled. We should be very careful about introducing uncertainty into families that may have finally achieved some kind of stability. The last thing these kids need is another round of conflict simply because Parliament has changed the law.

The Chair: Thank you very much, Ms. Jansen.

Shall CPC-18 carry?

Some hon. members: Agreed.

Some hon. members: No.

The Chair: On division? All right.

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

(Clause 8 as amended agreed to on division)

The Chair: We are moving on to G-2, new clause 8.1.

Patricia Lattanzio: This amendment would add clause 8.1 to state that if a divorce proceeding started under the Divorce Act before clause 2 of the bill comes into force and the case is not finished on that day, the updated version of the act would apply going forward.

The Chair: Is there any debate?

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

(On clause 9)

The Chair: This brings us to CPC-19.

Ms. Jansen, go ahead.

Tamara Jansen: This amendment follows naturally from the last one, but it addresses a more specific concern. There may be families where a judge already heard the evidence, recognized that a child has been deliberately turned against a parent and made a parenting order to address that harm. Those decisions may have taken years to reach and the kids involved may finally be rebuilding a relationship that was badly damaged.

I would hate to think that simply passing Bill C-223 could become a reason to drag those families back into court and make those children relive everything they've already been through. That's why this amendment is important. It makes clear that the passage of this legislation on its own is not a change in circumstance that would justify reopening an existing parenting order. If something genuinely changes in a child's life, of course the court must be able to respond, but a change in legislation should not by itself become an invitation to reopen painful family disputes.

We've talked a lot about protecting children throughout this study. Surely protecting the stability that they finally achieved has to be a part of it as well.

The Chair: Thank you, Ms. Jansen.

Ms. Gladu.

Marilyn Gladu: Madam Chair, we've heard continuously that it's all about the best interests of the child, so if it's the best interests of the child, then I think this amendment does reflect that, and I would support it.

The Chair: Ms. Hepfner.

Lisa Hepfner: I would agree that this amendment doesn't prevent a family from going back to get a parenting order changed and applying for that change if there is a change in circumstances. It doesn't prevent anyone from going back to court to get a new order. Therefore, I would also support this amendment.

The Chair: I don't see any more hands, so I'll call the question.

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

● (1750)

Arpan Khanna: It's another win.

Andrew Lawton: We're the party of collaboration.

The Chair: I am really appreciating all of you today. You are doing an excellent job.

Shall clause 9 as amended carry?

(Clause 9 as amended agreed to)

The Chair: Now we move on to G-3, new clause 10.

Ms. Lattanzio.

Patricia Lattanzio: Madam Chair, this basically would allow the time for implementation, including public legal education training and professional training so that everybody can get aligned and get the consensus from provinces and territories.

The Chair: Thank you, Ms. Lattanzio.

I don't see any more hands, so I'll call the question.

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

The Chair: That concludes the clauses of the bill.

Now we are going into the short title and the preamble.

Shall the short title carry?

Some hon. members: Agreed.

The Chair: Shall the preamble carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

The Chair: Madam Lattanzio.

Patricia Lattanzio: Madam Chair, we just have one question for the record on clause 8, CPC-18.

The Chair: CPC-18 on clause 8 was defeated on division.

Andrew Lawton: That is not what was reported to the clerk.

The Chair: It was defeated, yes.

Andrew Lawton: That's not what was recorded. We said “on division”.

Some hon. members: We opposed it.

The Chair: Yes, it was opposed.

Andrew Lawton: It was passed on division.

The Chair: It was defeated on division.

Andrew Lawton: That is not what was called to the clerk.

Anthony Housefather: All Liberals and the Bloc were against it. It was defeated on division.

The Chair: It was defeated on division, as per my notes.

Andrew Lawton: That is not what was read. Could you let the clerk please speak to what's in his notes?

The Chair: Absolutely. I will suspend while we figure this out.

● (1750)

_____(Pause)_____

● (1755)

The Chair: We're back, folks.

According to our records, it was defeated on division. However, to seek greater clarity, I'm willing to call the question on CPC-18 if you want a recorded vote on this.

Andrew Lawton: I have a point of order.

Can you please permit the clerk to say what was in his notes?

The Chair: Absolutely.

Please go ahead, Mr. Clerk.

Andrew Lawton: You said “on division”, and that is what was logged.

The Clerk of the Committee (Jean-François Lafleur): Thank you, Madam Chair.

Mr. Lawton, when the vote was taken, we heard “defeated”, and after, we heard “on division”. Technically, you don't defeat an amendment on division. You adopt it on division. What was clearly coming out in our view as clerk and legislative clerk—we consulted with the chair as well—was that it was defeated, since defeated on division doesn't exist. Am I clear?

Andrew Lawton: The chair said “on division”, and if defeated on division does not exist, then that means the amendment was actually adopted on division.

The Chair: If I may, Mr. Lawton, I have been calling the question for every single amendment. When I don't hear your responses, I'm going to assume that we're ready to move forward to the next one.

On this one, I saw where the majority was. When I posed the question, I knew that, as expressed by the colleagues on the other side, they were not going to support it. It made perfect sense for me to.... You could have asked for a recorded division, and you did not, so I'm really not sure how....

Tamara Jansen: We assumed it passed on division.

Patricia Lattanzio: We said no.

Madam Chair—

The Chair: Folks, I don't want to debate this. I'm going to call the question again on CPC-18.

Andrew Lawton: I would deny consent to go to a vote because that will permit us to review the record and keep further options available. We are confident that the record will show that the motion was adopted on division. If we were to return to that now for a vote, that would actually undermine a decision that's already been made by this committee.

The Chair: If a decision was not made with the full intention and awareness of committee members, then I don't believe that it's a decision that is valid. I would prefer if members take the time to vote.

First of all, if you wanted a recorded vote, you should have asked for a recorded vote. Second, for greater clarity for all members, we can have a question on CPC-18 right now.

Patricia Lattanzio: Madam Chair, let's call the vote on that.

Some hon. members: No.

Andrew Lawton: It would require unanimous consent to return to an amendment that's already been dispensed with.

Patricia Lattanzio: Then it's defeated.

The Chair: In that case, it is defeated, and that is the ruling of the chair.

Andrew Lawton: It means we can re-raise it in the future after confirming with the record.

Lisa Hepfner: I have a point of order, Chair. I don't think members can argue with you.

Arpan Khanna: We're not arguing. We're debating.

Lisa Hepfner: He can challenge the chair, but he can't sit here and argue about your decision.

Andrew Lawton: What's her ruling?

Patricia Lattanzio: It's defeated.

The Chair: Yes, my ruling is that the amendment was defeated.

You're welcome to challenge my ruling. Would you like to?

An hon. member: No.

The Chair: No? All right. We will go back to CPC-18 having been defeated.

Shall the chair report the bill as amended to the House?

An hon. member: On division.

The Chair: Are you sure?

Arpan Khanna: Yes.

The Chair: Would you like a recorded vote?

Arpan Khanna: Ask them. They're the ones talking.

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.

An hon. member: On division.

The Chair: It's a yes on division, right?

Arpan Khanna: That's the way it always is. You can't defeat a motion on division.

The Chair: Thank you very much, everybody, for your wonderful co-operation today. This concludes our clause-by-clause study of the bill.

I want to remind everybody that witnesses for Bill C-41 are due. I'll be getting in touch to remind all of you that if you have witnesses, the deadline is this coming Thursday to submit your witnesses for Bill C-41.

With that, the meeting is adjourned.

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