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# Special Joint Committee on the Declaration of Emergency

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Tuesday, April 26, 2022

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Co-Chairs:  
The Honourable Gwen Boniface Mr. Matthew Green Mr. Rhéal Fortin





## Special Joint Committee on the Declaration of Emergency

Tuesday, April 26, 2022

• (1830)

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin (Rivière-du-Nord, BQ)):**  
Good evening, everyone.

Welcome, Minister.

[*English*]

The meeting is called to order.

[*Translation*]

Welcome to meeting number five of the Special Joint Committee on the Declaration of Emergency, created pursuant to the order of the House of Commons of March 2, 2022, and of the Senate on March 3, 2022. Today's meeting is taking place in a hybrid format, pursuant to the House of Commons order of November 25, 2021.

I want to thank in advance all those present in the room for following the recommendations of the public health authorities, as well as the directives of the Board of Internal Economy, to maintain health and safety. Should any technical issues arise, please advise me so we can suspend for a few minutes to ensure that all members are able to participate fully. Witnesses should also be aware that interpretation services are available. Those of you participating virtually can access them by clicking on the globe icon at the bottom of your screen.

The Minister of Public Safety will appear before the committee in the first part of the meeting, and we will have the Minister of Justice and Attorney General of Canada in the second half. I would remind the minister that his representatives will likely be invited to come back at a later date. Consequently, we ask that you to answer the questions yourself as best you can.

Please note that, at the end of the meeting, the committee will discuss future business for its next meeting, which will be held next Tuesday, May 3.

And, with that, I would like to welcome the Minister of Public Safety and his officials. You will have five minutes for your opening remarks.

The floor is yours, Minister.

**Hon. Marco Mendicino (Minister of Public Safety):** Thank you, Mr. Chair.

[*English*]

Thank you, all, for having me here today.

Before I move to my remarks, I would just note that I'm joined by a number of officials, including my deputy minister, Rob Stewart. We have the commissioner of the RCMP, Brenda Lucki. We have the director of CSIS, David Vigneault, and we have from the CBSA, Ted Gallivan.

I am grateful for this committee's work examining the events of last January and February, which led to the invocation of the Emergencies Act. The government's decision was precipitated by a series of unprecedented and simultaneous public order emergencies across the country. The images are seared into our memories. Let us begin by recalling the facts.

At the end of January 2022, members of the so-called “freedom convoy” demanded that all vaccine mandates be revoked, failing which the Governor General should unilaterally remove the Prime Minister from office. Others incited the violent overthrow of the government, with one threatening, “The only way that this is going to be solved is with bullets.” These ideologically extreme goals helped incite thousands to form massive blockades at our borders, legislatures, monuments and here in Ottawa in front of Parliament Hill.

The impacts were devastating. The daily costs to the economy at each of these ports of entry were astronomical. I would highlight that in Windsor, where the Ambassador Bridge is located, we lost about \$390 million a day in trade. Plants were closed. Workers were laid off. The manufacturing sector was stalled.

[*Translation*]

Canada's ability to import essential medical supplies, food and fuel and to deliver them to Canadians was compromised. Our closest friend and ally, the United States, expressed its concerns at the highest levels of government. Here in Ottawa, residents were besieged for weeks on end.

[English]

The Rideau Centre was shut down. Small businesses were shuttered. People could not get to work or take their children to school. Also, 911 here was flooded with calls, putting at risk people in distress requiring first responders' assistance. The seat of the federal government on Wellington Street was completely overrun by blockaders who entrenched themselves with structures and propane tanks, who parked a crane in front of the Prime Minister's Office and Privy Council Office, and who repeatedly intimidated and harassed residents 24-7, making it unbearable and unsafe.

When police repeatedly told the blockaders to go home, using their authorities to keep the peace, they were swarmed and threatened. When media tried to report what was going on, they were pushed and spat at. By any sensible definition this was a massive, illegal occupation in Ottawa for nearly a month.

The government remained engaged with law enforcement throughout to ensure that they had the support and the resources they needed. However, when efforts using existing authorities proved ineffective, the advice we received was to invoke the Emergencies Act. At all times we were guided by a simple principle of limited use. Put simply, when it came to the Emergencies Act we were reluctant to invoke and eager to revoke.

On that note, I want to express my profound gratitude to all members of law enforcement who carried out their responsibilities with restraint and professionalism. They were able to restore public safety with minimal injuries and no loss of life, which takes us to this exercise.

We welcome the committee's insights, not just on what happened but how to ensure that it does not happen again. We should carefully question the utilization of the Emergencies Act. Why? Because such authority should be granted only when it is absolutely necessary and strictly for the purposes of addressing a specific state of emergency.

Colleagues, as parliamentarians we have a sworn duty to uphold the law, for we are a nation of laws. To uphold the principles and values guaranteed by the charter, we must defend freedom of speech, assembly and lawful protest. However, freedom in a democracy never includes the freedom or licence to trample on the rights of others, or small business families hoping to put food on their families' tables or parents attempting to walk their children to school. We should never ever encourage, countenance or be complicit in illegal behaviour, for it is an affront to the administration of justice and the rule of law. Surely on that point we can all be agreed.

I can hardly think of anything more important at this moment in our country's democratic life. I welcome the committee's work and your questions.

• (1835)

[Translation]

Thank you very much.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

We will now begin the first round of questions.

Mr. Motz, go ahead for five minutes.

[English]

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

Thank you, Minister Mendicino, for being here.

I'm always intrigued by the perspective of others when it comes to activities and how those perspectives are different among many of us. My view of what you described is different from yours.

I would ask you a couple of questions, Minister. Do you think Canadians should be able to know why you and your government invoked the Emergencies Act? Right now Canadians simply don't know why.

**Hon. Marco Mendicino:** The short answer is, yes, I do. The exercise that I'm here to engage with you, Mr. Motz, and others, is to ensure that there is transparency as to the reasons and the events that led to the invocation of the act.

We published, if I could just finish one last quick word—

**Mr. Glen Motz:** No, that's perfect. That's all I needed to hear.

**Hon. Marco Mendicino:** I was just going to say we published an essential backgrounder that laid out the reasons for that.

**Mr. Glen Motz:** That's okay. Thank you.

I'm glad you indicated that you want to be transparent with the Canadian public. Based on the stonewalling that's happened in the legal proceedings in court from last week, it would appear as if that may be a position you're taking now as a government. I would hope that if you had good reasons, which you say you did, to invoke the Emergencies Act, you would undertake to share the reasons, and the documents and the information that you relied on as a minister and as government, with the Canadian public. I would hope you would undertake to do that, Minister, for the sake of Canadians.

We're not here for us. We're here for Canadians, to be transparent and accountable to them. Would you undertake to release all the documents to this committee that we can rely on, that you relied on, that your government relied on to invoke the Emergencies Act?

• (1840)

**Hon. Marco Mendicino:** Mr. Motz, I want to assure you that we are here to shine a light on the events that led to the invocation of the act, which included, among other things, blockades at ports of entry that completely disrupted our economy, which laid people off, which shut down businesses, which cost the economy millions and which, frankly, here in Ottawa, laid siege to a community where no one felt safe for weeks. I understand you may have a different perspective, but I would hope that you don't have a different point of view with regard to the facts, and those are the facts.

**Mr. Glen Motz:** I take that as a yes, that you will be undertaking to release all the information you relied upon.

It's interesting that, just yesterday, the media reported that, in fact, the economy was not impacted—as you indicated in your opening remarks—by hundreds of millions of dollars. In fact, trade was up and industry and manufacturing was up 16% in cross-border traffic, contrary to your assertion.

One of the things that was intriguing to me was, during the actual convoy protest here, you retweeted some information that was later shown to be completely false and inaccurate. In your role as Minister of Public Safety, how can Canadians now trust that the information you relied upon to invoke the act in the first place was accurate and appropriately reliable?

**Hon. Marco Mendicino:** I want to draw a bright distinction between aggregate statistics and the real-life impacts and consequences caused by the illegal blockades that occurred in White Rock, B.C., where I visited; in Emerson, Manitoba, where I visited; at the Ambassador Bridge in Windsor, where I visited; and here in Ottawa.

Speak to those Canadians, Mr. Motz. Speak to the small business owners who could not open because of the illegal and violent conduct being undertaken and engaged in by those who were doing it with the specific purpose of disrupting trade and travel. That was unlawful and that was one of the reasons why we invoked the act.

**Mr. Glen Motz:** That's not my question.

My question was very clear. The information you relied on... How can Canadians trust you when you were tweeting out misinformation shown to be false? You were tweeting this out, yet you want Canadians to trust you when you say, "The information that I relied upon to inform cabinet and my own decision on whether or not we should invoke the act in the first place..." How can Canadians trust that, all of a sudden, "take my word for it" is reliable and accurate? Without seeing it, we can't. I certainly don't trust that it's accurate until I see it. Canadians are saying the same thing: Show us.

**Hon. Marco Mendicino:** I'm not sure there's a question there, but I have faith in Canadians' sensibility—

**Mr. Glen Motz:** I'll ask you a question.

In my 35 years of law enforcement experience, I have a built-in BS detector—a built-in lie detector, if you will—and it's dinging. It's dinging big time. The only way it can be satisfied is you undertaking to say, "I will present, to this committee, every unredacted document you should have access to regarding the decisions we

made, to have a look at as a committee, so we can be transparent to Canadians".

**The Joint Chair (Mr. Rhéal Fortin):** I'm sorry, Mr. Motz. Your time is up.

[*Translation*]

**Mr. Arif Virani (Parkdale—High Park, Lib.):** Mr. Chair, I have a point of order.

[*English*]

I think that kind of rhetoric is not parliamentary and not useful. We can certainly agree to disagree without being disagreeable, and talking about things like a BS detector is probably not very parliamentary. I'd ask us all to exercise a bit of discretion.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you for your comment, Mr. Virani.

Thank you for your questions, Mr. Motz.

Yes, I believe we all want to be respectful in our debates. They can obviously become more heated at times, but we will nevertheless try to remain respectful.

Thank you for your remarks, Mr. Motz.

I realize I didn't have a card to signal that time was running out. I just made one to indicate one minute left.

**Hon. Marco Mendicino:** Is that the yellow card or the red one?

**The Joint Chair (Mr. Rhéal Fortin):** It's the one that signals one minute left. I think it's the yellow one. I'll show the other side to signal 30 seconds left.

Thank you.

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

• (1845)

**Ms. Rachel Bendayan (Outremont, Lib.):** Thank you very much, Mr. Chair.

Thanks to the minister for being with us in committee today.

[*English*]

I must say that I find it curious that the Conservatives on this committee are downplaying the economic and reputational impact of the closure—the blockade—of international borders with our largest trading partner, the United States.

Minister, I'll turn to you for a number of questions. There are a number of things I'd like to get on the record, so to the extent that you can, perhaps you can provide succinct responses.

At the time of the invocation of the Emergencies Act by the federal government at 4:30 p.m. eastern on February 14, is it not true that the blockade of our international border in Coutts, Alberta, was ongoing, and that indeed it would only be reopened on February 15?

**Hon. Marco Mendicino:** Thank you, Ms. Bendayan. Yes, to the best of my recollection, that is correct, although I would just emphasize to you and to the other members of the committee that while, at the time of the invocation of the Emergencies Act, we were making some progress with regard to restoring public order, we could not take it as an assurance or a guaranteed outcome.

As I've said in the past, progress was not necessarily linear. The advice we were getting was that law enforcement needed the Emergencies Act to be sure that they could resolve, for example, ambiguities around those who were staying close to ports of entry, which are obviously very critical infrastructure, and to be able to communicate very clearly that they should leave. The Emergencies Act provided that power to them.

**Ms. Rachel Bendayan:** Thank you.

Is the response similar with respect to the blockade at our international border at Emerson, Manitoba, which was also still ongoing at the time of the invocation of the Emergencies Act? In fact, that border would reopen only on February 16.

**Hon. Marco Mendicino:** That is also correct.

As I said earlier to a question from Mr. Motz, I had the chance to visit Emerson and to speak directly with frontline CBSA officers and law enforcement who were there at the time. I know that, again, as you pointed out in your prefacing remarks, some on this committee, even in our chamber in the House of Commons, may have a different perspective on how to characterize this public order emergency. I would encourage them and anyone who doubts to speak with those who were engaged as part of the law enforcement response, and with the Canadians who had to shut their businesses and whose lives were upended.

There is a difference between having an opinion and a perspective and what is fact. What is factually true is that, at the time of the invocation, there were still ports of entry that were being illegally blockaded. That had a huge and devastating impact not only to our economy but to our national security and safety.

**Ms. Rachel Bendayan:** In fact, there was another international border that was still being blocked illegally, and that was in Surrey, British Columbia, at the time of the invocation of the Emergencies Act. That border would reopen only several days later. That is your understanding as well, I believe.

**Hon. Marco Mendicino:** That also is true. Just to add a little bit more detail, I also had the chance to go to the Pacific Highway port of entry, where I once again had the chance to speak with officers who were serving during the illegal blockades. They were there the day that blockaders took an armoured vehicle and rammed it into a barrier for the purposes of disrupting public safety and further interrupting safe travel and trade.

Once again, you can have whatever perspectives you want on debates and policy by this government, but there is no disputing those facts.

**Ms. Rachel Bendayan:** Similarly, we do know that there was an illegal blockade of our Ambassador Bridge at Windsor, Ontario, a border crossing through which, as you know, 400 million dollars' worth of goods travels daily. That border had been reopened only less than 24 hours prior to the invocation of the Emergencies Act,

and in fact there remained a possibility of further blockades at the Ambassador Bridge.

I'd like to take you to, I guess, your ongoing concerns—I think that is a good segue to your concerns—as Minister of Public Safety. Were you concerned at the time of the invocation of the Emergencies Act about our territorial sovereignty and about the security of our international borders—

• (1850)

**The Joint Chair (Mr. Rhéal Fortin):** You have five seconds to go.

**Ms. Rachel Bendayan:** —not only for reasons of trade and commerce, which are extremely important, but also for reasons of the passage of essential goods and services to Canadians?

**The Joint Chair (Mr. Rhéal Fortin):** Madam Bendayan, the time is over.

I don't know if the minister wants to answer—

**Hon. Marco Mendicino:** The answer is yes.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Minister, could you answer the question in 30 seconds?

**Hon. Marco Mendicino:** Thank you for allowing me a little more time.

[*English*]

The answer is, yes, we were concerned at the time. My concerns are ongoing, but we invoked the act because it was the advice of non-partisan professional law enforcement that existing authorities were ineffective at the time to restore public safety at all of the ports of entry you mentioned, Ms. Bendayan. That was why we took the careful and thoughtful step of invoking the act, and it worked.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

It's my turn to ask questions, but I feel somewhat uncomfortable doing so while chairing the meeting. I'll ask Mr. Green to chair the meeting for five minutes so I can ask my questions. Then I'll resume my duties.

[*English*]

**The Joint Chair (Mr. Matthew Green (Hamilton Centre, NDP)):** Thank you very much, Rhéal.

You have five minutes. The floor is yours.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Minister, thank you for being with us today.

I've heard you say two or three times since the meeting began that you received opinions from independent sources suggesting that the Emergencies Act should be invoked.

Were those written opinions?

**Hon. Marco Mendicino:** There was a lot of discussion during the illegal blockade periods.

**The Joint Chair (Mr. Rhéal Fortin):** Pardon me for interrupting, but I'm referring to the period preceding the date on which the Prime Minister invoked the Emergencies Act.

You told us you had received opinions. Were they written opinions?

**Hon. Marco Mendicino:** Mr. Fortin, I'm giving you an answer. There were a lot of discussions and communications between the government and the police forces. There were written communications.

**The Joint Chair (Mr. Rhéal Fortin):** Were any written opinions, legal opinions, submitted to you?

[*English*]

**The Joint Chair (Mr. Matthew Green):** To the best of our ability, please keep all comments through the chair.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Minister, did you receive any written opinions? You can simply answer yes or no.

**Hon. Marco Mendicino:** I believe the context of your question may involve information that's protected by privilege against disclosure.

**The Joint Chair (Mr. Rhéal Fortin):** We have three and a half minutes left, Minister.

I just want to know whether or not you received written opinions before the Emergencies Act was invoked. That's all.

**Hon. Marco Mendicino:** I've already answered that question. There were communications.

**The Joint Chair (Mr. Rhéal Fortin):** Were they written communications?

**Hon. Marco Mendicino:** There was an exchange of information. The answer is yes.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

You say the situation was bad everywhere. According to the declaration, there was an emergency throughout Canada. However, as you know, the report on the consultations conducted with the premiers of the provinces and territories was appended to the declaration. You also know that the act requires that the federal government consult the premiers before declaring an emergency.

However, according to the report appended to the declaration, the Premier of Quebec was opposed to the act's application, arguing that it might be divisive. The Premier of Alberta also opposed the invocation of the act. The Premier of Saskatchewan didn't support the invocation of the act. The Premier of Manitoba wasn't convinced at the time that it was a good idea. The premiers of New Brunswick, Nova Scotia and Prince Edward Island said it wasn't necessary. The premiers of the three territories—Yukon, the Northwest Territories and Nunavut—provided feedback but didn't issue public statements. So that's a total of seven provinces and three territories that apparently didn't think or fear that there was an emergency in their respective jurisdictions. Only three provinces—Ontario, British Columbia and Newfoundland and Labrador—were in favour of the act.

Minister, how could you claim that there was an emergency throughout Canada when, at the time you made that declaration, 7 of the 10 premiers had told you that everything was fine and that they didn't need it? One even told you not to do it, stating that it would be divisive.

In the circumstances, how could you claim there was an emergency throughout the country?

• (1855)

**Hon. Marco Mendicino:** That's a good question, Mr. Fortin.

It's a principle that a consultation process must be conducted before the Emergencies Act is invoked. We abided by that principle by having several conversations with our provincial and territorial counterparts. It was an ongoing process. It wasn't just conducted before the Emergencies Act was invoked; it continued through its implementation.

We acted in good faith, consistent with our relations with all the provinces and territories. The act was invoked because there was an emergency at the time. We therefore created the conditions necessary to restore public safety.

**The Joint Chair (Mr. Rhéal Fortin):** I have 10 seconds left, Minister.

I repeat that your report, which isn't mine but rather that of the government, suggests to us that everything was fine in 7 of the 10 provinces. I'm somewhat surprised.

Thank you. My time is up.

[*English*]

**The Joint Chair (Mr. Matthew Green):** Thank you, Mr. Chair. I'm happy to give you back the seat.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Mr. Green.

Mr. Green, go ahead for five minutes.

[*English*]

**The Joint Chair (Mr. Matthew Green):** Honourable Minister, would you agree that in invoking this declaration every single word within the declaration would have a specific meaning?

**Hon. Marco Mendicino:** Yes.

**The Joint Chair (Mr. Matthew Green):** Would you agree that, in this case, in the very legal, probably the most extreme legal piece of legislation we have, every word matters.

**Hon. Marco Mendicino:** Yes, I do.

**The Joint Chair (Mr. Matthew Green):** The proclamation declaring a public order emergency, made on February 14, specified that the public order emergency constituted of:

- i. the continuing blockades by both persons and motor vehicles that is occurring at various locations throughout Canada—

With emphasis, I will add:

—the continuing threats to oppose measures to remove the blockades, including by force, which blockades are being carried on in conjunction with activities that are directed toward or in support of the threat or use of...serious violence against persons or property, including critical infrastructure, for the purpose of achieving a political or ideological objective within Canada,

Through you, Mr. Chair, to the honourable minister, I want to reference section 83.01 of the Criminal Code, which defines “terrorism” as an act committed “in whole or in part for a political, religious or ideological purpose, objective or cause”.

Given that criminal definition, would you agree, given the language that you used in the proclamation, that this was considered a terrorist threat?

**Hon. Marco Mendicino:** I would agree that this section is imported into the test for the invocation of the act, as you have referenced. You're right. We were very attentive to the precise language and legal test that was required to invoke the act.

One reason that I said in my introductory remarks, Mr. Green, that the so-called “freedom convoy” began the way that it did was to be sure that all members and all Canadians were aware of part of what incited the assembly and the amassing of large numbers of people, in the thousands, at official ports of entry, in our communities, in our neighbourhoods, and here, even at the seat of the federal government.

**The Joint Chair (Mr. Matthew Green):** Through you, Mr. Chair, I also heard reference to a violent overthrow. The honourable minister used the term “ideologically extreme goals”, yet in the declaration itself there seems to be an overemphasis on the blockades and the impacts on the economic good. I think we, around the table, can all agree that we have a responsibility for Canadians to know the seriousness of this threat, one of which Commissioner Thomas Carrique of the OPP, in testimony before the public safety committee, talked about how, on January 13, the OPP intelligence reporting saw these as high-risk critical events.

In fact, I'll reference number five of the proclamation, which talked about “the potential for an increase in the level of unrest and violence that would further threaten the safety and security of Canadians.”

Understanding those two points, Mr. Chair, and through you to the honourable minister, noting that threats to security for the purpose of the public emergency order are defined as meanings assigned to section 2 of the Canadian Security Intelligence Service Act, I would like to know what considerations you were briefed on, given the threat to national security, that were provided both by the OPP, and as I'm to understand, ITAC, in the weeks leading up to the procession and the eventual occupation of Ottawa.

• (1900)

**Hon. Marco Mendicino:** Of course I want to be respectful to the sensitivity of intelligence reports that were given to the government. I do know, Mr. Green, that there is, I believe, a motion before this committee to determine the level of access to that information. I encourage you to undertake those deliberations—

**The Joint Chair (Mr. Matthew Green):** If I could, I want to be specific here. What is the factual basis for the objective elements that were considered when you were looking to perhaps rescue charter breaches under section 1? You talked about facts over opin-

ion. I'd like to know the factual basis for which those elements, the six points for temporary measures, were dealt with.

**Hon. Marco Mendicino:** I want to be sure I understand your question. I'll try to answer it. If I'm off-track then you'll let me know.

One feature of the Emergencies Act, unlike its predecessor the War Measures Act, was that it ensured that any measures that were included—

**The Joint Chair (Mr. Matthew Green):** Thank you. This is not the direction that I wanted to go in. What I'm looking for, sir, is that there were six elements, six types of temporary measures. I would be assured that the government would have gone through a charter breach analysis, would it have not?

**Hon. Marco Mendicino:** We wanted to be sure—

**The Joint Chair (Mr. Matthew Green):** Would you be willing to share with this committee the factual basis for which you have objectively and—

**The Joint Chair (Mr. Rhéal Fortin):** Your time is over.

**The Joint Chair (Mr. Matthew Green):** Yes or no, would the minister be willing to share the factual basis for the charter breach analysis?

**Hon. Marco Mendicino:** I would assure you and all colleagues, we want to be transparent, but what I was getting to was that the measures we included in the Emergencies Act were compliant with the charter. That is a requirement of the Emergencies Act.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

I now give the floor to Senator Boniface for five minutes.

[*English*]

**The Joint Chair (Hon. Gwen Boniface (Senator, Ontario, ISG):** Thank you very much.

Thank you, Minister, for being here.

I'd like to zero in somewhat in following up on the chair's question around the jurisdictional issues in policing. We're a convoluted country when it comes to policing, as we saw. We have the Ottawa police—I'm going to focus on Ottawa in this question—and the RCMP obviously serving some aspects here on Parliament Hill in different capacities. Since jurisdiction for policing falls on the Province of Ontario, which I'm quite familiar with, the province has a role to play in the process.

In this situation, where both the city and Ontario declared emergencies and, I assume, therefore came to the federal level asking for assistance, did you go behind the declaration of emergency at the city and provincial levels to see whether or not they had exhausted their own authorities?



**Hon. Marco Mendicino:** I want to come to that, but before I do, I really want to acknowledge.... The premise of your question is I hope going to be studied very carefully by this committee, namely, how different branches of law enforcement are able to co-operate and how different jurisdictions are triggered and implicated, including here in the capital.

Having spent some time now here, along with all of you in this city, I am aware, as you all are—very painfully so—that Wellington Street is under the jurisdiction of the Ottawa Police Service, and that did, if I am to be very candid, present some challenges for all law enforcement in the response in the early days and into the period after that of the illegal blockade. I do hope...and I embrace this committee's work on how we're able to navigate that jurisdictional terrain, particularly here in the parliamentary precinct.

As we took our decision in what we could do to respond, we were following the advice of various levels of law enforcement, including the RCMP and the commissioners on the line, but we wanted to be sure at bottom that we were giving law enforcement all of the tools and the resources that they needed to respond.

It was only after that period of time when existing authorities—and there are existing authorities on the books and we're all very aware of that—were ineffective at restoring public safety. That is perhaps another area that we encourage this committee to study very carefully, and we embrace this as a healthy exercise.

• (1905)

**The Joint Chair (Hon. Gwen Boniface):** I appreciate with Wellington.... The question I'm trying to get to is how the layers of an emergency order at the city, then the province—it's very unusual for a province to declare the emergency, given they have a provincial police service and their capacity to be able to assist the city, as policing falls, as you know, under the province—and then layering in the federal role....

The question I was trying to get to is this: Did you take at face value that they had exhausted their resources and their capacity to be able to do something at the provincial level to bring in the federal assistance?

**Hon. Marco Mendicino:** I would say that certainly we were aware of the fact that the province had invoked its own provincial equivalent emergencies legislation. It occurred before we invoked the federal Emergencies Act.

Without question, that would have been something that would have been on the minds of those of us who had to take the decision, but I would circle back to what I think you began with, which is a very important question. That is that you're right that, in Ottawa, it is the Ottawa Police Service that has the local jurisdiction, including on Wellington Street, to ensure public safety, but how that intersects with the Ontario Provincial Police when they have exhausted their local resources to respond, and then if the provincial police are unable to restore public safety on their own, how other branches of law enforcement are implicated, including the RCMP, is a very important question.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** I apologize for interrupting, Minister, but your time is up.

**Hon. Marco Mendicino:** Thank you very much.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you very much, Ms. Boniface.

Senator Carignan now has the floor.

**Hon. Claude Carignan (Senator, Quebec (Mille Isles), C):** Thank you, Mr. Chair.

Minister, I'm still trying to understand how you invoked the Emergencies Act. You seem to be convinced of what you say, but I think you're having us on.

Here's my first question.

Are you familiar with section 134.1 of Ontario's Highway Traffic Act? Has it been brought to your attention?

[*English*]

**Hon. Marco Mendicino:** Not at my fingertips. I'm familiar with the Highway Traffic Act, as I think we all are.

[*Translation*]

**Hon. Claude Carignan:** Has anyone in your office, an adviser perhaps, mentioned section 134.1 of Ontario's Highway Traffic Act?

**Hon. Marco Mendicino:** I know, just as everyone knows, that there are laws granting police forces powers to ensure and restore public safety. I can assure you those powers were ineffective in restoring public safety in the situation in question. That's why we decided to invoke the Emergencies Act. You should've seen the situation on Wellington Street and at the border. The act wasn't invoked based solely on the government's opinion.

**Hon. Claude Carignan:** The blockade at the Ambassador Bridge was cleared before you invoked the Emergencies Act. That wasn't the first blockade of a train or highway in Canada. We've always managed to clear blockades using injunctions and measures taken by municipalities, provinces and the federal government. The army was called in to resolve the situation during the Oka crisis.

Why was it necessary to invoke the Emergencies Act in order to remove the vehicles from Wellington Street? That situation still leaves me speechless.

• (1910)

**Hon. Marco Mendicino:** With all due respect, I'd say the emergency in late January and through February was unprecedented because all the blockades occurred at the same time. We'd never seen that degree of disruption on Ottawa streets.

**Hon. Claude Carignan:** I agree with that. People organized a barbecue in the middle of the street and even installed a hot tub.

However, under section 134.1 of Ontario's Highway Traffic Act, a police officer may order the removal of a vehicle that's blocking traffic. Couldn't one of the many police officers there try to order the removal of a vehicle or bring in a tow truck to do it, as had already been done? Absolutely nothing was done under the Emergencies Act that police officers couldn't have done before it was invoked.

Do you agree with me?

**Hon. Marco Mendicino:** Yes, we have Ontario's Highway Traffic Act, but it wasn't effective in the circumstances. One of the problems was that no tow trucks were available.

[*English*]

We were not able to secure the tow trucks. There were threats. There were interruptions at the time. That was one piece of advice we were getting at the time.

[*Translation*]

**Hon. Claude Carignan:** Minister, I found tow trucks for sale in Auto Hebdo magazine. You could have bought some and had the trucks removed yourselves without invoking the Emergencies Act. Ontario's Highway Traffic Act gives police officers authority to enter a vehicle, take its keys and have it towed and moved somewhere else. You didn't need the Emergencies Act to do it. If towing was your problem, you should've used the army's tow trucks or bought your own. You didn't need to invoke the Emergencies Act in order to remove vehicles. It made no sense.

**Hon. Marco Mendicino:** Senator, I would point out once again that the police tried but couldn't do it. That's why we decided to invoke the Emergencies Act.

**The Joint Chair (Mr. Rhéal Fortin):** Your speaking time is up.

Thank you, Minister.

Thank you, Mr. Carignan.

I now give the floor to Senator Harder.

**Hon. Peter Harder:** Thank you, Mr. Chair.

[*English*]

Welcome, Minister.

I want to pursue a little bit of the questioning of Senator Boniface.

I'm a senator from Ottawa, as you might know. My question is this: What took you so long?

Why did it take three weeks of the disruption that was visited on Ottawa? I respect that you had the others on the border, but I want to talk about Ottawa. Why did it take three weeks for you to act?

**Hon. Marco Mendicino:** That is a totally fair question.

I assure you that, as we embark on this review, we are thinking very much about the amount of time it took to transition from the local police of jurisdiction to the provincial police, who are there to backstop where local police don't have the resources that they need.

I also want to remind and underline that, notwithstanding the absence of there being a law that explains exactly how we move from

local-provincial to federal, the RCMP were consistently offering additional personnel, tools and resources to support the local police of jurisdiction to try to deal with the blockades.

The other thing I would say, Senator, is that an important principle to recall is that, as a matter of day-to-day operation, you do not want elected officials stepping into the space of the police. It is well established that we write the laws as parliamentarians and we expect that our police enforce those laws.

**Hon. Peter Harder:** The community, though, also expects the elected officials—municipal, provincial and federal—to act with greater alacrity than three weeks in the face of the situation we had.

In your earlier testimony, you said, “the advice we received was to invoke the Emergencies Act.”

From whom did you receive that advice? I don't need names, but are you saying all levels of government? Are you saying only police but also political jurisdictions that have a responsibility to advise? I'd like you to elaborate on that so that we can be assured in Ottawa at least that you weren't just waiting around for the opportunity.

● (1915)

**Hon. Marco Mendicino:** No, I assure you, we were not. There was a community of different partners within the public safety and national security apparatus, as well as the consultations that we were undertaking with different levels of government, including those that were directly impacted by the illegal blockades across the country. There was a very robust discussion.

The other thing I would offer as context—and I realize how difficult it was, certainly at the time, for those who live in Ottawa in particular—is that, because this was the first time we were invoking the Emergencies Act, we went to great pains to get it right. In retrospect, I do think that the entire episode and the saga does expose a number of questions, which have been raised by colleagues at this table, around interjurisdictional co-operation and how reinforcements are sent.

It is my hope that, at the end of this process, all of the members of this committee will be able to offer your best advice and your best recommendations, having regard to the challenges that we encountered.

**Hon. Peter Harder:** I'd just like to ask one quick question. Can I infer from your response that all jurisdictions necessary—provincial, municipal and federal—were coordinated in their advice to invoke the act?

**Hon. Marco Mendicino:** I would say that there was a very strong consensus that we needed to invoke. I would again offer that the Canadian Association of Chiefs of Police, the Ontario association, the Canadian association.... Law enforcement was very strong in its—

**Hon. Peter Harder:** What caused this, short of unanimity, to make a consensus? Who wasn't...?

**Hon. Marco Mendicino:** I don't want to speak for every last serving member of law enforcement, but there was a very strong consensus that we needed to invoke the act.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Your speaking time is up.

Thank you, Minister.

Thank you, Senator Harder.

I now give the floor to Senator Campbell for five minutes.

[*English*]

**Hon. Larry W. Campbell (Senator, British Columbia, CSG):** Thank you, Chair.

Thank you to the witnesses for being here.

Chair, can I address this to Commissioner Lucki, or is she coming later on?

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** You can ask Ms. Lucki. She's online.

[*English*]

**Hon. Larry W. Campbell:** Thank you very much.

Commissioner Lucki, thank you for being here.

Can you tell us on what date the RCMP became a seated member of the management team dealing with the Ottawa lockdown?

**Commissioner Brenda Lucki (Commissioner, Royal Canadian Mounted Police):** Right from the beginning of the protest we had a role to play. In the initial instances, we had our own mandate of protecting Parliament, parliamentarians and the Senate. We had a national capital region command centre that included Ottawa Police Service, OPP and other police of jurisdiction. We also had a joint intelligence group, where we worked together throughout the protest.

Then, when it came to enforcement actions just prior to that weekend of enforcement, we had created a planning cell, a joint planning cell, with an integrated command centre specifically for the enforcement. We were helping them throughout with frontline policing duties as well as with other specialized resources.

**Hon. Larry W. Campbell:** Was it from the very beginning that you were at the table?

**Commr Brenda Lucki:** Yes.

**Hon. Larry W. Campbell:** Can you advise us of what actions the RCMP took in relation to security on the Hill as the agency responsible for the management of PPS?

**Commr Brenda Lucki:** First and foremost, we ensured that Parliament Hill did not give access to any types of vehicles and protesters. For the parliamentarians themselves, we provided a service. When things started to get tense, we determined that the threat was higher for parliamentarians walking to and from Parliament. We provided a staging area that allowed for parliamentarians to

meet, if they so wished, to get driven to Parliament. We also provided additional security for the Senate.

The last thing we did was in regard to how, when we were getting into more kinetic enforcement actions, we closed Parliament for one day to ensure that there were no people coming back and forth. As I said earlier, we were also part of the national capital region command centre, providing assistance with various resources.

● (1920)

**Hon. Larry W. Campbell:** Thank you, Chair.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you.

I now give the floor to Mr. Brock for four minutes.

[*English*]

**Mr. Larry Brock (Brantford—Brant, CPC):** Thank you, Mr. Chair.

Thank you, Minister, for your attendance today.

I would like to start off by questioning Ms. Lucki, Commissioner of the RCMP.

Ms. Lucki, do you acknowledge and agree that the RCMP is independent of the federal government and is free to investigate without influence?

**Commr Brenda Lucki:** Yes.

**Mr. Larry Brock:** Has the RCMP ever been influenced and/or deterred by the federal government to investigate a criminal matter?

**Commr Brenda Lucki:** Not to my knowledge.

**Mr. Larry Brock:** Is the RCMP free from any influence or direction by the federal government to lay a criminal charge?

**Commr Brenda Lucki:** Absolutely.

**Mr. Larry Brock:** If the subject matter of an investigation is the Prime Minister himself, are you concerned about any government interference or reprisal?

**Commr Brenda Lucki:** No.

**Mr. Arif Virani:** Can I ask, on a point of order, Mr. Fortin, what the relevance of this line of questioning is? I think you're extending a large degree of latitude. I have yet to see any relevance—

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** I find it hard to see the relevance of these questions. If I feel they aren't relevant, I'll adopt your view, but I think we can let Mr. Brock continue for the moment.

[English]

**Mr. Arif Virani:** We're looking at the necessity of the measures that were undertaken pursuant to the scope motion that Mr. Brock himself voted for, and that's with respect to the enforcement measures taken under the Emergencies Act.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I suggest we listen to Mr. Brock explain why he has chosen to direct his questions in this way.

I imagine they're related, Mr. Brock.

[English]

**Mr. Larry Brock:** I have two more questions.

Ms. Lucki, are you aware that today in the House during question period, the Prime Minister admitted that he did not give himself permission to accept a free vacation from a federal lobbyist?

**Mr. Arif Virani:** That's completely irrelevant.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Brock, I'm going to have to agree with Mr. Virani. Unless you have an explanation for me, I don't think your question directly relates to the study we're conducting on the emergency declaration.

[English]

**Mr. Larry Brock:** With respect, Mr. Chair, and to my colleague from the Liberal government who raised the point of order, I respectfully disagree.

The Prime Minister is the head of government. The Prime Minister was the lead voice in the invocation of the Emergencies Act. He is now under a cloud of suspicion with respect to the offence of fraud. Fraud is an offence of dishonesty. Dishonesty involves the matter of integrity and character, and Canadians have a right—

**Mr. Arif Virani:** I think Mr. Brock has made his point, and you've made a ruling—

**Mr. Larry Brock:** I have the floor right now and I'd like to continue my response, thank you.

**Mr. Arif Virani:** Monsieur Fortin, you've made a ruling. If we need to vote to endorse that ruling, I'm happy to call a vote.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I want us to let Mr. Brock explain.

I just said I don't think Mr. Brock's remarks are relevant. However, he'd like to present his arguments and try to convince us otherwise. I was listening to him, but so far he hasn't changed my mind. I'm nevertheless going to let him explain himself.

Mr. Brock, have you finished your explanation?

[English]

**Mr. Larry Brock:** No, I had one final point.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** All right.

[English]

**Mr. Larry Brock:** On the issue of integrity, character and honesty, Canadians have a right to know whether or not our head of government has been compromised because of his involvement in this particular matter. Therefore, there has been an erosion of trust in the federal government with respect to the invocation of this act.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Pardon me, Mr. Brock, but I maintain my decision that this series of questions is not directly related to the matter before us.

You nevertheless have two and a half minutes left. Please continue...

• (1925)

**Ms. Rachel Bendayan:** Mr. Chair, I believe his speaking time is up.

**The Joint Chair (Mr. Rhéal Fortin):** I stopped the clock during the argument over Mr. Virani's objection. There were exactly 2 minutes and 42 seconds left. I'm going to let Mr. Brock continue provided he doesn't go off topic. The matter of an accusation of fraud against the Prime Minister may be relevant in the House but not in our committee.

Thank you, Mr. Brock.

[English]

**Mr. Larry Brock:** Thank you.

Now I'll move on to you, Minister. I'm not going to accuse you of anything.

Minister, with the time I have available, I'll try to get a couple of questions in. You would agree with me that the government was not caught by surprise by the arrival of—your words—“the so-called 'freedom convoy'”. In fact, it had been heavily publicized in social media. The organizers of the convoy took appropriate steps to liaise with the Ottawa Police Service, the parliamentary precinct service, the mayor and city council to announce their arrival. They were given permission to park on Wellington and adjacent streets.

You would agree with me that it started as a peaceful protest. Protests are so vigorously protected by our charter in paragraph 2(c), the freedom of assembly. Our democracy gives Canadians the right to voice their opinion with respect to any government policy. What started off as a peaceful protest became an illegal protest, in the words of the government.

The focus on my question is this: What were the circumstances that caused the federal government to determine that what existed outside of West Block constituted an illegal protest, and at what point in time did they happen?

**Hon. Marco Mendicino:** I would disagree with you, Mr. Brock, on a number of the premises underlying your question.

First, from the outset, as I stated in my introductory remarks, the frame of leadership of this so-called “freedom convoy” called for the overthrow of the government. They called for the Governor General to unilaterally remove the Prime Minister from office if—

**Mr. Larry Brock:** Let me stop you right there.

**Hon. Marco Mendicino:** I want to underline that I disagree.

**Mr. Larry Brock:** That's fair.

Let me stop you right there, because that was the second line of questioning. We all know that there is a legal threshold before the invocation of the act was warranted. You and several other senior ministers, as well as the Prime Minister, deemed this to be a threat to public safety. Quite often you would refer in the House to the memorandum of understanding or the manifesto. You'd agree with me, sir, that there was no language in the manifesto—

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Pardon me for interrupting, Mr. Brock, but your speaking time is up.

I now give the floor to Mr. Naqvi for four minutes.

[*English*]

**Mr. Yasir Naqvi (Ottawa Centre, Lib.):** Thank you very much, Chair.

Minister, thank you for being here. Let me ask you a couple of questions just to get some foundational things out of the way.

As the Minister of Public Safety, do you have the authority to give police instructions on operational matters?

**Hon. Marco Mendicino:** As a matter of general principle, no, we do not.

**Mr. Yasir Naqvi:** Do you have the authority to instruct police on use of force matters?

**Hon. Marco Mendicino:** No, we do not.

**Mr. Yasir Naqvi:** Are you aware of that authority being extended to any elected representatives at any order of government in Canada?

**Hon. Marco Mendicino:** No.

**Mr. Yasir Naqvi:** Thank you.

I want to speak about what was happening in Ottawa. I am from Ottawa, so it's close to my heart.

You'll recall that a big part of downtown Ottawa was completely shut down with hundreds of big rigs, trucks, vans and cars blockading streets.

**Hon. Marco Mendicino:** Of course I do. I am a resident of Ottawa from Sunday night until Friday evening all sitting weeks.

**Mr. Yasir Naqvi:** That lasted for about 24 days.

**Hon. Marco Mendicino:** Yes.

**Mr. Yasir Naqvi:** You'll also recall there was noise, honking at all hours, until private citizens sought an injunction and stopped it temporarily.

• (1930)

**Hon. Marco Mendicino:** Yes. That was the tip of the iceberg, but yes.

**Mr. Yasir Naqvi:** Do you also recall reports of fireworks being set off in the middle of the night on downtown streets where people live?

**Hon. Marco Mendicino:** Yes, and worse.

**Mr. Yasir Naqvi:** Do you recall a general atmosphere of partying mixed with the use of alcohol, and harassment and intimidation towards the residents of downtown Ottawa?

**Hon. Marco Mendicino:** Mr. Naqvi, I think we were all, those of us who were here, generally aware of the boisterous atmosphere, but it was far worse and criminal. That's one reason that hundreds of charges were laid—again, decisions taken independently by police.

**Mr. Yasir Naqvi:** Minister, did you get the sense at the time when you were getting all the briefings and you were engaged in conversations, and being here yourself, that there was a sense of breakdown in public trust as to how the occupation would come to an end in the case of Ottawa?

**Hon. Marco Mendicino:** I would think, Mr. Naqvi, that during that time I was aware that there was a high degree of anxiety, concern, frustration and anger, which, regrettably, was justified in the circumstances. When residents can't get to work, when they can't take their children to school, when seniors can't get around because public transportation can't get to them, when people who live in apartment buildings find that their front doors are locked and that fires are set in the hallways, in corridors, it is—

**Mr. Glen Motz:** I have a point of order, Mr. Chair.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** One moment, please, Minister.

Go ahead, Mr. Motz.

[*English*]

**Mr. Glen Motz:** That statement right there has been proven false by the Ottawa Police Service. There is no connection to the protesters whatsoever. For the minister to suggest that is absolutely unacceptable at this committee.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** I think the witness may answer the question.

It may be frustrating if the answer isn't relevant, Mr. Motz, but I don't think his answer is illegal. Questions must be relevant.

I will therefore allow the minister to continue answering.

Incidentally, you have 50 seconds left.

[*English*]

**Hon. Marco Mendicino:** All of this is to say, yes, Mr. Naqvi, there was definitely a lot of anger and frustration.

**Mr. Yasir Naqvi:** That was the foundation. That was the basis upon which you had to make certain decisions as to how to bring an end to this illegal occupation. Were you getting advice as to what tools police may have needed to finally bring an end to that 24-day occupation?

**Hon. Marco Mendicino:** Yes, of course.

**Mr. Yasir Naqvi:** That led to the circumstances of various measures that you outlined in the Emergencies Act order.

**Hon. Marco Mendicino:** As I've said on a number of occasions, the principal reason we invoked was that the existing authorities that were on the books—we've heard references to different statutes, the Highway Traffic Act, the Criminal Code—all have provisions, but for a variety of reasons, mostly dealing with the unprecedented and sustained nature of the illegal occupation in Ottawa, we took the decision to invoke.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Your time is up, Minister.

Thank you, Minister and Mr. Naqvi

Now it's my turn to speak as a Bloc Québécois member. I therefore ask my colleague Mr. Green to chair the meeting.

[*English*]

**The Joint Chair (Mr. Matthew Green):** Could I, just before you begin, have a reminder on the minutes? How long is the duration of this round?

**The Joint Chair (Mr. Rhéal Fortin):** It's three minutes.

[*Translation*]

**The Joint Chair (Mr. Matthew Green):** Thank you.

[*English*]

The floor is yours for three minutes.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Mr. Chair.

Minister, I listened to your testimony, and I have to admit you don't reassure me at all.

If my understanding is correct, you may not instruct any police officer or authority to prevent these kinds of incidents from reoccurring. You say you were aware of this from the start, since you live in Ottawa. You heard the noise of the horns and saw the roadblocks. You're the Minister of Public Safety, but you say you couldn't do anything and didn't have the necessary authority to do anything. And clearly, for a reason I'm still unaware of, but which I hope we'll uncover before we complete our work, the police felt they couldn't act either.

Based on your testimony, anyone could park his car anywhere in Ottawa tomorrow morning. A lot of truck drivers could do the same, and people could install hot tubs and barbecues wherever they please. Our reaction would be to sit back and wait a few weeks until we ultimately announce we're invoking the Emergencies Act.

Is that really your testimony, Minister?

**Hon. Marco Mendicino:** No, that's not my testimony at all.

The government took specific measures from the very start of the blockade. For example, we added manpower on the ground in co-operation with the RCMP. We stayed in contact with the City of Ottawa.

We added manpower across Canada, at the border and in the communities, such as Windsor. The RCMP had three facilities to assist the Ottawa Police Service. Even before...

• (1935)

**The Joint Chair (Mr. Rhéal Fortin):** Minister, the Windsor situation was resolved before the state of emergency was declared.

**Hon. Marco Mendicino:** That's correct.

**The Joint Chair (Mr. Rhéal Fortin):** I'm talking about Wellington Street, in Ottawa.

What I'm telling you is that there was a blockade here, and from what you tell us, you witnessed it. That blockade was so serious that you ultimately invoked the Emergencies Act, which I think was unnecessary. That's my opinion. We'll see how this develops.

The fact nevertheless remains that today you're confirming there was nothing else you could do. As Senator Carignan told us, roads can be cleared under Ontario's Highway Traffic Act. Although that seems obvious, everybody I talk to tells me it's normal for police officers...

No one understands how a situation like that could continue and drag on without end. At this point, with all due respect, Minister, it looks to everyone like an unacceptably lax and even irresponsible performance.

Would you please explain it for us?

[*English*]

**The Joint Chair (Mr. Matthew Green):** Be brief, please, Mr. Minister.

[*Translation*]

**Hon. Marco Mendicino:** First of all, the Province of Ontario invoked its own act, the Emergency Management and Civil Protection Act.

Second, the province made that decision before the federal act was invoked. What I was saying is that we introduced a number of measures to assist Ottawa police before invoking the Emergencies Act.

**The Joint Chair (Mr. Rhéal Fortin):** I'd like to keep asking you questions, but my time is up.

I will therefore resume my role as chair.

[English]

**The Joint Chair (Mr. Matthew Green):** No, I allowed some latitude for him to finish answering the question.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Green, you have the floor for three minutes.

[English]

**The Joint Chair (Mr. Matthew Green):** Thank you very much.

I'm going to go back to some of the definitions. You'll note that in the definition of a national emergency, underneath paragraph 3(a) and (b) there's an "and" clause that reads, "and that cannot be effectively dealt with under any other law of Canada."

We've heard today that expert advisers advised the government that it did not have sufficient authorities, yet there's been pretty wide reporting on perhaps there being insufficient will on the part of our public safety police.

I note that among the reasons given for the public order emergency was that convoy supporters, formerly employed in law enforcement and the military, had appeared alongside organizers and may have been providing them with logistical and security advice, which posed operational challenges. This is noted. I ask that because in section five, where it is about the potential for an increased level of unrest and violence, it is noted that there were individuals who support ideologically motivated violent extremism. This is a very serious issue to me in this particular case.

My question, through you to the honourable minister, is this. In noting that there were members of ideologically motivated violent extremist groups, and that convoy supporters had formerly employed law enforcement and military people within the organizational capacity of the occupation, would the minister agree that there could be, and evidence of, ideologically motivated elements within our law enforcement and the military?

**Hon. Marco Mendicino:** I would begin by pointing out that first, with regard to the threat, as I mentioned during my introduction there was a rhetoric that was ideologically motivated and that led to—

**The Joint Chair (Mr. Matthew Green):** Mr. Chair, with specificity, through you, respectfully, to the minister, we have people who are coming from the Prime Minister's security detail, Joint Task Force 2 members, and none of this, by the way, captured within the declaration. I'm going to put my final question through you, Mr. Chair, to Director Vigneault from CSIS.

Did CSIS at any time provide the government with information that would have met the threshold outlined in section 2 of the CSIS Act?

• (1940)

[Translation]

**Mr. David Vigneault (Director, Canadian Security Intelligence Service):** Thank you, Mr. Chair.

[English]

Thank you, Mr. Green, for your question.

I would say that part of the Emergencies Act refers to the CSIS definition of violence, of terrorism, but the information from CSIS is but one of the elements that the Governor in Council would consider to make its assessment.

CSIS has been involved throughout the demonstrations and the protests to carry out our mandate and we have been providing advice to the government—

**The Joint Chair (Mr. Matthew Green):** Is it yes or no?

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Your time is up, Mr. Green.

[English]

**The Joint Chair (Mr. Matthew Green):** Did CSIS provide evidence to the ministry that met the threshold of section 2 under the CSIS Act, yes or no?

**Mr. David Vigneault:** I cannot respond with yes or no, Mr. Green. I just have to say that we have provided information to the Governor in Council.

Thank you.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you. The time is unfortunately over. I feel I'm being rude interrupting you, but those are the rules.

Senator Carignan has the floor for three minutes.

**Hon. Claude Carignan:** Thank you.

This will be easy, Minister. I'm going to ask you a question that MP Alistair MacGregor put to you at the meeting of the Standing Committee on Public Safety and National Security on February 25 of this year. I'm going to ask you exactly the same question, which you didn't answer at that time:

...Minister, before February 14, did you or the Prime Minister receive any requests from the Conservative Government of Ontario and Premier Doug Ford, to invoke the federal Emergencies Act?

That's a question you can answer with a yes or a no.

**Hon. Marco Mendicino:** Senator, I contacted the Premier of Ontario to discuss the situation on the ground in Ottawa and across Ontario. I'm not the only government member who contacted the Premier of Ontario. I even spoke with my counterpart, Minister Jones, the Solicitor General of Ontario. So there were very instructive conversations to...

**Hon. Claude Carignan:** You aren't answering my question.

I want to know if they told you they couldn't take it any more and had neither the resources nor the authority to cope with the situation, and if they asked you to save them by invoking the Emergencies Act.

Did anyone request that, yes or no?

**Hon. Marco Mendicino:** Senator, I assure you there was a lot of cooperation between the Province of Ontario and the federal government to ensure we restored public safety in our communities.

**Hon. Claude Carignan:** If I understand you correctly, the answer is no.

**Hon. Marco Mendicino:** We cooperated extensively with the Province of Ontario before and even after invoking the Emergencies Act.

**Hon. Claude Carignan:** You can try to squeeze water from a stone, but you have to keep hitting it.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Mr. Carignan.

Senator Boniface has the floor for three minutes.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

I'm going to come back to the jurisdictional issues, because I want to have it very clear in my mind on two fronts: first from the blockades here in Ottawa from the time it went from a legal occupation to an illegal one, or from a protest to an occupation—in an illegal sense—and then, second, and perhaps the commissioner or someone else may be able to give more details, on the question of the role of the province.

I appreciate the collaboration that you refer to, although I remember reading—and this may have been reported inaccurately—that the minister for public safety in Ontario wasn't present at some of the meetings that took place when these discussions were taking place. I assume from this that it meant there was nobody from the province showing up for those. I'd just like to confirm that was an accurate reporting—number one.

Then the number two point really is, when you move at least from an observation perspective of a protest to an illegal occupation, when that threshold moves, how did that change in terms of resources required or asked for at the city and provincial levels?

**Hon. Marco Mendicino:** In the first instance, I want to assure you and all members that there was good communication with the Province of Ontario, including my counterpart, Minister Jones, during the blockades.

We wanted to make sure that we were staying in contact so that we could support our respective efforts to provide law enforcement with whatever additional tools they needed on the ground, specifically the Ottawa Police Service, who, as you heard throughout and earlier in my testimony, were overwhelmed at times and significantly so as a result of the large number of individuals who were participating in the occupation in Ottawa. There was good collaboration there.

I would say, in terms of the second part of your question around the pivotal moments, we were listening very carefully and watching very closely how public safety was deteriorating and eroding as a result of the surge in individuals who came to Parliament Hill.

It became very clear that they were not going to leave. They began to put up fixtures. They began to become firmly entrenched, not only on Wellington Street but—

• (1945)

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister and Senator. I'm sorry, but your time is up.

[English]

**Hon. Marco Mendicino:** Certainly those were the factors we were looking at.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Since we have some 10 or 12 minutes left, I suggest we continue in the order of the first round but allot one minute per speaker instead of five. That way we can use all the time the minister has made available to us.

As that seems to suit everyone, I give the floor to the first speaker, the Conservative Party representative, Mr. Motz.

Mr. Motz, you have the floor for one minute.

[English]

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

Minister, the Prime Minister said that the Emergencies Act was geographically targeted, yet the wording in there is for all of Canada. I think the wording is “throughout Canada” in the regulation. I think everybody would agree that's how it was applied. It was throughout Canada as the Emergencies Act.

It makes me wonder. In that circumstance, the public order was made on February 14. The declaration was made, and then on February 16, we had the Coastal GasLink violent attack. An Order Paper question that came through yesterday indicted that the incident met the threshold as defined in the emergency measures regulations. I'm curious to know why the government did not respond to that violent attack using the Emergencies Act as opposed to the—

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Your time is up, Mr. Motz.

The minister could answer with a yes or a no.

[English]

**Hon. Marco Mendicino:** It's a different event, and I'm not—

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

Mr. Virani, you have one minute.

[English]

**Mr. Arif Virani:** Thank you, Minister.

Just answer yes or no, please. It's true that the Alberta government put in a written request for assistance at Coutts. Is it not?

**Hon. Marco Mendicino:** Yes, they did.

**Mr. Arif Virani:** It's also true that there were tow truck companies in Ottawa who were threatened with death if they assisted in removing some of the convoy truckers. Is that correct?

**Hon. Marco Mendicino:** We were advised of that.



**Mr. Arif Virani:** The Ontario emergency declaration did not address towing or the commandeering of essential services. Is that correct?

**Hon. Marco Mendicino:** It remained a challenge prior to the invocation of the federal Emergencies Act.

**Mr. Arif Virani:** In the Ontario emergency act, when it talked about removing the vehicle licences for vehicles, obviously that applied only to Ontario-plated vehicles and not to Alberta-plated vehicles. Is that correct?

**Hon. Marco Mendicino:** That was another issue that came up.

**Mr. Arif Virani:** Doug Ford, when specifically consulted on the invocation of the act, said he supported it. That's what's tabled in the House of Commons. Is that correct?

**Hon. Marco Mendicino:** He did.

**Mr. Arif Virani:** Further to Ms. Bendayan's questions, on February 16 there was a further attempt to erect an illegal blockade in Windsor, and the tools under the Emergencies Act assisted in ensuring that the blockade was not resurrected at that time.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Your time is up, Mr. Virani.

Please answer with a yes or a no, Minister.

[English]

**Hon. Marco Mendicino:** Yes, and I would just add that the mayor of Windsor was also threatened during that period.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

It's my turn to speak...

Pardon me, Mr. Green, you have the floor for one minute.

[English]

**The Joint Chair (Mr. Matthew Green):** The floor is yours.

• (1950)

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** That's quite a back-and-forth.

I'm going to ask you some questions, Minister.

Earlier you said you'd received a written opinion before invoking the Emergencies Act. I'd like to ask you to produce it. Is that a problem, Minister?

You may answer with a yes or a no.

**Hon. Marco Mendicino:** Mr. Chair...

**The Joint Chair (Mr. Rhéal Fortin):** I'd like you to produce it within five days, by next Tuesday.

**Hon. Marco Mendicino:** I know a motion was introduced.

**The Joint Chair (Mr. Rhéal Fortin):** Forget the motion. I only have 30 seconds left and I'd like to know whether you can or can't forward to me a copy of that opinion, or those opinions, that you received before invoking the Emergencies Act.

**Hon. Marco Mendicino:** Mr. Chair, if you write us, we will respond to your request.

**The Joint Chair (Mr. Rhéal Fortin):** All right.

Minister, I'd like to know what takes precedence when you make your decision. Is it the written opinions in question that you receive and the origin which we don't know, or is it the act, under which you're required to consult the provincial premiers.

My time is up. Will you answer my question?

[English]

**The Joint Chair (Mr. Matthew Green):** Your time is up.

[Translation]

**Hon. Marco Mendicino:** I'll answer you another time.

**The Joint Chair (Mr. Rhéal Fortin):** That's what I suspected.

Thank you, Minister.

Mr. Green, you have the floor for one minute.

[English]

**The Joint Chair (Mr. Matthew Green):** Thank you.

This question is for Commissioner Lucki. On February 15, 2022, a video surfaced of the RCMP shortly after they found a weapons cache and were clearing out the Coutts blockade. The RCMP were shaking hands and giving hugs to convoy members, which is in stark contrast to how the RCMP treat indigenous people protesting in relatively remote areas, such as the Wet'suwet'en, where firearms are not found to be present.

What do you say to Canadians who have called out this clear double standard? Also, could you please respond to the observations of the RCMP being sympathetic to the convoy, which may have affected how they chose to discriminately enforce the law?

**Commr Brenda Lucki:** Thank you for that question.

This convoy was particularly different in the sense that there were many people in and around the area. Not all people were involved with the convoy. There were citizens from the city of Ottawa who were not participating. Downtown—

**The Joint Chair (Mr. Matthew Green):** Specific to Coutts, Commissioner Lucki, there were weapons found at Coutts in the same location your RCMP officers were seen giving handshakes and hugs at a scene where weapons had just recently been found. Would you care to comment on that?

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Your time is up, Mr. Green.

Can you answer with a yes or a no, Ms. Lucki?

[English]

**Commr Brenda Lucki:** I don't know what I'm saying yes or no to.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** All right.

I now give the floor to Ms. Boniface for one minute.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

Through you, Mr. Chair, perhaps I could address my question to Mr. Vigneault. I can't see whether he's still on the screen or not.

Mr. Vigneault, you can advise. Were you surprised by the information you received with respect to the convoy and some of the issues that you saw as national security threats?

**Mr. David Vigneault:** Thank you for your question, Senator.

As an intelligence organization, we are constantly looking at the movement of ideologically motivated violent extremists, so we have a fairly good understanding of the dynamics at play. I would not necessarily say that we were surprised.

We've seen in the past a number of these elements trying to use protests and demonstrations to infiltrate and take advantage by engaging in activities that can meet the threshold of CSIS to be a threat of terrorism. From that point of view, I would say that we are constantly on the lookout for these issues, and that's what we're assessing. Based on our information and advice, we provide assessments to the Government of Canada.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Senator. Your time is up.

Senator Carignan now has the floor for one minute.

**Hon. Claude Carignan:** Thank you.

Minister, which provincial governments told you before February 14 that they didn't have the necessary powers or tools to address the situation?

**Hon. Marco Mendicino:** Before invoking the Emergencies Act, we had discussions with the provinces and territories so we could understand their needs. As I previously said, the Premier of Alberta requested additional resources. The discussions continued, but...

**Hon. Claude Carignan:** Perhaps I worded my question poorly.

I wanted to know which provinces asked you to invoke the Emergencies Act.

• (1955)

**Hon. Marco Mendicino:** We had ongoing discussions with a number of provinces during the blockades.

**The Joint Chair (Mr. Rhéal Fortin):** You're speaking time is up.

Thank you, Senator and Minister.

Senator Harder now has the floor for one minute.

[English]

**Hon. Peter Harder:** I'm going to follow up on Senator Boniface's question with David Vigneault.

Can you describe to us how resources allocated to ideologically motivated violent extremism have increased in the last, let's say,

two or three years? Do you forecast an increase in the resources dedicated to this movement?

**Mr. David Vigneault:** Thank you, Senator Harder, for your question.

Yes, indeed, the resources dedicated to investigating ideologically motivated violent extremists have increased at CSIS. I would say that close to 50% of our counterterrorism capacity is now devoted to that phenomenon, as opposed to the contrasted phenomenon of religiously motivated.... It is, indeed, one of the concerns we have. We see, in Canada and across the world, a convergence of ideology and use of violence to.... Canada has not been immune to that. Over the last number of years, we have seen a number of terrorist attacks in Canada in which people have lost their lives.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you. Your time is up.

Senator Campbell now has the floor for one minute.

[English]

**Hon. Larry W. Campbell:** This is for Commissioner Lucki.

Wellington Street is under the Ottawa PD. The Hill is your security responsibility. If it was such a high threat, can you advise why the RCMP-led PPS did not block off access to the Hill and only did so days after the EA was invoked?

**Commr Brenda Lucki:** Thank you for the question.

First, Parliament Hill is the responsibility of the parliamentary precinct. We do direct that, but it's their resources.

Wellington, as you said, is under the Ottawa Police Service. We were responsible for the area of Parliament we had blocked off to the public and protesters. Wellington Street was the responsibility of the Ottawa police.

**Hon. Larry W. Campbell:** Thank you.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Your time is up, Mr. Campbell.

I want to thank the witnesses for being with us today.

We will now suspend for a few moments to allow the next witnesses to come to the table.

We are suspended.

• (1955)

(Pause)

• (2005)

**The Joint Chair (Mr. Rhéal Fortin):** I would like to welcome the Minister of Justice and his officials.

Minister, you will have five minutes for your opening remarks. I would note that your officials may be reinvited to appear before the committee. I therefore ask that you answer the questions put to you on your own as best you can. However, you may consult them should you require assistance, even though, ideally, we would prefer that you allow us the entire hour and a half that you've made available to us.

That said, the floor is yours for five minutes.

**Hon. David Lametti (Minister of Justice):** Thank you, Mr. Chair and members of the committee.

I am very happy to be here with you this evening to discuss the emergency measures that were used for the first time in the history of this country.

I am accompanied by François Daigle, Deputy Minister, and Samantha Maislin Dickson, Jenifer Aitken and Heather Watts, from the Department of Justice. They will support me, as you noted, on any technical matters that may arise.

I am very happy to be here with you on the traditional land of the Anishinabe Algonquin people.

[*English*]

As you know, on February 14 our government invoked the Emergencies Act, declaring a public order emergency pursuant to part II of the act. This was not a decision we took lightly—far from it.

[*Translation*]

However, upon consulting leaders across the country, including all provincial and territorial premiers, we found that the situation had exceeded their capacity and power to intervene and that other tools were needed to protect the safety of Canada and Canadians.

Our government was very clear from the outset that the Emergencies Act was to be applied only as long as was considered absolutely necessary. Which is why we closely monitored the situation to ensure that the measures taken were still necessary, reasonable and proportional to the situation. Thanks to the work of law enforcement organizations across the country, we were soon able to announce, on February 23, that the situation was well enough in hand that we could repeal the emergency declaration and stay the related measures that had been introduced.

The measures that were exercised were specifically designed to address a particular situation. They provided authorities with the additional tools they needed to cope with the emergency. Those tools also deterred individuals from engaging in other unlawful activities.

[*English*]

Let me summarize these specific and temporary measures. We temporarily prohibited participation in a public assembly that could reasonably be expected to lead to a breach of the peace and went beyond lawful protest. Police were temporarily able to secure places designated as protected, including Parliament Hill, critical infrastructure like airports, hospitals and international border crossings. Police were temporarily given the ability to compel individuals and companies to provide the essential goods and services needed for the removal, towing and storage of any vehicles, equipment,

structure or other objects that were part of this blockade, with reasonable compensation. Police were also to temporarily refuse people travelling to the illegal protest with the intention of participating.

In addition, there were measures to temporarily prohibit bringing a minor to participate in such an assembly or entering Canada with the intent to participate in such an assembly, and to temporarily prohibit supporting an illegal assembly, giving the police the authority to enforce the prohibition by, for example, turning away people who were bringing in food, blankets and shelter materials to an area of an unlawful assembly.

All of these temporary measures ended when we revoked the declaration of a public order emergency on February 23, 2022. They were in force for nine days.

• (2010)

[*Translation*]

In my capacity as Minister of Justice, I take seriously my responsibility to ensure that every government measure is consistent with the Constitution, including the Canadian Charter of Rights and Freedoms. That includes all measures exercised under the Emergencies Act. The act itself provides that all temporary measures taken thereunder shall be subject to the charter, the Canadian Declaration of Rights and the International Covenant on Civil and Political Rights.

I must emphasize that point because I believe it can cause some confusion. The measures employed under the Emergencies Act were screened for any incompatibility with the charter. It is the government's view that the measures taken were consistent with that instrument. No individual rights or freedoms were suspended. Charter rights and freedoms continued to be protected as the government took the necessary measures, lawful measures proportional to the situation, to address the unlawful protests and blockades.

[*English*]

To be clear, we will always protect and defend the rights of Canadians to peaceful assembly and to express their views freely, but the blockades and occupation of downtown Ottawa were not peaceful assembly. The protests and blockades that we witnessed in February were illegal, intimidating, harassing and a threat to Canada's security.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Minister, you're speaking time is up.

Can you conclude your marks in a few seconds?

**Hon. David Lametti:** That's fine. I'm ready to answer your questions.

Thank you very much.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

We now begin the first round of questions.

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

[*English*]

**Mr. Larry Brock:** Thank you, Mr. Chair.

Good evening, Minister Lametti. It's a pleasure to have you present today. Thank you for that.

I'm going to start off by looking at some of the earlier events that took place before the invocation of the act. We know that the convoy itself declared a bunch of demands, and that was shared on social media quite extensively. They wanted to end all vaccine passports, including all inter-Canadian passports. They wanted to eliminate all programs of vaccination and contact tracing. They wanted the rights of those who are vaccine-free to be respected. They wanted divisive rhetoric attacking Canadians who disagree with the government mandates to stop at once and to end all censorship of those with opinions contrary to the government.

There is nothing in those public demands that would cause any federal government to have any concerns, because that is an expression of opinion as enshrined and protected by the charter, yes or no?

**Hon. David Lametti:** Thank you for the question, Mr. Brock.

Indeed, there are statements that are protected by the charter. What we're looking at here, though, were the actions that were taken, and that's what we focused—

**Mr. Larry Brock:** I'm not talking about actions, Minister.

**Hon. David Lametti:** No, we can't distinguish this—

**Mr. Larry Brock:** Minister, you can distinguish that. I gave you a set of principles that the convoy protest indicated in their social media.

My question is pointed. What I repeated to you is constitutionally protected under the charter, yes or no?

**Hon. David Lametti:** If they had stuck to those principles, we wouldn't be here.

**Mr. Larry Brock:** I'm not asking that. Is it a yes or a no, sir?

**Hon. David Lametti:** They are constitutionally protected principles, but the actions were not.

**Mr. Larry Brock:** Thank you.

Now let's talk about the memorandum of understanding, or the manifesto. Is it your opinion today, as shared by the Prime Minister, as shared by other senior minister officials, that the manifesto itself called out for a violent overthrow of the Canadian government. Is that your understanding?

**Hon. David Lametti:** The manifesto was one indicator of the reasons we took into consideration, as we have tabled in the House of Commons. It was one factor that indicated, amongst many other factors, including many actions, that forced us to take the measure that we did.

**Mr. Larry Brock:** I'm not talking about other factors. I'm talking about the manifesto.

**Hon. David Lametti:** You can't distinguish them, Mr. Brock.

**Mr. Larry Brock:** I can, because it's my question for you, Minister. The question is very simple. The manifesto itself, did you interpret that as a violent overthrow of the Canadian government?

**Hon. David Lametti:** I read the manifesto for the words that it contained, and as we did across the government, it was a factor that we considered amongst many other factors and many other actions—

**Mr. Larry Brock:** I'll ask the question again, Minister.

**Hon. David Lametti:** —in whether or not to invoke the Emergencies Act.

**Mr. Larry Brock:** Did you interpret that as a violent overthrow of the Canadian government?

● (2015)

**Mr. Arif Virani:** Monsieur Fortin, could the minister be allowed to answer the question?

**Mr. Larry Brock:** He's not answering the question. That's the problem.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** I have to interrupt, Mr. Brock, because Mr. Virani has a point of order.

[*English*]

**Mr. Arif Virani:** Yes. Could the minister be allowed, and could all witnesses be allowed, to answer the question? Thank you.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Brock must allow the minister to answer, but I don't think he's preventing him from doing so. He is trying to narrow the scope of the answer. I will allow Mr. Brock to continue asking his questions for the moment.

You have two minutes left, Mr. Brock.

[*English*]

**Mr. Larry Brock:** Minister, you may not like the question and you may not like the premise of the question, but the question is this: Did you—you, as the head legal representative of the country of Canada—interpret that manifesto...? I'll repeat that the manifesto was to meet with the Governor General, then to meet with senators, then to form a Canadian citizen group and then to take over the government. Did you view that as a violent insurrection against the Canadian government, yes or no?

**Hon. David Lametti:** I took the manifesto for what it was, and I gave it the weight that it deserved.

**Mr. Larry Brock:** Did you view that as a violent attempt to overthrow the Canadian government? For the fourth time, now, Minister, will you answer the question?

**Hon. David Lametti:** It's a silly question. I took the manifesto for what it was and I gave it the weight that it deserved.

**Mr. Larry Brock:** The manifesto itself was silly; wasn't it?

**Hon. David Lametti:** No, I was referring to your question, with all due respect.

I took the manifesto for what was and I gave it the weight it deserved.

**Mr. Larry Brock:** There were no guns found. There were no tanks brought to Wellington Street. No one stormed any Parliament buildings. There were no efforts to occupy any government buildings. Some called on the Prime Minister to resign, but there were no forms of force to try to make that happen under the manifesto.

**Hon. David Lametti:** Mr. Brock, there were guns found in Coutts, Alberta—

**Mr. Larry Brock:** I'm not talking about Coutts. I'm talking about downtown Ottawa.

**Hon. David Lametti:** You have heard from other police officials that there were other threats across the country.

**Mr. Larry Brock:** Minister, I'm talking about downtown Ottawa. I'm not talking about Coutts.

**Hon. David Lametti:** I'm talking about Canada, sir.

**Mr. Larry Brock:** I'm talking about downtown Ottawa. That's my question. I'm talking about the freedom convoy here in the nation's capital, Ottawa.

**Hon. David Lametti:** I'm the Minister of Justice for the whole country.

**Mr. Larry Brock:** I'm aware of that.

**Hon. David Lametti:** We took into consideration facts across the whole country. You have heard some of them. You have seen some of them published in our documents that were tabled in the House of Commons.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** You're time is up.

Thank you, Minister and Mr. Brock.

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

[*English*]

**Mr. Arif Virani:** Thank you, Minister.

You didn't have a chance to finish your response.

We talked about how statements were made, but actions were taken by people on the ground. What caused you, in terms of the actions taken by the people on the ground here in Ottawa, to consider it an unlawful act of dissent or unlawful protest?

**Hon. David Lametti:** Legal protests don't infringe on the rights of other people. Freedom of expression doesn't trench upon the rights of other people.

This was well beyond freedom of expression. It was impeding the citizens of Ottawa from living their lives. As you heard from Minister Mendicino, it was impeding businesses in Ottawa from going about their daily affairs. People were being harassed on the street. It was basically slowing down the functioning of the city of Ottawa. Mr. Virani, that is well beyond the limits of free speech.

No right is unlimited. Every right is limited by the rights that other people have and we had to take that into account as responsible legislators.

**Mr. Arif Virani:** Minister, the right to lawful protest is specifically carved out in the regulations that were passed after the order was invoked. It specifically talks about “measures to regulate or

prohibit any public assembly—other than lawful advocacy, protest or dissent”.

I presume you took it seriously to ensure that lawful protest in front of the house of Parliament—in front of our national legislature—was an important thing to protect.

**Hon. David Lametti:** Absolutely. We see it on Parliament Hill all the time.

In fact, when the Ottawa police, working in conjunction with a number of other police forces, cleared Wellington Street, the protesters set up legally on sidewalks further down the street and nobody bothered them. They were allowed to make their point. That's legitimate free speech. That's legitimate protest.

That's not what the situation on Wellington Street was or on the Ambassador Bridge or in Coutts, Alberta.

**Mr. Arif Virani:** I'll just add parenthetically that certainly no tanks were in existence, as Mr. Brock rightfully pointed out. The only person to suggest the invocation of the army was actually Senator Carignan in response to questions for Minister Mendicino. I'll put that aside for a moment.

**Hon. David Lametti:** That's surprising.

**Mr. Arif Virani:** Minister Lametti, when you're talking about charter compliance, the hallmark of charter compliance is always proportionality, looking at ensuring government action is minimally restrictive, targeted and lasts no longer than necessary.

Can you explain to the committee what steps were taken to ensure that the powers that were invoked were proportionate? What informed the government's decision to revoke the declaration after a period of only nine days?

• (2020)

**Hon. David Lametti:** Thank you, Mr. Virani. That's an excellent question.

In general, every single measure we took had a specific goal in mind in terms of what we wanted to attain. They were measured, targeted, temporary and proportionate. We made it clear that we would go no further than taking control of these situations across Canada.

We monitored the situation every single day and many times during every single day. As soon as those provisions were no longer needed, we revoked the act and the rights of Canadians, to the extent that they had been minimally impaired by these provisions, were then fully restored. We also made sure that we didn't impinge on other free speech rights, like other rights of assembly, for example. Other protests were happening across Canada in a legitimate way.

**Mr. Arif Virani:** There's obviously a legal test. You're the chief law officer of the Crown, so I think it's incumbent upon me to ask you this.

Section 3 of the act defines what a national emergency is. Sections 16 and 17 talk about what a public order emergency is. In your view, what caused you to believe that the legal test was met under the statute for invoking a declaration of emergency?

**Hon. David Lametti:** As we set out in the various documents that we tabled, we felt it was a national emergency under paragraph 3(a) of the act because it seriously endangered Canadians and the safety and security of Canadians, and it exceeded the capacity of other authorities of the provinces, in particular, to take care of it. With respect to paragraph 3(a) of the act, we needed measures. It was a situation of an urgent and critical nature. Again, it was seriously endangering. It exceeded capacity, and it couldn't be dealt with under any other law.

The context of the situation across Canada was such that we gave the police authorities additional powers to deal with the situation, to smooth over differences in jurisdictions and to act to solve this threat. It's always contextual, but it was clear to us that something needed to be done that was beyond the capacity of any one or a number of jurisdictions with the laws that they had, and the proof was in the pudding. It worked.

**Mr. Arif Virani:** Thank you, Minister.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Your time is up, Mr. Virani.

Mr. Green, I will let you chair the meeting since it's my turn to ask questions.

**The Joint Chair (Mr. Matthew Green):** I give you the floor for five minutes.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you.

Minister, earlier I asked Minister Mendicino whether he had received opinions before the Emergencies Act was invoked. He told us he had. I then asked him if they were written opinions, and he confirmed that was the case.

Can you confirm for me whether you indeed received written opinions? Did you personally see them before the act was invoked?

**Hon. David Lametti:** Mr. Fortin, as Minister of Justice, I give opinions to cabinet and the government all the time and I provide formal opinions as Attorney General.

**The Joint Chair (Mr. Rhéal Fortin):** Pardon me, Minister, but I was asking whether you had received any?

**Hon. David Lametti:** Those opinions are protected by privilege against disclosure.

**The Joint Chair (Mr. Rhéal Fortin):** I'm not asking you whether you provided any, Minister. I'm asking if you received any legal or other opinions stating that the Emergencies Act should be invoked.

**Hon. David Lametti:** Mr. Fortin, in certain circles, that kind of declaration by the Attorney General is construed as permission to receive them. As Attorney General, I have to respect privileged solicitor-client communications.

**The Joint Chair (Mr. Rhéal Fortin):** I don't have much time left, Minister.

I understand you didn't receive any but provided some.

Is that correct?

**Hon. David Lametti:** Mr. Fortin, I can't answer your questions.

**The Joint Chair (Mr. Rhéal Fortin):** You can't even tell me whether you gave any? I'm not sure that's the case.

**Hon. David Lametti:** Sir, you are a lawyer...

**The Joint Chair (Mr. Rhéal Fortin):** I'll move on to my next question, Minister, because my time is limited.

**Hon. David Lametti:** As a lawyer, you understand why I'm giving you that answer.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

I wanted to ask you another question, which is somewhat the same as the one I put to the Minister of Public Safety.

As you must know, the Emergencies Act requires the Governor in Council to consult the provincial premiers before making an emergency declaration.

• (2025)

**Hon. David Lametti:** That can be done after the declaration.

**The Joint Chair (Mr. Rhéal Fortin):** I believe it's before the declaration.

**Hon. David Lametti:** Under section 25 of the act, it can be done after the declaration, depending on circumstances.

**The Joint Chair (Mr. Rhéal Fortin):** Either way, it was done before the declaration. The report on that consultation, which is dated February 16, 2022, is appended to the declaration.

I'm referring now to that report. Without dwelling on each bullet point, I see, at page 6, that the Premier of Quebec was opposed to the application of the Emergencies Act and even said it would be divisive. The Premier of Alberta opposed the invocation of the Emergencies Act. The Premier of Saskatchewan didn't support the emergency declaration and said that the police already had sufficient tools. The Premier of Manitoba wasn't convinced at the time that it was necessary to invoke the act. The premiers of New Brunswick, Nova Scotia and Prince Edward Island said it wasn't necessary to invoke the act in their provinces. The premiers of the three territories—Yukon, the Northwest Territories and Nunavut—spoke with the Governor in Council but didn't comment on the invocation of the act. So that's a total of seven provinces that were plainly opposed to invoking the act. The three territories didn't have an opinion or, in any case, didn't express an opinion on the matter. It appears that only three provinces told you that they would need it, that it was a good idea.

What was the point of those consultations, Minister?

**Hon. David Lametti:** As you know, because you've read section 25 of the act, the Governor in Council has a duty to consult, but unanimity isn't required, or even a majority of the provinces and territories.

**The Joint Chair (Mr. Rhéal Fortin):** What's the point of it?

**Hon. David Lametti:** Consultations are always helpful.

**The Joint Chair (Mr. Rhéal Fortin):** Yes, but what's the point of them?

**Hon. David Lametti:** We consulted the provinces and police forces in advance. We had...

**The Joint Chair (Mr. Rhéal Fortin):** Minister, you aren't answering my question. As you know, our speaking time is limited.

**Hon. David Lametti:** I'll answer your question, Mr. Fortin. We had...

**The Joint Chair (Mr. Rhéal Fortin):** My question is this: what's the point of these consultations?

**Hon. David Lametti:** They help sound out authorities.

**The Joint Chair (Mr. Rhéal Fortin):** Why?

**Hon. David Lametti:** It's very important to know what the premiers think.

**The Joint Chair (Mr. Rhéal Fortin):** What's the point of doing it, if you don't then take their thoughts into consideration?

**Hon. David Lametti:** We were monitoring the situation in Gatineau and Lacolle, Quebec. It's true that...

**The Joint Chair (Mr. Rhéal Fortin):** Minister, you're telling me that...

**Hon. David Lametti:** ...Sûreté du Québec did a good job in Quebec City, but...

**The Joint Chair (Mr. Rhéal Fortin):** Minister, you're telling me it's important to consider what the premiers think, but seven provinces and three territories told you they didn't agree, and you nevertheless declared a state of emergency throughout Canada.

How can you tell me it's important for you to know the premiers' opinions when you clearly didn't consider them?

**Hon. David Lametti:** That's not true. We were always in touch with our counterparts.

Mr. Mulroney, who had the act drafted, had the brilliant idea to specify that unanimity wasn't necessary. Sometimes the federal government has a duty to take necessary measures to resolve a situation. Under the act, we did what had to be done, and we consulted the provinces and territories. As you can see in the report, we had...

**The Joint Chair (Mr. Rhéal Fortin):** My time is up, Minister. I say that out of a concern for transparency.

[English]

**The Joint Chair (Mr. Matthew Green):** Thank you.

Mr. Fortin, the floor is back to you as the chair.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Mr. Green.

Thank you, Minister.

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

[English]

**The Joint Chair (Mr. Matthew Green):** Thank you very much, Mr. Chair. I'll do the best I can to put my questions through you.

I want to pick up on this notion of charter compliance, because I think Canadians rightly deserve to know that the decisions that were made by government were proportional to the threat. I believe the challenge of this committee is to delve into the preconditions and the facts pertaining to what was before us.

We've heard, I think very passionately, a disagreement about the nature of the threat. I will go on the record and say that when an MOU of that nature is present, when the kind of open-source evidence that is present on the Internet is talking about dropping bullets in our heads, and when Coutts has munitions found on site, I would take them at their word that they are a threat. However, given that, the declaration's invocation in and of itself was light on the language of or around the threat to national security under the CSIS Act.

My question through you, Mr. Chair, to the honourable Attorney General, is this: What facts or considerations did he provide in providing advice to the language of the invocation that would have considered paragraph 2(d) of the CSIS Act?

**Hon. David Lametti:** Thank you for the question, Mr. Green. You'll understand that, first of all, I'm constrained by cabinet confidence, which is a fundamental principle of the Westminster system, as well as by solicitor-client privilege, which is also a fundamental principle according to our Supreme Court and our legal system.

That being said, I'll answer your question in two ways. First of all, the document that we tabled goes through the nature of the various threats across the country, including some of the threats that you very rightly identified in the way that you framed your question. These, we felt, met the question of serious threats to persons under the CSIS Act definition—primarily that. There is also the economic damage, which could be considered part of the property question.

• (2030)

**The Joint Chair (Mr. Matthew Green):** Thank you for that, but more specifically, given that the national emergency...

You've stated that there is a threat to persons, but in paragraph 3(b), under the application and construction of the act, it talks about threatening "the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity...and that cannot be effectively dealt with under any other law of Canada."

When your colleague was before us, I put forward questions noting the similarity in the language under section one, which talked about activities that are directed towards or use the threat of serious acts of violence against persons or property, or critical infrastructure, for the purpose of achieving “political or ideological” objectives. That language is very similar to the language under the definition of terrorism under the Criminal Code in section 83.01.

I guess when we're looking objectively at whether or not this could have been dealt with using any other laws in Canada, given the close nature in which you've identified ideologically motivated extremists, the infiltration of our security members past and present, including the police, Joint Task Force 2 and the military, why was it not considered to use the definition of terrorism, given the weapons that were found in Coutts and the MOU?

**Hon. David Lametti:** Thank you for that question. It's a good question. It's a complex question. Please let me answer it.

The Criminal Code is a complex instrument. Each offence under the Criminal Code has its own mens rea component and its own actus reus component—a mental element and an active element, if you will. It doesn't help us go down that road because, in order to be applied, they might carry with them other obligations on the part of police officers—

**The Joint Chair (Mr. Matthew Green):** Is it, then, the case that it was easier to invoke the Emergencies Act than it was to apply the strict high threshold of evidence under that language, which seems to go between both definitions?

**Hon. David Lametti:** The Emergencies Act is, I think, a well-crafted act. Again, it was brought in by the Mulroney government as a remedy to the old War Measures Act. It has in it a series of balances, it remains subject to the charter, and it gives processes like these for further review.

**The Joint Chair (Mr. Matthew Green):** The last question is on the—

**Hon. David Lametti:** Let me add just one sentence, which is this: We tailored this act to the situation in order to be proportionate, and in order to protect Canadians' rights. It was the most effective way to go.

**The Joint Chair (Mr. Matthew Green):** Did you use the balance of probabilities, or did you use a threshold of “beyond a reasonable doubt” when you made those considerations?

**Hon. David Lametti:** We used the threshold elaborated in the act in sections 3 and 16—

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Your time is up.

[English]

**Hon. David Lametti:** —and in section 2 of the CSIS Act.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

I now give the floor to Senator Boniface for five minutes.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

Welcome, Minister, and thank you for being here.

I'd like to talk a bit about Ottawa and the injunction. I'd just like to have a sense of what you saw as the importance—if there was any importance—of the multitude of complaints from the citizens of Ottawa. Like many people here, when I stay here during the week, I run into neighbours. The neighbours have certainly filled me in on how they viewed this and the way it was handled.

There was an injunction filed by an individual, as you know, which banned the noise pollution emanating from the trucks and other conveyances. How did that play into the decision-making around the declaration of emergency? To give you a chance in the fullness of... The question I get is this: Why did an individual have to make the injunction when, in fact, there are three levels of government that could have done the same thing, which perhaps had a lot more to work with?

**Hon. David Lametti:** Thank you, Senator Boniface.

I, too, live in Ottawa much of the week and was living with this as well. My office was right on Wellington. I won't comment on the substance of the injunction, other than to say that it is a private law remedy used by a private individual. Nothing in what we do precludes private individuals from taking private law remedies.

As government, we have public law remedies. The Emergencies Act is one of them, and that is what we chose to use because we felt it was necessary. All of the citizen complaints, if you will—putting it that way—are evidence that their rights were being infringed upon in a very serious way by the illegal activity of the convoy.

• (2035)

**The Joint Chair (Hon. Gwen Boniface):** It would have been taken into consideration. I'm trying to get to the heart of the question on why not one of the levels of government looked at an injunction as one of the options prior to getting to a declaration.

**Hon. David Lametti:** As government, we don't use injunctions as a private law remedy. We use other direct public law means—the Criminal Code, other statutes and, in this case, the Emergencies Act.

It's a different basket. I taught in a law faculty for 20 years. If you talk private law, you look at injunctions. This isn't part of the tool kit that governments use, because we have other tools.

**The Joint Chair (Hon. Gwen Boniface):** We'll disagree on that, because I've actually been involved in a situation where an injunction was used. How that's used....



I just think there is a view in the public out there that asks, “Why did this individual have to do this on their own?” I'm not saying that it should have necessarily been the federal, provincial or municipal government. I'm just asking, as we move forward, whether this is something this committee should consider: How may an injunction have assisted in this type of situation?

**Hon. David Lametti:** We did intervene in support of that injunction, but it's still a private law remedy.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

It would also be interesting—going back to the point you made in your opening comments on the issue of restrictions for people coming to Canada for the purpose of the protest or such.... I assume, then, that there is some evidence that suggested we had people interested in coming across the border from, I would assume, the United States, to participate in the protest, and that would be why you put that in, specifically.

**Hon. David Lametti:** That's correct. It's in the public domain that there were reports of people crossing the border. CBC reported, I believe on February 13, that there was also foreign funding through a variety of different sites.

The various pieces of information that we had explain the various measures that we took.

**The Joint Chair (Hon. Gwen Boniface):** The final question is one we asked your colleague Minister Mendicino. It's to try to get a sense of what point in the protest time frame it moved from a lawful demonstration to an illegal occupation.

How would that align with your declaration of an emergency?

**Hon. David Lametti:** The idea that it went past limits.... I think it is fair to say that people were making those kinds of arguments right from the get-go, whether it was about the Ambassador Bridge, Coutts, Emerson or threats in other places.

The question for us with the Emergencies Act is an entirely different question, which is at what point is it clear to us, as a federal government, that the situation has now moved beyond the ability of the province—

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** The time is over.

Thank you, Senator and Minister.

I now give the floor to Senator Carignan for five minutes.

**Hon. Claude Carignan:** Thank you, Mr. Chair.

Good evening, Minister.

As I understand it, you are the Minister of Justice and Attorney General of Canada, and you provide legal opinions to the Government of Canada.

Is that correct?

**Hon. David Lametti:** Yes, that's one of my duties.

**Hon. Claude Carignan:** That's good.

I'm going to read you a passage from what the father of the Emergencies Act, Perrin Beatty, said at the second reading stage of Bill C-77 in the House of Commons on November 16, 1987:

...unlike the War Measures Act, Part II of Bill C-77 confers no new powers relating to search, seizure, arrest or detention. The provisions of the Criminal Code in these areas are considered to be entirely adequate to deal with the instigators of public disorder, even under unusual and exceptional circumstances.

Minister, how can you say it's consistent with the charter to seize bank accounts without statutory authority, a search warrant or judicial authorization solely for the purpose of scaring people?

Tell me that's consistent with section 8 of the Canadian Charter of Rights and Freedoms.

• (2040)

**Hon. David Lametti:** Thank you for that question, Senator.

I don't agree with your interpretation of the facts. There were no seizures in this instance. Accounts were frozen, but there were no seizures.

**Hon. Claude Carignan:** So, in your mind, freezing an account doesn't constitute a seizure.

**Hon. David Lametti:** It was temporary.

**Hon. Claude Carignan:** Then you think that freezing an account for just one hour doesn't constitute a seizure.

Is that correct?

**Hon. David Lametti:** It was frozen for as long as individuals participated in an unlawful protest. We've done it in the case of individuals engaged in tax evasion, and we've done it under anti-terrorism statutes.

**Hon. Claude Carignan:** You have the authority to do it in those cases, but you didn't in this case.

**Hon. David Lametti:** We enacted legislation to give us the authority to do it.

**Hon. Claude Carignan:** No. The father of the act said it didn't confer that power.

**Hon. David Lametti:** With all due respect, Senator, I know Mr. Beatty well, and he's a great man, but he couldn't have predicted all the situations that might arise in future. We used the act as Mr. Beatty and Mr. Mulroney intended, and we applied it in a reasonable and specific manner.

**Hon. Claude Carignan:** The Emergencies Act doesn't give you the authority to conduct searches or seizures. You froze bank accounts, which is tantamount to seizing them. I suggest you read the case law. You're a brilliant lawyer, so you know how to do that.

**Hon. David Lametti:** I'm sure the courts will prove us right.

**Hon. Claude Carignan:** If the Government of Canada consulted me as a lawyer and told me that, according to one of its lawyers, the act of seizing or freezing a bank account without a warrant or legislative authority was consistent with the charter, I'd recommend that it find another lawyer.

**Hon. David Lametti:** I would too. That's what I would've done if you'd said that.

We had powers under the act, and there were no seizures. We took very specific measures, which were temporary.

**Hon. Claude Carignan:** What was your objective when you decided to freeze the bank accounts?

**Hon. David Lametti:** To cut off funding for...

**Hon. Claude Carignan:** So it was also designed to cut off something.

**Hon. David Lametti:** It's an expression, Senator. You know what I mean. It was to cut off funding for the illegal protests at its source.

**Hon. Claude Carignan:** How long did it take for you to...

**Hon. David Lametti:** It was an illegal activity.

**Hon. Claude Carignan:** ...unfreeze the accounts?

**Hon. David Lametti:** Senator, don't you think terrorism is illegal? Don't you think tax evasion is illegal? We use the same measures to combat that.

**Hon. Claude Carignan:** Minister, how long did it take for you to unfreeze the bank accounts?

**Hon. David Lametti:** We did it right away.

**Hon. Claude Carignan:** So the funding source wasn't as bad as that, if you unfroze the accounts immediately.

**Hon. David Lametti:** We had said we'd...

**Hon. Claude Carignan:** What did you do with the money? Did you leave it there?

**Hon. David Lametti:** ...keep the measures in force as long as necessary.

**Hon. Claude Carignan:** You said the source was illegal, but you nevertheless released the bank accounts.

**Hon. David Lametti:** It was the protests that were illegal. When the protests stopped, we revoked the act and released the bank accounts.

**Hon. Claude Carignan:** Minister, you said that the sources of the money were illegal.

**Hon. David Lametti:** No, I...

**Hon. Claude Carignan:** If they were illegal, why did you release the accounts?

**Hon. David Lametti:** Mr. Carignan, you're putting words in my mouth. I said we wanted to cut off funding for the illegal protests at its source, the sources that were funding an illegal activity.

**The Joint Chair (Mr. Rhéal Fortin):** The time is over.

**Hon. David Lametti:** It's clear in the act, and it's clear in my answer.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

Thank you, Mr. Carignan.

[English]

**The Joint Chair (Mr. Matthew Green):** On a point of order, Mr. Chair...

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I hear someone has a point of order.

[English]

**The Joint Chair (Mr. Matthew Green):** I have a *rappel au Règlement*. I'm practising my French, and in defence of the French language, I just want to note that I'm finding that the interpreters are having a difficult time when people are speaking over each other. I know I'm guilty of it, too, but I want to put it to the members that the interpreters are working hard late into the night here. We want to give them the ability to do their jobs, so we can hear.

**The Joint Chair (Mr. Rhéal Fortin):** I would just say welcome to the club, Mr. Green. I'm always on translation.

**The Joint Chair (Mr. Matthew Green):** This is why I'm here. Let it be on the record that I am here defending francophone rights. Thank you.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Mr. Green. I understand the point you're making. We'll try to be careful.

Senator Harder now has the floor for five minutes.

[English]

**Hon. Peter Harder:** Thank you, Monsieur Fortin.

Minister, I'd like to follow up on Senator Boniface's questions. Could you describe your thinking on the advice that you were giving the government in the three weeks before the invocation of the act? At what point did you feel that the invocation of the act was not just the only but also the best choice available to the government?

As I asked your colleague, Mr. Mendicino, why did it take 24 days?

• (2045)

**Hon. David Lametti:** Thank you for the question, Senator Harder.

It was an unprecedented situation and obviously I will not divulge cabinet confidence—you're well aware of that—nor will I betray solicitor-client privilege. That being said, we watched the situation. We watched it evolve. We watched authorities try to deal with the situation with the tools they had in hand. We consulted all the way through, as my colleague Marco Mendicino pointed out. We consulted police forces. We consulted governments. We had letters from ministers from other provinces, from Alberta, for example, saying, "We need tow trucks; we can't handle this".

We were taking all of this in. We invoked the Emergencies Act when it became clear to us that, first of all, the situation was national in scope, that we had met the threshold definitions under the act, and that the provinces or other local authorities were not capable of handling it on their own.

**Hon. Peter Harder:** Thank you.

Earlier in your testimony, you enumerated the powers that the Emergencies Act provided. Can you inform us as to from whom the pieces of consultation derived with respect to those enumerated powers? I presume that they weren't just in the Department of Justice or even in the federal government. What level of consultation was there with other jurisdictions that you're aware of?

**Hon. David Lametti:** There was continual consultation with other jurisdictions and other police forces, both directly to people around the table but also through Commissioner Lucki and other officials.

The ideas that came up included specific tools that were identified. We needed tow trucks. There was simply a resistance amongst tow truck operators to participate. When the act came into force, magically these operators appeared. It was the same thing with respect to financing. We saw that there was a need to try to attack the sources of financing of this illegal activity, so the financing measures came into place.

**Hon. Peter Harder:** In those consultations, did you consult with provincial attorneys general?

**Hon. David Lametti:** We did have a consultation report. Again, I'm not going to betray cabinet confidences. In particular, as you see from the report, the Minister of Public Safety and the Minister of Emergency Preparedness were probably the two who were out doing the most consultations.

**Hon. Peter Harder:** As is appropriate.

**Hon. David Lametti:** Yes.

**Hon. Peter Harder:** This is my final question. In your statement, you said, "we monitored...every single day". I'd like you to describe who the "we" is, because I would presume it's not just ministers of the Government of Canada.

**Hon. David Lametti:** You will see in the report we tabled in Parliament that there was an incident response group that included ministers but also included the commissioner of the RCMP. It also included public safety, public security and national security officials.

**Hon. Peter Harder:** When the invocation was revoked, my understanding is that this was done immediately after the advice was received by the government from that response team. Is that correct?

**Hon. David Lametti:** I'm not going to betray cabinet confidence, but we have said publicly—I have said this evening and my colleague has said this evening—that we would not leave it in place a minute longer than necessary.

**Hon. Peter Harder:** Two minutes, maybe...?

**Hon. David Lametti:** Well, you can draw your own conclusion.

**Hon. Peter Harder:** Thank you.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Senator.

I now give the floor to Senator Campbell for five minutes.

[*English*]

**Hon. Larry W. Campbell:** Thank you, Mr. Chair.

Thank you for coming today.

There are now two government bodies looking into the Emergencies Act. There is this body, and there's an inquiry that has been announced. How does this committee affect the recently announced Emergencies Act inquiry? How do they come together or not come together?

• (2050)

**Hon. David Lametti:** Thank you for the question, Senator. It's a good one.

Both of these institutions are envisaged in the act itself, both the parliamentary committee and the independent inquiry. It's not a government inquiry. It is an inquiry under the Inquiries Act, and it is completely independent.

The commission's mandate, and I'll read it, looks into "the circumstances that led to the declaration being issued", etc., to the extent relevant circumstances and measures were taken, the evolution goals, the whole context, including the role of domestic and foreign funding and crowdsourcing, etc. It's a very wide mandate that the independent inquiry has.

My understanding is that the parliamentary review committee is meant to review what we did as a government with respect to the invocation of the Emergencies Act. There will necessarily be some overlap, but I believe, at least the way I read the mandates in the act, that the independent inquiry is probably wider and probably has, under the Inquiries Act, additional powers as well.

**Hon. Larry W. Campbell:** Do you see them as complementary or oppositional?

**Hon. David Lametti:** They're very much complementary. I take that in the spirit of the act that Mr. Mulroney and Mr. Beatty passed. I think they both have a relevant role. It's why I'm here, frankly, enthusiastically. I don't necessarily agree with all of the questions that are asked or their framing, but I'm here because we have a duty to report. When we deliberated, we knew that we had a duty to report, and we took that seriously in our deliberations to invoke the act.

**Hon. Larry W. Campbell:** Thank you very much, Mr. Chair.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Senator.

We will now go to the second round of questions.

Mr. Motz, you have the floor for four minutes.

[*English*]

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

Thank you, Minister, for being here.

You just finished talking about the duty you have. I would be remiss not to mention that we all have a duty, including you, sir, to be fully transparent and accountable to the Canadian public. That's one of the reasons we're having this review as well as the inquiry.

I think it's important that Canadians can trust that, when we ask for information, that information can be made available. I know it's easy to hide behind cabinet confidence, but that doesn't give the Canadian public confidence. It really doesn't. They have to have reason to trust this government, and they have to have reason to trust this committee and that we would have full access to the information the government relied upon to make those decisions, and it's fair that we do.

I would ask that you undertake to provide the analysis and the information you were made aware of and that you relied upon to be part of making the invocation for this particular Emergencies Act, sir.

**Hon. David Lametti:** Thank you, Mr. Motz. I understand the sentiment behind the question, and I certainly share the goal of transparency.

I think Canadians will understand that cabinet confidence is a critical part of our cabinet governance system. The ability for members around the cabinet table to express their opinions freely, particularly when they disagree, particularly when they have to leave that room and all give a common answer, which they may not have agreed with privately, that's a critical part of our system. The waiving of cabinet confidence is extremely rare. The same is true for solicitor-client privilege.

We have given a detailed map in the documents we have tabled. We have tabled our consultation report. We have tabled the reasons for which we invoked the act, and we feel we've met the act. We've effectively given the conclusions—

**Mr. Glen Motz:** Fair enough.

**Hon. David Lametti:** —of the discussions.

**Mr. Glen Motz:** Thank you. I appreciate the position you've taken. I think we have to also recognize the supremacy of Parliament, and that is something I'm sure will come forward in the future.

Based on your testimony tonight, sir, I think it appears as if, on a comment you made I believe to Senator Boniface, you went straight to the Emergencies Act, contrary to section 3 of the Emergencies Act, which requires that the situation cannot be properly handled, effectively handled, under any other law in Canada. I would suggest that there are many sections in the Criminal Code, too numerous to mention in my limited time, and certainly provincial statutes and municipal bylaws to even have been employed, and they were not fully or properly utilized in this situation. That's what may have prompted you to do that.

I want to get to a question Mr. Green asked about the charter. Many Canadians believe that the order in council in this particular situation raised serious concerns with respect to charter rights. Section 2 guarantees freedom of association and of assembly. Section 7 guarantees the right to liberty, freedom and security of the person. Section 8 guarantees protection against unreasonable search and seizure.

Again it was mentioned before that judges have ruled previously that the limitation of fundamental freedoms must be demonstrably justified, reasonably proportionate and prescribed by law.

Did you conduct a full charter review, sir, and compliance review in all aspects of this particular act? If so, whom did you consult with and are you able to share those findings with the committee?

• (2055)

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** You have only five seconds to give an answer.

[*English*]

**Hon. David Lametti:** First of all, Mr. Motz, I disagree with your premise that we went straight to the Emergencies Act. We did not. We did not invoke it before we felt it was absolutely necessary.

With respect to—

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister. The time is unfortunately over. I gave you an additional 15 seconds or so.

**Hon. David Lametti:** I didn't have time to answer the question on the charter.

[*English*]

Perhaps Mr. Green will take up your question.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

Mr. Naqvi, go ahead for four minutes.

**Mr. Yasir Naqvi:** Thank you very much, Mr. Chair.

[*English*]

Attorney General, it's good to see you.

Let me go to the question about the charter, but first and foremost, can you highlight for us the difference between the Emergencies Act and its predecessor the War Measures Act?

**Hon. David Lametti:** They are two entirely different animals. The War Measures Act allowed for the complete suspension of rights. The Emergencies Act does not do that. Rights continue to subsist. The charter continues to apply. We have the duty to be here in front of you to explain what we've done. We have the duty to have a public inquiry. We have a duty to table certain documents. None of that was present under the War Measures Act. The War Measures Act was much more authoritarian. I have said this publicly tonight and I'll say it again that I thought the changes brought by Mr. Mulroney and Mr. Beatty were very balanced, and we have applied those.

With respect to the charter, no rights are unlimited. There's a balancing provision within the charter, section 1 of the charter. We were targeting illegal activity. We were targeting unlawful protests. We weren't targeting lawful protests. We weren't targeting freedom of speech. Freedom of speech that people had was never restricted. Only blocking bridges, city of Ottawa, threatening in other places—that's the kind of activity we were targeting very specifically.

**Mr. Yasir Naqvi:** That targeting takes place on the basis of the facts you have in front of you, which is in this case the illegal occupation, unpeaceful assembly, here in Ottawa and the blockades of border crossings.

**Hon. David Lametti:** That's correct.

Anybody who thinks the assembly here in Ottawa was peaceful didn't really see it up close.

**Mr. Yasir Naqvi:** I want to very quickly check with you.

There was a line of questioning to you from Senator Carignan around the power to seize frozen bank accounts. That power comes straight from the Emergencies Act under subsection 19(1), where it says you can have regulations prohibiting “the use of specified property”.

**Hon. David Lametti:** That's correct.

We didn't actually seize property. This is the distinction where I disagreed with the interpretation of Senator Carignan. We temporarily froze for as long as the illegal activity that those funds were supporting, directly or indirectly, was maintained. As soon as the activity ended, the accounts were unfrozen.

We did not keep any property. We did not seize any property at any time.

**Mr. Yasir Naqvi:** Time-limited and proportional was the test you used.

**Hon. David Lametti:** That is correct. It's only meant to impede the support of illegal activity.

**Mr. Yasir Naqvi:** Minister Mendicino said in his opening remarks that the government was “reluctant to invoke and eager to revoke” the emergency order.

Do you agree with that sentiment?

**Hon. David Lametti:** I do very much so.

When you get appointed Minister of Justice and Attorney General, you don't think you're going to be the first Minister of Justice and Attorney General to invoke the Emergencies Act. Believe me. You hesitate. You are careful. You make sure that... It's a last resort. Well, it's the second-last resort. The last resort is the army, and I was as shocked as others were to hear that Senator Carignan wanted to bring in the army.

We did not want to bring in the army. I am proud that we did not bring in the army. I am proud that we resolved this situation without injury. We resolved it peacefully and I'm very proud of that.

• (2100)

**Mr. Yasir Naqvi:** Thank you, Attorney General.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Mr. Naqvi and Minister.

Mr. Green, since it is now my turn to speak, I leave you to chair the meeting.

[*English*]

**The Joint Chair (Mr. Matthew Green):** The floor is yours.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you.

Minister, I'm listening to your testimony, and I also condemn the situation that occurred on Parliament Hill. I know incidents occurred elsewhere, but let's focus on what happened on Wellington Street and on the Hill because it made no sense. I find it hard to understand how the situation was allowed to degenerate that far. If someone had told me a year ago that people could park trucks and set up barbecues and hot tubs on Wellington Street, I would've considered it ridiculous and impossible. But it happened. When I hear that the Emergencies Act had to be invoked, I find that alarming.

Do you think we're in the same situation today as we previously were? If people decided this weekend to block Wellington or nearby streets, or even Parliament Hill, would we be at the mercy of all that once again, and would we invoke the Emergencies Act again? Could any other measures be introduced under current statutes, such as the Criminal Code, the Highway Traffic Act or any other act?

**Hon. David Lametti:** That's the good question, Mr. Fortin.

I obviously can't put myself in the shoes of the police, but they have tools available to them. The Emergencies Act provides them with other tools.

Consequently, if a situation arises in future in which the tools provided under the Criminal Code or other statutes aren't sufficient, we may have to consider the possibility of invoking the Emergencies Measures once again. However,...

**The Joint Chair (Mr. Rhéal Fortin):** Minister, the tools you mention, such as the right to remove vehicles, are already provided under the Highway Traffic Act. You know that as well as I do, if not more so. The powers conferred on the police, in particular, to conduct seizures, remove vehicles and arrest people who disturb public order, are already available.

How can you contend that you needed additional powers? It seems to me the tools we had before the act was invoked were adequate to do everything that was done after the fact.

**Hon. David Lametti:** We had discussed the situation on the ground with the police forces and our colleagues across Canada, and no tow trucks were in fact available to remove vehicles. So we took the necessary measures.

**The Joint Chair (Mr. Rhéal Fortin):** Does that mean that no one, anywhere in Canada, could find tow trucks available to remove vehicles from Parliament Hill? That's even more alarming.

**Hon. David Lametti:** As you heard Ms. Lucki and others say, announcing that the Emergencies Act would be invoked had a salutary and very positive effect on the ground.

**The Joint Chair (Mr. Rhéal Fortin):** I understand. It definitely had an effect, but the question is whether we could have resolved the situation with the tools we already had.

[English]

**The Joint Chair (Mr. Matthew Green):** Thank you, gentlemen.

[Translation]

**Hon. David Lametti:** We were dealing with a situation, and we resolved it. I hope that won't be necessary in future.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

I now give the floor to Mr. Green for three minutes.

[English]

**The Joint Chair (Mr. Matthew Green):** Thank you.

Much has been said about the need for us to have transparency and accountability throughout this process, yet we've heard in early testimony, and in comments in the media, a constant reference to cabinet confidentiality and solicitor-client privilege. I think there's an opportunity here for us to provide Canadians on both sides of the issue the clarity they need. I'm not asking you to waive cabinet confidentiality, but I do have specific questions around charter compliance.

Within the Department of Justice, through you, Mr. Chair, to the Attorney General, would you have staff dedicated to charter breach analysis?

**Hon. David Lametti:** Yes.

**The Joint Chair (Mr. Matthew Green):** Okay, for each of the objective elements that were considered in the six types of temporary measures that were invoked, on what factual basis was it shown that the charter breaches were saved under section 1.

• (2105)

**Hon. David Lametti:** Look, I can't go into detail—

**The Joint Chair (Mr. Matthew Green):** Why?

**Hon. David Lametti:** —because that's solicitor-client privilege.

**The Joint Chair (Mr. Matthew Green):** Will it not be the case that they're in a high likelihood, given the Canadian Civil Liberties Association's impending legal action? Will there be a scenario in that legal action where you may be compelled to testify to provide Canadians with answers on the factual basis, as we've heard from the Liberal side, time and time again, that these decisions were made on the basis of facts.

This committee is an important committee. Will you, in this moment, provide us with clarity on the factual basis for which the objective elements were met for the six temporary measures?

**Hon. David Lametti:** I have given what are, in effect, the conclusions that we reached as a result of the charter analyses that we did in each case.

With respect to litigation upcoming, I'm glad you raised that because that's sadly another form of privilege, which is litigation priv-

ilege. The Attorney General will make arguments in court in those cases. I think we will prevail, but you will see those arguments when we make them.

I will not impede our arguments by giving those arguments now.

**The Joint Chair (Mr. Matthew Green):** Perhaps you're not impeding the arguments, but you're certainly impeding the process through which we can get clarity.

There's an opportunity among us right now, within this committee, whether it's at this meeting or the next, to just be honest with Canadians about the evidence and the facts pertaining to the measures that you chose.

I think what's frustrating in this process is that I'm of the opinion—and I supported this—that much was missed in the analysis of the threat to national security as defined under paragraph 2(d) of the CSIS Act, though I take them at their word, and also, quite frankly, in the ability of the government to communicate clearly to Canadians about what the actual facts were.

There are going to be lots of debates around this table in these upcoming weeks and months, and motions to provide information, for which we've been sworn in at this special committee. I would just put it to the minister, in closing, whether he would consider, given what's at stake here, being more co-operative with this committee and forthcoming on the facts.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Mr. Green.

**Hon. David Lametti:** Mr. Chair, I would like to respond briefly to that comment.

**The Joint Chair (Mr. Rhéal Fortin):** You have five seconds left, Minister.

[English]

**Hon. David Lametti:** I understand your frustrations, Mr. Green.

As Attorney General, I also have a duty to protect solicitor-client privilege, which enables Canadians, not just in government but across Canada, to get good, honest legal advice even when it's not what they want to hear. That's a virtue as well.

Obviously, I will continue to work with you and Canadians to build that trust, but Canadians, I think, will understand that, as Attorney General, I have to protect that privilege.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

I now give the floor to Mr. Carignan for three minutes.

**Hon. Claude Carignan:** Thank you, Mr. Chair.

Minister, I want to continue with the questions I was asking you earlier, particularly concerning sources of funding.

From what I understand, it's clear in your mind that you didn't seize the bank accounts because the money came from illegal sources. The goal was to prevent people from using their money for purposes related to their trucks, which were on Wellington Street, to prevent them, for example, from using their debit cards to buy food and fuel.

**Hon. David Lametti:** First, Mr. Carignan, as I emphasized, we didn't seize anything.

**Hon. Claude Carignan:** You froze accounts.

**Hon. David Lametti:** You can say that we seized accounts, but that wasn't the case.

**Hon. Claude Carignan:** That's how I say it.

**Hon. David Lametti:** We actually froze the accounts because we wanted to block all direct and indirect support for an illegal activity, whether it involved trucks or money. This is incidentally a measure that's used to combat terrorism and tax evasion. These are known tools that we can use under our act. We used them in the circumstances to address the situation, and I have to say it worked.

**Hon. Claude Carignan:** It definitely worked. Look, I can kill a fly with a flyswatter, with my foot or with a tank. The fly will be dead in each case. However, the force of the tool used should be proportional to the situation.

**Hon. David Lametti:** I think it was very much in proportion to the situation. We froze funds, but we didn't seize anything. The assets were still available to...

**Hon. Claude Carignan:** So you're saying that people were still able to withdraw their money from the bank and that their money was not unavailable at any time.

**Hon. David Lametti:** No. I said that the bank accounts became accessible again once the illegal activities stopped.

• (2110)

**Hon. Claude Carignan:** In your mind, that's consistent with the Canadian Charter of Rights and Freedoms, isn't it?

**Hon. David Lametti:** Yes. It's measured and targeted.

**Hon. Claude Carignan:** You are the Attorney General of Canada and you're telling us that.

**Hon. David Lametti:** It's a measure that we successfully use elsewhere...

**Hon. Claude Carignan:** Yes, but under an act that authorizes it.

**Hon. David Lametti:** There was an act here too.

**Hon. Claude Carignan:** Oh, yes, which one?

**Hon. David Lametti:** The Emergencies Act.

**Hon. Claude Carignan:** So, as you interpret it, the act grants search and seizure powers.

**Hon. David Lametti:** It's written in the act.

**Hon. Claude Carignan:** We aren't reading the same act.

Apart from...

**Hon. David Lametti:** There were no seizures. Mr. Carignan, we mustn't mislead people.

**Hon. Claude Carignan:** What other powers did the Emergencies Act grant you apart from the authority to cut off people's ac-

cess to their sources of income and to find tow trucks to remove vehicles? It's quite incredible that the act enabled you to find trucks, whereas you were previously unable to do so.

**Hon. David Lametti:** First of all, we designated areas where the situation was critical, such as certain bridges, certain infrastructure and Parliament, so we could prohibit the illegal activities, the illegal protests, in those places. We granted powers...

Senator Boniface actually asked that question earlier this evening.

**The Joint Chair (Mr. Rhéal Fortin):** The time is over, Minister.

**Hon. David Lametti:** We didn't withdraw any powers from the police services whose jurisdiction it was. Instead we facilitated the RCMP's involvement in police operations.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

Senator Boniface now has the floor for three minutes.

[English]

**The Joint Chair (Hon. Gwen Boniface):** Thank you very much.

Minister, thank you for clarifying on the injunction, because I think it's a question that many people asked. I wanted to loop back to it. I think it's better understood both by me and by members of the public who may be watching.

With respect to the tow trucks—because this question has come up, and I know it would have been Minister Mendicino—we are not talking about one tow truck to tow one truck. I don't know the exact number, but I read somewhere that there were 60 to 70 trucks in there at some point.

**Hon. David Lametti:** They were specialized trucks and drivers.

**The Joint Chair (Hon. Gwen Boniface):** They were specialized trucks, which means specialized tow trucks.

I want to be clear, because I don't want it to be perceived that it was on a whim at the request of the police, and I'm assuming the request came from the police.

The second point I want to ask you about is this. When you look at the act now, which was drafted in 1988, do you see that successive governments have missed an opportunity to review the act in a way that would make it less of a blunt instrument or that changes should have been made in the intervening years?

**Hon. David Lametti:** Can you ask me that in another couple of years?

I mean that. I do hope the work you do and the work that the independent inquiry will accomplish will help push us towards a reform of the law. To be honest, I'm still too much in the middle of it. I may have some opinions, but I'm not ready to share them yet. I would like to see the fullness of the report come out.

I do believe that we as legislators have an obligation to continue to tweak it and to reform it wholesale if that's what we have to do. The Mulroney reform was wholesale, and it was a good reform from the old War Measures Act to this. There may be tweaking that needs to be done here. I'd rather not comment now. That's for the future, but I think it's a very good question you're asking.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

I know the Province of Ontario is moving forward with some legislative change for theirs, and I'm hoping that, at some point, somebody's going to look at the relationship between a provincial order of emergency and this act to determine whether or not we have gaps in between that are left open to interpretation. I think the more we clarify, the better.

Finally, I want to ask you whether you would be agreeable to something. The Canadian Police Association has been visiting various people and suggesting there needs to be a national summit that would bring together key stakeholders to talk about how protests should be policed, how those resources are accessed and how that should be done. I would think that the federal government would find itself in the position to be a good convener of this, given the levels of—

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Your time is up, Senator.

**Hon. David Lametti:** Mr. Chair, I'd briefly like to add something.

[*English*]

I don't want to speak for my colleagues, Mendicino and Blair, but I think we would be amenable to that.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister.

Thank you, Senator.

We now have 15 minutes left in the period we'd reserved for this evening. I suggest we do what we did earlier with the Minister of Public Safety, which is do a lightning round in which each speaker has one minute in a first round. Is that fine with you? Are there any objections?

• (2115)

**Ms. Rachel Bendayan:** Yes, Mr. Chair. As we saw, one minute isn't a very long time.

**The Joint Chair (Mr. Rhéal Fortin):** Yes, it's quite short, but I find it hard to divide the time otherwise. If you're telling me we should take a minute and 15 seconds, I'm not sure that will work.

**Ms. Rachel Bendayan:** We could do what we agreed on for the second round. It may not be necessary for the four senators to speak again.

**The Joint Chair (Mr. Rhéal Fortin):** So two senators would speak for two minutes each.

**Hon. Claude Carignan:** You don't like my questions, do you?

**Ms. Rachel Bendayan:** I really like your questions about the army, Mr. Carignan, except that I completely disagree with you.

**The Joint Chair (Mr. Rhéal Fortin):** Time is passing as we speak, and I can't stop it.

Senators, do you agree that only two of you will speak in this round of questions?

Each speaker would have two minutes, but only two senators would speak instead of four.

**Hon. Claude Carignan:** No, one minute is fine.

**The Joint Chair (Mr. Rhéal Fortin):** There's no unanimous support for your proposal, Ms. Bendayan.

**Ms. Rachel Bendayan:** That's not a problem.

**The Joint Chair (Mr. Rhéal Fortin):** Then we will give everyone one minute. I understand that we should find another arrangement for other occasions, but I unfortunately can't invent one.

Mr. Brock, you have the floor for one minute.

[*English*]

**Mr. Larry Brock:** Minister, I have one question in four parts.

You chose Justice Rouleau to head the so-called "independent inquiry". I know the justice through my formal legal circles. I also know he was a senior Liberal PMO staffer before he went to the bench.

Was his Liberal pedigree essential to his selection or merely a bonus? Can you help us understand how you came to choose Justice Rouleau?

How many justices were consulted before you chose Justice Rouleau and how many declined that opportunity?

**Hon. David Lametti:** The process, in my understanding, was undertaken by the Privy Council Office.

Let me just say that judges of whatever political stripe who are appointed—plenty were appointed by Conservatives and plenty have been appointed by Liberals—do their jobs to the best of their abilities in a neutral fashion. We have an outstanding judiciary in Canada. I'm proud that Justice Rouleau is taking part in this. I'd be proud for a number of justices to take part, whoever—

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** The time is over.

Thank you, Minister and Mr. Brock.

Ms. Bendayan now has the floor for one minute.

[*English*]

**Ms. Rachel Bendayan:** Thank you, Minister.



Given the short amount of time, I'll go very quickly. We've been discussing the charter at length. I would like to bring you to section 7 of the charter and the importance of our right to liberty as Canadians.

I would like to put to you that it was necessary in order to protect the freedom of Canadians and the liberty of Canadians to move about freely within the city of Ottawa, to move about freely and attend their place of work in Coutts, Alberta; Emerson, Manitoba; Surrey, British Columbia; and elsewhere right across the country.

Was the Emergencies Act necessary in order to protect those Canadians' charter rights?

**Hon. David Lametti:** Absolutely, yes.

**Ms. Rachel Bendayan:** Thank you.

Minister, I would also like to take you to the point of restraint, which you mentioned earlier. I understand that we did not designate additional places under the Emergencies Act, but it is true that we did have to designate the War Memorial due to the desecration, where men and women actually urinated on the War Memorial.

Was it necessary to invoke the Emergencies Act in order to protect the War Memorial?

**Hon. David Lametti:** Sadly, yes. It's a matter of public record.

**Ms. Rachel Bendayan:** Minister, to clarify for the record, is it your opinion as Attorney General and Minister of Justice that the test was met to invoke the Emergencies Act as outlined?

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Ms. Bendayan. Your time is up.

[*English*]

**Ms. Rachel Bendayan:** Thank you, Minister.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you.

It's now my time to speak. I therefore ask Mr. Green to take over the chair.

[*English*]

**The Joint Chair (Mr. Matthew Green):** The floor is yours.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Minister, consultations took place, and a report was prepared and appended to the proclamation. You told me earlier that such consultations could have been held before or after the Emergencies Act was invoked. However, subsection 25(1) of the act clearly states that, in a case such as the one before us, consultations must take place before emergency measures are exercised.

However, you mentioned that you had conducted other consultations. You consult the provinces on a permanent basis. With regard to the situation we're discussing, on what date did you start consulting the premiers and attorneys general of the provinces?

**Hon. David Lametti:** The report on the consultations was tabled in Parliament. As you saw...

**The Joint Chair (Mr. Rhéal Fortin):** You're referring to the appendix, aren't you

**Hon. David Lametti:** ...I spoke to my counterpart in Quebec City on the evening of the Emergencies Act proclamation. We conduct consultations across Canada...

**The Joint Chair (Mr. Rhéal Fortin):** My time is up, Minister.

● (2120)

[*English*]

**The Joint Chair (Mr. Matthew Green):** Thank you, Mr. Fortin. You have the floor back.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Green, you have the floor for one minute.

[*English*]

**The Joint Chair (Mr. Matthew Green):** Thank you very much.

We've heard around the table that the authorities were insufficient for local police and provincial police across the country to be able to adequately deal with that, yet there's been open-source evidence that it wasn't necessarily insufficient authorities, but authorities that were insufficient.

My question to the honourable member is whether he believes that, if the police had simply acted with the authority that they had already been granted—i.e. taking early advice from ITAC—understood the information that was given to them as it related to a national security threat and acted in accordance with that information, we could have avoided this situation to begin with.

**Hon. David Lametti:** As a legislator, as a member of Parliament and as the Attorney General, I was part of a group that had to deal with facts on the ground. I'm not going to speculate on what police might or might not have done.

My role, given the facts on the ground, was to try to give—

**The Joint Chair (Mr. Matthew Green):** The facts on the ground were that the police failed to act within the city of Ottawa for three weeks.

**Hon. David Lametti:** I'm not going to—

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** The time is over, Minister.

[*English*]

**Hon. David Lametti:** I'm not going to criticize anybody in this forum. The facts were the facts.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** The time is over, Minister. Perhaps Senator...

**Hon. David Lametti:** That's a very important question, Mr. Chair.

**The Joint Chair (Mr. Rhéal Fortin):** I know, we're all asking you very important questions, Minister, but you don't always answer them. We're frustrated, and you're frustrated. That's unfortunate; we should have all night to discuss this issue, given its importance, but that's unfortunately not the case. So I have to manage the time. I apologize, Minister.

Senator Boniface has the floor for one minute.

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** I want to follow up on Mr. Green's comments because, as you would expect, I may disagree with his assumptions around what the police did and didn't do. We don't know the facts of exactly what they were faced with at the time, and I think that will be part of what we will hear. I expect we will hear from the chiefs and such.

I just want to make sure. To clarify, your point was that you dealt with the facts you had at the time, when the police came to you and indicated that they needed certain powers in order to do the job that needed to be done to meet the needs of the city of Ottawa. Is that not correct?

**Hon. David Lametti:** That's correct. The facts for me, as someone who had to try to deal with it from the position of the cabinet, cabinet meetings, the incident response group.... I was dealing with facts on the ground, and that's all I did.

**The Joint Chair (Hon. Gwen Boniface):** Thank you.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Senator.

Thank you, Minister.

Senator Carignan now has the floor for one minute.

**Hon. Claude Carignan:** Thank you, Mr. Chair.

Minister, are you familiar with section 134.1 of Ontario's Highway Traffic Act? You heard the question I asked your colleague a little earlier.

**Hon. David Lametti:** I don't have that section to hand, but that's not important.

**Hon. Claude Carignan:** I'll read it quickly because it's very important: "Where a police officer considers it reasonably necessary... to ensure orderly movement of traffic... he or she may remove and store or order the removal and storage of a vehicle, cargo or debris that are directly or indirectly impeding or blocking the normal and reasonable movement of traffic..." So police officers already had the authority, under Ontario's Highway Traffic Act, to tow the vehicles and remove the hot tub, barbecue and tents. They already had those powers.

What additional powers did the Emergencies Act give them?

**Hon. David Lametti:** I've already described what we did under the act precisely to resolve the situation on the ground. That's what we had to do as a government; that's what we did, and we successfully resolved the situation.

**Hon. Claude Carignan:** Is Canada the only country that uses an emergencies act to tow away vehicles?

**The Joint Chair (Mr. Rhéal Fortin):** Your time is up, senator.

**Hon. David Lametti:** Some countries do a lot more than that, Mr. Carignan.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister and Mr. Carignan.

Senator Harder now has the floor for one minute.

[*English*]

**Hon. Peter Harder:** Thank you, Chair.

Thank you, Minister.

Minister, I preface my question by saying I fully understand and agree with cabinet confidence and client-solicitor privilege, but I want to talk about charter compliance and vehicles that the government uses to assure parliamentarians of compliance. When we have individual bills, the Minister of Justice tables charter compliance.

I wonder if you would contemplate tabling with this committee a statement of charter compliance.

**Hon. David Lametti:** Thank you for the question, Senator Harder. It is true that under the.... I've forgotten the measure. I am not required to table a certificate of charter compliance because this is not a bill.

That being said, I am required by the law under, I believe, the Statutory Instruments Act or something like that—section 4.2 of that act—to make sure that it is compliant with the charter. I have given you the conclusions that I have come to that what we did is charter compliant.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Minister. Your time is already up.

We now go to the last member of the committee.

Senator Campbell, you have the floor for one minute.

[*English*]

**Hon. Larry W. Campbell:** Thank you very much.

Minister, would you consider, through the FPT process, looking at emergency laws across Canada and how they fit together?

• (2125)

**Hon. David Lametti:** Again, as a question, when your work is done, when the inquiry's work is done, I would certainly consider that.

**Hon. Larry W. Campbell:** Thank you.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Mr. Campbell.

Minister, thank you very much. I understand the frustration you felt earlier. I'm constantly learning to manage my frustration as I participate in the deliberations of the House and committee. Sometimes we're almost happy to see that ministers can be equally frustrated at being interrupted. That's unfortunately due to the fact that we have little speaking time.

**Hon. David Lametti:** Mr. Chair, it was a bit like the lightning round on the TV program *Génies en herbe*.

**The Joint Chair (Mr. Rhéal Fortin):** We will be able to reinvite you, Minister. I know everyone around the table will agree to invite you back. It would obviously be helpful for you to finish your testimony.

[*English*]

**The Joint Chair (Mr. Matthew Green):** Mr. Chair, before you wrap up, if I could....

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Green has a point of order.

[*English*]

**The Joint Chair (Mr. Matthew Green):** Just a general practice we've had at this committee is to invite the witnesses to provide in writing any additional comments on questions they may not have had the opportunity to answer, for the fullness of our analysis in our future reports.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** That's a good idea.

Is that fine with you, Minister?

**Hon. David Lametti:** Yes.

**The Joint Chair (Mr. Rhéal Fortin):** That's great, thank you.

Ms. Bendayan, do you have a comment?

**Ms. Rachel Bendayan:** I actually have a question for our clerks.

Have we invited witnesses to appear next week?

At our last meeting, we adopted a motion calling for at least four meetings with specific witnesses.

**The Joint Chair (Mr. Rhéal Fortin):** That's what we'll be discussing, Ms. Bendayan. That's obviously an important point.

Mr. Motz, you have the floor before the Minister leaves the meeting.

[*English*]

**Mr. Glen Motz:** You will excuse the minister and then I want to get into some....

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** All right.

Thank you, Minister. Ladies and gentlemen accompanying the Minister, thank you for taking part in the meeting. I'll expect your meeting request, Minister.

Now we have to decide what we'll do at the meeting next Tuesday. Will we hear witnesses? There are still some pending motions.

Part of the meeting could be devoted to housekeeping motions. Otherwise, we could hear from witnesses.

**Ms. Rachel Bendayan:** Mr. Chair, my suggestion was that we give our clerks clear instructions so we can begin meetings with witnesses. We've planned on four meetings with specific witnesses, according to the motion adopted at the last meeting.

A few weeks ago, we also adopted a motion to have two additional ministers appear, the Minister of Finance and the Minister of Emergency Preparedness. I think that's the fourth witness.

So we have to plan five or six meetings with witnesses over the next few weeks and schedule them. We have only eight weeks before the end of the session.

**The Joint Chair (Mr. Rhéal Fortin):** Yes.

Correct me if I'm wrong, but I thought we had planned to redo the housekeeping motions exercise on May 3, next Tuesday. It's up to the committee to make a decision because I can't do it alone.

We'll definitely have to hear witnesses, and we have pending motions, including one on the disclosure of documents. That motion was introduced by Mr. Motz, but it was amended. If we want to ask the Minister or anyone in government to disclose documents, we shouldn't wait until the end of June to do so because we'll have to deal with delays. It may be appropriate to discuss that matter. We can reject or adopt it, but we should do it quickly.

**Ms. Rachel Bendayan:** We can ask the witnesses to provide documents of interest to us when they appear before us. That will go much more quickly.

I admit that time is passing and we have work to do. The committee has spent time on motions and requests on numerous occasions. Now we have to move on to serious matters.

**The Joint Chair (Mr. Rhéal Fortin):** Go ahead, Mr. Harder.

[*English*]

**Hon. Peter Harder:** I just want to support the notion of continuing with the witnesses we've agreed to. It's clear that tonight we had a very substantive three-hour meeting. I'd rather continue with that than debate motions that don't shed much light.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Go ahead, Mr. Motz.

[*English*]

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

I will respectfully disagree with both Ms. Bendayan and Senator Harder. We do have committee business in front of us. It is beholden on this committee to finish that committee business. I propose that we have half of our meeting next week. We don't have any list of witnesses who are ready to go next week that I'm aware of. I suggest that we have half of our meeting next week to finish off committee business and that we have the other half for a witness, whoever might be available.

It's important that, given the time that the various motions might take to come to fruition and whether we get agreement by this particular committee next week to deal with specific ones, it might take some time to get those things squared away from a document release perspective or from other witnesses. I think we need to at least have some conversation and allow ourselves to do that.

At the end of the day, we're going to have witnesses and witnesses, and we have to have—I believe it's next week.... Is it next week that our witness list has to be in or is it by the end of this week? Right, our first list of preliminary witnesses has to be in today. I think you'll see that it's a pretty extensive list. We need to get at witnesses, but we also need to finish committee business.

• (2130)

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Green wanted to speak. He will be followed by Mr. Virani.

Mr. Green, the floor is yours.

[English]

**The Joint Chair (Mr. Matthew Green):** Thank you, Mr. Chair.

I wanted to note that, if tonight is any indication of the reluctance of the government to provide this committee—which I believe was charged, we were sworn in—with information that would be pertinent to the testimony of future witnesses, unfortunately, I think we're in a corner where we're going to have to call the question at this committee at some particular future point in time to see if it is the will of this committee to work towards the transparency and accountability of this process, which includes the disclosure of documents.

We had just in the last exchange here that the minister made it very clear that, while it is true in other cases that he could provide charter compliance information, he was not compelled to do that based on legislation. As a committee we have the power under lots of jurisprudence to demand documents from this government, and I'm interested in those documents. I'm interested in getting to the facts of the matter. We've heard lots of reference to the facts, Mr. Chair, but we've yet to see them in plain sight, whether it's in an in camera scenario or not.

I would argue that, at some point in time, we're going to have to deal with the motion that's at hand, which is to have a disclosure of documents that are necessary for the fullness of our future investigations.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I'm going to give you the floor, Mr. Virani, but first I'd like to pass on some information.

The clerk tells me that what we can do at the next meeting is devote half the meeting to committee business, then hear from a minister in the second half. That might be one way of proceeding. I pass that opinion on for your information and leave you to continue debating it.

Unless you have anything to add, Mr. Clerk?

**The Joint Clerk of the Committee (Mr. Paul Cardegna):** Perhaps we could invite one of the two remaining ministers whose appearance hasn't yet been determined. We don't know whether those ministers will be available, but we can invite them.

**The Joint Chair (Mr. Rhéal Fortin):** Yes, we can try.

**The Joint Clerk (Mr. Paul Cardegna):** If they can't come, we have the committee's future business and the work plan that the analysts are preparing, but it's up to the committee to decide what it wants to do.

**The Joint Chair (Mr. Rhéal Fortin):** Go ahead, Mr. Virani.

[English]

**Mr. Arif Virani:** I appreciate what the clerk is indicating, but I would reiterate that it troubled me, something that Mr. Motz said, because he said he didn't know what witnesses we had to call.

We have a motion that we passed just prior to Easter. I know that's three weeks ago, but I remember there were suggestions made. I moved the motion and then suggestions were made to improve it. I thought it was improved. We had a motion that says that officials from the Department of Public Safety, the PPS, Sergeant-at-Arms, the Department of Finance, the Department of Justice, the RCMP, CSIS, CBSA and FINTRAC be invited to appear before this committee on four dates chosen by committee members to discuss the measures invoked on February 14 under the Emergencies Act for a period of three hours each.

We went through some turmoil to get to that language that we agreed upon, and I guess what the clerk is looking for is for those dates to be chosen by the committee members.

With all due respect, I would propose a motion that we move to hear witnesses at the meeting on May 2, if my dates are correct, and that those witnesses include all of the people I just named. We see who will be available. I also propose we use all three hours, not a *demi-rencontre* but a full *rencontre*, a full meeting, to have those witnesses. This was three hours. It was tiring, but it was good. I think we should continue doing tiring but good work because there's a lot to get through.

I would move that motion and ask that we vote on that motion.

• (2135)

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Virani, for my own understanding, would you please tell me in which of those motions those witnesses are named?

I remember that we discussed this, but I can't find it in our motions.

**Mr. Arif Virani:** I don't remember the number of that motion, but I have the text in hand with the changes we made to it.

**The Joint Chair (Mr. Rhéal Fortin):** So you move that we invite the people you named for next week.

Do we need to debate that motion?

**The Joint Clerk (Mr. Paul Cardegna):** The motion carried. Mr. Virani suggests that we invite some of those witnesses to testify on May 3. That's what I understand from his remarks.

[*English*]

**Mr. Arif Virani:** Yes. I was asking that we invite all of them and see who is available.

If some are available for next week, then we schedule them for next week. If there's spillover to the following week of May 10, then we continue to schedule. I believe that was the purpose of passing the motion and, Mr. Clerk, I think you were just waiting to hear about which dates.

My proposal would be that we just continue with next week and the following week to hear witnesses.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Just for clarity's sake, Mr. Virani's motion is Motion No. 16, and Motion No. 17 concerns the representatives of the departments. Is that correct, Mr. Clerk?

**Mr. Arif Virani:** That's Motion No. 17.

**The Joint Chair (Mr. Rhéal Fortin):** Motion No. 16 mentions the Deputy Prime Minister and Minister of Finance...

**Ms. Rachel Bendayan:** That's Motion No. 17.

**The Joint Chair (Mr. Rhéal Fortin):** Motion No. 17 concerns the representatives, not the ministers.

**Mr. Arif Virani:** I'm talking about the representatives.

**The Joint Chair (Mr. Rhéal Fortin):** You were talking about the ministers. Did I misunderstand you?

**Mr. Arif Virani:** I think Ms. Bendayan referred to the ministers. I meant the representatives.

**The Joint Chair (Mr. Rhéal Fortin):** All right. So we're talking about the departmental representatives in Motion No. 17.

Mr. Green, would you like to speak?

[*English*]

**The Joint Chair (Mr. Matthew Green):** When the motion was passed, we didn't have specificity on the dates.

I would just caution the committee that, given that these motions have already been put, at any time members of this committee can move their motion at their slot, even with witnesses present. I don't want this committee to delve into a scenario where we have the politics of the committee interfere with the testimony of the actual witnesses.

In that caution, I would suggest that, by setting aside time for committee business, we wouldn't run into a scenario that might interfere with the testimony of the ministers or witnesses at hand. It is

well within our rights as committee members to move the motion at any point in time that we have the floor.

Rather than get into a scenario—and I'm contemplating myself being at the chair at some point in time—where that might be the case, I would ask that we do contemplate a set-aside to have those things that might not interfere and impede the testimony of the witnesses we've selected.

I just wanted to put that out there.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Go ahead, Ms. Bendayan.

**Ms. Rachel Bendayan:** Responding to my colleague Mr. Green, if the majority of committee members wish to spend time debating the motions, I suggest we add one meeting a week to our agenda to do that. Everyone here says how important it is to move forward efficiently and quickly, but that's not in fact what I see, Mr. Chair. What I see is that some members of the committee would like to put off indefinitely the important work we have to do, which is to ask witnesses questions in order to come to conclusions.

**The Joint Chair (Mr. Rhéal Fortin):** One meeting is already scheduled for next Tuesday, Ms. Bendayan. The question is whether we'll debate motions for disclosure of documents or hear from witnesses. I've heard no one say we shouldn't proceed.

**Ms. Rachel Bendayan:** There's already a motion on the table, that of my colleague Mr. Virani, and we're talking about planning future meetings to determine...

**The Joint Chair (Mr. Rhéal Fortin):** Either we hear from witnesses or we discuss documents. It's one or the other.

**Ms. Rachel Bendayan:** No, what I suggest is that we discuss documents at a second meeting.

**The Joint Chair (Mr. Rhéal Fortin):** All right. I understand.

Go ahead, Mr. Naqvi.

[*English*]

**Mr. Yasir Naqvi:** I just wanted add that we already have motions passed here that have determined that there are two ministers at the least and various officials from very important agencies that we want to hear from. At some point we need to give instructions to our clerks to start scheduling all of these people. It's not going to happen overnight.

In the motion, we actually said four weeks for other witnesses. I think it's only reasonable, given the important work that we have to do—and we saw today a lot of heavy lifting was done—that we continue with this process and at least start scheduling the people we have agreed to. That includes two more ministers and our witnesses from very important agencies that have been listed in the motion that Mr. Virani read.

• (2140)

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** The floor is yours, Mr. Motz.

[*English*]

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

You know, I find it interesting that there's an offhanded accusation that some members of this committee want to push off witness testimony. We're here to hear witness testimony, but we also have some rules and parameters around the motions that are set here about how we're going to do business and they haven't been resolved yet. We need to resolve them. We can still hear witnesses. We need to hear witnesses, but to suggest that we take even half a committee meeting to deal with some of the motions, and deal with them and then move on.... I think it's a little irresponsible as a committee that, you know, we just want to get at the committee, but we have no structure around what we're going to do with some of this stuff.

In terms of what we're asking the government to give us, as Mr. Green indicated, we already know what the government's position is on sharing the information that they relied upon to invoke the act. A number of us around this table have suggested that we need that information to make an informed decision. If you look at the motions that are here, motions 16 and 17, there's a....

Mr. Naqvi, you talk about the officials. These officials are not going to come all in one day. It will be at least four days, or maybe even five or six days. To have one agency per hour and a half would be reasonable. As we found out today, you really can't get a whole lot of information asked if you have various agencies that have totally different areas of responsibility that you want to get information from.

I say let's be responsible and prudent about the responsibilities that we have as a committee. Let's set half a meeting aside, and let's move on to witnesses after that.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Brock is the next speaker on the list. However, with your permission, I'd like to speak. Otherwise I don't know when I will be able to do so.

I simply want to mention that I would like us to resolve the pending motions, to carry or negative them. I need to know where I stand.

For example, we have the ministers telling us they don't want to disclose documents and aren't entitled to do so. I'd like to put that question to the committee's legal counsel, except that we haven't yet designated any legal counsel. We have a motion under which independent legal counsel is required, and we have an amendment or counter-motion under which we would hand the matter over to the Clerk of the House.

The fact remains that I have a question: can I compel the minister, or can the committee compel the minister, to provide us with the opinions he has received so that his final testimony includes the documents he refers to in his answer? In my view, he must provide

them, but I don't have any legal counsel I can question on the matter.

Consequently, we have to decide the pending motions in order to get one. If the motions are negatived and we wind up without legal counsel, I'll make do. I'll get one; I'll bring in a lawyer as a witness and ask him the question. As you can understand, these are things we have to do. I too would like to hear witnesses, a lot of witnesses and for a long period of time, all summer if necessary. However, I think we first have to establish our work plan.

Mr. Motz's motions on legal expertise, the themes we'll address during the study and disclosure of documents, as well as Ms. Bendayan's counter-motion on that point, are all important issues. I think we have to resolve them so we can continue our work with peace of mind, knowing where we're headed.

I just wanted to give you my opinion, that we need to decide these motions even if it means taking up an hour and a half. I don't think the process is necessarily long, but it has to be done.

Go ahead, Mr. Brock.

[*English*]

**Mr. Larry Brock:** Thank you, Mr. Chair. In light of your comments or intervention, I have nothing further to add.

Thank you.

• (2145)

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Senator Boniface, would you like to speak?

[*English*]

**The Joint Chair (Hon. Gwen Boniface):** I was going to suggest that we call the question. We're only speaking, as of tonight, on this motion for next week.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Is everyone fine with that?

Mr. Clerk, you will proceed by recorded vote on Mr. Virani's motion that next week we will hear...

[*English*]

**Mr. Glen Motz:** We don't have Mr. Green and we need to hear the motion, please.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** I don't know where Mr. Green is.

**A voice:** We can continue; we have a quorum.

**The Joint Chair (Mr. Rhéal Fortin):** Yes, but it's a bit delicate.

[*English*]

**Mr. Larry Brock:** I have a point of order.

Senator Harder has suggested we have quorum and we can proceed with the vote. That is so disrespectful to members of this committee. We're entitled to a comfort break, and that's where I believe my colleague Mr. Green is, who is now entering the room.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** We have an answer.

Thank you, Mr. Brock.

Everyone is present. Mr. Clerk, would you please read the motion so that it's clear?

[*English*]

**The Joint Clerk (Mr. Paul Cardegna):** For the benefit of members of the committee, Mr. Virani moved that on May 3, the committee hear witnesses from the list that was adopted earlier of grouped witnesses for three hours. It's to hear witnesses for three hours from the group.

**The Joint Chair (Mr. Rhéal Fortin):** Which witnesses?

**The Joint Clerk (Mr. Paul Cardegna):** Mr. Virani left it open.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Virani recommended Motion No. 17.

I will read it, if you wish.

**The Joint Clerk (Mr. Paul Cardegna):** I can read it.

**The Joint Chair (Mr. Rhéal Fortin):** You may read it if you wish.

[*English*]

**The Joint Clerk (Mr. Paul Cardegna):** My understanding is that Mr. Virani suggested that the meeting on May 3 be devoted to hearing the witnesses that are available from the following list: the RCMP, CSIS, the CBSA, Department of Public Safety, Department of Finance, Department of Justice and FINTRAC, as well as PPS, the Sergeant-at-Arms and the Usher of the Black Rod.

**Mr. Glen Motz:** It's a great motion, but how many are we going to call, and is it just for that meeting? That's what we have to figure out. Is it just for next Tuesday? Are we doing three of them, or are we doing two of them?

**An hon. member:** It's a buffet.

**Mr. Glen Motz:** Yes, it's a buffet. We have to advise the clerk. There could be five of them available. That's not appropriate. We need one or two, so one per hour and a half.

**Mr. Arif Virani:** The motion was for four dates for three hours each. That's roughly.... I believe we talked about how we would potentially group them and it was something like two or three per grouping.

I have written down here, now that I look at it, that Justice, RCMP and CSIS would be grouped as one; Finance and FINTRAC would be grouped as another; the Department of Public Safety and CBSA would be grouped as a third; and PPS, the Sergeant-at-Arms and the Gentleman Usher of the Black Rod would be grouped as the fourth. Those are the four groupings that we discussed. Depend-

ing on the availability, whichever group is available on May 3 is the one we'll proceed with.

Do you need me to repeat that?

The groupings were Justice, the RCMP and CSIS. That's one group. The second grouping was the Department of Finance and FINTRAC. The third group was the Department of Public Safety and CBSA. The fourth group was the PPS, the Sergeant-at-Arms and the Gentleman Usher of the Black Rod. I'm glad I get to say that twice. If you could please bring the black rod, we'd all be very impressed. That's a bit of levity late on a Tuesday.

I propose we start scheduling all of them, to be frank, and start with whoever is available on May 3.

**Mr. Larry Brock:** When are we going to have committee business?

**Mr. Glen Motz:** Are we just going to keep having witnesses and keep pushing off committee business? Is that what the Liberals' plan is?

**An hon. member:** We can move a motion any time we want and that's going to be [*Inaudible—Editor*].

**Mr. Glen Motz:** Exactly, because they will. My motion is still before the committee.

**The Joint Clerk (Mr. Paul Cardegna):** My understanding, if I may, is that the motion that Mr. Virani moved is that, on May 3, we invite one of the four groupings that were identified in the previous motion, and we devote that meeting to hearing witnesses for three hours from whichever one of those groups is available.

[*Translation*]

Are you ready to vote?

[*English*]

(Motion agreed to: yeas 6; nays 5 [*See Minutes of Proceedings*])

• (2150)

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** The motion carried.

That's what will be done next Tuesday.

That being said, the analyst has reminded me that she wants to know whether we still want a work plan for next Tuesday. We had asked the analysts to prepare one.

I believe that we haven't changed our minds and that we still want a work plan. Do we have any additional instructions for the analysts?

[*English*]

**Mr. Glen Motz:** It would be great to have that as part of committee business. Wouldn't it?

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Yes.

[*English*]

**Mr. Glen Motz:** I guess we punt that down the road too.

**Ms. Rachel Bendayan:** Do we need an hour and a half to decide on that?

**Mr. Glen Motz:** We still have motions, Rachel.

**Ms. Rachel Bendayan:** We're discussing those things at the moment while we have the full three hours with witnesses.

[*Translation*]

Mr. Chair, I would like to comment on something you said earlier.

The Law Clerk, to whom we all have access as members of Parliament, may provide legal opinions to the members of our committee as he does to any other committee. We do not need to introduce a motion to designate an adviser or lawyer for the purposes of our committee in order to request legal advice from him.

**The Joint Chair (Mr. Rhéal Fortin):** Thank you.

Ms. Feldman, we still need a work plan. Do you have enough information to be able to propose something to us?

**Ms. Stephanie Feldman (Committee Researcher):** We're waiting for the witness lists of the Liberals and Conservatives as well as a few senators.

**The Joint Chair (Mr. Rhéal Fortin):** I see.

We had until today to submit our witness lists, but, if my understanding is correct, that's not a firm deadline. However, are we able to move forward? Have any witness lists been submitted? Are there any of you who wish to do so but who have yet done so?

**The Joint Clerk (Mr. Paul Cardegna):** A few lists have been submitted, but not by all parties.

**The Joint Chair (Mr. Rhéal Fortin):** All right. That's it for the lists.

Thank you.

The committee is adjourned.

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