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# Special Joint Committee on the Declaration of Emergency

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Co-Chairs:  
The Honourable Gwen BonifaceMr. Matthew GreenMr. Rhéal Fortin





## Special Joint Committee on the Declaration of Emergency

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• (1835)

[*English*]

**The Joint Chair (Mr. Matthew Green (Hamilton Centre, NDP)):** I call this meeting to order.

Welcome, everyone, to meeting number 18 of the Special Joint Committee on the Declaration of Emergency, created pursuant to the order of the House of March 2, 2022, and the Senate of March 3, 2022.

Today's meeting will take place in a hybrid format, pursuant to House and Senate orders. Should any technical difficulties arise, please advise me, as we may need to suspend for a few minutes to ensure that all members are able to participate fully. Witnesses should also be aware that interpretation is available through the globe icon at the bottom of their screen.

Before I introduce the guests, I will note that within the last 10 or 15 minutes or so, the committee did receive notice that GiveSendGo has pulled out of tonight's meeting, so there will be a bit of rescheduling of time slots. We might have some extended time that might give some grace for the Senate votes.

I did want folks to know that as we go into this round of questioning.

We are very fortunate, however, to have GoFundMe here. Ms. Kim Wilford is the general counsel.

Ms. Wilford, you have five minutes for your opening remarks—

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin (Rivière-du-Nord, BQ)):** Before we get started, Mr. Chair, can you tell me whether the sound checks for this evening's witnesses were done and whether the results were satisfactory? I want to be sure the interpreters are equipped to do their job.

Thank you, Mr. Chair.

[*English*]

**The Joint Chair (Mr. Matthew Green):** Thank you very much, Mr. Fortin. I understand that there may have been some issues in the past.

Looking beyond you to the interpretation, has the sound check been completed? Is it satisfactory?

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Usually, the clerk takes care of the sound checks.

[*English*]

**The Joint Chair (Mr. Matthew Green):** Yes. We have the green light.

[*Translation*]

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

[*English*]

**The Joint Chair (Mr. Matthew Green):** Go ahead, Ms. Bendayan.

**Ms. Rachel Bendayan (Outremont, Lib.):** Mr. Chair, just as a point of clarification, could we hear from the clerk on the reasons for the cancellation at the very last moment of GiveSendGo?

**The Joint Clerk of the Committee (Ms. Josée Harrison):** They did not provide clarification on why they cannot appear. It was just stated that they could not appear.

**The Joint Chair (Mr. Matthew Green):** Needless to say, I think I share the disappointment of members of this committee who were looking forward to that critical round of questioning. We will adapt and allow Ms. Wilford—

**Ms. Rachel Bendayan:** Mr. Chair, I'm concerned that they may never appear. Perhaps rescheduling is not in the cards for this particular witness. That would be very unfortunate, as it's an important witness that clearly appears afraid to come before this committee.

• (1840)

**The Joint Chair (Mr. Matthew Green):** Ms. Bendayan, I am open to any motions that you may seek to have. We obviously have the power as a parliamentary committee to send for people in all sorts of ways. If I'm hearing from you that it is your will to do that, certainly the floor is yours. I'm open to that.

**Ms. Rachel Bendayan:** Thank you very much. I think I will put forward a motion. If I may, given that we have a witness before us, I will leave time for the witness, and as soon as I see a free moment during the committee, I will move such a motion.

**The Joint Chair (Mr. Matthew Green):** That is duly noted, Ms. Bendayan.

Thank you very much, Ms. Wilford, for allowing us to work through the little adjustments here. You will have five minutes, following which you will have rounds of questioning.

I would like to state as a bit of preamble that you may find from time to time that parliamentarians may intervene to take back their time, which means they may interrupt you and cut you off. It's not out of disrespect. It's just that we have a very limited and set amount of time, and often parliamentarians will need to get to their next question. Please know that it's not a personal thing.

You have five minutes. The floor is yours.

**Ms. Kim Wilford (General Counsel, GoFundMe):** Thank you, Mr. Chair.

Good evening, Chair and members of the committee. It is our pleasure to join with honourable senators and members of Parliament today to discuss these important issues.

My name is Kim Wilford, and I'm the general counsel of GoFundMe.

At the outset, I would like to thank the committee for its important work to review the exercise of powers pursuant to the public order emergency declared under the Emergencies Act.

As a global brand that complies with laws and regulations in all jurisdictions where we operate, GoFundMe takes no position on the propriety of the Canadian government's use of the Emergencies Act; however, we are happy to discuss the events of this past January and February and the actions that we took as a company.

GoFundMe is the world's most recognized and most trusted fundraising platform. Our mission is to help people help each other, with a goal of being the most helpful place in the world. We are humbled that GoFundMe has become a noun synonymous with receiving help and assisting communities. That impact is far-reaching, as we have delivered over \$17 billion in assistance to communities in 19 countries since the company began over a decade ago.

In Canada, we are now delivering around \$200 million in community assistance each year, including funds raised for significant events such as the Humboldt Broncos fundraiser in 2018, the floods in British Columbia this time last year and, most recently, hurricane Fiona.

GoFundMe aspires to be the benchmark for responsible operations in the social fundraising space, and many of our employees are dedicated to trust, safety, platform integrity and compliance. Our decisions and policies are guided by our terms of service, which are posted publicly and outline what is permissible on our platform. Fundraising campaigns relating to misinformation, hate, violence and intolerance of any kind are not permitted under our terms.

Before we provide a timeline of events for the "freedom convoy" fundraiser, I would like to thank the City of Ottawa authorities for their partnership and collaboration. As the only level of government to interact directly with GoFundMe during this situation, the partnership was essential to understanding what was happening on the ground so that we could make the best possible decisions relative to our policies.

The "freedom convoy" fundraiser was created on January 14. We began to actively monitor it the next day, based on donation velocity. Our initial analysis concluded that it was within our terms of

service. On January 27, we initiated, through our payment processing partner, a single distribution of \$1 million Canadian to the financial institution of the "freedom convoy" fundraiser organizer.

Following this disbursement, public statements from the fundraiser organizer began to shift in tone and, on February 2, we suspended the fundraiser. This effectively meant that all future donations and withdrawals were paused.

From February 2 through 4, we heard from local authorities, namely the City of Ottawa and Ottawa police, that what had begun as a peaceful movement had shifted into something else, with reports of violence and threats. We commenced a review of where donations were coming from, and our records show that 88% of the donated funds originated in Canada and that 86% of donors were from Canada.

On February 4, following dialogue with the fundraiser organizer and her team as well as continued updates of concerning incidents from local authorities, it became clear that the fundraiser no longer complied with our terms of service. We removed the fundraiser from our platform and provided donors with the option to request a refund or have their donations delivered to credible and established charities chosen by the fundraiser organizer and verified by GoFundMe.

As of February 5, refunds were initiated via our payment processing partner, including all transaction processing fees and tips, and funds were returned to donors.

GoFundMe does not directly interact with or hold any funds, nor are we able to redirect those funds to ourselves or anyone else. All donations are processed, held and paid out by our payment processing partners. It's important to note that there are multiple layers in the regulatory framework surrounding social fundraising on GoFundMe. Our trust, safety, platform integrity and compliance teams work to ensure that we provide the most safe and secure environment for our users. That's the first layer. The second layer comes from the similar functions implemented by our payment processors. Third, our processors are bound by and rely on banks, card networks and their associated regulatory requirements. Lastly, crowdfunding platforms in Canada must now register with FINTRAC, which we did as soon as the requirement was enacted.

In closing, GoFundMe believes that responsible action is core to social fundraising. That's why we proactively invest in the tools, teams and processes to earn the trust of our users and the regulators.

We hope that this provides useful context to your ongoing review, and I'm happy to answer any questions that the committee has.

Thank you.

• (1845)

**The Joint Chair (Mr. Matthew Green):** Thank you very much for your opening remarks.

We will begin our five-minute rounds with Mr. Brock.

Mr. Brock, you have five minutes. The floor is yours.

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

Good evening, Ms. Wilford. Thank you so much for agreeing to attend and for sharing your knowledge with respect to your company's involvement in this particular matter.

I know that you touched upon it briefly in your summary, but I want to put to rest a lingering thought that really has been percolating, and is still percolating almost to this day, around this particular protest. It basically had its origins pretty much the day the convoy arrived. It was this whole concept that this was a foreign-influenced movement. It was that foreign monies, predominantly, were flowing into this country to subvert our democracy. I know that you touched upon a statistic that clearly puts that to rest, but I want to put things in more perspective for you before I ask you the question.

This is a campaign that really started, right from the get-go, right from the Prime Minister, numerous cabinet ministers and a number of governing members of Parliament. When you attended the finance committee, one Liberal MP even suggested that there was a Russia connection. In fact, the comment was for you or Mr. Benitez—I don't know whom the question was put to. It was, "We know that Russia has been engaged in misinformation warfare for years...\$1 trillion in Russian dark money that is circulating and dedicated to undermining our democracy."

That was followed up by a question put to you by a Conservative member which basically said there was a little bit of irresponsibility in speculating about a Russian government connection. He asked you, "Did you uncover any connection between the illegal protests...and the Russian government?"

Mr. Benitez, the president of your company, responded, "12% of the donations came from outside of Canada. There was virtually only perhaps a handful, at most, of donations from Russia."

Do you accept that as well, Madam?

**Ms. Kim Wilford:** Thank you for the question, Mr. Chair.

Yes, I do.

**Mr. Larry Brock:** That was again followed up.

The reason I'm getting to this is that you agree with me. In fact, one of your statements in one of the articles I read was that very early on in your involvement in this protest, there was a great deal of misinformation and you were trying to sort out between fact and fiction.

Unfortunately, our national broadcasting corporation, the Canadian Broadcasting Corporation, known as the CBC, which is entirely publicly funded—

**The Joint Chair (Mr. Matthew Green):** Excuse me. My apologies, Mr. Brock. I've stopped your time.

I should note, as has been set as a precedent within this committee, that a vote has been called in the Senate. I want to pause the meeting.

I do apologize, Ms. Wilford. It's an occupational hazard of being here on the Hill. Particularly at this time toward the end of the year, there are lots of votes.

I will recognize Senator Harder for any direction he may wish to provide.

**Hon. Peter Harder (Senator, Ontario, PSG):** Thank you, Chair.

The Senate has a 30-minute bell. I propose to leave to vote.

For my part, I would not be opposed to the committee continuing the questioning. Perhaps the committee could accommodate the senators, who may be back, for their questions. Let's take advantage of the time. We'll be back as quickly as possible.

If you need a formal motion, I'm happy to so move.

• (1850)

**The Joint Chair (Mr. Matthew Green):** If you wouldn't mind moving that, then we'll just go ahead with that motion on the floor.

I look around the table. Is anybody opposed to that motion?

(Motion agreed to)

**The Joint Chair (Mr. Matthew Green):** We will continue with the questioning.

Senator Harder, I would like to note that, as a chair, I'll ensure that all members of the Senate who return from the vote have priority in their questioning, regardless of where the round is.

Thank you.

My apologies, Mr. Brock. Feel free to begin your question from where you were. You have about two minutes left, but I'll be generous.

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

As I was indicating, Ms. Wilford, our national broadcast organization, the CBC, in a January 28 broadcast of *Power & Politics*, while interviewing Public Safety Minister Mendicino very early on in the protest, accused the Kremlin of funding the convoy. It was a claim that the CBC had to walk back days later.

She said, “I do ask that because, you know, given Canada's support of Ukraine in this current crisis with Russia, I don't know if it's far-fetched to ask, but there is concern that Russian actors could be continuing to fuel things as this protest grows, but perhaps even instigating it from the outset.”

Do you disagree with that as well, Ms. Wilford?

**Ms. Kim Wilford:** As I have said, our records show that 88% of the donated funds originated in Canada, and 86% of the donors were from Canada.

**Mr. Larry Brock:** To put a fine point on that, you had approximately 133,000 donors. Is that correct?

**Ms. Kim Wilford:** That is correct.

**Mr. Larry Brock:** There were 133,000 who originated in Canada, which is the 86%.

**Ms. Kim Wilford:** Yes.

**Mr. Larry Brock:** Some 14,000 originated in the United States.

**Ms. Kim Wilford:** Yes.

**Mr. Larry Brock:** Another 4,000 originated from 80 other countries, which represent 3%.

**Ms. Kim Wilford:** Yes. That is correct.

**Mr. Larry Brock:** Of the just over \$10 million raised before the fundraiser was shut down by your company, approximately \$9 million of that originated from Canada, which represents 89%. Is that correct?

**Ms. Kim Wilford:** That is correct.

**Mr. Larry Brock:** Only approximately \$870,000 originated from the United States of America. You would agree with that.

**Ms. Kim Wilford:** From outside of Canada, yes, I would agree.

**Mr. Larry Brock:** Yes. It's outside of Canada, but specifically from the U.S.

**Ms. Kim Wilford:** I don't have those exact numbers in front of me. I apologize.

**Mr. Larry Brock:** I'm looking at a summary of an interview that you engaged in with the commission counsel of the Public Order Emergency Commission some time ago—

**The Joint Chair (Mr. Matthew Green):** I apologize. You are now 45 seconds beyond your time. You had the opportunity to explore the last two minutes.

We will now move to Ms. Bendayan.

You have five minutes. The floor is yours.

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

I think I will pick up where my colleague Mr. Brock left off.

If I understand your testimony correctly, Ms. Wilford, some 4,000 donors originated from outside Canada and the United States.

Did I understand that correctly?

**Ms. Kim Wilford:** Thank you for the question, Mr. Chair.

I don't have those exact numbers in front of me right now during this testimony, but if that's what the prior testimony was, then, yes, that was correct. Those numbers were what I had at the time.

**Ms. Rachel Bendayan:** Yes. Those are the numbers you provided, I believe, to the Public Order Emergency Commission. I appreciate that you might not have that information before you at the moment.

Can you commit to providing the committee a breakdown of where those donations originated from?

**Ms. Kim Wilford:** Thank you for that question.

I believe we already have, but, yes, we're happy to have a follow-up discussion about that.

**Ms. Rachel Bendayan:** It's so I can be specific, because I don't believe we have that information.

There are 80 other countries from which GoFundMe received donations with respect to this campaign. We would like a breakdown of those countries.

Perhaps you're not in a position to provide the names of those 80 other countries, but can you confirm to the committee that no donations were received from China?

• (1855)

**Ms. Kim Wilford:** I do not believe that any donations were received from China. Again, without the information in front of me right now, it's really hard for me to confirm with 100% certainty. However, I'm as certain as I can be right now.

**Ms. Rachel Bendayan:** Can you similarly confirm that with respect to any donations coming from Russia?

**Ms. Kim Wilford:** That's correct. Yes.

**Ms. Rachel Bendayan:** We will await those further details.

I would like to go through some of the timeline quite quickly because, as you can see, our questioning time is limited.

On January 14, I understand that Tamara Lich created a fundraising campaign with a description of the campaign. That description was changed on January 18, following questions that GoFundMe posed to Ms. Lich.

Do I understand that correctly?

**Ms. Kim Wilford:** Thank you for the question, Mr. Chair.

Yes. You understand that correctly.

**Ms. Rachel Bendayan:** The description was changed on January 22, after which you asked additional questions on January 26.

I would be interested in hearing what led you to disburse funds on January 27, because, obviously, things were evolving. The campaign appeared to have been changing, but GoFundMe disbursed funds to Tamara Lich on January 27, if I understand your previous testimony.

**Ms. Kim Wilford:** Thank you for the question, Mr. Chair.

Yes, we distributed funds through our payment processing partner on January 27, after receiving a letter of attestation from Tamara Lich explaining in greater detail how she planned to distribute the funds to participants involved in the convoy and ensure that those participants had been involved only in the peaceful aspects of it.

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

I'm a bit confused as to how only five days later you actually suspended the fundraising campaign. Based on your introduction, you indicated that between February 2 and February 4 you took measures to suspend the campaign.

What caused this change only a few days after disbursing a significant sum to Tamara Lich?

**Ms. Kim Wilford:** Thank you for the question, Mr. Chair.

This situation was extremely unusual. The vast majority of campaigns on GoFundMe are for medical, memorial and emergency issues. The facts of this campaign, our discussions and interactions with Ms. Lich and her campaign organizing associates were changing. The facts on the ground were changing. Everything was happening very quickly, and so on a campaign that had started on January 14, and was within our terms of service, it became clear between January—

**Ms. Rachel Bendayan:** What happened specifically between January 27 and February 2?

**Ms. Kim Wilford:** There were conversations with individuals in the City of Ottawa and the Ottawa police. We were seeing our own social media and other social news information about things becoming less peaceful on the ground, if you will, and also our situations with Ms. Lich were changing. She wasn't responding to our outreach. She wasn't co-operating in the way that she had been—

**Ms. Rachel Bendayan:** I'm sorry to interrupt, but I'm almost at the end of my questioning round. I do appreciate that you're about to explain some of the conversations you had with Ms. Lich.

Given I have such limited time, may I ask you please to provide the committee with the attestation you referred to that Ms. Lich provided to GoFundMe, as well as any correspondence between you and Ms. Tamara Lich between those dates so we may understand the testimony you're providing today?

**Ms. Kim Wilford:** Thank you for the question.

I'm happy to provide the letter of attestation. I'm not sure there are any notes of conversations with Ms. Lich during that time, but to the extent there are, we will provide them. I—

**The Joint Chair (Mr. Matthew Green):** Thank you. You feel free to finish that thought.

**Ms. Kim Wilford:** She had essentially stopped responding to our team. That was part of the problem as well.

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

We will now go to Monsieur Fortin *pour cinq minutes*.

Monsieur Fortin, the floor is yours.

[*Translation*]

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

Thank you for being with us today, Ms. Wilford.

I gather from your remarks that there were a lot of developments between January 27 and February 5, developments that led you to pull GoFundMe's fundraiser, I mean Ms. Lich's convoy fundraiser.

What developments exactly led you to that decision? You touched on it, saying that Ms. Lich no longer met your terms of service. You also said that she was no longer answering your calls or emails. Could you tell us clearly what happened?

What changed with Ms. Lich between January 27 and February 5?

• (1900)

[*English*]

**Ms. Kim Wilford:** Thank you for the question, Mr. Chair.

Between January 27 and February 2, GoFundMe was continuing to monitor this fundraiser. We were also reviewing multiple reports from local authorities describing the convoy protest as being violent and dangerous. Our teams were reaching out to the local police as well as the mayor and were speaking to individuals and their teams to get real-time, credible information as to how the situation was changing on the ground.

Our terms of service are very clear that we will not support fundraisers that are in support of hate, violence, harassment or intolerance of any kind. What had started as a peaceful protest, and within our terms of service, was now falling outside those terms.

We had also had—

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** I understand, Ms. Wilford.

The information indicating that things had changed was coming from the mayor and the chief of police.

Is that correct, or did someone else give you that information?

[*English*]

**Ms. Kim Wilford:** On February 2, our team spoke directly with Deputy Chief Bell. On February 3, I spoke myself with Mayor Watson. So, we were getting direct, credible information.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Those were the two people telling you that the situation had changed and that things had turned violent on the ground, here, in Ottawa. That's why you took down the fundraiser.

Is that correct?

[*English*]

**Ms. Kim Wilford:** That fed into it. We also had had a direct connection. The team was working with Ms. Lich and her team, but then she stopped responding to them promptly. In fact, she held a press conference that suggested we were working with her, and our team had not had any interaction with her.

We were trying to get more information as to how she planned to distribute the funds and ensure that none of the amounts ended up in the hands of people who weren't part of the peaceful protest. We weren't able to reach her and get that confirmation, so there were a number of factors that contributed to our decision to remove the fundraiser.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I see.

You said that Mr. Watson, the mayor, and Mr. Bell, the chief of police, told you that the protest was turning violent.

What did they tell you exactly? What did that violence look like? What was going on? What events exactly did you base your decision on—that is, if you were aware of them?

Perhaps your decision was based solely on the fact that you were told the protest was becoming violent. However, if you were made aware of specific events, I'd like to know what they were.

What alleged events led you to make the decision you did?

[English]

**Ms. Kim Wilford:** We heard there were multiple cases of disruptive, inappropriate and threatening behaviour from demonstrators.

We heard from Chief Peter Sloly that there were active criminal investigations involving threats of assault and the dangerous operation of vehicles. Mayor Watson remarked that protesters were harassing, threatening and intimidating and that there was disgraceful behaviour like stealing and carrying swastika signs.

We also heard that protesters had been charged with criminal offences, that hotel rooms were being vandalized and that there was threatening behaviour to a number of the citizens of Ottawa.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** To your knowledge, did police investigate those events?

[English]

**Ms. Kim Wilford:** I am not aware directly of a police investigation.

[Translation]

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

You mentioned the mayor, Mr. Watson, and Chief Bell, but as I understand it, Chief Sloly spoke with you as well. In addition to Ms. Lich, the people who provided you with information were Mr. Watson, Mr. Bell and Mr. Sloly.

Do I have that right?

[English]

**Ms. Kim Wilford:** Yes, they gave our team information. I myself only spoke to Mayor Watson, and other individuals who are on our team were speaking to Chief Bell and Mr. Sloly.

• (1905)

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Very well.

[English]

**The Joint Chair (Mr. Matthew Green):** Mr. Fortin, I'm going to hand you the chair. Please have a timer prepared for my five-minute intervention.

Thank you very much.

[Translation]

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

You have five minutes, Mr. Green. Go ahead.

[English]

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

I want to begin with the notion that \$1 million invested in direct action that had reports of criminality and disruption is no small amount of money. I want to contextualize it by stating right now—you may or may not know this, Ms. Wilford—that there is an ongoing investigation into foreign interference that I think is about a quarter of a million dollars for an entire election.

I've been involved in a lot of direct action, and I have never been in a situation where I had \$1 million dropped in my lap, let alone 10, so I want to get a better understanding of that money. When you receive donations, how do you verify the residence?

**Ms. Kim Wilford:** We don't verify the resident as the donations are coming in. We can tell from the credit card that's used and the zip code that's used where they come from. In this case, some diligence was done that was more unusual than we do on a normal campaign, just given the—

**The Joint Chair (Mr. Matthew Green):** Can you expand on that a little bit? What extended diligence did you do?

**Ms. Kim Wilford:** We worked with our payment processors to really look into not just the credit card location and where it was coming from, but also things like IP addresses and beyond.

**The Joint Chair (Mr. Matthew Green):** Was there ever any use of GoFundMe for any of the January 6 actions that happened in Washington?

**Ms. Kim Wilford:** There were some campaigns related to it that were removed from the platform.

**The Joint Chair (Mr. Matthew Green):** They were removed from the platform.

Was there also foreign money coming in? Was there money coming from outside the country into the January 6 actions?

**Ms. Kim Wilford:** I don't know any of the specifics of the funding of those campaigns.

**The Joint Chair (Mr. Matthew Green):** Okay.

I want to just state for the record again, because I know earlier on you had some challenges with the information we requested, that you are the in-house general counsel. Is that correct?

**Ms. Kim Wilford:** Yes, I am the general counsel of GoFundMe.

**The Joint Chair (Mr. Matthew Green):** Why was it that the president, Mr. Benitez, didn't avail himself of joining us tonight?



**Ms. Kim Wilford:** Mr. Benitez is no longer with the company.

**The Joint Chair (Mr. Matthew Green):** Okay.

Was there anybody else with a technical background who might have been able to support you in your testimony today?

**Ms. Kim Wilford:** No.

**The Joint Chair (Mr. Matthew Green):** Starting on January 28, you became aware of the media reports describing the acts of harassment and violence. Why did you wait until February 2 to suspend the campaign?

**Ms. Kim Wilford:** We were doing our diligence. We were trying to work with the campaign organizer. We were monitoring it. We were talking to local authorities to get credible information and trying to—

**The Joint Chair (Mr. Matthew Green):** Who first brought you the information on January 28?

**Ms. Kim Wilford:** We had a number of people on our team trying to reach the campaign organizer and working with authorities in Ottawa. There were a number of people talking to a number of people, frankly. We were trying to discuss—

**The Joint Chair (Mr. Matthew Green):** Had our law enforcement agencies apprised you of the situation on the 28th?

**Ms. Kim Wilford:** We reached out to law enforcement ourselves. We did not speak with anyone there until February 2.

**The Joint Chair (Mr. Matthew Green):** Thank you very much. That's certainly very helpful.

In your interactions with the Canadian government or law enforcement regarding the events leading up to the declaration, how did this information impact your decision to continue, or not, to host the funding related to the "freedom convoy" on your site?

**Ms. Kim Wilford:** As I've tried to explain, we were looking at all of the facts and circumstances in a rapidly evolving situation. It was a highly unusual campaign, with things changing very quickly in terms of the people and facts involved.

We were doing our own diligence. We were speaking to individuals on the ground in Ottawa and trying our best to work with the campaign organizer and her team to make sure that if the campaign did remain, it would be within our terms of service.

**The Joint Chair (Mr. Matthew Green):** In terms of your terms of service, do you have a breakdown of the sources of funding related to the events in question that were processed through your platform?

**Ms. Kim Wilford:** I'm sorry, but I don't understand the question.

**The Joint Chair (Mr. Matthew Green):** I'll ask it another way.

We asked earlier about the notes in terms of how you came to the conclusion and how you came to the inevitable decision that the terms of service had been broken. Somebody asked if you had taken some notes. As general counsel, you suggested that no, maybe there hadn't been notes around that.

When that decision was made, was there a legal briefing or opinion provided by you to GoFundMe that would have ultimately resulted in the termination of the campaign?

• (1910)

**Ms. Kim Wilford:** There are no written notes. We were meeting as a team on a fairly regular basis, multiple times a day.

**The Joint Chair (Mr. Matthew Green):** Wow.

When January 6 happened, were there any notes there?

**Ms. Kim Wilford:** I don't have any specific notes about January 6 either.

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

Now that we've concluded that round, I'll put it to the will of the committee to determine how we want to proceed into the next round.

Would you prefer to continue with the five-minute rounds, given that we don't have GiveSendGo here, or would you prefer to go to the four minutes and three minutes?

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** I'm checking with the Senate to see where they are in the vote cycle.

It might be best for five minutes each, depending on where they are.

**The Joint Chair (Mr. Matthew Green):** Does that work?

Let's continue on with the five-minute rounds. That gives everybody a bit more runway.

**Mr. Larry Brock:** I'd like to ask a question, Mr. Chair.

Is it the will of the committee and the chair to give back to the senators the time they have lost as a result of their absence because of voting?

I'd like to know that sooner than later so that I can gauge where I am in my questioning.

**The Joint Chair (Mr. Matthew Green):** Yes, that was my intention.

When the senators return, the floor will then revert to them. I'm the last on the list, so it's likely going to be me and Mr. Fortin who get bumped. Certainly, when they come back they will reclaim their time with the witness.

**A voice:** So they will have 10 minutes?

**The Joint Chair (Mr. Matthew Green):** No, we would put them into a round.

Does that make sense with everybody? Is everybody okay with that?

I appreciate it.

We will now turn to Mr. Brock.

Mr. Brock, the floor is yours for five minutes, sir.

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

Ms. Wilford, I left off in my first round of questioning dispelling and highlighting the disinformation and misinformation being spread by the Liberal government, the Prime Minister, the ministers associated in higher positions involving this convoy as well as our state-sponsored CBC.

Before I move on, I also want to highlight a comment our Prime Minister made to our House of Commons on February 9 that protest funds were linked to crime, that “we are working very hard with partners at different levels of government to make sure that the flow of funds through criminal activities is [intercepted]”.

You would agree with me, ma'am, that, by my review of all the evidence you have given so far by way of the finance committee as well as the interview with the Public Order Emergency Commission, there is no evidence that any of the funds originating to your platform were proceeds of crime.

**Ms. Kim Wilford:** That is correct.

**Mr. Larry Brock:** I understand that your crowdfunding platform is the largest in the world. Is that correct?

**Ms. Kim Wilford:** Yes. That is correct.

**Mr. Larry Brock:** By its very nature—I've done a little bit of research—you'd agree with me that you are not politically aligned with any particular government in the world or ideology. Is that correct?

**Ms. Kim Wilford:** Yes. That is correct. We are an open, non-partisan platform.

**Mr. Larry Brock:** As well, you are not aligned with any particular religious cause. Is that correct?

**Ms. Kim Wilford:** Yes. That is correct.

**Mr. Larry Brock:** How will you respond, then, to the suggestion of bias? I appreciate that Mr. Benitez is not here to defend himself, but when both you and he attended the finance committee, you had an opportunity, much like you did today, to provide an opening statement.

On behalf of Mr. Benitez, who was then the president of your company, he opened up with this particular line: “On behalf of everyone at GoFundMe, we want to acknowledge the impact of the so-called freedom convoy on the citizens of Canada, in particular the residents of Ottawa....”

Do you agree with me that this is a form of bias?

• (1915)

**Ms. Kim Wilford:** That was the name of this campaign, and I believe that's all he was trying to convey.

**Mr. Larry Brock:** Well, perhaps we'll agree to disagree. He could easily have said the impact of the “freedom convoy”, because that's exactly what it was called. The information that Tamara Lich initially presented to you was not labelled the “so-called freedom convoy”. That is an opinion from the president of GoFundMe, which is supposed to be neutral and not aligned with any political ideology.

That's what he said at committee. Do you disagree with me that this is a form of bias?

**Ms. Kim Wilford:** I understand your point.

**Mr. Larry Brock:** Do you understand or agree?

**Ms. Kim Wilford:** It was not intentional at all.

**Mr. Larry Brock:** All right. Okay.

I want to move on now, because some of my colleagues have asked you specifically about the timelines. I have several questions regarding the timelines.

For all intents and purposes, the moment you received the request for crowdfunding from Tamara Lich, in your review—not you personally, but your team and the trust and safety team that works with you—there was nothing untoward with respect to the description of the freedom convoy. Is that correct?

**Ms. Kim Wilford:** Yes. That is correct.

**Mr. Larry Brock:** I haven't seen the actual wording. I'm just basing it off a narrative I read that was attributable to this. There was nothing within that description that promoted, either implicitly or explicitly, the use of harassment or violence. Is that correct?

**Ms. Kim Wilford:** That is correct.

**Mr. Larry Brock:** That is why your company saw no reason to deny Tamara Lich and her partners the opportunity to fundraise on your platform. Is that correct?

**Ms. Kim Wilford:** That is correct. When this campaign was created, it was within our terms of service.

**Mr. Larry Brock:** Right.

I'm looking at your terms of service and at paragraph A.8. I don't have a page reference, but under “prohibited conduct”, the terms state:

A. not to use the Services to raise funds or establish or contribute to any Fundraiser with the implicit or explicit purpose of promoting or involving:

8. User content that reflects, incites or promotes behavior that we deem, in our sole discretion, to be an abuse of power or in support of terrorism, hate, violence, harassment, bullying, discrimination, terrorist financing—

**The Joint Chair (Mr. Matthew Green):** Mr. Brock, I have given you a lot of runway there, sir.

**Mr. Larry Brock:** I'll [*Inaudible—Editor*] where I left off.

Thank you.

**The Joint Chair (Mr. Matthew Green):** Yes, you'll have the time. Part of the challenge of reading things into the record is that it takes up the time of the intervention.

We'll now turn to Mr. Virani.

Mr. Virani, you have five minutes. The floor is yours.

**Mr. Arif Virani (Parkdale—High Park, Lib.):** Thank you.

I want to start with something, Ms. Wilford, that was put to you with respect to CBC News. I'm going to quote something because this assertion that CBC News has retracted something is categorically false. CBC News has posted what I'm quoting:

CBC News has not retracted any story about foreign donations going to the convoy protest movement. The full February 10th story, February 14th story and all others on the convoy, are still on the CBC's website in their entirety. Not only do we stand by our reporting, GoFundMe's own testimony before a Commons committee a few weeks after our story was published confirmed that 88 percent of donated funds originated in Canada and 86 percent of donors were from Canada—confirming that approximately \$1.2 million of the roughly \$10 million raised came from outside the country.

They further elaborate, and I would ask you about this, Ms. Wilford:

GiveSendGo testified that “60% of [their] donations originated from Canada and 37% from the United States.”

I appreciate that's a different online platform, Ms. Wilford, but when you see those types of numbers, is that outside the normal course or normal routine from what you've seen from campaigns you've been involved in at GoFundMe to see 37% of donations originating outside the country?

**Ms. Kim Wilford:** Really, all of the campaigns on GoFundMe are pretty unique in their own way, so I don't think I'm in a position to comment on that.

**Mr. Arif Virani:** Okay.

Let's talk about the situation where you've outlined the chronology for us. You've indicated there was an attestation letter that was provided by Ms. Tamara Lich, and then you said the situation was moving fast, and I think you said to my colleague Ms. Bendayan that Ms. Lich was not responding to “our outrage”. Did I hear you correctly? Did you use the word “outrage”?

• (1920)

**Ms. Kim Wilford:** No, I misspoke. She was not responding to the team's outreach.

**Mr. Arif Virani:** Okay, and your outreach, she stopped responding.... What were you attempting to reach out to her about? What were you concerned about?

**Ms. Kim Wilford:** Our team was concerned. Again, I was not specifically reaching out to her.

These were members of the team who were working with her to ensure that we were getting answers to questions we had about what was occurring on the ground: that she had a plan for distributing funds and ensuring that the funds did not end up in the hands of anyone who was part of a non-peaceful protest and other questions we had that were developing after the only distribution of funds on January 27.

**Mr. Arif Virani:** Part of the attestation that she had—and we found it, as it's part of the public record before the judicial inquiry—talked about ensuring that at all times your terms of reference were adhered to and those included ensuring that at all times the assembly was peaceful. Is that correct?

**Ms. Kim Wilford:** Yes, that is correct.

**Mr. Arif Virani:** Okay.

We understand there were also specifics with respect to how the funds were meant to be distributed, but in fact we learned that \$2,000 cheques were being handed out to participants in the blockade. Were you concerned about how the funds were actually being distributed and that those might be in violation of the attestation that Ms. Lich provided to you?

**Ms. Kim Wilford:** We were not aware of any of that.

There was one distribution from the funds raised on GoFundMe into an account of \$1 million on January 27, an account at TD Bank. It's our understanding those funds were frozen. As to the cheques, I don't have any direct knowledge of anything related to that.

**Mr. Arif Virani:** You're not aware that at the public hearings that I mentioned, the judicial inquiry, it came out in evidence that there were envelopes of \$500 and \$2,000 in cash that were being delivered to individuals occupying Ottawa. Do you have any response to that? Are you aware of that testimony?

**Ms. Kim Wilford:** I am not aware.

**Mr. Arif Virani:** Okay. Do you have any information that you can share now or table with this committee later with respect to the major donors to this crowdfunding campaign on GoFundMe? Who were the major donors?

**Ms. Kim Wilford:** We have the donation records so we're happy to circle back with you.

**Mr. Arif Virani:** That would be helpful. Thank you.

Can I just put it to you that I also understand, from information that's now in the public record, that when you ceased providing the funding, when GoFundMe took that decision to stop allocating the funds, GoFundMe and individuals at GoFundMe were subject to threats? Can you confirm that to be the case?

**Ms. Kim Wilford:** Yes, I absolutely can.

**Mr. Arif Virani:** What kinds of threats did you receive?

**Ms. Kim Wilford:** There were death threats to members of our management team. Individuals had to get personal security at their homes.

**Mr. Arif Virani:** How many threats were received, approximately?

**Ms. Kim Wilford:** There were enough that we ended up thinking it was prudent to get personal security for a number of executive team members.

**Mr. Arif Virani:** That personal security came at some cost to GoFundMe. Have you ever sought to recoup those costs from the convoy organizers?

**Ms. Kim Wilford:** It came at considerable cost to GoFundMe, and no, we have not sought to recoup that from anyone.

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

We will now go to Mr. Fortin.

Mr. Fortin, you have five minutes.

I will note that, should the senators return, we will finish up the round, at that point, and allow them to come in and continue with their rounds.

[Translation]

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

Ms. Wilford, in your last set of answers, you said that you received a significant number of threats, to the point that you sought personal security for your employees.

Did police ever investigate to identify where the threats were coming from?

[English]

**Ms. Kim Wilford:** We worked with outside security firms to determine an appropriate response for GoFundMe. That's the action we took: We worked with private security.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I gather, then, that you did not file a complaint with police or try to obtain police protection for your employees. The police were not involved. Only GoFundMe's in-house private security was involved.

Is that correct?

[English]

**Ms. Kim Wilford:** That is correct. We shared information with private security.

• (1925)

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Why didn't you feel the need to involve the police?

[English]

**Ms. Kim Wilford:** Individuals who were targets of these threats are in a variety of different locations. We relied on private security firms and their expertise to determine if they should reach out beyond, to law enforcement.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I understand, but usually, when someone receives threats of that sort, that person's first responsibility is to contact police. You didn't, and that puzzles me. I'm having trouble wrapping my head around that.

If they were serious threats, it seems to me that they should have been reported to police.

Don't you think?

[English]

**Ms. Kim Wilford:** I can assure you these threats were extremely serious and we thought it was prudent to work with private security, as I've said a few times.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** You're telling me that you considered the threats to be serious. I believe you. I don't doubt it. All I'm saying is that any member of the public who received serious threats would contact the police. You didn't. I understand that you involved in-house security. You've said that repeatedly, and you're right to mention it. I'm not asking the same question over again.

This is what I want to know: why didn't you contact police?

That's my question.

[English]

**Ms. Kim Wilford:** I think you have a misunderstanding of how this works. We do not have personal security in-house. We work

with an outside third party security firm that acts as a liaison with the police. The individuals who were targets did not have to directly interact with the police; the third party security firm does that.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Do you have reports detailing the contact between the private security firm and police?

[English]

**Ms. Kim Wilford:** I do not have those reports.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Wouldn't you like to have them?

Isn't that something important to have?

[English]

**Ms. Kim Wilford:** What was important was ensuring the safety of the people who were the targets. I felt we were handling that appropriately.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** How many people did your private security firm provide protection for?

[English]

**Ms. Kim Wilford:** There were three people and their families.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Where did they live?

[English]

**Ms. Kim Wilford:** They reside in the Bay area and in southern California.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** They live outside Canada, then.

Is that correct?

[English]

**Ms. Kim Wilford:** That is correct.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I have one last question, Ms. Wilford.

The Proclamation Declaring a Public Order Emergency went hand in hand with a number of orders and regulations aimed at resolving the crisis.

To your knowledge, did any of those provisions or orders target GoFundMe?

Did the declaration of emergency change anything for GoFundMe?

[English]

**Ms. Kim Wilford:** GoFundMe made the decision to remove this fundraiser quite a while before the Emergencies Act was invoked. We were just working within our own terms of service to decide whether or not it complied with our policies. We made the decision to remove it based on that and the information we were getting.

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

Thank you, Monsieur Fortin.

[Translation]

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

[English]

**The Joint Chair (Mr. Matthew Green):** I will now pass the chair to you, sir, so I can continue with my round.

[Translation]

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

Go ahead, Mr. Green. The floor is yours.

[English]

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

I want to take a moment and acknowledge, Ms. Wilford, that you came here with another set of testimonies from GiveSendGo. They've left and you've now been at this for a while with this committee. You've also, I think, participated in the inquiry as well. I thank you for being present and for availing yourself to these questions. I just wanted to say that as a chair and as a member of Parliament here.

I know that results will be coming out of the inquiry. I'm interested, in the course of my future action, in beginning to contemplate ways we can improve upon our laws and regulations, and the recommendations going back to government that might help us avoid future situations like this.

I'm still upset and actually have deep concern about the thought of \$1 million coming from outside the country to a direct action like this, but I'll set that aside for a moment.

Since the declaration of emergency, legal changes have been enacted and now require online crowdfunding platforms to report large or suspicious transactions with the Financial Transactions and Reports Analysis Centre, which is Canada's financial intelligence unit.

How do these regulatory changes impact your business? What changes have you made to comply with them?

● (1930)

**Ms. Kim Wilford:** You are correct that we were required to register with FINTRAC following this situation. Our team has now registered and is working with them to provide all of that information. Our policies and internal responses are having to evolve in order to provide the documentation.

As I mentioned before, Stripe was the payment processor here. They're the ones that have the vast majority of the information that FINTRAC is interested in. We're really working with Stripe and the

authorities to ensure that we provide them with what they need in our efforts to be a responsible crowdfunding platform.

**The Joint Chair (Mr. Matthew Green):** Stripe would have been the processor and would have verified the origin of the transactions.

When you said that Visa payments were coming in, the first four digits would have identified that they were Canadian and not American. Is that correct?

**Ms. Kim Wilford:** That is correct.

**The Joint Chair (Mr. Matthew Green):** Okay.

If the regulations were in place before the events leading up to the declaration of emergency, or actually the whole "freedom convoy" for that matter, how would they have impacted the related fundraising campaigns on your platform?

**Ms. Kim Wilford:** Even before these regulations, we are still always trying to operate actually above the law. We were reporting things we saw all the time and working with various authorities and our processors.

I actually don't think that it would have. We are always wanting to be as responsible, as transparent and as helpful as possible.

**The Joint Chair (Mr. Matthew Green):** I referenced January 6.

We're trying to take away the learnings from this situation to provide a report back to Parliament that will improve upon our legislation and, hopefully, offset any potential gaps we might have in our own legislation.

I'm going to ask you to think about and respond to how the events in question led to any changes in the terms of how your platform carries out risk assessment. We're trying to learn about risk assessment for crowdfunding and campaigns.

**Ms. Kim Wilford:** We always take a risk-based approach, depending on the donation velocity, the size of the donation, the campaign content and the virality of something. The teams are looking at it from a variety of angles, such as human reviews and machine-learning reviews. Our practices are always evolving and we're always learning from these situations as to how to be better and create a more responsible environment for our users.

**The Joint Chair (Mr. Matthew Green):** You'll note that I asked you about the notes. Here in Canada in the work we do, we're often trying to draw from primary sources of information.

Internally, are you debriefing about this or is this just an event that has passed and you're moving forward with other operations with this in your rearview mirror?

**Ms. Kim Wilford:** We're always trying to learn from situations and improve our policies and procedures. We may not have as much written documentation as you would hope, but we are meeting often as a group and continuously improving our approach.

**The Joint Chair (Mr. Matthew Green):** Would you make a commitment to this committee that as you wrap up the inquiry and this particular participation, and on your own reflections as general counsel within GoFundMe, that if you do have any reports back to the executive or to your board or whomever you are reporting to on things you may have done differently—learnings or potential gaps in legislation—that you would report that back to us?

**Ms. Kim Wilford:** Yes, but we believe we handled this campaign in a very responsible fashion. It was extremely unusual in a variety of ways. We did everything we could to ensure that it was in compliance with our terms of service and to ensure, at the end of the day, that all the funds were returned to the—

**The Joint Chair (Mr. Matthew Green):** That's time. I'm going to "chair" myself. I think I'm out of time. I am out of time, in fact.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I was going to, Mr. Green, but I was relying on your great integrity.

Thank you.

[English]

**The Joint Chair (Mr. Matthew Green):** I know—you are very good. I'm trying to be disciplined as the chair and not take advantage, because I know my friend, Mr. Brock, is anxious for a round. We will give him five minutes now to—

Yes?

**Mr. Yasir Naqvi (Ottawa Centre, Lib.):** Mr. Chair, I think the vote is over. It was a little while ago, so the senators should be arriving back very soon.

• (1935)

**The Joint Chair (Mr. Matthew Green):** When they come, we will definitely—

**Mr. Yasir Naqvi:** Can I just make a suggestion? Thank you for cutting me off.

Maybe it would be an appropriate time to take a little break to give our witness a bit of a break as well. She's been at this for over an hour answering lots of questions, and...have the senators come in so they can continue with their rounds.

**The Joint Chair (Mr. Matthew Green):** I think the general spirit in which we took the departure from our regular time was to allow the meeting to continue in five-minute rounds until such time as they returned.

**Mr. Yasir Naqvi:** I'm trying to be considerate, and indulging the members of this committee to be a little considerate towards our—

**The Joint Chair (Mr. Matthew Green):** I think I understand what it is you're trying to do.

**Mr. Yasir Naqvi:** —witness as well, who will then again be going through quite a few senators, answering questions. She will get a bit of a break.

**The Joint Chair (Mr. Matthew Green):** If there is unanimous consent, certainly we can do that, but I think if there was a general consensus, we would continue until they returned. I would just state that as a chair, if there was an issue with that, we would have benefited from the foresight at that time—for that intervention—to say

that one, two rounds are done, that we would stop and allow for that break. But, thanks.

[Translation]

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

I've just received word that the senators can't be here until 8 o'clock, and that's when our witness will be leaving us. We have 20 minutes left, so I don't think we should bother with a break when there's just 20 minutes to go. Some members still have questions.

If the senators get here, I agree that they should be given the floor, but if not, I don't see why we would take a break.

[English]

**The Joint Chair (Mr. Matthew Green):** We will continue on with the rounds.

Mr. Brock, you have five minutes. The floor is yours.

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

Just to confirm, Ms. Wilford, February 4, 2022, is the day that GoFundMe suspended the campaign for the reasons you've indicated for the record, for violating the terms of service.

Going back to the CBC misrepresenting to the Canadian public, "On Feb. 10...in a report about the protest convoy, CBC Radio's *The World This Hour*...said [that the] GoFundMe ended a fundraiser for the protesters over questionable donations to the group." Do you disagree with that?

**Ms. Kim Wilford:** I do want to correct that February 2 is when we suspended the fundraiser. This effectively meant that all future donations and withdrawals were paused. We continued to do our diligence and removed the fundraiser on February 4.

**Mr. Larry Brock:** This was a report from February 10, and I very carefully used the words "GoFundMe ended the fundraiser", not "suspended" the fundraiser, but "ended the fundraiser for the protesters over questionable donations to the group." That is false. Is that correct?

**Ms. Kim Wilford:** That is false.

**Mr. Larry Brock:** I understand that in and around the same time the convoy protest was happening here in Canada, there was a similar protest in Canberra, Australia. Are you aware of that?

**Ms. Kim Wilford:** I am not aware of that.

**Mr. Larry Brock:** I did some research. It was to protest the vaccine mandates in Australia just like in Canada, and coincidentally not only did you suspend and ultimately terminate in Australia as you did in Canada.... Are you not aware of that?

**Ms. Kim Wilford:** There were a number of similar campaigns protesting vaccine mandates, so I am aware that the team was looking at them, but the specifics of the Australia one, I am not aware of right now.

**Mr. Larry Brock:** Will you undertake to provide the information on that to confirm?

**Ms. Kim Wilford:** I'm not sure I understand. What would you like me to confirm?

**Mr. Larry Brock:** I would like to confirm the nature of the protest in Australia, the timing of it, the reasons it was suspended and the reasons it was terminated.

**Ms. Kim Wilford:** We can certainly discuss that.

**Mr. Larry Brock:** With whom will you discuss it?

**Ms. Kim Wilford:** It's a lot of information that I need to get together with our team. Forgive me, but I came here to discuss the Canadian protest—

**The Joint Chair (Mr. Matthew Green):** I apologize.

I want to recognize that the senators have returned. As per our discussions, I would like to give them the opportunity to have their interventions, given the time that we have.

I would like to let them know that GiveSendGo pulled out about 10 minutes before the meeting started. We've had the good fortune of having Ms. Wilford here providing testimony over the last hour and a half.

We have about 15 minutes, which will give each of the senators the opportunity to have a five-minute intervention or an intervention of the length of their choosing under five minutes.

That being said, Senator Harder, would you like to start?

• (1940)

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

Thank you to the committee for continuing while we were voting.

Thank you to our witness for appearing.

I don't know if my line of questioning has been asked already, but I would like to know if your organization had any economic consequences of the funding that was provided to the convoy, in terms of other clients that withdrew as a result of your funding of the convoy.

**Ms. Kim Wilford:** When we refunded all of the donors, we gave them back all of their tips and all of the transaction fees. With the \$1 million that had already been distributed, GoFundMe was out that money, as well as all of the transaction fees associated with the other \$9-million-plus and any tips that we would have made.

We also had a number of groups not wanting to use our platform because of the convoy fundraiser.

**Hon. Peter Harder:** I believe you indicated that 86% of the funding raised was from Canadian sources.

Can I assume that the other 14% came from the United States, or were there other countries involved, and if so, which countries were they?

**Ms. Kim Wilford:** There were other countries involved. I don't have that information directly in front of me, but we can provide that.

**Hon. Peter Harder:** Please do.

Do you know if Russia was one?

**Ms. Kim Wilford:** I do not believe that Russia made any donations to this campaign.

**Hon. Peter Harder:** I'd be interested in the distribution. Thank you.

Are you comfortable with the enhanced obligation to report transactions to the Financial Transactions and Reports Analysis Centre that was initiated as a result of the experience that you had, as well as those who funded through GoFundMe?

**Ms. Kim Wilford:** Yes. In fact, we pre-registered immediately when it was required and have since continued the registration process working with Stripe, which was the processor on this account. Stripe is the one that has most of the information that's required, but we're currently working with FINTRAC right now to determine how to get them the information that they're most focused on, in partnership with Stripe.

**Hon. Peter Harder:** Can you confirm that you believe that's entirely appropriate?

**Ms. Kim Wilford:** Yes. We need to comply with the laws in every jurisdiction where we operate, so we will do our best to always do that.

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

**The Joint Chair (Mr. Matthew Green):** We will now go to Senator Boniface.

Senator Boniface, you have the floor for five minutes.

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

Thank you to the witness for being here, and our apologies for being otherwise tied up with the vote.

You probably answered this question. Unfortunately, I wasn't able to watch this while I was voting. What processes do you have in place to ensure that your fundraiser isn't being used inappropriately?

I note that in the prohibited activities in the campaign section of your terms and conditions, it includes items that encourage, promote, facilitate or instruct others to engage in illegal activity and items that promote hate, violence or racial intolerance. I'm interested to know whether you've had an opportunity to review that in light of this experience, and how you see that going forward.

**Ms. Kim Wilford:** When this fundraiser was created on January 14, it was within our terms of service. The donation velocity caused our teams to look at it very quickly, get eyes on it and initiate direct contact at that time with Ms. Lich, who was the fundraiser organizer.

As the situation quickly evolved, we then started to get information from people on the ground in Ottawa. We were also having trouble connecting with Ms. Lich and getting answers from her, and we were concerned about how she was going to distribute the funds and ensure that it ended up in hands of people who were peacefully protesting and not part of any of the situation that was occurring on the ground.

We do our best to ensure that all fundraisers on the platform comply with our terms. The one you called out is one of the reasons we removed this from the platform. It was suddenly in support of hate, violence and intolerance, and that's not acceptable to us, so we removed it from the platform at that time.

**The Joint Chair (Hon. Gwen Boniface):** The provisions that Senator Harder spoke about around FINTRAC, do you see that as being helpful in terms of going forward?

• (1945)

**Ms. Kim Wilford:** I think regulation is very helpful. I also think it's important to recognize that there are a lot of regulations already in place, everything from the financial regulations and the aspects that you're talking about to consumer protection laws and privacy laws. There's a lot there, and a lot of other jurisdictions have things like voluntary codes of conduct, things we already do when we're reviewing our campaigns.

Transparency is key. We work to ensure that what the campaign organizers put in their statements about how they're going to use the funds can be perfected. That was part of the issue here with Ms. Lich and why we got the letter of attestation from her before we distributed any amounts. It was to ensure what her plan was for getting the funds out into the hands of the right people.

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

**The Joint Chair (Mr. Matthew Green):** I want to take a minute to note that we are joined, although at the tail end of this meeting, by, I believe, the co-founder of GiveSendGo, Mr. Jacob Wells.

We still have a senator round. At the appropriate time, I will put to this committee how you would like me to proceed with our guest, who was unable to attend the first section. There may be an opportunity or space to have him provide testimony in the second session, if it's the will of this committee, or we can deal with it as a committee at the appropriate time.

I want to make sure that Senator Patterson has the opportunity to provide any remarks that he wishes to make prior to doing that.

**Hon. Dennis Glen Patterson (Senator, Nunavut, CSG):** Thank you, Mr. Chair.

I'd like to defer my time to Mr. Brock. I don't have any questions.

**The Joint Chair (Mr. Matthew Green):** If you don't have any questions, what I would like to do is get a consensus from this committee.

How would you like me to administrate the fact that we have had Mr. Wells join us with about 10 or 15 minutes left in this meeting?

Go ahead, Mr. Motz.

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

First of all, I think we need to know why he was late and didn't see fit to join us as previously indicated.

Also, there is another panel starting, and we have to give them an equal amount of time, so we shouldn't be able to go past that, whatever we decide to do with this witness.

**The Joint Chair (Mr. Matthew Green):** That's fair enough.

Go ahead, Mr. Virani.

**Mr. Arif Virani:** If Mr. Wells is going to make some sort of presentation, we'd want the ability to ask questions of him.

**The Joint Chair (Mr. Matthew Green):** Sure.

**Mr. Arif Virani:** It's in your hands, but I think....

**The Joint Chair (Mr. Matthew Green):** I'll take the discretion as the chair.

Mr. Wells, I'll share with you that I was disappointed when I found out that you were not able to attend at the appropriate time. This is a very serious committee of the House of Commons and the Senate here in Canada dealing with a very serious topic, sir.

I will allow you an intervention that will give you the opportunity to explain yourself in terms of why you're only joining the meeting now. What I will ask, though, is that you not enter into your opening remarks, because it would be at the discretion of this committee to either invite you back formally, and we do have processes for that, or to find another allotment of time, because this is a process that requires us to be able to have interventions to ultimately get to the bottom of what happened here, sir.

I'm going to give you about three minutes to five minutes here to figure out the reason for the late appearance at this very official committee meeting.

**Mr. Jacob Wells (Co-Founder, GiveSendGo):** I do want to apologize. I had a personal family emergency this afternoon that ended up getting delayed and pushed over later. That resulted in my being late. I tried to get here as soon as I could. I understand the timing and the value of your time.

I'm willing to accommodate whatever you guys need. I don't need to do an opening statement. I appreciate the invitation that we were given. I hopped in as soon as I could, just to show face and to let you know that we value this committee and what you're doing, and, the information that you're looking for, we're welcome to provide.

**The Joint Chair (Mr. Matthew Green):** I do appreciate and will accept that. Thank you for making that time. I hope, obviously, on behalf of the committee, that whatever family emergency you were dealing with comes to a positive resolution.

I will state, however, that with 10 minutes left in this committee, it's probably not appropriate to deal with your intervention at this time. I would ask that you make yourself available to our clerks so they can reschedule you to come back and provide testimony at an appropriate time.

I think the testimony we had from GoFundMe was significant. It provided some really good analysis and perspective, but, of course, you're the missing piece of that testimony.



Mr. Virani, the floor is yours.

• (1950)

**Mr. Arif Virani:** I'm just going to put out a suggestion and we'll see what the will of the committee is. Perhaps he could join the panel for the second half of this meeting, so we'd have three witnesses for that panel instead of two.

**The Joint Chair (Mr. Matthew Green):** Just taking a brief note here, I don't believe we have consensus around the table. I understand the rationale of that and I would have been amenable to it, but it seems there's not agreement there.

With that being said, we will at this—

**Ms. Rachel Bendayan:** On a point of order, Mr. Chair, can we put it to a vote?

**The Joint Chair (Mr. Matthew Green):** We can if you'd like to.

A vote has been called on adding Mr. Wells to the next section of the meeting. We will proceed with the vote.

Ms. Wilford and Mr. Wells, we're going to do a little procedural accounting here and then we'll get right back to you on how we're going to move forward.

(Motion negated: nays 6; yeas 3)

**The Joint Chair (Mr. Matthew Green):** At this time, I would like to thank the witnesses for being here.

Ms. Wilford, I want to thank you for standing in for the full committee.

Mr. Wells, I want to thank you as well, sir, for making yourself available at least to provide an explanation to the committee. It's certainly more information than we had based on the original emails.

Before I suspend the meeting, I do see Mr. Brock.

**Mr. Larry Brock:** Mr. Chair, may I make a suggestion that in advance of Mr. Wells' next appearance before this committee, he file his opening statement so that we can expeditiously deal with his testimony in the one and a half hour time slot?

**The Joint Chair (Mr. Matthew Green):** Yes. I do believe that's already part of our process, although it doesn't always happen.

Mr. Wells, the request has been made to you, sir, that at the appropriate time when you're invited back to committee you provide that to the committee in writing. I believe it's within 72 hours of the actual meeting. That allows us to have it translated, as we're bilingual here. If you could provide it in advance, we could get right into the business when you return.

At this point, Ms. Wilford and Mr. Wells, that will conclude your part of the meeting.

I will suspend the meeting for eight minutes.

• (1950)

(Pause)

• (2000)

**The Joint Chair (Mr. Matthew Green):** I'd like to call this meeting back to order.

For the second panel this evening, we have with us, from the Canadian Bankers Association, Angelina Mason, general counsel and vice-president. From the Canadian Credit Union Association, we have Mr. Michael Hatch, vice-president of government relations.

Witnesses should be aware that interpretation is available through the globe icon at the bottom of their screen.

I'd like to welcome both of you. You'll have five minutes for your interventions.

I always like to give our guests a disclaimer—a caveat. Once we get into our rounds of questioning, you may, from time to time, have a member of the committee intervene and interrupt you to take back their time and move on to the next question. Please don't consider that to be personal or rude in any way. They have very limited time to ask their questions in order to get their answers. Please respect the fact that, when they call back their time, it's not a personal thing.

I will begin with Ms. Angelina Mason.

You have five minutes. The floor is yours.

• (2005)

**Ms. Angelina Mason (General Counsel and Vice-President, Canadian Bankers Association):** Thank you.

Good evening, and thank you for inviting the Canadian Bankers Association to appear today and participate in the committee's study of the invocation of the Emergencies Act and related measures.

My name is Angelina Mason and I am the general counsel and vice-president of the CBA.

The CBA is the voice of more than 60 domestic and foreign banks that help drive Canada's economic growth and prosperity. The CBA advocates for public policies that contribute to a sound, thriving banking system, in order to ensure Canadians can succeed in their financial goals.

On February 15, 2022, the Government of Canada invoked the Emergencies Act and made associated emergency measures regulations, and an emergency economic measures order. All financial service providers, including banks, that were covered by the order became legally obligated to implement the measures, as stipulated by the government in the order.

Banks took great care to fully understand their obligations and ensure they limited the order's applications to activities that fell squarely within their intended scope. The government indicated that the measures were intended to be temporary and focused only on a narrow group of individuals and entities involved in specific activities covered by the order. The vast majority of customers were not impacted by these measures.

Upon receipt of information from the RCMP regarding individuals and entities engaged in conduct or activities prohibited under the regulations, banks acted in accordance with their legal requirements under the order. We can confirm that banks also acted quickly to unfreeze accounts once the RCMP notified financial service providers when it believed that individuals and entities previously identified were no longer engaged in conduct or activities prohibited under the regulations.

While most of these accounts have been unfrozen, it is important to remember that some may still be frozen to comply with court orders or proceedings unrelated to the invocation of the Emergencies Act.

On February 23, 2022, the government revoked the regulations and order, and the associated legal obligation of banks and other financial service providers ceased.

In closing, I will note that the Public Order Emergency Commission contacted the CBA during the investigation phase of its work. To support the commission in its mandate, the CBA provided an overview of how the banking industry responded to the emergency economic measures order, and the role the CBA played in this process. The CBA co-operated fully with the commission's council, including participating in a formal interview, providing an institutional report, and producing requested documentation.

We anticipate relevant information will be shared by the commission's counsel as part of the overview reports to be introduced during the public hearing.

Thank you for your time. I look forward to your questions.

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

We'll now go to Mr. Michael Hatch.

Sir, the floor is yours for five minutes.

[*Translation*]

**Mr. Michael Hatch (Vice-President, Government Relations, Canadian Credit Union Association):** Thank you, Mr. Chair.

Thank you, as well, members of the committee, for the invitation to speak with you today.

[*English*]

My name is Michael Hatch, and I'm a vice-president with the Canadian Credit Union Association. I worked very closely with the Department of Finance in the days in February that are now the subject of this committee's work.

The CCUA represents 211 credit unions and caisses populaires outside of the province of Quebec. Credit unions contribute nearly \$7 billion to Canada's economy by providing deposit, loan and wealth management services to 5.9 million Canadians. Collectively, credit unions employ nearly 30,000 people and manage \$290 billion in system assets.

Credit unions are co-operatives, as you know. In other words, the people who bank with us are the same people who own credit unions. Being accountable to our member-owners, as opposed to shareholders, results in customer service that is second to none. We

consistently rank at the very top of surveys of customer satisfaction for financial services.

For members of this committee representing rural areas, it's also important to note that for almost 400 communities across Canada, credit unions are the only providers of financial services to households and businesses.

As I mentioned, CCUA worked closely with Finance officials and the RCMP earlier this year as Emergencies Act measures were rolled out. We'd like to thank once again on the record the minister and her team for keeping in regular contact with us in the heat of the crisis. We're particularly grateful to senior Finance Canada officials who, on short notice, provided an in-depth briefing to our members on the financial components of the emergency orders, attended by over 600 credit union representatives from across Canada.

We do have some constructive feedback to provide on some other elements of the process if I may, Mr. Chair.

In the early days of the crisis there was the impression, not uncommon in our dealings with the federal government, that the large six banks—with respect to my colleague from the CBA, of course—were consulted or informed days before credit unions and other financial institutions. Credit unions represent almost half the financial sector in some provinces, millions of Canadian consumers and tens of thousands of small businesses. We need to be at the table in discussions with Ottawa at the same level as the federally regulated banks in all matters that directly impact our operations and our members, particularly in times of crisis such as this.

When the measures were first announced, it was very unclear to whom the financial sanctions applied. Eventually, it became clear that they were aimed at a very small list of individuals and entities. However, in the early days, there was a degree of panic among some Canadians that their accounts may be frozen due to things like small donations to the convoy. In those important days, the government was less than clear about the intended targets of financial measures under the emergency orders.

Many of our members expressed this concern, and many Canadians made significant cash withdrawals from credit unions as a result, sometimes in the hundreds of thousands and even millions of dollars. While these withdrawals did not cause liquidity issues in our sector, many credit union staff of course had to manage very unhappy members and customers. Better and much clearer communications from the government from day one could have mitigated this.

One credit union leader wrote in the heat of the crisis, “We had a tremendous amount of members very seriously concerned regarding the government’s ability to seize”—and freeze—“accounts; it brought forward a large sense of mistrust with the government that they could just seize individuals’ accounts.”

The government also granted a significant level of discretion to financial institutions regarding which accounts to freeze. This further contributed to confusion, and to possibly an uneven application of the financial components of the measures across the country. Many would have appreciated further guidance from the government on precisely which accounts should be frozen.

In the end, across our sector a very small number of credit union accounts were frozen, and for a short period of time. Our members froze a total of ten accounts with a total value of less than half a million dollars, an insignificant number given the stress that the measures put on the sector.

Our main message to the government and this committee is that credit unions need to be at the same table at the same time as the large banks whenever the federal government is enacting policy through the financial system. Our financial sector consists of much more than six institutions, and there continues to be frustration among credit unions that this requires such frequent repetition.

We hope this feedback is helpful to the government and the committee, and I’m happy to take your questions.

Thank you, Mr. Chair.

• (2010)

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

We will now proceed to a round of questions, beginning with Mr. Motz.

Mr. Motz, you have five minutes, sir, The floor is yours.

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

Thank you to the witnesses for being here.

As we’ve heard, and as we know, the Emergencies Act regulations included the arbitrary freezing of individual and business bank accounts. Before acting to implement the government’s Emergencies Act, did any of you seek any outside legal opinion that what the government was doing was lawful, yes or no?

Mr. Hatch.

**Mr. Michael Hatch:** No.

**Mr. Glen Motz:** Ms. Mason.

**Ms. Angelina Mason:** No.

**Mr. Glen Motz:** If not, why didn’t you seek an outside legal opinion?

**Mr. Michael Hatch:** Go ahead, Angelina. I can go after you if that’s okay.

**Ms. Angelina Mason:** I’m happy to take that one.

**Mr. Glen Motz:** Sure. I have limited time, and I’ll cut you off if you’re too long.

**Ms. Angelina Mason:** Okay.

The scope of the Emergencies Act was that it was designed for a state of emergency. One was declared by the government. Once that occurred, then the obligation became to enforce that law. We had obligations to fulfill. We were well aware that the Emergencies Act as it was created would have a post-act review that would assure whether or not any of those powers has been exercised—

• (2015)

**Mr. Glen Motz:** In other words, you trusted that what the government was doing was legal.

Normally, generally, bank accounts are frozen as a result of a court order. There was no order this time, just the Emergencies Act regulations. Again, this was all unprecedented, incredibly unprecedented.

Would you not have felt that it was prudent to seek outside legal counsel before enacting these unprecedented measures, especially given that they had, at the very least, the appearance of being politically motivated?

**Mr. Michael Hatch:** I would say that in the heat of the crisis, it was not our role to determine the legality of the government’s invocation of the act, which, in our view at the time, was a sound legal application of an existing statute. It wasn’t our role to question whether that was right or wrong. Our role, as a trade association serving our members, was to act as a conduit between the government, Finance, and our 200-plus credit unions out there in the country, who were, at the time, scrambling for information.

**Mr. Glen Motz:** That’s right. They were scrambling just as your customers were scrambling.

Are you aware of any specific written directives being provided to any financial institution by any government minister with respect to the implementation of the Emergencies Act?

Ms. Mason.

**Ms. Angelina Mason:** No.

**Mr. Glen Motz:** Mr. Hatch.

**Mr. Michael Hatch:** Likewise, I was not.

**Mr. Glen Motz:** Who ultimately made the decision to freeze bank accounts?

**Mr. Michael Hatch:** That’s a more complicated question.

Within my opening remarks, I mentioned that one of the many difficulties we experienced in this process was that the government did grant financial institutions significant leeway and discretion in terms of which accounts to freeze. That’s one side of the coin.

On the other side of the coin, of course, there was a list provided by the RCMP—

**Mr. Glen Motz:** What was the basis for those—

**Ms. Angelina Mason:** I'll disagree on this point. I don't think it was leeway....

**The Joint Chair (Mr. Matthew Green):** I'm sorry, but I'm going to pause for a second for a bit of a procedural intervention.

We're going to allow the member to direct the questions. The person who is asked the question will answer it. We'll continue on that way.

Mr. Motz, I paused the time. The floor is back to you, sir.

**Mr. Glen Motz:** Thank you, Chair. Thank you, witnesses, for your indulgence.

What was the basis for the decision your institutions made to freeze bank accounts?

Please answer quickly.

**Ms. Angelina Mason:** The basis of the decision was that someone was on the list as a designated person. Again, my point would be that there was no discretion there. We had a legal obligation to freeze if someone was a designated person.

**Mr. Glen Motz:** Okay.

Again, you trusted the government.

Are you aware of any financial institution questioning the RCMP's rationale for including the accounts of certain individuals on their list of those allegedly involved in the convoy?

**Mr. Michael Hatch:** No.

**Ms. Angelina Mason:** I am not aware.

**Mr. Glen Motz:** Did the RCMP provide any probable cause, any evidence, anything equivalent to a search warrant with respect to any alleged criminal activity by those whose accounts you were asked to freeze when the RCMP provided you those lists?

**Mr. Michael Hatch:** That is a question that would be better directed to the RCMP, Mr. Chair.

**Mr. Glen Motz:** No, through the chair, you're the financial institution. Usually when you receive a court order, there's evidence there to suggest that you have some obligation. I take it by your answer that the RCMP did not provide any evidence of any criminal wrongdoing.

**Mr. Michael Hatch:** They did not, to my knowledge. They provided a list that was, it bears repeating, very targeted and short. Beyond the list, latitude was granted to financial institutions to freeze further accounts if they so chose.

**Mr. Glen Motz:** I'm sorry, Mr. Hatch, but do financial institutions not require law enforcement to at least provide a reason when they ask that individual accounts be frozen?

**Mr. Michael Hatch:** They do not, under the invocation of the emergency orders, no.

**Mr. Glen Motz:** Okay.

**Ms. Angelina Mason:** These were extraordinary measures.

I'm sorry.

**Mr. Glen Motz:** You haven't got legal counsel to give—

That's according to the government.

**The Joint Chair (Mr. Matthew Green):** We are—

**Mr. Glen Motz:** The reason we're here today in this committee is to determine whether the government even had met the threshold to invoke the Emergencies Act.

**The Joint Chair (Mr. Matthew Green):** We are at the end of the intervention.

I would state—and I know that procedurally this feels a little bit clumsy, this round—that it's helpful if the members of the committee address their questions to a specific person. That way, it won't provide confusion for the witnesses.

We will now move on to a five-minute round with Mr. Naqvi.

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

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

Ms. Mason, I'm going to start with you.

In your opening statement, you talked about how once the regs and the order came into force you did a bit of legal compliance to understand how it could be done. Can you provide us with an overview as to what was your understanding and what mechanism you put in place to comply with the regulations and the order?

**Ms. Angelina Mason:** When the order was announced, it was described what they were going to do, but we didn't have the actual order in our hands, so we started formulating a number of questions. Then, when saw the actual order, we continued to update those questions, because we wanted to understand a number of implementation issues.

It's normal to have guidance, and there was no guidance that came out with this order, so we generated a number of questions asking these questions of compliance, including scope, application and who would be treated as a designated person. We were helping to achieve compliance for our members by getting clarification from Finance.

• (2020)

**Mr. Yasir Naqvi:** Then, once you had a sense of what to do and you had to comply, who provided you with the list of individuals or entities to consider the freezing of accounts?

**Ms. Angelina Mason:** The RCMP.

**Mr. Yasir Naqvi:** Did you ever receive any lists from any officials from Finance Canada?

**Ms. Angelina Mason:** Never.

**Mr. Yasir Naqvi:** At the end of the day, once you received the list from the RCMP, what process did you follow to determine whether or not to freeze those accounts?

**Ms. Angelina Mason:** First we received confirmation of whether or not we should treat these individuals as designated persons. RCMP confirmed they should be treated as designated persons. Once that was confirmed, we used those names to match against accounts within our members' organizations, and if there was a clear match, then we froze the account, as obligated to do under the order.

**Mr. Yasir Naqvi:** Is it accurate for me to say that the final decision as to whether or not to freeze an account was a decision of the banks?

**Ms. Angelina Mason:** The decision to freeze an account was on the RCMP, who said that this was a designated person. Once identified, if we had that account, the order required us to freeze it.

**Mr. Yasir Naqvi:** But you had to do the due diligence in order to determine whether that account existed and it matched the designated person or entity.

**Ms. Angelina Mason:** That's correct. It's similar to how censures work.

**Mr. Yasir Naqvi:** Let me ask quickly, if it did not match, then you did not freeze those accounts?

**Ms. Angelina Mason:** That is correct.

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

Mr. Hatch, I was going to ask you the same questions.

Where did the credit unions get the list of designated individuals and entities?

**Mr. Michael Hatch:** From the RCMP.

**Mr. Yasir Naqvi:** Did you get any lists from Finance Canada?

**Mr. Michael Hatch:** We did not.

**Mr. Yasir Naqvi:** What process did you follow to determine whether to freeze the account or not?

**Mr. Michael Hatch:** It was very similar to what my colleague at CBA just described. We shared the list provided to us by the RCMP through a secure channel that only members of our organization were able to access. They then had a legal obligation under the emergency order to check against that list to see if indeed any of those individuals held accounts at their respective credit unions, in which case they were obligated to freeze those accounts.

**Mr. Yasir Naqvi:** Once again, this is a similar question. If the information did not match, then you or the credit union made the decision not to freeze those accounts?

**Mr. Michael Hatch:** Correct.

**Mr. Yasir Naqvi:** So the decision at the end of the day was by the credit unions to determine whether those designated entities or individuals met the requirements from your end or not...?

**Mr. Michael Hatch:** No. If I understand your question correctly, if it was found that one of the individuals on the list was a member of credit union X, that credit union was legally obligated to freeze that account. There was no discretion.

**Mr. Yasir Naqvi:** But you had to do the due diligence to make sure the name of the individual entity provided and your client were the same...?

**Mr. Michael Hatch:** Yes, that's right.

**Mr. Yasir Naqvi:** I probably have 50 seconds left, so I will very quickly go to Ms. Mason.

What process did you follow to unfreeze the bank accounts?

**Ms. Angelina Mason:** We unfroze bank accounts when the RCMP indicated that the individuals were no longer to be considered designated persons.

There was also a situation where an individual was able to show one of our members that they were no longer in Ottawa and participating in those activities and their account was unfrozen.

**Mr. Yasir Naqvi:** Thank you. I think my time is up.

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

We will move to Monsieur Fortin *pour cinq minutes*.

[Translation]

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

Mr. Hatch, can you send us a list of the accounts you seized, with the dates they were seized and the dates they were unfrozen?

[English]

**Mr. Michael Hatch:** No, I don't have access to that information.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** You don't have access to that information, but we need it.

Who do we have to ask to get that list?

[English]

**Mr. Michael Hatch:** That would have to come from the individual institutions that froze the accounts.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Could you please provide us with the list of institutions that froze accounts so we can invite them to appear and ask them for a list of the accounts in question?

[English]

**Mr. Michael Hatch:** I would have to get back to the committee on that question. I'd be happy to, but I'd have to go back and follow up to see whether or not that would be possible.

We surveyed our members to get an indication of how many accounts were frozen across the sector nationwide. The number that came back, as I mentioned earlier, was 10 accounts.

• (2025)

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Sorry to cut you off, but I'm running out of time.

I'd like to know which accounts were seized and when, and when they were unfrozen.

[English]

**The Joint Chair (Mr. Matthew Green):** I'm going to pause your intervention.

There doesn't seem to be a shift and if this is broadcast, Mr. Fortin, I want to make sure that you're reflected for the duration of your intervention.

If there's a technical difficulty, can we make sure that the camera goes to Mr. Fortin? Otherwise, people will think that my Québécois is flawless, but I can assure you it's not me with the intervention.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I put on my nicest tie for you, Mr. Chair.

[English]

**The Joint Chair (Mr. Matthew Green):** There we go. There's Mr. Fortin. He has the nice tie on.

I hope that interruption was appropriate. We want to make sure you're getting your share.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** That's no problem. I'll carry on. I don't need the camera on me to ask questions.

Mr. Hatch, I'd like the list of the 10 accounts that were seized, the institutions that seized them, as well as when they were seized and unfrozen.

Are you going to ask your members to provide us with that information in the next 10 days?

**Mr. Michael Hatch:** I will ask the members of my association whether sharing that information gives rise to any privacy concerns.

**The Joint Chair (Mr. Rhéal Fortin):** Tell them the committee is asking for the information.

Forgive me for being abrupt, Mr. Hatch, but my time is limited and I have more questions. I'm going to ask Ms. Mason the same question, and, then, I'll come back to you.

Ms. Mason, is it possible to provide the committee with the list of banks that seized accounts, along with the dates on which they were seized and the dates on which they were unfrozen?

[English]

**Ms. Angelina Mason:** We provided this information on a white label basis to the Department of Finance and also to the public commission. All of the personal information was redacted for privacy reasons.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I understand that the personal information was redacted for the Public Order Emergency Commission, but you didn't answer my question.

I am asking you for that list on behalf of the special joint committee of the House of Commons and the Senate.

What is your answer to my request?

[English]

**Ms. Angelina Mason:** My answer was that I would have to address the issues of privacy.

I'm happy to come back to you on what I would be able to provide. I was giving, by way of comparison, what I have been able to provide so far.

[Translation]

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

I'm coming back to you, Mr. Hatch.

In your opening statement, you said you represent Canadian credit unions and caisses populaires outside Quebec. My understanding is that the Desjardins caisses populaires do not belong to your association.

Is that right?

**Mr. Michael Hatch:** That's right. They are not part of our association.

**The Joint Chair (Mr. Rhéal Fortin):** Do you think the Desjardins Group was made aware of these issues?

[English]

**Mr. Michael Hatch:** Desjardins was absolutely part of the discussions at the time, as the chief financial institution in the province of Quebec, but you would have to speak to them directly to get the details.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Was Desjardins part of the same discussions you were or the same discussions as the banks, or was the issue discussed with Desjardins after it was discussed with you and the banks?

**Mr. Michael Hatch:** I don't know.

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

Six banks were consulted before you were.

Do you know why your members weren't consulted when the members of the Canadian Bankers Association were consulted?

[English]

**Mr. Michael Hatch:** It's because there's a perception that exists at the federal level that the financial sector in Canada consists of six banks. That's an exaggeration, but not really. These are six federally regulated financial institutions that do represent the lion's share of financial services in Canada. If you're the federal government, it's a lot easier to deal with six institutions instead of 250. But if you're only dealing with six, you're missing 20% of the market; 50% of the market, in some provinces.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Did you ask the government to inform you when it informs the banks?

• (2030)

**Mr. Michael Hatch:** Yes.

**The Joint Chair (Mr. Rhéal Fortin):** What was the government's response?

[English]

**Mr. Michael Hatch:** The answer is always similar, but the challenge persists. It's a cultural reality within the federal government to treat the financial sector as six institutions. Now, that has gotten better over the years, but this is just the most recent example of a federal issue—

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** That's what federal officials told you.

I gather that they didn't apologize. They told you that that's how it was, period.

Is that right?

[English]

**The Joint Chair (Mr. Matthew Green):** Monsieur Fortin, *je m'excuse*, sir. Thank you.

I will pass the chair to you. I'm sure you have your clock ready.

**The Joint Chair (Mr. Rhéal Fortin):** Well, since I'm the chair, I think I will ask another question.

**Voices:** Oh, oh!

[Translation]

Go ahead, Mr. Green.

[English]

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

I'm keenly interested in trying to get an understanding of what the threshold was. What was material in terms of the participation for people to potentially have their accounts frozen? I know that we heard fantastic stories from some sides of the House that poor Mrs. Jones had her account frozen for a \$20 donation.

Ms. Mason, I want you to have the opportunity to respond to that and then maybe talk about what the financial thresholds were for having your account frozen.

**Ms. Angelina Mason:** Sure.

I'll begin with the fact that the vast majority of accounts frozen were based solely on the list provided by the RCMP. For those ones that we were required to freeze because we had an independent duty to determine under the order, it wasn't like a blanket threshold or a dollar amount. The way we did it was to apply our normal processes for looking at unusual or suspicious activity. That by its nature would be something material to even catch our eye in the first place. It's not as simple as saying it was a specific dollar amount.

I can give one example of a case that obviously was reported, and that predated the Emergencies Act but was part of the public hearing, where all of a sudden a million dollars landed in a personal deposit account. That would have caught someone's attention because of the amount. When you look through the lens and realize it's related to the fundraising, that's when you notice something significant.

So it would be a significant event that would cause that to be noticed.

**The Joint Chair (Mr. Matthew Green):** How many accounts did you freeze outside of the list that was provided? You mentioned that there was a discretionary opportunity. I'm wondering how many you pursued, Ms. Mason—or the banking sector; my apologies.

**Ms. Angelina Mason:** My understanding is that there were about four or five.

Again, this was not a discretion. We had a duty to freeze if our systems noted something unusual and it matched the activities in Ottawa.

**The Joint Chair (Mr. Matthew Green):** Sorry. The distinction there is that you were directed to do that, but these were people who were above and beyond the list provided to you. Is that correct?

**Ms. Angelina Mason:** That is correct.

**The Joint Chair (Mr. Matthew Green):** To your knowledge, are there any accounts still frozen?

**Ms. Angelina Mason:** The only accounts still frozen would be those that are subject to ongoing orders. There was freezing that took place because of court orders that were put in place.

**The Joint Chair (Mr. Matthew Green):** When the RCMP provided the lists of protesters directly involved in the convoy protests, what additional information, if any, did they provide other than their personal information?

**Ms. Angelina Mason:** In their original list, they would describe at a high level some of the activities that the individuals were conducting that got them on the list, basically.

**The Joint Chair (Mr. Matthew Green):** Were you instructed with any information in terms of how to go about freezing it?

**Ms. Angelina Mason:** No. We actually saw clarity on the freezing. That was one of our very initial questions—the scope of the freezing. We asked questions: Could ongoing payments continue to go through? Was there an opportunity to have, for example, humanitarian measures to allow for minimum withdrawals for child support? The initial response we had was that there were no exceptions. When we asked again, we were told “we'll need to get back to you”, but then it became a moot point, because by then the order had been revoked.

**The Joint Chair (Mr. Matthew Green):** Were you provided with instructions in terms of how to unfreeze and for whom?

**Ms. Angelina Mason:** It was blanket that once we were allowed to unfreeze, it was a complete unfreeze.

We asked the question that if there is no forfeiture, can we just completely provide access? We were told that yes, once they're off the list or the order is revoked, you completely unfreeze.

**The Joint Chair (Mr. Matthew Green):** Just to be clear, the distinction between having it frozen versus a forfeiture is that, with forfeiture, that money would have been seized versus it being frozen and then released.

**Ms. Angelina Mason:** That's correct.

**The Joint Chair (Mr. Matthew Green):** That was a point of distinction, one that I think this committee struggles with, so it's certainly good to have you here.

Mr. Hatch, you've heard the questions that I've put to Ms. Mason regarding the processes that were in place. Within the credit union sector, how many additional accounts did you all have to move on or act on, based on the parameters of the EA order, in addition to the list of the RCMP?

• (2035)

**Mr. Michael Hatch:** Fewer than 10. I haven't got the exact number, but it was a very small number.

I would add, also, that some of the alarm that existed in the public at the notion that the government had the legal authority to do this was mirrored across our financial institutions as well, because freezing an account is the nuclear option. It's not something you ever want to do. It's not something you do lightly, if ever.

I can say with confidence that it's not something anybody across the sector would ever do lightly, so, to the extent that accounts were frozen beyond that list from the RCMP, it was a number that you could count on one hand.

**The Joint Chair (Mr. Matthew Green):** You're very careful with the application of this particular thing.

I want you to have the opportunity to provide reflections on what you'd like to see for federal recommendations moving forward, but, based on the look that I'm getting from my co-chair, I'll probably save that for the next round.

I'll take the floor back. I think that concludes my round, if my clock was correct.

We will continue to Senator Boniface for five minutes.

Senator Boniface, the floor is yours.

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

Thank you, both, for being here.

Mr. Hatch, I'll put the question to you to perhaps give you an opportunity to further some of the comments you made. I'll refer to the House committee meeting last March. The organization said:

The government also granted a significant level of discretion to financial institutions regarding whose accounts to freeze. This further contributed to confusion and to possibly an uneven application of the financial components of the measures. Many would have appreciated further guidance from the government on precisely which accounts would be frozen.

Could you expand on that a little to help us understand where the confusion was and how you would recommend that be addressed?

**Mr. Michael Hatch:** There is no perfect approach to that question. You can't please everybody.

I would draw a distinction between something like the UN, which publishes an exhaustive list of individuals who are sanctioned globally. We check that on a regular basis and provide that communication to our members so they can check it against their membership, whereas the list from the RCMP was not exhaustive. It was small and targeted, but then there was further discretion granted to financial institutions, if they saw fit, to freeze accounts.

That obviously did not result in the mass freezing of accounts. I think some of the stories that surfaced about people having their accounts frozen because of \$25 donations were, perhaps, a little bit of hyperbole, if I can put it that way.

It was troubling that the list was not exhaustive and that discretion was granted to our members because, frankly, nobody wants to have that power. They want to see the list and, if we have a member

who is on that list, then that's black and white, and nobody wants to be in a grey area.

**The Joint Chair (Hon. Gwen Boniface):** Presumably the confusion that's referred to in that quote is around how you make that decision, or is the confusion what the confusion creates for people who are on the receiving end of a freezing of their account?

**Mr. Michael Hatch:** The confusion is that we had this list, which is black and white, but then we had further discretion to freeze if we deemed activity worthy thereof. As I said, people don't want to have that discretion. They don't want to have that power and that ability to arbitrarily freeze accounts, not that it ever took place. There was nothing arbitrary about it, but perhaps it would have been better to have more concrete direction from the government in terms of exactly which accounts to freeze and exactly which criteria to apply.

A dollar threshold is never perfect. Nobody can say that a \$999 donation is immaterial and a \$1,000 donation is material. A dollar threshold is not something we would have expected, but more concrete guidance in terms of what criteria to check for would have been appreciated at the time.

• (2040)

**The Joint Chair (Hon. Gwen Boniface):** The Canadian Bankers Association, I'm checking to see whether you have anything you would like to add to that.

**Ms. Angelina Mason:** Absolutely.

I don't think that the financial institutions should be put in a situation where they have to take on an independent duty to determine it. It should only be relying on a list. That's what we conveyed to Finance. The appropriate way to do this to ensure consistency in how it should be applied would be to simply rely on a list that is provided, in this case, by the RCMP.

I disagree with my co-witness on the discretion. The wording in the order is "shall." We shall make an independent determination and we shall freeze if, in fact, the facts support that the activities have taken place. There are concerns with a bank having to make that type of a decision as to whether or not those activities are taking place.

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

If you could go back again to the testimony from the CBA before the House, it stated that it is "important to remember that some accounts are still frozen to comply with court orders or proceedings." That was at that time in March.

Can you tell us if there are any accounts still frozen to comply with court orders or proceedings? You may have covered that, but I may have missed it.

**Ms. Angelina Mason:** My understanding is that there still are. Some have been paid into escrow, but others, I think, are still frozen.



I can come back to you on that point, but the point is that there are still orders out there that are, in effect, impacting those funds.

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

Thank you, Mr. Chair.

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

Any additional information that you see fit—this is for both witnesses—to expand on questions that were asked or to add pertinent information will always be accepted in a further communication from you.

We will now turn to Senator Harder for five minutes.

**Hon. Peter Harder:** Thank you very much, Chair.

My first question is for both of our witnesses.

Did any of your financial institutions receive threats or warnings not to participate in the freezing of accounts?

Ms. Mason, could you start?

**Ms. Angelina Mason:** Not that I am aware of.

**Mr. Michael Hatch:** Not that I am aware of.

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

What was the largest amount in a seized account?

Ms. Mason.

**Ms. Angelina Mason:** I would have to check that point. I can tell you that the cumulative amount from all of our banks was \$8.3 million.

It's definitely not any larger than that. It would be significantly smaller, but it was not small amounts, if that helps you. They tended to be larger accounts.

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

Mr. Hatch.

**Mr. Michael Hatch:** Again, I don't have the precise numbers in front of me, but if memory serves, the largest single account was a mortgage or a debt account in the sum of \$200,000. The others were savings or chequing accounts in the low to mid four digits, I would say.

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

Ms. Mason, I know from testimony you made in the Senate recently with respect to sanctions policy that you have a lot of experience in the implementation of sanctions. I wonder if that experience was at all called on in implementing the order that you received with respect to this event.

In terms of lessons learned, are there lessons from the sanctions regime that could have been transferred and been helpful to you in exercising your responsibility with respect to the freezing of assets?

**Ms. Angelina Mason:** Yes. In the case of sanctions, we had the systems in place so that when we had a designated name, we had the ability to search against that name. We leveraged our sanctions compliance in that regard.

What was missing and different from our usual approach with sanctions law was that there's usually clarity on exceptions. Usually, when a sanction is issued, if humanitarian relief is available, it's stated. If there are certain types of exemptions, it's stated. It's also clear that it's a list, and that the government is responsible for determining who's on the list and who comes off the list.

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

Mr. Hatch.

**Mr. Michael Hatch:** It's a very similar process. I wouldn't have anything to add to what my colleague at CBA said on that question.

**Hon. Peter Harder:** Great.

I look forward to Mr. Green's further questioning on lessons learned.

Ms. Mason, on lessons learned, again, you have the sanctions experience and now this experience. What advice do you have for us to consider in our report on how the implementation of the freezing of assets related to an emergency order could benefit from this experience and the broader context of sanctions policy?

• (2045)

**Ms. Angelina Mason:** One would be, of course, the guidance, so you're not left with all these questions and people know that it's limited and that it's targeted.

**Hon. Peter Harder:** Anything else?

**Ms. Angelina Mason:** Also, I would add that financial institutions shouldn't have to be put in the position of determining whether a conduct is illegal.

**Hon. Peter Harder:** I noted that from earlier questioning. That's a good point to asterisk for our consideration.

Mr. Hatch, other than being at the table earlier, what are the lessons learned?

**Mr. Michael Hatch:** I would echo what my colleague said: clear communication not on day one but on minute one. This was a minute-by-minute, hour-by-hour crisis and in the world of banking, you never want to use the R-word, the run. There was nothing like that, but there were whispers that people were starting to show up making large withdrawals in those key early days—the Monday and the Tuesday of that week—before it became clear later that week, because it was not yet clear. Eventually, it became clear that it was very targeted, but it was not yet clear in the early days how targeted it was meant to be and people in that situation in some cases assumed the worst.

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

**The Joint Chair (Mr. Matthew Green):** Senator Patterson, you have five minutes, sir.

The floor is yours.

**Hon. Dennis Glen Patterson:** Thank you, Mr. Chair.

I'd like to ask each witness, beginning with Ms. Mason, could you tell us when did your organization or the financial institutions you represent become aware of the special temporary measures?

**Ms. Angelina Mason:** Our larger members, the six D-SIB banks, were given a heads-up it was coming. We learned when it was announced by the Prime Minister. But we all got the actual order at the same time. No one saw the details of that order until they were made public. So while they may have had a heads-up, the specific details of the order were all received at the same time.

**Hon. Dennis Glen Patterson:** Mr. Hatch, please.

**Mr. Michael Hatch:** That's correct. We heard of it when it was made public by the most senior levels of the government, and in the early, early days or the first day or two, my recollection is that we were scrambling on behalf of credit unions to clarify whether or not the orders applied to us. The assumption was that, of course, they did, but it wasn't yet 100% crystal clear on day one that they were going to apply to provincially regulated financial institutions.

**Hon. Dennis Glen Patterson:** If I may ask each witness as well, please, how quickly did your financial institutions then act to carry out their requested role?

**Ms. Angelina Mason:** What I would say is there was a gap between when it was announced and when the actual order came up. It was almost 30 hours, so what we did quickly was, based on what descriptions had been given both by the Prime Minister and Minister Freeland, start to generate a number of questions, because we were already wanting to understand what we would have to do from a compliance perspective. Then once the order was dropped and we saw the details, we updated those questions. We were ready to act once we received that first list from the RCMP.

**Hon. Dennis Glen Patterson:** Mr. Hatch, please.

**Mr. Michael Hatch:** I would outline a broadly similar process, but again, behind by a day or two, which at the time felt like a much longer period of time than that indeed.

**Hon. Dennis Glen Patterson:** Again, I have a question for both witnesses.

We have information from you about the freezing of accounts based on that discretion you were required to exercise, the duty to determine illegal acts, and I think it was four or five from the Bankers Association, and 10 accounts from the credit unions. Could you each tell us how many accounts were frozen by your institutions based on the RCMP lists?

**Ms. Angelina Mason:** Ours would be about 175. Our accounts in total were 180, so I'm ballparking here, but the vast majority.

**Hon. Dennis Glen Patterson:** Mr. Hatch.

• (2050)

**Mr. Michael Hatch:** Yes, I don't have the precise numbers, but again, there were only 10 in total. Some if not most of those would have come from the list, but not all of them.

**Hon. Dennis Glen Patterson:** Okay.

Thank you, Mr. Chair.

**The Joint Chair (Mr. Matthew Green):** We have the ability to go into the second round. I want to put to the committee whether we want to follow our standard practice of four and three, or

whether we want to expand to five. It would appear we have until 9:30, if I'm correct. We have time to stay with five, if we like. Of course, if you've exhausted your line...you can always defer.

Does that work for everybody?

Okay, we will continue, then, with a five-minute intervention for Mr. Motz, followed by Ms. Bendayan for five minutes.

Mr. Motz, the floor is yours.

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

Ms. Mason, this is directed toward you.

Recently released minutes of a February 21 secret cabinet meeting indicated that Deputy Prime Minister and Minister of Finance Freeland reported on a conversation she had with CEOs of the major banks:

Banks were pleased that the government was working on a plan that would see individuals with their bank accounts frozen report to police prior to the bank to have their accounts unfrozen.

At any time, did the minister or a staff member of Finance Canada ask your banks how many accounts had been frozen, push for banks to act faster, or question why more accounts have not been frozen?

**Ms. Angelina Mason:** We definitely got questions. We know the minister reached out individually to some of our banks, and we had questions from the Finance officials themselves about the number of accounts frozen, because they wanted to understand that the order was being implemented and felt it was important to say what the impact was.

I think they were also interested in the basis for the numbers we were producing. We explained that the numbers we had were, in large part, due to the fact that we needed to rely heavily on the list provided by the RCMP.

**Mr. Glen Motz:** This question is for both of you.

Were there any restrictions placed on how the private information received from the RCMP about Canadians could be used, or on how long it could be relied upon?

**Ms. Angelina Mason:** There were no instructions when the information was provided. We asked the question at the beginning, given how sanction laws work when that list is public, whether this was a confidential or private list. We were told it was a confidential list and that's why we only shared it on a need-to-know basis. There were no specific instructions.

Having said that, privacy law kicks into effect, which requires that you only hold information as necessary and for the purpose for which it was collected.

**Mr. Glen Motz:** Do you see any difference in that, Mr. Hatch?

**Mr. Michael Hatch:** That's no difference from our experience. That is correct.

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

Basically, the government sent out hundreds of pages of unencrypted information to your members via email, on your own testimony, Ms. Mason, including client protest activities, with few or no privacy safeguards from their perspective, or in their direction to you.

Is that correct?

**Ms. Angelina Mason:** That is correct. They were delivered through that process.

**Mr. Glen Motz:** They provided no safeguards or direction to you on how to safeguard that data. Is that correct?

**Ms. Angelina Mason:** They did not provide any such instructions.

**Mr. Glen Motz:** Did the banking association safeguard this personal data?

**Ms. Angelina Mason:** Yes, we ensured it was only shared on a need-to-know basis. We arranged it so that our members could receive that information directly.

**Mr. Glen Motz:** Okay.

Is yours about the same, Mr. Hatch?

**Mr. Michael Hatch:** Yes, we shared it only on a very secure, members-only online channel.

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

Have your members destroyed that information yet?

**Mr. Michael Hatch:** I don't know the answer to that question, but I'm happy to get back to you.

**Mr. Glen Motz:** Ms. Mason, is it yes or no?

**Ms. Angelina Mason:** I would have to get back to you on it.

**Mr. Glen Motz:** Can you both undertake to do that and report back to the committee on whether that has been destroyed by your members?

Is there anything in the emergency order that prevents your banking members, Ms. Mason, from continuing to use the intelligence received from the RCMP in their own personal risk assessments of clients, as banks? Are these accounts still identified by the banks as having been on the government's blacklist, outside of those with court orders, which you have already identified?

**Ms. Angelina Mason:** There is nothing in the order that sounds like it prevents that. There would be some indication on the account itself, so the bank could answer any questions as to why certain actions were taken on that account.

• (2055)

**Mr. Glen Motz:** Again, this is not an indictment of banking or financial institutions, but of the fact that the order itself is void of any direction, that when the order is lifted, you can't use that data for any of your own purposes. That's my point. You answered that there was no direction provided.

I have one last comment.

One could argue that consumer confidence is the foundation of a worldwide financial system. If people lose confidence that banks and other financial institutions are capable of keeping their money safe, we get runs on banks, even though, at this point in time, you said it was minimal. The money supply we rely on every day could be threatened at institutions and break down. The government's use of the Emergencies Act to freeze the bank accounts of individuals was unprecedented.

Would you agree that those unprecedented measures have had a negative impact on the confidence Canadians have in the banking system, Mr. Hatch?

**Mr. Michael Hatch:** At the time, yes, but the—

**Mr. Glen Motz:** Ms. Mason.

**Ms. Angelina Mason:** I would say that we weathered this storm, but that was in large part due to the fact that it was very short-lived.

**Mr. Arif Virani:** Mr. Chair, the witness was attempting to finish his answer and he was cut off.

**The Joint Chair (Mr. Matthew Green):** I don't believe that's a point of order, but I will say that the round is done, and I do appreciate the editorial.

We will now go to Ms. Bendayan.

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

**Ms. Rachel Bendayan:** Thank you very much, Mr. Chair.

I'd like to begin by quickly clarifying something.

Various members of this committee have asked questions both of Ms. Mason and of Mr. Hatch that included reference to the seizure of bank accounts. I would just like to make absolutely clear on the record, Ms. Mason, that I understand that no seizures actually ever took place. What we are talking about here is the freezing of bank accounts. Nothing was taken from these bank accounts.

It was a freeze, which then would be lifted.

Ms. Mason, is that correct?

**Ms. Angelina Mason:** That is correct. Where there may be some confusion is that it was one of the questions we asked after the freezing was lifted: whether or not we were able to release the funds.

**Ms. Rachel Bendayan:** Mr. Hatch, was there ever any seizure of your members' bank accounts?

**Mr. Michael Hatch:** No.

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

I also understand from previous testimony by other witnesses that accounts were unfrozen as soon as someone ceased participating in the illegal blockades; even accounts were unfrozen prior to the revocation of the Emergencies Act. Is that correct, Ms. Mason?

**Ms. Angelina Mason:** That's correct, and that happened in two ways. One, they were removed from the list from the RCMP, and we were advised of that. One would be that they went and were actually able to prove it to their bank.

**Ms. Rachel Bendayan:** Mr. Hatch, is that correct?

**Mr. Michael Hatch:** It's also correct with us, yes.

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

Ms. Mason, you indicated in answer to previous questions that the RCMP provided you with high-level information about the activities of blockaders, which helped inform your decision whether or not to freeze bank accounts. Would it be possible to receive copies of that information? Was it provided to you in writing?

**Ms. Angelina Mason:** That was actually part of the list. If you went through the list, it would be described in the list. I no longer have that list. I was going to offer.... We destroyed it. We no longer have it.

**Ms. Rachel Bendayan:** Can you give us a bit of a sense of what might have been included on that list?

**Ms. Angelina Mason:** Well, it would describe the individual and what their involvement was. Perhaps they were a particular fundraiser. They were conducting certain types of activities. Again, very high level...but it was in the list. I no longer have that list. That is probably something that the RCMP could be able to inform on.

**Ms. Rachel Bendayan:** But it allowed you to make a determination?

**Ms. Angelina Mason:** No. To be clear, we weren't making a determination. We got confirmation from the RCMP that these were designated persons.

**Ms. Rachel Bendayan:** Okay. In essence, the RCMP was giving you the information you needed in order to proceed or not.

**Ms. Angelina Mason:** That's right. They told us that these are designated persons so we should act on this list.

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

I also have a question arising from testimony earlier this evening, Mr. Hatch.

You spoke about the real impacts of communication, and in fact disinformation, even though you hesitated, and of course I understand why you referred to a possible run being incited by that disinformation. I understand that the Conservative member for Sarnia—Lambton, for example, suggested that a constituent's account was frozen for buying a T-shirt, and that statement contributed to some concern. Was that ever the case to your knowledge?

**Mr. Michael Hatch:** Do you mean freezing accounts for such insignificant activity?

**Ms. Rachel Bendayan:** Correct.

**Mr. Michael Hatch:** No, of course not.

• (2100)

**Ms. Rachel Bendayan:** Ms. Mason.

**Ms. Angelina Mason:** Not correct.

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

Mr. Chair, with the time that I have remaining, I would like to move the motion that I indicated earlier with respect to GiveSendGo.

I would move at this time: That, the members of the committee call on GiveSendGo to appear before this committee by Thursday, December 1, 2022, at the latest, in order to provide the testimony that they were supposed to provide to this committee this evening.

Mr. Chair, I am open to the suggestion as to how you would like to move forward on that motion.

**The Joint Chair (Mr. Matthew Green):** It appears there is unanimous consent around the table to take care of that administrative manner.

**Mr. Glen Motz:** Would you, Ms. Bendayan, add the time, half the allotted time, an hour and a half...?

**Ms. Rachel Bendayan:** I don't know if other members of this committee have this information, but I am not aware of what witnesses are scheduled for next Thursday, which does leave me in the position of looking to the clerk.

**The Joint Chair (Mr. Matthew Green):** I do want to acknowledge that both our good clerks today are visiting us from another committee. Let me take a look at what we have here—

**The Joint Chair (Hon. Gwen Boniface):** I believe we expect to have two mayors next week. We have on the list the mayor of Windsor and the mayor of Coutts, I believe.

**Mr. Arif Virani:** Mr. Chair, I would just point out that he would have been here for part of a one and a half hour panel, so perhaps we could have him for 45 minutes to an hour or we could just add him to a panel with the mayors.

**The Joint Chair (Hon. Gwen Boniface):** Because the clerk isn't here—and if my recollection is correct, next Thursday is the American Thanksgiving and they avoided that day for those witnesses because of that. I just want to be clear.

**The Joint Chair (Mr. Matthew Green):** The following week, on December 1, panel one is ITAC and Jody Thomas; panel 2 is Canadian Manufacturers and Exporters and the Manufacturiers et Exportateurs du Québec.

**Ms. Rachel Bendayan:** I would suggest that it could be done on December 1 then.

You're refusing to listen to the testimony from GiveSendGo because of the manufacturers.

**The Joint Chair (Mr. Matthew Green):** Let's—

**Ms. Rachel Bendayan:** They could join the panel.

**The Joint Chair (Mr. Matthew Green):** We do have witnesses here, and I do appreciate that the work plan has not been distributed. I do appreciate that. I acknowledge that in advance. I acknowledge the situation we're in with the fact that this gentleman did not attend in the first session, and I think that when we return, there will also be an opportunity in the subsequent weeks.

What I would ask you to do is to just set this aside for the moment and allow us to just continue these rounds, and I commit to you that we will get a work plan out and we'll be able to find time.

Look, I would have had him on this panel myself personally, but it wasn't the will of the committee, so now we're going to be dealing with this a little bit later.

**Ms. Rachel Bendayan:** That's fine, and I appreciate that, Mr. Chair. You invited me to bring forward my motion and so I did.

I would also like to repeat on the record that I asked the clerks at a previous meeting to be more forthright with all committee members as to the schedule for these meetings, and that has not occurred.

**The Joint Chair (Mr. Matthew Green):** Your feedback is duly noted.

With that being said, we will now go back to the rotation which will be

[Translation]

Mr. Fortin.

You have five minutes, Mr. Fortin.

[English]

Sir, the floor is yours.

[Translation]

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

I'd like some clarification.

Mr. Hatch, you said that 10 accounts had been seized, if I understood correctly.

Can you name the financial institutions in question?

**Mr. Michael Hatch:** No, I can't.

**The Joint Chair (Mr. Rhéal Fortin):** Don't you have that information with you?

**Mr. Michael Hatch:** I don't have it.

**The Joint Chair (Mr. Rhéal Fortin):** You know that 10 accounts were seized, but you don't know which financial institutions they were with.

Is that correct?

**Mr. Michael Hatch:** That's correct.

**The Joint Chair (Mr. Rhéal Fortin):** Very well.

Ms. Mason, I have the same question for you.

I believe you said earlier that the RCMP had seized 175 accounts, but there were 180 in all.

Is that correct?

• (2105)

[English]

**Ms. Angelina Mason:** That's correct, and it was freeze, not seize. I just want to make sure I clarify that.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I see.

Do you know the names of the institutions the seized accounts were with?

[English]

**Ms. Angelina Mason:** Yes, I know the names of the institutions.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Can you give us the names, please?

[English]

**Ms. Angelina Mason:** I'm not in a position right now to give you those names.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** You just said you had them.

[English]

**Ms. Angelina Mason:** Well, that's correct, but I was authorized to share them with the commission and with Finance. It was done on an aggregated basis and white labelled so we can show the individuals, but I don't have permission to share individual financial institution data.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** The names of the institutions where bank accounts were seized doesn't seem like confidential information to me. Earlier, I asked for the names of the individuals those accounts belonged to, but I realize that you can't give me that information. I'll come back to that.

Nevertheless, I don't think the names of the institutions, themselves, is confidential information.

Would you not agree, Ms. Mason?

Are you still with me, Ms. Mason?

[English]

**Ms. Angelina Mason:** I'm still with you. I'm just trying to understand.

Are you asking which of our banks actually froze any accounts?

**The Joint Chair (Mr. Rhéal Fortin):** Exactly.

**Ms. Angelina Mason:** I'm quite clear now. I can say that each of our largest banks, given their volume, ended up having accounts that were on that list.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** I'd like you to name them, please. I don't want to be wasting my time, here.

Please give us the names of the financial institutions.

[English]

**Ms. Angelina Mason:** Our six largest banks had customers that were on that list. It would be RBC, Toronto-Dominion Bank, Bank of Nova Scotia, CIBC, National Bank and Bank of Montreal.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Are those six banks the only banks where accounts were seized?

[English]

**Ms. Angelina Mason:** I'd have to double-check on some of the other smaller banks that I have. There are about three or four other banks, but I don't know them off by heart. I'd have to check.

[Translation]

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

You'll be able to get the information to us in the next few days, then.

Can you do that?

[English]

**Ms. Angelina Mason:** Sure.

[Translation]

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

Ms. Mason, do you know what a conservatorship seizure, or precautionary seizure, is?

[English]

**Ms. Angelina Mason:** No.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Very well.

Are you a lawyer?

Do you have a legal background?

[English]

**Ms. Angelina Mason:** Yes, I do.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** You don't know what a precautionary seizure is?

[English]

**Ms. Angelina Mason:** I'm sorry. I heard a different word.

Yes, I'm familiar with that.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Doesn't a precautionary seizure involve freezing funds?

[English]

**Ms. Angelina Mason:** I'm not understanding the question. What about the monies?

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** The purpose of a precautionary seizure is to freeze the funds in an account. It's used to freeze an asset, whether it be money, chattels or real estate. The idea behind a precautionary seizure is to prevent any transactions involving the asset from being conducted.

Isn't that precisely what you did?

You said that you froze assets but that it wasn't a seizure, and I'm telling you that it was a conservatorship seizure, or precautionary seizure.

Am I right?

[English]

**Ms. Angelina Mason:** We froze the accounts so that no further transactions would take place.

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Yes, I understand, but you told us that it wasn't a seizure.

Isn't the freezing of funds precisely what a precautionary seizure is, as opposed to a seizure in execution, where the assets are sold or transferred to a third party?

[English]

**Ms. Angelina Mason:** Again, that's what was required of us. We tried to find reliefs so that there could be certain exceptions to the use of and access to the accounts, but that's what we were told we were required to do.

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

Mr. Fortin, if I could...

[Translation]

**The Joint Chair (Mr. Rhéal Fortin):** Go ahead, Mr. Green.

[English]

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

Ms. Mason, given the nature of the question, I think maybe something was a little bit lost in interpretation.

I just want you to give your definition of what a conservatorship seizure is versus what happened legalistically under the Emergencies Act.

**Ms. Angelina Mason:** My understanding from how it's being described is that everything is frozen, so it's preserved and can't be accessed in any way. In that sense, because there were no exceptions to access to funds in the account, then effectively, yes, those monies were preserved and there was no access in any way.

• (2110)

**The Joint Chair (Mr. Matthew Green):** I just wanted you to have the opportunity to expand on that. It seemed to be a point of contention for my colleague.

Mr. Hatch, I heard in the testimony you describe something that I hadn't contemplated, which was the freezing of a debt instrument—a mortgage. Is that correct?

**Mr. Michael Hatch:** Yes. Again, I don't have the data in front me, but my recollection of the results of one of the surveys that we had conducted amongst our membership was that one of the accounts frozen was in fact a mortgage account.

I don't have any further details on that.

**The Joint Chair (Mr. Matthew Green):** Ms. Mason, did you also have debt instrument accounts frozen in the process?

**Ms. Angelina Mason:** Yes and I'll clarify on that point.

One question we had asked was what types of accounts. You could have a line of credit, for example, that would be accessible. You had to freeze it, so that someone couldn't access the funds that were available.

**The Joint Chair (Mr. Matthew Green):** Just so that I'm clear—because that's new information for me—what would be some of the unintended consequences? Does that mean the person would potentially default on their home by not being able to provide payments to a debt instrument?

**Ms. Angelina Mason:** It's more the case that you wouldn't be able to draw on it.

**The Joint Chair (Mr. Matthew Green):** That's on a line of credit. But if it's a mortgage one, which we heard from Mr. Hatch... Through you, was the mortgage a personal line of credit mortgage, or was it a traditional mortgage?

**Ms. Angelina Mason:** It was a HELOC, so it's the ability to access funds.

**Mr. Michael Hatch:** That's right. That's my understanding of our experience as well. It is a HELOC, a home equity line of credit, so the person no longer has access—

**The Joint Chair (Mr. Matthew Green):** Okay. I'm familiar with that. They couldn't access the large amounts of equity within their homes.

**Ms. Angeline Mason:** Yes.

**The Joint Chair (Mr. Matthew Green):** Okay. That makes sense.

I'm curious to know about the unintended consequences.

On a number of occasions, Ms. Mason, you mentioned that information had come after the fact. In fact, the Emergencies Act had been declared, and you were provided with a list and a set of instructions and you had to go back to the government a number of times for clarification.

Is it your opinion that the instructions that were provided to your association and your sector were inadequate to adequately define and execute what was asked of you?

**Ms. Angelina Mason:** The reason we had to go back was we didn't have the full set of orders. We had descriptions. Minister Chrystia Freeland had described what was coming, but we didn't actually see it.

We started generating questions then, and once we saw the actual order, then we did get definitive responses. But, in fairness, we did go and ask again further on whether they were sure we couldn't get some sort of humanitarian relief.

**The Joint Chair (Mr. Matthew Green):** That's correct, but that wasn't outlined in the original order.

**Ms. Angelina Mason:** No, it wasn't dealt with in the order at all, and that's where I would distinguish it from the example of sanctions regulations

**The Joint Chair (Mr. Matthew Green):** That's correct.

Look, I think the purpose of this committee, at least for me, is to ensure that we don't have to get to a place like this again. Should the government ever go down a road like this, or similar to this, would it be your recommendation here today that the government provide, in its fullest abilities and in the earliest time possible, a full list of how, what, where, when, and who these orders would be executed against?

**Ms. Angelina Mason:** That's correct.

**The Joint Chair (Mr. Matthew Green):** Mr. Hatch, would that also be your testimony, sir?

**Mr. Michael Hatch:** We'd be more comfortable with a list.

Perhaps I may add, Mr. Chair, to when I was interrupted earlier, when I was asked if these actions caused a decline in trust in the system, I answered “yes, but”, and was cut off.

**The Joint Chair (Mr. Matthew Green):** Sure.

**Mr. Michael Hatch:** Yes, in those very early days, of course there was panic. People didn't know what the orders meant. They didn't know if their account was going to be frozen or not. But that didn't last very long.

Eventually, and after not very many days, in fact, a week or two, the very targeted and narrow nature of these orders became clear, to such a degree that today I would surmise that the impact on trust in the system is negligible or non-existent. We have a very sound financial system in Canada, and consumers can continue to have confidence in it.

**The Joint Chair (Mr. Matthew Green):** I appreciate that. It certainly beats cryptocurrency, I would say.

We will now go to the next speaker, who would be Senator Boniface.

Senator Boniface, the floor is yours.

**The Joint Chair (Hon. Gwen Boniface):** Thank you both again for being here.

I don't have lots of questions left, but I just wondered if both of you could tell me whether either of your organizations has done a post-mortem on these emergency provisions, on their effectiveness, and your respective effectiveness in implementing them. If so, what was the outcome?

● (2115)

**Mr. Michael Hatch:** There's been nothing formal that I would give such a formal name as “post-mortem” to. Again, the numbers were so small as to not merit such a study. Ten accounts across a \$300-billion sector is not statistically significant.

To the extent that we have ideas and recommendations, I have already outlined them. Communication is key. The targeted nature of these measures could have and should have been communicated more clearly and earlier.

**The Joint Chair (Hon. Gwen Boniface):** I guess part of my point was that from your own experience in your feedback to your own credit unions, is there anything else you would add?

**Mr. Michael Hatch:** As has been repeated a few times here this evening, I would add that more guidance, if not explicit lists, be provided by the government, as opposed to granting individual FIs, financial institutions, the latitude to determine whether or not activity reaches a threshold that merits account freezing.

**The Joint Chair (Hon. Gwen Boniface):** Is there anything from the CBA?

**Ms. Angelina Mason:** No formal...but we have actively participated in hearings such as this. We also participated with the public commission's review to identify, obviously, the importance of communication and ensuring that the public is not alarmed and that when something is being exercised in such a narrow fashion, to make it clear.

Throughout this process, we did everything we could to make sure that our clients...even asking governments to reinforce the very narrow scope in which this was being applied.

By comparison with my colleague, we had 180 accounts. We have multi-million numbers of clients.

**The Joint Chair (Hon. Gwen Boniface):** That's great.

That's all I have.

I'll remind you, Mr. Chair, I have a motion before the evening finishes. I can do that at the end, if that's okay.

**The Joint Chair (Mr. Matthew Green):** You can do it now. You do have the ability to do that.

**The Joint Chair (Hon. Gwen Boniface):** I think I've spoken to every group about this. I forgot to actually table it last week.

It's a motion asking that an ISG senator be designated to be here when I'm unable to be here. There will be few occasions, but I want to just be able to have somebody sit in. It's a unique position of the differences between the rules of the Senate and the rules of the House.

I just ask for that concurrence.

**The Joint Chair (Mr. Matthew Green):** I think we would seek unanimous consent on that.

(Motion agreed to)

**The Joint Chair (Mr. Matthew Green):** Let it be shown that it was unanimous.

I have to say, for the record, we've probably had more unanimous consent today than we've had in any other meeting. Well done.

We will now move to Senator Harder.

Senator Harder, you have five minutes. The floor is yours.

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

I thought that Senator Boniface was speaking for me.

Let me, again, thank the witnesses.

What's left on the lessons learned is just an open question to the witnesses. At the end of the day, what lessons would they wish us to be seized with? Also, with the perspective of time, what conclusions have they drawn with respect to the utility of freezing assets in such circumstances as we faced?

Ms. Mason, go ahead.

**Ms. Angelina Mason:** I would start by recognizing the issues that we identified right up front. To freeze an account is significant. If that measure is to be taken, then consideration should be had with respect to appropriate exceptions, whether it's humanitarian, child care, you name it.

We were asked at the beginning of this meeting, why didn't you challenge this legally? I think the real question is that you have a piece of legislation that actually provides this power to the government. I think you have to start with first principles of whether that power should be provided. I'm not the one to determine that. You have to start with the fact that this legislation exists. It has an oversight power. Is that sufficient?

Those are things I think that this committee and policy-makers should be considering.

● (2120)

**Hon. Peter Harder:** To add to it, from our previous set of questions you referenced the sanctions regime and lessons learned from it that could be transferred. I wonder if you could give some additional thought and perhaps reflect a bit in writing on what it is that we could incorporate in our consideration of recommendations.

**Ms. Angelina Mason:** Yes, I would.

On the sanctions, as we mentioned, it's that there be a specific list, a process for determining how people are put on that list, and opportunities and processes for people coming off that list that are formalized, understood and prescribed.

**Hon. Peter Harder:** It's exceptions or guidance on certain elements such as child support and the like?

**Ms. Angelina Mason:** Sure.

Also, if someone is on a list and wants to be removed from a list, that there's an actual process for applying to do that.

**Hon. Peter Harder:** Yes, with the Governor in Council.

Mr. Hatch, go ahead.



**Mr. Michael Hatch:** I agree with everything my colleague has said, and a lot of it doesn't bear repeating because we've said it many times, but, again, when the federal government is enacting any kind of policy through the financial system such as this, it should consider and consult the entirety of the financial system, be they the large D-SIBs, the federally regulated banks that everybody is familiar with, the smaller banks that fewer people are familiar with and the provincially regulated credit unions.

That would be my number one message and number one recommendation. It's a battle that we continue to fight, and this was just the most recent manifestation of the tendency that exists in Ottawa and at the federal government level to view the financial system as six institutions.

As to your broader question, respectfully, Senator, I don't think it's my job to determine whether or not it was right or wrong to pull this lever. It's up to this committee, it's up to legislators, it's up to members of Parliament, senators and ultimately the government, but it is a law that exists, it is a power that the government does have. Whether it's right or wrong, I don't see it as my job to answer that question, to be candid.

**Hon. Peter Harder:** I have one last question.

Does your clientele have much experience with the sanctions regime?

**Mr. Michael Hatch:** Yes.

**Hon. Peter Harder:** Would your conclusions be similar to Ms. Mason's?

**Mr. Michael Hatch:** Absolutely, yes.

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

**The Joint Chair (Mr. Matthew Green):** Senator Patterson, you have the floor.

**Hon. Dennis Glen Patterson:** Thank you, Mr. Chair. I would cede my time to Mr. Motz.

**The Joint Chair (Mr. Matthew Green):** That's very generous.

Mr. Motz, you have five minutes. The floor is yours.

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

Thank you, Senator Patterson.

Mr. Hatch, I just want to encourage you to maybe reconsider a response that you provided. You said that you didn't think that it was appropriate, given the minuscule impact that the EA had on your clients.

As Senator Boniface asked, have you done a post-mortem, or are you going to consider doing one? It's your customer base. They may have a different view, and I would encourage you to maybe, with your 200 and some branches across the country, reconsider that, because this is an unprecedented event, and I think your clients might appreciate it.

Ms. Mason, I have a question for you.

**Ms. Rachel Bendayan:** I have a point of order, Mr. Chair. I wonder—

**Mr. Glen Motz:** Can you stop my time, please? I have a question for Ms. Mason.

**Ms. Rachel Bendayan:** I apologize for interrupting my colleague.

I'm not aware of the rules. Can any member cede their time to any other member, including a senator to a member of the House?

**The Joint Chair (Mr. Matthew Green):** I think it's his time to cede, so, procedurally, I don't see that to be out of order.

**Mr. Arif Virani:** It just never happens, Mr. Chair. We've always had senators ceding their time to other senators, as opposed—

**The Joint Chair (Mr. Matthew Green):** That's fair enough.

**Ms. Rachel Bendayan:** —and members of the House ceding their time to other members of the House.

**The Joint Chair (Mr. Matthew Green):** I don't think it's outlined in any standing orders that I've seen. If you have one for reference, feel free to do that, but, for the time being, I'll grant the parliamentary privilege of Senator Patterson to cede his time to whomever he sees fit, and at this moment, it happens to be Mr. Motz.

**Mr. Glen Motz:** Thank you, Chair, and I certainly concur with your ruling.

Ms. Mason, this question is for you.

As you are aware, the whole premise around the Emergencies Act was to be charter compliant. That was the rule around it. If you read the act over again, you'll see that there's a charter compliance requirement there.

In light of the government's regulations under the Emergencies Act to have a third party, namely you, the banking institutions, financial institutions, freeze accounts, do you not believe that the government was circumventing their charter obligations with respect to search and seizure?

• (2125)

**Ms. Angelina Mason:** I think that's for this committee and for the public commission to assess from a legal perspective.

**Mr. Glen Motz:** That's a nice skate; however, you're the banking institutions that represent the banking community that was asked to do this on behalf of your clients. I find it odd that, as general counsel, you wouldn't think that there are some obligations you also have to your clients under the charter.

**Ms. Angelina Mason:** No, the reason I say it that way is that both this hearing and the public commission are collecting information and creating findings on what took place. There have been competing versions of what was intended and how things were implemented. All I'm saying is that, when all the facts are before us, that is when we are in the best position to assess whether or not we feel the charter had, in fact, been respected.

**Mr. Glen Motz:** Fair enough. I appreciate those comments. You're right; hopefully, we'll never be, or you'll never be, as the banking institutions, in this position again, where the government could invoke this on Canadian citizens for this reason.

Ms. Mason, are you aware of whether anyone from government, or any law enforcement agency, sought input from the banking associations prior to the invocation of the Emergencies Act or the request to freeze accounts? You indicated earlier that you got a heads-up that it was coming. Previous to that, was there any indication from them, or did they seek your advice on how to do it from a banking perspective?

**Ms. Angelina Mason:** No. We were never approached to ask about how to seize accounts from a banking perspective.

**Mr. Glen Motz:** Okay.

Mr. Hatch, given the fact that you weren't even included in those conversations, I suspect that you're in the same boat.

**Mr. Michael Hatch:** That's correct. We were not given any advance warning; quite the contrary, as I've already described.

**Mr. Glen Motz:** Right. I agree with the assessment that it's unfortunate that you weren't considered to be part of the financial institution concept with the EA.

Anyway, Mr. Chair, I am done, given the time.

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

Yes, Mr. Brock.

**Mr. Larry Brock:** I have a question of clarification, Mr. Chair, just to confirm the next couple of weeks.

We have the two mayors for next week. Is that the extent?

**The Joint Chair (Mr. Matthew Green):** On panel one we will have the mayor of the City of Windsor, Mayor Drew Dilkens, and the mayor of the Village of Coutts, Mayor Jim Willett.

On panel two we will have representatives from the trucking industry, including the Canadian Trucking Alliance and the Canadian Vehicle Manufacturers' Association. That is for the November 24 meeting.

**Mr. Larry Brock:** At the December 1 meeting we have Mr. Wells.

**The Joint Chair (Mr. Matthew Green):** We have ITAC and Jody Thomas in the first panel. In the second panel, we have listed the Canadian Manufacturers and Exporters, followed by the Manufacturiers et Exportateurs du Québec.

**Mr. Larry Brock:** Okay.

I have an issue with the multitude of witnesses in conjunction with the anticipated evidence of Jody Thomas. Jody Thomas testified today at the commission. In terms of what we originally thought might have been a minor role vis-à-vis her involvement in the actual invocation and advice that she gave to the Prime Minister and cabinet, in light of the evidence that she has given today, which is extremely relevant and expansive, my view is that we need to have her alone for one of those panels for an hour and a half.

If there is no unanimous consent, I will be bringing a motion to that effect and seeking a vote, Mr. Chair.

**The Joint Chair (Mr. Matthew Green):** Will you be bringing a motion today or at a future date?

**Mr. Larry Brock:** It will be today.

**The Joint Chair (Mr. Matthew Green):** At this point, I'd like to—

**Ms. Rachel Bendayan:** On a point of order, Mr. Chair, when I put forward a motion for debate, you indicated that there were witnesses in front of us. Those witnesses are still here, so I don't see why we are engaging in scheduling.

**The Joint Chair (Mr. Matthew Green):** I was just about to dismiss the witnesses. We're at the end of our rounds. I think that's the distinction. You intervened in the middle of your rounds, when there were other people who had the ability to intervene. That list has now been exhausted. That's why I'm entertaining this in the business portion.

Having said that, Ms. Mason and Mr. Hatch, I would like to thank you for your participation in this process and in all processes related to this situation. I happily bid you adieu and wish you well—not to dismiss you, but to say goodbye so that we can carry on with our business at hand here.

• (2130)

**Ms. Angelina Mason:** Thank you. Enjoy the rest of your evening.

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

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Thank you, Ms. Mason and Mr. Hatch.

[*English*]

**The Joint Chair (Mr. Matthew Green):** I apologize. There is one piece of information with regard to panel two. It should be noted that the Canadian Manufacturers and Exporters and their Quebec counterparts are to be confirmed. At the time that this was written, they were not confirmed.

The other piece I will say right now to the committee, which I shared with Ms. Bendayan, is that the co-chairs will endeavour to ensure that the work plan is distributed by mid-week next week. We're going to meet after this meeting—quickly, hopefully—to iron out a few things. We continue to have some administrative challenges. We're going to work through that and get you whatever we have, even if it's a draft, so that you have the same working plan we do.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** Mr. Chair, I was wondering whether we shouldn't make a few changes to the schedule for the next meeting, since we have a lot of information to go over as far as the work plan is concerned.

Instead of spending an hour and a half with each of the two panels, we could cut one of them by a half-hour, and spend those 30 minutes adopting our work plan. If we invite a new witness, such as Mr. Wells, it would be a good idea to have a look at the whole work plan.

I propose that we review the work plan from 6:30 p.m. to 7 p.m., because we could meet with the first panel from 7 p.m. to 8:30 p.m. and the second panel from 8:30 p.m. to 9:30 p.m. That seems like a better way to do things.

[*English*]

**The Joint Chair (Mr. Matthew Green):** Members of the committee, you heard the proposition put forward by my joint chair, Monsieur Fortin. It's now open for discussion.

The discussion was to reduce the two panels of an hour and a half by a half hour to give us the one hour to work out whatever additional—

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** No, Mr. Chair.

I can say it in English, but I think we should leave it to the interpreters. I'll repeat what I said in French, if that's all right. My apologies to those who don't speak French.

We're supposed to meet with two panels, for an hour and a half each, and I was thinking it would be a good idea to cut our time with one of the panels to an hour, to give us a half-hour to discuss the work plan. That would give us time to go over it and adopt it.

We have two mayors for the first panel, so I think we should keep the hour and a half with them and cut our time with the second panel—representatives from the Canadian Trucking Alliance and the Canadian Vehicle Manufacturers' Association—to an hour. That would give us a half-hour to discuss our work plan.

**The Joint Chair (Mr. Matthew Green):** Great.

[*English*]

I understand now. Thank you.

You've heard the recommendation as put forward by Joint Chair Fortin.

Do we have any objections to that?

**Mr. Arif Virani:** Just for clarification, would the 30 minutes be just generally for committee business or restricted to the work plan that Monsieur Fortin is talking about?

**The Joint Chair (Mr. Matthew Green):** I don't know.

Mr. Fortin, I don't want to put words in your mouth.

[*Translation*]

**The Joint Chair (Mr. Rhéal Fortin):** What I'm proposing is that we spend the 30 minutes on the work plan, because I think that's how long we'll need. The draft I have here is a number of pages, and we have to discuss the scheduling of witnesses in the next few months. That'll require at least a half-hour, in my view.

[*English*]

**Mr. Arif Virani:** I think we need 30 minutes at least for housekeeping generally. That could include, but not be restricted to, the work plan.

**The Joint Chair (Mr. Matthew Green):** Okay, I will state for the record as a joint-chairing person that the priority—the initial

discussion—will be around the work plan. Then we'll get to whatever housekeeping items happen after that.

I just ask that there be no surprise motions or things that are dilatory that might disrupt our ability to put that to rest, because it's an ongoing administrative challenge that we've now heard raised as a point of order in meetings. It's one that I take seriously and I want to make sure that we just complete it.

Is that okay? Is everybody in agreement? Okay.

With that being said, we will reduce the second panel by a half hour. We'll have it at the beginning. Is that correct or will we have it at the end?

We'll have it at the end. That's smart. Thank you.

Is that unanimous? Do we need to vote on that? Are there dissenting opinions?

**Mr. Arif Virani:** Is that in camera, as the clerk just said?

**Ms. Rachel Bendayan:** As committee business, it usually is.

• (2135)

**The Joint Chair (Mr. Matthew Green):** As committee business for scheduling, we typically do that because we're—

**Ms. Rachel Bendayan:** —discussing witnesses.

**The Joint Chair (Mr. Matthew Green):** That's correct.

**Ms. Rachel Bendayan:** Mr. Chair, I understand from the clerk and her whisperings to you that they're not finalized. Is it possible to advise the committee if there are changes? If witnesses do cancel, could we receive an email?

**The Joint Chair (Mr. Matthew Green):** Absolutely. I'll just state again for the record that we literally found out 10 minutes before.

We'll definitely do that. Moving forward, we'll even get you guys the drafts in advance.

**Ms. Rachel Bendayan:** Would it be possible to come back to my motion, which was suspended?

Perhaps we could, if you would like to, move to a vote on the motion I had made earlier. I still believe that it would be appropriate to hear from GiveSendGo on December 1. I'm very flexible on which panel you would like to add that witness.

**The Joint Chair (Mr. Matthew Green):** I would like to propose that we use the Fortin remedy to carve out some time from both the manufacturers in the second panel and apply that to just GiveSendGo. We'll have that as a stand-alone. I think that will help us avoid any cross-contamination.

Is that agreeable?

**Mr. Larry Brock:** Sorry, can you repeat that, Mr. Chair?

**The Joint Chair (Mr. Matthew Green):** We're going to apply the Fortin solution to the second round of the December 1 meeting. We'll reinstate GiveSendGo, but the thinking is to give them their own session.

You identified, I think quite rightly, that they would provide us with their opening remarks in writing. They would do that and then they would have their own panel. We would take a half hour or 45 minutes, if you want. Whatever the case may be, we'll split up the second panel, which is the Canadian Manufacturers and Exporters and their Quebec counterparts.

**Mr. Larry Brock:** Is this for next week or December 1?

**The Joint Chair (Mr. Matthew Green):** No. It's December 1.

**Mr. Larry Brock:** Who's on the first panel with Jody Thomas?

**The Joint Chair (Mr. Matthew Green):** This is what I would say to that, sir—

**Mr. Larry Brock:** Are my Liberal colleagues adding more witnesses to that first panel?

**The Joint Chair (Mr. Matthew Green):** No, sir. They're not. What I would say—hold on a second.

**Ms. Rachel Bendayan:** [*Inaudible—Editor*]

**The Joint Chair (Mr. Matthew Green):** Before we—

**Mr. Larry Brock:** Excuse me, Ms. Bendayan. I'm entitled to the clarification.

**The Joint Chair (Mr. Matthew Green):** The clarification—

**Ms. Rachel Bendayan:** A Liberal member did not propose that, sir.

**The Joint Chair (Mr. Matthew Green):** If I could call the meeting to order....

I get it, we're in the silly season. The Christmas tree is up and everybody's ready to go.

The point I would like to make is that we always have the ability to recall witnesses.

I'm not privy to the information you have regarding whatever bombshells came out today on the nature of the work. I don't know what it is you're talking about. I know this is an imminent meeting coming within the next two weeks, and I would ask that we respect the schedule as it stands.

I will share with you openly and on the record right now that if in the course of that meeting, it is determined we need to prioritize that witness and call them back on their own for their own session, I would be open to that. You have that as a commitment from me right here, publicly, right now.

Is that okay? Thank you.

To put this to rest, can we agree we're going to do the Fortin method on December 1 to include GiveSendGo?

**Some hon. members:** Agreed.

**The Joint Chair (Mr. Matthew Green):** Is that unanimous? Excellent.

With that being said, do we have agreement to adjourn?

**Some hon. members:** Agreed.

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

The meeting is adjourned.

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