



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

## **Standing Committee on Public Accounts**

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PACP • NUMBER 046 • 2nd SESSION • 41st PARLIAMENT

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**EVIDENCE**

**Monday, February 2, 2015**

**Chair**

**Mr. David Christopherson**



## Standing Committee on Public Accounts

Monday, February 2, 2015

• (1530)

[English]

**The Chair (Mr. David Christopherson (Hamilton Centre, NDP)):** I call this 46th meeting of the Standing Committee on Public Accounts to order.

Colleagues, I have no committee business prior to commencement of the hearing, so unless somebody has something they want to bring forward at this time, and I'm not seeing anyone, we will proceed with the public hearing on chapter 2, "Support for Combatting Transnational Crime", of the fall 2014 report of the Auditor General of Canada.

Colleagues, we have the Auditor General with us, and our witnesses are here. The meeting will unfold in the usual manner beginning with opening remarks from each of our witnesses. As always, the initial opening remarks will be from our Auditor General, Mr. Ferguson.

Mr. Auditor General, you now have the floor, sir.

**Mr. Michael Ferguson (Auditor General of Canada, Office of the Auditor General of Canada):** [Translation]

Mr. Chair, thank you for this opportunity to discuss chapter 2 of our November 2014 audit, entitled Support for Combatting Transnational Crime.

Joining me today is Frank Barrett, the principal responsible for the audit.

[English]

Many crimes that affect Canadians begin or end with actions taken beyond our borders. Criminals and their organizations do not view borders as limitations on their activities.

To advance investigations involving transnational crime, Canada's law enforcement community relies on a network of RCMP liaison officers located in various countries. These officers interact with foreign law enforcement agencies to extend Canada's investigative reach.

In our audit, we examined whether the RCMP established priorities for serious and organized crime and aligned its international programming to those priorities, and whether the RCMP and the Department of Justice had in place the systems and practices necessary to address their international obligations. This included looking at information-sharing practices between federal departments as well as the RCMP's cooperation with international policing organizations.

[Translation]

We found that the RCMP aligned the operations of the liaison officer program to respond to priorities for serious and organized crime and that it did so through consultations with its partners and the work of various international and domestic committees.

The RCMP was able to react to new priorities and changing circumstances by rapidly deploying staff temporarily when necessary.

However, we found that the RCMP had not yet developed a process to assess the overall performance of the liaison officer program. Such an assessment would help the RCMP identify how best to use the program's limited resources to meet priorities in a changing environment.

Our audit also looked at the RCMP's information sharing practices and cooperation with other federal departments. We assessed whether the liaison officers had the information necessary to fulfill their operational requirements.

[English]

We found that liaison officers had access to the information required to support investigations both domestically and internationally. They had access to key case information that allowed liaison officers to react in a timely manner to requests related to investigations.

Many of the files we reviewed showed that liaison officers had been directed to share only selected information with partners. In all of the files we reviewed, the documentation showed that liaison officers adhered to the instructions on information sharing provided by Canadian investigators.

We noted that some information on Canadians abroad who were arrested, charged, and convicted of serious crimes as well as their prison release dates are potentially valuable to law enforcement policing efforts. We found that the RCMP is generally not provided with this information from the Department of Foreign Affairs, Trade and Development because of Privacy Act restrictions on the sharing of information about individuals, as well as restrictions by the Canadian Charter of Rights and Freedoms about what can be shared with law enforcement agencies.

• (1535)

[Translation]

European countries are dedicating an increasing number of resources to Europol, which is becoming an important avenue for the sharing of information between police agencies.

We found that the RCMP had not assessed the costs and benefits of greater participation in Europol nor the impact that this could have on the size and location of the liaison officer program in Europe.

[English]

Our audit also looked at the Department of Justice's processing of requests for mutual legal assistance and extradition. We found that it often took over a year to process the requests we reviewed. Justice Canada is the central authority in these matters, but it had not taken any action to assess the reasons for significant delays in processing requests for extradition or mutual legal assistance.

Mr. Chair, this concludes my opening statement. We would be pleased to answer the committee's questions.

Thank you.

**The Chair:** Very good. Thank you, Mr. Ferguson.

Now, for the RCMP, we have Chief Superintendent Eric Slinn, who is the director general of support services for federal policing.

Chief Superintendent, you now have the floor, sir.

**C/Supt Eric Slinn (Director General, Support Services, Federal Policing, Royal Canadian Mounted Police):** Mr. Chair and honourable members, I would first like to thank you for the opportunity to discuss the RCMP's role and support in combatting transnational crime abroad, the focus of chapter 2 of the OAG fall 2014 audit.

The audit focused on RCMP systems and practices in place to support Canadian law enforcement agencies to address serious and organized crime abroad, notably our liaison officer program. For clarity, the audit did not assess counterterrorism activities.

[Translation]

I am the director general in charge of the international program at the RCMP.

To combat serious transnational crimes such as drug trafficking, corruption, money laundering and human trafficking, to name a few, the RCMP is working with its international counterparts to gather and provide information related to our internal investigations and those of other Canadian police forces.

[English]

Because Canadian law enforcement agencies do not have jurisdiction outside of Canada, we share information through police-to-police networks and multilateral police organizations such as Interpol and Europol, as well as through formal mechanisms, including mutual legal assistance and extradition treaties.

The RCMP international program provides direction, support, and assistance to Canadian law enforcement agencies in the prevention and detection of crimes committed in Canada and those committed abroad that affect Canada. A central part of this program is the RCMP's liaison officer network. There are currently 42 liaison officers located in 26 priority countries around the world fostering and maintaining key relationships with foreign law enforcement agencies, ultimately extending Canada's investigative reach.

These officers receive requests from Canadian and foreign law enforcement agencies to advance investigations of interest to

Canada. Requests range from doing routine background checks on individuals to liaising with local police, to advancing investigations of organized crime or child sexual exploitation, to following up on requests for evidence for extradition. In 2013 the RCMP responded to more than 2,200 requests, more than half of which were related to serious transnational crimes.

As previously mentioned, the RCMP also works through multi-lateral organizations such as Interpol and Europol to advance Canadian investigations. With respect to Interpol, the RCMP manages Canada's Interpol national central bureau, which involves collaboration between various law enforcement agencies across Canada. This bureau is the Interpol point of contact in Canada and serves to facilitate requests between law enforcement agencies in Canada and those around the world.

The RCMP is also the main point of contact for Europol. For clarity, Europol differs from Interpol as it focuses on intelligence sharing rather than on facilitating police requests.

The RCMP's international program is an effective tool to advance transnational crime investigations. For example, RCMP liaison officers regularly share information with Canadian and foreign law enforcement partners to advance criminal investigations. However, there are challenges. For example, the RCMP cannot generally access information on Canadians arrested, charged, and convicted of serious crimes abroad held by the Department of Foreign Affairs, Trade and Development because of restrictions in the Privacy Act on the sharing of information about individuals, and restrictions in the Canadian Charter of Rights and Freedoms on the sharing of information about Canadians with law enforcement agencies.

● (1540)

[Translation]

In terms of audits in general, the OAG found that the RCMP liaison officer program was well positioned to address priorities for serious and organized crime. However, three recommendations were made to improve the program.

First, the OAG recommended that the RCMP assess the performance of the liaison officer program to ensure that it gets the best use of its limited resources. We agree. To make the program more efficient, we are developing a performance management framework that will allow us to make the best use of our limited resources. We believe that we can implement the framework in 2015-2016.

[English]

Second, it was recommended that the RCMP assess costs, potential opportunities, and challenges associated with greater participation in Europol. We agree. We have begun a formal assessment to better determine the costs, potential opportunities, and challenges that may result from greater participation in Europol. We plan to complete this assessment by spring of this year.

Finally, the OAG recommended that the RCMP work with the Department of Foreign Affairs, Trade and Development to identify information related to Canadians arrested, charged, convicted, or released from prison abroad that can legally be shared and to put in place processes to share this information with the RCMP. Once again, we agree. We are working closely with colleagues from DFATD and are hopeful that processes can be improved within the limits of Canadian law.

Mr. Chair and honourable members, I'd like to thank you for your time today, and I look forward to answering your questions.

**The Chair:** Thank you, Chief Superintendent.

We'll move to opening remarks from the Department of Foreign Affairs, Trade and Development. With us today to do so is Mr. William Crosbie. He is the assistant deputy minister and legal adviser, consular, security and legal.

Mr. Crosbie, you now have the floor.

**Mr. William Crosbie (Assistant Deputy Minister and Legal Adviser, Consular, Security and Legal, Department of Foreign Affairs, Trade and Development):** Thank you, Mr. Chair, honourable members of the committee, and honourable Mr. Auditor General of Canada.

I would like to thank the members of the committee for giving Foreign Affairs, Trade and Development Canada the opportunity to provide an update on the department's action plan following the Auditor General's fall report.

I'm happy to report that much progress has been accomplished since the publication of the report and that our two institutions, the RCMP and Foreign Affairs, are working in a spirit of collaboration and transparency to meet the Canadian public's interest.

[*Translation*]

Today, more and more Canadians explore remote corners of the world, work for foreign-based companies, participate in student exchanges and retire in southern destinations. While most international trips are trouble-free, the Government of Canada is there to provide consular assistance should a Canadian find himself or herself in trouble.

Canada has a team of dedicated consular officials who assist thousands of Canadians abroad each year when a Canadian citizen requests consular assistance. The role of consular officials is to ensure the well-being of a Canadian in distress abroad and to ensure that they are being treated fairly and in accordance with local laws. We provide consular assistance 24 hours a day, seven days a week, through our Emergency Watch and Response Centre and more than 260 points of service in 150 countries.

[*English*]

Parallel to all of this mobility by Canadians is the increasingly transnational nature of crime, as has already been mentioned. Foreign Affairs is pleased to work with the RCMP as part of the Government of Canada's commitment to protecting Canadians from crimes and criminals that cross our borders. As notified by the Auditor General, information sharing with the RCMP regarding Canadians arrested, charged, and convicted of serious crimes abroad is subject to limitations. Specifically, limitations are prescribed in the

Privacy Act on the sharing of information about individuals and in the Canadian Charter of Rights and Freedoms on the sharing of information about Canadians with law enforcement agencies. That said, our department shares relevant information with the RCMP in accordance with Canadian privacy laws, and remains committed to doing so when it is in the public interest.

Our management action plan outlines initiatives that are currently under way to improve information-sharing practices between Foreign Affairs and the RCMP, capitalizing on existing mechanisms such as the presence of an RCMP liaison officer within Foreign Affairs. In September 2014, Foreign Affairs and the RCMP agreed to set up a consular policy dialogue among senior officials to discuss a number of priorities of interest about institutions, including information sharing. The members of this dialogue met for the first time in October, and will continue to meet on a quarterly basis. As a direct result of that initial meeting in October, we formed a joint working group to discuss information-sharing processes in more detail. This working group has already met on several occasions and has been able to address some of the RCMP's concerns on the way information that may be available to Foreign Affairs can be shared. Because we wanted it to be solution driven, we involved consular, legal, and privacy experts from both institutions. The working group is reviewing the legal framework under which our institutions can share information and is exploring new avenues to share information. It has also reviewed the current mechanisms and identified some quick fixes that will yield significant improvement in the way requests are handled, particularly improving timeliness of response.

To address specifically the concerns raised by the Auditor General, the consular operations bureau created the travelling child sex offender information-sharing committee. This is an internal committee that reviews the information that Foreign Affairs has about consular clients who are convicted of sexual crimes against minors. The work of this committee has created a sound mechanism to review and determine whether existing and new information held by Foreign Affairs could be lawfully shared in light of the Protecting Victims from Sex Offenders Act. This act came into force in 2011 and stipulates that the names of those Canadians who are convicted of sex offences abroad and who are returning to Canada may be included in the national sex offender registry. In support of these initiatives, we're also taking this opportunity to review our publications and training for consular staff to have a common understanding of what we may lawfully share with the RCMP and how we do it.

• (1545)

Protecting Canadians from criminals who commit crimes outside Canadian borders remains a key commitment of the Government of Canada. Foreign Affairs, Trade and Development Canada will continue to work with the RCMP to improve lawful information-sharing practices between our two institutions to the benefit of the Canadian public.

Thank you.

**The Chair:** Thank you, Mr. Crosbie.

Our last witness, from the Department of Justice, is Janet Henchey. Ms. Henchey is the senior general counsel and director general of the International Assistance Group.

Ms. Henchey, you now have the floor.

**Ms. Janet Henchey (Senior General Counsel and Director General, International Assistance Group, Department of Justice):** Thank you, Mr. Chair and honourable members of the committee.

As indicated, I am the director general and senior general counsel of the international assistance group, which is part of the litigation branch of the Department of Justice.

[Translation]

First of all, I would like to thank the committee for the opportunity to comment on the recommendation made in the Auditor General's 2014 report on the mutual legal assistance process and the extradition process in Canada.

[English]

I can confirm that the Department of Justice, acting on behalf of the Minister of Justice, is responsible for the liaison and coordination of mutual legal assistance and extradition requests made to and from Canada and for the management of Canada's treaty relationships in these areas of international cooperation. We are pleased to note that the report found our processing of extradition and mutual legal assistance requests to be within expected timeframes. That said, we are aware of the need to ensure that extradition and mutual legal assistance requests are reviewed and processed in the most timely and efficient manner possible in order to provide the best possible service to domestic and international law enforcement and prosecutor partners. The Auditor General has noted that the work of Justice Canada accounts for only 15% of the overall time needed to process mutual legal assistance requests. Similarly, he points to the fact that we are only directly in control of roughly 30% of the overall processing time for extradition matters. Clearly, we need to continue to work closely with our domestic and foreign partners if measurable improvements in processing times are to be achieved.

• (1550)

[Translation]

To that end, we are taking the appropriate steps to identify and reduce any excessive delays that could undermine our efforts to make the process more efficient.

[English]

These steps include conducting a comprehensive review of our outstanding file inventory for the 2014-15 fiscal period, with a view to identifying cases that result in significant delays; examining the reasons for these delays; and implementing measures, where possible, to address substantive delay.

In addition, throughout the 2015-16 fiscal year, the Department of Justice will arrange meetings with significant treaty partners and Canadian investigators and prosecutors to discuss methods to mitigate lengthy delays that may reduce the effectiveness of international cooperation.

[Translation]

Those steps are included in our detailed action plan.

[English]

I can also inform you that as of this date we have almost completed a comprehensive review of our outstanding file inventory. We have also specifically reviewed the files of our two major partners—the United States and France—and have already begun discussions with these two partners through face-to-face bilateral meetings in order to assess whether delay has been a factor in mutual legal assistance and extradition cases to and from these countries.

That concludes my opening remarks. I'd like to thank the committee for its time and attention. I'll be happy to answer your questions and to provide any additional information for the purposes of the committee's study.

Thank you very much.

**The Chair:** Thank you, Ms. Henchey. I appreciate that.

I have a couple of notes before we begin the rotation.

First, on the all-important action plans, it would seem that we are able to give an A to the RCMP and the Department of Foreign Affairs, Trade and Development for having their action plans in well in advance. We were able to circulate them to members.

Justice, you got it in on time, but just, so you get a C. There's room for improvement there, but you still met the requirement.

Mr. Albas.

**Mr. Dan Albas (Okanagan—Coquihalla, CPC):** Mr. Chair, I think it's relevant to mention that our routine motions actually do say that the departments have up to six months after the Auditor General has tabled the reports, though I believe it does say that we like different departments to come with them, and highly recommend it “when feasible”. I believe that's what it says in the routine motions.

I don't necessarily think it's fair to be giving grades. Specifically in our own routine motions, we don't actually require the departments to bring them.

**The Chair:** We'll check the actual wording, but not right now. We'll do it later.

They are required to bring them here for the hearings. If your chapter is not chosen, then you still have to have it in within six months.

**Mr. Dan Albas:** I was just looking at that, Mr. Chair. It actually does say specifically.... Just give me a moment here to find my papers.

**The Chair:** If it does say that, I'm glad you brought it to our attention, because we'll need to fix it.

**Mr. Dan Albas:** I was just checking this a little while ago, and it says it was agreed:

That all departments and agencies of the federal government that have been subject to a performance audit by the Office of the Auditor General of Canada provide a detailed action plan to address the audit recommendations which have been agreed to - including specific actions, timelines for their completion and responsible individuals - to the Public Accounts Committee and the Office of the Auditor General of Canada within six months of the audit being tabled in the House of Commons; and that departments and agencies that are invited to appear before the Public Accounts Committee to discuss the findings of an audit should, when feasible, provide an action plan to the Committee prior to the hearing; and

That departmental action plans and progress reports received by the Committee be published on the Committee's website.

Again, Mr. Chair, these rules have not changed. It's my understanding that these were the same routine orders that previous iterations of this committee did.

That being said, I think I've made my point. Thank you, Mr. Chair.

**The Chair:** Yes, and I make mine in regard to "should, when feasible". Nobody contacted us to tell us that they couldn't get it here in that time; therefore, they met the deadline. But we do prefer to have them in time to circulate them.

**Mr. Dan Albas:** Again, Mr. Chair, just in the spirit of everyone getting along and everyone, including the departments, knowing the expectations of the committee—I do know you set a very high bar for the committee, and I think that's a very good thing—maybe the clerk can confirm, and we do have a new clerk, that this expectation is being told to the departments so that no one is caught blindsided on these matters.

• (1555)

**The Chair:** Yes. We'll revisit the letter that goes out to make sure it's very explicit.

You raise a good point. Maybe we should tighten up "should" and "feasible", and just make it clear that they have to be here. But I think there's an understanding that if there are extenuating circumstances—things do happen—we would certainly be open to that. The expectation has been, always—and I'm the longest-serving member on this committee in the entire Parliament—that those action plans are here for us for these meetings, and nobody failed.

So save your arguments for when somebody gets a crack on the wrist.

**Mr. Dan Albas:** No. Again, Mr. Chair, I would just point out these have been adopted by previous iterations of the committee, and that's what has been decided. It's not necessarily up to individual interpretation.

That being said, I look forward to the committee hearing today.

**The Chair:** That's good, but if you think you got the last word on it, you didn't. They are expected to be here, and it's only by exception that they are not in trouble. That's that.

Now, we'll begin the rotation in the usual procedure, and we will start off with Vice-chair Carmichael. You have the floor, sir.

**Mr. John Carmichael (Don Valley West, CPC):** Thank you, Chair, and welcome to our witnesses today. Thank you for your testimony in support of chapter 2. I would like to address a few questions to Mr. Ferguson, if I may.

Mr. Ferguson, in your opening comments you spoke to a number of issues that were in the report with regard to information sharing. I wanted to speak to a couple of those and get a little further information from you.

Specifically I would like to ask what significant barriers within government exist to sharing information between agencies on crimes committed by Canadians overseas. I wonder if you could specifically touch on that one.

**Mr. Michael Ferguson:** In terms of the information sharing between the RCMP and Foreign Affairs, Trade and Development Canada, we identified particularly in paragraph 2.51, and I think it has been mentioned here a number of times, that in terms of determining what information can be shared, it's important that Foreign Affairs, Trade and Development Canada respect all of the different requirements of the Privacy Act and the Canadian Charter of Rights and Freedoms.

Certainly, I think there's an interest in finding ways to share what information can be legally shared, but it's also important to respect the fact there are restrictions on what can be shared in legislation.

**Mr. John Carmichael:** I understand the issues around the Privacy Act. I guess my concern is on balancing the work and the needs of the liaison officers in trying to do the best work they can do for us overseas, while being restricted internally.

In one of the paragraphs in Mr. Crosbie's opening statement, he spoke about meetings in September and October where Foreign Affairs and the RCMP got together and worked through a number of different issues. Are you finding ways, Mr. Crosbie, or perhaps even Chief Superintendent, that these barriers might be better overcome so that our people are more effective in the work they are doing overseas?

**Mr. William Crosbie:** Yes. We are working closely with the RCMP to identify how the existing legislative mechanisms we have can be applied in specific situations.

What we have done is we've created an internal committee in our department that brings together privacy experts, legal advisers, and consular officers to look at specific situations where information could be shared in the public interest with the RCMP. We've also discussed with the RCMP how we can improve our ability to respond to their requests under paragraph 8(2)(e), regarding investigating authority seeking information from us. We found that sometimes we were getting incomplete requests from the RCMP, so we worked with them to make sure there's a standard form that's used and we get standard information.

The last thing we've been doing in our department is working to ensure our consular officers understand their obligations to come to headquarters and advise us when there are cases that should be looked at from a public interest perspective. Those cases are then brought back to headquarters where we bring together the committee and we view the individual cases to make those determinations.

We're improving the internal process, and then improving the process with the RCMP in the interest of being able to share specific information in the public interest.

• (1600)

**Mr. John Carmichael:** Mr. Ferguson, on balance, and in your opinion, with the audit completed and some of the findings within the audit with regard to information sharing, would the sharing of this information lead to the expeditious resolution of cases and possibly even the prevention of ongoing criminal activity?

**Mr. Michael Ferguson:** It's difficult, of course, for me to specifically answer that question, but I think what I can say is that it was my understanding as we went through the course of the audit that the RCMP has determined that there is certain of this type of information that could be useful to them in the course of their investigations. To the extent that the information can be legally shared, we certainly encourage the RCMP and DFATD to work together to find ways such that everything that can be shared legally can be shared in a way that is done on a timely basis.

I can't say specifically that the information might have helped this or that, or another investigation, but it was my understanding through the course of the audit that the RCMP has identified that this type of information may be useful to them. To the extent that they can receive it legally, then, that would help in their investigations.

**The Chair:** I'm sorry, but time has expired. Thank you.

Continuing our rotation, we'll go to Monsieur Giguère.

You have the floor, sir.

[*Translation*]

**Mr. Alain Giguère (Marc-Aurèle-Fortin, NDP):** Thank you, Mr. Chair.

My thanks also go to the witnesses for being here with us today and for their excellent presentations.

My first question is about the RCMP.

Right now, when a Canadian is detained in a foreign country, when he is arrested, consular officials from the Department of Foreign Affairs are notified right away. In some cases, would it not

be appropriate for our foreign service to be able to question those individuals?

Imagine if someone is arrested in Bangkok for being in the possession of 10 kilograms of cocaine or heroin, with the intent of trafficking the drugs in Canada. Could an investigation be conducted to proceed with arrests in Canada? Are you currently able to provide those types of services? Do you have the resources you need for that?

[*English*]

**C/Supt Eric Slinn:** Thank you for that question.

I think first and foremost you have to understand that liaison officers do not have the authority in a foreign jurisdiction that they do in Canada. We're guided very much by the laws of that country. We may want to do an interview—and yes, it's a very good point—and we would like to do an interview if we're aware of that arrest, but second, that interview may not be permissible under the laws of that country. We have to navigate the legal road in that regard, but yes, in many cases it would be advantageous to interview an individual who is arrested.

**The Chair:** I think Mr. Crosbie would like a chance to comment, please.

Go ahead, sir.

**Mr. William Crosbie:** Yes, it's just a comment.

First of all, we are not automatically notified when a Canadian is arrested abroad. It's up to the Canadian to decide whether or not they wish to communicate with us. They have a right under the Vienna Convention to talk to their government through our mission abroad, but many countries do not, as a matter of course, advise us if a Canadian is being arrested. Our knowledge of who is abroad and whether they've been arrested really depends on the Canadians telling us that fact.

[*Translation*]

**Mr. Alain Giguère:** The law of the state where our officers serve needs to be followed, in particular when dealing with a family kidnapping, when one of the parents runs away with a child to another country. Can our police officers supervise any investigative services for that?

For instance, in Brazil, private detective agencies have the legal power to intervene. Can those powers be used to go after an individual who allegedly kidnapped a child in the case of a troubled family relationship? Do you have the necessary resources to follow up in a little more proactive way?

• (1605)

[*English*]

**C/Supt Eric Slinn:** Again, I have to underscore the importance of how we have no authority in that country. We leverage the law enforcement network within a country such as Brazil, to use your example, to assist the RCMP in advancing that investigation, but at the front end, we would be assessing many factors with respect to that investigation. Is there a nexus back to Canada? Is there a criminal offence?



As well, there are protocols on kidnappings that we work on with DFATD. Every case is unique.

I think the most important thing that I can give you is that we have no authority in those countries, but we work with that law enforcement agency. Oftentimes in many of the countries where we have liaison officers, the law enforcement capacity of that country is limited, so they often look to the RCMP to provide assistance. We are not forceful in our regard there. We're typically Canadian: we offer assistance. Oftentimes, we're taken up in that regard.

**The Chair:** Mr. Crosbie, go ahead.

**Mr. William Crosbie:** If I could just add...because I believe you're also addressing a category of cases of child abduction. This is where a child is abducted by one parent going across the border—Canadian children and Canadian parents. In those situations, there are about 90-odd countries that are members of the Hague Convention, which provides for a process that parents can use to try to get the return of their children. We assist in that process, but there is a formal process for many countries that they can use. If they're not a signatory to the Hague Convention, then there is no formal process.

**The Chair:** I'm sorry, but the time has expired.

Mr. Crosbie, you can finish your comments, and then we're going to move along.

**Mr. William Crosbie:** There are countries that are members of the Hague Convention and ones that are not. If it's not a member of the Hague Convention, then parents do not have an automatic process that they can use and they seek the assistance of Foreign Affairs.

**The Chair:** Very good. The time has expired.

Moving on now to Mr. Hayes. You have the floor, sir.

**Mr. Bryan Hayes (Sault Ste. Marie, CPC):** This question will be for the Auditor General.

In your report you mentioned that your auditors had consultations with representatives from foreign police organizations. We talked about how things happen in their jurisdiction. The report mentioned the U.K. specifically. It says that their consular officials tell other relevant U.K. authorities when a citizen is arrested abroad for certain serious offences.

I'm trying to get an understanding. Have you examined the privacy legal framework that the U.K. officials operate under?

**Mr. Michael Ferguson:** I'll ask Mr. Barrett to give more detail, but certainly what we say in paragraph 2.53 is “in keeping with their legal framework”. We recognize the fact that the sharing they are doing is based on their legal framework, and our legal framework may be different.

I'll ask Mr. Barrett whether he has more details to give you on that.

**Mr. Frank Barrett (Principal, Office of the Auditor General of Canada):** To add a bit to that, generally speaking we are dealing with countries that are signatories to the Vienna Convention. However, their legal frameworks do tend to be different. There was more latitude in some of the sharing of information allowed between agencies in some of the other countries that we looked at.

**Mr. Bryan Hayes:** This was specific, obviously, to our Privacy Act and the Canadian Charter of Rights and Freedoms, yet nowhere in the report does it give an example of what can be shared versus what can't be shared. I'm looking for an example of what in the U.K. they could share that in Canada we wouldn't be able to share.

**Mr. Frank Barrett:** In general, certainly what we heard from liaison officers and consular officials in a few other cases was that it is routine and a normal practice to share information that comes into the consular office with their law enforcement agency.

**Mr. Bryan Hayes:** What are the specifics in terms of what type of information they could share versus something we couldn't share, or is it a general theme?

**Mr. Frank Barrett:** For example, it would be, “We know of citizens X, Y, and Z in this country who have been arrested. That may be something that is useful to you.”

**Mr. Bryan Hayes:** Mr. Crosbie, the report mentioned that only 17 of 34 requests were actually provided. If I'm reading the report correctly, these were requests by the RCMP to your Department of Foreign Affairs. You said that you put some things in place to make that better.

Can you give me a sense of this? Since those new things, whatever they might be, have been put in place...what are they, for starters? Has there been an improvement in terms of your ability to respond favourably in more than 50% of the cases?

• (1610)

**Mr. William Crosbie:** Well, you'll be familiar with the O'Connor report from a few years ago that looked at the situation of Maher Arar. That report made a number of recommendations about how consular information should be safeguarded. It also helped us to determine how we could, on an individual basis, decide when the public interest outweighed the interest of protecting someone's privacy.

What we had to add to the equation is a process that brought together the experts: privacy experts, people who understand the legislation and the commitments under the Privacy Act; the Department of Justice legal advisers, who could help us to look at how you apply those tests to an individual case; and then the consular officers. Having a formal process enables us to determine how the public interest in a particular case outweighs the privacy obligations we have toward an individual. Those are processes we've set up since that commission.

As explained as well, with the RCMP, we found that sometimes they were not asking us for information in a consistent way, or in a way that enabled us to apply the public interest test. That was a conversation that has been taking place with the RCMP. We're in the process of setting up better terms to help us do exactly what you've been talking about, and that is to provide more consistency in the way in which that public interest test is applied.

**Mr. Bryan Hayes:** Mr. Slinn, would you care to pick up on that same topic, please?

**C/Supt Eric Slinn:** Yes, I could add to what my colleague has stated. I think a lot of it was lost in the communication. From an RCMP perspective, we could be better in terms of articulating specifically what we want. I think in the four or five meetings we've had since October, significant progress has been realized where we both understand our needs. Oftentimes that's what it was: DFATD not understanding our needs and our members not clearly understanding perhaps some of the rules and the processes around it.

I'm satisfied that we're heading in the right direction and that there will be fewer roadblocks, if I can put it that way.

**The Chair:** The time has expired. Thank you very much.

Moving along, we'll go back to Monsieur Giguère. No?

Then we'll go to Mr. Garrison.

**Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP):** Mr. Chair, it's a pleasure to be here today.

Thank you to the witnesses for being here.

Chief Superintendent Slinn, I understand that the areas of your programming are not directly responsible for terrorism and national security, but in the opposition we've had a concern about the underfunding of these two areas, especially after the testimony of the commissioner before the Senate committee on October 27, when he said that he had to reassign resources from organized crime and other areas to national security.

Has your program been asked to reassign personnel and the time of your personnel, or your resources, to work on terrorism and national security?

**Mr. Dan Albas:** Mr. Chair, on a point of order, I listened very carefully to Mr. Garrison's question. One of the challenges I think I need to raise here is relevancy. We're here specifically to study the Auditor General's report as it relates to transnational crime, so this is unfortunately not the discussion I believe we should be having.

We have here the chief superintendent who is an expert in the RCMP's transnational crime programs. I just leave it to you, Mr. Chair, to look at it in terms of relevancy.

**The Chair:** No, I hear your point, but what I heard, and someone can correct me if I'm wrong, was a question that related to something that may or may not impact the program we're talking about. Now, that's what I heard. If it's different from that, I am ready to reconsider. It sounded to me like it was in order.

**Mr. Dan Albas:** Mr. Chair, talking about resources and whatnot would be in order if it had specifically to do with transnational crime, for example, if you asked about how we may work with Europol, but talking about national security, which is a slightly different topic, I think is very much off-topic.

• (1615)

**The Chair:** Mr. Garrison, what are your thoughts? I'm listening.

**Mr. Randall Garrison:** My question was about the resources available for transnational crime and whether he had been asked to reassign or divert any of those resources. It seems to me to be directly relevant.

**The Chair:** That's what I thought the question was. It therefore would be entirely relevant, in my view.

My ruling is that the matter is in order, but I would ask you, Mr. Garrison, to continue to make sure that the questions you're asking are germane to the report in front of us. As far as I'm concerned, I'm ruling that the question is in order and you may proceed.

**C/Supt Eric Slinn:** To answer your question, no, we haven't reduced our resources. Our international footprint is the same. However, what we continually do within the international program is assess where the greatest threats are. I can tell you that the RCMP opened up a post in Ankara, Turkey, last January. We opened up a post in Canberra, and in Panama City, to address specific threats to Canada. But the resources have not been reduced, no.

**Mr. Randall Garrison:** Thanks very much. I wasn't, of course, suggesting that they should be reduced.

In the report on plans and priorities for 2014-15 for the RCMP, it shows that in fact the planned spending for your program will be cut and the number of personnel will be frozen. We know that transnational crime is increasing. We know that there are increasing threats around the world. From those plans and priorities, how will your division cope with fewer resources, frozen personnel, and greater demand on the services?

**C/Supt Eric Slinn:** I can only speak to the international program which is not diminishing. It is maintaining its size. We're shifting our resources around, as I said earlier, to address the threats that are greatest to Canada. In fact, we've actually increased the program. Last January we added 10 criminal analysts. We deployed them to support the LOs so that we could get a better sense of the crime that's out there globally and how it may hit the country.

From that perspective, and I hope I've answered your question, it's status quo here.

**Mr. Randall Garrison:** With respect, in your own plan it does show a slight decrease in your resources for the next fiscal year, but I'm taking your point that it may be so slight it's not significant.

**C/Supt Eric Slinn:** Not internationally, no.

**Mr. Randall Garrison:** Okay.

When you talk about the sharing of information, and the Conservatives have asked you a lot of questions about that, what I'm really wondering here is whether the problem has been a failure to communicate between the agencies rather than the legal obstacles to sharing.

In my own international work on policing, before I came here, I quite often found that was the problem when you tried to share information. There weren't really legal obstacles; it was the ability to talk to each other. It sounds to me like that's what you've been talking about here, that the larger problem seems to have been the way you tried to talk to each other about the information sharing.

**C/Supt Eric Slinn:** I think it's a bit of both. I wouldn't isolate it to one.

As my colleague from DFATD pointed out, it's a continual balance between the Privacy Act, the charter, the severity of the offence, and keeping Canadians safe.

It also is sometimes miscommunication on the issue of MLATs. When we work with DoJ, the police don't lay out the MLAT perhaps as correctly as we should, and it doesn't become as expeditious a process as it should be. I think it's a shared responsibility in a number of different ways.

**The Chair:** Mr. Crosbie, are you going to add something? You have a minute.

**Mr. William Crosbie:** I don't think it is miscommunication. We have very different mandates.

The mandate of Foreign Affairs with respect to consular services is to assist Canadians when they're in distress abroad, including people who are arrested and detained. That mandate means that we have to preserve that information and we have to act to use that information only in the best interests of the client. We're not a law enforcement agency.

I think the O'Connor commission particularly made us all aware as civil servants that the mandates our departments have been given by Parliament under the acts of Parliament are ones that give us specific responsibilities. When those mandates come together, for example, in this case both in protecting Canadians when they're abroad but also looking after the public interest, then we have to have the procedures that help us to understand how those mandates can both be respected. It's a complex business.

When we pass on information to the RCMP, for example, we provide the context in which that person may have been found guilty of a particular crime in a foreign jurisdiction. We provide caveats as to how that information can be used. You can imagine there are many foreign jurisdictions in which the due process is not what we as Canadians would regard as due process. We want to make sure that we protect the privacy of the individuals while at the same time looking after the broader interests of Canadians in being protected from those who might do harm to them.

•(1620)

**The Chair:** Sorry, but the time has expired now.

Mr. Aspin, you have the floor, sir.

**Mr. Jay Aspin (Nipissing—Timiskaming, CPC):** Welcome, officials, to our committee.

I'd like to start with Chief Superintendent Slinn.

Overall it seems as if the audit done on the performance of the RCMP liaison officer program was positive. I note that the report concluded that the RCMP "established priorities for serious and organized crime, aligned its international programming with those priorities, and has the necessary systems and practices in place to address its international requirements."

Perhaps we could start with a brief overview and your view of the general conclusions drawn in this report.

**C/Supt Eric Slinn:** I think the conclusions were very fair. They were on point.

If we look at the Europol issue, we're working on leveraging Europol for greater intelligence sharing and greater situational awareness. If we look at the performance metrics, that we didn't have quality performance metrics to measure the usefulness of the

program to make better decision-making as to where we should have liaison officers or not, I think that was a very fair comment as well. As we've discussed quite a bit here with our colleagues at DFATD, I am very pleased about the direction in which we're heading and the processes that are in place there.

I'm very proud of what our liaison officers do abroad. When we compare them with our U.S. colleagues and our British colleagues who are much more robust and are everywhere, we can hold a candle to our colleagues and we're very well respected around the world for what we do with what we have. I think that was reflected in the report from the Auditor General, that we do very well with the resources we have.

**Mr. Jay Aspin:** Thank you.

The third recommendation was that the Department of Justice should work with its domestic and foreign partners to develop performance measurements to better monitor the timeliness of responding to requests for extradition and mutual legal assistance. This seems as though it might be directed more to Justice than the RCMP.

Could you share your thoughts on how it could possibly have an effect on your work?

**C/Supt Eric Slinn:** Navigating the labyrinth of legal paper work when you're dealing on the international stage can be challenging, but just as our colleagues at DFATD do, we work with DoJ. A case in point is that we bring the Department of Justice in on our pre-deployment training, which is three weeks. For every liaison officer that is deployed abroad, the Department of Justice comes in, presents to those liaison officers their expectations, what's involved in MLATs, how to fill out the proper paperwork. We're in constant contact with our colleagues at the Department of Justice.

Can we do better? Absolutely, but I'm confident that we're working seamlessly with our colleagues there.

**Mr. Jay Aspin:** How would you describe the process over the years? Has it evolved to a better relationship with more understanding, more clarity?

**C/Supt Eric Slinn:** I think the relationship is always good. It's about individuals more than agencies. We've worked well. There are frustrations when you're dealing in international investigations, trying to collect evidence, getting evidence from other countries. That's the nature of bureaucracy. However, at the end of the day we collectively do our best to get that job done and ultimately to keep Canadians safe.

**Mr. Jay Aspin:** Thanks, Chair.

**The Chair:** Thank you.

Moving along, we have Mr. Vaughan, who is with us again.

Sir, you have the floor.

**Mr. Adam Vaughan (Trinity—Spadina, Lib.):** Looking at the statistic that 17 out of 34 requests were denied and 17 out of 34 were accommodated, and putting aside the format in which the information was requested, in regard to the 17 that were denied, is there a pattern there that we should be interested in? Is there a pattern there that might speak to changes in the privacy rules that might make that exchange of information more efficient?

•(1625)

**Mr. William Crosbie:** For us, there are a couple of key elements that would improve the process. I mentioned partly the completeness of the request. Another element of that is training our consular officials to red flag cases, for example, involving child sex offenders so that they come to the headquarters, and then we can make a determination, working among our experts, as to what we should do with those particular cases. When we do examine those cases and bring the experts to bear and determine that there's a public interest in the information being shared, then we do so with the RCMP, and we provide the appropriate caveats and the context in which the individual has been found guilty. I think we're on the right road to do this.

The additional thing we're doing is that we have a process now where we're going back to all of our data banks and looking at all of those Canadians who have been charged and are imprisoned to determine whether or not the prison charges were specifically for child sex offenders, and then making decisions about whether or not that information will be proactively shared with the RCMP. In all those cases we notify the Privacy Commissioner as well. We provide that information, again, with the caveats and the context.

We're not just sitting and waiting for the RCMP to come to us. We have a proactive process now by which we will share the information.

**Mr. Adam Vaughan:** With privacy laws and the relationship between organized crime and terrorism changing, in terms of the horizon, what can we anticipate in terms of pressures on the departments to figure out how to bring new rules, new processes, into place to make sure that those two dynamics don't meet with the same sorts of delays we currently see?

**Mr. William Crosbie:** I think between Foreign Affairs and the RCMP and other agencies that have an investigative authority, we have the mechanisms in place. We can share the information.

**Mr. Adam Vaughan:** Again, it's a changing set of rules and regulations around privacy.

**Mr. William Crosbie:** The Privacy Act still has to be respected. Remember: the Privacy Act does not mean that you can't share information.

**Mr. Adam Vaughan:** No.

**Mr. William Crosbie:** It does mean that you have to go through a very deliberate test to weigh privacy concerns versus public interests. The RCMP, of course, also has the ability to come to us with a request for information. I think we have the mechanisms, but we need to make sure we're using them and that we have people trained so that they can be used to their utmost.

**Mr. Adam Vaughan:** The report talks about delays. Are the delays being driven by an increase in the number of cases or the fact that resources are not being put in place?

**Mr. William Crosbie:** Was that the mutual legal assistance, the delays...? I don't think it was with respect to the consular cases.

**C/Supt Eric Slinn:** I don't think so on the consular cases, to my knowledge.

I think Bill has accurately depicted what's going on. If we look back to six months ago, we didn't have this working group. We weren't looking at the changing environment.

It is a changing environment globally. We're seeing more criminals travelling abroad and more criminals hiding. But the fact is that we have this working group, that we're moving forward, and that from the RCMP's perspective, we're putting more articulation around why we need to get the information. There is a greater understanding and a greater appreciation of weighing all the factors to get to what I would say yes...getting that information.

**Mr. Adam Vaughan:** You seem to...?

**Mr. Michael Ferguson:** I was only going to point out as well that I think in terms of timeframe where we focused in mostly was in terms of extradition and the mutual legal assistance, and the fact that there was a need there on the part of the Department of Justice to examine the reason some of those were taking as long as they were taking. I think that was the main piece we were talking about: the timeframe that it took to process something.

**The Chair:** Thank you. That's almost to the second.

Mr. Falk, you have the floor, sir.

•(1630)

**Mr. Ted Falk (Provencher, CPC):** Thank you, Auditor General, and also you, Mr. Barrett, for the report.

Mr. Crosbie, if I may, I'm going to ask you a few questions about the report. You answered one of them, I believe, and I just want to clarify that I did get the right answer as to how our consulates are not always notified by foreign countries when a Canadian is arrested.

**Mr. William Crosbie:** Yes, that's right. A foreign government is not under any obligation to inform us if a Canadian has been arrested, in the same way that we don't automatically inform other countries if one of their citizens is arrested here. It's the citizen himself who controls that, who decides whether or not they want to communicate with their own government. Of course, that's an important protection, because there are some countries that would like us to tell them when we have imprisoned someone here or may be providing some assistance to them. We don't necessarily want to do that.

**Mr. Ted Falk:** Okay, but when you do become aware of situations like that, you are often privy to all kinds of information. I know there has been a tension expressed here between privacy concerns and the sharing of information. Is that a major tension that exists within your department?

**Mr. William Crosbie:** Well, I wouldn't say it's a tension within our department. I think it's a question of a mandate that we have, which is different from a law enforcement agency's. For example, the statistics we gather or the information we gather is just that someone has been arrested and/or detained. We don't necessarily note down what the charge is, because we're not necessarily interested in what the charge is.

One thing we are doing is going back through our databases to find out what information we do have on those who have been convicted, so we could more clearly identify cases that are or could be of interest from a public interest perspective, and those are ones we would share with the RCMP.

**Mr. Ted Falk:** Okay. I think you used the word “proactive” about the sharing of information. What is your litmus test for doing that?

**Mr. William Crosbie:** There are two ways in which we share information, consistent with the Privacy Act.

One is through a request from the RCMP coming to us—it's an investigating agency—seeking specific information from us. That's under paragraph 8(2)(e) of the act.

Under paragraph 8(2)(m), we can determine that there is a public interest in sharing information about a Canadian who is being charged abroad. We will look at, for example, what the person is being charged with. If it is a child sex offence, it's an offence in Canada. There is a public interest in that individual. But, for example, we would take into account where the individual was arrested and the process he went through to be found guilty. We take a look at that country and its judicial process. Is it one we think is fair and is going to give someone a fair trial? We may pass the information on to the RCMP, saying, “Here is our record of the judicial process in the country where he was convicted; this is the human rights report about what has gone on”, or “this is our evidence that the individual has been subject to torture”, which may be something we become aware of. These are all factors the RCMP themselves would be asked to weigh before taking the information further.

**Mr. Ted Falk:** Thank you. That helps.

The recommendation I'm asking questions about specifically talks about the sharing of information between your department and the RCMP. Certainly they do very good work there. Sometime ago we met here with officials from the CBSA, CSIS, and the RCMP. They met on a weekly basis and exchanged information in a formal setting.

Is there a formal periodic process in place in which you do that?

**Mr. William Crosbie:** There is an interdepartmental working group on child sex offenders, which includes all of those agencies and Foreign Affairs. I can't say it meets on a regular basis. It meets every so often to review collectively what we can do to try to prevent these crimes from occurring, and then since 2011, when the new act was brought in, to ensure we can pass on information, for example, about someone who has been convicted of being a child sex offender abroad. Then the RCMP can determine whether that individual will go onto the registry of sex offenders.

Is it the RCMP which controls that?

•(1635)

**C/Supt Eric Slinn:** Yes.

**Mr. William Crosbie:** Right. The new act permits that person's name to be put on the registry.

That's a new fact for us. It gives us direction from Parliament, that Parliament wants us to help the RCMP identify those individuals so that they can make a determination about whether they get put on the registry if and when they come back to Canada.

**The Chair:** Thank you. Time has expired.

Monsieur Giguère, you have the floor.

[*Translation*]

**Mr. Alain Giguère:** The RCMP international police has the mission to prevent and detect crimes committed in Canada and those committed abroad that have an impact on Canada. One of its priorities is to ensure national security.

I noticed that you had a limited number of officers on the ground, roughly about 40. One particularly important question comes up in relation to this. Has all the work of that force reached a limit of effectiveness to the point that it is necessary to engage in clandestine operations?

Your operations are strictly legal and have a certain degree of effectiveness. They follow diplomatic conventions and the laws of the countries where you are a guest. Right now, have your operations reached a peak to the extent that you now need to engage in clandestine operations, such as wiretapping, spying, corruption and surveillance in foreign countries?

[*English*]

**C/Supt Eric Slinn:** On your last point, absolutely not. We don't engage in espionage. It's not appropriate. We don't have authority to do that.

In terms of priorities, the RCMP is continually assessing its priorities. We've laid out our priorities with regard to national security, organized crime, and economic integrity. Our liaison officers align their activities—

[*Translation*]

**Mr. Alain Giguère:** You did not answer my question. It might be because of a problem with the interpretation.

Could your services be significantly improved to obtain relevant information about national security even before thinking of engaging in clandestine operations? Are clandestine operations now relevant or can you, through strictly legal means, improve the effectiveness of your services in order to obtain the information you require to ensure national security?

[*English*]

**C/Supt Eric Slinn:** The best way to do that is for our liaison officers to build strong relationships with those foreign law enforcement agencies. Once those strong relationships are built, information flows on a police-to-police level, which is acceptable. If you have strong relationships with your foreign law enforcement partners in theatre, at post, you will gain their trust and they will provide that relevant intelligence with the criminal nexus back to Canada. I'm satisfied that our liaison officers are efficient in that regard because their primary role is to build the relationships with law enforcement agencies in theatre.

Did I answer your question?

[*Translation*]

**Mr. Alain Giguère:** You are saying that any clandestine actions by Canadian officers on the ground would undermine the trust that you have built. Does that mean that any clandestine operations would first affect the effectiveness of your interpersonal relationships with the representatives of foreign police services?

[English]

**C/Supt Eric Slinn:** I'm not so sure I understand your question. If we're conducting an undercover operation in a country, we need the authority of that country to conduct it. If they're conducting undercover operations in that country by that law enforcement agency, that's their legal right.

[Translation]

**Mr. Alain Giguère:** I am saying that, if a Canadian officer were to engage in a clandestine operation in a foreign country and he was caught or his operation was discovered, the effectiveness of your relationships with the police officers of that country would be affected. Is that correct?

[English]

**C/Supt Eric Slinn:** If we had no authority to do that in that country, absolutely, but we always ask for the authority of that country to conduct any undercover operation. We have no authority. Our undercover operators would be subject to arrest if they were engaged in such activity.

● (1640)

[Translation]

**Mr. Alain Giguère:** Thank you.

Let's talk about how dangerous these missions are.

Unfortunately, as we have seen in the past, especially in Lebanon, the headquarters of the French forces and the American forces, the U.S. embassy and the headquarters of the Israeli forces were destroyed on the same day. If you engage in operations that strictly and rigidly comply with the laws of the countries that welcome us, the level of danger is lower. However, I cannot help but wonder about the places where it would be very appropriate for you to deploy your police officers. I am thinking of Egypt, of other countries and certain regions in Colombia or Mexico. It would be in our interest to work with the local police to obtain relevant information. Is the non-deployment of those forces to those specific places a matter of fiscal restraint or a security imperative to keep your officers safe?

[English]

**C/Supt Eric Slinn:** There are a number of factors. First we look to which strategic countries are relevant to the RCMP and keeping Canadians safe. Second, security is a huge issue. We do not deploy our liaison officers to areas of the world that are particularly dangerous. There are places where we are already deployed that are dangerous; however, we work with our DFATD colleagues in providing security for personnel there. Security of the embassy is the responsibility of DFATD.

There are dangerous places in the world for our liaison officers, but security is always at the forefront of any deployment we do.

**The Chair:** That's very good. Thank you. Your time has expired.

Monsieur Woodworth, you have the floor, sir.

[Translation]

**Mr. Stephen Woodworth (Kitchener Centre, CPC):** Thank you very much, Mr. Chair.

I welcome our witnesses.

[English]

Welcome to all the witnesses here today on this very important and timely issue, considering the way in which international threats are rising, not only in traditional ways, but new ways.

I'd like to begin by asking some questions around the recommendation found in paragraph 2.38 of the Auditor General's report. That recommendation suggests, "The Royal Canadian Mounted Police should assess the costs, potential opportunities, and challenges associated with greater participation in Europol."

I'll begin with the Auditor General and ask a few questions, and then I'll go to the RCMP representatives.

Mr. Ferguson, I wonder if, without violating any confidentiality, you or your principal could describe for us a little more what precisely the Europol Canadian liaison officer does and how that is different from what other liaison officers do.

**Mr. Michael Ferguson:** I'll ask Mr. Barrett to give you more information. It is probably a better question for the RCMP. They can probably give you more details.

In paragraph 2.36, we point out that the one liaison officer working at Europol was participating in three of the 22 Europol thematic intelligence projects: synthetic drugs, payment card fraud, and outlaw motorcycle gangs. Those were the things they were working on through Europol.

I'll ask Mr. Barrett, though, if he has any more information for you.

**Mr. Frank Barrett:** I'd be happy to elaborate just a little bit on that.

There is a difference in what we saw. We did visit Europol, and we also, of course, saw many of the liaison officers in the different embassies. In the embassies they are working with local police organizations, sometimes the national police but mostly local police. They are reaching out and having all their contact there.

At Europol, in effect, there are something like 150 police organizations with one or multiple representatives all working in the same building. The idea is that they are each bringing intelligence from their own country. They are exchanging that information, and they do it in a formalized way through a series of working groups. They also have a lot of informal contacts as they get to know the other representatives from the other countries.

As Mr. Ferguson said, perhaps our RCMP representative could elaborate.

● (1645)

**Mr. Stephen Woodworth:** I would, in fact, like to do that next and ask the RCMP representatives to elaborate.

I'm struggling with what specific occasions would recourse be required to Europol that would be different from what any of the other 20 European liaison officers would do. I'm wondering if it's a question of preventive intelligence, as distinct from after-the-fact crime investigation. Is that the difference? Can you shed any light on that, Superintendent Slinn?

**C/Supt Eric Slinn:** Sure. First of all, Mr. Barrett could have a job at Europol afterwards; he's articulated it well there.

The beauty of Europol is that it's one building with numerous European law enforcement personnel. The other beauty is that it's loaded with criminal analysts, and each of those European representatives bring intelligence from their respective organizations and they feed it into Europol, which makes for more efficient investigations and allows you to get ahead of the game. It's really an access point. You have all the people herded in one location. There is a lot of sharing of intelligence, and then they create certain focal groups, certain crime groups. The RCMP has recently also added cybercrime, so we're participating in that focal group.

**Mr. Stephen Woodworth:** Are we saying that those 20 liaison officers in Europe do not have access to Europol? They can't access it, and only someone who is specifically accredited can. Is that right?

**C/Supt Eric Slinn:** That's correct. All the European Union countries have access to that. Canada is not part of the European Union. We're invited, but they have all access to the database. The way the intelligence works at Europol is that there are safeguards in place there, so if the RCMP wants to put intelligence into a database, if they want to put in the name of Eric Slinn to see if he's involved with any criminality, other European Union countries could look at that. They would get a hit on Eric Slinn's name, and they would be told to go to see the RCMP representative. They wouldn't provide any other information, but it's a form of linking law enforcement agencies together on a common goal. That is the beauty of having Europol there.

**The Chair:** I'm sorry, but the time has expired, Mr. Woodworth.

In the rotation we're back to Mr. Vaughan. You have the floor, sir.

**Mr. Adam Vaughan:** I have just one question. On the concern that is starting to emerge—I think it was from a member opposite—about the notification process, is there a parallel notification that's not part of this evidence we're looking at today around terrorism? For example, if someone is arrested, the worry we have is that their civil rights may preclude notification to RCMP and other agencies that there has been an arrest or a conviction registered of a Canadian. We hear about the sex offender registry, but the attention and the issue that has probably seized many of us with the developments in recent months is around terrorism. Would that not be automatically filed across to RCMP?

**Mr. William Crosbie:** If it's somebody who is first of all charged with being a terrorist abroad that we become aware of because they come to us as a consular client.... It's not the foreign government that comes to us. It's the client who says, "I'm a Canadian. I want to talk to my government. I've just been arrested." Then we would flag that in our system. We've asked all of our missions. If there is someone who is being charged with a serious crime, we flag that, but they've not been convicted in any way. We would then go through the public interest test as to whether or not information should be shared.

Remember, of course, the RCMP and our own other security agencies practising their own mandates are out there collecting and gathering information, so it would be very rare that we would be the only ones with information.

**Mr. Adam Vaughan:** They're only one avenue.

**C/Supt Eric Slinn:** I would add, to highlight this situation, that in a police-to-police environment, if we've built those positive relationships with those law enforcement agencies in theatre, often those agencies will come directly to the RCMP and say, "We've just arrested an individual, and here's his name", and we would go through the same process that DFATD does: determine the veracity of the information, look at it, and look for caveats. In fairness to DFATD, sometimes it doesn't come through that route. If we're doing our job effectively, it comes from police to police.

**Mr. Adam Vaughan:** This is where the follow-up question is. If resources are frozen and if new agencies are not being created overseas, how do we broaden that network if the network in fact is being shrunk? If the liaison officers aren't present in areas where this activity is high, how do we network if we're not there to network?

• (1650)

**C/Supt Eric Slinn:** In the case of the RCMP, we leverage our five-eyes partners: the U.S., Britain, New Zealand, and Australia. We leverage our colleagues in like-minded countries very heavily to help us out in countries where we are not present. Likewise, we do the same for some of those other countries, because they can't be everywhere.

**Mr. Adam Vaughan:** How often is the roster of locations reviewed, and how often are there changes made to those liaison officers' specific sightings in terms of the map we were shown?

**C/Supt Eric Slinn:** It's a continuous process. We are always evaluating where our needs are, where the threats are. For example, I intend to look at Europe in the coming months. Do we need as many liaison officers in Europe? Could they be better situated elsewhere in the world to address those threats?

**Mr. Adam Vaughan:** Thank you.

**The Chair:** Thank you.

Mr. Albas, you have the floor now, sir.

**Mr. Dan Albas:** Thank you to all of our witnesses for their testimony here today.

Picking up where Mr. Vaughan left off, I guess the liaison officer is specific not only to the threats, but also to what will fit in a specific situation. Is that not true, Chief Superintendent? The report says that to establish a new office, there are set-up costs, as well as the time you mentioned about building relationships and whatnot, so that's a cost and a benefit you have to constantly go through.

**C/Supt Eric Slinn:** That's a huge thing for us to do, because if we leave a post and we no longer have a law enforcement presence there, we're giving up some of those relationships that we worked very hard to maintain.

**Mr. Dan Albas:** Further to the question about there being more challenges and our living in more uncertain times, as the Auditor General pointed out, criminality and terrorist threats don't respect borders, so I can see how you're constantly doing that. But again, to my mind, the answer would not be simply to add more liaison officers, because they're a specific tool, and whether or not you can fit someone into some of the countries that Mr. Giguère pointed out in his advice to you, I'm sure you have to look to see if that's the correct tool in the correct part of the world. Also, I think that's why you've taken up the Auditor General's recommendation about evaluating Europol. That's one way you could link directly with your colleagues from all different...where you could actually minimize resources by being closer together. Is that not the case?

**C/Supt Eric Slinn:** That's 100% correct.

**Mr. Dan Albas:** I think in the action plan you were recommending having an evaluation in the spring of whether Europol would be a good use of taxpayer money.

**C/Supt Eric Slinn:** That's correct.

**Mr. Dan Albas:** So Europol is a tool that is different from the liaison officer, and you have to look at it on a needs-assessment basis and do a cost-benefit analysis. Is that correct?

**C/Supt Eric Slinn:** Yes.

**Mr. Dan Albas:** Good. That straightens it out in my mind.

Auditor General, I would like to take a little bit of time to talk about your third recommendation, specifically to justice officials. It says:

2.43 We found that Justice Canada had appropriate processes in place to ensure that supporting documents complied with the requirements of pertinent treaties and legislation.

To me it sounds as though they know their job and they are doing it. You did raise some concerns about delays, but most of those delays are outside of their direct control. Is that not correct, Mr. Auditor General?

**Mr. Michael Ferguson:** We did find that they had the appropriate processes. In fact, I think we also identified that the Department of Justice respects the timelines they are required to process things within, but when you look at the whole process from beginning to end on some of these, they seem to take a long time. We felt that Justice could take a look at the whole process, and even though some of those things might be outside their direct control, they might be able to influence part of it in order to shorten some of those timelines.

**Mr. Dan Albas:** I'm glad you raised that point about influence, because again we've heard today that it's very important for us to be working with other countries and even with our own departments.

In your recommendation 2.48, you say, "The Department of Justice Canada, in consultation with domestic and foreign partners, should assess the reasons for significant delays in processing requests for extradition or mutual legal assistance and develop strategies to mitigate where possible".

When I first read this, Auditor General, I kind of scratched my head, because it sounds a little wishy-washy at first, but I think what Chief Superintendent Slinn said in his testimony today about how

important it is to be building those relationships points out that there is a real inherent value in that.

The only thing I questioned in my mind is from a management perspective. If I have an employee and tell that employee that I want them to track how long it takes for another department in another country to get them the materials they need to do their job, if they're spending time documenting that—and that's what I think has come up from this—they would not be able to do other work, such as, for example, picking up a phone, barking on the line, and asking for that information and following it up, so to speak.

Is that really what they are doing here, Auditor General? You have suggested they put in a process so that they can evaluate and then go to our major partners like France and the United States and say, "Here are the numbers, the hard data we have", and put it in front. Is that what the thrust of this recommendation is trying to do?

• (1655)

**Mr. Michael Ferguson:** What the recommendation is about is for them to do an analysis of that whole time period. Through a lot of the explanations today, I think we have heard that there were situations between the RCMP and DFATD, for example, where perhaps some requests were incomplete or were not consistent. I think this is a similar type of thing.

The Department of Justice may be able to process the request within the required timeframe when they have all of the information, but perhaps what they're getting is some incomplete information or some inconsistency in the way the information is coming in, or something else like that, whereby it's perhaps just a matter of a conversation to say, "You know what? When you're asking for one of these things, if we had this type of information, or this information in this format, we would be able to get to it more quickly." It could be something like that, just to identify if there's anywhere in there where they can make some suggestions to make the process more efficient.

**The Chair:** Thank you, sir. The time has expired.

Mr. Garrison, you have the floor again, sir.

**Mr. Randall Garrison:** In looking at recommendation 2.23, the Auditor General has made I think a very limited recommendation about assessing the performance of the liaison officer program to ensure that it gets the best use of its limited resources. I guess I have a bit more confidence in the program, such that in fact it might be able to demonstrate that it needs more resources.

Setting that aside, what you said in response, Chief Superintendent, is that it would be fully implemented by 2015-16. We're just about—in a couple of months—to enter the 2015 fiscal year. When you said that it would be fully implemented by the end of the fiscal year, what does that actually mean? Does that mean you're going to start at the beginning of the year and be done by the end? Where are we on that?



**C/Supt Eric Slinn:** I think it will be done by the end of 2016. We'll be good.

**Mr. Randall Garrison:** Does that mean that you'll have measures in place by then or that you will have done the measuring by then?

**C/Supt Eric Slinn:** We are in the midst right now of establishing what those measures are. Those will be rolled out within the coming months, I would say.

**Mr. Randall Garrison:** By the time we get to the budget process for the next year, will you have those so they could be useful for the next budget cycle?

**C/Supt Eric Slinn:** For budget 2016?

**Mr. Randall Garrison:** Yes.

**C/Supt Eric Slinn:** I hope so.

**Mr. Randall Garrison:** So do I.

**C/Supt Eric Slinn:** I'm optimistic.

**Mr. Randall Garrison:** Okay, we'll both be optimistic on that one.

I also want to ask about recommendation 2.48, which Mr. Albas asked about. That should exempt me from his relevancy police duties since I'm asking about the same thing.

In terms of justice delays, it talks about 15% of the delays for mutual legal assistance being under the justice department's control, and 30% for extradition being under justice department control, but as I read your response, your response seems to respond only to those where it was not in your control. Am I reading that correctly?

**Ms. Janet Henchey:** Thank you for that question.

I think you are reading that correctly on the basis that 15% of the delay is not an unreasonable amount of time. Just because we use the word "delay" doesn't mean it's unreasonable delay. In terms of 15% of the time taken to process a mutual legal assistance request, there has to be time involved in processing it. I believe the Auditor General—they can correct me if I'm wrong—felt that this was a reasonable amount of time.

With respect to the extradition aspect, 30% sounds like more, and it is, because extradition is a lot more legally cumbersome. It involves court proceedings and it involves a period where advice has to be provided to the Minister of Justice for him to make a decision with respect to whether to order surrender. That has defined timelines within the legislation. We are meeting the requirements of the defined timelines, and that would be the 30% time that we're using.

We're looking to all the other areas where, as was indicated earlier, we don't have direct control but where we may have some influence. We work regularly with a whole series of partners, treaty partners. By way of example, the countries that are making requests to us and to whom we're making requests are domestic partners like the RCMP, where we could continue to work to give more training. This a bit of a technical legal area, and it's very important to the RCMP in processing their investigations to get our assistance. Sometimes it's complicated and they don't always understand how to do it. We're working on having better training in order to assist them to make their requests more easily so that we'll be able to process them more effectively. In addition to that, we work with prosecution services

across the country. Because there are so many different partners involved in this, it's sometimes difficult to control the whole time process.

• (1700)

**Mr. Randall Garrison:** With regard to your 15% and 30% of the time, as you're characterizing it, would you say it's not a result of lack of resources but just part of the system?

**Ms. Janet Henchey:** Yes, I'd say it's part of the system.

**Mr. Randall Garrison:** Okay.

I'd like to go over to the Auditor General to see if that's the same understanding of delay and of the time taken up that Justice has just given us.

**Mr. Michael Ferguson:** I think what we identify is that, when you look at the whole amount of time required, Justice's portion of that time is 15% or 30%. When you look at the recommendation in paragraph 2.48, we say, "The Department of Justice Canada, in consultation with domestic and foreign partners, should assess the reasons for significant delays in processing requests...".

I guess never let it be said that we let anybody off the hook from looking at efficiency in processes. Certainly more of the process is outside of what Justice does, so there may be greater opportunities for reductions in the time there. There may also be some efficiencies that could be had within Justice's processing as well.

We wouldn't say not to look at that, but I think the more fertile ground is probably outside the amount of time that Justice spends on it.

**The Chair:** Time is our problem right now: it has expired. Thank you.

For our last member, we'll go back to Mr. Woodworth.

You have the floor, again, sir.

**Mr. Stephen Woodworth:** Thank you, Mr. Chair.

I'd like to begin—

**The Chair:** Pardon me.

Sorry, is there a problem?

[Translation]

**Mr. Alain Giguère:** Mr. Chair, the agenda says that the meeting will adjourn at 5:30 p.m.

In theory, then we can ask questions until 5:30 p.m. If the opposing party has no more questions to ask, I can assure you that the members on this side of the table can ask questions until 5:30 p.m. I would like us to follow the agenda and continue the meeting until 5:30 p.m.

[English]

**The Chair:** The usual practice of the committee is to complete one full rotation of our standard rotation slots. At the end of that, if there's time permitting, the committee...

It's in order for someone to make that request, to move that motion, but it will be decided by the committee, not by me. When we conclude this first round, I will have carried out what is expected of me as the chair, which is to take us through a full rotation. If there's time left over, then it's up to the committee, and I would entertain any motion that's in order.

With that, my apologies, Mr. Woodworth. You have the uninterrupted floor.

**Mr. Stephen Woodworth:** Thank you, Mr. Chair.

I'd like to ask Chief Superintendent Slinn to help me correct the record. I think when we conversed earlier, I was throwing out a hypothetical number of 20 liaison officers in Europe. In fact, it's more like eight or nine liaison officers in Europe. Is that correct?

**C/Supt Eric Slinn:** RCMP liaison officers?

**Mr. Stephen Woodworth:** That's correct.

**C/Supt Eric Slinn:** Correct. Yes.

**Mr. Stephen Woodworth:** Very good. Thank you. I just didn't want to leave an incorrect impression with anyone listening.

I learned from the Auditor General's report that the last comprehensive evaluation by the RCMP of the liaison officer program was conducted in 2003, although shortly after the current government took office in 2006, it was followed in 2008 by the RCMP conducting a gap analysis to assess whether the allocation of liaison officers matched RCMP and government priorities.

I assume all of that is correct.

• (1705)

**C/Supt Eric Slinn:** That's correct.

**Mr. Stephen Woodworth:** Thank you.

I also learned from the Auditor General's report that even before the audit was complete, at some point in 2014 the RCMP began a new initiative to assess the performance of its international policing program and that the liaison officer program is part of the international policing program.

Is that correct?

**C/Supt Eric Slinn:** That's correct.

**Mr. Stephen Woodworth:** I am assuming that the assessment of the performance of the international policing program will encompass an assessment of the performance of the liaison officer program.

Is that correct?

**C/Supt Eric Slinn:** That is correct.

There are several facets to the RCMP's international program.

**Mr. Stephen Woodworth:** That's what I thought, but today at least we'll just talk about the liaison officer program.

To make sure that we all understand the timeline, I understand from your RCMP management action plan in response to the audit that the force intends to have in place a performance management framework on or before March 31, 2016.

Is that correct?

**C/Supt Eric Slinn:** The completion would be 2018, but in 2016 we'll implement the performance management—

**Mr. Stephen Woodworth:** That's right.

That's actually the next point I was going to get to, that the performance management framework in place by March 31, 2016 will then tell you what data needs to be gathered to assess the performance under that framework.

Is that correct?

**C/Supt Eric Slinn:** Correct.

**Mr. Stephen Woodworth:** That data gathering will then be completed under the performance management framework by 2018.

Is that correct?

**C/Supt Eric Slinn:** That is correct.

**Mr. Stephen Woodworth:** The only other piece I am having a hard time imagining is what benchmarks are possible to measure the performance of a liaison officer. The report mentions performance measures, which I think of as benchmarks.

I don't know how far you can go because I understand it's all in process and under study right now, but could you perhaps give us one or two examples that would make concrete how one might go about assessing the performance of a liaison officer?

**C/Supt Eric Slinn:** Sure.

As you can probably appreciate, to measure the performance is a very difficult thing to do. Potential indicators might be the number of investigations started by the liaison officers that were successfully completed back in Canada. One of the things we're trying to change within the RCMP's liaison program is to take them from being task-driven to being mission-driven. What I envision is that they will look for investigative opportunities in theatre rather than waiting for Canadian law enforcement or RCMP units to send them tasks saying, "go do this and go do that", or "collect this intelligence and collect that". That might be a potential indicator: the number of investigations that were begun by the LO and were successfully realized back in Canada.

Another indicator might be the number of intelligence products that moved from an intelligence point to an actual investigation.

**Mr. Stephen Woodworth:** Do you think it would be possible to come up with some performance measures around the lapse of time required to conduct any particular investigation, or are they all so variable and dissimilar that it would not be practical?

**C/Supt Eric Slinn:** I think that would be a very difficult thing to do because each investigation comes with its own uniqueness. Some are very laborious and some are very quick, so I think it would be very difficult to do that.

**The Chair:** Sorry, Mr. Woodworth, the time has expired.

Colleagues, that does conclude the full rotation as we have it.

If somebody wants to talk about doing something different, now would be the right time to try; otherwise, hold your peace.

Mr. Albas.

**Mr. Dan Albas:** Mr. Chair, I've had a chance to briefly consult with most members, with the exception of Mr. Woodworth because he was busy asking questions of our witnesses, to see if any of our members had any further questions. It was unanimous in the fact that they felt very good about the presentation, the straightforwardness of the report, coupled with the straightforwardness and quality of the answers.

But Mr. Giguère has pointed out that he has more questions he would like to ask of these witnesses. If the Liberals also agree, we would be happy to adopt unanimously that Mr. Giguère be given an extra five minutes so that he can ask his questions.

• (1710)

**The Chair:** Fair enough, but to be fairer, I would want to look to the third party. Three caucuses are present here.

Mr. Vaughan, may we have your thoughts.

**Mr. Adam Vaughan:** I have no more questions, but if my colleague has more questions, I have no problem extending his time.

**The Chair:** All right, it would seem that without the issue of a motion and going through the whole thing, the government has offered giving you one more. Does that meet your needs, Mr. Giguère?

[Translation]

**Mr. Alain Giguère:** I find it unfortunate that there is a limit.

My colleague from the Liberal Party would probably have had a lot of questions to ask, especially on the budgetary aspect.

May I remind you that, according to Senator Dagenais, all the budgets that fund the operations related to Bill C-44 will be the existing budgets? The interventions of the representative of the police forces took place before Bill C-44 was introduced. There would be many questions to ask about that, including in terms of justice.

[English]

**The Chair:** Here's where we are, Mr. Giguère. You've been offered five minutes. Both the other two parties, out of three parties, have agreed to give you that five minutes. My advice to you would be to either take the five minutes or place a motion, which you know for sure you're going to lose.

I leave it up to you, sir. Those are your options.

You might want to grab the five minutes they're giving you.

**Mr. Alain Giguère:** Mr. Chairman, I have only one real possibility, which is to accept the five minutes.

**The Chair:** It would seem that way to me.

Therefore, you now have the floor for five minutes, Monsieur Giguère.

[Translation]

**Mr. Alain Giguère:** Since it will not likely be possible to obtain additional funding for certain operations in your service, we have been told that, when some bills were introduced recently, those new activities would be funded by rearranging the budget of all the services.

Will you be able to maintain and improve your performance if your budgets are cut? In other words, will you be able to reduce the red tape within your services and achieve, despite significant budget cuts, the same efficiency, or to even improve your efficiency?

[English]

**C/Supt Eric Slinn:** The RCMP acts at the behest of the government. If the government chose to give the RCMP more money, I'm sure we'd be very happy. However, it is important for us organizationally to look at and align our priorities. The commissioner has been clear about that, and that's what we do, whether it be with our liaison officers or with our officers on the street or our officers fighting financial crime. We attack the greatest threat, and we work with the budget we have.

[Translation]

**Mr. Alain Giguère:** A number of organizations intervene to ensure Canada's security against outside threats. We have the RCMP, the Department of Foreign Affairs and the Canadian Armed Forces, but is there an administrative structure where all those players come together and exchange information?

In fact, I want to know if all possible steps are being taken to make sure that jobs do not overlap and that organizations do not have relevant information that other services do have but do not communicate?

[English]

**C/Supt Eric Slinn:** All the agencies you referenced have different mandates, but I can say conclusively that the RCMP works very closely, whether it's with DND, CSIS, or CBSA. We endeavour to reduce redundancy wherever we can, but is there one particular place where that all converges? No, because our mandates are all different.

[Translation]

**Mr. Alain Giguère:** Thank you.

In terms of the Department of Justice, here is what I would like to know.

Under an international agreement, are there legal procedures that would make it possible to have what is known as plea bargaining with a detainee in a Colombian prison, for example, in order to give him the possibility to serve his sentence in Canada and have the sentence reduced if he exposes his criminal partners in Canada?

• (1715)

[English]

**Ms. Janet Henschey:** That's an interesting question that I don't think I'm equipped to fully answer.

Every country has its own laws, and I am not an expert in the laws of every country. Many countries have no plea bargaining at all for their domestic procedures. I think Colombia might be one of them. Plea bargaining is more or less a North American institution. But regardless, as I understand it, the only way you could serve a sentence in Canada for something you've done in another country is through the exchange of prisoners treaties. If a person is convicted in a foreign country and they're a Canadian citizen, they can apply to serve their sentence in Canada, if there's a relevant treaty in place. That's the only way I'm aware of that somebody serving a sentence in another country could come to Canada.

As for cooperating with law enforcement, that's a matter for my friends at the RCMP to answer. I suspect, like me, they would find it very difficult to answer that question. It would be very fact based.

[*Translation*]

**Mr. Alain Giguère:** Mr. Chair, I will ask another question that is not really the same kind.

We have seen procedural delays with extraditions and service requests. To us, everything seems to indicate that the system in place is working well, and that the delays are just because of the legislation and established procedures.

Ms. Henchey, does your department plan to review all the laws and procedures related to extraditions to help reduce the delays in those operations?

[*English*]

**The Chair:** Answer briefly, please.

**Ms. Janet Henchey:** We always consider whether any laws can be improved, so I guess the answer to that is yes, we are always looking at whether it's possible to improve the legislation, but

whether or not amendments are made is a matter for the government to decide.

**The Chair:** Okay, thank you. The time has expired.

With that, on behalf of the committee, I will thank all our witnesses for being here today. I think everybody did an excellent job of trying to answer the questions as fulsomely as possible and keeping it brief. It was a very good effort.

Unless someone has a reason not to—and I can't imagine what that would be—this committee is about to adjourn, but not before we give you our thanks so much for the time you gave us today, but also the jobs that you do. They're all very important. Notwithstanding, we hold everyone to a high account, to high standards. We appreciate all the work you and your colleagues do, particularly as it relates to keeping Canadians secure.

Mr. Auditor General, it's always great to have you here, sir. We look forward to having you back.

**Mr. Michael Ferguson:** Thank you.

**The Chair:** With that, colleagues, this committee now stands adjourned.

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