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# **Standing Committee on Public Safety and National Security**

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**EVIDENCE**

**Tuesday, March 10, 2015**

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**Chair**

**Mr. Daryl Kramp**



## Standing Committee on Public Safety and National Security

Tuesday, March 10, 2015

• (0850)

[English]

**The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)):** We will call this meeting to order.

I would ask the media present to slip out now with the cameras. Thank you very much.

Welcome, colleagues, to meeting number 53 of the Standing Committee on Public Safety and National Security.

Today, under the orders of the day and pursuant to the order of reference of Monday, February 23, 2015, we are looking at Bill C-51, an act to enact the security of Canada information sharing act and the secure air travel act, to amend the Criminal Code, the Canadian Security Intelligence Service Act and the Immigration and Refugee Protection Act and to make related and consequential amendments to other acts.

Appearing as witnesses today, we have the Honourable Steven Blaney, Minister of Public Safety and Emergency Preparedness, and the Honourable Peter Gordon MacKay, Minister of Justice and Attorney General of Canada.

We have from the Department of Justice, William F. Pentney, deputy minister of justice and deputy attorney general of Canada, and Donald K. Piragoff, senior assistant deputy minister, policy sector.

We also have from the Department of Public Safety and Emergency Preparedness, François Guimont, deputy minister. From the Canadian Security Intelligence Service, we have Michel Coulombe, director. From the Royal Canadian Mounted Police, we have Bob Paulson, commissioner.

On a point of order, Mr. Garrison.

**Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP):** Mr. Chair, I appreciate the officials who are here, but we seem to be missing one official this morning, and that's the Privacy Commissioner, who is an officer of Parliament. I would ask for unanimous consent of the committee to move the following motion: That the clerk be directed to schedule one additional one-hour meeting of this committee to allow the Privacy Commissioner, Daniel Therrien, to appear before the committee.

**The Chair:** It is a point of order, sir, and you have the floor, but you generally cannot move a motion while you have the floor on a point of order.

**Mr. Randall Garrison:** Mr. Chair, I think I could do so with the unanimous consent of the committee, so once again, I'll ask for unanimous consent of the committee to move the motion.

**The Chair:** Mr. Garrison has asked for unanimous consent. I'm looking around the room. Does Mr. Garrison have unanimous consent to move the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Chair:** We will now go to our witnesses. We will have our ministers speak briefly, which will give us an opportunity to discuss the bill.

We will start off with Mr. Blaney.

[Translation]

**Hon. Steven Blaney (Minister of Public Safety and Emergency Preparedness):** Thank you very much, Mr. Chair.

I will be giving my presentation in both official languages. I invite my colleagues to use the excellent service provided by our interpreters if they wish to do so.

[English]

**The Chair:** Mr. Easter, on a point of order.

**Hon. Wayne Easter (Malpeque, Lib.):** Mr. Chair, I am coming back to a point of order that I've raised a number of times. Commissioner Paulson was before this committee and he brought written text with him. The ministers have the full staff of all the departments. There is no reason in the world why, for an important bill like this, the ministers cannot provide this committee with their written remarks in both official languages. I see no reason why they cannot do it. I think it's unacceptable.

**The Chair:** Ms. Ablonczy.

**Hon. Diane Ablonczy (Calgary—Nose Hill, CPC):** Mr. Chair, Mr. Easter was a minister of the crown. Mr. Easter appeared before committee in that capacity five times, once before a Senate committee. I believe the record will show that not once did he provide a written statement to committee. He's completely without credibility in raising this and I just wish he would stop it.

**The Chair:** Thank you very much. The points have been made by both sides. The chair considers them argumentative and at this point we're not going to discuss it further.

Mr. Blaney, you have the floor again.

[Translation]

**Hon. Steven Blaney:** Mr. Chair, as you know, I am very proud to speak French, which is my mother tongue. I will be pleased to do part of my speech in English.

I am happy to be here this morning to set the record straight on certain points. I am very proud to be here with my colleague and friend, the Honourable Peter MacKay, Minister of Justice and Attorney General of Canada, whom I respect deeply. We prepared this bill with him. We are proud to be here to protect the rights of Canadians.

[English]

Let me first address the video produced by the criminal who attacked this very Parliament building and murdered Corporal Nathan Cirillo, which you viewed this past Friday.

[Translation]

The *Petit Larousse* definition is clear and it is used by Commissioner Paulson, the U.S. Secretary of State, John Kerry, or even President François Hollande, who described the act committed here as “terrorist-inspired”. It was an act of violence, a dramatic gesture driven by ideology.

Clearly, every time I appear here, I remember that I was here that day with Minister MacKay and several colleagues from the government caucus. We were witnesses to and victims of this attack. I had the opportunity to meet with all the members of the committee to tell them that we must remain vigilant and confident, and to take the necessary measures, while protecting the Canadian Charter of Rights and Freedoms and privacy to effectively fight the evolving terrorist threat. This is my primary duty as Minister of Public Safety.

That is why I am here today with Minister MacKay to present Bill C-51. This bill includes measures to combat terrorism and will provide additional tools to our law enforcement agencies, intelligence services and organizations that follow up on and oversee our intelligence services.

•(0855)

[English]

Our anti-terrorism act, Bill C-51, is ensuring a better protection of our rights and freedoms. This bill brings more tools for law enforcement and security agencies to tackle radicalization and track terrorists, and dramatically increases judicial oversight and review mechanisms to protect our rights and freedoms and the privacy of all Canadians.

Mr. Chair, the reality is that the international jihadist movement has declared war on Canada and most countries around the world. Canada and Canadians are being targeted by jihadist terrorists simply because these terrorists hate our society and hate our values. This is why our government has put forward measures that protect Canadians against jihadist terrorists who seek to destroy the very principles that make Canada the best country in the world in which to live.

That is also why Canada is not sitting on the sidelines, as some would have us do, and is instead joining our allies in supporting the

international coalition in the fight against the evil ISIL, the terrorist organization Islamic State.

[Translation]

We saw it in Saint-Jean and even here in Ottawa. We also saw it in Paris, in Sydney, Australia, and in Copenhagen. The threat is complex and diffuse. It is our duty to take action to protect Canadians while protecting our rights and freedoms.

Violent international extremist groups, like the Islamic state and Al-Qaeda and its branches, represent a serious threat for Canada. That is why we must adapt and strengthen our capacity to protect our country and its people.

[English]

Because there is no liberty without security.

[Translation]

In order for freedom to flourish, security is crucial.

[English]

These principles protecting security while maintaining liberty are at the heart of our Conservative government's approach to national security. Canadians expect that if one branch of government is aware of a threat to their security, then this information would be shared with other branches of government to protect Canadians, not new information, but existing collected information. The security of Canada information sharing act, the first part of Bill C-51, is a response to the Air India commission and to many other requests. Mr. Chair, we are doing it to better protect Canadians. The legislation has adequate safeguards built in to protect the privacy of Canadians. We are not interested in giving privileges to the rights of terrorists over the rights of Canadians.

[Translation]

As we have heard, this piece of legislation will give the legal capacity to all the government departments and agencies to share information on activities that undermine the security of Canada, in a proactive manner or in response to requests from designated federal institutions with a mandate or responsibilities related to national security. The people in my riding are asking me why we have not done this until now.

By definition, under the new legislation, an activity that undermines the security of Canada means any activity that undermines the sovereignty, the territorial integrity of Canada, or the lives and the security of the people of Canada. Many observers have commented on this definition. This morning, I would like to point out that it refers strictly to the sharing of already existing information between federal agencies and organizations. Clearly, it does not relate to the mandate of the Canadian Security Intelligence Service.

The second measure proposed by the bill has to do with the Secure Air Travel Act. This legislation would provide a legal framework to define the ministerial powers under the passenger protect program and to broaden the mandate of this program in order to identify, enumerate and mitigate threats posed by two categories of individuals.

The first category, which includes those suspected of posing a threat to transportation security, is already in place. The second category has not been set up yet. Yet our need for it is great. Those who try to go abroad in order to support terrorist activities are not covered by the legislation. Right now, we cannot prevent them from getting on a plane even though we have reasons to believe that their intent in so doing is to commit a terrorist act.

Once again, Mr. Chair, it is quite clear.

● (0900)

[English]

This would put an additional tool in the tool box for our national security agencies when they are combatting the threat of individuals travelling abroad to engage in criminal activities. The act would authorize the Canada Border Services Agency to collect information related to air travellers coming to or living in Canada and to screen them against the list. Having Government of Canada law enforcement officials rather than airline workers screen passengers against the list would better protect the security and privacy of Canadians.

[Translation]

The bill will also enable individuals on the list who have been prevented from travelling under the program to make a request to be withdrawn from the list. The bill provides for an appeal mechanism. In fact, any person on the list could appeal to the Federal Court.

The third measure we are proposing will provide the Canadian Security Intelligence Service (CSIS) with a new mandate to reduce threats to the security of Canada. It's about time.

[English]

Currently CSIS can detect security threats but is unable to take action unlike most allies are doing. With the new threat disruption mandate, CSIS would be authorized to take direct action to disrupt threats to the security of Canada at home and abroad like most of our allies, such as Sweden, Norway, Finland, Denmark, France, United States, United Kingdom, and Australia. It's about time, Mr. Chair. For instance, CSIS could interfere with terrorists' travel plans or financial transactions, and even intercept weapons to prevent terrorist use.

It is important to note that this mandate is tied to the existing definition of "threats to the security of Canada" that can be found in section 2 of the CSIS Act. This definition has been in place for 30 years and has formed the basis for CSIS' primary intelligence collection mandate since its inception and would be applied the same to the threat disruption mandate.

[Translation]

With this new mandate, Bill C-51 sets rigorous limits and establishes a warrant mechanism for threat disruption. To my knowledge, we are the only country in the world to add this judicial oversight to the threat reduction mechanism. If the measures proposed might contravene a right guaranteed by the charter or another Canadian law, a Federal Court judge would have to authorize them in advance.

Bill C-51 also sets out new review requirements for the Security Intelligence Review Committee. We are giving this review

committee the legal mandate to oversee CSIS' activities in order to increase responsibility, transparency and respect for the rights of Canadians.

Finally, the fourth proposed measure seeks to amend division 9 of the Immigration and Refugee Protection Act. This would allow the government to use and protect classified information as part of immigration procedures, including security certificate cases before the Federal Court and applications for non-disclosure before the Immigration and Refugee Board. Those amendments would ensure the rigorous protection of classified information and would ensure that the proceedings are fair. That would also enable us to ensure that the discretion of the judge is retained in this case and that the special advocate or *amicus curiae* role is retained in order to protect the interests of non-citizens at in camera meetings.

● (0905)

[English]

Before I conclude my remarks today and hand the microphone to my honourable colleague, I would like to address three key misconceptions that have been put forward by members of the opposition, as well as so-called experts.

The leader of the NDP has alleged that the legislation before us today means that legitimate dissent and protests would now be considered threats to Canadian security. These allegations are completely false, and frankly, ridiculous. Section 2 of the CSIS Act, which outlines exactly what is considered a threat to the security of Canada, is not being amended in any way by the new anti-terrorism legislation...again, sharing of information, threat disruption.

Mr. Chair, we reject the argument that every time we talk about security our freedoms are threatened. Indeed, we believe the opposite. Canadians understand that their freedom and security go hand in hand. The fundamental fact is that our police and national security agencies are working to protect our rights and our freedoms and it is the jihadi terrorists who endanger our security and who would take away our freedoms.

Further, the leader of the NDP made allegations that I feel as Minister of Public Safety are unacceptable, because he said that CSIS, the security intelligence, has broken the law. This is an insult to the men and women who are protecting Canadians on a daily basis, who are risking their lives in unsafe places, Mr. Chairman. For 30 years there has been the report of the Security Intelligence Review Committee, which has always provided the certificate demonstrating that they complied with our Canadian law. I ask the member to bring coherent arguments, but not insult those who are protecting us. I ask him to apologize and to keep the debate among politicians focused on facts, truth, and reality.

Furthermore, some commentators have said that the scope of the definition of “activity that undermines the security of Canada” is too broad, and that the language used is too vague for security legislation. Well, this definition should not be read in isolation. Proposed section 5 of the security of Canada information sharing act further restricts what information can be shared by requiring that information be shared only if it is relevant to the national security jurisdiction or responsibility of the recipient. The definition was intended to cover any information that is relevant to the security of Canada.

I'm glad we have here the leader of the Green Party, who has said that the provisions to protect lawful advocacy, protest, and dissent do not go far enough. I would invite the member to further read the legislation carefully. The act clearly states that the definition of “activity that undermines the security of Canada” does not include lawful advocacy, protest, dissent, or artistic expression.

It should be noted that the carve-out is for greater certainty, and is intended to reflect the fact that these activities are not intended to be captured by this legislation. Once again, Mr. Chair, the information that is to be captured by this legislation, solely for sharing purposes, with no new information, has to undermine the security of Canada. “Lawful” is intended to be read narrowly and to exclude legitimate forms of protest that are not contrary to the Criminal Code. In other words, not having a municipal permit for a protest would not lead to an otherwise lawful protest being captured by this legislation.

Similarly, some have said that allowing CSIS to disrupt threats to national security would trample on the rights of legitimate protestors. Once again this is untrue, inaccurate and false. Under the legislation before us today, the threshold for CSIS to engage in disruption is reached if there are reasonable grounds to believe that a particular activity constitutes a threat to the security of Canada. This is the same definition that has been used for the last 30 years. Previously, CSIS did not have disruption powers, allowing them only to collect and retain information to the extent that is strictly necessary.

Security is essential to maintaining our democratic rights and freedoms, and the anti-terrorism act seeks to do exactly that. I hope that all members will support this legislation, with the trust and confidence that we are taking the appropriate measures to protect Canadians and our freedoms and rights.

Personally, Mr. Chair, I believe that if we were to stand still and not do anything to face this evolving threat, it would be morally irresponsible and immoral. It is our duty to avoid losing human lives because of bureaucratic silos. We can fix this. Canadians would be unforgiving should we fail to fix this dysfunctional information sharing system. We are probably one of the few countries that is not doing so. Better protecting the rights and freedoms of Canadians while tackling the threat of terrorism is exactly what Bill C-51 is accomplishing. To do so, we have worked in close conjunction with the Minister of Justice and his department, and I am pleased to let him make his remarks.

Thank you.

● (0910)

**The Chair:** Thank you, Minister Blaney.

We will now go to opening remarks from Minister MacKay.

**Hon. Peter MacKay (Minister of Justice and Attorney General of Canada):** Mr. Chair and colleagues, it's an honour to be here before you. I thank you for your important work. I am honoured to be here with my colleague, Minister of Public Safety Steven Blaney and officials from both of our departments, Public Safety and Justice.

As you know, we're here to discuss Bill C-51, the anti-terrorism act. This bill concentrates on the very real subject matter of terrorism, which is an increased global concern. The Government of Canada is taking steps, and you are taking steps, to examine the tools necessary and available to our intelligence and law enforcement agencies to respond effectively to this threat.

This bill represents the outcome that is crucially important in this assessment. I'm going to focus my remarks, as Minister Blaney has said, on the Criminal Code amendments found in part 3 of the bill.

[*Translation*]

Since 2001, the Criminal Code has helped us combat terrorism specifically, especially in terms of offences related to various forms of participation in and facilitation of a terrorist activity and in terms of charging a person for engaging in such an activity. Those measures were reinforced in 2013 with the addition of new offences related to the movements of terrorists and nuclear terrorism.

[*English*]

Mr. Chair, the threat environment in Canada we know is global and volatile and consistently evolving. Accordingly, this investigative package of enforcement tools available to the criminal justice system should be commensurate to detect, stop, and prosecute those responsible. Of course, the Criminal Code reforms that are found in Bill C-51 do just that. It is an effort to modernize, to keep pace. As Minister Blaney has said, this is about giving law enforcement the ability to meet this evolving threat, and to put them in a position to detect, deter, and prevent the type of terrorism that we see and sadly expect in the 21st century.

I'll speak now to those parts of the bill that fall directly under the purview of the Department of Justice.

First, section 83.3 of the Criminal Code, which targets individuals who may be involved in a terrorism activity either directly or indirectly, currently requires two tests to be met for a court to impose a recognizance against an individual. This bill proposes to lower the threshold of both these tests, from requiring police to have reasonable grounds to believe that a terrorist activity “will—with emphasis on “will”—be carried out”, to “may be carried out”—imminent, to possible—and from reasonable grounds to suspect that conditions are necessary to prevent the carrying out of terrorism activity, to “likely to prevent the carrying out of the terrorist activity”.

Lowering the threshold seeks to make it easier to obtain the recognizance, for police to do so and then appear before a judge. It's important to emphasize the judicial oversight component of this.

Bill C-51 would also increase the maximum period of time that a judge can remand an individual awaiting a recognizance hearing from a total of two days to six days, with the 24-hour police detention period remaining the same. In other words, it would expand that period of time in which investigations can occur and certain conditions can be in place to protect the public, so up to seven days.

This bill also proposes to strengthen the existing terrorism peace bond in the Criminal Code. The bill proposes to lower the threshold from the current requirement that a person must fear on reasonable grounds that someone “will” commit a terrorism offence, to fear that they “may” commit a terrorism offence. This change seeks to make it easier to obtain the peace bond. There is a scale here. We are lowering the threshold to allow the police, with judicial oversight, to put in place conditions to protect the public based on evidence. It would also extend the maximum duration of the peace bond from two to five years for those previously convicted of a terrorism offence.

Furthermore, for both recognizance with conditions and peace bonds, the court would be authorized to impose sureties and to require judges to consider geographical conditions and passport surrender, so behavioural controls, if you will. The penalties for breaches of these court orders would also be increased from the current two years maximum to four years.

● (0915)

Bill C-51 would also propose to amend the Criminal Code to create a new indictable offence for knowingly advocating or promoting the commission of terrorism offences in general. The offence would require that the person either know that any of those offences will be committed or be reckless as to whether any of those offences may be committed as a result of that communication. This new offence would be punishable with up to five years' imprisonment. The new offence would fill what we believe to be a current gap in the law and would respond to a current threat that exists.

Currently it's a crime to counsel someone to commit a specific crime like murder. It is not a crime, however, to counsel somebody to commit a broad category of criminal activity like terrorism, one lacking specific detail as to which offence is being encouraged to be committed. Therefore, the focus of the proposed new offence is to cover the situation where the active encouragement lacks the specific detail that would link the encouragement to the commission of a

specific terrorism offence, although in the circumstances it is clear that someone is actively encouraging to commit any of the terrorism offences in the Criminal Code. In other words, it would not matter whether a specific terrorism offence is advocated or promoted for criminal liability to attach. To be clear, this is not a glorification of terrorism offence.

Related to this new offence is the proposal to create two new warrants of seizure in relation to terrorist propaganda. One is for terrorist propaganda in a tangible form such as a poster or a flyer, and the other is for removing terrorist propaganda disseminated and stored in a website located in Canada.

Obviously, we work within our own jurisdiction. This does not afford us the ability to capture this material from outside the country.

Similar powers already exist for other materials that Parliament has determined to be harmful, including hate propaganda and child pornography. It mirrors Criminal Code sections already in existence

Most parents, I think, would know we are doing this in the best interest of removing material that could be used to radicalize or recruit a young person. In fact, in talking to people about this particular section of the Criminal Code, some were alarmed to know that we don't already have the ability to remove this offensive material.

Finally, changes are proposed to better protect those involved in national security prosecutions and proceedings. Among other things, these changes would provide better discretion of the courts to make orders that reflect the security needs of witnesses. In particular, we're talking about participants in the justice system who might find themselves vulnerable as a result of the individuals we are dealing with. This is not unlike what we've seen in prosecutions of gangs or organized crime. It takes into account their role in relation to national security matters while at all times respecting the fair trial rights of the accused.

These legislative proposals and those of my colleague Minister Blaney are reasonable and are a proportionate response to the threat of terrorism in Canada. They contain a number of safeguards, including judicial oversight and discretion for the many tools we have discussed and presented here this morning, the requirement to obtain Attorney General consent before proceedings, and annual reporting requirements on the use of recognizance with conditions. These are tabled in Parliament, as I did recently in December. Also, these peace bond and recognizance conditions are subject to sunset; that is to say that the law, when it came into effect in 2007, will be reviewed with respect to those recognizance and peace bond conditions in 2017.

In providing these new, enhanced and judicially approved measures which respond to terrorism at home and abroad, we believe we are doing so within the existing and overarching legal framework that respects the charter and includes important checks and balances.

To conclude, from a criminal justice perspective, this bill will address gaps in the law, only target extremely serious conduct, and clearly define offence elements in a high level of *mens rea*.

Mr. Chair, I would just end with a quote from the Queen and Khawaja, which is an Ontario Court of Appeal case where, writing for the majority, Mr. Justice Moldaver, as he then was, said:

To be sure, terrorism is a crime unto itself. It has no equal. It does not stop at, nor is it limited to, the senseless destruction of people and property. It is far more insidious in that it attacks our very way of life and seeks to destroy the fundamental values to which we ascribe – values that form the essence of our constitutional democracy.

• (0920)

Mr. Chair, I thank you for your important deliberations on this legislation. We look forward to the committee's questions. Again, we're very appreciative of the work that you're undertaking.

Thank you.

**The Chair:** Thank you very much, Minister MacKay.

Colleagues, we will now go to our rounds of questioning with a first round of seven minutes. We will start with the parliamentary secretary, Mrs. James.

**Ms. Roxanne James (Scarborough Centre, CPC):** Thank you, Ministers, for appearing, and thank you as well to the officials who are here.

Canadians would expect, Minister Blaney, when one branch of government comes across information pertinent to national security and the protection of Canadians, that agency would be able to communicate that information freely to another agency, such as the RCMP or CSIS. However, that is clearly not the case today. I have to tell you that I was probably one of those Canadians who thought this was already being done, so with regard to information sharing, I find this legislation to be absolutely critical.

Minister Blaney and Minister MacKay, in your opening remarks, both of you talked about identifying gaps that were brought forward by our national security agencies.

Minister Blaney, could you expand on some of these gaps, focusing on information sharing, and why this part of the legislation is so important?

**Hon. Steven Blaney:** Maybe I could begin with two examples of what is the current situation now.

As we heard recently, in Montreal two young girls allegedly said that they left the country to commit terrorist attacks abroad. They showed up at the passport office and they asked for an accelerated process within 48 hours. They said that they had lost their passports. They said that they wanted to go to the Middle East, to a region, as you are well aware, where there are many conflicts. This information should raise some concerns in terms of national security. Canada is not and does not want to become an exporter of terrorism. As we speak, this information cannot be shared with relevant authorities such as the RCMP or the security agency, CSIS. This bill would enact the department to undertake this kind of action.

The other example is on the other side. Take a wounded person who goes to a consulate in the Middle East, is willing to come back, and is seeking some information. Being obviously wounded or having spent some weeks out there in the desert, this may raise some reasonable doubts, but again, this information may not be shared with the police officers or the Canada Border Services Agency, nor with our intelligence. An individual, a potential high-terrorist traveller who has had combat experience, could come back into our country, and we could hardly prevent it.

These two examples demonstrate clearly the need to make sure that the left hand of government knows what the right hand is doing, but in doing so, let me assure you that there are many mechanisms to protect privacy and also the Constitution.

First, I think I've stated clearly that it has to be information that would undermine the security of Canada. Before the information is transferred, there has to be a risk, and it has to be transferred to an organization that is relevant. Again, this is not new information. This is information that is already being collected by the government but is not being shared.

Are we to let silos be used by terrorists to harm Canadians? Frankly, I think this is totally irresponsible. That's why when I speak to people in my riding or elsewhere, people are asking me why we have not done this before and why we are not sharing the information in a respectful and lawful process.

Well, this is what we do. Also, it is important to specify—and it's in the bill—that the information has to be done in respect of the Canadian Charter of Rights and Freedoms and also the protection of privacy. This is actually in the enactment of the act. We already have much legislation, but we felt it was important to specify this in the bill.

I can comment further, but I think you want to ask more questions.

● (0925)

**Ms. Roxanne James:** There has been some concern from the opposition and from the Green Party with respect to a proposed section in the information sharing act that clearly states that the information sharing would not relate to lawful advocacy, protest, dissent, and artistic expression. The concern seems to be surrounding the word “lawful”.

I just have to ask a very simple question. How bizarre would it be for a government to legislate this type of bill and include the ability for unlawful advocacy? I have to ask that question because obviously, between “lawful” and “unlawful” there is a big difference.

**Hon. Steven Blaney:** Thank you for the opportunity you are giving me to clarify what is in the bill and what is not.

Once again, there is the security of Canada information sharing act, whereby information that could undermine the security of Canada could be transferred. This has nothing to do with the other parts of the act, such as the threat diminishment part, which relies on the current definition of terrorist activities. It has no impact at all on this aspect. The only thing the legislator is doing in crafting this bill is mandating that any information that could undermine the security of Canada has to be sent to the recipient institution.

Of course, there is another safeguard here, because if the information is received, it has to be relevant to that specific department. That is another safeguard, if I can put it that way.

Once again, to get back to your definition, there are lawful activities and there are unlawful activities. This morning I gave the example of a protest that did not have a municipal permit. That is not, I would argue, included in this bill, which deals with undermining the security of Canada. Once again, it could be an illegal activity, but the information would not necessarily be shared, because it does not undermine the security of Canada.

I think we clearly see this morning that there are lawful activities, that there could be illegal activity that does not undermine the security of Canada, and that there are those activities that we feel are important to share or to specify in the bill. There are some examples in the bill, such as espionage, sabotage—

**The Chair:** Minister Blaney, we'll have to cut you off. You'll have an opportunity to go further a little later, but we're over the time.

We'll go now to Mr. Garrison, for seven minutes, please.

● (0930)

**Mr. Randall Garrison:** Thanks to all the witnesses who are here today. I know for the Minister of Justice it's relatively rare to appear in this committee, so I give particular thanks to him for being here today. I want to start with a question for him.

There has been a lot of public concern expressed by legal experts, including former judges, about the broad nature of the new offence in the Criminal Code, about the lower threshold for detention and peace bonds, and about fundamental changes to information sharing that might affect privacy rights.

My assumption is that the minister would not bring this legislation before Parliament if he did not believe it was constitutional and that

he must have received advice from his officials on the constitutionality of this bill and its provisions.

Would the minister be prepared to table the advice he received on the constitutionality of this bill? It would be very useful for this committee, to avoid further legal entanglements down the road, if we could have that advice tabled for us so that we could use it before we reach the amendment stage of this bill.

**Hon. Peter MacKay:** Thank you very much for the question, Mr. Garrison.

Colleagues, while it may be rare that I appear before this committee, this is my 52nd appearance before a committee as a minister.

The member is absolutely right in suggesting that we would not have introduced a bill, and certainly from a justice perspective no bill is introduced in Parliament unless it has been drafted and presented to Parliament in a way that is consistent with the charter and the Constitution. Every bill receives that vetting, that lens, from the Department of Justice prior to its introduction. Officials with the Department of Justice, of course, have expertise in that area. In fact, some members of our department go back to the drafting of the charter itself. We have tremendous legal advice, which is available to all departments. So, yes, the member is correct. I would have met with and worked with my department to ensure charter compliance. The Supreme Court of Canada, of course, has recognized that the prevention of terrorist acts is a valid state objective given the grave damage that can result, and that was the quote I presented to you at the close of my remarks. This is not to say that legislation—all legislation—presented to this committee or any committee is not subject to charter challenge. We anticipate and look at various aspects, including privacy, to come back to the member's question, and we do so to ensure that ultimately the courts will pronounce favourably on the charter compliance. With regard to presenting that advice to this committee or any committee, I'm not able to do so as the Minister of Justice and Attorney General as solicitor-client privilege exists between the Department of Justice and the Department of Public Safety in this case.

**Mr. Randall Garrison:** Of course, as the beneficiary of that solicitor-client privilege, you could waive that and table it before this committee.

**Hon. Peter MacKay:** We're not going to do that, and of course the privilege rests not solely with me but with the entire government.

**Mr. Randall Garrison:** Thank you very much. I still believe we would benefit from having that information before us.

I want to turn to Mr. Blaney, who said he would welcome the opportunity to clarify things today. I have two questions about the new powers given to CSIS in this bill. The minister has said many times in public and in the House that the new disruptive powers of CSIS would require a warrant from a judge. I would like him to clarify, because according to my reading of the bill, as well as that of many others, it does not say that. It says that disruptive activities may be conducted and will require a warrant only in certain circumstances. I'd like him to clarify that part.

The second thing he said was that very often this amounts to judicial oversight. Since the warrant being sought is for activities conducted in secret and not for those leading to a criminal charge, how will the judge ever see what happened with that warrant again? How would that warrant ever end up back before the courts so they could exercise oversight? I don't see any provision there, once the warrant is granted, that would allow a judge to examine what had happened with that warrant.

I have to say, just briefly, that when Mr. Blaney says that the NDP is attacking police and CSIS members, we're not. We're saying that occasionally agencies make errors and they end up before the courts. We have the Mosley case, which clearly said that CSIS had, in some cases, made errors that constituted a violation of the law.

My question is very specific. Does disruptive activity always require a warrant, and how will that warrant ever get back in front of a judge?

• (0935)

**Hon. Steven Blaney:** Thank you for your question. You certainly heard me again this morning clearly say that a warrant is required every time there is a legal consideration. I'll just refer to what I said earlier this morning.

[Translation]

My remarks were as follows: "With this new mandate, Bill C-51 sets rigorous limits and establishes a warrant mechanism...If the measures proposed might contravene a right guaranteed by the charter or another Canadian law, a Federal Court judge would have to authorize them in advance."

Simply put, a warrant is indeed required under Bill C-51 every time the Canadian Charter of Rights and Freedoms is concerned.

I hope I provided a clear answer to your first question.

[English]

**Mr. Randall Garrison:** No, you haven't clarified that because you just proved my point. You said it's required only if there's going to be breaking of the law of the charter. Other disruptive activities then are clearly authorized without a warrant.

[Translation]

**Hon. Steven Blaney:** Yes, dear colleague, some activities will not require a warrant. However, threat reduction activities must follow a rigorous process depending on their impact. As the Minister of Public Safety, I will be able to—just like my successors—authorize warrants at some point. To do so, I will rely on the opinion of the Department of Public Safety.

Let me give you an example of a case where a warrant would not be required. For instance, CSIS officers could engage in conversation with the parents of a child who is being radicalized. In that case, a warrant would not be required.

[English]

**The Chair:** Thank you very much. The time is up.

We will go to Mr. Norlock, please, sir.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Thank you very much, Mr. Chair, and through you, to the witnesses, thank you for appearing today.

My first question will be for Minister MacKay.

Could you explain the gap in the legislation you're trying to fill? I'm referring mainly to the promotion and takedown thresholds with regard to Internet sites. We've heard some folks say that this portion of the legislation is an attack on our freedom of speech. I don't believe it is. I do not believe that promoting the commission of terrorist acts is acceptable.

Could you explain the legislation and how it is different from the current hate speech laws that are focused on certain groups?

**Hon. Peter MacKay:** Thank you very much for the question, Mr. Norlock.

As you'll be aware, there are current sections of the Criminal Code, and you've alluded to them, where certain types of material, certain statements, and certain speech are deemed to run up against other charter rights. What we're attempting to do here, through the criminal law, is to balance out those freedom of speech and privacy provisions versus material, words, that can be in fact very harmful. The examples of hate propaganda advocating genocide and of course the area of child pornography, pornography, are well understood.

With respect to the advocating for or the promotion of terrorism, we believe that the current Criminal Code as drafted is insufficient in allowing us to protect the public from the very real and I would say corrosive effects of terrorism and the promotion of same. What we are doing through this legislation is enabling our criminal justice system to respond appropriately to ensure that that material, when deemed to fall into that category, is subject to removal. To meet that test, we know that there is a requirement to make application before a judge to weigh that material appropriately against other rights, and then make a determination. The wording is drafted in a way that any offences that would be laid, any charges that would be laid, take into consideration things such as recklessness, which is another legal standard to be applied, and the proposed offence is not focused, as I said in my remarks, on what has been somewhat controversial in other countries, and that is the subject of glorification.

The standard to be applied here is the promotion or the advocacy, the encouraging, the efforts to actually draw a person into committing acts of terrorism. These terms of “advocate” or “promote”, some have said are quite vague. There was case law in this area already. There was existing jurisprudence that is instructive in that regard. There are a number of Canadian cases that I could cite for you. Keegstra in 1990 is a well-known Supreme Court case that goes into the area of promotion and speaks of active support or instigation. A 2001 Supreme Court case of the Queen and Sharpe, involving possession of child pornography talks about advocating. This bill, Bill C-51, reflects the Supreme Court's definition that already exists when it comes to terms such as “advocacy” and “promotion” for offences. It's the idea of counselling or inciting and that material then to be viewed leads to that type of encouraging or incitement of terrorism.

● (0940)

**Mr. Rick Norlock:** Thank you very much.

My next question will be for Minister Blaney.

**The Chair:** Mr. Blaney wished to comment on that, I believe.

**Hon. Steven Blaney:** Mr. Norlock, I want to salute the measures that Minister MacKay just explained, because as you know, our government has tabled a counterterrorism strategy that has four pillars: prevent, detect, deny, and respond.

The fact is that as a government, as a society, we will be able to shut down those websites that are promoting hatred and violence. It's a tool helping us with the first pillar dealing with the prevention of radicalization, because as we know, and we've heard it, the Holocaust did not begin in the gas chamber; it began with words, so we have to be careful. That's why I feel this measure is so important.

I am also committed as the Minister of Public Safety to work with my partners such as Minister Bernard Cazeneuve of France, and our European and American partners, so that websites that could be hosted in another country could also be shut down if they are promoting hatred, extremist ideology, and violence.

I believe this measure in Bill C-51 is helping the four pillars of our counterterrorism strategy.

**Mr. Rick Norlock:** For my next question, Commissioner Paulson can comment. On Friday we heard Commissioner Paulson, who came before the committee, and we viewed the tape, of course, of the murderer of Corporal Nathan Cirillo. During the question and answer period, he indicated that he was able to receive passport information and that in this particular case the information sharing was sufficient.

Could you tell us through which mechanism that would have occurred and some of the gaps that this legislation closes with regard to information sharing?

**Commr Bob Paulson (Commissioner, Royal Canadian Mounted Police):** Mr. Chair, going back to Friday, I would want to claim the discussion on that was around Mr. Garrison's suggestion that the collection of evidence that would have led to this imaginary charge that I put forward in my comments around had Mr. Zehaf-Bibeau not been killed, we would have charged him, was in the post-event collection of information and not in the real exchange of

information. Once the act took place, of course, everybody was happy to share information and the information was flowing rather well. I think that, hopefully, clarifies.

**The Chair:** Mr. Easter.

**Hon. Wayne Easter:** Thank you, Mr. Chair, and thank you, Ministers and officials, for coming.

Minister Blaney, before I get to the more substantive issue, I have a minor but important issue. You mentioned the appeals process for the no-fly list. Most of us as members of Parliament have had some experience with trying to get people off the no-fly list. You talked about the appeals.

In the legislation, it says, “If the Minister does not make a decision in respect of the application within 90 days”—then there's a little wording—“the Minister is deemed to have decided not to remove the applicant's name from the list.”

That's really not much of an appeals process, Minister. You do not even have to respond. I think you need to consider an amendment in that regard and go the other way, that the minister must respond within 90 days.

To the more substantive issue, you said in your remarks that you're dramatically increasing judicial oversight and review. In response to Mr. Garrison's remarks, you said a warrant is required every time there's legal authorization. I submit that a judicial submission to carry out a certain act is not, in any sense of the word, oversight. It's authorization before the action happens.

Maybe you could explain that process. Where's the oversight after the warrant is granted?

● (0945)

**Hon. Steven Blaney:** I thank you for your question. Once again, I think it's another opportunity to clarify oversight versus review.

We would be, in terms of threat diminishment, the only country that is involving this warrant issued by a judge when conducting activities that could have an impact on the rights of Canadians or their privacy. The fact that the judge is involved.... In the warrant, the activity that would be conducted will be described. The judge could even ask for a third party to bring some different views. We are actually the only country.... All the others are strictly keeping only—what could I say?—administrative oversight. So this is oversight.

Then, as you know, we have a review mechanism, but once again, we have a warrant. There's a judge who has to be consulted and who has to authorize. The judge can also modify the mandate if he has any concerns. He can refuse or modify. He can ask a third party. He can also ask for third party reviews.

**Hon. Wayne Easter:** Minister, that is not oversight, and your colleague, Minister MacKay, knows that's not oversight.

He and I sat on a committee together. We did a lot of travelling together. I will admit, Minister MacKay, that at the time you were probably one of the most enthusiastic people for parliamentary oversight similar to our Five Eyes partners.

Minister Blaney, you can say that no other country provides the judicial warrants, but your explanation confirms what I claim, that it's only authorization to do *a*, *b*, *c*, or *d*. You also know that Judge Mosley's decision indicated that CSIS was not quite as upfront with Judge Mosley as they had indicated, and he corrected them on that. He came out quite angrily about their having gone further than they were authorized to do. These things happen. It makes the point that judicial authorization is not oversight. It's not adequate. Canadians want to see oversight.

I have to ask Minister MacKay, who sat on that committee with me in 2004, which ended up with Bill C-81.... We went to the U.K., Washington, etc. We called for that. Why were you so supportive then, Minister? Now you think with all these additional powers for CSIS, the RCMP, the Criminal Code, etc., that we don't need oversight in this country for all of our national security agencies. We need it. We need it more than we ever did before.

**Hon. Peter MacKay:** Let me begin by stating, Mr. Easter, I will recall being part of that committee as an opposition member. You, of course, were a member of the government and didn't take the opportunity to act on those recommendations.

**Hon. Wayne Easter:** Yes, we did. We introduced Bill C-81.

**Hon. Peter MacKay:** In fact, you were in government for, I believe, 14 years and as a government never enacted those oversight recommendations that you so enthusiastically embrace today.

**Hon. Wayne Easter:** In 2004....

**Hon. Peter MacKay:** However, in 2004 you were a member of the government, so you had a mandate to do something about it, and you didn't. You failed.

The truth of the matter is, looking at those examples around the world today, the real oversight comes.... I think you as a former solicitor general would be quick to agree that the real oversight comes from those with expertise in the area of security—I think you would agree with that—those who have had experience in the field, those who have had legal experience, training, or judicial experience.

I would suggest to you that when you examine some of those examples, including in the U.K.... I was recently in London, and you're seeing now their parliamentary oversight committee coming under a fair degree of criticism, because they've been subject to political interference, scandal in fact, that has undermined that parliamentary committee's objectivity, perhaps, and the ability to do the actual job that was asked of them.

I also note, on the area of expertise, that you, yourself, were quoted in the paper, in the context of this examination of the bill, as saying, "We're not the experts, we're there to listen and learn".

I think, on balance, if we want to have true oversight, we need not only to have a mandate but also to have people in those oversight positions, such as SIRC, that have the ability to ask the proper questions, to delve into the detail that's necessary, and are able to report—

●(0950)

**Hon. Wayne Easter:** Former politicians on SIRC, Minister? Come on; former politicians on SIRC?

**The Chair:** Mr. Easter, we're over time.

**Hon. Wayne Easter:** Yes, we need expertise. You have it—

**The Chair:** Thank you very much.

[*Translation*]

Ms. Doré Lefebvre, the floor is yours.

**Ms. Rosane Doré Lefebvre (Alfred-Pellan, NDP):** Thank you very much, Mr. Chair.

My thanks to the Minister of Public Safety and Emergency Preparedness, the Minister of Justice, as well as all the other witnesses for being here today to speak to Bill C-51. We greatly appreciate it.

As the saying goes, an ounce of prevention is worth a pound of cure. I went over Bill C-51 and, in my view, the key element that is missing is a national strategy to counter radicalization. The U.S. government is working hard with communities to set up an effective strategy to counter radicalization. The mayor of Montreal has started to work on a strategy against radicalization with stakeholders on the ground, including the police services and community leaders.

Mr. Blaney or Mr. MacKay, perhaps you can answer my question. My question is actually more for the Minister of Public Safety and Emergency Preparedness.

Could you tell me what you are actually doing to combat radicalization? You gave some examples, but could you give me an overview of what the government is doing in practical terms to combat radicalization? Are you working with community leaders and police services? What resources are assigned to that?

**Hon. Steven Blaney:** Thank you for your question, which is very relevant.

I am a little disappointed that we have not received the support of your political party. With all due respect, let me say that the New Democrats are behind with the news. Our strategy to combat terrorism has been in place for more than two years and we have not received your party's support. I find it surprising that a New Democrat is waking up two years later and asking us what we are doing in terms of prevention.

We must keep working on prevention. Minister MacKay and I are participating in cross-cultural round tables. It is important to work on prevention. That is the first pillar of our strategy. When I appeared before you last fall, before the Ottawa attack, I had the opportunity to describe our anti-terrorism strategy.

Commissioner Paulson is making remarkable efforts. I have a document here on our strategy to combat youth radicalization. You can download it from the Internet. The document is more than 20 pages long and was published a while ago. It describes the strategies we are implementing and the meetings we are holding across the country with communities and leaders in this area.

Clearly, training is provided to agents and officers. Our prevention approach has three pillars: commitment to communities, training, and a counter-narrative message.

I was in Washington a few weeks ago. We are also working with our British partners, who have taken some very interesting initiatives, as well as the municipal police forces. Last week, I met with Toronto police representatives. They have created emergency response teams to prevent radicalization. We are working on prevention at all levels of society.

The commissioner can provide you with information on that. I know that you don't have a lot of time, but the commissioner can outline what the RCMP is doing to prevent radicalization.

• (0955)

**Commr Bob Paulson:** Thank you, Mr. Minister.

As I said Friday, our prevention program is quite complex.

[English]

Our previous strategies, our terrorism prevention strategies, have been founded on legitimate community engagement. I spoke of the counterterrorism information officer program, years old now. We've trained over 1,800 CTIOs across the country. That's not just in the RCMP; that's in police forces, partner police agencies. The mandate of those officers is engagement, information sharing, and training officers in what to look for in radicalization. It's also community engagement.

In the last little while, working with partners at Public Safety and in other police forces, we've begun to bring our crime prevention strategy to terrorism prevention—in other words, hubbing the resources that exist at the local, provincial, and federal levels and working with those communities to try to understand and identify early who's at risk—and then bring to bear strategies other than the criminal justice response in the pre-criminal space. It's proving to be very effective. In fact, as the minister said about Toronto, we've piloted it with the Toronto police, and we're working with other police forces. We're doing it ourselves, and it is paying some dividends.

**The Chair:** Thank you very much, Commissioner and Minister.

Now we will go to Ms. Ablonczy, for five minutes, please.

**Hon. Diane Ablonczy:** A lot of Canadians will remember the debate a little over 30 years ago when the Liberal government under Prime Minister Trudeau brought in the act that created CSIS. Immediately there were voices of protest and fear raised when CSIS was created. There were allegations that the creation of this civilian security agency would be a step toward a police state. Thirty years ago the naysayers said that...the Canadian Civil Liberties Association said that no Canadian would be safe from being targeted. Thirty years ago the Ontario government said that CSIS would have unlimited and unchecked powers, carte blanche, to break every law

in Canada. We know today that there are many activities that threaten Canadian security that do not fall under the Criminal Code or under the mandate of the RCMP. We value CSIS and the work it does.

One example is criticism of the expansion of the passenger protect program, Minister. The NDP say it is already illegal to travel abroad to join in terrorist activity. I wonder if you would speak to that and why you believe the mandate of the passenger protect program needs to be expanded.

**Hon. Steven Blaney:** Thank you, Ms. Ablonczy, for your question. It seems that we are seeing history repeat itself in some way where some people are bringing a fallacious narrative. That's why I'm proud to be here to talk about the bill for what it is and not for what people may think or would like it to be.

It is a very important exercise for this committee to undertake a review over the course of the next month. As Canadians we expect to base our conversation on facts and on reality. I am confident that Canadians understand the goal of the bill, which is to protect the rights and freedoms of Canadians and their privacy. It provides tools to those who are there to protect us, as well as provides tools to those who are watching those who are there to protect us. That is what Bill C-51 is all about.

There are robust oversight and review mechanisms. I give the example that we are one of the few countries that will need judicial oversight for threat diminishment. Once all of these activities have been conducted there will be a strong review.

Let me tell you what our Security Intelligence Review Committee said about their work and how they see their work in terms of reviewing the work that has been accomplished. What they like to have is distance, so they can have a critical eye on the operation of the intelligence community. They said that our model of ongoing and methodological review also has the distinct advantage of allowing for a full and impartial assessment of our Canadian security intelligence agency's performance, arguably better positioning it to detect potential problems earlier.

We have 30 years of independent expertise and knowledge without political interference and without government interference, because they are fully independent. They are lawyers and researchers who bring continuity. Some of them have worked in the intelligence community. You may have heard the director himself yesterday saying he was fully staffed to do the important work he has to accomplish.

To get back to your passenger protect question, it's fairly clear—

• (1000)

**The Chair:** Very briefly, Minister.

**Hon. Steven Blaney:** Okay. This act was passed when there was the attack on the World Trade Center by those who wanted to attack our safety using the airplane. We need to be able to arrest those people even though we cannot lay charges. If we have reason to believe they will conduct a terrorist attack, then we need to be able to prevent them from travelling. That's why we need to add the high-risk traveller to our no-fly list.

**The Chair:** Thank you very much, Minister.

Mr. Garrison for five minutes.

[*Translation*]

You have the floor.

[*English*]

**Mr. Randall Garrison:** Thank you very much, Mr. Chair.

I have expressed my concerns before about overinflated rhetoric when it comes to this bill. I heard the minister earlier make a reference to the Holocaust. I would assert that there is no equivalence for anything we're talking about here today to the Holocaust. At best, the reference seems to trivialize the Holocaust. I'd like to offer the minister an opportunity to withdraw that comment.

[*Translation*]

**Hon. Steven Blaney:** I will answer in French.

Violence begins with words. Hatred begins with words. I can mention the Rwandan genocide, which started on the radio. It was a horrible genocide. One of our former senators has paid the price, and his mental health has been greatly affected by it. Yes, it is important to call it what it is. A spade is a spade. Extremist speeches, the language that undermines Canadian values, basically hate propaganda has no place in Canada.

It is time for the government to assume its responsibilities and not tolerate disrespectful, violent and hateful language. That is what the legislation basically allow us to do. I therefore stand by what I said and I repeat that the Holocaust did not begin in the gas chambers. It began with words. That is why it is clearly important to respect the rights and freedoms of Canadians, but we must not tolerate incitement to violence.

[*English*]

**Mr. Randall Garrison:** Then, Mr. Minister, why did this government take away the power of the Canadian Human Rights Commission to remove hate crime material from the Internet? Your government sponsored and passed a bill through this House and through the Senate that took away the power of the Human Rights Commission to order the withdrawal of hate crimes material from the Internet. Why did you do that then and why are you advocating the opposite now?

[*Translation*]

**Hon. Steven Blaney:** Mr. Garrison, what I am saying this morning is that the bill will enable us to take down websites that promote hate propaganda or propaganda related to any form of terrorism, regardless of its source. There is no place for incitement to violence in Canada. It's as simple as that. That is what the legislation says.

I'm not sure whether you agree with me this morning, but if a website hosted in Canada promotes jihadism and tells us to kill all the infidels wherever they are in the world, I think that flies in the face of Canadian values. That is why I think we, as politicians, must continue to adopt measures to combat terrorism and prevent radicalization. That is exactly why I urge you to support Bill C-51. That is the right thing to do if we want to protect the rights and freedoms of Canadians and to protect them from the terrorist threat.

● (1005)

[*English*]

**Mr. Randall Garrison:** Mr. Minister, I'm still having trouble understanding what the difference is between the powers you took away from the Human Rights Commission and the powers you're suggesting today.

**Hon. Peter MacKay:** Let me just clarify that.

Mr. Garrison, as you know full well, hate promotion, propaganda, genocide are covered in the Criminal Code of Canada and anyone engaged in that type of activity is subject to prosecution in Canada. Let's not leave any impression—I know that's not what you're trying to do—that somebody is going to be free to carry out that type of heinous activity in Canada and not be subject to charge and prosecution. It's in the Criminal Code.

**Mr. Randall Garrison:** I want to go back to the question of oversight. Again, when I was asking the minister, he said the warrant authorizes this disruptive activity if it involves illegal or unconstitutional activity, but he didn't get a chance to respond to my question, which is how does that ever get oversight from a judge? Once that warrant is issued, how does that ever get back before the courts?

You talk about judicial oversight. I don't see any way... In contrast, when the RCMP uses disruptive tactics as part of a criminal investigation, that ends up back in front of the courts and the courts do get to see that, but in this case, they are secret activities not aimed at criminal prosecutions and so they will not appear before the courts.

**Hon. Steven Blaney:** As you know, we now have had the Canadian Security Intelligence Service for more than 30 years. In my capacity as Minister for Public Safety, and as Mr. Easter also had the opportunity to do in the past, we already have judicial oversight that relates to collecting information. This goes through a robust oversight mechanism first.

When CSIS is willing to carry out collection activity that would require a warrant, it has to submit its proposal to the Department of Public Safety. There are more than 1,000 people working at Public Safety with experts who have the experience to validate that, and those people give me a recommendation on whether or not I should accept the warrant to collect information. Those activities—

**Mr. Randall Garrison:** Minister, the question is about afterwards; how does this get back before the courts after the warrant?

**Hon. Steven Blaney:** Well, what I want to tell you is that we're conducting those activities. We've already been conducting those activities for 30 years. Afterwards, what happens, where we have oversight, we have a review body. We have the Security Intelligence Review Committee, and I just quoted how the role of SIRC is important, but let me give you another quote this morning.

**The Chair:** Thank you very much.

We will now go to Mr. Payne.

**Mr. LaVar Payne (Medicine Hat, CPC):** I'd like to thank Minister MacKay and Minister Blaney and their officials for coming. Certainly this is a very important piece of legislation and Canadians expect their government to protect our citizens as well as make sure that Canada is safe and secure.

Minister Blaney, if you would like to go ahead and make that quote, I'd be more than happy to hear it.

**Hon. Steven Blaney:** The chair is tough on me this morning, I must say.

What I want to say is really important. Our system is based on trust. As politicians we get elected because people trust in us, actually. It is important to maintain that bond of trust, the trust of Canadians towards their institutions. Are they perfect? No, they are not. Are politicians perfect? They aren't either. Well, that's why we have mechanisms to review and see if there have been mistakes. Have there been mistakes in the past? Yes. Will there be mistakes in the future? There could be, but we must ensure we do everything to avoid them.

The quote I want to give you, and I'll give it to you right away, is about the Security Intelligence Review Committee. They are this Canadian model designed 30 years ago that is keeping an eye on our intelligence community. They are experts. They have independence. They don't have political interference. They have the knowledge and the expertise to conduct their activities. They have a deep understanding and knowledge of CSIS. You only have to read the report to know how deep they can go. Actually, this is the mandate we the parliamentarians have given them. They are actually an extension of Parliament. SIRC is an extension of Parliament. They are acting on our behalf and they are reporting to this very Parliament. That's what our Security Intelligence Review Committee is.

Well, this security intelligence review process is an example of the Canadian legal system striking a better balance between the protection of sensitive information and the procedural rights of individuals. Who said that? The Supreme Court of Canada.

• (1010)

**Mr. LaVar Payne:** That's a pretty good quote. Thank you.

My next question is for Minister MacKay.

Minister, in your opening remarks, you talked about lowering the thresholds for recognizance with conditions. I'm wondering if you could tell us why you believe that's important. Do you have any examples where law enforcement could have used this to benefit them in the past?

**Hon. Peter MacKay:** The reality is that the peace bonds and recognizance are a tool, to borrow a phrase from Mr. Blaney, that the

police are able to use in a pre-emptive manner. The classic case where you see an example of an individual exhibiting behaviour that would be consistent with someone who's been radicalized, somebody who may pose a threat, someone who may be, for example, subject to this type of activity in the future, the police are able, based on evidence, to go before a judge and seek a recognizance, or a peace bond, depending on that evidentiary burden, depending on the behaviour, and put in place through the judge certain conditions that the individual has to comply with. Those could include such things as forfeiture of passport, conditions of reporting, staying within a certain geographic area, not associating with certain individuals, not possessing weapons or explosives.

You can see that these are two mechanisms, through the law, through a judicial exercise, that allow us to put controls in place prior to the commission of an offence. By lowering the thresholds, we gain greater access to those conditions and controls.

It has been said in the past, and the argument I believe has been successfully made, that in cases of terrorism where the potential for harm, grave personal harm, is so real and perhaps imminent, lowering the thresholds to gain greater access to these tools is what we hope to achieve. That is what is encompassed in these sections of the bill.

Along a continuum, lowering the thresholds to have recognizance and peace bonds in place we believe will empower the police to make the right decisions, with judicial authorization, to put in place conditions that we hope will absolutely prevent and deter terrorist acts in Canada.

**The Chair:** Thank you very much.

[*Translation*]

Ms. Doré Lefebvre, you have five minutes.

**Ms. Rosane Doré Lefebvre:** Thank you, Mr. Chair.

If I may, I would like to continue to talk about the civilian oversight of CSIS, because a number of questions have been left unanswered.

Right now, the civilian oversight body of CSIS provides a report after the fact. Bill C-51 gives new powers to CSIS, but this is what I am wondering. Who will provide the oversight in real time? Who will ensure that CSIS complies with the warrants?

Bill C-51 is providing several new powers to CSIS. Right now, the civilian oversight body provides a report once a year after the fact. Will we find out what happened after the fact as is the case right now, or will we know in real time what is happening exactly?

**Hon. Steven Blaney:** The answer is very simple. The Canadian Security Intelligence Service is subject to all Canadian laws, including the Canadian Charter of Rights and Freedoms and privacy laws.

It is important to specify it this morning. The threat reduction activities set out in the legislation cannot undermine the physical integrity or health of an individual in any way whatsoever.

•(1015)

**Ms. Rosane Doré Lefebvre:** Mr. Minister, I would still like to know where we are at on that. It is an extremely important aspect and several experts have pointed it out over the last few weeks. What is the situation with the civilian oversight? Will it stay the same, meaning it will take place after the fact, or will there be an oversight mechanism? Do you think it would be a good idea to have a mechanism providing oversight in real time so that we know exactly what is happening?

**Hon. Steven Blaney:** That is what I am telling you. We have both: the belt and the suspenders. We have an oversight mechanism at all times. Let me remind you that the Canadian Security Intelligence Service must respect the law; its inherent responsibility is to respect the law.

I also mentioned other mechanisms, such as the authorizations granted through ministerial directives or through a judge, in some cases.

Over the past 30 years, the roadmap of the Canadian Security Intelligence Service has been listed in the annual reports of the review committee that has the power to intervene in various sectors.

This morning, you are giving me the opportunity to remind you that Bill C-51 gives more powers to the review committee, specifically enabling it to review the threat reduction activities.

**Ms. Rosane Doré Lefebvre:** Yes, but that takes place after the fact. Do the provisions in Bill C-51 make it possible to provide more powers to the Security Intelligence Review Committee?

**Hon. Steven Blaney:** Yes, there are the legal warrants for threat reduction cases. As we have seen, that does not affect the Security Intelligence Review Committee. It has to do more with preventive arrests related to warrants. There are additional tools for both cases. In addition, let me remind you that, to my knowledge, we are the only country that does not have those tools. We checked what tools many of our allied countries have. We must realize that we are lagging behind. Right now, all the intelligence services of our allies can reduce the threat. They are able to take action.

Remember that your first question was about whether we had anti-radicalization prevention measures. Right now, the intelligence services that are in the line of fire, where radicalization takes place, are not able to intervene to reduce the threat. To be consistent in taking a stand to reduce radicalization, we must be in favour of threat reduction measures. Let me say this again: we are the only country to include judicial oversight and a warrant issued by a judge.

As part of this warrant, the service must describe all the activities to the judge. The judge can deny or issue the warrant or bring in a third party to obtain a critical opinion. That is the system in place and we are strengthening it through Bill C-51.

**Ms. Rosane Doré Lefebvre:** Right now, there are positions available on the Security Intelligence Review Committee. Will you be appointing people quickly to fill those positions?

**Hon. Steven Blaney:** There are already 15 to 20 full-time employees. There are four commissioners and a fifth position needs to be filled. Clearly, we must have experts. For instance, the last person to be appointed is Mr. Holloway, the dean of a law faculty.

As Minister MacKay said, it is important to entrust this mandate to people who have the necessary skills. That is what the staff of the Security Intelligence Review Committee does.

**The Chair:** Thank you very much, Mr. Blaney.

[English]

Mr. Falk, you have five minutes.

**Mr. Ted Falk (Provencher, CPC):** I want to thank the ministers and their officials for attending this meeting this morning and for their input.

Back in the 1920s my grandparents were experiencing terrorism in what was then known as the Soviet Union. They were refugees in Canada during that time. We've been thankful ever since that the government allowed my grandparents to immigrate here under the refugee program.

One of the things that is of interest to me is with regard to the changes being made to the Immigration and Refugee Protection Act.

In terms of some of the amendments that this bill proposes, can you clarify why they are needed and why those changes are being made?

•(1020)

**Hon. Steven Blaney:** Canada is a welcoming country. Canada is welcoming immigrants from around the world every year. There are more than 200,000 immigrants, new Canadians, coming to Canada. They come and they like, if I can put it this way, our Canadian way of living. My ancestors emigrated from Ireland. That's probably why I'm so skinny; there was not much to eat at that time.

To get back to your question regarding the Immigration and Refugee Protection Act, this is in response to the Supreme Court. In the case of some individuals who could come here and potentially represent a threat to our security, we want to make sure that we clarify the rules under which we are able to protect Canadians while ensuring that we respect their rights.

That's why we've defined the way in which the information can be processed and also how we can protect national security in that regard. There is also a clearly defined appeal process for any individual. Once again, this is to clarify the procedures under which Canada, when an individual could represent a threat, is dealing with that issue.

We've actually considered a former decision of the Supreme Court that indicated that we needed to clarify the law. That is why this section is in the bill.

**Hon. Peter MacKay:** I would only add, Mr. Falk, that this ties in with what Mr. Blaney outlined earlier in terms of the importance of the information sharing that goes on between government departments. I think it would actually shock some Canadians to know that this isn't already happening to the extent that's necessary in this very fluid and evolving threat assessment. The information sharing is extremely important particularly with a department such as immigration. To your very real experience in terms of your family lineage, so many people do come to this country to get out from under the yoke of terrorism, to leave that behind and to come to Canada and avail themselves of the protections that we enjoy in this country, our charter, our Constitution. Our way of life is something that they're quick to embrace.

In talking about this bill, I think it's new Canadians perhaps who have the greatest perspective on what makes this country great and why they're here and why they're so quick to embrace and participate in the freedoms that we're so fortunate to enjoy. This bill is about enhancing and protecting those freedoms and all Canadians.

**Mr. Ted Falk:** Thank you, Minister, and that's the way I see it as well, that this bill is a step forward in protecting our rights and freedoms.

Can you explain briefly what the process is in respect to appealing a decision by a judge during the course of proceedings?

**Hon. Peter MacKay:** With respect to immigration?

**Mr. Ted Falk:** Yes, with a security certificate regime.

**Hon. Steven Blaney:** I would suggest that you refer to clause 52 of the bill, which clearly defines the technical way in which an appeal can be targeted. The bill describes how it works. Basically, we base our appeal process on other appeal processes so that it would meet constitutional rights. That's how it is filled. I would say it is a model of appeal that compares to others in similar situations.

**The Chair:** Thank you, Minister.

Now we'll go to—

**A voice:** Mr. Chair...

**The Chair:** Yes.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** Mr. Chair, I'd like the discretion of the committee to be allowed to ask a question. As you know, a number of us as members of Parliament requested to have—

**The Chair:** No.

**Ms. Elizabeth May:** Mr. Chair, we never—

**The Chair:** No, you don't have the floor. You don't have the floor, I'm sorry. What I will do is the chair will put your request and if I have a majority decision here to allow that to happen, that could take place.

Do I have unanimous support?

**An hon. member:** No.

**The Chair:** No we don't.

Mr. Norlock, please.

**Mr. Rick Norlock:** Mr. Chair, I have several areas I'd like to hit upon, so through you I would ask the witnesses that I'm about to ask questions if they could be succinct unless they feel it necessary to expand on their answers.

My first question will be for Mr. Coulombe, the head of CSIS.

Mr. Coulombe, in the 30-year history of CSIS, how many times has SIRC chastised or found you and your organization to be in breach of the rules under which you operate?

• (1025)

**Mr. Michel Coulombe (Director, Canadian Security Intelligence Service):** From memory, I wouldn't do it justice. Prior to that, the certification of the director's annual report to the minister was done by the inspector general for two or three years. Now it's done by SIRC. Again, from memory, in all of those annual reports, the certification was always that our activities were done in conformity with the CSIS Act ministerial direction and it was never an abusive or excessive use of our powers.

**Mr. Rick Norlock:** May I take it from that, that's zero?

**Mr. Michel Coulombe:** There has been criticism and recommendation on ways to improve the way we do things but not in terms of breaking the laws.

**Mr. Rick Norlock:** Thank you very much.

Also, we heard mention in some of the questioning that Judge Mosley had some concerns with regard to the activities of CSIS. What have you done, sir, to address those concerns?

**Mr. Michel Coulombe:** Back in the fall of 2013 when the decision came down, the first thing we did was we stopped doing the activities that were caught in that process. It is very difficult for me to talk about some of the issues because there are still questions that are now in front of the Supreme Court and it would be improper for me to comment on this.

**Mr. Rick Norlock:** Thank you very much.

**Hon. Steven Blaney:** If I may, Mr. Norlock, as you know, I came in front of this committee to respond to the invitation of the Supreme Court which is to define clearly that CSIS has the mandate to operate here and abroad, to exchange information, to include a witness protection program, and also to protect the confidentiality of a member of CSIS operating. This bill is now in front of the Senate; the Senate is moving forward on it, and I am confident that this bill, which is simply maintaining the existing capability of CSIS, will be approved.

**Mr. Rick Norlock:** Thank you very much.

We heard some of the questions from the opposition, a lot on process, etc., etc., but there were no real questions concerning the law.

My next question would be concerning real-time oversight. As far as I'm concerned, being in the law enforcement community, real-time oversight means somebody standing over you watching what you're doing.

Commissioner Paulson, do you have real-time oversight over you, somebody following you around, making sure that every move your members make is being verified by some other agency?

**Commr Bob Paulson:** It seems like it sometimes.

**Voices:** Oh, oh!

**Mr. Rick Norlock:** Yes.

I'm asking you, are you aware of any police force in Canada that has real-time oversight?

**Commr Bob Paulson:** No, other than the internal processes that we have for supervision and leadership.

**Mr. Rick Norlock:** Right, it's internal.

Thank you very much.

I would like to go back to my friends in CSIS.

You were very clear about serious breaches in the 30-year history where you were criticized. Madam Ablonczy mentioned some of the criticisms by some of the very people who are criticizing this legislation, saying that we're in a police state.

Going back to the activities of members of CSIS, do you feel your members have the oversight that is appropriate to their duties?

**Mr. Michel Coulombe:** I've testified a number of times that in my opinion SIRC is a robust review mechanism that has proven over 30 years its value, its impartiality. I've said publicly again a number of times that our organization is a better organization because of the work of SIRC.

**Mr. Rick Norlock:** Thank you very much.

When your members are being trained and being told what their duties are, they are specifically guided by the Charter of Rights and Freedoms, how far they can go with regard to the authority given to them. Would I be correct in saying that this is part and parcel of their training, and a major part of it?

**Mr. Michel Coulombe:** It is part of the training.

It goes from the charter, flows into the CSIS Act, ministerial directive, and then operational internal policy. They're all linked.

● (1030)

**The Chair:** Thank you very much, Mr. Norlock and Mr. Coulombe.

Now Mr. Garrison, please.

**Mr. Randall Garrison:** Mr. Norlock opened up an interesting line of questioning, which I'd like to continue with, when he talked about the RCMP and its internal monitoring of activities. We used to have an inspector general of CSIS who did internal monitoring of observance of the law and CSIS activities, and that was eliminated by this government in 2012.

I'd like to ask the minister, given the broad expansion of powers and activities contemplated for CSIS in this, why not bring back the inspector general's position? The former inspector general said quite clearly, and she actually used the word "ridiculous", that it was ridiculous to think the review committee known as SIRC could do the same job of probing the Canadian Security Intelligence Service. She said:

They don't do the same kind of work at all.... They don't go into the same depth, the same detail. And they're basically part-time people.

Instead of passing these powers to SIRC, which has basically had the same flat budget for the last 10 years, why not bring back the inspector general to help provide that internal oversight?

**Hon. Steven Blaney:** I thank you for your question.

You are right in saying that there were some concerns when the office of the inspector general was closed, that it could have an impact. Well, it's the opposite that took place. For this I would refer you to the last annual report from SIRC, which clearly says:

As required under the CSIS act, SIRC's interaction with the Minister have become more frequent. Far from compromising its independence...this relationship has substantially added to [the security and intelligence review committee's] role in the system of accountability and has, if anything, deepened SIRC's ability to reassure Parliament and Canadians regarding the activities of the Service.

This action was taken two years ago, and we can now say who has benefited: the whole Canadian society and the protection of their rights and their freedoms.

Let me just add that it's not only SIRC that can review all CSIS activities, but it is also possible by the Auditor General and the Privacy Commissioner.

**Mr. Randall Garrison:** You raised two interesting points there. One, the last annual report of SIRC said very clearly that it had problems in receiving complete information in a timely manner from CSIS. They themselves have said that they've had problems doing the oversight because of a failure of cooperation in a complete and timely manner. How does that square with your argument that this is an improvement in robust oversight?

**Hon. Steven Blaney:** I'm glad to see you are supporting our great Security Intelligence Review Committee. Let me just say that Canada is one of the first democratic governments anywhere in the world to establish a statutory framework for its security service. We are pioneers in a totally independent institution. Is it critical sometimes of the work of CSIS? Absolutely. Actually, you just have to review their report. Indeed, they've done many reviews on counter-intelligence investigation, sensitive CSIS activities, namely the carrying of firearms—it's in the report—use of an emergency area, and they also have, as you know, a complaint process. We really have a robust system.

What is also important is every year they are delivering a certificate to me.

The question is, has CSIS operated under Canadian law? In most of its reviews, SIRC was satisfied this year with the manner in which CSIS carried out its mandate to investigate threats to the security of Canada and they gave this certificate of approval. Do they have good recommendations? Yes. Are they making CSIS a better security intelligence agency? Yes, they are.

In Bill C-51, for which I'm seeking the support of this committee, there are provisions that will mandate SIRC to review the threat diminishment activities that are in the provisions. We are increasing the mandate of SIRC the same way.

● (1035)

**Mr. Randall Garrison:** Thank you very much, Minister.

Very briefly, at the end you mentioned the Privacy Commissioner, who unfortunately is not going to appear before this committee. Did you have a review of this legislation from the Privacy Commissioner before you introduced this legislation? What do you make of his concerns that this bill involves a significant loss of privacy rights?

**The Chair:** Very briefly.

**Hon. Steven Blaney:** Okay.

Yes, we consulted with the Privacy Commissioner, and I intend to meet with the Privacy Commissioner. As you know, this bill is about the protection of the rights and freedoms of Canadians and their privacy. There are embedded mechanisms in Bill C-51 and already within government, such as the privacy impact assessment, that will apply to the measures planned in this bill.

**The Chair:** Thank you, Minister.

Now, Mrs. James for five minutes.

**Ms. Roxanne James:** I find it interesting that we keep talking about the Privacy Commissioner not being invited to committee. In fact, the NDP did not even put him on their witness list. I just wanted to—

**Mr. Randall Garrison:** He's not a witness; he's an officer of Parliament.

**Ms. Roxanne James:** Well, we all put forward witnesses, Mr. Chair, and he was not one of them put forward by the opposition.

Anyway, I'll get back to questioning.

Minister Blaney, I want to go back to the information sharing portion of this bill, which is part 1. There's been some misconceptions with regard to the information sharing, which is actually part 1 of this bill, and conflating it with the amendments to the CSIS Act under this bill with regard to information sharing. The information sharing section does not equate to arrest or prosecution under any sort of terrorism charges. I just wanted to make that very clear for the committee members here today. Also, with respect to the ability to share information, it has to fall under the umbrella of undermining "the sovereignty, security or territorial integrity of Canada or the lives or the security of the people of Canada".

Taking this into consideration, there has been a whole lot of concern about how protesters out there, in demonstrations, somehow will be now falling under the umbrella of the information sharing aspects of this bill, which is not the case.

I just want to ask you a couple of questions, and if you could just indicate yes or no whether they would fall under the guise of information sharing, as outlined in this bill.

Would a peaceful sit-in for any reasons have any protesters subject to the information sharing portions of this bill?

**Hon. Steven Blaney:** Well, lawful protest is not included in that bill. We've seen that although it could be illegal, if it doesn't undermine the security of Canadians, it wouldn't be taken into the information sharing act, so no.

**Ms. Roxanne James:** For protestors who might be blocking a road or a railway, or even blocking a pipeline from being built, as long as it does not undermine the security and all the other parts that are in this bill, they're not going to be subject to information sharing.

**Hon. Steven Blaney:** That's it. That's it, and again, it's only existing information that is transferred within the government so the left hand and the right hand know.

**Ms. Roxanne James:** If there were reason to believe that someone was going to bring in a pipe bomb or blow up critical infrastructure, that would then fall under the outline of information sharing because it would be a threat to national security. Is that correct?

**Hon. Peter MacKay:** That is correct.

In fact, I would point to some of the language here, where, while serious interference with or disruption of an essential service or a system is part of the definition of terrorist activity, it does not include, to go to your point about a peaceful sit-in, lawful or unlawful protest, dissent, or stoppage of work unless there is intention to cause death or serious bodily harm, endanger someone's life, or cause risk to the safety of the public. In other words, your description certainly doesn't meet that standard. Non-violent unlawful protest is not included in this broader definition of terrorist activity.

**Ms. Roxanne James:** Thank you very much.

I'll direct a question to Commissioner Paulson.

We talked about this legislation in response to some of the gaps that were identified by our national security agencies. With respect to information sharing, could you elaborate on how this would help the RCMP? For example, I think that in general terms there are individuals who you may be tracking or monitoring, or who may be on that list of 90-odd individuals that you've mentioned before, but then there are other individuals who you may have no knowledge of and who may also pose a threat.

First of all, does this legislation, in whole or in part, fill some of the gaps identified by the RCMP? Also, with respect to information sharing, how will that be extremely helpful to you?

**Commr Bob Paulson:** Yes, it does fill those gaps, and I think Minister Blaney actually used a couple of examples that are real examples of what happened to us recently in Turkey in terms of an exchange of information from people who were coming out of Syria and who had been wounded. There were questions about privacy implications from one part of the government exchanging information with another part of the government. It would be very helpful for those kinds of situations.

It would also be very helpful in respect of those people who we don't know about. What we're, I think, proposing is that we begin to shift the culture of an information management culture within the Government of Canada that recognizes those instances where information is plainly relevant and necessary, and relevant to the protection of the security of the country, and that it be proactively shared in instances where people recognize that it represents a threat. It would be very helpful.

I should also say that it's also helpful in some of the measures that Minister MacKay was speaking of in respect of the peace bonds and the preventive arrests. Those are things that we identified as important considerations in this sort of graded application of police powers, because not only does it bring us closer to successful criminal justice interventions, but with respect to the peace bonds, it allows us to intervene in those counter-radicalization initiatives. By having people on conditions, we're able to sort of intervene and work with them to try to get them out of that path.

• (1040)

**The Chair:** Thank you very much.

Now we'll go for a round of three minutes, with Mr. Easter.

**Hon. Wayne Easter:** First, with regard to Mr. Norlock's question on Justice Mosley, I have the court decision here. Just to be clear, Justice Mosley found that CSIS breached its duty of candour to the court by not disclosing information that was relevant to the exercise of the jurisdiction of the court.

I do expect that CSIS is trying its best to ensure that it follows the rules of the court, and I'll grant it that, but that decision does make the point that when the minister claims that a judicial warrant is oversight, it is not. Let me turn to oversight for a minute. The minister talks about SIRC. We're not talking about oversight of just CSIS and by just SIRC. Canadians want oversight of all our national security agencies. This bill involves 10 other departments or agencies in terms of the flow of information. Canadians are basically demanding—and of course, the government, as usual, is not listening—to have oversight of all of these agencies.

I might say, too, Mr. Chair, that Minister MacKay tried to put words in my mouth. I do not agree with what he said. I'll turn to the June 2009 report of this committee, of which Mr. Norlock was a member, and which was chaired by a Conservative chair. In 2009 the committee recommended creating a parliamentary committee to review the activities of national security agencies.

It admits in there, Mr. MacKay, for your information, that a bill to establish a committee of parliamentarians, Bill C-81, was introduced on November 24, 2005. Who was the government then? It was indeed the Liberals, but that's partisan and that's beside the point. The fact of the matter is that Canadians believe, and Canadians need—and we support them—national oversight by parliamentarians of all of our national security agencies. Will the government consider that and stop playing this game by saying either judicial or SIRC or somebody else is doing the job? They aren't. Will the government consider that?

**Hon. Peter MacKay:** Mr. Chair, it's very enlightening to hear this conversion on the road to Damascus from a former solicitor general who is advocating for something he so roundly rejected when he held the position that Mr. Blaney now occupies, but I'll take him up on his offer to avoid partisanship.

The reality is that with judicial oversight, with Attorney General consent with regard to recognizance and peace bonds, with the SIRC body that we've heard has very robust mechanisms and the ability to look into the actions and the activities of our security enforcement, there is oversight. There is also, of course, reporting to Parliament. This report is now clearly before Canadians through Parliament. The activities in some cases, for example recognizance, have come back for sunset review. These are elements in which parliamentarians are very involved and which they have the ability to examine.

The process we're taking part in today, as it did in the time of Mr. Easter, gives us the opportunity to question officials, to hear from experts, to put on the record the concerns that have been expressed and to have a very open, transparent discussion about what activities this new bill will grant. It allows us to examine, in context and in real time, practical examples and concerns expressed by the commissioner, by the head of CSIS. That is exactly what is required in this process so that Canadians can have confidence. This is something Mr. Blaney has underscored many times.

Canadians have to have confidence and trust that our security enforcement and security agencies are acting responsibly, acting within the Canadian law, and acting in their best interests. We know that terrorists do not play by any rules whatsoever. We, on the other hand, are responsible to Parliament, responsible to the courts, and responsible for responding in a way that is within the law of Canada.

• (1045)

**The Chair:** Thank you very much, Minister.

Before, we, collectively as a committee, thank our witnesses for being here today, we have in this study an extensive list of witnesses and the chair needs authority from the committee to pass a budget to support our witnesses coming here. The chair is making a budget request to the committee for \$39,000 for witness expenses.

**Some hon. members:** Agreed.

**The Chair:** It's unanimously agreed to. Thank you very much.

At this time, we would like to thank Minister Blaney, Minister MacKay, Commissioner Paulson, and all of our senior departmental officials. Thank you very kindly.

The meeting is adjourned.







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