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# Standing Committee on Public Safety and National Security

EVIDENCE

**NUMBER 114**

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Chair: Mr. Ron McKinnon





## Standing Committee on Public Safety and National Security

Monday, June 10, 2024

• (1550)

[*English*]

**The Chair (Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.)):** I call this meeting to order.

Good afternoon, everybody. Welcome to meeting number 114 of the House of Commons Standing Committee on Public Safety and National Security.

Before we begin, I would like to ask all members and other in-person participants to consult the cards on the table for guidelines to prevent audio feedback incidents. Please take note of the following preventative measures in place to protect the health and safety of all participants, particularly the interpreters.

Use only the approved black earpiece. The former grey earpieces must no longer be used. Keep your earpiece away from the microphone at all times. When you're not using your earpiece, place it face down on the sticker placed on the table for this purpose. Thank you all for your co-operation.

Today's meeting is taking place in a hybrid format. I would like to make a few comments for the benefit of members and witnesses.

Please wait until I recognize you by name before speaking. As a reminder, all comments should be addressed through the chair.

Pursuant to the order of reference referred to the committee on Wednesday, May 29, 2024, and the motion adopted by the committee on Monday, May 27, 2024, the committee resumes its study of Bill C-70, an act respecting countering foreign interference.

I would like to provide members of the committee with a few comments on how the committee will proceed with the clause-by-clause consideration of Bill C-70. This will take a couple of minutes, so grab a cup of coffee.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill. I will call each clause successively, and each clause is subject to debate and a vote. If there are amendments to the clause in question, I will recognize the member proposing it, who may then explain it.

I would like to remind committee members that pursuant to the order adopted by the House on Thursday, May 30, all amendments had to be submitted to the clerk of the committee by 4 p.m. on Friday, June 7. As a result, the chair will only allow amendments submitted before that deadline to be moved and debated. In other words, only amendments contained in the distributed package of amendments will be considered.

When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the package of amendments.

In addition to having to be properly drafted in a legal sense, amendments must also be procedurally admissible. The chair may be called upon to rule amendments inadmissible if they go against the principle of the bill or beyond the scope of the bill—both of which were adopted by the House when it agreed to the bill at second reading—or if they offend the financial prerogative of the Crown.

Amendments have been given a number in the top right corner to indicate which party submitted them. There is no need for a seconder to move an amendment. Once moved, you will need unanimous consent to withdraw it.

During debate on an amendment, members are permitted to move subamendments. Approval from the mover of the amendment is not required. Subamendments must be provided in writing. Only one subamendment may be considered at a time and that subamendment cannot be amended. When a subamendment to an amendment is moved, it is voted on first and then another subamendment may be moved or the committee may consider the main amendment and vote on it.

Pursuant to the order adopted by the House, if the committee has not completed the clause-by-clause consideration of the bill by 6:30 p.m., the chair shall allot each party no more than five minutes for each of the remaining amendments and clauses. The committee shall not adjourn the meeting until it has disposed of the bill.

Finally, if members have any questions regarding the procedural admissibility of amendments, the legislative clerks are here to assist the committee. However, they are not legal drafters and cannot respond to legal questions.

I thank the members for their attention and wish everyone a productive clause-by-clause consideration of Bill C-70, no matter how long it shall take.

I would like to now welcome the officials who are with us.

From the Canadian Security Intelligence Service, we have Sarah Estabrooks, director general, policy and foreign relations.

We also have Maria R., senior analyst, strategic policy.

From the Department of Justice, we have Jennifer Poirier, senior counsel; Mark Scrivens, senior counsel; Karine Bolduc, counsel, and Kieran Dyer, counsel.

From the Department of Public Safety and Emergency Preparedness, we have Richard Bilodeau, director general; Saskia Van Batum, director; David McIntyre, acting director; and Fenton Ho, acting director general, who is in the public gallery, apparently.

We're at clause-by-clause consideration.

Pursuant to Standing Order 75(1), on the consideration of clause 1, the short title is postponed.

The chair calls clause 2.

There have been no amendments submitted for clauses 2 through 33. Do we have unanimous consent to group them?

**Some hon. members:** Agreed.

**The Chair:** Yes, we do.

Shall clauses 2 to 33 carry?

(Clauses 2 to 33 inclusive agreed to)

(On clause 34)

**The Chair:** That brings us to clause 34.

The amendment is BQ-1.

Mr. Villemure, do you wish to move it?

• (1555)

[*Translation*]

**Mr. René Villemure (Trois-Rivières, BQ):** Thank you, Mr. Chair.

I'd like to move this amendment, which is more semantic than anything else. In the English version, we use the word “contravention”, whereas in the French, we find the word “*infraction*”. It's simply a matter of correcting the French so that there's a more accurate correspondence between the two versions.

[*English*]

**The Chair:** Is there any further discussion?

[*Translation*]

**Hon. Michael Chong (Wellington—Halton Hills, CPC):** We agree on the amendment.

**The Chair:** Thank you.

[*English*]

Okay. Shall BQ-1 carry?

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

**The Chair:** That brings us to CPC-1, which I guess would be in the name of Mr. Shipley.

**Mr. Frank Caputo (Kamloops—Thompson—Cariboo, CPC):** Pardon me, Mr. Chair, but that would be in my name. I will move

that amendment, and I'll leave any commentary to my colleague Mr. Chong.

**Hon. Michael Chong:** Mr. Chair, this doesn't change the substance of the intent of the clause but simply clarifies that the person being briefed may be told of personal information as it relates to themselves, allowing them to be briefed. That amendment comes out of testimony that the committee heard from CSIS officials.

**The Chair:** Thank you.

Are there any further questions?

Mr. Gaheer, please go ahead.

**Mr. Iqwinder Gaheer (Mississauga—Malton, Lib.):** Chair, I'd like to move a subamendment, if I can.

**The Chair:** Have you submitted a subamendment in writing?

**Mr. Iqwinder Gaheer:** Yes. I think it has already been submitted. It's going to be submitted.

**The Chair:** Thank you.

Mr. Gaheer... This is going to be a long night.

If you would move the motion, we will then suspend, and the analysts can have a look at it.

**Mr. Iqwinder Gaheer:** Chair, I move the subamendment.

**The Chair:** Can you read it?

**Mr. Iqwinder Gaheer:** Yes.

The proposed language, which I'll propose in a minute, would still include a general prohibition on the disclosure of personal information about Canadians and persons in Canada, but it would add an exception to ensure that CSIS could disclose an individual's personal information to that individual as part of a disclosure to build resiliency against threats.

In terms of the actual edit to the language itself, in proposed paragraph 2.1(b), after the comma at the end of the last sentence, I would change it to “other than personal information of the individual to whom the information is disclosed.” In proposed paragraph 2.1(c), I would change it, after the sentence that ends with “entity”, by adding “other than the name of the corporation or entity to which the information is disclosed.”

**The Chair:** Mr. Chong, please go ahead.

**Hon. Michael Chong:** Mr. Chair, could he repeat that, please?

**The Chair:** Go ahead, please.

**Mr. Iqwinder Gaheer:** In proposed paragraph 2.1(b), the final sentence, after the comma, would be changed to “other than personal information of the individual to whom the information is disclosed.”

In proposed paragraph 2.1(c), after “entity”, at the end of the sentence, I would put a comma and add “other than the name of the corporation or entity to which the information is disclosed.”

• (1600)

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

We'll suspend for a few minutes while we get squared away here.

• (1600) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1600)

**The Chair:** We'll start with the amendment.

What is shown as proposed paragraph 2.1(c) in this amendment is not admissible because it messes up the rest of the bill. What is written in the actual text of this is acceptable.

What is shown here in this summary.... The subamendment, which does not affect proposed paragraph 2.1(c) here, is acceptable.

Go ahead, Mr. Gaheer.

**Mr. Iqwinder Gaheer:** We would still want the edit for proposed paragraph 2.1(b). Is that right?

**The Chair:** Yes.

**Mr. Iqwinder Gaheer:** It's just a small edit, from "an" to "the". I think we're clear.

**The Chair:** Are we all clear?

**Mr. Iqwinder Gaheer:** Yes.

**The Chair:** That makes all of these redundant.

**Hon. Michael Chong:** Just to clarify, Mr. Chair, you've ruled the subamendment as it relates to proposed paragraph 2.1(c) out of order—

**The Chair:** Yes.

**Hon. Michael Chong:** —but you've ruled the subamendment as it relates to proposed paragraph 2.1(b) in order.

**The Chair:** Yes.

I'm a little confused by this, because in this summary of your amendment put into the text, your amendment doesn't have this proposed paragraph 2.1(c) in it, so the amendment itself is good, but this depiction of the amendment is kind of off.

Your subamendment, Mr. Gaheer, to modify proposed paragraph 2.1(c) doesn't work, but the modification to CPC-1 is good, in my understanding.

**Mr. Iqwinder Gaheer:** Do we vote on the subamendment first, and then...?

**The Chair:** Yes, we do.

Is there any more confusion we can add to the subamendment? No.

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

**The Chair:** Is there any further comment on CPC-1 as amended? There's none.

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

**The Chair:** That brings us to clause 34, with no amendments.

Shall clause 34—

**The Clerk of the Committee (Ms. Dancella Boyi):** It's as amended. Clause 34 has been amended.

• (1605)

**The Chair:** Oh. I'm sorry. That was clause 34.

Shall clause 34 as amended carry?

(Clause 34 as amended agreed to [*See Minutes of Proceedings*])

**The Chair:** There are no amendments submitted for clauses 35 through 41. Do we have unanimous consent to group them?

**Some hon. members:** Agreed.

(Clauses 35 to 41 inclusive agreed to)

**The Chair:** That brings us to new clause 41.1. That is amendment G-1.

Who wishes to move it?

Mr. Gaheer, go ahead.

**Mr. Iqwinder Gaheer:** Sure. Chair, we would like to move G-1.

This amendment will ensure that CSIS officers and those who aid CSIS have the same legal liability extended to them under the new warrant provisions that exist in the current CSIS Act.

I can read the summary if you want, or we can just leave it to the officials to explain any other details.

**The Chair:** If there are any questions to ask of the officials, please ask them. Are there any questions?

Mr. Gaheer, are you asking a question of the officials? No.

Is there any discussion on G-1? Are we ready to vote on it?

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

**The Chair:** Shall we have a vote on the floor?

**Mr. Chris Bittle:** On a point of order, I believe there's agreement among the parties to take brief breaks in between the votes, as well as unanimous consent to carry through while we go through these various votes.

**The Chair:** I understand there is unanimous consent. Is that correct?

**Some hon. members:** Agreed.

**The Chair:** Okay. Let's get democracy under way here.

(On clause 42)

**The Chair:** We're on clause 42 and NDP-1.

Mr. MacGregor, do you wish to move NDP-1?

**Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP):** Yes, Chair, I wish to move NDP-1.

It's a small change to clause 42, simply changing the word "shall" to "may".

The rationale is that CSIS has been given significant new production order and warrant powers. There have been some concerns from civil liberties groups on this. To address this, we propose changing it to allow a bit more leeway.

**The Chair:** Is there any discussion?

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

**The Chair:** Shall clause 42, which includes G-1 and NDP-1, carry as amended?

(Clause 42 as amended agreed to)

**Hon. Michael Chong:** Can we suspend? Can we pause just for a minute to vote, Mr. Chair?

**The Chair:** Absolutely. We'll pause, and everybody gets to vote. It's a fascinating process.

• (1605) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1610)

**The Chair:** There are no amendments submitted to clauses 43 to 52.

Do we have unanimous consent to group them?

**Some hon. members:** Agreed.

**The Chair:** Shall clauses 43 to 52 carry?

(Clauses 43 to 52 inclusive agreed to)

(On clause 53)

**The Chair:** Thank you.

That brings us to clause 53 and NDP-2.

Mr. MacGregor, do you wish to move NDP-2?

**Mr. Alistair MacGregor:** Yes, Mr. Chair.

As members know, clause 53 is a rather large clause with all of those significant amendments to the Security of Information Act. I recognize that the sentencing is pretty strict in a lot of these, and I absolutely understand that for the crimes being committed, we do need to have those strict sentences, but I'm making some changes to make sure that instead of having the words "shall be served consecutively", it will be "may be served consecutively".

There's still an option for a judge, based on the circumstances of the case, to impose consecutive sentences, but there's also an option to give a little more leeway, because, again, the circumstances of each case can vary considerably.

That's what my amendment attempts to do throughout clause 53.

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

Is there any discussion?

Go ahead, Mr. Gaheer.

**Mr. Iqwinder Gaheer:** Thank you, Chair.

We see that this motion would give a sentencing judge the express discretion to apply a consecutive sentence, but they wouldn't be required to impose one. We want to ask the officials what the thought process was during the drafting of this language.

**Mr. Mark Scrivens (Senior Counsel, Department of Justice):** The provisions that require that a mandatory consecutive sentence be imposed for the new Security of Information Act offences mirror similar provisions in the terrorism offence regime in the Criminal

Code and the organized crime regime in the Criminal Code that similarly require the imposition of consecutive sentences for convictions of those offences.

The intent in the act is to reflect the seriousness of foreign interference offences and to suggest that they are equally as serious as terrorism offences and organized crime offences.

I will additionally point out that paragraph 718.2(c) of the Criminal Code allows the sentencing judge the discretion to ensure that the overall total sentence is not unduly harsh or unfair in the circumstances.

Thank you.

**The Chair:** Thank you. Are there any further questions?

Are we ready to vote on this amendment?

Shall NDP-2 carry?

**Mr. Iqwinder Gaheer:** Can we ask for a recorded vote?

**The Chair:** Let's have a recorded vote, Mr. Clerk.

(Amendment negatived: nays 9; yeas 2 [*See Minutes of Proceedings*])

(Clause 53 agreed to)

**The Chair:** There are no amendments submitted to clauses 54 through 60. Do we have unanimous consent to group them?

**Some hon. members:** Agreed.

**The Chair:** Shall clauses 54 through 60 carry?

(Clauses 54 to 60 inclusive agreed to)

(On clause 61)

**The Chair:** That brings us to clause 61 and CPC-2.

Go ahead, Mr. Caputo.

• (1615)

**Mr. Frank Caputo:** Thank you, Mr. Chair.

At this time, I will be moving CPC-2. This is a very basic amendment that relates to essential infrastructure and at what stage in its development or construction it is.

Thank you.

**The Chair:** Is there any discussion?

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

**The Chair:** That brings us to NDP-3.

Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** Sorry, Chair. I'm just getting to the page here.

This amendment is based on the testimony we received from Ms. Emmanuelle Rheault. During her testimony, she was saying that if we didn't specify that it was the Attorney General of Canada, then it would be the Attorneys General of the provinces.

Given the seriousness of these Criminal Code changes on sabotage, I thought it best that we specify that it's the Attorney General of Canada that is actually referred to. It's a pretty simple amendment, just changing the reference to which Attorney General it is.

**The Chair:** Go ahead, Mr. Gaheer.

**Mr. Iqwinder Gaheer:** Thank you, Chair.

The prosecution of most Criminal Code offences, as we know, including sabotage, is the responsibility of the provinces, but I'd like to ask the officials for their thoughts on the drafted language.

**Mr. Mark Scrivens:** Thank you.

It is correct that most Criminal Code offences—and the sabotage offence appears in the Criminal Code—are prosecuted by provincial prosecution services. Sabotage in its current form in the Criminal Code is prosecuted currently by provincial prosecution services.

The effect of this amendment would limit the consent for the commencement of a prosecution to the Attorney General of Canada, but does not specify that the ensuing prosecution would be conducted by the Public Prosecution Service of Canada. The effect would be that the consent would have to be provided by the Attorney General of Canada, and the ensuing prosecution in most cases related to matters within the provincial jurisdiction or that are normally prosecuted by provincial prosecutors then would continue to be prosecuted by a provincial prosecution service.

That's my reading of the effect of the provision.

I will also add that in section 2 of the Criminal Code, “Attorney General” is defined as both provincial Attorneys General and the Attorney General of Canada.

**The Chair:** Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** I have a question for Mr. Scrivens.

Sir, you said that most offences are prosecuted by provincial Attorneys General. Can you clarify what the exceptions might be?

**Mr. Mark Scrivens:** There are some exceptions.

For example, the terrorism provisions of the Criminal Code can be prosecuted by the federal prosecution service and in general are usually prosecuted by the Public Prosecution Service of Canada.

**Mr. Alistair MacGregor:** Mr. Chair, based on that response and the seriousness of existing Criminal Code offences that are looked after by the Attorney General of Canada, I think there is potentially an argument to be made, given these amendments to the Criminal Code and the seriousness of the offences listed. You could find an argument that's saying it's in line, but again, it's up to colleagues to determine whether that is so.

**The Chair:** Okay.

Is there any further discussion on this amendment?

Shall NDP-3 carry?

**Some hon. members:** No.

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

• (1620)

**Ms. Jennifer O'Connell (Pickering—Uxbridge, Lib.):** Chair, I have a point of order.

**The Chair:** Go ahead, Ms. O'Connell.

**Ms. Jennifer O'Connell:** I'm sorry. I want you to finish the vote call, and then....

**The Chair:** Shall clause 61 as amended carry?

(Clause 61 as amended agreed to)

**The Chair:** Go ahead, Ms. O'Connell.

**Ms. Jennifer O'Connell:** Thanks, Mr. Chair.

I apologize for being late. I had to finish question period in the House.

I want to quickly apologize and retract my comments about Mr. Villemure at the last meeting. I really look forward to working with him on this committee and on this important bill.

Thank you, Mr. Chair.

**The Chair:** Thank you, Ms. O'Connell.

**The Chair:** There are no amendments submitted to clauses 62 through—

**An hon. member:** There's a vote.

**The Chair:** Well, let's get that done.

• (1620)

(Pause)

• (1620)

**The Chair:** Colleagues, there are no amendments submitted for clauses 62 through 112. Do we have unanimous consent to group them?

**Some hon. members:** Agreed.

**The Chair:** Shall clauses 62 to 112 carry?

(Clauses 62 to 112 inclusive agreed to)

(On clause 113)

**The Chair:** Next is NDP-4.

Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** I'm sorry, Mr. Chair. Did you say NDP-4?

**The Chair:** Yes.

**Mr. Alistair MacGregor:** This is an amendment to the bill that was brought forward by my colleague Jenny Kwan, the member of Parliament for Vancouver East. It amends line 25 on page 75. It's just further clarification in paragraph (f) of the definition of “political or governmental process”.

Although the director general who appeared from Public Safety Canada said that it was their interpretation that leadership contests could be or would be included, Ms. Kwan felt it was appropriate to further clarify this just for a little bit more specificity in the law.

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

If NDP-4 is adopted, BQ-2 cannot be moved due to a line conflict. Is there any discussion on NDP-4?

Go ahead, Mr. Gaheer.

• (1625)

**Mr. Iqwinder Gaheer:** Thank you, Mr. Chair.

I'd like to ask the officials something. Even without this amendment itself, would foreign efforts aimed at influencing the appointment and elections within a political party, including leadership contests, be captured under this bill?

**Mr. Richard Bilodeau (Director General, Department of Public Safety and Emergency Preparedness):** The intent of the legislation is to be fairly broad with political processes. It is our interpretation and intent that those things would be captured under the current drafting of Bill C-70.

**The Chair:** Is there any further discussion?

Go ahead, Mr. Chong.

**Hon. Michael Chong:** Mr. Chair, we'll support this amendment because it provides greater clarity on what officials have said is the intent of the bill's clause.

**The Chair:** Is there any further discussion?

Go ahead, Mr. Gaheer.

**Mr. Iqwinder Gaheer:** Thank you, Mr. Chair.

I believe the amendments offered to the Security of Information Act also define a "political or governmental process" using the unamended definition. Can the officials confirm that this is the case?

**Mr. Mark Scrivens:** It is true that there is a definition within proposed subsection 20.4(4) of the Security of Information Act that is similar to the one at clause 113 of the bill. The effect of the amendment would be that it would change the definition in one place in the bill and not change it in the other place.

**Mr. Iqwinder Gaheer:** Could I just ask a follow-up question?

What are the consequences of having those two different definitions?

**Mr. Mark Scrivens:** It's difficult to predict definitively, but there is the possibility that a judge might determine subsequently that this was done intentionally and that a different interpretation should be applied to the two different definitions provided to the same term.

**The Chair:** Is there any further discussion?

Go ahead, Ms. O'Connell.

**Ms. Jennifer O'Connell:** Thank you, Chair.

I'll follow up on that.

If a judge determines there are two potentially contradictory definitions, they could rule one in order and one not. Because of the constraints we're under in this committee, we can't go back and create matching definitions in SOIA. Is that correct?

**Mr. Mark Scrivens:** I didn't intend to cut anyone off, Chair.

The concern is that in a subsequent interpretation of the term, a court or the lawyers involved won't have time to consult this record, which would show that the intention is to create a non-ex-

haustive list in both places in the act that captures leadership contests and nomination contests.

That is the risk.

**Ms. Jennifer O'Connell:** You feel comfortable that the language, unamended, covers the additional wording—that things like "appointments and elections within a political party, including leadership contests" are part of the existing act without defining them, so there wouldn't be confusion in not having the same defined language in the other part of the act.

**Mr. Mark Scrivens:** The intent in the offence provision and the registry offence provision is the same, which is to create a non-exhaustive list that captures nomination and leadership contests, as well as other internal mechanisms and procedures within the democratic aspects of a political party.

The effect of this amendment would be to simply clarify that leadership contests are included in the registry portion of the bill. It would not similarly clarify it in proposed subsection 20.4(4).

**Ms. Jennifer O'Connell:** Thank you.

Chair, with that being said, if the intention of the bill is to include these things, which I feel confident it is, I worry that this amendment—which we then can't support—would cause confusion, because we are constrained at this committee in not being able to go back and create the same language in the rest of the bill.

I feel comforted that all of the political activities outlined in the amendment are already covered. I don't want to cause confusion in the implementation of this act, so we can't support it.

Thank you, Chair.

• (1630)

**The Chair:** Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** Thank you, Chair.

Mr. Scrivens, these are two very different acts that serve different purposes. Part 4 of this bill is enacting a brand new act. It's setting up a registry, which I think is for the transparent foreign interference that is happening. However, these important amendments to the SOIA are attempting to go after the more clandestine, deceptive methods of foreign interference. These acts are serving different purposes.



Would they ever cross each other in any way that causes that kind of confusion, since they're going after two very different things? One is a public registry and one is for serious offences under the SOIA.

**Mr. Mark Scrivens:** Thank you for the question.

In our view, given that the registry creates criminal offences, we cannot rule out a circumstance in which proposed subsection 20.4(4) of the SOIA would overlap with a set of circumstances that would give rise to offences under the registry proposal.

**The Chair:** Is there any further discussion?

Go ahead, Mr. Chong.

**Hon. Michael Chong:** Was the Security of Information Act definition contained in part 2 of this bill in front of us, Mr. Chair?

**Mr. Mark Scrivens:** Yes, it is.

**Hon. Michael Chong:** I remember our witness referring to a particular clause—I believe it was clause 20.4. I'm trying to find it in the bill. It's page 30.

Mr. Chair, when I read that section on page 30, I don't see any reference to a leadership contest.

**The Chair:** Let's carry on this discussion after we have a vote.

• (1630) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1630)

**The Chair:** Mr. Chong, as soon as you're ready, you can carry on your discussion.

**Hon. Michael Chong:** I just wanted to understand whether, on page 30, in the definition of “political or governmental process”, the paragraph in proposed subsection 20.1(4) that refers to the “nomination of a candidate” would include the selection of a leader of a registered political party.

**The Chair:** Perhaps you can ask the officials.

**Mr. Mark Scrivens:** Thank you, Chair.

I think the best way to answer this question is to indicate that where the proposed definitions use the term “includes”, the examples that follow are intended to be examples of circumstances where the offence applies, but the intention is to indicate a non-exhaustive list of examples. The same framework was adopted for the registry as well.

• (1635)

**Hon. Michael Chong:** Mr. Chair, armed with that information—that clarification—I'm prepared to defer to officials on this and their expertise.

Thank you.

**The Chair:** Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** Can we suspend for one minute?

**The Chair:** We'll suspend for a brief time.

• (1635) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1635)

**The Chair:** We'll resume.

**Mr. Alistair MacGregor:** Mr. Chair, I'm hoping I can find unanimous consent to withdraw NDP-4.

**The Chair:** Do we have unanimous consent?

**Some hon. members:** Agreed.

(Amendment withdrawn)

**The Chair:** That brings us to BQ-2. Since NDP-4 was not adopted, we can now move BQ-2.

Mr. Villemure, go ahead, if you please.

[Translation]

**Mr. René Villemure:** Mr. Chair, I would like to move amendment BQ-2, which is similar to my colleague's amendment in that it seeks to include the following, by replacing line 25 with: “of an electoral platform by a political party ...”, and would add the following: “(b.1) specifying any other process for the purposes of the definition *political or governmental process* in section 2;”.

[English]

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

Go ahead, Mr. Gaheer.

**Mr. Iqwinder Gaheer:** Thank you, Chair.

The amendment would alter the definition of a “political or governmental process” under the proposed act to allow the Governor in Council to set out additional processes in this definition through regulations.

It's unclear what will be set out through the regulation that wouldn't already be captured through the broad and non-exhaustive definition of “political or governmental”. I'd like to get the officials' word on this.

**Mr. Richard Bilodeau:** May I ask you to repeat that, if you don't mind, Chair?

**Mr. Iqwinder Gaheer:** That was quite fast. I'll slow it down.

This amendment, as we know, would alter the definition of a “political or governmental process” under the proposed act to allow the Governor in Council to set out additional processes in this definition through regulations. We know that as it is drafted already, “political or governmental process” is non-exhaustive; it's intended to include any political or governmental process.

To me, as far as I can read it, it's unclear what would be set out in the regulations that are not already covered by this broad language.

**Mr. Richard Bilodeau:** Thank you, Chair, for that question, and thank you for the member for repeating it.

The list, as my colleague here mentioned, does include a non-exhaustive list and is quite broad in terms of government and political process. A commissioner would be free to interpret that in a specific context.

The intent was to create a list that was non-exhaustive. That's what's included here. It includes a lot of issues that would be captured within a governmental or political process.

**The Chair:** Is there any further discussion on BQ-2?

Seeing none, shall BQ-2 carry?

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

**The Chair:** This brings us to NDP-5.

Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** Thank you, Chair.

I think this is a great segue after we just talked about the benefits of having harmony between the SOIA and part 4 of this act. Essentially, I asked the amendment drafters to take the definition of “public office holder” on pages 30 and 31 of this bill—a definition that is being added to the Security of Information Act—and include those exact same components into this new act so that it would basically be exactly in harmony with the SOIA.

**The Chair:** Very well.

Is there any discussion?

Go ahead, Ms. O'Connell.

**Ms. Jennifer O'Connell:** Thank you, Chair.

I have a question about this for the officials. Why was the reference made specifically to the Lobbying Act? What benefit does it have? Specifically, are there unintended consequences of this amendment?

• (1640)

**Mr. Richard Bilodeau:** The reason that the reference used in the legislation is the Lobbying Act is that the registry does have some similarities to the intent of the Lobbying Act. Referencing the definitions in the Lobbying Act allows us to align with that piece of legislation, but also, if the Lobbying Act changes, then automatically the definitions of “public office holder” in FITAA would change, because it's being done by reference. It would always be up to date.

The amendment would lay out the same language, but if the Lobbying Act were to be amended, then the FITAA and the Lobbying Act would be different and could create some confusion for individuals who might have to register under both pieces of legislation.

**Ms. Jennifer O'Connell:** Thank you.

If the intention is just to keep the Lobbying Act language, but without having to come back in the event it changes, I'm more comfortable with leaving it as referenced to the Lobbying Act so that this bill doesn't become outdated the second the Lobbying Act changes.

I accept and appreciate the intention of the amendment to put it out there very clearly, but I do worry about the timing of one change to one piece of legislation and then a review of another. I

would rather keep it to allow that it can be automatically in alignment.

I don't know if there's anything else our officials want to add on this.

**Mr. Richard Bilodeau:** If I may, part of your question was on the impact of the amendment. I would just point out that it would misalign the coming into force of the provisions in the definition, because the legislation breaks out the coming into force of different parts of the law as it applies to PTs and indigenous governments. The amendment would create confusion with that, and impediments.

**Ms. Jennifer O'Connell:** Thank you again, Chair.

I remember that specifically in this legislation there is a coming into force that is different for indigenous communities so that there is an opportunity to further consult and make sure there's an understanding of how legislation might impact them and how we can work to make sure we have proper consultation.

Are you suggesting, then, that this amendment would put all of the coming into force under one regime and not have a separate one for indigenous consultation?

**Mr. Richard Bilodeau:** No. I think what I'm suggesting is that because of the coming into force, the reason for the mismatch or the opportunity to bring into force an indigenous application later was to allow for consultation. Because of differences in governments and how the definition of “public office holder” may apply, we wanted the benefit of having those consultations so that we could align the coming into force properly and the application to indigenous partners properly.

**Ms. Jennifer O'Connell:** I see. The coming into force would be part of that consultation for the indigenous piece.

**Mr. Richard Bilodeau:** Yes.

**Ms. Jennifer O'Connell:** Okay.

Chair, if it's directly in line with the Lobbying Act, and as that gets updated so does this portion of the bill, I'm very comfortable with that.

Thank you, Chair.

**The Chair:** Thank you.

Mr. MacGregor, go ahead, please.

**Mr. Alistair MacGregor:** I have two things.

First of all, we just had a big conversation about how it was important that this new enactment lines up with definitions in the SOIA. Now we're having a completely different rationale argued by my Liberal colleague.

Second of all, if you look at the existing Lobbying Act, look at subsection 2(1), because that is what is referenced. It does not appear that there is any mention of MP staff, whereas my amendment seeks to specify that. It says in proposed paragraph (b), “members of the legislature of a province or persons on the staff of such members”.

We just had an argument regarding one of the previous amendments about how we should respect harmony with the Security of Information Act. I believe this is trying to bring the bill into that same spirit.

• (1645)

**The Chair:** Is there any further discussion? Seeing none, shall NDP-5 carry?

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

**The Chair:** That brings us to NDP-6. If NDP-6 is moved, NDP-7 and BQ-3 cannot be moved as they are identical.

Mr. MacGregor, do you wish to move NDP-6?

**Mr. Alistair MacGregor:** Yes, I do, Chair.

Thanks to our officials, because when I asked them about this during witness testimony, they said they interpreted “provincial or territorial political or governmental processes” to include municipalities. I appreciate that, but I’m always in favour of specificity when we can bring it into law. Again, this is bringing it into harmony with the Security of Information Act, which I think makes specific reference to municipal government. If you bear with me, I’ll go back to the amendments.

Yes, there is a reference. If you look at the bottom of page 31 of the bill, it specifically references in the application part “municipal political or governmental processes”.

This brings part 4 into harmony with with what’s going on on page 31.

**The Chair:** Thank you.

Mr. Gaheer, go ahead, please.

**Mr. Iqwinder Gaheer:** Thank you, Chair.

As I continue on my journey to become a licensed lawyer in Canada, I just recently took my constitutional law exam. If I remember my lessons correctly, municipalities are constitutionally creatures of the province itself and exercise all of their authority through provincial devolution.

Can the officials confirm that even without these amendments, the political or governmental processes of municipalities will be covered?

**Mr. Richard Bilodeau:** Yes, Chair.

**The Chair:** I’ll go to Mr. MacGregor and then to Ms. O’Connell.

**Mr. Alistair MacGregor:** Thank you for that answer.

May I ask why, then, the amendments to the Security of Information Act felt it necessary to include a specific reference to municipal political governmental processes when—if they are, in fact, a creature of the province—you already have it covered in proposed paragraph (b)?

I’m just wondering.

**Mr. Richard Bilodeau:** Mr. Scrivens, go ahead.

**Mr. Mark Scrivens:** The intention there was to be as specific as possible, because at the time, we were specifying a level further, which was at the school board level. That is now incorporated in a secondary definition.

It’s a bit technical and complicated, but in attempting to assert a very broad scope for that provision, which included school board elections, the intention was to specify all levels and orders of government down to school boards.

**Mr. Alistair MacGregor:** Chair, the one part I liked about Mr. Scrivens’ answer was an attempt to be as specific as possible. I think that’s great. That’s what we should be attempting to do here.

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

Is there any further discussion?

Go ahead, Ms. O’Connell.

**Ms. Jennifer O’Connell:** Thank you, Chair.

I believe, through you to the officials, that one of the issues with this was the fact of the coming-into-force clause for something referred to as (b.1). Even if we make that amendment, the problem is the fact that (b.1) isn’t referenced.

**Mr. Richard Bilodeau:** Thank you, Chair.

There are three coming-into-force provisions, one for (a), one for (b) and one for (c), and they are all different. If you decide to add (b.1) as a separate category, there is no equivalent coming-into-force provision for (b.1).

**Ms. Jennifer O’Connell:** Thank you.

If we just added into (b) “provincial, territorial, or municipal”, the coming-into-force issue would not be an issue. It would do what the amendment of Mr. MacGregor—

• (1650)

**Mr. Richard Bilodeau:** That’s correct.

**Ms. Jennifer O’Connell:** Chair, I don’t know if this will be ruled in order or not, but I would like to move a subamendment that we delete (b.1) and instead move, within (b) , “provincial,” remove “or”, “territorial, or municipal”, and then continue with “political or governmental processes.”

I have extra copies if anyone needs them in both official languages.

**The Chair:** Could you distribute those, and we will suspend while we look at this?

• (1650) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1650)

**The Chair:** Upon consultation with our able legislative analysts, this is an amendment, not a subamendment. It's not in order, according to our rules at the current time.

Mr. MacGregor, go ahead.

**Mr. Alistair MacGregor:** Are we as a committee allowed to challenge the chair on that?

**The Chair:** You can always challenge the chair, but this change would basically add another (b) to the text. We would have two (b)s, which makes the bill unintelligible. This is my advice.

Mr. MacGregor, are you done?

**Mr. Alistair MacGregor:** I'll let Mr. Chong speak.

**Hon. Michael Chong:** Mr. Chair, in other words, what you're saying is that we have the option to negative NDP-6 and then consider another amendment, which has been essentially proposed by Madam O'Connell.

**The Chair:** We're not allowed to do amendments. We can only do amendments to the bill that were submitted prior to 4 p.m. on Friday.

For those amendments that were submitted prior to 4 p.m. on Friday, we can do subamendments. This change would require its own amendment, and therefore it's excluded by what we're allowed to do under the terms of the House order.

Potentially, though, we should make a list of these things and deal with them at report stage when it gets back to the House.

**Hon. Michael Chong:** Mr. Chair, to another point of order, NDP-7 appears to be exactly the same as NDP-6.

**The Chair:** Well, NDP-7 cannot be moved, nor can BQ-3, because NDP-6 was moved.

**Hon. Michael Chong:** I see. Okay, I understand now. Thank you, Mr. Chair.

Therefore there's no way to amend NDP-6 in the way that was suggested by Madam O'Connell.

• (1655)

**The Chair:** It appears not, because it says to take this line of the act and substitute this text.

What Ms. McConnell's change is trying to do is add something to the previous line of text, and we're kind of caught.

Go ahead, Ms. O'Connell, please.

**Ms. Jennifer O'Connell:** Chair, could we ask for unanimous consent to accept this as a subamendment?

**The Chair:** You can ask, but the chair is going to rule it out of order, so you'll have to overrule the chair.

It will produce a repetition of text in the bill.

**Ms. Jennifer O'Connell:** In all seriousness, I understand and recognize the importance of the House motion. However, I think it's silly, when we have an opportunity to make legislation better in this

committee. I think we have some consensus in how to do so without the unintended consequences of a coming-into-force issue.

Yes, we can do it at another stage, but I think if there is will among this committee.... While I respect the law clerk's ruling and your ruling, I think these aren't normal constraints we're under. We have an opportunity to actually just make the bill a little bit clearer. If we have support, I think we should do so.

**The Chair:** Let me pause and talk to my friend here.

Mr. MacGregor, go ahead.

**Mr. Alistair MacGregor:** With great respect to you, Chair, because I understand the confines you find yourself in, I would move formally to challenge you. As a committee, the motion would be to accept the amendments as proposed by Ms. O'Connell. This is a minor fix and, really, it lends itself to making the bill more clear.

**The Chair:** Let's make this proper. Ms. O'Connell's request is to amend the previous line as stated. I rule it out of order. You're challenging me.

Shall the decision of the chair be sustained?

(Ruling of the chair overturned)

**The Chair:** I'm outvoted. Okay.

**Ms. Jennifer O'Connell:** That was the nicest challenge of the chair ever.

**The Chair:** Is there debate on that change? Are we clear on what we've done here?

Let's suspend for a short time while we get squared away up here.

• (1655) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1715)

**The Chair:** Okay, I think we have come to a resolution, Ms. O'Connell.

**Ms. Jennifer O'Connell:** Thank you, Mr. Chair.

In effort to speed this along, I'm going to withdraw my amendment.

**The Chair:** We need unanimous consent. Do we have unanimous consent?

(Amendment withdrawn)

Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** I am going to ask for unanimous consent for two items. The first request is for unanimous consent to withdraw my amendment.

**The Chair:** We have unanimous consent.

(Amendment withdrawn)

**Mr. Alistair MacGregor:** My second request is for unanimous consent to amend, I think, line 16. I'm just looking at the clerks. I'm making sure I have it correct.

Is it line 16 on page 76?

**The Chair:** I'm going to need a copy of that. Could you email it?

**Mr. Alistair MacGregor:** We have it all kind of spelled out here. I'm just going to basically read out the subamendment and amendment together.

**The Chair:** We'll try that and see how far we go. Go ahead.

**Mr. Alistair MacGregor:** It's replacing lines 16 and 17 with "(b) provincial, territorial, or municipal political or governmental processes".

**The Chair:** Could you repeat that one more time?

**Mr. Alistair MacGregor:** Certainly. It's replacing lines 16 and 17 on page 76 with the following: "(b) provincial, territorial, or municipal political or governmental processes".

**The Chair:** Okay. I think we're clear on that. Do we have unanimous consent to take this action?

Yes, we do, over the ruling of the chair, I know.

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

**The Chair:** Okay. Let us carry forth. This means that NDP-7 and BQ-3, as we said before, can't be moved. If NDP-6 was moved, then NDP-7 and BQ-3 could not be moved because they were identical. They can no longer be moved.

That brings us to BQ-4.

• (1720)

[*Translation*]

Mr. Villemure, you have the floor.

**Mr. René Villemure:** Mr. Chair, I am pleased to move amendment BQ-4, which has the objective of adding Crown corporations and universities to clause 113, as suggested by Mr. Fadden, former director of the Canadian Security Intelligence Service, and Ms. Leung of Hong Kong Watch.

We want to make sure that the law applies to these institutions, because they are places of foreign interference right now.

[*English*]

**The Chair:** Is there any discussion?

Go ahead, Mr. Gaheer.

**Mr. Iqwinder Gaheer:** Thank you, Mr. Chair.

We think this might be an overcorrection beyond the position of the government, but I'd like to ask the officials for their position.

**Mr. Richard Bilodeau:** Thank you, Chair, for that question.

On the proposed amendment in relation to paragraph (d), "the political or governmental processes of a federal or provincial Crown corporation", the intent and interpretation is that the current definitions in Bill C-70 include Crown corporations, so our interpretation—which would be subject to the commissioner's interpre-

tation, obviously—is that those are already included in the definition.

In terms of "the political or governmental processes of a university or government research centre", I would say that the proposed amendment goes beyond what we intended in terms of the transparency registry. It was intended to increase transparency in activities related to governmental and political processes, whether processes of the federal, provincial-territorial or indigenous governments, but this would go far beyond that.

I would say that in terms of research in universities, again, it would significantly expand the scope. I would say that there are already a number of initiatives and programs in place, such as the safeguarding science initiative, the outreach program at the service and new national security guidelines for research partnerships that are aimed at tackling the problem of research security.

The transparency proposals here as they relate to the government would be very difficult to apply in the context of a university, because they would target the governmental and political process of the university, which is very different from the governmental or political process of a government.

**The Chair:** Is there any further discussion?

[*Translation*]

**Mr. René Villemure:** Yes, Mr. Chair.

Overall, even if Bill C-70 is, in my opinion, aimed at solving a problem, it is difficult to apply in certain cases and we will have to discuss its application. Furthermore, we are told that the aim of the bill is to increase transparency in order to reduce, if not eliminate, foreign interference, which seems a little ambitious to me.

The fact remains that universities that receive federal funding are currently targets of foreign interference, despite the presence of programs like those named by Mr. Bilodeau. If we want to reduce the damage done by foreign interference, then we can't ignore universities.

[*English*]

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

Is there any other discussion?

Shall BQ-4 carry?

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

**The Chair:** That brings us to BQ-5.

Go ahead, Mr. Villemure.

[*Translation*]

**Mr. René Villemure:** Thank you very much, Mr. Chair.

I'm very pleased to move amendment BQ-5, which, for brevity's sake, I'll call the double registration amendment, which Mr. Bilodeau and I have already discussed.

It may not be traditional, I agree, but it seems to me that when you want to establish a link between two parties, it's wise to identify the two parties in question. Of course, the measures won't be the same at every level. For example, universities may decide to use a diary rather than a large system. However, in the case of a public office holder, I believe that the person who registers as a foreign principal will have a correspondent at the other end, and it is this link that will enable us to establish a consequence or determine whether the relationship is legitimate. If I only have one end, i.e., the foreign principal, but I don't know who is at the other end, it's hard to make a connection and come to an understanding of what is going on.

In committee, some people told us it was a good idea. Others weren't sure, and still others said it was a bad idea. Opinions were very divided, but the fact remains that dual registration is part of best practice, not only in the context of a foreign interference registry, but in general. Establishing a double registration guarantees the possibility of identifying a source with much greater certainty.

• (1725)

[English]

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

I meant to interrupt you after you moved this amendment. I have to make a ruling on it.

Bill C-70 amends several acts and enacts a foreign influence transparency and accountability act. The bill provides that persons who enter into an arrangement with a foreign principal under which they undertake to carry out certain activities are required to provide the commissioner with the information specified in the regulations.

The amendment seeks to add that even if no arrangement has been entered into, any individual other than a public office holder must file a return with the commissioner if that individual receives a communication from a foreign principal requesting that the individual take certain actions.

In the opinion of the Chair, the amendment adds a new concept that is beyond the scope of the bill as adopted by the House at second reading. Therefore, I rule the amendment inadmissible.

Go ahead, Mr. Villemure.

[Translation]

**Mr. René Villemure:** Mr. Chair, I respectfully challenge your decision.

**The Chair:** Fine.

[English]

Shall the decision of the chair be sustained?

(Ruling of the chair sustained: yeas 6; nays 4)

**The Chair:** That brings us to BQ-6.

Mr. Villemure, you can move it, but I also have to rule on this one.

Bill C-70 amends several acts and so on and so forth. Once again, the amendment creates a new concept that is beyond the scope of the bill as adopted by the House at second reading.

Therefore, I rule the amendment inadmissible.

[Translation]

**Mr. René Villemure:** Mr. Chair, I respectfully challenge your decision.

**The Chair:** Fine.

[English]

Shall the decision of the chair be sustained?

(Ruling of the chair sustained: yeas 9; nays 2)

**The Chair:** Thank you.

That brings us to BQ-7.

Mr. Villemure, would you like to move this?

[Translation]

**Mr. René Villemure:** No, Mr. Chair.

[English]

**The Chair:** Okay.

That brings us to BQ-8.

Mr. Villemure, I will also have to rule on this. Do you wish to move BQ-8?

[Translation]

**Mr. René Villemure:** Yes, Mr. Chair.

• (1730)

[English]

**The Chair:** It's the same problem. In the opinion of the chair, the amendment creates a new concept that is beyond the scope of the bill as adopted by the House at second reading.

Therefore, I rule the amendment inadmissible.

[Translation]

**Mr. René Villemure:** Mr. Chair, I respectfully challenge your decision.

**The Chair:** Fine.

[English]

Shall the decision of the chair be sustained?

(Ruling of the chair sustained: yeas 9; nays 2)

**The Chair:** *Merci.*

That brings us to BQ-9.

I'll give you forewarning: I'm not going to rule it inadmissible.

[Translation]

**Mr. René Villemure:** Thank you, Mr. Chair.

[English]

**The Chair:** I'm not supposed to rule on it until it's been moved. It's kind of a gotcha, really.

Anyway, go ahead.

[*Translation*]

**Mr. René Villemure:** I will move amendment BQ-9, Mr. Chair.

Several witnesses, including Mr. Burton, Mr. Juneau-Katsuya and Mr. Fadden, have told us that it is wise, if not essential, for public office holders to be subject to a three-year restriction period. The aim is clear: to prevent former public office holders from making arrangements with foreign states. We want to make sure that all MPs who don't run in the next election will also be subject to it. We believe this is a wise amendment that serves the public interest. That's why we're proposing it.

[*English*]

**The Chair:** Thank you, Monsieur Villemure.

Ms. O'Connell, go ahead, please.

**Ms. Jennifer O'Connell:** Chair, while I think the intentions are good in the sense that if a foreign state were trying to influence Canada and a former public office holder went to work with them, that would be problematic. The problem is that this amendment is quite broad; it just says “a former public office holder must not enter into an agreement with a foreign principal”.

What if that arrangement was something with one of our allies? Promoting democracy is work that I think many public office holders do, and the experience in Canada would be actually quite helpful. There's a distinction between work involving foreign agents or influence and the important work that actually promotes democracy around the world, and this does not distinguish between the two.

The other concern I have is that it's just too broad and doesn't deal with it. If an individual, whether a public office holder or not, entered into an arrangement with a foreign principal to impact or to advise on behalf of that foreign principal, the foreign principal would be subject to the foreign agent registry and would have to be identified on that anyway.

Again, I think the intentions are good, but the way it is drafted is too broad to allow for the distinction, and the registry itself would allow for the disclosure of that individual in any sort of arrangement with a foreign principal, so we can't support this amendment as it is drafted.

**The Chair:** Thank you.

Mr. MacGregor, go ahead.

**Mr. Alistair MacGregor:** I think this is a solid amendment. I won't go over the reasons that Mr. Villemure gave, but the NSICOP report that was tabled last week did talk about how some public office holders are expecting a quid pro quo arrangement, and I think if we're going to nip that problem in the bud by putting into law that a public office holder cannot enter into an arrangement with a foreign principal for the specified period of three years, that's a good proactive step. It shows foreign principals that their investments are not going to bear any fruit.

We have to look at the seriousness of the problem, and I believe it is incumbent upon this committee to explore all the legislative options at our disposal, so I will happily be supporting this amendment.

• (1735)

**The Chair:** Thank you, Mr. MacGregor. Is there any further discussion?

Mr. MacDonald, go ahead.

**Mr. Heath MacDonald (Malpeque, Lib.):** Chair, can we ask the officials if there are any consequences or complications from adopting this as is?

**Mr. Richard Bilodeau:** I think one of the things that stood out when we looked at the amendment was that there were already provisions in the Conflict of Interest Act, and so we would have to explore the consequences of this or the interactions between a prohibition and the conflict of interest legislation.

There are also questions about whether the registry, by requiring that transparency, is sufficient to shine a light. That's what the transparency registry is about—increasing the transparency of that influence in Canada.

Those are the two things I would point out, but definitely the interaction between this and existing legislation, whether it's the Lobbying Act or the Conflict of Interest Act, in fact would be worth exploring.

[*Translation*]

**The Chair:** Mr. Villemure, you have the floor.

**Mr. René Villemure:** Thank you, Mr. Chair.

Mr. Bilodeau, thank you for the clarification. I believe that the very nature of the threat we are discussing today demonstrates that the debate will be complex and difficult, but also, that it must take place.

As you know, these are not cases that have never been seen before. However, as my colleague from the NDP said, foreign powers are currently investing in people to take action. Now, it seems to me that the degree of seriousness of the threat does not call for nuance. And yet, from what I've been hearing for a while now, we're going to step back and leave room for interpretation. I agree with that to a certain extent, but I don't think that ending up with a toothless bill is a good idea.

[*English*]

**The Chair:** Is there any further discussion?

Shall amendment BQ-9 carry?

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

**The Chair:** That brings us to amendment NDP-8.

Mr. MacGregor, go ahead, please.

**Mr. Alistair MacGregor:** Thank you, Mr. Chair.

This amendment was drafted by my colleague Ms. Kwan. Her notes here were just referring to the fact that the China Strategic Risks Institute says that the new act being created in part four:

...does not provide the relevant authorities with a mechanism to notify affected parties of a registration requirement nor to warn the public about foreign agents of concern. Such proactive mechanisms could be developed modelled on the “information notices” and “transparency notices” within the Australian model.

That's essentially what this amendment is designed to do. I will leave it at that.

**The Chair:** Thank you.

Is there any discussion?

Ms. O'Connell, please go ahead.

**Ms. Jennifer O'Connell:** Thank you.

When I first read this, I had some concerns about the automatic listing of relatives, and relatives and acquaintances are loosely defined. Given some of the foreign interference that has happened, there could be unintended consequences if an individual who had nothing to do with any attempts of foreign influence was listed by a relative, so to speak. That was my initial concern.

However, perhaps I'll turn to the officials.

One, is that how you would read it? Two, do you have other concerns in regard to that connection?

I know Mr. MacGregor mentioned the Australian model, but there are differences, and I think it's around the defining of some of this. Again, I just have some concerns, especially when we heard testimony about individuals being intimidated. I don't think it's the intention of the bill to then pre-associate relatives just by nature of being related to another individual.

Could I have some clarification?

• (1740)

**Ms. Saskia van Battum (Director, Department of Public Safety and Emergency Preparedness):** We did note, Mr. Chair, the connection to the Australian model. We would just say that the difference in the Australian model is that “foreign government related entity” and “foreign government related individual” are defined in the Australian model, but they are not currently in the definition in the proposed act.

The definition of “foreign principal” is specific to “foreign state,” “foreign power”, “foreign entity” and “foreign economic entity”. This would provide a lot of discretion to the commissioner to apply what they consider to be “related to” in terms of the extent of that relationship in the application.

I think too that the intent of the powers being afforded to the commissioner in the proposed act would also allow for the issuance of notices already without specifying the related provision.

**Ms. Jennifer O'Connell:** Thank you for that.

Is my understanding correct that the notices could be automatically applied to a relative? Again, the definition of “relative” could be a cousin, for all we know. Could that be automatically be given? That raises all kinds of fairness questions.

**Ms. Saskia van Battum:** Absolutely. I think it is possible that a commissioner could interpret this very broadly and apply the designation to, for example, persons related by blood, friends, acquaintances or individuals beyond those who fall within the definition of

“foreign principal”. The intent of the act is certainly to work towards transparency around protecting individuals who may be most subject to that level of influence.

**Ms. Jennifer O'Connell:** Thank you.

**The Chair:** Thank you.

Is there any further discussion?

Seeing none, shall NDP-8 carry?

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

**The Chair:** This brings us to NDP-9, and I will have to rule on this afterwards.

Mr. MacGregor, do you wish to move the motion?

**Mr. Alistair MacGregor:** Thank you, Chair.

I know there were some discussions with colleagues, so I am expecting a subamendment. Before we get to that stage, I'll just say quickly that we did hear from a variety of witnesses who expressed a desire to see the appointment of the commissioner to be a little bit more detached from relying too much on the Governor in Council. It's the same process as would be in place for the appointment of the auditor general.

I note there are some remarkable similarities with CPC-3 right behind it.

I'll leave it at that and see what my colleagues have to say.

**The Chair:** The bill provides for the appointment by the Governor in Council of a foreign influence transparency commissioner. This amendment provides that the Governor in Council cannot make the appointment without the approval of Parliament.

In the opinion of the chair, the amendment creates a new concept that is beyond the scope of the bill as adopted by the House at second reading. Therefore, I rule the amendment inadmissible.

Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** I wish to challenge the chair on that.

**The Chair:** Absolutely.

Shall the decision of the chair be sustained?

I think we need a recorded vote.

**Ms. Jennifer O'Connell:** I wanted to suspend for one second, but you were in the middle of a vote, so I can't do anything now. Go ahead.

**The Chair:** Shall the decision of the chair be sustained?

Go ahead, Madam Clerk.

(Ruling of the chair overturned: nays 6; yeas 5)

**The Chair:** The chair is overruled.

**Hon. Michael Chong:** Can I ask for a suspension, Mr. Chair?



• (1745)

**The Chair:** Yes.

I'll just mention that if NDP-9 is adopted, CPC-3, BQ-10 and BQ-11 cannot be moved due to a line conflict.

**Ms. Jennifer O'Connell:** I'm sorry, Chair, but would you be ruling CPC-3 out of order as well?

**The Chair:** Yes, I would, if it had been moved.

**Ms. Jennifer O'Connell:** Okay.

Can we suspend, please?

**The Chair:** Anyway, we've been asked for a suspension. Do we still need that?

**Ms. Jennifer O'Connell:** Yes.

**The Chair:** Okay, we'll suspend.

• (1745)

(Pause)

• (1750)

**The Chair:** We are once again resumed.

It's an interesting process we have here.

Anyway, I will recognize Mr. Chong for a subamendment on NDP-9.

**Hon. Michael Chong:** Thank you, Mr. Chair.

I am moving the following subamendment after discussions with members from all recognized parties on this committee.

I move that we strike the words "by commission under the Great Seal" and the words contained in part (g).

Those say:

by replacing line 22 on page 78 with the following:  
"on address of the Senate and House of Commons."

**The Chair:** Okay.

Let's pause briefly and let the legislative clerks see how it affects the bill. Then they'll advise.

• (1750)

(Pause)

• (1755)

**The Chair:** The meeting resumes.

We'll go once again to Mr. Chong.

**Hon. Michael Chong:** Thank you, Mr. Chair.

After consultation with the legislative clerks, I've been advised to seek unanimous consent to withdraw my subamendment and present another subamendment in a different form that would have the same effect as the one I propose to withdraw.

**The Chair:** Let's first withdraw the subamendment.

Do we have unanimous consent to withdraw Mr. Chong's subamendment?

**Some hon. members:** Yes.

(Subamendment withdrawn)

**Hon. Michael Chong:** Okay.

Mr. Chair, I propose the following subamendment.

These words are struck from the amendment:

9 (1) The Governor in Council is to appoint, by commission under the Great Seal, an individu—

We also strike:

(g) by replacing line 22 on page 78 with the following:  
"on address of the Senate and House of Commons."

**The Chair:** Thank you.

Is there any further discussion on Mr. Chong's subamendment?

Go ahead, Ms. O'Connell.

**Ms. Jennifer O'Connell:** I want to get clarification.

If all of part 9(1) is removed, would it mean that it's not a Governor in Council appointment?

**Hon. Michael Chong:** Mr. Chair, I can clarify that. That is not correct.

In the existing bill in front of us, on page 78, line 4, the language would remain the same.

It reads as follows:

9 (1) The Governor in Council is to appoint an individual to be known as the Foreign Influence Transparency Commissioner, to be responsible for the administration and enforcement of this Act.

That would remain as it is, unamended.

**Ms. Jennifer O'Connell:** It's just the amendment we're dealing with here that is being changed, then.

Okay. Thank you.

**The Chair:** Are we good?

Okay. Is there any further discussion?

Shall the subamendment carry?

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

**The Chair:** That brings us back to the amendment as amended.

Is there any discussion on the amendment as amended?

Shall NDP-9 as amended carry?

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

**The Chair:** That would leave CPC-3.

CPC-3 cannot be moved and BQ-10 cannot be moved.

This brings us to BQ-11.

[*Translation*]

Mr. Villemure, you have the floor.

**Mr. René Villemure:** Amendment BQ-11 deals with the removal of the Commissioner. We propose to involve both the House of Commons and the Senate in the removal process.

Amendment BQ-11 proposes:

That Bill C-70, in Clause 113, be amended by replacing line 22 on page 78 with the following:

“at any time on address of the Senate and House of Commons.”

We therefore propose to add the Senate and the House of Commons to the revocation process.

[*English*]

**The Chair:** I'm sorry. I was focused on something else here.

Would you say that again?

[*Translation*]

**Mr. René Villemure:** We wish to amend line 22 on page 78 to read, “at any time on address of the Senate and House of Commons”. This amendment would add the Senate and the House of Commons to the revocation process.

• (1800)

[*English*]

**The Chair:** Is there any discussion?

Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** I'm just curious.

When it says, “at any time on address of the Senate and House of Commons”, I'm not sure of the word “address” there in the English part.

Does it mean “at any time on the recommendation of the Senate?” It's confusing to me. Can you explain?

**The Chair:** I think that's legal talk.

Go ahead, Mr. Chong.

**Hon. Michael Chong:** Yes, I can clarify what that means.

That would mean that in order for the commissioner to be removed, they would have to be removed after an address, on address of the Senate and House of Commons. It means that a resolution of the House of Commons and a resolution of the Senate would have to be adopted in order for the commissioner to be removed from office.

**The Chair:** Is there any further discussion?

Seeing none, shall BQ-11 carry?

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

**The Chair:** We've arrived at NDP-10.

Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** Thank you.

This is an amendment to remove the administrative monetary penalties from the bill. It deletes from line 22 on page 81 to line 19 on page 83.

The reason for this is that Ms. Kwan believes that there were some foreign interference activities in relation to her 2019 campaign. She did file complaints with law enforcement. I think the outcome was that Elections Canada decided not to fully investigate and instead opted for an administrative penalty of, I think, \$500.

She's not really interested in administrative penalties being assessed for what I think we can all agree is something quite serious, so this is removing the administrative penalties but keeping the more serious punishments in place.

**The Chair:** Go ahead, Mr. Gaheer.

**Mr. Iqwinder Gaheer:** Thank you, Chair.

This amendment would reduce the tools that are at the disposal of the commissioner to administer under the proposed act.

As it's currently written, the act has three levels of scalable enforcement mechanisms, from issuing notices to levying fines and then finally referring the case to law enforcement authorities. Removing this would remove that middle step. It would go from issuing notices all the way to criminal prosecutions with no intermediate step in between.

I'd like to hear what the officials have to say on this step as well.

**Mr. Richard Bilodeau:** The bill was put forward in this way so that the commissioner would have the maximum discretion on which tools to use to address specific instances of non-compliance. There's a recognition that not all non-compliance deserves criminal punishment, but also that a lot of non-compliance doesn't deserve just a notice.

Having administrative monetary penalties gives that intermediate step. Also, administrative monetary penalties, by their definition, are meant to encourage compliance and deter non-compliance, so they're an important tool in doing that.

In any given situation, if the commissioner believes, in their discretion, that a particular breach of the law requires more severe consequences, the commissioner can refer the matter to the police of jurisdiction for investigation, which could then move forward with criminal charges if they deemed that appropriate.

• (1805)

**The Chair:** Is there any further discussion?

Seeing none, shall NDP-10 carry?

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

**The Chair:** Okay. BQ-13 can't be moved because other things didn't get moved. We've come to NDP-11, with Mr. MacGregor once again.

**Mr. Alistair MacGregor:** Thank you, Chair. We're now going to page 85. NDP-11 is going to replace line 2 on page 85 with what you can see there, and then by adding after line 20 on the same page what you can see there. I just want to make sure I have it all. Yes.

This amendment provides for the naming of foreign principals without broadly specifying a list of countries. It can be a tool that's used sparingly, an enhanced tier that allows the option of requiring increased reporting and disclosure requirements when a mere registration is not enough to mitigate negative risks of foreign influence from hostile states. If it's used appropriately, the enhanced tier could overcome some of the problems encountered by Australia's country-agnostic version.

For example, the Australian Strategic Policy Institute has pointed out that the activities of the United Front Work Department of the Chinese Communist Party, as well as the role played by the Confucius Institutes at Australian universities, are entirely missing from the FITS registry.

Overall, I think we're respecting a country-agnostic registry but just providing a specific tier.

**The Chair:** Is there any discussion?

**Hon. Michael Chong:** I have a question. I'd like to hear from officials whether or not the activities of the United Front Work Department would be captured by part 4 of this bill.

**Mr. Richard Bilodeau:** Thank you for the question. I'll answer it in this way.

There are three triggers to require a registration obligation in the legislation. Those three activities are communication with a public office holder, communication to the public, and the disbursement of money in relation to a government or political process. Whether it's done by somebody operating under the United Front Work Department or some other organization, as long as those three elements are there, the registration obligation is triggered.

**The Chair:** Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** To the officials, in this amendment, adding after line 20 that the Governor in Council “may” establish a list is giving the cabinet the option to list the name of a foreign principal if there's a concern that this foreign principal is of particular concern.

I believe there was a diplomat from the Chinese embassy who was named *persona non grata*. His name was shared all over the media. What could be some of the consequences of doing this? If there is a principal who is of concern, is there not some benefit to naming that person and saying that this person is a threat?

**Mr. Richard Bilodeau:** The commissioner will have discretion in applying the legislation and determining in any given situation if an entity in Canada who is in an arrangement with a foreign body meets the definition of a foreign principal. The commissioner will be well placed to make that determination.

In addition to that, I would say that the commissioner will have at their disposal the ability to issue interpretations or bulletins and could communicate information in that way as well. They would completely retain the independence to do that in any given situation.

**The Chair:** Is there any further discussion?

Shall NDP-11 carry?

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

**The Chair:** BQ-14 and BQ-15 can't be moved because other things were not. That brings us to BQ-16.

• (1810)

[*Translation*]

Mr. Villemure, you have the floor.

**Mr. René Villemure:** Thank you, Mr. Chair.

Amendment BQ-16 concerns the Commissioner's annual report and specifies that this report must be tabled in the House of Commons and the Senate instead of being given to the minister, in order to ensure greater transparency. This is a recommendation made by several witnesses, including Mr. Thomas Juneau, who said it would be a good practice.

The amendment proposes therefore that Bill C-70, in clause 113, be amended by replacing lines 22 to 28 on page 85 with the following:

the end of each fiscal year, prepare an annual report on their activities during that year and submit it to the Speakers of the Senate and the House of Commons, who must each table it in the House over which they preside without delay after receiving it or, if that House is not then sitting, on any of the first 15 days on which that House is sitting after they receive it.

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

[*English*]

Go ahead, Ms. O'Connell.

**Ms. Jennifer O'Connell:** Thank you, Chair.

To the officials, concerning the way the current legislation is written without this amendment, is the minister allowed to change or alter the report or request the commissioner to change it?

**Mr. Richard Bilodeau:** Our understanding is that “the Minister must cause the report to be tabled” means that the minister receives the report from the commissioner and then turns around and tables it in the House of Commons without the ability to change it.

**Ms. Jennifer O'Connell:** Therefore the minister couldn't change it and the minister couldn't refuse to table it. Is that your understanding as well of the line “must cause”?

**Mr. Richard Bilodeau:** That's right. There's no discretion there.

**Ms. Jennifer O'Connell:** Thank you.

Again, I understand the rationale behind this amendment, but with the report not being able to be changed and having to be tabled in the House, I don't see an issue with the legislation as is.

**The Chair:** Thank you.

Is there any further discussion?

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

[*Translation*]

**The Chair:** Mr. Villemure, you have the floor regarding amendment BQ-17.

**Mr. René Villemure:** Thank you, Mr. Chair.

This amendment is similar to amendment BQ-16, but instead of the annual report, it concerns the special report.

I move that Bill C-70, in clause 113, be amended by replacing lines 29 to 36 on page 85 with the following:

29 The Commissioner may, at any time, prepare a special report on any matter that is within the scope of their powers, duties and functions and submit it to the Speakers of the Senate and the House of Commons, who must each table the report in the House over which they preside without delay after receiving it or, if that House is not then sitting, on any of the first 15 days on which that House is sitting after they receive it.

The intention here is for the Commissioner to report to Parliament rather than directly to the minister, so that a healthy distance can be maintained between the Commissioner and the minister.

**The Chair:** Thank you.

[English]

Go ahead, Ms. O'Connell.

**Ms. Jennifer O'Connell:** Chair, again to officials, my concern with this is that if the report went directly to the House, there would have to be some redactions or protections put in place in terms of national security information being tabled publicly.

**Mr. Richard Bilodeau:** In any report that is tabled in the House publicly, there are always concerns about classified information being shared in that manner.

Typically, when organizations receive intelligence, there are caveats. There are limits to what can be done. We would always be conscious that when the commissioner tables a report, he or she would be able to do so in a way that protects classified information.

**Ms. Jennifer O'Connell:** Any of these reports could be reviewed by NSIRA or NSICOP. If something was included that, let's say, needed to be redacted for the public version, there would be an opportunity to see the unredacted version in the right setting, because the minister can't alter the report.

**Mr. Richard Bilodeau:** I'll answer the question this way, Chair. NSIRA and NSICOP have an ability within the legislation to review the use of intelligence by the commissioner. If they misuse the intelligence, I would assume that NSIRA and NSICOP would, or would have the ability, at least, to look at that and make a determination.

I'll admit that I'm not an expert in NSIRA and NSICOP reviews, but it is intended to include some level of accountability in the use of intelligence.

• (1815)

**Ms. Jennifer O'Connell:** Thank you.

**The Chair:** Is there any further discussion?

Shall BQ-17 carry?

(Amendment negatived [See Minutes of Proceedings])

[Translation]

**The Chair:** Mr. Villemure, you have the floor on amendment BQ-18.

**Mr. René Villemure:** Thank you very much, Mr. Chair.

This amendment deals with the revision of the Act respecting countering foreign interference. During the hearings, we were obviously concerned and annoyed to learn that the Personal Information

Act and the Canadian Security Intelligence Service Act were to be reviewed every five years, but that they weren't.

So we wrote the amendment at the suggestion of a witness who told us, in connection with the five-year review, that if there were an election next year and we elected a minority government that wouldn't stand, we could go through two election cycles without reviewing the act.

We therefore move that Bill C-70, in clause 113, be amended by replacing lines 9 to 12 on page 86 with the following:

31 (1) During the first year after a general election, a comprehensive review of this Act and its operation

We therefore propose that there be a review after each election in order to avoid the real possibility of having several elections in a five-year period without the act being reviewed.

**The Chair:** Thank you.

[English]

We'll go to Mr. Chong next, and then Mr. Gaheer.

**Hon. Michael Chong:** Thank you, Mr. Chair.

We support this amendment.

**The Chair:** Go ahead, Mr. Gaheer.

**Mr. Iqwinder Gaheer:** Thank you, Chair.

To the officials, we know that this will increase the frequency of the reviews and the potential administrative burden as well. We know that Canadian elections have been the target of foreign interference.

Is a year after an election enough time to review the previous election to see if there was foreign interference and to take the proper recommendations?

**Mr. Richard Bilodeau:** As we read the proposed amendment, it would require a comprehensive review of the act and the operations of the act. It would allow the commissioner to review how the act performed after the election. The review would not be limited just to the election, but it would be limited to just what is in the purview of the FITAA.

**The Chair:** Go ahead, Mr. Chong.

**Hon. Michael Chong:** I want to clarify something. We're on BQ-18, are we not?

**The Chair:** Yes.

**Hon. Michael Chong:** Well, this is an amendment to require the House of Commons and the Senate to undertake a review of the act. It's a review by the House and the Senate, not the commissioner, if I'm correct.

**Mr. Richard Bilodeau:** Yes. I misspoke, Chair. I'm sorry.

**Hon. Michael Chong:** Okay.

**The Chair:** Mr. Gaheer, are you done?

**Mr. Iqwinder Gaheer:** Yes, I am.

**The Chair:** Is there any further discussion?

Shall BQ-18 carry?

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

[*Translation*]

**The Chair:** Mr. Villemure, you have the floor regarding amendment BQ-19.

**Mr. René Villemure:** Thank you, Mr. Chair.

My proposed amendment BQ-19 would require the minister to table a response to the committee's report within 90 days. Basically, we want to make the act more robust by requiring a government response, which seems desirable and logical to me.

**The Chair:** Thank you.

[*English*]

Is there any discussion?

**Ms. Jennifer O'Connell:** I would like to offer a subamendment. First, where it says, "The Minister must, no later than 90 days after the day on which the report referred to", I would strike out "90 days" and replace it with "120 days".

The second part of the subamendment would be to strike out proposed new subsection 31(2).

**The Chair:** Has it been distributed?

Everybody has it. Okay.

**Ms. Jennifer O'Connell:** I have extra copies, if you don't have it.

**The Chair:** Okay.

Is there discussion on the subamendment?

Go ahead, Ms. O'Connell.

**Ms. Jennifer O'Connell:** Thank you, Chair.

In terms of changing 90 days to 120 days, that's just consistent with what the practice is for tabling reports and the timeline for a response.

On striking out the second part, I just think it's important that the minister will determine the appropriate response of the report, so I don't think it's needed.

• (1820)

[*Translation*]

**The Chair:** Mr. Villemure, you have the floor.

**Mr. René Villemure:** Thank you very much, Mr. Chair.

I thank my colleague for her comments. I totally agree with conforming to current practice and extending the deadline to 120 days. However, her proposal to delete paragraph 32 (2) proposed by our amendment is absolutely not acceptable, because I would like the minister to be forced to respond. The response time should not be left to the minister's discretion, because the response could then be postponed indefinitely.

[*English*]

**The Chair:** Do I see any further discussion?

Seeing none, shall Ms. O'Connell's subamendment carry?

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

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

**The Chair:** That brings us to G-2.

Ms. O'Connell or Mr. Gaheer, do you want to move G-2?

**Mr. Iqwinder Gaheer:** Yes.

This would amend the foreign influence transparency and accountability act. It'll ensure that all pre-existing foreign influence arrangements are covered and that existing relationships won't be grandfathered in due to a lack of transitional provisions.

It is quite lengthy, so I won't read it into the record, but it's been provided.

Maybe we can get the officials' word on this.

**Mr. Richard Bilodeau:** Thank you, Chair.

This amendment is proposed because we noticed during the clause-by-clause preparation that existing agreements may not have been captured by the registration requirements of the act. The intent was to ensure that individuals who may have had an agreement on the day that the act comes into force are required to register it within a two-month period. That's consistent with what was done in the past in, for example, the Lobbying Act.

It also avoids a situation in which individuals may seek to enter into arrangements or conclude arrangements prior to the coming into force and therefore not be required to register their agreements.

**The Chair:** Mr. MacGregor is next.

**Mr. Alistair MacGregor:** I'm just assuming that because we did pass BQ-19, these are going to be renumbered as a consequence. We've added a new proposed section 32, so....

**The Chair:** The answer is yes. I like yes.

Is there any further discussion on G-2?

Seeing none, shall G-2 carry?

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

(Clause 113 as amended agreed to)

**The Chair:** There are no amendments submitted for clauses 114 to 117. Do we have unanimous consent to group them?

**Some hon. members:** Agreed.

(Clauses 114 to 117 inclusive agreed to)

**The Chair:** Look at that. We've done all the amendments and it's five minutes before we turn into pumpkins.

Shall the short title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall schedule 1 carry?

(Schedule 1 agreed to)

**The Chair:** Shall schedule 2 carry?

(Schedule 2 agreed to)

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill as amended carry?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

**The Chair:** Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

**Some hon. members:** Agreed.

**The Chair:** That brings us to a close.

Thank you all for your rapt attention and your dedication to getting it done in a hurry.

**Hon. Michael Chong:** I have a point of order, Mr. Chair.

Thank you for all your work over the last week and a half and to all the other members of the committee and officials for all the work.

**The Chair:** Thank you to all the officials.

We have this marvellous piece of software here that's going to keep track of our five minutes per party too. We won't get to use it this time.

It's an open question on what we should be doing on Thursday at 8:15 and what action we should take—whether we should sit or whether we should meet on whatever.

I'll be looking for the committee's input tomorrow to see if there are any ideas for what we should carry on with. Personally, after this long week, I'm okay with not sitting on Thursday.

Please let me know and we'll carry on.

With that, and with all thanks—

• (1825)

**Mr. Frank Caputo:** I was going to move a motion here, Mr. Chair.

**The Chair:** We'll go to Mr. Caputo to move a motion.

**Mr. Frank Caputo:** Yes. I hate to be a stick-in-the-mud.

I believe Ms. O'Connell is trying to get your attention, so I'll...

**The Chair:** Ms. O'Connell, go ahead.

**Ms. Jennifer O'Connell:** No.

**The Chair:** Okay.

Go ahead, Mr. Caputo.

**Mr. Frank Caputo:** Okay. I move that:

Given that,

A. The Liberal parliamentary secretary said “Boo hoo, get over it” when committee was questioning the Minister of Public Safety, Democratic Institutions and Intergovernmental Affairs, the Hon. Dominic LeBlanc, about elected MPs who have knowingly helped hostile foreign countries and worked against Canada's interests,

B. The committee call on MP Jennifer O'Connell to apologize to all Canadians of diaspora communities who are the targets of foreign interference and to all Canadians concerned about the integrity of our institutions and report this finding to the House.

I don't mean to belabour this. I'll summarize my point in about 30 seconds.

It's my position that as the parliamentary secretary, the member should be above reproach. This was a significant issue, and is a significant issue, Mr. Chair, when it comes to the public safety mandate, and we had the minister there. It was reported by the media.

I understand that sometimes heckling does happen. It happens in the House of Commons. Most of us have done things that we've had to apologize for. I think this is similarly appropriate, given that it happened at the committee table when the minister was here.

With that, I'm done, Mr. Chair.

Thank you.

**The Chair:** Thank you.

We have had appropriate notice. The motion is in order.

I believe Ms. O'Connell wishes to speak, followed by Mr. Gaheer.

**Ms. Jennifer O'Connell:** Thank you, Chair.

I appreciate the opportunity to speak on this motion. I find it quite disappointing after a meeting that dealt with very serious legislation. Mr. Caputo seemed to be silent on that as well, which is interesting, and instead decided, when it comes to foreign interference, that he would instead prefer to focus on political antics.

Mr. Chair, although the blues have not been released for that meeting, it's very clear, because there's video, that the Conservatives are misleading, frankly, this committee with this motion and the language around it, because the intervention with Mr. Genuis was very clearly only about heckling.

Mr. Genuis was upset that I had heckled Mr. Caputo, and in fact interrupted Mr. Gaheer's line of questioning. There was no mention of the NSICOP report. There was no mention in this interaction of the findings and the report. It was simply about the fact that Mr. Caputo was upset that I heckled him. It's an ironic point, given that in that very same meeting, Mr. Cooper was admonished by the chair for berating a witness.

While I would acknowledge and say that heckling is certainly not ideal, it does happen all of the time, and I would for sure apologize for heckling during Mr. Caputo's intervention. However, what happened and what took place subsequent to that meeting was that the Conservatives have now spun the interaction away from the actual issue, which was a debate over heckling, and spun it into something it's not, and now they're including the point about apologizing to diaspora communities and making the issue about the NSICOP report.

Again, anyone can watch the interaction and see that the Conservatives did not raise diaspora communities, did not raise foreign interference. They did not raise the NSICOP report. All they talked about was being upset that Mr. Caputo was interrupted by me.

It's this hypocrisy that I find so egregious, given the lack of respect that is provided to all members, and in particular by some of the Conservatives—in fact, the mover of this motion, who has heckled and interrupted not only Liberal members but Bloc and NDP members at different times.

We can have a debate about decorum, but what I won't accept is this mis-characterization of the events when it's very clear on the record that the Conservatives never even mentioned foreign interference in that intervention. To now purport it to be something that it's not, I find egregious.

I had to wonder why the Conservatives would try to spin something that is very clearly provable through Hansard and through video, frankly, because all of our meetings are recorded, and then I realized it's because the Conservatives would rather speak about me and make this a political exchange—

• (1830)

**Mr. Doug Shipley (Barrie—Springwater—Oro-Medonte, CPC):** I'm sorry to interrupt.

Mr. Chair, on a point of order, this has been a long week and a half. Staff and the witnesses have worked very hard. I was just wondering if we could let the witnesses go.

**The Chair:** Absolutely. Do we have unanimous consent to release the witnesses?

**Some hon. members:** Agreed.

**The Chair:** Thank you all for your interventions. Thank you for your patience. I'm sure we'll see you all again one day.

Do we have unanimous consent to let our legislative clerks leave?

**Some hon. members:** Agreed.

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Yes, but the next time they come, they have to bring desserts.

**The Chair:** Thank you.

We're carrying on with Ms. O'Connell. I believe Mr. Gaheer was next, but go on.

**Ms. Jennifer O'Connell:** Thank you, Chair.

Chair, it made me wonder. Let's also remember that in that meeting, no one questioned the interaction as being about the real threats

and real issues that diaspora communities are facing around foreign interference. That was not part of the interaction. It was only afterward, when Conservatives took to Twitter to spin and mislead, that this accusation was made.

It made me think about why the Conservatives would, after the fact, try to distract from what really took place in that meeting. I started to do a little bit of a look at why the Conservatives would rather focus on me and have an interaction about heckling, as they heckle me—the irony is not lost on me—and not an interaction on the very real issues of foreign interference.

Well, let's look at some of the things they don't want me to talk about. Some of those things include the fact that in 2010, it was former prime minister Harper's national security adviser, who we had as a witness on foreign interference, who actually advised and warned about the very real threats of foreign interference. Nothing was done.

It was under Mr. Harper's government that Canada was urged to join other Five Eyes countries to create a parliamentary committee for national security oversight. Again, that advice was ignored.

Actually, the crux of my intervention with Mr. Caputo was the fact that he spoke about NSICOP as the only reason we know about these allegations. My interaction, because I could not understand that they were unaware of the irony, was on the fact that it was the Conservative government that actually refused to create NSICOP, and then actually at one point in the last number of years got upset and removed members and put members back.

To now be using NSICOP when it suits them, after they refused to establish it.... I couldn't contain the irony in that interaction. When their current leader was asked why he did nothing to deal with foreign interference while he was the democratic institutions minister, he essentially said that, well, it wasn't politically in their interest to do so at the time.

When we created the motion to establish NSICOP, Conservatives voted against it. We established the SITE election committee, which is a non-partisan oversight committee establishing a mechanism to alert the Canadian public of foreign attempts to interfere in our elections.

Mr. Chair, our government has continuously implemented legislation to deal with foreign interference. We've taken it seriously since we formed office in 2015.

I've continually highlighted the hypocrisy that Conservatives have shown on this issue, and I find it deeply offensive to mislead and misconstrue what actually took place at this committee and the interactions in a way to bury and distract from the fact that the Conservatives' record on foreign interference is pretty abysmal. I find it deeply offensive to suggest that diaspora communities, which have very real experiences of foreign interference, would be treated in a manner to mislead them about what that actual interaction was. I find it deeply concerning. Frankly, I have faith in Canadians to see through the partisan games that are happening here today.

I'll leave it at that, Chair. I find it incredibly disappointing that we even have to engage in this sort of partisan behaviour on an issue that is so important. However, I will not stand here and allow the mis-characterization of what actually took place to go unchecked.

Luckily, we have video and Hansard to clarify the record.

• (1835)

I'll ask for a recorded vote.

**The Chair:** Thank you.

We'll go now to Mr. Gaheer.

**Mr. Iqwinder Gaheer:** Great. Thank you, Chair.

This motion calls on Ms. O'Connell to apologize to Canadians of diaspora communities that are the targets of foreign interference. I find that very rich, because when we were in that committee and asking questions.... I am a member of a diaspora community that is a target of foreign interference of the highest degree, and I was interrupted by Mr. Genuis and his point of order. That's when this exchange happened.

I agree that Ms. O'Connell's words are being mis-characterized. We really invite all Canadians to watch the testimony and read the Hansard. I don't know if it even captures all the crosstalk that happens within committee. I'll leave it there.

**The Chair:** We'll go to Mr. Lloyd.

**Mr. Dane Lloyd (Sturgeon River—Parkland, CPC):** Thank you, Mr. Chair.

I have to say I wasn't there for the meeting in question, but I find it very hypocritical of members of this Liberal Party to cite the testimony of former CSIS director Richard Fadden at our committee last week, when it was members of this Liberal Party, including the current Minister of Health, Mark Holland, who issued a report calling for the resignation of Director Fadden because of his comments, comments for which he has now been vindicated. They were comments that spoke about the threat of foreign interference in Canada and the threat to members of our political class. He even said that members of our political class had been subverted by foreign powers. He was saying this back in 2010.

I want to list off some of the recommendations that the Liberal Party made in its report.

Recommendation 1:

That the Minister of Public Safety and the Prime Minister be held responsible for the Director of CSIS's unacceptable statements during the interview...

Recommendation 2:

That the Government of Canada renounce categorically Mr. Fadden's statements and apologize to the Chinese Canadian community, and other cultural communities implicated in and offended by Mr. Fadden's allegations concerning growing foreign interference in domestic politics...

Recommendation 3:

That the Minister of Public Safety require Richard Fadden to resign [for his statement]...

Recommendation 4:

That Parliament censure the Minister of Public Safety and the Prime Minister for allowing the Director of CSIS to exceed his statutory mandate by making dramatic and irresponsible statements to the media, sowing doubt in many members of the public regarding the probity and loyalty of municipal elected officials and provincial ministers.

Those are just some of the things that the Liberal Party of Canada called for in 2010 when it was attacking the director of CSIS, who was warning us. Now the members have the gall to stand in this committee today and lecture Conservatives about the remarks of Richard Fadden. For 14 years, he has courageously, despite the vilification that these Liberals put on him back in 2010, stood up for our country and defended our country from the threat of foreign interference.

I'm glad to see that he has been vilified today. Thank you, Mr. Chair.

**The Chair:** Do you mean "vindicated"?

Okay.

There being no more speakers....

Go ahead, Mr. Caputo.

• (1840)

**Mr. Frank Caputo:** Yes, I agree. This was all caught on camera and Canadians can decide for themselves.

It was actually the media in the back of the room that broke the story in almost identical language to that which was put out by the Conservative Party. I think it was Mercedes Stephenson who reported it first, and it was then corroborated by another reporter who was in the room.

Indeed, Canadians will judge for themselves.

**The Chair:** Are there any further interventions? No.

(Motion negated: nays 6; yeas 4 [*See Minutes of Proceedings*])

**The Chair:** The motion is defeated.

**Mr. Chris Bittle:** On a point of order, if you seek it, I think you'll find unanimous consent that we not meet on Thursday.

**The Chair:** Is that agreed?

**Some hon. members:** Agreed.

**The Chair:** Done. Thank you.



Thanks, everybody. This meeting is adjourned.

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