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Chair

The Honourable Paul DeVillers

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Wednesday, October 27, 2004

• (1535)

[English]

The Chair (Hon. Paul DeVillers (Simcoe North, Lib.)): I'd like to call this meeting to order, the meeting of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness. We're here today to deal with the reference from the House of Bill C-6, an act to establish the Department of Public Safety and Emergency Preparedness and to amend or repeal certain acts.

I'd like to welcome the Deputy Prime Minister, the Honourable Anne McLellan, who will be here giving evidence today along with officials from her soon-to-be department.

Madam Minister, perhaps you'd like to introduce the officials with you, and then we'd like to have your opening comments.

Hon. Anne McLellan (Minister of Public Safety and Emergency Preparedness): Thank you.

[Translation]

Thank you, Mr. Chairman.

[English]

Let me introduce my deputy minister, Margaret Bloodworth. We are accompanied here today by Patricia Hassard and Paul Kennedy, probably neither of whom, but especially Mr. Kennedy, are strangers to at least some of you around this table.

Oh, I also have Kim Johnston, who is actually the person responsible for the bill. How indelicate and insensitive of me not to see you down there, Kim.

[Translation]

Mr. Chairman and committee members, I am pleased to meet with you today and to support you in your study of Bill C-6, an act put forward by the government to establish the Department of Public Safety and Emergency Preparedness.

[English]

Let me say before I get into my presentation that obviously this is the first time I've had the opportunity to appear before this newly constituted committee. I will probably be here often, and I look forward to working with all of you, especially with my new colleagues. Some of us—Mr. MacKay, I, and others—have been around here a long time now, but for my new colleagues, I look forward to working with you all on this committee.

In relation to the legislation before us today, Bill C-6, this is an important bill, one that will be a cornerstone of Canada's approach to safety and security in the years ahead. It is a top priority for our government, which is why we have moved so quickly to introduce this legislation early in this new parliamentary session.

Given the nature of the committee's work, I'm sure you will agree that the core responsibility—and I underscore this—of any government is to ensure the safety and security of its citizens. These are the foundations for every other right of citizenship, the essential conditions for every other freedom, and this goes to the heart of Bill C-6.

This legislation, should it be passed, will enshrine in law the departmental structure announced last December and further solidify the working relationships that were put in place at that time. It provides the legislative foundation required for the government to meet its vital emergency preparedness obligations, promote safe communities, and fulfill key national security responsibilities.

Let me quickly review the key elements of the bill. The actual bill itself, as you know, is very short, but let me review the key elements of the bill before considering it in the broader context of government initiatives.

First, Bill C-6 will establish the powers, duties, and functions of the Minister of Public Safety and Emergency Preparedness in relation both to the new department and to the other agencies that make up the portfolio. The line of authority and accountability is clear. The Prime Minister's prerogative in matters relating to national security will of course remain; so will the statutory authorities of other ministers. However, should issues of public safety or security arise that cross departmental mandates, it would be my job to coordinate the federal response and to ensure that we would be working effectively with other governments and other jurisdictions to address whatever the problem might be. That's the leadership role the Prime Minister envisioned when he created the public safety and emergency preparedness portfolio last December, and of course in times of crisis that coordination and facilitation function is crucial.

Bill C-6 will also give me and my successors the authority to coordinate and establish strategic priorities for the portfolio agencies to ensure that they are working in an integrated and coordinated manner while respecting their distinct mandates. Again, it is about leadership.

The legislation also explicitly authorizes cooperation with provinces, foreign states, international organizations, and others on matters pertaining to public safety and emergency preparedness. That's a reflection of both the breadth of issues that can threaten our safety and security in the 21st century and the potential need for integrated and coordinated cross-jurisdictional responses.

Last but not least, Bill C-6 will recognize my role to facilitate the sharing of information among public safety agencies based on existing legislative authorities. In other words, this proposed legislation does not create new information exchange authorities for the minister, the department, or the portfolio agencies. This is something I believe my parliamentary secretary, Mr. Cullen, emphasized during second reading debate. I think, however, it bears repeating: the goal of the information-sharing provisions of Bill C-6 is to ensure that the right information is available to the right people at the right time. In order to do that we need to improve the information-sharing capacity and culture of public safety agencies without in any way infringing on the privacy rights of Canadians.

Those are the key elements of the bill, but there are a couple of other points I would like to make in response to issues that arose during second reading debate. First, both the Conservatives and the New Democratic Party called for greater oversight of security activities. Mr. Chairman, I want to assure the committee that Bill C-6 will in no way affect the existing oversight powers and responsibilities of the Office of the Inspector General of CSIS, the RCMP External Review Committee, the Commission for Public Complaints Against the RCMP, or the Security Intelligence Review Committee, SIRC.

• (1540)

Similarly, Bill C-6 will not affect the mandatory three-year parliamentary review of the anti-terrorism legislation.

Second, Mr. Chair, jurisdictional concerns were raised during second reading, and here

[*Translation*]

I would like to assure Mr. Ménard and all committee members that this bill fully respects the role and jurisdiction of the provinces and territories in the area of emergency preparedness.

[*English*]

While each jurisdiction has its respective roles and responsibilities, the need for the various levels of government—municipal, provincial, and federal—to work effectively together in managing a crisis is essential.

As members will be aware, for the first time in ten years a meeting of federal, provincial, and territorial ministers responsible for emergency preparedness is being organized and will take place in January.

We have established at the federal level a government coordination centre to provide support across government and to key national players in emergencies of national importance.

Additionally, I can assure members of this committee that Bill C-6 does not conflict with or override the Emergency Preparedness Act. As committee members are aware, the Emergency Preparedness Act

is the basis for disaster assistance to the provinces and territories and for the development of national plans to deal with disasters and emergencies.

This legislation will undergo a review in the near future, and I think it's fair to say it will be before this committee. In fact, Mr. Chair and members of the committee, if you think it appropriate, Mr. Kennedy, who is the senior assistant deputy minister responsible for emergency preparedness and national security, will be happy to brief the committee or any part thereof in terms of our work and our thinking to date around reform of the emergency preparedness legislation—our consultations with the provinces and local governments and so on.

Finally, Mr. Chair, there were some concerns raised during second reading with respect to the timing of the legislation. This is of course but one of the many initiatives the government has undertaken to improve the safety and security of Canadians since Prime Minister Paul Martin was sworn into office on December 12, but I think it's fair to say that from day one the Prime Minister has sent a clear message to Canadians that issues of safety and security are at the top of the government's agenda, a message that was clearly reaffirmed in the Speech from the Throne earlier this month.

In a logical, step-by-step fashion we have been building a fully integrated security system that maximizes the effectiveness of federal emergency preparedness and crisis management. All of the additional measures that have been implemented over these past ten months are aimed at strengthening the actions Canada has taken since 9/11 to close security gaps and ensure that our national interests in human safety and security are protected.

I'm not going to take you through the various things that have happened over these past ten months, whether it's the creation of a new border services agency or other developments, other than to mention the first-ever integrated national security policy, which was released by this government in April.

In fact, I think as the months go by this committee will probably be interested in hearing from me or from officials in terms of the implementation of that national security policy and whether we are hitting our benchmarks—and dare I say, the benchmarks established for us by the Auditor General, and perhaps others.

Speaking for myself, I think the development of that policy signals a very important new step and level of commitment and focus on the national security of this country. It is obviously now our shared obligation—parliamentarians as well as this department and others—to ensure the implementation of that national security policy. That, at the end of the day, speaks to our ability, working with the provinces, territories, and others, to protect Canadians.

Colleagues, I think I will leave it there. I know you're going to have a wide range of questions focused on the new department that you would like to ask me. I simply come back, I suppose, to where I began, which is that I am very pleased to be the first minister of this new department.

The goal is to bring greater clarity and focus to all we do in the areas of public safety, security, and emergency preparedness. We—and when I say “we”, I mean not only we in this country, at whatever level or wherever we may be, but also in democracies like ours—have all learned a lot about what we need to do to protect safety and security and be prepared for emergencies, man-made or natural.

It speaks to integration; it speaks to a level of cooperation and coordination not only within this level of government, but with other levels of government and with the private sector when one is talking about the protection of a critical infrastructure or cyber-security.

• (1545)

We know as well, and I am certainly conscious of, as I mentioned in my speech, the concerns that might exist in relation to the importance of information collection and sharing. I today received a letter from the privacy commissioner—Mr. Chair, you may have received that letter as well—that I think is important. We're working well with her, as the letter indicates, but clearly, from both my end and yours, we will need to take her letter and see what she proposes there, see what the implications are for the department and perhaps elsewhere. At any rate, I know you're going to hear from her.

At the end of the day, it is absolutely critical that we have the ability to share information across agencies and departments where relevant. If September 11 taught us anything, it is that you can collect all the information in the world, but if it's sitting on someone's desk somewhere, in a language that hasn't been translated, and doesn't, in real time, get analyzed and back to the front lines, whether it's the city cop in New York or wherever, you are not in a position to protect your people. You are not in a position to break up and prevent the acts of those who would do harm to the citizens of this country and to the citizens of our allies.

To conclude, one of the things I have come to appreciate in my short time in this portfolio is how absolutely important it is to understand the importance of information—how it's gathered, how it's analyzed, and how it's then in real time sent back to the people who actually put their lives on the line every day to protect Canadians and the people who live in our allied countries. That is not to say that privacy is not important, because obviously it is. The two are not in confrontation. However, I think we all need to work together to ensure that we're achieving our shared objectives.

With that, I will say thank you to everyone. I look forward to your comments, suggestions, and questions. Merci.

• (1550)

The Chair: Thank you, Madam Minister.

We'll go to questions, but for the benefit of all members, it was agreed at the steering committee that the minister would be with us for the first hour. I'd suggest that the questions be addressed to the minister in that first hour. We'll take a five-minute break, and then officials will remain to continue answering questions, if that's correct.

For the Conservative Party, Mr. MacKay, seven minutes.

[*Translation*]

Mr. Peter MacKay (Central Nova, CPC): Thank you, Mr. Chairman.

Thank you for being here, Minister.

[*English*]

Thank you very much for coming. I know this is your first appearance before this committee in this new portfolio, so we welcome the opportunity to see you here and look forward to more visits.

You spoke in your conclusion about the importance of information sharing in particular. This is something that has long been a challenge in the previous incarnation of the department. I'm wondering if you could focus in on particularly the role of one element that appears to be, at least from my review of the anti-terrorism legislation of Bill C-36, potentially outside your department, and that is the Communications Security Establishment, which I believe would be under your colleague Bill Graham, the Minister of Defence.

That has been in the news recently, as you would know. Concerns were raised over the use of wiretap information on Canadians receiving calls from outside Canada. I want to know if you can share with us...and this may be brought up again, obviously, when we go into the mandatory review that you mentioned. I'd like you to tell us, if you could, that timeline. Will that happen before Christmas?

Can you tell us, if you would, what, if any, real oversight is in this system other than the minister receiving the request and granting, for all intents and purposes, a blank wiretap justification for a target individual? Can you tell us how that information is reviewed at all? I know there is a commissioner, former Chief Justice Antonio Lamer, but is there any ability for parliamentary oversight? Is there any ability currently to review the number of times in which this quite broad power is exercised and how Canadians' security and privacy rights are being protected?

Hon. Anne McLellan: As you indicated, there is an oversight mechanism. This mechanism, as I believe was described by the Minister of Defence in the House just a day or two ago in response to a question, involves the former Chief Justice and a staff of some number of people who work with him to provide oversight.

Clearly the CSE is not within this department's jurisdiction, so nothing in this touches upon the CSE. I think you're quite right, however, that when this committee or whatever vehicle it is—I presume it will be this committee—takes up the mandatory three-year review of Bill C-36, your question would be quite appropriately dealt with in that context.

Mr. Kennedy may be able to add to my comments here this afternoon.

Clearly there is an oversight mechanism, but it is an intelligence-gathering body, and it is absolutely key to the protection of Canadian security.

Mr. Peter MacKay: Will that review take place this fall?

Hon. Anne McLellan: In terms of—

Mr. Peter MacKay: If I may, Minister, the last part of my question goes back to the element of information sharing. If CSE is in that other department, as you've outlined, and information is being received that is of a threatening or menacing nature, is that then being shared with our other security agencies, mainly CSIS and the RCMP?

Hon. Anne McLellan: In terms of the information, clearly the information collected is only useful if that information is shared in a way that informs our daily risk assessments, which are made on a daily basis, in terms of what we think the risk assessment is to Canadians. You don't collect the information and put it in a drawer. It has to be analyzed by people at CSE. That analysis in fact is fed into our risk assessments. Mr. Kennedy can say more about that.

Just to go back to your point around the mandatory review of Bill C-36, the lead on this is obviously the Minister of Justice and the Attorney General, although he and I will be working very closely with all of you in relation to the review. Clearly that mandatory review has to begin before the end of December of this year. Therefore, with the chair and the members of the committee, the Minister of Justice, me, and our parliamentary secretaries, Mr. Macklin and Mr. Cullen, I should think we would be working closely, all of us together, to determine how we all might be able to proceed in the most constructive fashion to discharge our statutory obligations to review Bill C-36.

• (1555)

Mr. Peter MacKay: So is that before Christmas or after?

Hon. Anne McLellan: It has to begin before Christmas, by law.

Mr. Peter MacKay: On the oversight component of this, perhaps you could indicate to the committee when it would be your department's intention to set up this parliamentary intelligence committee that was working over the summer. We've had meetings on that. I'm wondering if we could get you on record as to when we'd get a decision.

Hon. Anne McLellan: I had the pleasure of meeting with you and others earlier this week over lunch to talk about the work of the ad hoc committee of parliamentarians. You will remember that part of the commitment of the Prime Minister on December 12 was that I would prepare a consultation paper and that we would establish an ad hoc committee of parliamentarians who would do work in relation to what a new parliamentary committee might look like.

I have received that report. I believe I received it from the chair, Mr. Lee, on October 6 or October 7. I have read the report. My officials and I are reviewing the report, as we discussed at lunch the other day. We will now be informing the Prime Minister as to the contents of the report.

Personally, I would like to make that report public fairly soon, but as you well know, Mr. MacKay, there was discussion around the approach we should be taking in terms of whether we table the report in the very near future or wait for a little while.

Mr. Wright, national security adviser to the Prime Minister, and I will be briefing the Prime Minister in relation to the recommendations. We would hope to be able to move on this in the fairly near future. I can't give you a date, because in fact we have to.... All I can do is make a recommendation to the Prime Minister, which I will be doing.

Mr. Peter MacKay: So sometime, presumably, in the near future.

Hon. Anne McLellan: Absolutely.

Mr. Peter MacKay: In the spring.

Madam Minister, in regard to the issue of threat assessment, you've referred to the fact that this takes place on a daily basis. You may recall, I believe it was last spring, that the former director of CSIS made quite an alarming statement. I'm quoting from the *Ottawa Sun*:

But as al-Qaeda directly threatened Canadians twice in as many years, the last time only a month ago, it is safe to assume that it is no longer a question of "if" but rather of "when" or "where" we will be specifically targeted."

I would like your reaction to that assessment by the former director of CSIS, and I wonder if you could tell us your concerns, where you see that threat today.

Hon. Anne McLellan: Well, I gave my reaction at the time. In fact, I think the then-director of CSIS was quite right to flag for the committee and for Canadians the fact that al-Qaeda has named this country. Nobody's making that up. That's not someone's imagination, or someone's exaggerated claim. Osama bin Laden has named this country. We are number five.

I don't think the listing necessarily means anything in terms of whether we're fourth or fifth, or whenever we might be subject to some kind of attempted terrorist attack, but we cannot be naive. We have been named by Osama bin Laden; therefore that speaks to the kinds of actions, vigilance, and risk assessment we undertake, because we've seen the absolute terror and horror that he and his organization can create.

I think it is important for our key agencies not to exaggerate, not to alarm, but to be as honest as we can be, keeping in mind we are dealing with very sensitive issues, operational issues, where you do not want to endanger people's lives and other things, nor the work of our allies, quite truthfully, in many cases.

• (1600)

Mr. Peter MacKay: Minister, I wouldn't ask for the specifics—

The Chair: I'm sorry, Mr. MacKay, but your time has elapsed. Perhaps we can conclude this.

Mr. Peter MacKay: I'll just finish this one question. Thank you, Chair.

I'm not asking for operational details, but you recently met with Mr. Ashcroft—

Hon. Anne McLellan: And Secretary Ridge.

Mr. Peter MacKay: I'm wondering if you can tell us if there were discussions specifically around this issue of the threat, and what future actions will be taken to address concerns that the Americans, including their ambassador, have expressed about the state of Canada's security forces.

Hon. Anne McLellan: Actually, I think it's fair to say that Tom Ridge, who is my counterpart in the Department of Homeland Security, has not expressed concerns about our working relationship and the actions we have taken in this country since 9/11. In fact, Ambassador Cellucci was not suggesting in any way that we were not discharging our appropriate obligation. What he was doing, in a sense, was stating the obvious.

Canada and the United States are open countries. We have a large, undefended border. A terrorist could come across the border from the United States into Canada, or vice versa. We work hard in a seamless fashion at our borders to try to prevent that, whether it is a land border, a seaport, or an airport. But nobody—Tom Ridge, myself, nor John Ashcroft—can commit to their people that we live in a 100% risk-free world. Therefore the ambassador's comments were a recognition of the reality of our lives in North America. People move back and forth. We will do everything we can, individually and working together, to prevent people who would do harm from moving back and forth from one country to the other.

The Chair: Thank you, Madam Minister, and Mr. MacKay.

[Translation]

You have seven minutes, please, Mr. Ménard.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Thank you, Mr. Chairman.

First of all, Minister, I would say that we think this bill is important, even though short. We think it is necessary as a result of September 11. We will be experiencing a time when we all have a common enemy, regardless of our political views, which may differ. It is therefore necessary to combine under a single authority a number of organizations involved in gathering intelligence. Moreover, it has been my experience that the best way to fight organized crime is often to bring together organizations so that they can pool their intelligence and establish relations that enable them to operate quickly. In my opinion, the same should be done internationally, but it is good that we start by doing it at home.

As you know, this is an area of shared constitutional responsibility. I am sure that you personally have no intention of invading areas of provincial jurisdiction, but rather to respect them. I would like to hear you repeat that. I am therefore convinced that you want to work so as to respect provincial and territorial jurisdictions.

Hon. Anne McLellan: Yes, that is correct.

Mr. Serge Ménard: You would therefore have no objection to including a provision in the bill requiring the federal government to work so as to respect provincial jurisdiction, in case one of your successors understands his or her role differently. Is that correct?

[English]

Hon. Anne McLellan: I guess I would have to take that under advisement and think about the implications of it. For me it goes without saying.

Monsieur Ménard, you and I in different lives have worked together on some of these issues. I would say that for me it is always important to acknowledge constitutional jurisdictional responsibilities, especially in areas of emergency preparedness. The first responders are generally local governments that then link to provincial governments, and depending on the nature of the emergency, the Government of Canada will work closely with those other levels of governments. That is a respectful way of doing business. I think governments work this out, as you know, on a daily basis, and it is embedded in the way we should do business in this country—that we respect each other's jurisdictions.

Having said that, I quite truthfully cannot give you a yes or no answer to that question. I do not want to either hamstring a local

government or the national government in ways that we have not had an opportunity to think through. I will take that back and I will provide you an answer to that specific question before you end your deliberations on Bill C-6.

• (1605)

[Translation]

Mr. Serge Ménard: I understand your testimony as minister, which could act as an example for those who follow you. However, you will understand that those who feel threatened would prefer a legal guarantee rather than relying just on your example.

[English]

Hon. Anne McLellan: Yes, following my example would be a good thing.

[Translation]

Mr. Serge Ménard: But it would be preferable to include this in the bill.

[English]

Hon. Anne McLellan: As I say, I would like to have the opportunity to go back and think about the implications of such a specific provision. I want to work through that and also check with some provincial and local government partners with whom we work to see if there would be any concerns. We would try to do that fairly quickly for you.

[Translation]

Mr. Serge Ménard: Let us move to another subject. As I understand it, you are prepared to implement this bill as quickly as possible, with the exception of clauses 35 and 36.

Hon. Anne McLellan: Yes.

Mr. Serge Ménard: You therefore have no objection if we state in the bill that all the clauses, except clauses 35 and 36, will come into force.

[English]

Hon. Anne McLellan: Clauses 35 and 36 are consequential amendments in relation to...

Ms. Margaret Bloodworth (Deputy Minister, Department of the Solicitor General (Public Safety and Emergency Preparedness)): Minister, maybe I can help and then Kim can help me.

Clauses 35 and 36 are amendments of other legislation that is pending. The only reason they were excluded from the general coming into force is it's not clear when those bills will come into force.

[Translation]

Mr. Serge Ménard: I understood that. I said that there was no other exception. All the other provisions are ready to be implemented.

[English]

Hon. Anne McLellan: Yes, I understand.

[Translation]

Mr. Serge Ménard: Thank you.

I would now like to turn to another topic, which is more difficult but very important. Do you think there are cases where organizations under your jurisdiction that have to do wiretapping will have to do so without getting a warrant from a judge first?

[English]

Hon. Anne McLellan: Mr. Kennedy, I might let you respond to that.

Everything we do is done within the appropriate mandates of those organizations. Those mandates are set out in law. For example, as I know you are aware, a wiretap that the RCMP would conduct is done under judicial warrant. That warrant is authorized by a justice of the peace or other appropriate judicial officer. These organizations have legal mandates. They are in the law. They obey the law; and if they don't, we have oversight mechanisms to determine that.

If people have complaints about whether one of these organizations is working within their mandate or conducting actions, be it wiretap or others outside their lawful jurisdiction, we have a wide variety of oversight mechanisms, including, quite truthfully, this committee.

Paul, do you want to say something?

Mr. Paul Kennedy (Senior Assistant Deputy Minister, Emergency Management and National Security, Department of the Solicitor General (Public Safety and Emergency Preparedness)): If I can just add, sir, I was a criminal prosecutor and I used to do wiretap cases, both application and wiretaps as a criminal prosecutor, and I was the chief counsel for the intelligence service for a little over five years.

Those are the two main ones we're looking at. Clearly, the charter itself sets out the standards as to when we need wiretaps or not, and I've found that even in exigent circumstances we have been able to get access to a judge and get the warrant in sufficient time to address the threat we're looking at.

• (1610)

[Translation]

Mr. Serge Ménard: I'm very pleased to hear that. You are acknowledging that it is never necessary to do a wiretap without going through a judge. All the work required to gather security intelligence can be done, because there are always judges available.

The Chair: Thank you, Mr. Ménard.

[English]

Mr. Comartin, seven minutes, please.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Thank you, Mr. Chair, and thank you, Madam Minister, for coming.

I must admit that since I've had the bill, I've been wondering how the department has been functioning, because we haven't had a Solicitor General for some time.

Hon. Anne McLellan: Oh yes, you have. That act continues. That is the act under which I am operating, and many of the component parts of the portfolio—CSIS, RCMP—have their own statutes, which are not impacted by this legislation.

Mr. Joe Comartin: I just wanted that comfort.

Hon. Anne McLellan: Don't worry, everything I've done has been lawful since December 12. I was not Solicitor General before that.

Mr. Joe Comartin: In terms of the structure, I want to go back and pick up on some of the points Mr. MacKay was making. I also had the same reaction after the work we did this summer on intelligence gathering and the reports that we saw come out—the 9/11 report, the Bali report, the Hunter report. All other jurisdictions were identifying the same problem about the incidents being more severe and perhaps even being able to have been stopped if we'd have had better coordination.

I'd have to say, Minister, that I don't see where we're achieving that here. I recognize we're bringing some of them together. But some of the information we got this summer indicated there are a number of other agencies that are not—at least as far as I can see—envisioned to come under the authority of this department. Are you aware of other ways in which we're going to see to it that the coordination occurs now? Are you going to leave that up to the intelligence committee, if we ever get it? What's the strategy here?

Hon. Anne McLellan: First of all, keep in mind that within the powers, duties, and functions of the minister it does speak to my role in terms of coordinating the activities of the entities for which I am responsible, and establishing the strategic priorities for those entities, and also, as it says in subclause 6.1), to initiate, recommend, both within and without, in terms of cooperation with provinces, foreign countries, and so on.

It's very clear that it is anticipated that the minister of this department will play a leadership role in terms of bringing together not only the elements of this department, but also a leadership role around coordination and facilitation of other departments within the Government of Canada, other agencies, and then also, where appropriate and required, working with other levels of government, foreign governments, and so on.

In terms of other mechanisms, for example, the Prime Minister created a new committee of cabinet on December 12, the public safety, security and emergency preparedness committee. I chair that committee. All the key departments that deal with safety, security, and emergency preparedness—the fisheries department, the coast guard, the transport department, which is obvious for a host of reasons, the immigration department, foreign affairs, justice, and the defence department—are all brought together under my chairmanship.

We are responsible, for example, for the implementation of the national security policy as a government priority. We are responsible, in a sense, for dealing with all matters as a government as it relates to the public safety and security of Canadians, and our ability to be prepared for emergencies, be they man-made or natural. So that is another mechanism.

Quite truthfully, this committee as a standing committee of Parliament can play some role in that, it seems to me, in terms of the issues you take up and the recommendations you make. Then, of course, there is the committee of parliamentarians, which Mr. MacKay and I were referring to—although the exact mandate has not yet been determined clearly, and that will be up to the Prime Minister—where there will be an oversight jurisdiction in relation to matters of national security.

•(1615)

The Chair: Mr. Comartin.

Mr. Joe Comartin: Thank you, Mr. Chair.

I just want to take issue, Madam Minister, that the direction at this committee is, I think, a bit disingenuous, given the history of this committee when dealing with intelligence agencies. It has repeatedly been told, “We can't tell you that because it's a matter of national security”.

Hon. Anne McLellan: That's only one part. In fairness, Mr. Comartin, the intelligence issue is only one part of public safety, national security, and emergency preparedness.

Mr. Joe Comartin: Which is where I want to go next. There is no definition in here of either public safety or emergency preparedness. So it's not clear, in fact, just how much you're going to coordinate or how much your office would be responsible for coordinating. It seems to me that's a limitation in the legislation. So somebody looking at this is saying, “Well, in fact, is it this minister? Does it fall under public safety or emergency preparedness, or is it over here under intelligence, under one of those other departments?”

Hon. Anne McLellan: Well, keep in mind that each department is created by law. You will look in each of those statutes to determine the mandate of that department.

If you look at clause 4, it says “The powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction”, thereby obviously excluding any matter the provinces have jurisdiction over, “—and that have not been assigned by law to another department, board or agency of the Government of Canada—relating to public safety and emergency preparedness”.

So it is a broad mandate within the jurisdiction of the Parliament of Canada, over which the Parliament has jurisdiction—section 91 matters largely—and which have not been assigned to another department, board, or agency. So that is the mandate. Every one of my ministerial colleagues has a mandate given to them in law. We in fact know what each other's mandates are. Our deputy ministers know what those mandates are.

Clearly, my role in this department, among other things, is to ensure that we are exercising leadership at the national level in relation to matters of public safety and emergency preparedness.

The Chair: Last question, Mr. Comartin.

Mr. Joe Comartin: I'll pass, Mr. Chair. Thank you.

The Chair: Okay. We'll go on to Mr. Macklin for seven minutes.

Hon. Paul Harold Macklin (Northumberland—Quinte West, Lib.): Thank you very much, Chair.

Thank you, Minister, for being with us today.

Recently, of course, we've noticed a couple of very significant visitors, the Director of Homeland Security, as you mentioned, Tom Ridge, and the Attorney General, John Ashcroft. What that brings to mind, of course, is what sort of relationship we are developing with both of those individuals as it relates to your portfolio. I wonder if you could give us some understanding of what initiatives you're working on, what initiatives you've already put together, how you share information. Could you give us some concept of how this relationship is going to function, has functioned to date, and will function after this bill is in force?

Hon. Anne McLellan: I think the relationship has functioned well, keeping in mind that the Department of Homeland Security was created after 9/11. In fact, one of the things Secretary Ridge and I talk about are the shared challenges around creating brand-new departments and taking elements of previously formed or existing departments and agencies and bringing them together to put a sharper focus on safety, security, and emergency preparedness. It is not simply a mechanical or technical task. You are taking organizations that in some cases have cultures and histories of long standing and you are attempting to create an integrated cohesive whole, all of whom or which are focused on the same objectives, working in the same way and sharing information in ways that are appropriate and mandated by law.

I think the relationship between my former colleague, John Manley, and Secretary Ridge was a very good one. My relationship with him and the Attorney General, John Ashcroft, is very good. We work well together. I think both officers of the U.S. Government believe that we have a strong, virtually seamless relationship in many areas as it relates to public safety and security. But do we need to push this further? Yes.

Mr. Comartin, you come from Windsor. You had the opportunity to talk, albeit it briefly, with Secretary Ridge about the challenges of Windsor-Detroit. Those challenges are security-based and they're economic and the two cannot be separated. For the sake of both our countries we need to keep that border open and functioning at maximum utility. And therefore Secretary Ridge and I have identified the fact that we need to push the solutions, infrastructure solutions, short-, medium-, and longer-term solutions. We need to get everybody at the table and make sure there's momentum behind the right solutions, to make sure that the border point—and that's only one, but it's the most important, key border point on a daily basis in this country...we need to make sure that we're identifying, as we conclude elements of our smart border strategy, where we go next. It is dealing with Windsor-Detroit. It is creating more integrated border enforcement teams.

When Tom Ridge was here we announced our 15th IBETs team. When these began the Hon. Herb Gray was the Canadian instigator of them, in 1997, I think, along with his American counterpart, at that point, Janet Reno. From a standing start really in 1997, we now have 15 integrated border enforcement teams that are being studied and copied around the world in terms of a model of law enforcement agencies integrating their efforts, being interoperable. Are we exactly where we want to be, for example, with our IBETs? No. But we have come a tremendously long way in terms of working together.

I had the opportunity to go to Cornwall and visit the IBETs team there, 15 core agencies from both sides of the border working in a seamless fashion to stop smuggling, to try to increase the level of safety and security for the people on both sides of the border who live in that area. I think that is the future of public safety and security, where the provinces, Quebec and Ontario, represented in those IBETs teams, local police, customs, FBI, whoever is relevant to helping solve the public safety or security challenge, work together, obviously within their legal mandates. That is the future of public safety, not only here but globally.

• (1620)

The Chair: Mr. Macklin.

Hon. Paul Harold Macklin: That's very helpful to understand, to get a sense of the initiatives you're taking.

Going to a different perspective, you were describing.... I guess I'm trying to get an understanding here of the relationship between, let's say, your post, as it now is going to be seen, and CSIS, for example. How is that interrelationship going to work? Will it work on a day-to-day basis, or will it only work when an "emergency" arises?

Hon. Anne McLellan: No. CSIS is part of the portfolio. I have a number of agencies. CSIS is created by its separate statute, as is the RCMP. You will have the CBSA legislation before you in the coming weeks, creating the Canadian Border Services Agency. It reports to me. The director of CSIS reports to me, and I am responsible in Parliament and elsewhere, to the public of Canada, for the conduct of CSIS.

Hon. Paul Harold Macklin: And is that reporting to you based on their statute and not on this particular statute?

Hon. Anne McLellan: They have a separate statute. They are an independent agency in the sense that they have their own statute, and have had that since their creation. You will remember they were given birth out of the McDonald commission on RCMP wrongdoing, and in fact they were created with a mandate that flowed directly from the McDonald commission on RCMP wrongdoing.

• (1625)

Hon. Paul Harold Macklin: So if the ministries were divided—in other words, that the minister responsible for emergency preparedness and public safety is not the same minister as, say, the Solicitor General—is that going to create any difficulties?

Hon. Anne McLellan: That's one and the same now. That's why the Prime Minister, I think, felt it was so important to bring key aspects of safety, security, and emergency preparedness together.

September 11 taught us many things, one of which is that you have to bring your key agencies together under one leadership, so that they are integrated, pulling in the same direction, focused. You can't have people going off in too many different directions.

With integration, with one minister here who is responsible for so many of the important agencies as relates to safety and security, we hope to be more effective in protecting Canadians, and we hope to be more efficient. Clearly, my own view is that this is absolutely the right way to go.

As the United States has learned and as other countries have learned, we have to bring all our key agencies together in one place under one minister.

The Chair: Thank you, Madam McLellan.

I'm going now to the three-minute rounds.

Mr. Toews.

Mr. Vic Toews (Provencher, CPC): Thank you.

I'm encouraged to hear what you say about the integrated units. I hear from border guards in my constituency that they can't even communicate with their American counterparts because their radios are on different frequencies. It's a large problem.

I note you say the issue of public safety, security, and emergency preparedness is key, and you indicated to Mr. Ménard that first responders are key to this whole puzzle, yet we hear very troubling stories out of Quebec, and we hear very troubling stories out of my own riding in the province of Manitoba.

In Manitoba, for example, in respect of the RCMP policing, 35 of the 65 highway patrol RCMP officers are being transferred out of highway patrol, leaving 30 RCMP officers for the entire province for highway patrol. This leaves long stretches of highway unpatrolled, around the border as well, without regular patrol.

The province says it has put up the money. The province says the money is all there, and they've repeated it a number of times. The problem, they say, is that the federal government refuses to provide the RCMP officers in accordance with the policing contract between the province and the federal government.

I don't blame the RCMP here. I know a number of years ago—and I'm sure Mr. Ménard remembers that—the federal government shut down the training depot in Regina. They didn't need it. There was a crisis. We were told about the crisis that within five years one-half of the RCMP officers would be eligible for retirement. That time is here. Half of the RCMP officers are eligible for retirement.

In my province, 35 of 65 positions are vacant in the highway patrol. How long is this going to last? What confidence does this give to my constituents at a local level, and generally to Canadians?

We heard my colleague, Mr. MacKay, talk about Quebec. This is a serious problem when we can't get highway patrolmen interdicting drugs, guns, and any other sort of illegal activity on our major highways, never mind the back roads.

The Chair: That question took two and a half minutes out of a three-minute round.

Mr. Vic Toews: I wanted to leave something for the minister.

Some hon. members: Oh, oh!

Hon. Anne McLellan: In terms of the deployment of the RCMP in the province of Manitoba, what you're talking about are provincial police responsibilities. They police under contract, and the deployment of those officers is up to the provincial solicitor general or the minister of justice of the province.

Mr. Vic Toews: Just on that point, then, you're saying it's the provincial attorney general who has made the decision to transfer the 35 officers out of highway patrol and leave those positions vacant?

Hon. Anne McLellan: Those are not operational decisions that I have anything to do with. They police under contract in the province of Manitoba.

Mr. Vic Toews: So it's the province that has made that decision?

Hon. Anne McLellan: I did not make that decision, I can assure you of that. I do not involve myself in operational matters.

Mr. Vic Toews: Who made that decision, if you didn't make it?

Hon. Anne McLellan: I would think the RCMP and the Province of Manitoba made that decision in conjunction with either the provincial solicitor general, if you have one, or the minister of justice, because that's the way decisions—

•(1630)

Mr. Vic Toews: But the province tells me it's you who have made the decision.

Hon. Anne McLellan: We do not make the decisions about deployment of RCMP officers on highway patrol. They police under contract in the province.

Now, if you're talking about the numbers of RCMP, we deal with the province in relation to that, and we deal with communities in relation to their requests for numbers.

Patricia, have we received a request from the Province of Manitoba in relation to more officers?

Mrs. Patricia Hassard (Assistant Deputy Minister, Policing, Law Enforcement and Interoperability, Department of the Solicitor General (Public Safety and Emergency Preparedness)): Minister, I'm not aware of any particular outstanding requests. Sometimes there are vacancies because the depot can't produce officers as quickly as the provinces need them, but they're working at capacity in depot, as I understand it.

We're not aware of any particular—

Hon. Anne McLellan: In fact, I am aware of letters that I have received, Mr. Toews, relating to some other communities in Canada where they have brought to my attention that they need an increased number of officers, either to come up to their agreed complement, or because they want to begin discussions with ourselves and the province to increase the actual agreed-to complement. But I have not seen, to my knowledge, such letters from the Province of Manitoba.

Mr. Vic Toews: Thank you.

Hon. Anne McLellan: I will say that radio interoperability is a very important issue. In fact, when Tom Ridge was here we announced a new pilot project at the borders to try to deal with the fact that there is different spectrum used very often by American and Canadian counterparts. Different technologies and equipment are used.

In fact, they're working on it. In Cornwall they're completely interoperable now, because of the good work of people locally who worked hard on this issue in law enforcement.

Tom Ridge and I have authorized a new pilot project where we are trying, through the use of technology, to overcome the basic problem

that very often different spectrum is being used. That is only one of the problems we hope to overcome through this pilot project and the use of technology.

You have identified a very important problem, as I would have expected you to, Mr. Toews, and one we are committed to working on, both within our own country and across borders.

The Chair: Thank you, Madam Minister.

Mr. Maloney, you have three minutes, please.

Mr. John Maloney (Welland, Lib.): In effect, Minister, we are creating a super-ministry, and you are the super-minister.

Hon. Anne McLellan: I take that in the best sense of the word.

Mr. John Maloney: Your mandate is emergency preparedness and public safety, except where other departments or agencies have specific responsibilities. Are we setting ourselves up for a turf war between your agencies and any of the other umbrella agencies? Is there a provision, if there's conflict, where your word stands?

Hon. Anne McLellan: Actually, I must say I don't sense issues of turf, if you like, in relation to, first of all, the agencies and components of my department.

The 9/11 commission identified an interesting cultural and historic issue around agencies in the U.S. such as the CIA and the FBI. They have lengthy histories, and there have been identified turf issues. This was set out clearly by the 9/11 commission.

I would not say that, within agencies that are in the business of information collection and analysis as it relates to national security, you may not have, every now and then, a certain pride of place. I think the problems we have are minimal, because the history and culture of key intelligence-gathering bodies is different. Therefore, as far as I can tell—and I have asked specifically and have looked at this with both the commissioner of the RCMP and the previous director of CSIS and the interim director now.... I asked them specifically about this. All three men have reassured me that they have close and good working relationships. We need to build on them and drive this cooperation forward.

I have no turf issues with my colleagues at all. We work together in a seamless fashion. Their departments are created by mandate. My role is to play a leadership role, a coordination role, a facilitation role where that is required outside my own mandate.

•(1635)

Mr. John Maloney: IBETs on paper make eminent sense. There are many different agencies. I don't know how many—perhaps 15, you mentioned. Is there a coordinating body among those agencies, and do you feel they're properly resourced or can be properly resourced?

Hon. Anne McLellan: If you people would make a submission on my behalf to the Minister of Finance that we need more resources for our existing IBETs, and more IBETs, I would support it wholeheartedly.

I think the IBETs we have are working well. Whenever you bring together different agencies, dare I say even on our side of the border, let alone from different agencies on the U.S. side, there are always issues of transition in how you work together.

One of the things I was struck by when I was in Cornwall is that these people, these men and women, will tell you part of it is building the relationship day by day: getting to know each other and the way each works, and becoming comfortable with each other's competencies and skills. That is a relational human thing that resources don't really help. You build the relationships. The integration can be facilitated, obviously, by resources, by dealing with radio interoperability issues and things like that.

We are pleased with the way the IBETs have worked to date. We continue to evaluate them. The RCMP obviously is a key federal agency that provides me with its views as to the functionality of the IBETs and what's working and what isn't. You bring together a lot of different agencies there, and the RCMP is my best input into how the IBETs are working and what they need in addition to what they already have.

The Chair: Thank you, Madam Minister.

[Translation]

Mr. Ménard, it is the Bloc's turn, but Mr. Breitzkreuz has asked whether we could allow him to ask the minister a question, because she will be leaving immediately after the next round.

Mr. Serge Ménard: That's fine.

The Chair: Officials however will stay to answer more questions.

Mr. Serge Ménard: Fine, but I would like to tell her something before she leaves.

Minister, you will remember no doubt that we were together in Nova Scotia on September 11 2001.

[English]

Hon. Anne McLellan: I remember that.

[Translation]

Mr. Serge Ménard: We saw the same thing on television. Our notion of what constitutes a real danger for Canada has changed totally because of it. These threats are not military; they are of a totally different nature. Don't you agree that funding for traditional equipment at DND should be reallocated to this department? We have to fight troupes lined up in front of us by creating intelligence gathering tools.

Let's call a spade a spade. We're talking here about intelligence and counter intelligence, in an effort to identify underground cells that are a threat to us and all other democracies and sometimes even countries simply because they are tourist destinations.

[English]

Hon. Anne McLellan: There's no question that as it relates to a country's military we are not fighting the Cold War any longer. The enemy is very different; the enemy is mobile; the enemy is often now not state-based; the enemy is found in many cases in failing and failed states. So the challenges are quite different.

I will not speak for DND. My colleague Bill Graham will actually be bringing forward a defence paper later this fall, which I know

parliamentarians will be most interested in and will be debating. Concerning how DND understands exactly what you're saying here, Monsieur Ménard—that the nature of the threats has changed, and therefore the nature of the responses must meet the new challenges and threats—that does directly implicate my department, absolutely. Minister Graham and I have talked about the fact that as it relates to domestic security, we have a commitment, for example, for the creation of 3,000 new individuals to enter our reserve units.

As you know from the ice storm and floods and other things, the armed forces assist provinces and local communities. They're called in by the provinces. We don't go there unless we're asked to go there, as you well know.

● (1640)

In terms of helping local authorities and provinces deal with various kinds of emergencies, DND has to look at that. They have to look at terrorist threats. They have to look at natural threats. They have to have a capacity to respond to those things.

It's different from having large standing armies that are facing each other across a wall. That is not the world we live in any more.

The Chair: Thank you, Madam Minister.

Now Mr. Breitzkreuz, for three minutes, after which we'll have a five-minute break to allow the minister to take her leave, and then we will have further questions from the officials.

Mr. Garry Breitzkreuz (Yorkton—Melville, CPC): Thank you very much.

I appreciate your waiting around for my question.

I really have serious concerns in regard to public safety. I'll just outline some of the things.

There are more than 30,000 bogus refugee claimants who have been ordered deported and are still on the loose in this country.

We inspect only 1% of foreign shipments that are received on our docks.

There are 200,000 outstanding Canada-wide warrants and over 100,000 province-wide warrants.

In the year 2000, the DNA-case backlog in the RCMP forensic lab reached a low of 330 cases. Within 36 months, that backlog had risen to 683 cases—that's twice as much. In the year following that, by October 2003 it had doubled again to a backlog of 1,733 DNA cases.

Improving public safety would be not allowing criminal suspects to roam free because the RCMP don't have enough money to analyse DNA samples. What percentage of those 1,733 backlogged DNA cases in the forensic labs of the RCMP could result in a successful match and take a criminal off the street? How many people are walking around free because of inadequate funding to the RCMP?

In 2004 the evidence recovery and biology services business plan called for increased investment by the RCMP in order to deal with the DNA backlog.

Raymond Hession, in his latest report in regard to the firearms program, said we're spending \$119.7 million on that this year. We're going to have to spend more than \$120 million next year. So why did you deny the RCMP money for additional funding for DNA analysis, yet you continue to pour over \$100 million a year into a useless firearms registry?

These are decisions you make, Madam Minister. We need answers.

Hon. Anne McLellan: First of all, I don't think I can answer all, but I would be happy to provide responses to all in writing.

But I want to go back and clarify the record, because we cannot let stand an assertion that there are 30,000 bogus refugee claimants. In fact, I think what the honourable member is referring to is that there are roughly 30,000 people in this country who are under removal order.

Mr. Garry Breitkreuz: That's what I said.

Hon. Anne McLellan: No, you didn't; you said "bogus refugee claimants".

Mr. Garry Breitkreuz: I said they had been "ordered deported".

Hon. Anne McLellan: I'm going to clarify the record, because they are not largely bogus refugee claimants.

Mr. Garry Breitkreuz: What are they?

Hon. Anne McLellan: They are in fact students, for example, who have overstayed their visas. They're not claiming refugee status. They are visitors who come for a funeral or a wedding and they've overstayed their status. They're not bogus refugee claimants.

In fact, we do indeed have people under removal order who have made bogus refugee claims, but it is not 30,000 people. It is that kind of misinformation that creates an impression in the public that refugees are not to be valued in this country, that refugees are not to be welcome in this country. That, Mr. Chair, is unacceptable.

I will happily respond to the honourable member's other questions in writing.

• (1645)

The Chair: Thank you very much, Madam Minister.

I think we'll have to take a five-minute adjournment now.

An hon. member: I thought she was here for an hour.

The Chair: Well, it has been an hour.

We'll adjourn. The officials will remain.

• (1645)

(Pause)

• (1652)

The Chair: We'll reconvene the meeting, please, and we'll continue with the questions for the officials.

We're at the three-minute round, so we'll go now to Mr. Comartin.

Mr. Joe Comartin: I'm not sure to whom it's addressed, but there was a note—and I hadn't caught this myself—from the parliamentary research branch that the existing legislation has a provision in it that requires the tabling of an annual report by the Solicitor General, and

that's not contained in Bill C-6. Was that intentional, or should we in fact be incorporating that into this legislation?

The Chair: Ms. Bloodworth.

Ms. Margaret Bloodworth: Thank you, Mr. Comartin.

In fact, the Department of the Solicitor General and now this department have, I think, already tabled one of them. We table two reports a year. We table the report on plans and priorities and the departmental performance report.

Back somewhere in the mid-nineties there was a directive from, I believe, either Finance or Treasury Board under the Financial Administration Act not to issue departmental reports because we have these other reports, so we're really just catching up with what is actually the fact. The Solicitor General has not filed an annual report under that section for 10 or 12 years, but the department has filed departmental performance reports and reports on plans and priorities, which are actually much more substantive reports than the reports under those sections ever were.

It wasn't just this department. There are a number of departments where they did that.

Mr. Joe Comartin: In terms of the authorizations that are given under the anti-terrorism law, my understanding is that the number of those that have been granted are not being reported anywhere. Am I accurate on that?

Ms. Margaret Bloodworth: I don't think so.

Paul, do you want to speak to it?

Mr. Paul Kennedy: I believe SIRC makes an annual report.

Mr. Joe Comartin: So it's contained in there.

Mr. Paul Kennedy: In their report you'll find it.

Mr. Joe Comartin: But historically the Solicitor General has not reported those.

Mr. Paul Kennedy: No, there are two reports that are done. There is one that's done under the Criminal Code for police wiretaps that are done federally. In addition you could look at SIRC because the Security Intelligence Review Committee looks at virtually all the warrants that are done by the intelligence service. They check the affidavits for their accuracy. You'll see they make annual comments upon it, and you'll see they produce a statistical chart in terms of the number of warrants, with year-by-year comparisons. So it is there in terms of the Security Intelligence Review Committee report.

• (1655)

Mr. Joe Comartin: Wait a minute. SIRC is not responsible for CSE.

Mr. Paul Kennedy: No. CSE, the Communications Security Establishment, is part of the Department of National Defence, and that would be reviewed by the commissioner for CSE. The Security Intelligence Service, CSIS, is subject to review by SIRC. In SIRC's annual report they provide the data you're talking about.

Mr. Joe Comartin: Does anybody provide data on the number of warrants that are authorized? Do you remember the change we made after the anti-terrorism law came into effect authorizing, with permission of the minister for CSE, the actual tapping of Canadians. Is that reported anywhere, the number of them?

Mr. Paul Kennedy: I couldn't tell you. I haven't looked at any of the recent CSE reports, but those are ministerial warrants. It would have to be from either the CSE commissioner or the Minister of National Defence, but those questions would be best answered by them. I don't have the answer.

The Chair: Thank you, Mr. Comartin.

Mr. Cullen.

Hon. Roy Cullen (Etobicoke North, Lib.): Thank you.

How much time do I have?

The Chair: Three minutes.

Hon. Roy Cullen: Thank you, Mr. Chair, and thank you to all the officials, Ms. Bloodworth and others.

In the minister's statement she talked about the new Integrated Threat Assessment Centre—and it actually came up, I think, in some of her other comments—and the Government Operations Centre. I had the opportunity to visit the Government Operations Centre, and I must say, having had the opportunity to visit the Homeland Security Operation Center in Washington, I think it stacks up quite well. I'm wondering if you could describe more fully what the Integrated Threat Assessment Centre is, how it interacts with the Government Operations Centre, and what exactly the Government Operations Centre does as well.

Ms. Margaret Bloodworth: The Integrated Threat Assessment Centre is in CSIS. Although it's a unit of CSIS, it is meant to be staffed by people from various parts of the community who have an interest in threats—for example, its director. The first director is somebody on secondment from the RCMP. They will have people from CSIS, the RCMP, and Immigration. They'll take information from a wide variety of sources and will provide threat assessments to the Government of Canada. They'll also provide them to the provinces, and in some cases to specific entities that might be under threat.

This has been set up. I believe it started in August, so it's still early days, but they have already started issuing some threat assessments.

The Government Operations Centre is set up to be the part that was missing. A number of departments, including departments that I have been a part of in the past, whether it was Transport or DND, have their own operations centres to deal with operations in which they're directly involved.

The missing piece was an operations centre that would make sure all of the operation centres were linked, particularly in an emergency, and would make sure that if there were any gaps, they would be filled. It's aimed much more at ongoing, day-to-day operations, not assessing threats. On a day-to-day basis it's open 24/7, as you will know, Mr. Cullen, having visited it.

In most cases it's on a monitoring basis. It receives information from various departments—Health, Transport—and sometimes the news media and so on. It will watch things, and if there is an

incident, it will then go into a mode of making sure the right people are notified and the situation is followed more closely. It's a much more operational unit. It would be one of the customers, if I could put it that way, of threat assessments.

Mr. Paul Kennedy: By the way, we have a representative from the operations centre who sits in the ITAC as well.

When we receive the threat assessment product from them, it is declassified and distributed to those who may need to take preventative action. We collect supplementary information that they may not have, because they're looking at hostile threats. We're looking at fires, floods, earthquakes—everything under the sun—so the two are complementary.

Hon. Roy Cullen: Thank you.

Do I have another?

The Chair: This is the last one.

Hon. Roy Cullen: Thank you. That's good work.

I had the opportunity when Attorney General Ashcroft was here to attend part of the cross-border crime forum. They described a couple of joint law enforcement actions: one against an Ecstasy operation across both borders, and another one with respect to crystal meth cross-border. It's really quite amazing how the U.S. and Canadian law enforcement worked together to shut down two huge operations. I don't know if there's any appetite among the committee members, but it might be useful at some point if we could bring people in to describe some of these stories. I think it might be helpful to demonstrate the kind of cooperation and good work that's going on.

● (1700)

The Chair: That's something the committee on agenda will have to look at, although we do know our agenda is pretty heavy. But we will take that up.

Mr. Garry Breitkreuz: I would be supportive of that. We are very busy, but it would be good to inform ourselves.

Hon. Roy Cullen: We had a presentation recently on Canadian attitudes toward public security, and there's a lot of interesting and surprising information. It might be useful to brief the committee on matters like that too, if we could.

The Chair: We do have a lot of legislation, and we haven't yet started to get the flow of private members' business that will be coming our way, and there are time limits on that. Subject to the schedule and availability of time, we'll look at that.

Hon. Roy Cullen: Thank you.

The Chair: Thank you.

Three minutes, Mr. Warawa.

Mr. Mark Warawa (Langley, CPC): Thank you, Mr. Chairman. It's good to be here. And thank you to those who are here to answer our questions.

My questions arise from the 2004 AG report and the 25,000 missing or stolen passports. That information is not being made available to front-line staff. What is being done about that?

Ms. Margaret Bloodworth: In fact, that gap has been fixed now, and Paul Kennedy can elaborate a little more on it.

The passport office has also tightened up passports in a number of ways. For example, they are working to a system now where passports will be issued only in the country. Offices outside the country will issue only temporary documents. That's important, because obviously they can do much more thorough checks here, in the country, than would be possible in an office a long way away.

Paul, do you want to speak about the front lines in particular?

Mr. Paul Kennedy: The deputy is quite right. That was I think a very useful observation in terms of what was found out there.

The passports are being identified and entered into CPIC so officers can have it on CPIC and front-line customs and immigration officers have access to it.

In addition, we found, as the deputy has pointed out, other ways of strengthening the system, such as the issuing of temporary passports abroad. We put a system in place, or at least the passport office did at the Department of Foreign Affairs, to make sure that passports now have biometrics, in the sense that your face is on it, and when they go through a card it's readable, so they can check and verify against it. So all passports are going to be machine readable as well, to strengthen in that fashion.

There was one issue, which was dealing with some passports that had personal information on them, and that was currently being worked on to see if they could perfect it. I know that action has been taken within the past couple of weeks, and I can't give you the entire answer to that because there were two types that were stolen. One, blanks were stolen that had to be retrieved, identified. Others might be those of individuals that were stolen, and then there's the issue of the personal information of the individuals on the passport. That was the last issue that was being overcome, because of the personal information and the disclosure of personal information. I can't give you an answer on that, but I know that it was actively being looked at to be resolved.

Mr. Mark Warawa: And the information being available to front-line staff is in effect now?

Mr. Paul Kennedy: In terms of the stolen passports, yes, where there are no personal identifiers. The one with personal identifiers, which is your passport that might be stolen, that one I know was being worked on, because it was a privacy issue, which I believe is almost resolved. We may have to get back to you with where that state of resolution is.

Mr. Mark Warawa: If that could happen I'd appreciate that.

Do I have time for a second question?

The Chair: Yes.

Mr. Mark Warawa: Thank you.

It is in regard to, again, the AG's report of March 2004, which noted that the immigration department's watch list is missing

approximately 8% of wanted terrorists. Have you now received responsibility for this watch list?

Mr. Paul Kennedy: I think you'll find that in response to the Auditor General my name was identified as the person who would handle that. In fact, all the requisite agencies were called together and corrective actions have been taken and we're quite satisfied now. We have a centre, which is currently located at the border agency, that receives the information both from CSIS and RCMP and we work closely with the American colleagues. And we're content at this stage that the watch list issue has in fact been resolved.

A lot of the issues that were identified weren't necessarily missing names, but just tidying up the systems. Sometimes double entry, sometimes different names were being used by different agencies, and in some cases names were on the systems that ought to have been removed. So a substantial amount of the criticism was a clerical fix-up of that.

I had my last meeting about a month ago, and I have periodic meetings with them to make sure the actions stay on course.

• (1705)

The Chair: Thank you, Mr. Warawa.

[*Translation*]

I have Mr. Thompson et Mr. Breitreuz on my list. If anyone else wants to ask questions, let me know.

[*English*]

Mr. Thompson.

Mr. Myron Thompson (Wild Rose, CPC): I wouldn't mind following up a little bit on what Mr. Breitreuz asked a few minutes ago in regard to bogus refugees and these numbers. These numbers come from somewhere. I wish the minister was still here. I'd like a little more response here. She seemed to get a little bit out of joint when we got on this topic of 30,000, but these numbers are coming from somewhere. And we know very well, and we hear it reported all the time, of refugees who don't show up for their court hearings and they disappear. Where do they go? We don't know whether they're still in Canada. The Americans are tightening up their borders because they don't want these people who don't show up at court hearings to cross the border and come into the U.S. I'd consider that to be a major part of public safety and a real serious problem.

If we're going to throw numbers around in regard to what is actually happening, I think that ought to start being reported and it ought to be addressed. I consider that to be a major part of public safety, and I'm sure that most people and most Canadians would agree. They'd like to know. Is it 13,000, is it 30,000, is it 50,000? We hear all kinds of numbers. There's no point in pointing fingers at us as making up numbers, because we're not; we're hearing this all the time. Do you have any information that's actual and factual, and have we done anything to try to determine that? Or is your department responsible for seeing to it that this happens?

Ms. Margaret Bloodworth: The department primarily responsible is the immigration department, and then for enforcement of it, the border agency. My understanding of the 30,000 is that part of the difficulty in counting is that in this country we do not have exit controls. When people leave voluntarily, we're not necessarily able to connect back to a warrant to say that the person who had a warrant has left. Thirty thousand was at one point in time, as I understand it, all of the warrants of whatever kind, whether it was a student who had overstayed or a refugee claimant or whoever, where we did not know whether they had left.

Since then, there has been significant effort put into immigration enforcement. The immigration enforcement component is now in the border agency. It has been moved from the Department of Citizenship and Immigration into the border agency, and there now are specific elements of the RCMP that work on immigration enforcement, particularly in some of the larger cities, like Toronto.

I would certainly not purport to say to you, Mr. Thompson, that we have no problem. It would be foolish of me to say that. There has been significant progress made on that area, but as long as we don't have exit controls, it is difficult to say at any given point how many are actually still here, as opposed to how many there were warrants issued for. There's no doubt there was a problem with not having enough enforcement, and more of that is being done.

Do you want to add anything?

Ms. Patricia Hassard: Just to say there is a system for prioritizing how the warrants are enforced. The RCMP works very closely with immigration and customs and the border services agency to do this.

As the minister indicated, though, we can give you detailed information about the actual numbers of those who have been removed. That may be useful information.

The Chair: So you can provide that to the committee then?

Thank you.

Mr. Myron Thompson: Do I have one more?

The Chair: Yes, a short one.

Mr. Myron Thompson: Just to follow up on what Mr. Toews said, when you tell me that there probably is quite a bit of this happening and there are a lot of people out there and it's important that we locate them, and then we keep hearing about the lack of funds to put on extra police.... Yet we see millions of dollars poured into a gun registry, supposedly for public safety, which I think is as bogus as anything else. We need more police in order to determine where these people are at. We need more enforcement.

In Alberta they've taken RCMP officers off the highways, which is heavy on highway patrol, to fill the slots for the parks when the wardens were unable to enforce the laws there. They had to bring in police. They didn't bring in additional police, they took them out of the ones who were already there. Therefore, out of the 16 detachments I have in my riding, all were very understaffed.

Is your department going to address the proper staffing of police across this country in order to get after the fact that there are people out there who are in this country and shouldn't be? Are we going to concentrate on putting funds into that source and create some

mechanism to put some priority on what is important for public safety? Is it registering some duck hunter's gun, or is it putting a force in place that can go after possible terrorists who are out there illegally because they ditched their refugee hearings or whatever? Who's going to start setting the priorities in this department so that the real public safety issues are addressed, and do it properly?

• (1710)

Ms. Margaret Bloodworth: Well, when it comes to the policy issues, which many of the ones you've raised are, those will be made by ministers and Parliament, as they have been made before.

There's no question, there are issues about.... I think it's true of everyone involved in the public safety field—indeed, I could probably say it of everyone in government—that not too many of us would say we have too many resources. Are resources an issue? They will always be an issue.

To the specific issue about staffing of the RCMP, obviously it's the commissioner of the RCMP's role to decide on that. He will make his case for resources, as he has in the past, and I suspect he will again.

The Chair: Thank you, Mr. Thompson.

Ms. Neville, then Mr. Breitzkreuz, and then Mr. Comartin.

Ms. Anita Neville (Winnipeg South Centre, Lib.): Just very briefly, Mr. Chair, when the minister was here she referred over and over again to the responsibilities of security, public safety, and emergency preparedness. There are no definitions of these in the act. Is that quite deliberate, and if not, why not?

My second question, because I know my time is limited, is, could you sum up the differences in how you're operating post-December 12 from pre-December 12 in terms of coordination and leadership in your area?

Ms. Margaret Bloodworth: All right. Let me start with the first, which is probably an easier question, or at least a shorter answer than the second one.

On the definitions question, I think it's important to put this legislation into perspective: this is simply creating the department. There is an Emergency Preparedness Act, for example, that deals with specific powers about emergency preparedness and various definitions, and that's quite normal. When you deal with most departmental acts, if you look at them they do not have a lot of definitions in them, because they're about establishing an organization. Then there are various pieces of legislation; I mentioned one in our case, the Emergency Preparedness Act. Also, under the CSIS Act there are specific roles for currently the Deputy Solicitor General, soon to be the deputy minister of public safety, once you've considered the legislation.

This follows the pattern of other departmental legislation of not having a whole series of definitions. Absent the specific legislative definition, the ordinary dictionary definition would apply. I guess the main, specific definitional element of this legislation is the one in 4 (1), where it says:

The powers, duties and functions of the Minister extend to and include all matters over which Parliament has jurisdiction—and that have not been assigned by law to another department, board or agency of the Government of Canada.

This brings me to the second part of the question. Pre-December 12—and I can speak with some knowledge, since I've been in several of the departments involved in safety—I don't think anyone would have said there was not somebody to deal with transport safety or somebody to deal with health safety. The issue was when you have any kind of incident of any kind of size, you quickly get beyond simply health or simply transport issues. So the issue was who is it that's responsible for making sure the various departments, when more than one is involved, are coordinated, and making sure there isn't something falling between the cracks? Now, that would be this department. Pre-December 12 I think we would all have been hard pressed to say something beyond "I guess that's all of us", figuring out whether...and making sure we work closely together.

More generally, there are a lot of things that have changed since December 12, but I would hasten to add that there are still more things in the process of changing. Let me use the operations centre as an example. The former OCIPEP did have a coordination centre, but it had no role for coordinating government as a whole; it was more a receiver of information. Now, it's quite clear that this is the centre that is expected to be knowledgeable about any incidents that occur, and it informs the minister and me every morning if there are hurricanes or expected hurricanes or if there is a threat coming and what have you. Fortunately, most mornings there may be some things on it, but there are not huge issues, which we would expect to happen. But they are there 24/7, and what's more important, they have staff who are actually trained to respond and know what to do if something happens, 24/7. That was not the case pre-December 12.

The other big thing I would mention is that the government, Prime Minister Martin, did create a new committee of cabinet on public security and emergency preparedness, which now is a regular standing committee of cabinet, which deals regularly with various safety and security issues. It is envisaged that if there were to be a very significant incident, they could easily be called together to make sure at the ministerial level that we were coordinated and not just relying on officials to do that.

• (1715)

The Chair: Thank you, Ms. Neville.

Mr. Breitzkreuz.

Mr. Garry Breitzkreuz: Thank you very much, Mr. Chair.

Thank you for putting in extra time here to answer our questions.

Before I go to my questions on clause 4 of the bill, I want to clarify something earlier in regard to what I asked the minister. There was a tendency to twist what I had said about unfilled deportation orders into a statement about refugee policy. That was, for the record, not what we were doing. We were very concerned about the number of people ordered deported and their whereabouts.... We strongly support genuine refugees coming to Canada, and we support Canada's role in that. So that has to be put on the record.

Clause 4 of the bill is quite vague, and I would like some clarification. These are just brief answers I need on a few points here.

Who initiates an investigation of a terrorist threat, the minister or the RCMP?

Ms. Margaret Bloodworth: There's no question about that. If it's a criminal investigation of any kind, that's clearly the RCMP.

Mr. Garry Breitzkreuz: A terrorist threat?

Ms. Margaret Bloodworth: If it's of a criminal nature, it would be the RCMP. The minister has no role in that.

It could be a security investigation, in which case, CSIS would initiate it. It's not the minister, nor indeed I, who would initiate investigations.

Mr. Garry Breitzkreuz: Okay, because if you read through it, it's not exactly clear who does that.

If the RCMP does an investigation, to whom do they report the results or progress of that?

Ms. Margaret Bloodworth: An RCMP investigation is a criminal investigation, which would get reported to the crown prosecutor at some point if there was going to be a prosecution.

Mr. Garry Breitzkreuz: I'm talking about terrorist threats here. Who makes the determination if and when the threat is real?

Ms. Margaret Bloodworth: If you're talking about threat assessment, that is CSIS. It's their job to advise—and they have very detailed legislation as to how they should do that—to assess a whole variety of information, and to give advice to the minister and to government as a whole as to what the threats are. Then it's government, and that could be in our department, the RCMP, the border agency, or a wide variety of government departments that may decide to take action based on the threat.

Perhaps an example would help. If they said they had evidence that there was a credible threat against an aircraft, obviously they would report that to us, but more importantly, to Transport Canada, which would take the actions it felt necessary to protect that aircraft. That might include grounding it. It might include a variety of things.

Mr. Garry Breitzkreuz: Going beyond that, who would have the authority to engage, let's say, the Canadian Forces in an investigation?

Ms. Margaret Bloodworth: The Canadian Forces will not get involved in an investigation. If they were needed for a response to a threat, there is quite an elaborate process, involving formerly the Solicitor General, but now our minister.

The requests can come from other government departments to the minister, and she would assess that. In the end, the Minister of National Defence would have to agree that the forces could be used.

That has happened quite regularly. There's quite an elaborate process set out for making those requests, and it involves ministers.

• (1720)

The Chair: This is your last question.

Mr. Garry Breitzkreuz: If there's an investigation of a terrorist threat or anything in that regard—this is completely different—who bears the costs for that? How is it shared between the provinces and the federal government?

Ms. Margaret Bloodworth: There are contracts, as you probably know, with the provinces. It is quite possible that some form of terrorist action might occur at a provincial level or somebody might be suspected. That would occur under either the provincial police, in the case of Ontario and Quebec, or the RCMP, under the contracting; or it could happen that it's at the federal policing service level. So there's kind of a mixed answer there, depending on what exactly the action is.

Mr. Paul Kennedy: Maybe I can just add a bit.

The deputy is very right. In Bill C-36, the anti-terrorism legislation, one of the changes there was to put in, for the first time, a definition of "terrorist offence" and create that offence in the Criminal Code. That clearly can be prosecuted by either federal or provincial authorities. That's the way it's crafted.

The RCMP has obviously the authority to conduct its investigation there. Under the Security Offences Act, it is identified as the primary lead investigative agency for activities that arise out of threats to the security of Canada, which would be terrorist activities. We have, with most provinces, agreements in terms of how the two forces actually work together. Clearly, CSIS does that in its national role. It works in collaboration with other police forces as well, sharing information. The RCMP has a major role to play there, a national role.

Of course, you could possibly end up with an activity occurring locally, but there are policies in place where national security terrorist activities are controlled and investigated nationally by the RCMP, so they would bear those costs.

You might be referring back, let's say, to Air India, which at one time was an issue that was under the Criminal Code, because we didn't have "terrorist offence" identified at the time. It was investigated by the RCMP. It could easily have been argued that it was a provincial investigation, but in fact the RCMP bore the cost of those out of its national budget. I think it was about \$3 million or \$3.5 million a year over 12 or 15 years, and we actually are assisting the province in terms of the cost to the prosecution as well—so either.

The Chair: Thank you, Mr. Kennedy.

Mr. Comartin is the last on our list, unless someone else has something.

Mr. Joe Comartin: I just have a quick question. In terms of the warrants and the list of 30,000, is there any way of breaking that list down as to the students who have overstayed, the visitors who have overstayed, and the refugee applicants who have overstayed?

Ms. Margaret Bloodworth: We'll make inquiries. That's not something the department controls directly, but I will make inquiries with both the border agency and immigration as to what we can provide in that regard.

Mr. Joe Comartin: If that information is available, you'll pass it on through as part of the report?

Okay. That's all. Thank you.

The Chair: Mr. Thompson, do you have another one?

Mr. Myron Thompson: Yes.

Is there anything in your department that would address the situation that occurred in Canada when a fellow drove from Montreal all the way across the country and was caught with a bomb at the crossing near Vancouver with the intention of blowing up...? Is there anything in the works that is going to look into that possibility? We don't want those kinds of things to happen, so based on that thing that took place, just what action has transpired?

Ms. Margaret Bloodworth: You've raised a very important issue, Mr. Thompson, for all of us. That happened just prior to the year 2000, if you recall. Even before this department came into existence there was a lot of work that had been done to prevent that, and I'll turn to Paul in a moment for him to outline it.

I say "prevent" because none of us, as the minister says, can guarantee risk-free, but there have been enormous strides made in intelligence sharing as to what is done at the border agency and the risk centre they now have, where they share information with the Americans. CSIS's links with the border agency and with the RCMP and local police have all been improved, so even before this department existed, a lot more had....

I would say what the department and the portfolio are doing is bringing that to the next step; I would be foolish to ever say we fixed that and it'll never happen again. I think there's been a lot done since that time, but we should be very careful not to be complacent about it. I'm not speaking just for myself; I can speak for all the heads of all the agencies I meet with regularly, and we all believe this whole bringing of the portfolio together helps us even more in that regard.

Paul, you may want to add some of the specifics that have been done to help deal with that very serious issue.

• (1725)

Mr. Paul Kennedy: The Ressay case is, I believe, the one you're referring to. Part of the problem there was Mr. Ressay, an Algerian national, had been ordered deported, but there was a moratorium on shipping him back to Algeria because he might face torture. He was in Canada and was supposed to be reporting. What he had done instead was apply for a second passport. Obviously, that indicated a vulnerability in the system at that time. He used the baptismal certificate from Québec as a supporting document for that under the name of Benni Norris. In cooperation with our colleagues from Québec, that is no longer a foundation document that can be used to get a passport. So with our colleagues in Québec, that has strengthened the kinds of documents that can be used, so it's harder to get a false document.

As well, for those of you who try to get a passport now, the photos are important. There is visual recognition technology that is used. If you come in and a passport has been issued, we have your face on it. We apply the second one and say "Wait a second, we gave you that passport under the name of Ressay before, as opposed to Benni Norris". So there's an ability to track that.

As well, one of the things that was put in place was a greater police-to-police sharing of information. People have to be worried, because there was an outstanding warrant for his arrest; he had been arrested and released and he ought to have been picked up. The system could have triggered a little more aggressively where he was. These were the incidents leading up to him actually moving into the United States.

In addition, one of the problems we had was that fingerprints were taken in Vancouver, where he was arrested on another event. Those fingerprints were taken using the old system. Prints were taken, put in the mail and shipped in, but by that time he had been released. Of course, they had to be analyzed. By that time they said the individual arrested is not Benni Norris; he is in fact Mr. Ressay.

One of the projects that has been launched, and which is a fairly expensive one, is called RTID, real time identification. It will take a number of years to get it fully in place, but there are devices currently at the border and across the country. When you're brought into that site, your hand is put down, fingerprints are taken, and they're electronically distributed from that site to RCMP headquarters. There'll be an electronic interface between the regional scanner and the RCMP databank. Within minutes it will come back identifying who that person is. We're using technology now to cover off the kinds of flaws that were identified in the Ressay case.

In both jurisdictions, because of the events of 9/11, you'll find the border is a very tight place to get across these days. I caution you that because of that you'll probably see statistics showing up in terms of additional seizures, people detected being smuggled across the border, guns or drugs across the border. That's not to indicate the problem is any bigger; it just indicates that the filter, if viewed as a fisherman's net, has an awful lot more strands in it now and it's very hard to get across. In addition, there is equipment that has been purchased by CBSA for explosives detection. Those things are being put in across the border and will pick up more things, such as explosive devices and so on.

So the border is smart because we're using technology. We have looked at the Ressay case, found what the problems were, and fixed a lot of those problems. It is not to say the world is impossible for terrorists. We cannot make this a risk-proof world, not if you're going to have the movement of large numbers of people across the border. But we have looked back, found the lessons learned, and tried to fix them.

The Chair: Thank you very much. I thank our witnesses and officials for coming and sharing your wisdom with us today.

I'd ask committee members to please stay. I want to pass the first report of the agenda committee and discuss future business, so perhaps we could be patient and present for another few minutes.

The first report of the committee on agenda has been circulated. I wanted to make one correction in the last paragraph, where we talk about the committee meeting on Mondays and Wednesdays from 3:30 to 5:30 and, when necessary, to extend the duration of the meetings by an hour. I don't think there was that stipulation of an hour; it just extends time as necessary.

Ms. Neville.

Ms. Anita Neville: I am moving it.

•(1730)

The Chair: Has everyone had the opportunity to review the report?

Is it adopted?

Some hon. members: Agreed.

The Chair: On the matter of future business, the clerk has indicated

[*Translation*]

that I must ask members if they want to hear witnesses on bills C-6 and C-10. We have just completed our first meeting on bill C-6 and I'm asking you if you feel that we should invite more witnesses regarding this bill. If so, could you provide a list of potential witnesses to the clerk?

Are there any comments on this? Mr. Comartin and Mr. Ménard, do you have more comments?

[*English*]

Mr. Breitzkreuz.

Mr. Garry Breitzkreuz: We would like to have the commissioner of the RCMP in regard to the questions I asked at the end here. I think it would be helpful to just be able to have him come before the committee.

The Chair: And the relevance to creating the new department?

Mr. Myron Thompson: Based on the fact that the deployment of RCMP was entirely in the commissioner's hands. I personally would like to know on what consideration is this new department, and where does that fit into the scheme of things in terms of the number of policemen, etc.

Mr. Garry Breitzkreuz: Does Bill C-6 affect what they're doing? It's not clear to me.

The Chair: Mr. Cullen.

Hon. Roy Cullen: No, I don't think what you've raised is really within the context of Bill C-6. It might be a question maybe for during the estimates—

Mr. Myron Thompson: That's true.

The Chair: We will have the commissioner here on estimates. That's a good point.

Mr. Warawa.

Mr. Mark Warawa: Mr. Chairman, I appreciate the conflict lines that appear to be reached. The RCMP, though, is the lead enforcement agency if there's an issue at the border, if there's an issue of terrorism. We've heard that. If the question from my colleague was to have the RCMP to answer questions on the enforcement aspect of it, then.... Or is it CSIS?

The Chair: But they also will be before us on estimates.

Hon. Roy Cullen: When will that be? Do you have any idea?

The Chair: We've obtained dates from the two ministers. The Minister of Justice is indicating an availability on Wednesday, November 17, and the Minister of Public Safety on Wednesday, November 24, and at that time she would bring with her those other officials. So we do have dates from the two ministers as to their availability to get into the estimates, because we do have the deadline of having to do it by the end of November.

Minister of Justice on Wednesday, November 17, and Deputy Prime Minister and Minister of Public Safety on Wednesday, November 24.

Yes, Mr. Cullen.

Hon. Roy Cullen: If I can, Mr. Chairman, there's also going to be some legislation creating the Canada Border Services Agency. That'll be a good time also to get into some of the questions of what actually happens at the border.

Mr. Myron Thompson: Mr. Chairman, is there something that can give me a list of responsibilities for this new department and the changes that have been made? There isn't a Solicitor General any more. Where do what used to be his responsibilities go now? Is it all here, or...?

The Chair: Well, with regard to the provisions of the bill, as the minister said, everything that isn't given anywhere else resides with the Minister of Public Safety—every authority within the jurisdiction of the Government of Canada that's not assigned anywhere else.

Mr. Myron Thompson: Who's doing prisons now?

The Chair: It's the catch-all.

CSE is under this ministry.

Mr. Myron Thompson: Who's doing the penitentiaries now?

The Chair: CSE.

Mr. Cullen.

Hon. Roy Cullen: I just want to point out that a good part of Bill C-6 are consequential amendments to other statutes, and in many cases the reference to the Solicitor General is replaced with the reference to the Minister of Public Safety and Emergency Preparedness.

The Chair: Yes, and I'd ask our researcher to maybe answer that question for you.

Mr. Philip Rosen (Committee Researcher): Not to speak on behalf of the department, but the new minister will have the same responsibilities as the Solicitor General did have. Three agencies have been created or moved. There's the Canadian Border Services Agency, on which there will be legislation. There's what used to be the Office of Critical Infrastructure Protection and Emergency Preparedness, which has been moved over from the Department of National Defence and reintegrated. And the National Crime Prevention Centre also is now part of that department.

So we have in essence three new entities, in addition to the four that were there. The RCMP, CSIS, National Parole Board, and the Correctional Services of Canada are under the responsibility of Madam McLellan, as they were under the Solicitor General. So in essence, what you have is an expanded Solicitor General.

•(1735)

Mr. Myron Thompson: Thank you. I just wasn't sure of that, so thank you for that.

Mr. Garry Breitzkreuz: That makes it a lot clearer.

The Chair: All right.

As far as next week is concerned, we have lined up for Monday the Minister of Justice and officials on Bill C-10. That's the mental disorders.

If there's agreement, then I would suggest that on Wednesday we do clause-by-clause on Bill C-6 if we've agreed that there's no longer a necessity to have any further witnesses.

Some hon. members: Agreed.

The Chair: The last point is just that the tradition has been that when the ministers come before committee, wherever possible we arrange to have those sessions televised.

[*Translation*]

Do you agree that we should keep trying to broadcast the meetings where ministers are in attendance?

(Motion agreed to)

The Chair: In reference to C-10, do we need to hear witnesses other than the Minister?

[*English*]

Have we had time to think about that on Bill C-10, mental disorders? Do you have suggested witnesses who you'd want called?

Yes, Mr. Comartin.

Mr. Joe Comartin: I had thought we should get some input from probably the bar association, the criminal defence group.

[*Translation*]

Le président: That should be the Barreau du Québec.

[*English*]

and the Canadian Bar Association then?

[*Translation*]

What was Mr. Marceau's suggestion?

The Clerk of the Committee (Ms. Diane Diotte): I think that he had mentioned another group in addition to the Barreau du Québec and the Canadian Bar Association.

Mr. Philip Rosen: If I recall properly, I think Mr. Marceau had mentioned the Criminal Lawyers' Association, an organization of defence lawyers. I don't know how much time you want to spend on this bill, but as you probably know the committee did a study on the issue a few years ago. We can always cherry-pick, —if I may use the expression, —rom the list of witnesses who appeared at the time of that study.

[*English*]

I would suggest probably the Criminal Lawyers' Association, maybe several other groups, and I'm not sure how many witnesses you want to hear from, but we could probably find them. The difficulty will be, of course, that people are getting very short notice of their having to appear. So that may be a challenge for my friend Madam Diotte, the clerk.

The Chair: Yes, Mr. Warawa.

Mr. Mark Warawa: Thank you, Mr. Chair.

Excuse my learning curve; procedurally, I'm not quite sure how this works. I do want to share with the committee at this time my concerns about the bill. In brief, it's that I want to have on the application form for volunteers within community policing at RCMP, which is the lead organization member of communities, that they are aware that this person may have had a criminal charge that was discharged because of a mental disorder. I will share with committee a specific case that raised huge concerns. In that case I think a witness from the RCMP would be helpful for the committee to get input.

So procedurally, can I first share those concerns with the committee? And if the committee then agrees that it's a legitimate concern, then we would ask for a witness. Or do we have to ask for a witness now?

The Chair: Phil?

Mr. Philip Rosen: We always have a concern about dealing with individual cases, especially in public, because there may be civil litigation or criminal litigation pending, and of course there are always the privacy issues.

What I would suggest is that there are groups we can have come forward—an organization that comes to mind is the Canadian Association of Chiefs of Police—who may be able to deal with issues like that, or the Canadian association of professional police, I think they're called now, who could deal with some of the policing aspects.

What I suggest you might want to consider doing is taking this situation you're talking about—I'm not going to suggest to you how to ask a question, but I'll do it anyway—and turn it into a hypothetical situation. When the minister appears, ask the minister, and you may get some indication from the minister of what the view is. And you could put the same hypothetical situation to other witnesses who have practical experience, either as crown attorneys, defence counsel, or as police, whether chiefs or line police officers.

I'm always very worried about dealing with specific cases because of the sensitivities that I mentioned earlier. If you decide to do it, you can do it in another session that isn't public.

• (1740)

Mr. Mark Warawa: I appreciate that suggestion, but procedurally, when should I ask for that witness, now or in the future?

The Chair: This is the stage where we're asking for suggested witnesses, so if you have some group or someone in mind, you could provide the information to us, either immediately or you could get it to the clerk after the meeting.

Mr. Mark Warawa: I would ask that from the committee then at this time. If the committee wants more information as to why I'm asking for that, I'll be glad to provide it.

The Chair: Okay.

Mr. Comartin.

Mr. Joe Comartin: I'm just wondering, when this went around the last time, did we have any witnesses from the mental health

association or a similar group? Is that testimony still around someplace?

Mr. Philip Rosen: At the time, the committee was conducting a review of those provisions of the Criminal Code, and wasn't conducting a review of this legislation. We're seeing it now for the second time, but it's being considered by the committee for the first time. We did hear from all of the interest groups, individuals, and a number of experts.

Mr. Joe Comartin: Did you get commentary directly on the legislation in the last round?

Mr. Philip Rosen: No.

Mr. Joe Comartin: I'll pursue that myself and see if any of the associations want to come to make representations.

The Chair: This is more in the nature of a heads-up at this point that we'll be coming at it.

Mr. Cullen.

Hon. Roy Cullen: As the researcher has said, when it comes to specific cases it's very difficult for the RCMP officers to come, but if you have a sort of generic issue and just write it down in a paragraph, I'd be happy to get back to you.

The RCMP is sort of independent, in terms of enforcement. If there are policy questions, I might be able to give some guidance to the committee as to whether the RCMP would be the appropriate body or someone else, so we don't waste everybody's time.

You might disagree with that, and then the committee might decide to bring them in anyway, but it depends on what the issue might be.

The Chair: Okay.

Mr. Thompson.

Mr. Myron Thompson: On Bill C-2, I don't know when that's going to come before the committee, but I requested that Paul Gillespie be brought in from Toronto, and I would like to include "and associates", because it's not just him. There's a group of people with that department, so he should select who comes as well.

The Chair: Okay. We'll make a note of that.

Mr. Myron Thompson: But he's the key person to contact.

The Chair: Thank you, everyone.

Mr. Comartin, other business.

Mr. Joe Comartin: I don't know if we're going to do it now or if the steering committee is going to meet for a few minutes on the other issue I raised with you around solicitation.

The Chair: Yes. Do you have time for a brief sit-down on the steering committee? That means the rest can leave.

Okay, the rest can go and we'll have a huddle.

Thank you. The meeting is adjourned.

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