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# Standing Committee on Public Safety and National Security

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**Tuesday, September 26, 2006**

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**Chair**

**Mr. Garry Breitkreuz**

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## Standing Committee on Public Safety and National Security

Tuesday, September 26, 2006

•(0905)

[English]

**The Clerk of the Committee (Ms. Louise Hayes):** Honourable members of the committee, my name is Louise Hayes.

[Translation]

I'm the clerk of the committee.

[English]

I see a quorum. We can now proceed to the election of the chair.

I am ready to receive motions to that effect.

Mr. MacKenzie.

**Mr. Dave MacKenzie (Oxford, CPC):** I nominate Gary Breitkreuz.

**The Clerk:** It has been moved by David MacKenzie that Gary Breitkreuz be elected chair of the committee.

Are there further motions?

(Motion agreed to)

**The Clerk:** I declare the motion carried and Gary Breitkreuz duly elected chair of the committee.

Before inviting the chair to take the chair, we will proceed to the election of vice-chairs.

Pursuant to Standing Order 106, the first vice-chair must be a member of the official opposition.

**Hon. Gurbax Malhi (Bramalea—Gore—Malton, Lib.):** I move Mark Holland.

**The Clerk:** It has been moved by Gurbax Malhi that Mark Holland be elected as first vice-chair of the committee.

[Translation]

Are there any other motions?

[English]

Is it the pleasure of the committee to adopt the motion?

(Motion agreed to)

**The Clerk:** I declare the motion carried and Mark Holland duly elected first vice-chair of the committee.

[Translation]

I'm now ready to receive nominations for the position of second vice-chair.

[English]

Pursuant to Standing Order 106, the second vice-chair must be a member of an opposition party other than the official opposition.

[Translation]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** I nominate Mr. Joe Comartin.

[English]

**The Clerk:** It has been moved by Serge Ménard that Joe Comartin be elected as second vice-chair of the committee.

[Translation]

Are there any other nominations?

[English]

(Motion agreed to)

**The Clerk:** I declare the motion carried and Joe Comartin duly elected second vice-chair of the committee.

I now invite the chair to take the chair.

**The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)):** Thank you very much, colleagues, for your continued support, and congratulations to the vice-chair and second vice-chair. I look forward to working together with you. I think we've had a fairly good working relationship thus far, and I would hope that would continue.

We have been discussing possible future business of the committee at the steering committee. I was wondering if you would like to take forward some of the recommendations. We would have to agree that this meeting would continue. If there is agreement, we could continue and discuss some of the future business of the committee.

What is your feeling about that? Is there agreement that we proceed with the future business of the committee? Are there any concerns about that? If we do agree, then we would have to make the decision as to whether that would proceed in camera or not.

First of all, do you wish to discuss future business of the committee? I see heads nodding. I take it we will move ahead with that then.

Do you wish to convene in camera or have an open discussion? Are there any problems with an open discussion?

**Some hon. members:** Open.

**The Chair:** We will proceed, then, with an open discussion of future business of the committee.

Mr. MacKenzie.

• (0910)

**Mr. Dave MacKenzie:** Mr. Chair, we had previously discussed—and I think Mr. Ménard presented a notice of motion to request—that the Commissioner of the RCMP be present. I can tell you that to the best of my knowledge plans have been made and Commissioner Zaccardelli will appear before the committee on Thursday of this week at 9 o'clock.

The other part of that is that Minister Day would be here for 10 o'clock on the same date. So we can have both the commissioner and the minister responsible present on Thursday of this week. I understood from the clerk that she had not had confirmation of the commissioner. We're just trying to confirm that he will be here on Thursday. I should have some information on that very shortly. But it's my belief that he will be here at 9 o'clock on Thursday.

**The Chair:** It will be 9 o'clock or 10 o'clock. We originally had a Russian delegation scheduled to be here from 9 until 10. Maybe the clerk can tell us what's happening with that Russian delegation. Are they still coming?

**The Clerk:** They're apparently still scheduled to come, but if it's the pleasure of the committee, we could cancel that. It is up to the committee.

**The Chair:** What would be the repercussions with the Russian delegation? A few months ago one delegation came here that was not able to appear and there was concern afterwards that maybe we didn't handle that well.

Are they counting on seeing us?

**The Clerk:** I can get in touch with them after the meeting. The other option would be to meet with the Russian delegation for the first hour or 45 minutes, then meet with either Minister Day or Commissioner Zaccardelli, and then meet with the other one. We could meet for a little longer on Thursday. That would be the other option. I'm in the hands of the committee.

**The Chair:** Mr. MacKenzie.

**Mr. Dave MacKenzie:** It's whatever the committee wants, but I don't think we should bump the foreign delegation that's already scheduled to be here. That was obviously an oversight on our side; we neglected to check the schedule. I was aware that the Russian delegation would be here, so my apologies. I think the committee would like to meet with the Russian delegation, and then we could fit the commissioner in after that.

**The Chair:** Okay.

[*Translation*]

**Mr. Serge Ménard:** I'm concerned about two things. Like other committee members, I believe it would be major slight on our part not to receive the Russian delegation. If we don't meet with the delegation this time around, the opportunity will not likely come again. The delegates have travelled a long way and meeting them is a matter of international courtesy, etiquette and protocol.

Given the importance of the issue and the questions we want to put to Commissioner Zaccardelli, one hour isn't much time, in my

view. I think we need to schedule at least two hours for our meeting with Commissioner Zaccardelli, even if it means meeting the minister at a later date.

May I remind you of some comments I've made each time we follow the committee rules of procedure. In my opinion, the time allotted to question witnesses should include only the time taken to ask questions, not the time taken by the witnesses to respond. The person that came to mind when I made this suggestion was Commissioner Zaccardelli who has truly mastered the art of taking 10 minutes to answer a simple question, using up in the process all of the time allotted to a member for questions and comments.

I understand your decision to abide by existing procedural rules. However, the report is quite lengthy, 1,400 pages long, if I'm not mistaken, and it raises a number of issues. Therefore, I think we should plan for a two-hour meeting.

• (0915)

[*English*]

**The Chair:** Mr. Comartin.

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** I agree with Mr. Ménard. We are going to require two hours with the commissioner in order to get anywhere near a satisfactory exchange with him on these issues.

I'm feeling very uncomfortable about delaying or cancelling the Russian delegation. I don't think we should do that. So my suggestion would be to restrict that to a half hour. We could start at 9:30 with the commissioner and go until 11:30 with him.

**The Chair:** Let's divide this decision into parts.

First, we could meet with the Russian delegation at 9 o'clock. There have been suggestions to meet with them for half an hour and one hour. My personal feeling is that half an hour is really not very much time. I think that would be perceived by them as being almost a brush-off. It should be a minimum of 45 minutes. I don't think it's going to hurt us all that much to see them for an hour and just delay the beginning of the meeting until 10 o'clock. That is my personal opinion.

What do you feel about that? I think we have to be very careful in the way we treat foreign delegations. I would like to see us honour the commitment we've made. We've had that commitment for quite some time.

Mr. Holland.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** I wouldn't have a problem with that. I think I would concur, though, with the others who said that the meeting needs two hours. I certainly don't have a problem with delaying the meeting to 10 a.m., to give the proper time for the Russian delegation, so long as we're still left with two hours for the meeting itself. I don't have any problem with that.

**The Chair:** Okay.

Is there consensus that we keep our original commitment to meet the delegation from Russia for one hour?

[*Translation*]

**Mr. Serge Ménard:** Yes, we are in agreement.

[English]

**The Chair:** Okay.

Now let's go to the second part of the decision. Mr. Day can come at 10 for one hour. If we meet with him for one hour, then at 11, if Mr. Zaccardelli is able to come, can we meet? Maybe I'll ask the clerk.

Do you know if we can meet for two hours? Is a room available from 11 until 1? The answer is yes.

**Mr. Dave MacKenzie:** I think, though, it might be beneficial to the committee to have the minister after the commissioner.

**The Chair:** Okay. Would the committee like to have Mr. Zaccardelli from 10 until 12?

[Translation]

**Mr. Serge Ménard:** Agreed.

[English]

**The Chair:** Is that what you are saying? We haven't confirmed a room yet. Is there a consensus to go from 10 until 12 with Mr. Zaccardelli?

Yes?

[Translation]

**Mr. Serge Ménard:** Yes, we're in agreement on this matter.

As for the following item, given that Commissioner Zaccardelli's testimony before the committee will generate a certain amount of interest, we should have cameras in the room to video tape and maybe even broadcast his testimony.

[English]

**The Chair:** Okay.

Now the clerk tells us that the rooms that normally have the cameras are booked up.

**The Clerk:** We'll try to intervene on that. We'll try to work something out.

**The Chair:** Maybe we'd better have some options here. It may be dangerous to think out loud here, but if no rooms with cameras are available, do you want to postpone it until next Tuesday? How does the committee feel about that?

**Mr. Joe Comartin:** As I understand it, the Auditor General has the two rooms in Centre Block booked right now. I don't know what issue she's addressing. Normally there's a lock-up in one and she and her officials are in the other one, in which there is no need for televisions as the meeting is closed. I don't understand why one or frankly both of those rooms wouldn't be available, as the Auditor General's meeting could be moved someplace else.

I think, Mr. Chair, it is very important, given the interest in this, that the Canadian public have access to those hearings.

• (0920)

**The Chair:** Sure. Mr. Comartin, I have faith that the House of Commons can work this out. Maybe I'll ask the clerk to make a comment on that.

**The Clerk:** We'll look into it and we'll figure out a solution.

**The Chair:** The committee therefore has agreed that we have Mr. Zaccardelli....

Yes, Mr. MacKenzie.

**Mr. Dave MacKenzie:** I have just had confirmation that the commissioner is available from 10 until 12 on Thursday.

**The Chair:** All right. That solves that problem.

Are there any more concerns about that?

Is Mr. Day available on the same day, or should we invite him?

**Mr. Dave MacKenzie:** I'm not sure, but maybe we can schedule it. We're going to confirm that.

**The Chair:** Does anybody have any concerns about having Mr. Day in for one hour after the commissioner appears?

Do you have enough faith in the chair here to try to work this all out? I think I sense what you as a committee would like to see. Am I misreading any of the signals that I hear from you?

Okay, that takes care of that piece of business.

Is there anything else we should be discussing? Should we be discussing future business of the committee? I see here that Bill C-12, the Emergency Management Act, has been referred to the committee. Do you want to discuss that today, or do you want to leave that for another day to see how we're going to handle that?

I understand we could discuss the steering report.

**Mr. Joe Comartin:** There are two other issues that will eventually be before the committee. On the proposed amendments to the gun registry legislation, maybe we could have the parliamentary secretary give some indication as to when he expects that to get to the House. I am asking this in light of whether we should proceed with Bill C-12.

Perhaps even more importantly, Mr. Chair, it would be appropriate at this time to have some sense of what we're going to do with the O'Connor report.

Let me make a comment on that. I think everybody on the committee knows that Justice O'Connor will be issuing a second, supplementary report, which in some respects will be more relevant to our discussion. That's scheduled for late November or perhaps the first week of December. That report will address oversight and governance issues very specifically, as opposed to the findings of fact he made in the initial report, some of which are very helpful to the oversight of our intelligence services. But it is fairly limited, as opposed to what I expect will be in the second report, which will be much more detailed. In that light, we are caught in a bit of a quandary. Should we be doing more with the initial report, or should we be putting it off until the winter or spring session, when we have the full report? Quite frankly, I don't have a position on that, but it may be worthwhile having some discussion.

**The Chair:** Mr. Comartin, could we postpone that discussion until after we hear from the commissioner and the minister on Thursday? Maybe it is a bit premature at this point to jump way ahead to discuss something that may change our opinion of what we want to do or where we want to go.

**Mr. Joe Comartin:** If we are going to proceed that way, then perhaps at the meeting the following week we could have agenda items that deal with Bill C-12 and the report. I forgot the gun registry, Bill C-21. Perhaps we could have that on the agenda to discuss how we're going to proceed.

Thank you, Mr. Chair.

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

I gather you're suggesting that we leave all this until maybe next Tuesday or Thursday to discuss.

Mr. Holland.

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

In the steering committee meeting I raised the issue of doing a study with respect to arming the border guards. We know now that this process is going to take 10 years, but what we're not 100% clear on is the cost and how the program should be rolled out, its efficacy.

Certainly we have the time; it's a major undertaking. It's one that all parties believe is important to understand as we move forward, so I asked the steering committee to propose a list of potential witnesses. I put them in order of preference and listed those who I think would be relevant to the discussion. I don't see the bottom four as particularly critical, but certainly the first four are, as well as a few in the centre.

I have this in both official languages and will pass it to the clerk to be distributed.

• (0925)

**The Chair:** Okay, you've all had a chance to think about this for a minute.

Mr. Holland, do you want to discuss this further, or should we leave this until next Tuesday when we discuss future business of the committee?

**Mr. Mark Holland:** Well, yes. I'm happy to discuss this now or later, whatever the pleasure of the committee is.

I think the list is fairly self-explanatory. If you look at the suggested witness list, all of those on the committee know the position that different groups have taken. I think it would give us a pretty good overview of both sides of the issue. And it would give us an opportunity, as an example, to take a look at why it is going to take 10 years to roll it out, what exactly the costs are going to be, some of the alternatives, for example, that the RCMP has suggested will be better, and the potential impact of this change as it pertains to trade, commerce, and tourism.

So I think the list is fairly self-explanatory. I said the bottom four, but it was actually the bottom three who were the ones I didn't see as being germane to the discussion. I think the others are fairly relevant, and they would be helpful for the purposes of conducting a study.

**The Chair:** Yes, Mr. Brown.

**Mr. Gord Brown (Leeds—Grenville, CPC):** Thank you, Mr. Chair.

I'd also like to see us add the NorthGate Group. to the list. They did the report that was commissioned by CEUDA. They spent a lot

of time at all the border crossings across the country, so I think they would be a good group to hear from as well.

**The Chair:** I think if we discuss this next Tuesday, everyone can prepare suggestions for witnesses. I don't think we have to come up with an exhaustive list today. I think we have time to do this, if everybody's agreeable that we can discuss this further next Tuesday.

Any problems with putting it off till then?

**Some hon. members:** No.

**The Chair:** Okay.

Let's see, as a steering committee, we also talked about...okay, we've dealt with Mr. Zaccardelli and Mr. Day coming.

We have the main estimates. The feeling of the steering committee with regard to studying the main estimates was that the members of the Security Intelligence Review Committee would appear before the standing committee. I understand they will be in town on Wednesday, November 1, and we could have a meeting from 3:30 to 5:30. Would you like to approve that right now and then we can confirm that?

• (0930)

**Mr. Joe Comartin:** Sorry, what date is that?

**The Chair:** November 1. This would be in the afternoon, 3:30 to 5:30, with the Security Intelligence Review Committee.

Just to remind you, they usually come to Ottawa about four times a year, so the window of opportunity to meet with them is quite limited. I think they could meet with us at that point. Would you like to confirm that invitation?

I've just been informed that this would be about their annual report, which is coming down in October. When that report is released, we'd have a chance to review it, and then you could ask them questions.

**Mr. Dave MacKenzie:** Mr. Chair, did you say November 1?

**The Chair:** Yes, according to my information, it is November 1, from 3:30 to 5:30.

Yes, Mr. Comartin.

**Mr. Joe Comartin:** I think the problem is that the justice committee will be meeting. I'm looking actually for the clerk to confirm this. The schedule of the justice committee is changing after Thanksgiving, and I think we're going to Mondays and Wednesdays. November 1 is a Wednesday, Mr. Chair.

**The Chair:** Okay. Well, let me ask the clerk to make a comment.

Go ahead.

**The Clerk:** The members of the Security Intelligence Review Committee are part-time Governor In Council appointees. Their schedules are planned quite far in advance, and they were booked under the old schedule. I phoned to see about it and there wasn't much flexibility in moving that meeting. The decision would be whether we wish to meet with them at that time—and I realize that does provide a conflict for some of the members of the committee—or whether we put off the meeting.

**Mr. Joe Comartin:** That's the only day of that week they would be able to meet?

**The Chair:** Yes.

**Mr. Joe Comartin:** I was going to ask about meeting earlier in the day, but obviously we can't do that on a Wednesday.

Mr. Chair, do you have a sense of this? Is it going to take a full two hours?

**The Chair:** Very often these things take longer than we anticipate, so I think we should schedule the whole time. If we don't need that time, that's fine, but I don't know that it would make a difference to our decision anyway. If the justice committee meets at 3:30, I don't think you would be missing a major portion of that meeting anyway, so maybe the justice committee is more flexible.

**Mr. Joe Comartin:** I'm just thinking that we may be going through clause-by-clause on the bill at that point.

Why don't we go ahead and make the invitation, schedule it, and see what we can do?

**The Chair:** Maybe work around it, get substitutes to come in or whatever.

Mr. Joe Comartin: Yes, exactly.

The Chair: Okay.

Are there any other issues?

Mr. Cotler.

**Hon. Irwin Cotler (Mount Royal, Lib.):** Mr. Chairman, Justice O'Connor recommended something in his report that has gotten somewhat lost, and that is a review of the cases of the three other Muslim Canadian citizens who were detained in Syria. I'm talking about the Almalki, El Maati, and Nureddin cases. He recommended against an inquiry in those cases, but he did recommend a review of those cases and of the role that Canadian officials might have played with respect to their detention in Syria.

I'm wondering whether or not a review of those cases is something the committee could undertake as a matter of its business.

**The Chair:** We discussed this already, before you got here, and the feeling of the committee was to delay this until later. You probably aren't aware of the discussion we had.

**Hon. Irwin Cotler:** No, and that's fine.

**The Chair:** So perhaps we can continue that discussion next Tuesday. He's releasing his second report, and the committee felt that maybe we should just wait for that second report.

That's what happened before you got here.

Hon. Irwin Cotler: No problem.

The Chair: Mr. MacKenzie.

**Mr. Dave MacKenzie:** I would like to confirm with the clerk that we do not require anything to be done to reconstitute the subcommittee.

**A voice:** Yes.

**Mr. Dave MacKenzie:** Okay.

**The Chair:** That's on the record, then, that it is reconstituted, if you're all in favour, in case there needs to be some official direction from this committee.

Okay? We all are in agreement that the subcommittee is...?

**Some hon. members:** Agreed.

**The Chair:** On that note, I believe that subcommittee would like to meet as soon as possible. The sooner we can wrap this up, the sooner that subcommittee could meet...

I'm sorry, I'm now told that you will all have to wait until 11 o'clock for that subcommittee to meet.

I need a motion to adopt the second report of the subcommittee that met on Thursday.

Mr. MacKenzie, you move that motion, seconded by Monsieur Ménard.

(Motion agreed to)

• (0935)

**The Chair:** Yes, Mr. MacKenzie.

**Mr. Dave MacKenzie:** I'd just like to confirm that the minister will be available on Thursday.

**The Chair:** At 12 o'clock, is it?

Mr. Dave MacKenzie: Yes, from noon until one o'clock.

The Chair: Okay.

This meeting stands adjourned.







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