



House of Commons  
CANADA

# Standing Committee on Public Safety and National Security

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SECU • NUMBER 001 • 2nd SESSION • 40th PARLIAMENT

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EVIDENCE

**Thursday, February 5, 2009**

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**Chair**

**Mr. Garry Breitkreuz**

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## Standing Committee on Public Safety and National Security

Thursday, February 5, 2009

• (0905)

[English]

**The Clerk of the Committee (Mr. Roger Préfontaine):** Honourable members, I see a quorum.

Your first duty is to elect a chair. We can now proceed to the election of the chair. I am ready to receive motions to that effect.

Mr. Holland.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** I'll nominate the honourable Garry Breitkreuz—honourable perhaps not in title but in character.

**The Clerk:** It has been moved by Mark Holland that Garry Breitkreuz be elected as chair.

Monsieur Ménard.

[Translation]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** I second Mr. Holland's motion.

[English]

**The Clerk:** It is seconded by Mr. Ménard.

Are there any further motions? There being no further motions, I declare Mr. Breitkreuz duly elected chair of the committee.

Before inviting the chair to take the chair, if the committee wishes, we will now proceed to the election of vice-chair.

**Mr. Dave MacKenzie (Oxford, CPC):** Mr. Clerk, I would so wish that we do that, and I would nominate Mark Holland as vice-chair.

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

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Chair, I would second that motion.

**The Clerk:** Seconded by Mr. Norlock.

Are there any further motions for the election of the first vice-chair? There being no other motions, I declare Mr. Holland duly elected first vice-chair of the committee.

We will now proceed to the election of the second vice-chair, who must be a member of the opposition.

Monsieur Ménard.

[Translation]

**Mr. Serge Ménard:** I would like to nominate Mr. Jack Harris as second vice-chair.

**The Clerk:** Mr. Ménard is seconded by Mr. Holland.

Are there any further nominations for second vice-chair?

[English]

There being no further motions, I declare Mr. Jack Harris duly elected second vice-chair of the committee. Congratulations.

I would personally like to congratulate our new chair and invite him to take the chair.

**The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)):** Thank you very much, Roger. I appreciate the support of the members of the committee and I look forward to working with all of you. This has been a very interesting committee and we have accomplished a lot of work in the past, and I look forward to working with you all. Those of you who have been here before know that I try to be as non-partisan as possible, and if any of you ever have any comments on how things are going at the committee, I would appreciate any feedback. You can do that privately or on the record, I suppose, because I want to do as good job as I am capable of doing at this committee.

So I appreciate your support and look forward to working with you.

The only thing on the agenda is the election of the chair and the two vice-chairs. However, if you wish, and if somebody would like to make a motion to that effect, we could adopt our routine motions. That's usually the first item of business we conduct at this committee. I would propose that we keep the same routine motions as we had previously, but that's completely up to you. If anybody would like to make any comments or suggest that we adopt them all, or if you want to go through them one by one....

First of all, do you wish to do routine motions today? What's the will of the committee?

• (0910)

**Mr. Mark Holland:** Mr. Chair, I think it's wise to adopt the routine motions today. I think they've served the committee well in the past and could be adopted as is. I know some committees have taken a lot of time to change them in very slight ways. I think it would be better if we could just get on with the work of the committee and work with what has worked previously.

**The Chair:** I think it would be wise to just review them briefly before we adopt them.

Mr. MacKenzie.

**Mr. Dave MacKenzie:** I would move the adoption of the routine motions as distributed by the clerk.

**The Chair:** Okay. You've all heard that motion.

**Mr. Jack Harris (St. John's East, NDP):** I'll second that motion.

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

Is there any discussion?

Monsieur Ménard.

[*Translation*]

**Mr. Serge Ménard:** Previous members of this committee know that I disagree with the time allotted to question witnesses. My position has not changed, but I am sure that, if I resubmitted the same motions that I made in 2004 and 2006, they would suffer the same fate. I hope that that the consequences will also be the same; that is, in order to convince us to agree to these motions about the time allocated for questions as presented, the chair assured us that he would personally rein in witnesses who, in order to avoid awkward questions from committee members, give never-ending answers that often verge on being out of order.

Perhaps one day, we might want to take a look at the way in which all committees operate. I recognize that there are advantages in having our rules similar to other committees. I feel sure that, with the same chair, there would be the same approach. I recognize that he has conducted the debates with great impartiality and that he is aware of the tactics that some witnesses can use.

I know whereof I speak; these tactics have been widely used, and widely broadcast and published, in Quebec when committees were looking into the sponsorship scandal. I also pointed out that some officials—who shall remain nameless and who no longer hold office anyway—had the habit of starting right into a speech after the first question they were asked so that almost all the allotted time was used up.

So I suggested that the time for questions to witnesses be cut in half, but that the time should only be for asking the questions, not for listening to the answers. I gather that I was considered revolutionary at the time.

To avoid useless discussion, I am counting on the same understanding from the chair. Given that he is aware of the situation himself, I imagine that he will continue to conduct the debates in this way and that he will intervene when a witness starts to use the tactic unreasonably.

So I will not suggest an amendment.

● (0915)

[*English*]

**The Chair:** I take to heart what you have said, sir, and ask for your help. If you feel that the witness is intentionally trying to avoid the questions of the committee, you can raise a point of order. It's sometimes a difficult thing to judge whether the information that is being given is information the committee would really like to receive, or whether the witness is simply speaking to avoid some of the issues we may wish to raise. I always welcome a point of order if you feel that the witness is abusing his privilege of speaking first.

Are there any other comments?

Mr. Harris.

**Mr. Jack Harris:** Thank you, Mr. Chair.

I have a follow-up on Mr. Ménard's point. I'm obviously new to this committee, but I note that the rule says "at the discretion of the chair". So there is some discretion of the chair in handling witnesses, and that may be broad enough for this type of situation.

If it turns out to be problematic—and Mr. Ménard has been persistent for a couple of years in this rule—is there anything to stop this committee from changing the routine motion at some point in the year, or is it something that is adopted for the entire session?

**The Chair:** We can change anything throughout the year, but it is very unusual to do that. Usually when we adopt these we try to live with them throughout the session of Parliament, but it is possible to change them if we so wish.

**Mr. Jack Harris:** I gather from your comments and the ability to exercise discretion that there probably won't be any need to do that.

**The Chair:** We haven't had a problem in the past, but it's almost impossible to predict what may happen in this session.

Are there any other comments?

I see no more comments to be made. Are you willing to adopt all the routine motions you have before you?

(Motions agreed to)

**The Chair:** I would like to invite Lyne and Tania to our table. Lyne and Tania are our Library of Parliament analysts. Lyne has been with this committee for quite some time and has done invaluable service. We have worked with Lyne before and really appreciate the support she gives us at this committee. Welcome. We look forward to working with you again.

Do you have any comments?

● (0920)

**Ms. Lyne Casavant (Committee Researcher):** I am looking forward to working with all of you.

**The Chair:** That really is the essence of our agenda.

Mr. Holland is next, and then Mr. Harris.

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

The first item of business will be the setting of the committee's agenda. We are all anxious to get to work. It's been a long since the committee sat. I am excited to be back on the committee and to work with everyone.

I realize there are a number of issues before committee, but one of the notices of motion I put before the committee and gave 48 hours' notice for was on Canada's border. As you know, the U.S. administration is undertaking a comprehensive review of border security. It could have profound implications for Canada, particularly if they decide to make the changes. It could further impede trade and the flow not only of goods and service but of people. As a committee we should be studying that issue concurrently, making sure we hear from witnesses and that we are in a position to make our own recommendations about the border, with an eye to finding a way to streamline some of the security that's going on and improve the situation.

Because the U.S. administration has placed such a priority on this, it is a sort of non-partisan issue. It's to the advantage of all of us to pursue it. That's one of the reasons I brought it before the committee today. I know we have a lot of time left on the calendar if the committee is willing. I did give 48 hours' notice, and hopefully we can debate that.

I know we also have to talk about the establishment of the calendar overall.

We didn't talk about whether or not there will be a steering committee. I'm fine with not having one, but we should set aside some time to talk about committee business. I don't know how much time members have given to that particular thought.

**The Chair:** I'm given to understand that the 48 hours doesn't begin until the committee is established, so we wouldn't be able to entertain it today. But if the committee wishes, we could set this as part of the agenda on Tuesday. In fact, I would broaden it out and discuss all future items of committee business.

One of the things we have done in the past that may work—and if the committee wishes we can continue to do that again—is we put all the items forward. Everybody suggests the items they would like to see on the agenda, and if we can't get a consensus immediately, then we can have every member submit a list—one, two, or three items in order of their priority—and in that way we can determine which items we would deal with first. All the items can be dealt with if we have time, but that would prioritize the items we have.

On Tuesday, we could go ahead and discuss future business of the committee.

Mr. Harris, and then Mr. Norlock.

**Mr. Jack Harris:** In discussions within our caucus, we've been advised that the government is quite anxious to get the supplementary estimates through next week some time. I know in other committees they've taken an opportunity, even though some have subcommittees on the agenda that haven't met, but they have asked to have the minister present to examine the supplementary estimates early next week if that's possible. So I'm asking whether that can be arranged for next week. The government is apparently in a big hurry to do this, but whether this committee has studied the estimates or not on an ongoing basis I'm not certain, but I'd certainly put it forward as a suggestion for us to do early next week.

**The Chair:** Just let me consult the clerk.

It appears that if we decide to do this next Tuesday we would have time to do it on Thursday.

Mr. Norlock, and then Mr. Holland.

**Mr. Rick Norlock:** Thank you, Mr. Chair.

I do realize that we'll have competing priorities in committee, but it seems to me that we shouldn't waste the committee's time. In other words, we did a lot of work in the last Parliament that actually meant a lot, I think, to Canadians and that hit some very vital issues, such as the DNA data bank. We're almost ready to get that before the House. We did a lot of work there. There is a lot of material we could look over. I know that public prosecutors and police are very anxious to look at that.

We have the sex offender registry. Once again, that's almost ready because we've studied that, it's out there, and it doesn't require a lot of work. We could probably go through that in very short order.

And of course every day we learn more and more about issues such as cyber-bullying and the Internet and some of the terrible things that are occurring there, such as child pornography, which is always in the news—and this committee has looked at that, but only on the periphery.

So while I agree with my friend Mr. Holland that there is a need to look at some of those other issues, and I agree that of course estimates will be coming up, we need to complete some of the work we've done in the last Parliament. While I agree that all of these things are important, what I'm saying is, why don't we clean up our leftovers before we get into some new issues?

● (0925)

**The Chair:** Yes, I was going to raise the fact that the DNA data bank and the sex offender registry are mandated by legislation to be reviewed and studied by this committee. It doesn't indicate how long we have to study it; that's up to us. I was going to bring that up when we put the future business of the committee on our agenda.

Mr. Holland, and then Mr. MacKenzie.

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

Perhaps one of the things we could do is caucus as party members within the different caucuses represented here at the table instead of each creating a list individually, because there's obviously going to be a lot of duplication. We could come forward as a caucus with recommendations and hopefully even talk between the parties in advance to see where we can find some common ground.

One of the other things mentioned in prior committee business that I think is an obvious one to continue on is the recommendations of both O'Connor and Iacobucci. That's something that's still outstanding and is extremely important. This committee spent an enormous amount of time on the issue of oversight, and a lot of those recommendations haven't been adopted. There is a number of areas of both past and future business. There's no shortage of work for this committee. I think the challenge is going to be ensuring that we schedule it in.

If we could undertake to find as much common ground as possible before the next committee meeting, I think that would save a lot of time. I think what we're going to find is that our calendar up until June is probably going to start getting filled in very quickly, because there are some issues that have some immediate priority to them. There are things that have to be dealt with right away and then there are other things that we're going to want to get in before we break for the summer.

**The Chair:** To respond to that briefly, I think it's a good thing to try to have as much of this ironed out before we come back and you discuss amongst yourselves what you would like to see.

Mr. MacKenzie.

**Mr. Dave MacKenzie:** Just backing up a little bit here, I think Mr. Holland mentioned this earlier. I think we should first set out that to discuss future business we're going to have either the committee of the whole or a subcommittee. I think we need to have some formal situation so that we understand where to bring future business. My suggestion would be that we do it as a committee of the whole for future business so that everybody has input.

I respect what Mr. Holland had to say about each party coming forward with a select list of subjects, but I think that at some point we should at least agree on how we're going to do that, and sooner rather than later, whether we're going to do it by a subcommittee or a committee of the whole. My suggestion would be that we do it as a committee of the whole.

**The Chair:** Let's just deal with that issue. Are there any comments on doing it that way?

For those of you who are new to the committee, one of the reasons we dealt with it as a whole committee is that when we dealt with it as a subcommittee, we ended up not saving any time. We brought it to the big committee and it took just as long to resolve all the issues because other people who didn't sit on the subcommittee had input. It saved us having a meeting. That's basically why we did it this way.

Mr. Oliphant.

• (0930)

**Mr. Robert Oliphant (Don Valley West, Lib.):** This actually relates to what I was originally going to talk about. I would like to speak in favour of having a committee of the whole, partly selfishly because I'm a new member and it seems to me that's an opportunity for me to learn more, rather than a small group doing it with me receiving it. As an old MP, I might not want to do that—I might be tired of it—but right now that would be helpful for me.

The second point is really a question. It relates to the sifting through of the business. My understanding, and I may be wrong as a new MP, is that this is actually a new committee of the 40th Parliament as opposed to an old committee that continues its work.

I'm not saying that I don't want to value the work that was done in the 39th, 38th, or 37th Parliaments, but it seems to me to be fair to a 40th Parliament that we actually start with a tabula rasa, that we actually start new. We put everything into the hopper and try to evaluate it, knowing that some work has been done previously, obviously, but it doesn't get grandparented in because it was done. That seems to me to be a technical question: that it is a new

committee, as opposed to some of us now being new and joining your old committee.

**The Chair:** I'll ask the clerk to comment on that.

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

My first comment would be that we're the standing committee, the *comité permanent*, so we're a “new” old committee, an ongoing committee. “Standing” means permanent, but the membership is all new, as is the chair, and the committee is master of its own proceedings. This new committee can decide to do whatever study it wishes.

Committees in the past have appropriated to themselves testimony heard in past Parliaments, but the new committee actually has to make that decision, to adopt the motion. The term escapes me. There's a term for that: we adopt evidence heard in past Parliaments, make it our own in this Parliament, and use it to base our conclusions on or to pursue our studies. We can do that. We can go into the past and see what we've heard, make it ours in this Parliament, and continue. Or the committee is free to go wherever it wants.

**The Chair:** Thank you.

Mr. Harris, and then Mr. Norlock.

**Mr. Jack Harris:** Thank you, Mr. Chair.

I'm assuming, Mr. Holland, that this notice of motion is put on the table and we're not expecting to decide this today. Maybe we could put this forward and consider it along with the other suggestions as to what the committee would do. I think the committee of the whole idea is fine for some of the reasons Mr. Oliphant suggested, as well as your own, and there may well be a full discussion in any event.

On the issue of the estimates, I'm advised that the government is apparently seeking to have a vote on the estimates on Thursday. Is it possible we could deal with the estimates on Tuesday?

These are estimates that, of course, would have been voted on before Christmas but, because of the prorogation of Parliament, have been stalled until now. This being a standing committee, I think part of our responsibility is to consider them. Is Tuesday too early to do that?

Obviously we will have to spend some time bringing forward our ideas on what work the committee should do. I don't know if we can do both the estimates and that on Tuesday, but it seems to me the estimates would take precedence.

**The Chair:** Would the committee like to deal with that now? Really, you are proposing a motion, and normally we could insist that it require 48 hours' notice, but it's an unusual circumstance.

Do you want to respond to that, Mr. MacKenzie?

**Mr. Dave MacKenzie:** There's a couple of issues.

Usually future business in committee is discussed in camera.

**The Chair:** We are in camera.

• (0935)

**Mr. Dave MacKenzie:** No, we're not.

I think one of the things we need to be cognizant of is that future business of committee is always in camera.

From our side, the understanding was that we would do the election of the chairs and the routine motions. Then on Tuesday we would come back with future business.

**The Chair:** In my opinion, I think we should stick to that plan.

Mr. Norlock, you are next on the list.

**Mr. Rick Norlock:** At the risk of raising the ire of certain seatmates, I have to say this, going along with Mr. Oliphant's statement that this is a new committee. We're in the Ottawa bubble here, but I think when the people of Canada see us working on issues, they—at least I, and I think most people—would expect that those issues would result in some kind of decision, or some kind of legislation, or some kind of action that government takes. You can look at all the mechanics and niceties, but in the end...

Here I'm going back and I will not talk about it again. Yes, we are a new committee, but we've used up a lot of valuable taxpayer dollars, analysts' time, our time, and research to deal with issues that are not only legislation. The chair brought up the fact that on those two issues I brought up before—the DNA data bank and the sex offender registry—we're almost mandated to do something. So let's do something about it, and we can work those other things in. Otherwise we're just going to be going along with the issue du jour hoping that something happens about it. People expect to see results from our labours, and that's why I brought up those two subjects.

**The Chair:** Mr. Holland.

**Mr. Mark Holland:** I don't think we need to engage in a debate we haven't had yet. We haven't seen the item, and we may very well find there's more common ground than we realize. The committee is the master of its own fate, and so we can decide those things.

Perhaps I could ask Mr. Harris something for when we come back. I absolutely agree that we need to deal with the estimates; we want to have the minister here on them. But maybe when we come back on Tuesday—or I'm sure we'll talk between now and Tuesday—I'd like to understand the urgency of it and why it needs to be dealt with immediately. I don't need that answer today, because we're not going to decide it today, but that's something that maybe I could get some clarification on.

**The Chair:** Mr. Harris, do you want to respond?

**Mr. Jack Harris:** Yes, if I could offer just a bit of additional information, I understand that there's an agreement among the House leaders that estimates will be given priority and that some of the other committees are already dealing with estimates. The Standing Committee on Aboriginal Affairs and Northern Development and at least one other committee are already dealing with estimates this week.

That probably is something that should be taken into consideration. They are seeking agreement among the parties to deal with the estimates next week in the House. I don't know what communication there's been through other caucuses, but I understand that there is some agreement among the House leaders on this. Whether that's penetrated to everybody, I don't know.

I just wanted to put that on the table for your consideration.

**The Chair:** I think we can still deal with the estimates on Thursday.

Can we not call the minister in? Does anybody know? This committee was probably one of the last committees to be formed, so we're up against it.

We'll go to Mr. MacKenzie.

**Mr. Dave MacKenzie:** It think that's true, but I think we need to follow some process, and our process should be that on Tuesday we discuss future business.

**The Chair:** Yes, I'm in error. We really have to wait until Tuesday to discuss this.

Do you want to wrap it up, Mr. McColeman?

**Mr. Phil McColeman (Brant, CPC):** Yes, I'd like to move for adjournment until Tuesday, at which time we will deal with future business.

**The Chair:** Are you all in agreement with that?

**Some hon. members:** Agreed.

**The Chair:** We'll go to Monsieur Ménard.

[*Translation*]

**Mr. Serge Ménard:** Are we going to do the same as last time, that is, to ask members to submit topics they would like studied so that we can see the areas of natural consensus and, on Tuesday, decide the order of priority more effectively?

[*English*]

**The Chair:** Yes, I thought this was what we would do Tuesday. Everybody would bring their suggestions to the committee, and then we would try to prioritize them.

[*Translation*]

**Mr. Serge Ménard:** Agreed, but do we send them in advance?

• (0940)

[*English*]

**The Chair:** I think Mr. Holland suggested that you consult each other and talk about these things between now and then. I think that's fine.

Mr. Holland.

[*Translation*]

**Mr. Mark Holland:** There may be an advantage in, for example, each caucus e-mailing the matters it would like to discuss. It is just easier and more efficient if the committee understands the topics for discussion. It is a good place to start.

[*English*]

**The Chair:** Go ahead and do that. That's something you can do among yourselves.

Seeing no more hands being raised...

Go ahead, Mr. MacKenzie.

**Mr. Dave MacKenzie:** I wonder if we could just hold on a minute here. We have some high-level consultation going on.

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

**Mr. Dave MacKenzie:** Before we adjourn, in response to Mr. Harris, I'm told that if the committee wants, the minister could be here on Tuesday, but it would be the committee's choice.

**The Chair:** It is highly unusual that we allow a motion. Do you wish to have...?

**Mr. Mark Holland:** We'll discuss it on Tuesday.

**The Chair:** We'll discuss it on Tuesday, okay.

So I guess we will not have the minister here on Tuesday. The agenda will be sent out by the clerk, and it will be future business of the committee on Tuesday. I look forward to meeting you all.

This meeting stands adjourned.

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