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Chair

Mr. Daryl Kramp

Standing Committee on Public Safety and National Security

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• (0850)

[English]

The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): Good morning, colleagues. Welcome to meeting number 72 of the Standing Committee on Public Safety and National Security. Today pursuant to Standing Order 108(2), we are further studying two areas in the subject matter of division 2, dealing primarily with passport revocation, and in the second hour we will cover division 10, which is Hill security.

With us today, for the first hour, we have two witnesses. We have, as individuals, Mr. Thomas Quiggin, and Mr. Christian Leuprecht, associate dean and associate professor at the Faculty of Arts, Royal Military College of Canada.

For the first hour, gentlemen, you have the floor for up to 10 minutes, should you wish. At the expiration of that, we will go to a round of questions and answers.

Carry on. Mr. Quiggin, you have the floor.

Mr. Thomas Quiggin (As an Individual): Good morning, Mr. Chair, and honourable members. Thank you for inviting us here today.

Just by way of introduction, let me say that in Canada there are a series of deep networks that have the ideology, infrastructure, and organized financial support to develop multiple avenues of extremism here in Canada. The intent of these networks is to create a political, social, and cultural space where issues of extremism and radicalization can be advanced, while questions about their activity are silenced through manufactured claims of Islamophobia and racism. These networks, aided by overseas propaganda efforts, will provide an increasingly large stream of young Canadians who will use their Canadian passports to continue to become suicide bombers, jihadist fighters, and propagandists.

Many believe we should simply allow such individuals to travel overseas, and there is a certain logic that support that. However, exporting murderous suicide bombers and propagandists may not be the best way Canada contributes to this trans-national, long-term series of overseas conflicts.

Islam itself is in the throes of a long-term struggle for the soul of the faith. Historical analogies to similar events in the past are tenuous, but the protestant reformation in Europe lasted from roughly 1517 to 1648, in other words, 130 years. Almost 30% of the population of what we would now call Germany was destroyed in that time period. The current upheaval in Islam has been under way

for about 90 years, but it's reasonable to say this will probably last for another full generation.

Hassan al-Banna's formation of the Muslim Brotherhood in 1928 can be seen symbolically as marking the start of the modern day politicized struggle for the future of Islam, much as Martin Luther is seen symbolically as having started the reformation in 1615. While the outcome of the struggle for the soul of Islam is not clear, it's reasonable to assess at this moment Islamist voices of extremism are in the lead, and they are ascendant.

The question is, how should we view this extremism in Canada? Here it is increasingly difficult to distinguish the difference between the ISIS rhetoric, which we hear over there, and the rhetoric of local Canadian efforts, which are created and distributed over here. This is not surprising, given they are inspired by the same basic ideology.

We cannot here today examine all aspects of extremism, but I believe the most recent issue of the ISIS magazine, *Dabiq*, issue number 9, provides a useful example and a point of entry, which we can discuss. An article in the recent *Dabiq* is entitled "Slave-Girls or Prostitutes" and examines the role of women in ISIS, with a focus on justifying the roles of those girls and women who have been captured and are now held as sexual slaves.

At about the same time that report was published, Zainab Bangura, the United Nations special representative on sexual violence, reported that ISIS is institutionalizing sexual violence. The brutalization of women and girls is central to their ideology. The question arises, is it possible to tell the difference between the statements made by ISIS propagandists over there and the information and material that is being generated over here?

Let me read five short statements about the extremist views of women and try to imagine which one of these statements is from ISIS and which was created and distributed here in Canada. Statement 1, beating women in Islam is a type of education; statement 2, women may enjoy being beaten at times, as it is a sign of love and concern for them; statement 3, forced sex is not rape and they should be thankful; statement 4, the husband has many rights over his wife, and first and foremost she must obey; statement 5, the wife may not deny herself to her husband.

Of those five statements, only one of them comes from *Dabiq* magazine, namely, statement 3 about forced sex. The other four statements are all statements being made in Canada, distributed in books, put on videos online, etc. All of this is here in Canada, all of it in the open, and all of it available through open source. These statements are so offensive, so repugnant, and so barbaric it is difficult to catalogue the various affronts.

The same comparison can be made with other extremist issues, such as the killing of innocents and suicide bombings. These statements also do not address the degree to which female genital mutilation exists in Canada. We do not have useful statistics on this because the various legislative and medical bodies refuse to address the issue here in Canada, unlike the United Kingdom, France, and Germany.

Canada probably has the highest rate of forced suicides, meaning murder or honour killings, amongst young south Asian women. This is for a series of reasons due to extremism and culture, but again at best we have second order statistics, as feminist groups and others are either afraid to tackle the issue or they do not find the killing of brown women in Canada to be significant.

I am aware that front-line police forces are aware of the issue at hand. They're trying to deal with it. They're trying to educate themselves, but they lack official statistics. They lack community support and they lack political backing.

Much of Canadian civil society, including feminists, academics, social justice advocates and NGOs, is either frightened into submission and fears speaking out or believes that it is correct to approve of such abuse because one must be tolerant of other cultures. Silence, in my view, implies consent.

Hence, we see York University Muslim Students' Association handing out books advising that it's correct to beat your wife because she'll see it as a sign of love and concern, yet there is no overall societal reaction to this or other such statements.

The question arises, of course, who are the networks that are advancing this extremism in Canada? As noted above, the wellspring of much of this ideology comes from the Muslim Brotherhood. Dr. Lorenzo Vidino, who is perhaps the world's leading expert on the Muslim Brotherhood outside of the Middle East itself, recently testified at the Senate of Canada on May 11 of this year. His view, as he expressed it to the Senate, is that the Muslim Brotherhood has some eight to ten front groups in Canada, but the four best known ones are the Muslim Association of Canada, CAIR-CAN, otherwise known as NCCM, and Islamic Relief Canada. He identified IRFAN as the fourth, although of course they have been put out of business as of this year when they were declared a terrorist entity.

In conclusion, let me say that I believe the discussion about passport seizures and revocation is timely, appropriate, and necessary. Unfortunately, as the recent seizure of some 10 passports at the Montreal airport suggests, this is an ongoing problem. It's going to increase in magnitude as a series of overseas conflicts continue.

By way of my own background, I've been involved with and testified in an international hostage-taking criminal case. I've testified and been declared a court expert in terrorism in a criminal trial. I've testified multiple times and been declared a court expert in national security certificates. I've testified and been declared a court expert in the IRB and I testified at the Air India inquiry. I've also testified to the Senate and the House on multiple occasions in the past and I actually helped train the special advocates, lawyers, and judges who work within the national security certificate cases and others.

It should be noted as well that I've testified on both sides of the aisle, defence and prosecution, including testifying for the defence when questions of innocence and due process have arisen concerning Muslim Canadians caught up in national security issues. As such, my view based on experience in the court system is that the ultimate arbitrator of the human rights of Canadians remains the court system. While a bit slow and on occasion ponderous, innovations such as the special advocate system have worked and have ensured that the intelligence community and the judicial system have remained functional even under the most trying of circumstances over a period of years.

Based on my experience, the bill provides judges with considerable latitude to accept, deny, or discard any and all evidence put in front of them. This is made particularly clear under the "Appeals" section of the bill, subclause 4(4) and in particular paragraphs (a), (b), (c) and (e), which offer judges and by extension defence lawyers, the widest possible latitude to discredit misleading or weak evidence put before them. Thus I believe a balance can be achieved when a passport revocation occurs.

I believe that an independent judiciary, a system that we have here in Canada, remains a trustworthy and credible force. It is capable of dealing with the issue of whether or not the privilege of having a Canadian passport—and it's a privilege not a right.... If that privilege has been revoked and the passport is removed, I believe that the judges are capable of assessing the information at hand and whether that person would have used it to travel abroad to commit acts of terrorism or otherwise.

Mr. Chairman and honourable members, thank you.

• (0855)

The Chair: Thank you very much, Mr. Quiggin.

We will now go to our second witness, Mr. Christian Leuprecht.

You have the floor, sir.

[Translation]

Dr. Christian Leuprecht (Associate Dean and Associate Professor, Faculty of Arts, Royal Military College of Canada, As an Individual): Thank you, Mr. Chair.

Distinguished committee members, thank you for having me. I will be pleased to answer questions in both official languages, but if I may, I will speak in English.

• (0900)

[English]

My presentation will have three parts.

The first is laying out why I think this particular issue we're dealing with today will continue to persist for years to come; why I sympathize with the measure; and why I think there are good ways of rationalizing this particular measure, both within the Canadian context and the comparative context.

Here's why this is going to be a persistent problem. I think there have been two fundamental changes that have brought this whole phenomenon much closer to home. Those are two revolutions.

One is the communications revolution, which has made it so much easier for people to get their twisted messages out. Everybody has a mobile phone. Aside from the ability to spread one's message in a way that would have been much more difficult a couple of decades ago, we also have what sociologists call the "filter bubble". This phenomenon says that even though we have a very pluralistic social media universe, individuals are increasingly reading only the types of information that reinforces the biases and stereotypes they already hold. As people start to buy into this type of extremist narrative type of messaging—which that might cause them to engage in violence and travel abroad for either the purpose of committing violence, or joining an organization that the Government of Canada has decided is an organization we'd rather not have them join—I think that media communication is a major part of it.

The other is transportation. It's so much easier and cheaper today to get anywhere. For a couple of thousand bucks, you get on a plane in Edmonton and you fly to Istanbul and find your way to the border. If you think about a hundred years ago, if somebody immigrated to Canada they left everything behind. They maybe sent a letter or so back, but they wouldn't be thinking about going back. Staying in touch would be very difficult. I think these two fundamental revolutions have very much changed the game.

There's another element that I think is going to be a challenge for years to come with this phenomenon of extremist travellers, or "foreign terrorist fighters" as the UN calls them. It is the immense structural imbalances that afflict the countries that span from North Africa through to Pakistan, this arc of countries. It is the very high fertility rates that lead to severe demographic imbalances and very large youth bulges. If you look at a country such as Pakistan, you're going to have a 50% increase in their population over the next 40 years. These are recurring or replicable phenomena in most of the countries throughout the region, and yet we have social structures, economic structures, and political structures that are ill-adapted to this demographic growth.

In part, for instance, if you're smart and an ambitious young person, even if you try, it's very difficult for you to get a job because many of the economic structures and the state structures are so ossified you can't get a job unless you have all sorts of connections with senior elites, and whatnot. It's no wonder we have a large bulk of individuals in the region who are frustrated and who buy into extreme solutions and narratives not necessarily because they might be entirely convinced by the ideology being peddled, but because they're the one organization that gives them some hope of changing the circumstances in which they live.

What we've seen over the last 30 or so years, as a result, is what you might call the phenomenon of the globalization of terrorism. Previously we had domestic terrorism and we had international terrorism, both state terrorism and state-sponsored terrorism. What we've seen is this proliferation of this phenomenon of transnational terrorism and the narratives that go along with it, and now also the opportunity of ISIS, which has essentially turned the al Qaeda strategy on its head and deliberately tries to hold and control urban centres and lines of communication among these urban centres. If you wanted to join al Qaeda it was really hard. You had to get to Pakistan, and you had to find your way over to Waziristan. That was

a dangerous trip and many people didn't make it. Now it's so easy to join these organizations.

While I think we can manage the ISIS phenomenon, it becomes a bit of a whack-a-mole game. As a result of these imbalances that I've laid out for you, I think instability and extremist-type narratives in these types of organizations are going to be a persistent problem for years and decades to come.

The challenge we have with people travelling abroad is going to be a persistent challenge. Sure, it dates back to the Spanish revolution and, as some of you might know, we still have the Foreign Enlistment Act on the books that was implemented at the time to dissuade individuals from going. We had this problem with German Canadians and Japanese Canadians during the Second World War. We had this challenge with some members of the Sikh community joining Babbar Khalsa, and with some members of the Tamil community joining the LTTE. As a result of these revolutions that I've laid out, this is a whole new world. It's no longer limited to particular ethnic or religious communities, because these narratives can speak to just about anybody.

As a result, what do we need? We need a much more nuanced tool kit for our security services. We've done a good job of focusing on what you might call "criminal pre-emption", but we need to have a more nuanced tool kit in what my colleague Craig Forcese calls "administrative pre-emption". Passport revocation is a very important component with regard to precision kinetic counterterrorist intervention, not for some mass community radicalization, whatever, talk, but rather targeting that small portion of individuals looking to travel abroad to engage with these organizations.

I might remind the committee that, of course, it's not just about adults travelling abroad. It's also about youth travelling abroad. I think the state has an obligation toward minors, toward people under 18, to intervene in ways that it might not with adults.

We also need to remember that these people will return. We know that about one-third of foreign fighters have returned. We know nine out of ten of them return deeply disillusioned and with serious mental health issues. And we know that about one out of ten—from is Thomas Hegghammer's study out of Norway, based on a sample of over 1,000—returns as a hardened ideologue.

One way or another, there are significant implications for Canadian society and for the Canadian taxpayer, if we don't engage in more effective administrative pre-emption.

Why do we need to do this? In itself, this will have a deterrent effect, if people understand that their passport may end up being revoked or they may not have one issued.

I think we also need to protect the integrity of the Canadian passport. As a result of incidents in central Asia and in north Africa, the Canadian passport in these regions is not treated now with the recognition and respect it had previously. So I think we need to be at the forefront of making sure we protect the Canadian passport as one of the most respected travel documents in the world.

I would like to finish on the premise that a passport is not an entitlement but more like a driver's licence. If you engage in conduct that clearly contravenes the collective interest, as Canadian society has outlined it, then you simply don't have the right to that particular document.

However, I might perhaps have one suggestion in closing that the committee might want to entertain. When we take people's drivers' licences, we don't take them forever, in most cases. We take them for a limited period of time. I wonder if the committee might want to consider some sort of a sunset clause built into the provisions here, whereby there is some obligation on the government to renew the provision of either not issuing a passport or renewing the revocation of that particular passport. Moreover, if we do have a permanent revocation of somebody's document, we need to make sure that we have an administrative procedure that independently confirms the assessment by the minister and by our law enforcement and security agencies that this individual's actions are so severe that they need to have that document essentially revoked for a lifetime. That would be the caveat that I might introduce.

Thank you for your time.

● (0905)

[Translation]

Thank you for your attention.

[English]

The Chair: Thank you to both of our witnesses for your input here today.

We will now go to our rounds of questioning. We will start off with the first round of seven minutes.

Mr. Falk, please.

Mr. Ted Falk (Provencher, CPC): Thank you, Mr. Chairman, and thank you to our witnesses, Mr. Quiggin and Mr. Leuprecht, for coming to the committee this morning.

Thank you very much for your expert testimony. You're obviously both very well versed in this area and I appreciate listening to your perspectives on the issue.

I think you rightly said, Mr. Leuprecht, that having a Canadian passport is a privilege, and with privileges come responsibilities and accountability. Certainly we want to protect the integrity of all passports that are issued in Canada, and also make sure that we maintain its recognizability and the special privilege it is to hold a passport like that.

We've heard many stories in the media over the last few weeks of people, especially young folks, who have tried to travel to Istanbul, Turkey, and then further on to Syria, often against the wishes of family members or without their knowledge. Law enforcement officials have been working hard to make sure that these incidents of unauthorized travel by minors are minimized, but it seems to me that it's quite obvious why we need these provisions strengthening our laws to give us the ability to cancel, to refuse, or to revoke passports.

Could you talk a little bit more about what the purpose really is, the way you see it? What would be the purpose of strengthening the ability to revoke a passport or to cancel a passport?

● (0910)

Dr. Christian Leuprecht: I guess, ultimately, for me, the purpose is getting Canada up to speed with provisions that many of our allies already have, which they have used successfully for years, or in some cases, for decades, especially in Europe.

My persistent argument is that I think we've just had our heads in the sand for too long because we've been very lucky geostrategically to be so far from all this instability. We need to learn from our allies and like-minded countries. In particular, the U.K., Germany, France and Spain have dealt with the phenomenon of terrorism and had to confront this for a longer period of time, and we can see that freedom and security are not a zero-sum game, but rather, that free societies are also secure societies. There are ways of reconciling these competing priorities to serve societal interest as a whole.

I think the ultimate purpose here is to make sure we have provisions that are commensurate with the phenomenon of the globalization of transnational terrorism, on the one hand, but that on the other hand, are sufficiently nuanced to respond to our constitutional and charter environment while effectively providing a more nuanced tool kit, especially for our law enforcement and security and intelligence agencies.

If we simply rely upon criminal pre-emption as the main tool, which is sometimes what the critics will say—that criminal pre-emption is essentially a national security investigation with the objective of ultimately laying a charge—it is very expensive. It is cumbersome.

We've had the commissioner of the RCMP come before Parliament and say that it's breaking his organization to run the investigations he's currently running. The standard of evidence to obtain a conviction is very high. It's not just about laying a charge. It's about making sure we collect the evidence, with the crown having sufficient confidence that they'll actually be able to obtain a conviction.

In the case of youth, do we necessarily want these individuals to end up with a criminal record as a result of what they did, or do we just want to make sure that we take the necessary pre-emptive measures so that they are not able to follow through, and so that, hopefully, with some appropriate intervention—and I think there's a lot more that we can do on the intervention and the prevention side—they will come to their senses and understand that this was perhaps not the best decision to make?

Mr. Ted Falk: Thank you.

Mr. Quiggin, when we discussed Bill C-51 at the committee here, we heard from many witnesses, including from the Muslim community. A lot of those witnesses talked about taking preventative measures before their youth become radicalized, and they expressed some concern that Bill C-51 didn't really address the preventative aspect of becoming radicalized.

Do you think that this measure is a good measure in terms of perhaps preventing radicalization? Is it a preventative tool to revoke someone's passport? How do you see that?

• (0915)

Mr. Thomas Quiggin: Mr. Chairman, sir, I think that if you're going to tackle the issue of people travelling overseas to become extremists and terrorists, or whatever, and if you're going to tackle the issue here in Canada itself, which is a somewhat different thing, there needs to be a strategic, operational, and tactical approach.

At the strategic level we should be looking, as I mentioned earlier, at crippling the networks we have here in Canada, which create these social, political, and cultural spaces where it's okay to talk about this kind of stuff, where it's okay to do that. That means going after their charities, going after their organizations.

At the tactical level, which is where I believe the passport issue is, we need, as my colleague says, a better tool kit. I think the passport issue is a tactical one. It is a way of catching people as they are leaving Canada and going overseas to commit themselves to this kind of activity.

Is it preventative? Yes, it is, in the sense that it prevents them from going overseas. Is it preventative in the sense it will stop radicalization in Canada? That I'm not quite so sure about, but I do think it will provide a useful means of bringing this issue up onto the public radar.

The Canadian government and Canadian civil society are reluctant to challenge the narrative of extremism in Canada, for a series of cultural, political correctness reasons, etc.

We just saw 10 people pulled over at Montréal-Trudeau airport a week ago Saturday as they were on their way to travel to ISIS. Hopefully, those kinds of things will bring out a larger discussion. Parents sitting around the family dinner table can say, "This is what's going to happen to these people," and folks like us can use this, as well, as a means of discussion.

Is it a good preventative measure? I think yes, in the sense that it's tactical and will stop people at the point of exit. Also, it's one more means of challenging the extremist narrative in Canada, something that I don't think we're doing a good job of anywhere.

Dr. Christian Leuprecht: Can I have a 30-second follow-up on this?

We need to be careful not to confound categories. Terrorists, radicals, and extremist travellers, as the government likes to call them, are not necessarily one and the same thing. They're sociologically distinct categories. The reason I say this is that in this discussion we shouldn't conflate the problem of mass radicalization with the problem of the very small group of individuals who engage in unlawful conduct or travel abroad. We have people who travel abroad who have not been radicalized and who have not necessarily bought into radical narratives. We know, based on my own survey work, that we have no lack of sympathy in this country with radical narratives, but very few people who actually act on that sympathy.

We can't use one policy tool to address two very distinct problems. We need to have different types of policy tools. This, for me, is a kinetic, tactical, precision-type of intervention for that very small community of people who are looking to engage in unlawful conduct by leaving the country to join an organization or engage in activity

that we have deemed unlawful. It is not, in my view, going to do anything or much about the problem of mass radicalization. That's a different issue and we need different types of tool kits.

The Chair: You have 45 seconds, Mr. Falk.

Mr. Ted Falk: I would agree with your comments. Where I would see it as a preventative thing is if we can stop people from getting on the plane, revoke passports before they go to Syria, before they become further radicalized, before they become further disillusioned, or harm themselves or others, or train to harm themselves or others. In that sense I think it's also a preventative measure for people who have already been somewhat radicalized here in Canada. Would you agree with that? It's a tool. It's one more tool.

Dr. Christian Leuprecht: It's a preventative measure and it has a strong deterrent effect, I think.

The Chair: Fine. Thank you very much, Mr. Falk.

Now Mr. Garrison, please.

Mr. Randall Garrison (Esquimalt—Juan de Fuca, NDP): Thank you very much, Mr. Chair.

I thank the witnesses for appearing today.

It's necessary to come back to the question at hand. I appreciate Mr. Leuprecht's last remarks because I think it helps us do that.

We do have, of course, a mobility right in Canada, and it is subject to reasonable limits. The court decisions have been quite clear about that, so I don't think you'll find anybody around the table here arguing that people ought to be able to go abroad to join terrorist groups. That's not the question before us, really.

With respect to Mr. Quiggin's testimony, he was here for Bill C-51 and has repeated some of the same things he said then, including his attack on the National Council of Canadian Muslims, which he always does under the protection of parliamentary privilege. I'm disappointed to see he's done the same thing again today.

I'd also raise some interesting questions with Bill C-51, which is about to pass Parliament, as to whether repeating the arguments of those who are the extremist radicals is in fact reckless promotion of terrorism. It would be very interesting to see what happens with that later on, in terms of Bill C-51. I think we have to be careful not to glorify and give too much credibility to what is a very small group of extremists, obviously.

I want to turn to what Mr. Leuprecht said, because I think there's something very important in making the distinction between those who are being radicalized and those who seek to use violence. You talked about having a nuanced tool kit and referred to what some of our allies are doing. You say this provision will make us a bit more in line with our allies. Can you say a bit more about that?

• (0920)

Dr. Christian Leuprecht: Sure. The provision in Germany, for instance, is a long-established provision. I think Germany is a particularly interesting comparison. We often talk about France and the U.K., but I think in terms of a societal predisposition with regard to security, we don't look at Germany and countries like Spain enough. They have diverse societies and social structures, and perhaps the way the population thinks there is a bit more the way we do.

In Germany, of course, it comes out of Germany's history and its very robust regime to protect the integrity of the German constitution. As a result, they have much more robust measures against anybody who would call the German constitutional order into question, either within the country or by attempting to leave the country to engage in activities that might either call the integrity of the German constitutional regime into question, or call the integrity of governments elsewhere in the world into question.

I don't see these provisions that are available to countries as an aberration. I think there are many other administrative pre-emptive provisions that we might want to consider, but I think this is one of the more prominent ones. In part, I also say this because because criminal prosecution is difficult and expensive, and is not always in the interests of perhaps...especially when we talk about minors. I think this is something where we need to have a wider array of options, not simply for the sake of security but within broader context in which this phenomenon is occurring.

Mr. Randall Garrison: Thank you very much.

I know that we've heard reference this morning to the 10 youth in Montreal who were prevented from leaving the country. It raises the question, for me, of whether this provision is actually needed or whether the existing provisions, which obviously stopped them from leaving the country, are adequate. Does this example illustrate that there's a gap, or does it illustrate that what we have is actually effective? We have some concern about creating two different entities within government that can both cancel passports. Who would be responsible for what in terms of cancellation?

Going back to the example in Montreal, wouldn't this illustrate that we already have this power in Canada and has been very effectively used? I put that to Mr. Leuprecht, please.

Dr. Christian Leuprecht: We have some measure of that. I think we have relatively crude tool kits at present and I think some of the measures that have been introduced provide us with a much finer, more precise ability to intervene pre-emptively and proactively. There are different grounds for why different entities need to be more proactive in the pre-emptive realm, if you want.

I see this provision as complementary, not as a duplication, and I see it as a necessary complement. I believe that the judicial remedies that are built in are sufficient to reassure me that somebody who believes they have been treated inappropriately—because this provision represents a significant degree of state intervention in people's lives—will have appropriate judicial recourse against that intervention. To me, this is absolutely integral, but it's also why I would suggest that such interventions come in the way that they're proposed here, with a time limit, after which the minister or the appropriate institution needs to rearticulate that particular ban. I say

this because inherently we all change over our lifetime and we shouldn't just.... In some ways we can use the examples of people who change their views on these particular issues, hopefully demonstrating that people do come to their senses and see that this is not a prudent course of action.

• (0925)

Mr. Randall Garrison: I think, Dr. Leuprecht, you also raised a very important question here of the sociological categories and not mixing together the two. I wonder whether you've seen among our allies more recognition of that in what they are doing, especially with programs to prevent radicalization that might prevent people moving into that second category. Could you say something about what you've maybe seen from some of our allies to prevent radicalization?

Dr. Christian Leuprecht: I just spent the last 10 days having discussions about exactly this in Spain and Portugal with some of our allied agencies and partners. Like John Horgan, who is probably the premier expert on de-radicalization programs, I am skeptical about many of these programs.

They tend to have three components: a prison intervention component, a sort of counter-narrative component, and a sort of targeted intervention component for individuals who are particularly high risk. This is what the prevent strategy in the U.K. is based on.

We have challenges with regard to being able to measure the effectiveness of many of these programs. We basically have to take people's word for it. There's lots of evidence that these programs are being subverted, that they're being undermined, so ISIS has very successfully positioned the prevent program as a brainwashing and neo-colonial type program.

There's some challenge with regards to human rights, because many intelligence services, I think, make the assumptions that as you watch too many jihadi videos, you're bound to do something violent. The causal path here doesn't work because there is no one model or process of radicalization, but we do know that there are certain triangulations of factors that make individuals far more susceptible to violence.

There's one thing that we haven't done particularly well in research, and as a result in public policies, and that is that we don't have a good understanding of the triangulation of variables of individuals who are more likely to fall into either the spell of these types of narratives or engage in some sort of action.

The Chair: Thank you very much. We're over time here substantially.

We will now go to Ms. Ablonczy, please.

Hon. Diane Ablonczy (Calgary—Nose Hill, CPC): Yes, thank you.

I have a number of questions. I hope the answers will be brief.

I was struck by the difference in viewpoints that I heard from the most senior member of the opposition on this committee, who basically said that all we're talking about is a small group, if I understood correctly. Then he shook his finger in the face of one of our expert witnesses with deep knowledge and experience in this area saying, you know, "It wasn't very nice of you to say bad things about a Muslim group."

It really harks back to—

Mr. Randall Garrison: Point of order.

The Chair: Point of order.

Mr. Randall Garrison: You know, Mr. Chair, that I refrain from using points of order, but—

Hon. Diane Ablonczy: I'm sorry?

Mr. Randall Garrison: I usually refrain from using points of order for this, but Ms. Ablonczy, you are putting words in my mouth that were not said.

Hon. Diane Ablonczy: Once again you called out a particular group. Isn't that what you said to the witness?

Mr. Randall Garrison: A particular group? No, I called out Mr. Quiggin for repeating his baseless charges against the National Council of Canadian Muslims, which he did under privilege—

The Chair: Thank you very much. This discussion is now over.

Carry on, Ms. Ablonczy, please.

Hon. Diane Ablonczy: Here we have an expert witness raising concerns about a particular group, and Mr. Garrison takes great exception to that, although he doesn't have the witness's depth of expertise. It seems to be that it is an example right here today of what Mr. Quiggin said, that political correctness, cultural relativism, and willful blindness to extremism are dangerous to Canada.

You know here we are, you're saying that we have deep networks of extremism. Both of you are saying that radicalization is a real issue here, but the public doesn't quite know who to believe. The opposition is saying, "Well, you know, this is just being unduly harsh or unfair to particular groups."

• (0930)

Mr. Randall Garrison: Point of order.

Hon. Diane Ablonczy: The opposition saying that—

The Chair: Point of order, Mr. Garrison.

Mr. Randall Garrison: Ms. Ablonczy is running perilously close to violating privileges of other members by continuing to say things that have not been said in this room and, in particular, attributing issue to the opposition. I remain very disappointed that she wishes to attribute views that have not been presented in this committee.

Hon. Diane Ablonczy: I'm just saying what I heard, Mr. Garrison.

To the witness—

The Chair: Ms. Ablonczy, the chair would simply just ask that you go back the issue of the passport revocation as soon as possible. That is the intention of our discussion.

Hon. Diane Ablonczy: I appreciate that, Mr. Chair.

You know, why should Canadians care about that? Why should a soccer mom, a farmer, a fisherman, or a worker in a factory care

about what we're talking about today? Why should they support the government's trying to keep people from travelling abroad?

I'd like to hear from both of you.

Mr. Quiggin, you haven't had much air time.

Mr. Thomas Quiggin: Mr. Chair and honourable members, let me first clarify my own points. My comments on NCCM are not really my own views. It is the view of the United States State Department that CAIR-CAN, otherwise known as NCCM, is the Canadian chapter of CAIR in the U.S. The founders of CAIR-CAN in court documents, in affidavits here in Canada—

The Chair: On a point of order, Mr. Garrison.

Mr. Randall Garrison: Mr. Chair, you just ruled on this and asked us to come back to the point of this discussion and Mr. Quiggin is once again repeating his baseless charges and his attack on the National Council of Canadian Muslims, to which I fundamentally object.

Ms. Roxanne James (Scarborough Centre, CPC): I have a point of order—

Hon. Diane Ablonczy: With respect, Mr. Chair—

The Chair: That's fine.

Excuse me, the chair will have some comment here.

A question was asked of the witnesses with regard to an opinion. Whether we agree or disagree with that opinion—and obviously we're dealing with terrorism and/or passport revocation—the witness has an opportunity to relate either experiences and/or evidence that he or she has gathered to present and to support their position. Whether we agree with it or not is irrelevant at this point, but Mr. Quiggin is welcome to his opinion at this committee and as such, carry on.

Mr. Randall Garrison: I have a point of order, Mr. Chair.

The Chair: You have a point of order, yes, Mr. Garrison.

Mr. Randall Garrison: The question is relevance, not opinion. You asked us to stick to the question in front of us, which is about the suspension of passports, and the witness's opinions, which he is expressing, have nothing at all to do with suspension of—

The Chair: That is understandable. However, it is also the chair's opinion that if there is an attempt to undermine the credibility of the witnesses, then the chair takes that position very seriously. I think the chair has an obligation to present witnesses who can present or defend their particular position.

Carry on, Mr. Quiggin.

Mr. Thomas Quiggin: Obviously, there's a problem at hand. I won't go into it any further, but perhaps I can send the clerk a list of 23 different statements made by CAIR-CAN, the U.S. State Department, the United Arab Emirates, and the U.S. court system that CAIR-CAN is in fact the Canadian chapter of CAIR in the U.S. I'll drop it and won't get any further into it.

Your question directly is why should Canadians care about this? Why should the proverbial soccer mom or the guy who drives the forklift in the factory care about this? I believe the answer is that this kind of extremism in Canada is spreading, it's growing.

My colleague has pointed out that the communications revolution and the transport revolution have made it increasingly possible for young Canadians to go off and quite literally get themselves killed or to kill other people. As Canadians, I think we have an obligation to our youth who are our future to try to keep them away from this sort of thing as much as possible. Canada as a state has an obligation to other countries to make sure that we are not exporting people from Calgary and Montreal to become suicide bombers and kill large numbers of people in other conflicts overseas.

I know it's a bit of an abstract issue to many people. They ask why they should care. The answer is you should care because it's occurring in your community. It's your youth at risk, it's your youth being challenged. A number of people tend to think this is a Muslim issue, and it is to some extent, but the reality is it's a convert issue as well, which affects all other faiths in Canada, including those who have no particular faith.

I think it's also worth pointing out that right now the focus tends to be on ISIS, al Qaeda, al Nusra, and Jemaah Islamiah. But if we were having this conversation in 1985, we'd have probably been looking at Sikh radicalization in Canada. If we'd had this conversation in 1995 we might have been looking at Tamil radicals, the LTTE, etc. I have no doubt this conversation will be had again 10 years from now and I don't profess to know who the next group will be, but this is an ongoing issue in Canada and all the evidence, as my colleague points out, suggests this is going to be increasingly an issue in Canada. So, yes, it's important; and, yes, we need to get it now.

• (0935)

Hon. Diane Ablonczy: Mr. Chairman, I have two minutes?

The Chair: Yes, two minutes, Ms. Ablonczy.

Hon. Diane Ablonczy: I believe my colleague has a question.

The Chair: Yes, Ms. James.

Ms. Roxanne James: Thank you.

Thank you, Ms. Ablonczy.

Mr. Quiggin, you talked to some extent in your opening remarks about the brutalization of women and girls. We recently had legislation with regard to zero tolerance for barbaric cultural practices. It's something I took directly to my constituents with regard to early and forced marriages.

I'm just tying it together, because I want to stress for the record that I think the vast majority of Canadians agree that this type of situation for women and girls is a serious concern, that it is an issue. I think when people are presented with those facts they agree with the direction our government is taking.

We heard a talk about the revocation and taking away of passports and so forth to stop individuals from travelling overseas. A while ago we may have assumed it was only the young men or radicalized males who were being pulled into this recruitment effort by radicals. That's not the case; we're seeing more and more young women also

being drawn in and also attempting or succeeding at travelling overseas. Could you tell me what the outcome for these young women would be if they succeed and get over there?

The Chair: There are 30 seconds for a response.

Mr. Thomas Quiggin: The short answer is that for most of the women in ISIS, the evidence to date appears to show that they wind up in brutalized, distressing relationships where most of the time they want to get back out of the country when they realize how bad it is.

For a minority, however, including the two young women who I believe are from Manchester in the U.K., they actually rise to senior positions as recruiters where they are capable of recruiting other women from other countries around the world.

So the short answer is that most women who go there wind up brutalized and in horrible conditions and look to get out, but a small proportion of them go on to be leadership figures in the community where they can exercise that influence around the world.

Ms. Roxanne James: Thank you.

The Chair: Thank you very much. Time is up.

We will now go to Mr. Easter.

You have the floor, sir.

Hon. Wayne Easter (Malpeque, Lib.): Thank you, Mr. Chair, and thank you to the witnesses.

To both of you, can you speak of the experience in other countries with the removal of passports. How successful has it been? Have the appeal processes worked? And based on that experience is there...?

I think one of the concerns here is whether or not there maybe needs to be a special advocate regarding security agencies and police forces when those are looking for judicial authority to remove someone's passport. I'm concerned that there isn't the balance of fairness under the law. Would it make sense to have a special advocate, or would it not?

From that perspective, could either or both of you speak to whether you have any knowledge of the experiences in other countries and whether it's worked well, if there need to be changes, and whether we should be learning from their experiences.

Mr. Thomas Quiggin: Mr. Chairman, honourable members, I worked for a year and a half in Singapore. One of my colleagues there, Haniff Hassan, is regarded as one of the world's experts on deradicalization.

In the case of Singapore I think that passport revocation to them is a cut and dried issue, and they do it very quickly and very clearly. But I think it's worth pointing out that in Singapore it's done in the context of a much larger program. It's seen as one tool in the tool kit.

Singapore has a very effective deradicalization program, but as Dr. Leuprecht pointed out, it's successful because it's very narrow, very focused, and is very knowledgeable on life as it exists in Singapore. It's not just about moving the person away from the radicalized thinking, but also at looking at their families, their future, and how to integrate them back into the larger society.

So my short answer would be that passport revocation is good and a necessary tool, but I think it should exist as part of a larger larger effort, or tool kit as Dr. Leuprecht describes it.

● (0940)

Hon. Wayne Easter: Dr. Leuprecht, do you have anything to add?

Then moving to your larger tool kit, I think, Dr. Leuprecht, in your remarks—and maybe you didn't intend it this way—but I wondered whether you had confidence in deradicalization programs.

I ask because I think Mr. Quiggin is right. I think this is one measure that's needed among many. Young people of 18 are wanting to leave—some of them are wanting to leave for just pure adventure I expect—and they are having their passports revoked. But I hope that there are ways and means for them to get their passport back, as things change over time and your life experiences change.

Should deradicalization programs or other programs be necessary to accommodate that? You spoke about that a little earlier.

Dr. Christian Leuprecht: The model that is being attempted in both Toronto and Calgary is an adaptation of the hub model that was originally developed in Glasgow on the criminalization side to keep youth out of the criminal justice system. Dale McFee brought it to Prince Albert. There is a variant of it in 14 communities throughout Ontario.

That model was intended to keep people out of the criminal justice system. It's not a deradicalization tool. The essence of it is recognition that there are multiple agencies that we need around the table: social agencies, education, public health, mental health, guidance counsellors, employment counsellors, and whatnot. We need an effective strategy, but one that is tailored to each specific case.

I'm a bit concerned about the broad remit that somehow we can have a one-size-fits-all deradicalization program, as opposed to the interventions that we know work in keeping people out of the criminal justice system, namely targeted intervention among multiple agencies that is designed for each specific case with sensitivity to that specific case.

What I want to stress is that from the most recent data we have, for instance, from the Saskatchewan hub, 52% of cases are brought by police, but police only end up being the lead agency in 12% of these cases. There's a recognition that by and large law enforcement and security intelligence need to be supporting agencies in getting people to desist from activity that might cause them to fall into the criminal justice system, but they're not, in most cases, ideal as the lead agency.

Instead of macro level deradicalization programs, I would favour a more nuanced type capability. We do have two pilot projects at least in Canada.

Hon. Wayne Easter: A number of us on the committee are familiar with the hub model, and I think we recommended that it be expanded in our economics of policing report. I appreciate your comments.

I have a last question, Mr. Chair, and then you can move on.

I asked earlier whether there is a need for a special advocate at the front end to obtain authority to take someone's passport. Do either of you have a view on that? Yes or no?

Mr. Thomas Quiggin: I'm not quite sure how you're using the term “special advocate”, sir. Do you mean special advocate in the national security certificate sense, where we have a lawyer who's a special advocate, or do you mean a particular post?

Hon. Wayne Easter: It would be an individual with experience in the area, who would try to bring balance. When security officials are before a judge saying that they have evidence to believe such and such, and it is classified information to a certain extent, there's no one to advocate on the other side. Should there be?

Mr. Thomas Quiggin: I don't believe we require a special position or a particular appointment of a special advocate who would do nothing but that. Having been closely involved in and having testified at criminal cases, and having been closely involved in national security certificate cases in the Federal Court, I have had close personal contact with the special advocate system where lawyers and judges are granted special status and given special security clearance to work on this. I believe giving defence lawyers special advocate status is a hugely powerful tool. It's useful. I believe that judges, when they're given that status, are an immense contribution to the process.

If there is a situation where a passport has been revoked—

● (0945)

The Chair: On point of order, Mr. Payne.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Chair.

Mr. Quiggin had previously offered to send us documents to the chair to distribute to the committee regarding CAIR-CAN. I would request that happen. Thank you.

The Chair: Thank you very much.

Carry on, you have about 15 seconds.

Hon. Wayne Easter: I'm done.

The Chair: Thank you very much.

I'm sorry, but our time has expired for our first hour. At this particular point we thank our witnesses for coming here today.

We will now suspend for a minute while we change witnesses.

● (0945)

(Pause)

● (0945)

The Chair: Colleagues, we will begin our second hour of witness statements and questioning. It will be devoted to division 10, dealing with Hill security.

We have special guests with us here. From the House of Commons Security Services Employees Association we have Mr. Roch Lapensée, president. Welcome, sir.

From the Office of the Auditor General of Canada, we have Mr. Michael Ferguson, the Auditor General of Canada, and the principal assistant, Gordon Stock. Welcome to the committee, gentlemen.

We'll have up to 10 minutes of opening statements, should you wish. Following that we will have a round of Q and A. We certainly thank you for attending today to enlighten the committee with either your thoughts, expertise, or certainly your patience in dealing with some of the questions from our committee members.

Mr. Lapensée, you have the floor, sir.

• (0950)

[Translation]

Mr. Roch Lapensée (President, House of Commons Security Services Employees Association): Thank you.

Mr. Chair and members of the committee, please allow me to thank you, on behalf of the House of Commons Protective Services Employees Association, for this opportunity to speak before the Standing Committee on Public Safety and National Security.

The House of Commons Protective Services Employee Association has been certified since 1987 to represent some 225 members of the Protective Service of the House of Commons. The members of the association comprise approximately 190 constables, 15 corporals and 15 sergeants, who all report to the director of the service.

The present brief pertains solely to division 10 of Bill C-59, which amends the Parliament of Canada Act by adding sections 79.51 to 79.59, as well as certain transitional provisions.

Considering the profound changes proposed by this bill regarding security in the parliamentary precinct, the association considers that it is important to appear before this committee to submit its observations in relation to the contemplated changes.

Before delving into the heart of Bill C-59, the association wishes to emphasize its great pride in the professionalism and exemplarity of its members, especially regarding their behaviour during the events of October 22, 2014.

Nobody knows the precinct and members of Parliament better than the employees of the House's Protective Service, which plays a key role in the functioning of our democratic system. Our work requires a significant skill set to combine the necessary security requirements with the public nature of the parliamentary precinct, and this work deserves to be recognized and underscored before this honourable committee.

Turning to the substance of Bill C-59, it should be noted at the outset that the bill provides a definition of the term "parliamentary precinct" in section 79.51. This is a novelty to our knowledge, and one that should be commended. For several years, the work of members of the House's Protective Service has expanded far beyond the walls of what was once called "the Hill".

The association is satisfied that this new definition recognizes that parliamentary privilege follows the parliamentary function, thus recognizing a functional rather than geographical vision of the concept of parliamentary privilege.

Putting into practice the authority vested in the Sergeant-at-Arms and the Speaker of the House with respect to protection matters, the employees of the House's Protective Service exert all their functions within the confines of parliamentary privilege, being its custodian and therefore an essential part of the legislative function of the House of Commons of Canada.

It is this legislative function that is at the heart of our work, which is why the protection of parliamentary privilege was significantly underscored in the press release issued by the association on February 4, 2015, when the elements now contained in Bill C-59 were announced for the first time by government. The concerns that were voiced in this press release are entirely transposable to Bill C-59, and can be grouped into two broad categories: operational concerns, and labour relations concerns.

The association does not dispute the findings made by the Auditor General of Canada in June 2012 recommending greater coordination between the various entities engaged in the protection of the parliamentary precinct. It is clear that greater coordination in terms of protection and security would have been desirable on October 22, 2014, and still is. This is a conclusion that was also reached by the Ottawa police in a recent press conference.

Also in June 2012, the Auditor General recommended that the House of Commons should contemplate the feasibility of a unified security force for the entire parliamentary precinct. Again, the association is not opposed to this recommendation and welcomes the creation of the Parliamentary Protective Service proposed by section 79.52 of the bill. There are, however, two caveats that the association wishes to underscore.

Firstly, better operational coordination between the various entities does not necessarily require an operational merger of the two protective services, namely, of the House of Commons and Senate. The association considers it unlikely that constables, corporals and sergeants of the House will be used interchangeably in the Senate and vice versa. Our work requires a deep and detailed knowledge of places and people to adequately fulfill our duties, and this knowledge comes with experience that is gained by devoting one's lasting attention to either the House of Commons or the Senate.

The association also considers that it would be impractical and undesirable from a security standpoint to reorganize the protective staff of both houses in order to require that every employee can interchangeably perform the duties in the House of Commons or in the Senate without having long-term assignments in one of the houses.

• (0955)

It would be much more desirable to maintain the current working structures to continue to increase team effectiveness and responsiveness. Thus, the association believes that an operational merger of the two protective services, in the House of Commons and Senate, would not increase the coordination, but on the contrary would reduce its effectiveness by diluting the specificity of its action.

Secondly, the association noted that the bill requires that PPS's new director be an active member of the RCMP, who will serve under the dual authority of the Speakers of the House of Commons and of the Senate. We also note that, although section 79.53 entrusts the PPS with "matters with respect to physical security throughout the parliamentary precinct and Parliament Hill", section 79.55 of the bill confers exactly the same functions upon the RCMP, referring to an "arrangement" and providing that the RCMP shall "itself" provide physical security services in accordance with this arrangement.

Operational inferences stemming from this situation assume two alternative hypotheses: either the director of the PPS will concretely report to the Speaker of the House of Commons, to the Speaker of the Senate and to someone within the RCMP, or that person will actually be exclusively under the authority of the RCMP. In the first hypothesis, the association is unclear as to how a PPS director receiving directives from three different heads would be likely to improve security in the parliamentary precinct, or coordination between different protective services involved in such protection.

The mandatory institutional links between the new PPS director and the RCMP also appears problematic, especially in the very likely event that this person is confronted with conflicting or incompatible instructions. The triple-allegiance of that person — in other words, to the House of Commons, Senate and RCMP — would inevitably create a conflict, since the Royal Canadian Mounted Police Act and oaths made under this legislation would compel the new PPS director to disobey the House or Senate Speakers, and obey only the Commissioner of the RCMP. How could one conclude that parliamentary privilege, ensuring the independence of the legislative function, would be preserved in such a situation? Not to mention the operational nightmare that such a situation could present in an emergency situation similar or worse than the events of October 22, 2014.

The association views the second hypothesis, that is an exclusive operational control by the RCMP, as being equally or even more problematic. The association refers to its press release of February 4, 2015, setting out its position on the possible control by the RCMP of protection within the parliamentary precinct. Our concerns about upholding parliamentary privilege remain intact, and the association does not believe that it is in the interest of our democracy to give control of security within the legislative power to the executive power, this said with the utmost respect for the quality of work of the RCMP in its primary position, which is not the protection of the parliamentary precinct.

Returning to the "arrangement" under section 79.55 of Bill C-59, the association wonders about the practical significance of this provision. Are there plans to replace, double or add to existing positions in the House's Protective Service? If so, in what areas? No response could be provided as to the practical intentions of government regarding this provision.

Still with respect to this "arrangement", nothing in the bill seems to prevent that the Speakers of the House of Commons and of the Senate may not have a decision-making role in the choice of the future director of PPS. It is entirely possible that this "arrangement" provides that the decision-making level in the selection process lies somewhere in the RCMP, somewhere in the Privy Council Office, or

within the Department of Public Safety and Emergency Preparedness, which would appear to the association to be yet another dent into parliamentary privilege and into our democratic system.

In sum, it is the very idea of RCMP control on protection operations within the parliamentary precinct that the association questions. This is not a matter of turf or jurisdiction, but a strong plea for the need to combine operational effectiveness and the respect for the sacred principles on which our Constitution has been founded.

Concluding on this aspect, the association would like to recall that no report, no study and no informed public commentator has questioned the work of the House's Protective Service, including in relation to the events of October 22, 2014.

• (1000)

It is, in this context, entirely legitimate to question the merits of the probable takeover of the PPS's control by the RCMP, or at least the very real possibility thereof envisaged by Bill C-59. Why change a recipe that works and works well? Are such changes not rather conducive to weakening our security safeguards? The association believes that the answer is in the question.

The association is satisfied by the presence of certain transitional provisions in Bill C-59 which, at first sight, seem to guarantee employment for the 225 employees of the House's Protective Services. This is especially so with respect to section 100 of the bill, which seems to protect the position of those currently employed by the House and of the Senate.

However, the association is concerned that the bill does not uphold the commitment made by the Speaker of the House in his motion of February 25, 2015, guaranteeing the employment of all employees of the House's Protective Services.

Indeed, Bill C-59 does not reflect this clear commitment and does not preclude a reorganization of work that could result in cuts or abolition of positions or modifications in terms of the workforce. Contrary to providing such job security, Bill C-59 introduces a significant amount of doubt and insecurity by requiring, as noted above, that both the PPS and the RCMP will be responsible for providing physical security throughout the Parliamentary Precinct, but without specifying who will do what, and by giving an unfair advantage to the RCMP in this regard by requiring that the director of PPS be an active member of the RCMP. This is a significant concern for the association, which would wish that the commitment made on February 25, 2015, jointly by the Speaker of the House and by the late Speaker of the Senate, Mr. Nolin, be clearly spelled out in Bill C-59.

To the extent permitted by the necessary discretion inherent to security operations, the association is available to answer questions that this honourable committee may have regarding division 10 of Bill C-59.

[English]

The Chair: Thank you very much, Mr. Lapensée.

Now we will go to opening statements.

Mr. Ferguson, sir.

Mr. Michael Ferguson (Auditor General of Canada, Office of the Auditor General of Canada): Thank you.

Mr. Chair, thank you for this opportunity to discuss part 3, division 10, of Bill C-59 pertaining to the Parliamentary Protective Service.

I am accompanied today by Gordon Stock, principal in the office.

In June 2012, we issued our audit to the administration of the House of Commons of Canada and the administration of the Senate of Canada. In these audits, we looked at the services each administration provided in areas such as financial management, human resources, information technology systems, and, of particular interest today, security.

[Translation]

Mr. Chair, I will summarize for the committee our relevant audit findings related to security; however, it is important to note that most of our audit work was completed in February 2012, so we cannot comment on actions taken since then.

First, we examined whether each administration had in place appropriate policies and controls designed to ensure a safe and secure environment for parliamentarians, staff and visitors. We also examined whether each administration had identified key risks and had implemented suitable mitigation strategies.

[English]

Overall we found that the House of Commons Security Services responded to security risks by implementing standard operating procedures and providing appropriate training to the responsible personnel, and that the administration of the Senate had mitigating controls for key security risks, such as having a memorandum of agreement with the House of Commons and the Royal Canadian Mounted Police to provide armed assistance if needed.

However, to ensure clearly assigned responsibilities and accountabilities within each administration, we recommended that each administration develop an overall security policy along with appropriate objectives and performance measures. The House of Commons administration anticipated having its policy in place by 2015.

[Translation]

Second, we examined the procedures in place for communications and coordination among the three security partners—the House of Commons Security Services, the Senate Protective Service and the RCMP—given that responsibility for the security of the parliamentary precinct is under their shared jurisdiction.

Before our audit, the three security partners had worked together and developed a master security plan. After the plan was introduced, coordination and communications improved. However, at the time of our audits, gaps still existed, highlighting ongoing jurisdictional issues. For instance, at that time, no security force had accepted primary responsibility for the roofs of the buildings in the precinct.

• (1005)

[English]

In 2010 each administration had examined options for a unified security force for the parliamentary precinct. Each agreed on proposed changes to resolve the jurisdictional issues. The proposed changes involved integrating the three partner security services for the entire parliamentary precinct. To that effect, we recommended that the House of Commons administration and the Senate administration work toward a unified security force for the Parliamentary precinct. In our view, a single point of command and control accountable to both the House and the Senate would allow a more effective and efficient response. The portion of the bill before you today is a way of addressing the substance of our recommendation, and I hope that our audit findings will be of assistance to the committee in its current review.

[Translation]

Mr. Chair, this concludes my opening remarks. We would be pleased to answer any questions the committee members may have.

[English]

The Chair: The chair, on behalf of the committee, of course thanks our witnesses for their opening statements. We will now go to our first round of questions for seven minutes.

We will start with Mr. Payne, please.

Mr. LaVar Payne: Thank you, Chair.

Thank you to the witnesses for appearing today.

It's a very important question, obviously, as a result of the occurrence on October 22. Most of us were in the House at that time and certainly have memories of that incident and some of the activities that happened around that point in time.

I know we had our first meeting on Tuesday. So my first question would be to Mr. Lapensée. We had officials from the department talking about division 10 in Bill C-59. I believe it was pointed out quite clearly by the officials that, in fact, the person who would be in charge of this would actually report to both the Speakers of the House, and I just wanted to know if you were aware of those comments made by the officials.

Mr. Roch Lapensée: No, I was not aware. But our understanding is the new director will be an active member of the RCMP who will report to both Speakers of the House. But at the same time will report as well to the minister and to the RCMP commissioner.

Mr. LaVar Payne: There's some reporting but the direction, as I understand it by the officials, was to be given by the Speaker of the Senate and also the Speaker of the House of Commons. So, to me, that was an important aspect in terms of that.

Your organization also had some concerns, Mr. Lapensée, to make sure that all of your employees in your association would continue to be employed. You did talk about the letter from the Speakers of the House in the past, Speaker Claude Nolin and, obviously, Speaker Scheer. I'm just looking at the documents signed by both of those speakers at that point in time that refer to "continued employment of our existing and respected Parliamentary Security staff."

It does say in the bill, as I understand, that they are going to continue to be employed. So I'd certainly like to think that this would alleviate the fears of your organization and members.

• (1010)

Mr. Roch Lapensée: Our biggest concern is not the current employment of our members but their future continued employment. At the present time we have no idea about the restructuring on the operational side of the bill. Restructuring the service could lead to possible cuts or possible restructuring of our members. We understand with the current status that our members are guaranteed employment, but our concern is more about the future and how the new director will proceed with changes in the future.

Mr. LaVar Payne: When I think about what happens in terms of the leadership it seems to me that there should be one leader for the security services who will certainly provide the direction. To me, having a silo isn't the kind of thing that would work very well. We've heard that other organizations have made some changes because of the recent things that have happened. It seems to me that common sense would lead to that. I just want to make sure, are you and your organization opposed to having one central leadership?

Mr. Roch Lapensée: No we are not opposed that, but we are opposed to its being an active member of the RCMP.

Mr. LaVar Payne: Okay.

I'm not sure why you're opposed to the RCMP.

Mr. Roch Lapensée: For us it's clear that we're mixing the executive and the legislative part of the work, or the....

[*Translation*]

Our association feels that the executive part of our work should not be mixed with the legislative part just for the sake of maintaining parliamentary privileges.

RCMP members, especially under the Royal Canadian Mounted Police Act, have an obligation to report only and exclusively to an RCMP member. We feel that this could cause some problems in the near future, as the message of the two Speakers to the new director would be somewhat diluted or changed owing to comments from his real boss, who would be the RCMP commissioner or the Minister of Public Safety and Emergency Preparedness.

There could be some confusion around that in the near future. Directives from the two Speakers to the director could be confused with those he would receive from the RCMP commissioner or the minister.

[*English*]

Mr. LaVar Payne: I certainly wouldn't agree with you, because I understand that the director will get direction from the Speakers of the House. Certainly as a member of the RCMP, obviously he would have discussions with the RCMP and potentially get some of their insight and information that they might have in terms of other organizations.

I just wonder if you could also talk about this. Are you aware of any other organizations that would have had silos, in other jurisdictions?

Mr. Roch Lapensée: No, I'm not.

Mr. LaVar Payne: Okay. Thank you then.

My next question is certainly going to be for the Auditor General. Thank you for attending.

Your report in June 2012 stated that the next steps were to respond to the situations more efficiently and effectively, as I read it. Obviously after the attack on the 22nd, it seems to be much more imperative that we needed to do that and to somebody at the head of the leadership of the security services for the House of Commons, and certainly the Senate.

I don't know if you have any other comments that you'd like to add to that, Mr. Ferguson.

Mr. Michael Ferguson: Maybe I'll add a couple of things, Mr. Chair.

Certainly our recommendation, which was in paragraph 74 of the audit, was about examining the costs of providing the same capacity for response across the parliamentary precinct and the possibility of moving toward a more unified security force.

We didn't talk specifically about how that might be done. Obviously we were leaving that up to the decision makers.

When I read through the bill, I have a couple of concerns myself, not as a security expert but as a lay person, sort of as an administrator trying to look at the bill and see how it would work.

For example, proposed new section 79.51 says the designation of what is to be included in the parliamentary precinct may be made by one Speaker or the other Speaker, so it's not a matter of both having to agree on it. So is there a possibility that one Speaker might think that security services need to be provided somewhere and the other might think that they shouldn't be, and in fact doing that could take resources from one place to another?

In 79.52(2), it says that the Speakers are responsible for the service, but whenever there are two people responsible for something, again that could be, to me—as an administrator and not knowing the details of security or all of the details of the administration—a signal of having two people trying to give direction and that there needs to be a way of making sure that clear direction can be given. It also says they are responsible for the service, but it doesn't really say what exactly “responsible” means.

I'm just making those comments more as an administrator, trying to think of it from the point of view of somebody who would have to implement this from an administrative point of view. There were just a couple of things like those that seemed a little unclear for me, and I wondered where that direction comes from for the director.

• (1015)

The Chair: Fine, thank you very much. Your time is up.

Now Madame Doré Lefebvre.

[*Translation*]

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

I would also like to thank Mr. Lapensée, Mr. Ferguson and Mr. Stock for joining us today to discuss division 10 of part 3 of Bill C-59.

I will start with you, Mr. Ferguson. In your remarks, you said that you have already recommended that the House of Commons administration and the Senate administration collaborate on establishing a unified security force.

Today, you have shared your main recommendations. However, the Royal Canadian Mounted Police would also be added to an integrated force on Parliament Hill. The intent is for the RCMP to be put in charge of that unified security force, which would also include RCMP members. What do you think about that?

[English]

Mr. Michael Ferguson: Again, our recommendation for the House of Commons administration, together with its security partners, to look towards the possibility of putting in place a unified security force. Obviously, because there were the three forces that were involved in security at the time we did the audit, the process of putting that together was not something we specifically mentioned. So we didn't say how that should happen. We didn't say what role the RCMP should play versus the other two, and whether it should all go under the RCMP or that there be another way of putting it together, but pointed out that having three different organizations had resulted in the past in some confusion on perhaps some of the roles and responsibilities, particularly who had responsibility for the roofs of the buildings, and that sort of thing.

So for us it was just that they needed to have that common control and command, and they needed to think about moving towards a unified security force, but we weren't giving any direction about how that should happen or what role the RCMP or any other service should play in that.

[Translation]

Ms. Rosane Doré Lefebvre: Mr. Lapensée said earlier that he felt that mixing executive and legislative powers as proposed in the bill was problematic.

Do you agree with him?

Mr. Michael Ferguson: It is difficult for me to answer because I am not an expert on what parliamentary privilege means. I think that we generally need a security force that can get involved in all aspects of the parliamentary precinct.

[English]

So really it's not something that I can comment on.

• (1020)

[Translation]

Ms. Rosane Doré Lefebvre: Thank you very much.

Mr. Lapensée, thank you for being here today and for your comments.

I was especially interested in your labour relations concerns. I know that officers who work on Parliament Hill have a collective agreement. I really thought that your employees would be protected by a collective agreement, even if the forces on Parliament Hill were unified. In your remarks, you said that the bill does not uphold the commitment guaranteeing the employment of all employees of the House of Commons Security Services. I am very concerned by that.

Could you elaborate a bit further? Why won't your employment be guaranteed even though you have a collective agreement? Will this change your duties on Parliament Hill? Do you have an idea of what will happen to your jobs?

Mr. Roch Lapensée: Both Speakers put forward a motion in the House to guarantee the jobs after the creation of the new parliamentary protective service. We see a problem with the fact that the bill does not use the exact same wording. That leaves room for some doubt as to whether the potential future organization of operations could have an impact on employment. The jobs are currently guaranteed, but the bill makes no mention of what will happen in the future. If operations were structurally reorganized and jobs had to be cut or employees reassigned, our employment would no longer be guaranteed.

Ms. Rosane Doré Lefebvre: Does what has been proposed to us contain an obligation to abide by the collective agreement?

Mr. Roch Lapensée: As far as I know and according to what we have been told, the employer must respect the collective agreement until it expires.

Ms. Rosane Doré Lefebvre: And when will it expire?

Mr. Roch Lapensée: In 2017.

Ms. Rosane Doré Lefebvre: We are getting there slowly.

Mr. Roch Lapensée: We are getting there quickly.

Ms. Rosane Doré Lefebvre: You have a collective agreement, but RCMP officers do not have one, since they are not unionized.

Do you think this situation could lead to a dichotomy of sorts? Will there be a double standard between the RCMP employees and you?

Mr. Roch Lapensée: Once again, it's hard to say. It all depends on what organizational structure will be implemented. We shouldn't forget about the Senate, either. Senate Protective Service employees have a collective agreement that differs slightly from ours. We have one, the RCMP doesn't have one, and its working conditions are a bit different from ours. Merging the three may lead to a somewhat chaotic situation.

Ms. Rosane Doré Lefebvre: That's understandable. I did not even know that you and the Senate officers had two different collective agreements.

Mr. Roch Lapensée: Yes, we have two collective agreements and two different expiration dates.

Ms. Rosane Doré Lefebvre: That complicates things a bit.

Thank you.

[English]

The Chair: Thank you very much, Madam Doré Lefebvre.

Et maintenant, Mr. Norlock, you have the floor, sir.

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

First of all, let me just tell you quite frankly, Mr. Lapensée, that I cannot think of a more professional organization than your organization. When I started this job about nine years ago, I felt totally safe, and I continue to feel totally safe and totally proud of the fact that I have a group of men and women who are there to make sure that my day goes well and that we are protected to the extent possible for any human being. Please don't take any of my questions as a slight to that statement, because that statement is the first one.

You were asked the question of how you compare with other legislative assemblies. We have, of course, 10 legislative assemblies in Canada. Because of my background with the Ontario Provincial Police for 30 years, I am familiar with the Ontario Government Protective Service, which oversees the protection of provincial members of Parliament in Ontario. Its umbrella organization or overseer is the Ontario Provincial Police.

I know of no instance where the Speaker of the legislative assembly saw a problem with the Ontario Provincial Police in their functioning with the Ontario Government Protective Service. You may have some information, and if you do, please give it to this committee. Are you aware of any instances where there have been problems with that type of organizational structure?

• (1025)

Mr. Roch Lapensée: I am not aware of the OPP and the Ontario legislative.... Do they have separate security forces? Has the OPP...? I have no idea.

Mr. Rick Norlock: I'm given to understand that the Ontario Provincial Police oversee, or are sort of the umbrella, but that the actual provision of the service is done by the OGPS, which is somewhat similar but not identical to what we're dealing with here today. I am not that familiar with it.

I also want to say, Mr. Lapensée, that in my experience policing is of course transitional. In the Ontario Provincial Police, we amalgamated with other police forces. Change is painful. I understand that. There are always questions in people's minds.

But what I have found with that type of change in professional organizations such as yours, where everyone knows his or her job function, is that given a healthy dialogue or exchange between your organization and management—which would be the Speaker of the House of Commons and then, of course, the Privy Council.... We've had witnesses from the Privy Council who have indicated that not all the nuts and bolts have been put together here, but the outline is here.

The Auditor General has made some statements, and I'm going to ask a couple of questions of him.

I guess the question for the Auditor General would be on the way I understand your job. As explained here, you don't look at the nuts and bolts. You say, "Okay, what is the job requirement?" What's the organizational structure? What are they supposed to be doing and are they actually doing it? Also, are they doing it with reasonable financial backing? Do they have sufficient money to do the job they're doing? Then you make recommendations.

If you find fault with what I've just said, would you correct me on that?

Mr. Michael Ferguson: I think it's essentially correct. Our job is not to dictate policy. Our job is to look at how policy is implemented: are they the right procedures and are there the right measures in place to implement whatever the policy direction is?

Mr. Rick Norlock: So you would look at an organizational chart from the view of whether it appears to be sufficiently efficient to do the job it's supposed to do.

Mr. Michael Ferguson: What we would do, I think, is look at whether there is the right structure behind it. Are the roles and responsibilities clear? Is what's expected clear? Is the funding clear? Do they know what their staffing model is? It's that type of thing. Again, it's very much a matter of looking at the administrative nuts and bolts of a particular program to make sure that the people delivering that program have the structure they need to know what they're supposed to do, and then to act within that.

Mr. Rick Norlock: Thank you.

Would you agree with me that having organizational structures consisting of several different silos but with communications between them would be less efficient than an organizational chart with clearly defined roles and an ability for people exercising their duties within that single organizational chart, as opposed to several organizational charts...? Do you agree that the flow of information, the efficiency and effectiveness of that single organizational chart would tend to be better than having several different organizational charts and several different organizations?

• (1030)

Mr. Michael Ferguson: If I look back over a number of audits, we've probably identified some issues in both cases. But when you are dealing with multiple organizations with different heads at the top who have their own priorities, we have found overall that in those situations it is particularly important to establish very clear roles, responsibilities, and priorities so that all of those organizations are on the same page. If there are multiple people with responsibility—and again it doesn't really matter how far apart those organizations are—the particular issue at hand may not be the same priority for all of them, which makes it very important to ensure that the roles and responsibilities and priorities are well established.

The Chair: Thank you very much, Mr. Norlock.

Mr. Easter, you now have the floor, sir.

Hon. Wayne Easter: Thank you, Mr. Chair.

Thank you to the three witnesses for coming.

Mr. Lapensée, I also certainly want to compliment the professionalism of your organization. In all my time in Parliament—and at this table, probably Diane and I have been here the longest—I have never seen anything but professionalism from your folks and, indeed, friendship over time, with the recognition factor that's always there. I want to state that, because you don't see that in too many workplaces. Everybody has a bad day, even the chair does, from time to time, with some of the members on the committee, though not with me of course. But I've never seen anybody express their bad day.

In any event, I think part of the problem we have here with this new proposal is that the security issue, which is an extremely important issue, has taken precedence. There are really two issues at play here. One is the security issue in terms of the parliamentary precinct itself, and the other is the independence of Parliament. By the independence of Parliament, I mean the independence of Parliament from the executive branch of government, which is the Prime Minister, cabinet, etc.

It was interesting when we were doing our research into this issue. You have the Clerk and you have the Sergeant-at-Arms, and when they were here the other day, the Privy Council Office could not answer a question about the role of the Sergeant-at-Arms under this new arrangement. That's worrisome.

But it's interesting that when you actually go to *House of Commons Procedure and Practice*, it says:

Prior to the creation of the House of Commons Security Services in 1920, security was the responsibility of the Dominion Police (which in 1920 was merged with the Royal North West Mounted Police to create a new national force, the Royal Canadian Mounted Police).

In a certain fashion, we're going back to the arrangement that existed in 1920 and we're going back to the 1920 model. Is it for better or worse? I don't know. I will admit that I am concerned about the independence of Parliament from the executive branch because of the connection to the Minister of Public Safety and the Commissioner of the RCMP.

Does either of you, as a witness, know what the new role of the Sergeant-at-Arms will be, if any, and who that individual is ultimately responsible to? Earlier somebody else said that you couldn't have three bosses, and you can't. Under this new arrangement, who is that individual ultimately responsible to?

[Translation]

Mr. Roch Lapensée: I think that the role of the sergeant-at-arms will have to change tremendously. According to what I have been told, the role of the sergeant-at-arms will become mainly ceremonial rather than operational. Naturally, I cannot back that up 100%, but that is what I understood.

• (1035)

[English]

Hon. Wayne Easter: Do you have any comments, Mr. Ferguson? Do you know?

Mr. Michael Ferguson: In terms of the Sergeant-at-Arms, it's certainly not something I've looked into.

Hon. Wayne Easter: One of the difficulties we're having here—and I brought this up at a previous meeting—is that although we're dealing to a great extent with the security side, we really don't have the benefit on this committee of making a decision on this in terms of a measure in the budget bill, and we have not had the benefit of a report on the incident of October 22. That's a problem in and of itself. We've read some media reports and we question what happened and who was negligent in terms of that happening. But we do know that at the end of the day, the Sergeant-at-Arms dealt with the issue.

You believe, Mr. Lapensée, that the Sergeant-at-Arms could be involved in just the ceremonial side.

Mr. Roch Lapensée: I cannot confirm this 100%, but what we've been hearing on the floor right now is that the new Sergeant-at-Arms will have more of a ceremonial role than the operational role he used to have.

Hon. Wayne Easter: The way Parliament works now, there's the clerk, the Speaker, and a number of parliamentary officers, the Sergeant-at-arms being one. Can anybody tell me the flow of authority as it relates to the clerk of the House of Commons in this new arrangement?

There's no question in my mind that on the security side I agree with the Auditor General's report. Having been Solicitor general at one point in time, I would agree that there needs to be better coordination on the security side of the operation. All those things I agree with 100%. I'm looking at the parliamentary privilege side, and the implications of that for these new security measures and the independence of Parliament from the executive branch. The clerk is independent of the executive branch. Does anybody know the flow of authority from the new person in charge, through the clerk to the Speaker?

My point, Mr. Chair, is that there are too many unknown implications of this decision that we're making here relative to this new set-up in Parliament.

The Chair: A response, Mr. Lapensée?

[Translation]

Mr. Roch Lapensée: I am not an expert on parliamentary structure, and I am not familiar with all the levels. For example, to avoid mixing legislative and executive powers, consideration may have been given to appointing a director of the new service who is not an active member of the RCMP. Actually, a retired member or a member of another department could have been appointed to head the service. So there would be no risk of mixing executive power with legislative power.

[English]

The Chair: Colleagues, at this particular point, the chair would seek your support to suspend very briefly to discuss, in 20 seconds, our offering to meet with the Czech delegation, the timing of that, and to accept a motion, should there be one, with regard to dealing with the approval of this bill or a potential vote on this bill. Otherwise, as you know, it'll be deemed reported. So, the chair, as long as there is no objection to dismissing the witnesses at this point... We went a full round of questioning and we have the balance in there. If we start with another one or two minutes, then this report will have been deemed to have been reported and there's no further discussion.

Do I have the unanimous support of the committee to move forward?

• (1040)

Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP): Could I have two minutes?

The Chair: No, I'm sorry. We are running out of time. In order to deal with this, do I have unanimous support, yes or no?

No we do not, okay, then we will not be dealing with this.

We will now go on to Madam Michaud. You have the opportunity to have the floor.

[*Translation*]

Ms. Éline Michaud: I want to thank my colleague Randall Garrison.

I would also like to use this opportunity to thank you, Mr. Lapensée, and all your colleagues for what you did on October 22. I am at a loss for words to express my gratitude and tell you how professional the service was. Thank you very much for all that. We had an opportunity to say so in person to a number of you, but it's good to be able to reiterate it today.

I also want to say that I share your concerns when it comes to maintaining parliamentary privilege. As a former political science student and graduate, I understand the concept well. I was also a parliamentary guide in 2007, and it's something I had to explain to people.

I think some of my colleagues here could benefit from a little more explanation of what parliamentary privilege really is. It is the ability of the legislative power, Parliament, to pass legislation without interference from the executive power, the government. I think that a member—of the opposition or the government—not being able to make it to a vote because they were held up for a few seconds or a few minutes on the Hill is a form of interference with their role as legislators. That is something we have seen—

[*English*]

The Chair: On a point of order, Ms. James.

Ms. Roxanne James: I want to clarify something. I think there is a bit of confusion. The RCMP is an independent organization. Very clearly in this bill the director is reporting to the two Speakers of the

Mr. Randall Garrison: That's not a point of order.

The Chair: Order. On the point of order, I'm just listening.

Ms. Roxanne James:—Senate and the House. The inference that there is somehow a connection to the executive here is completely—

[*Translation*]

Ms. Éline Michaud: I would like to finish.

[*English*]

Ms. Roxanne James:—non-factual, according to what is before us in this piece of legislation. I wanted to clarify that because I've heard it multiple times today.

[*Translation*]

Ms. Éline Michaud: I would like to finish my explanation.

[*English*]

The Chair: Thank you.

The Chair would simply say that this bill has been put forward on a budget issue and I would just ask that your questions be relevant to the fact that there is budget approval for this. As far as getting into a policy direction as to which security force should do what, that is not up for discussion in the bill. But you certainly have an opportunity to make your point, and I would simply ask you to refer as closely as you can to the bill itself.

[*Translation*]

Ms. Éline Michaud: That's I was going to do. Unfortunately, Ms. James kind of jumped the gun and interrupted me.

The Department of Justice representatives who were here last week confirmed that Bill C-59 will not change the way the Speakers of the House and the Senate must act—in other words, following an order from Parliament, a vote. We have seen similar problems arise in the House in the past. The government, with its majority, prevented the Speaker from acting, although it had itself realized that parliamentary privilege had been breached. I fully understand your concerns and share them, but I would like to move on to something else if I may.

[*English*]

Ms. Roxanne James: On a point of order, Mr. Chair, that simply is not true. Again, I ask that the member direct the question to what's actually before us, to what has been given to us by the finance committee.

The Chair: Carry on, Ms. Michaud.

[*Translation*]

Ms. Éline Michaud: It is a bit unfortunate that you are discrediting the witnesses who were here Tuesday and told us this. I invite my colleague to go over last week's blues.

[*English*]

The Chair: Madame Michaud, there has been no assertion whatsoever undermining the credibility of the witnesses, and that is a statement that is not permissible here. So please carry on with your comment.

[*Translation*]

Ms. Éline Michaud: Thank you.

During your presentation, Mr. Lapensée, you said that better operational coordination on Parliament Hill does not necessarily require an operational merger of the two services. Do you have any suggestions on how it could have been done without transferring the control of security to the RCMP?

Mr. Roch Lapensée: Even if a new service is created—the parliamentary protective service—we can have an organizational structure and keep the operational structures as they are. That is what we suggest and encourage. Different cultures are involved. The Senate has its own culture, as does the House of Commons. Those two cultures are completely different, and a third culture is now being added—the RCMP's police culture. I think that we can have a new service, the PPS—an organizational structure for managing operations—but that we can still keep each individual service with its expertise.

● (1045)

[*English*]

The Chair: Thank you very much. We've now reached the expiration of our meeting. We certainly thank our witnesses for coming here today.

If there is unanimous consent to carry on to discuss the issues with regard to the Czech delegation and the motion, the Chair will do so . Should there not be consent, we will simply adjourn.

Do I have unanimous consent to discuss those two issues, or will we adjourn?

An hon. member: Yes.

An hon. member: No.

The Chair: The meeting is adjourned.

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