



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Public Safety and National Security

SECU • NUMBER 064 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Monday, May 15, 2017

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Chair

Mr. Robert Oliphant

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• (1540)

[English]

The Chair (Mr. Robert Oliphant (Don Valley West, Lib.)): Colleagues, I call to order the 64th meeting of the Standing Committee on Public Safety and National Security. In our first hour we will consider Bill C-23, an act respecting the pre-clearance of persons and goods in Canada and the United States.

Thank you, Ms. van Vugt. You've been sitting here all weekend, I'm sure, waiting for us to come back.

Voices: Oh, oh!

The Chair: We apologize again about last week.

Thank you as well to our witnesses from BCCLA, also here last week.

Just for the committee's awareness, we did also invite the Rocky Mountaineer, but they were not able to come for questions.

Once we get that part of the meeting under way, we'll hear from Ms. van Vugt and then we'll move into question period.

First, Mr. Clement, I understand you have a point of order.

Hon. Tony Clement (Parry Sound—Muskoka, CPC): Thank you, Mr. Chair. I'd just like to deal with this quickly before we hear from the witnesses.

Ordinarily our practice here has been that for the study of estimates, the review takes a full meeting. Generally speaking, we review the mains and the supplementary estimates on two separate occasions.

The main estimates were tabled in February. Mr. Goodale, our minister, is only able to appear here in mid-May. Subsequent to February, of course, the supplementary estimates (A) were tabled. I would note that the mains and the supplementaries have been bundled together, which is not usually the case. I do have some concerns about accountability in those circumstances, although I do understand that there are only so many sitting days and so many committee meetings.

My main objection is that we're allowing only one hour of study with the minister and the officials. Ordinarily the minister appears with the officials for the first hour and answers questions that are more, shall we say, "political" in nature. The senior officials stay on for the second hour and answer questions that might be more in depth or technical in nature.

I understand that we have a desire to accommodate our friends here who are part of the pre-clearance legislation, and I understand that their testimony was interrupted by votes last week, but we also have an accountability to taxpayers. Given that we are tasked with approving approximately \$8.75 billion in public safety spending in the main estimates, and a further \$225 million in the supplementary estimates (A), I would hope that senior officials would be willing to return to the committee at a future date, as soon as possible, for another hour of questioning and accountability.

Thank you.

The Chair: I think it's a very good point.

I want to test the committee's will on this. We have a couple of options. We could refer this to the subcommittee on agenda to find another hour to do the supplementary estimates (A), which I'm happy to do, or we could try to deal with them now. My recommendation to the committee is that the point is very well taken and we should try to find another hour.

What happened is that the supplementary estimates (A) were referred to our committee on Friday and put on our agenda. They do not need to be on our agenda. I'm quite happy to find another hour, or even two hours if the committee wanted it, to deal with the supplementaries.

Hon. Tony Clement: I understand why we bundled those together. My greater concern is having an extra hour with the officials, separate and apart from the minister. It doesn't have to take any more of the minister's time, but I do think that if we're going to drill down, we need the officials.

The Chair: That's very gracious of you. I thought you would have gone for the time with the minister.

Hon. Tony Clement: No. I used to be a minister, so I understand these things.

The Chair: Yes, Ms. Damoff.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): I have a question and a comment.

My comment is that it was procedural votes that put us here in the first place.

Hon. Tony Clement: They happen.

Ms. Pam Damoff: To the chair and the clerk, what's the timing in terms of getting this back to the House?

The Chair: I was just checking that. The mains will be deemed reported if we don't report by May 31. The supplementary estimates (A) we don't need to worry about until June sometime. Perhaps we could look at the calendar to see some options.

Mr. Dubé.

Mr. Matthew Dubé (Beloeil—Chambly, NDP): I move that we have the discussion in the subcommittee. Inevitably, being the last speaker with the time already cut down, potentially this will all impact any questioning time I'll have at the end of this.

The Chair: Okay.

I think that is a motion. Would you like to debate that motion that this be referred to, if debatable, the subcommittee?

Mr. Miller.

• (1545)

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): My only concern is there's that June deadline. As long as we can get that time in at committee here prior to the government proroguing Parliament....

Hon. Tony Clement: There would be a meeting May 29, wouldn't there?

The Chair: Yes. We do have time.

Hon. Tony Clement: Yes.

The Chair: We'll have to call the subcommittee together fairly quickly and go over the agenda to make sure we get Bill C-23 done and to make sure we can start our next study as well.

All in favour of this going to the subcommittee on agenda and procedure?

(Motion agreed to)

The Chair: Welcome. I'm going to suggest that we work for about 45 minutes on this topic. We will then have about 35 minutes for questioning.

Take it away.

Ms. Andrea van Vugt (Vice-President, North America, Business Council of Canada): Thank you, Mr. Chairman and honourable members.

I appreciate the opportunity to take part in your consultations on Bill C-23. I will be brief so that we have lots of time for questions.

The Business Council of Canada represents chief executives and entrepreneurs from approximately 150 leading Canadian companies in all sectors and regions of the country. Our member companies employ 1.7 million men and women, account for more than half the value of the Toronto Stock Exchange, contribute the largest share of federal corporate taxes, and are responsible for most of Canada's exports, corporate philanthropy, and private sector investments in research and development.

Our country's economic health depends heavily on the ease with which goods, people, and investment move back and forth across the Canada-U.S. border. In the words of Stephen Schwarzman, chairman of President Donald Trump's strategic and policy forum, the Canada-

U.S. trade relationship "is really very much in balance and is a model for the way that trade relations should be."

As the committee knows, Bill C-23 delivers on a key element of the beyond the border action plan, the intent of which was not only efficiency but also security. Passage of this legislation presents an opportunity to solidify the progress made today under beyond the border, an initiative our council strongly supports.

Can the United States have mutual interest in ensuring that legitimate travellers and goods can cross the border as efficiently as possible? Our safe and secure border is a competitive advantage for Canada over every country in the world. While air pre-clearance isn't restricted to Canada, the opportunity for expansion to the land, rail, and marine modes is. It's an opportunity unique to our country, and we should take advantage of it.

My friends at Rocky Mountaineer have already spoken to the benefits of this at our last meeting, but as we all know, travellers search for the path of greatest convenience and least resistance in air travel. The ability to pre-clear in our home country, step off the plane and hop into a cab or make a connection, is a tremendous advantage for Canada and Canadians doing business or visiting the United States. Expanding this resource to other airports and modes of travel just makes sense to us. Additionally, giving Canadian border personnel the ability to conduct pre-clearance in the United States offers Canada a competitive advantage.

Given our country's desire for increased trade investment and tourism, especially in the year of our birthday, it's clearly in our economic interest to make it easier to cross our border safely. Going further, Canada can and should use this legislation as a springboard to develop additional cargo pre-clearance capabilities that will enhance our economic competitiveness while relieving pressure on existing border facilities.

We know that this is a particularly complicated endeavour, given the multitude of U.S. agencies that have a role to play in cargo pre-clearance, but it is in Canada's economic interest to make it work.

In closing, we believe that this legislation sets the stage for an innovative risk-managed border that should be the model for the rest of the world.

With that, Mr. Chairman, I conclude my remarks, and I'm happy to take any questions.

The Chair: Thank you very much.

Mr. Di Iorio.

Mr. Nicola Di Iorio (Saint-Léonard—Saint-Michel, Lib.): The first question I have regarding pre-clearance is about the options that we're afforded; that is, either we do it in our country or in the United States.

What I'd like to know from you at the outset is this. What do you see as being the disadvantage of doing it in our country?

Ms. Andrea van Vugt: Truthfully, I struggle to see a disadvantage, given that the way that the legislation is drafted, from what I understand, and the agreement upon which the two countries agreed to expand pre-clearance, is that Canadian laws and rights will govern the act of pre-clearance. In addition, we have the opportunity of a Canadian official being present in areas where there are situations where a strip search or further questioning may be required. From my perspective that is advantageous, given the alternative is for that to occur in the United States, where you're not operating under Canadian rights and laws, and you don't have the opportunity of a Canadian official being present.

In addition, I think one of the positions of the Canadian government has been that you try to ensure that a threat to your country doesn't cross the border or enter into the United States. You ensure that a threat to your country is stopped at the earliest point, which is part of entering, and I think that's also an advantage. From our perspective we support the legislation and the agreement for those reasons.

• (1550)

Mr. Nicola Di Iorio: You said that they're subject to Canadian laws and the Canadian charter, but what's implied in your answer is that obviously the content of the rules that will govern all the individuals is very important.

Ms. Andrea van Vugt: That's right.

Mr. Nicola Di Iorio: In reviewing the legislation, have you found anything bothersome or worrisome in that regard?

Ms. Andrea van Vugt: My answer to that would be similar to an answer that I think was given by officials when they were at committee a little while ago. The agreement in the legislation does not get into exactly the specifics or the educational programs that would need to be undertaken by officials or by the government.

I think that's one thing we would expect with any of piece of legislation that the government brought forward. The parameters with which officials or representatives must govern themselves should be set out clearly by the government, by Public Safety, by CBSA, and by the related agencies. That's an obligation that we would think the government should undertake regardless of what agreement it is.

Mr. Nicola Di Iorio: I understand that your organization trusts the government entirely with that responsibility, and therefore, you have not reviewed the infringement, if any, on civil liberties contained in the act.

Ms. Andrea van Vugt: I suspect that my friends from the B.C. Civil Liberties Association could probably represent that.

Mr. Nicola Di Iorio: Do you rely on them for that?

Ms. Andrea van Vugt: It's not that we rely on them. Our position is that we believe the government has a responsibility in this area and will take that responsibility seriously, so we trust that.

Mr. Nicola Di Iorio: That's what intrigues me.

On a daily basis, if you go to the courts of this country, you will see the government erring on excessive force, the violation of the basic rights of individuals. It is carried on by individuals, and these individuals exercise their individual judgment. They err, and citizens pay for those mistakes.

The reason I attract your attention to that is that you represent business councils. The individuals you represent are the ones who make these crossings the most often—

Ms. Andrea van Vugt: That's right.

Mr. Nicola Di Iorio:—and they have tight schedules. They don't want to be delayed.

If one of them is a suspect for some reason, but it's a mistaken reason, and has to go through a strip search, have you considered that?

Ms. Andrea van Vugt: We have.

I think what I would offer in exchange is that if, for example, one of our members was travelling from an airport where pre-clearance wasn't offered, they would be entering the United States and would be subject to those searches if a reason were found for the search to be undertaken. However, they would not be operating under Canadian law, and they wouldn't have a Canadian official present.

Mr. Nicola Di Iorio: I would point out that the exercise you're doing is either-or, isn't it? But that's not the reality. We have the opportunity, now that we're doing the legislation, to interact, namely with the Americans in this case. It might not always be the Americans, but we're talking about the Americans, and therefore influencing.... There could be a third option. It would not simply be it's either on Canadian soil or American, and therefore, they rule and they govern the entire relationship. There is a third option.

The third option is that we try to negotiate with them to obtain a better deal. Have you made representations for your members to obtain a better deal?

Ms. Andrea van Vugt: I think the only comment I would make is that the either-or scenario that you present is one that only applies to facilities that currently have pre-clearance. There are a number that don't.

Mr. Nicola Di Iorio: I'm sorry, I missed a part.

Ms. Andrea van Vugt: There are currently only a certain number of facilities within Canada that offer pre-clearance. All of the other travellers from Canada, the more than 1.6 million travellers from Quebec City, don't have the opportunity to travel under pre-clearance, and therefore must cross into the United States and be subject to some of the issues that you have.

In a certain way, I feel as though we're almost protecting those 1.6 million travellers, who will be able to undergo search in Canada under Canadian rights and laws, and with a Canadian official present. That is not a protection that they enjoy today.

Mr. Nicola Di Iorio: Can we improve that deal? That's what we need to know.

Can we improve it, because, for lack of a better word—and I usually speak French—you seem to have a blind approach, blind faith in the government, that whatever the government does or says or enacts is better than nothing.

What I would like to know from your organization, and you represent these seasoned individuals, this 1.6 million—probably your members have a disproportionate representation in that 1.6 million—is don't you want to improve on the deal that they get?

•(1555)

Ms. Andrea van Vugt: I'm sorry. I can only offer that in our review we support an agreement that provides the opportunity to enhance pre-clearance, to expand the number of facilities that this appeals to, and to offer greater protection within Canada to ensure that Canadian travellers are able to travel and be protected under Canadian rights and laws with Canadian officials present.

Mr. Nicola Di Iorio: Has your organization—

The Chair: I'm afraid we're at seven and a half minutes.

I do want to just remind members that our witnesses in Vancouver are also welcome to address an issue, so I'm going to give Mr. Di Iorio another half a minute or so if BCCLA would like to respond to your last question. I wasn't sure whether you knew you could....

Mr. Nicola Di Iorio: My question was an either-or, for Madam van Vugt. I want to know your view of that. Is it either-or? We could have a third option, which is to improve on what we're coming up with.

Mr. Joshua Paterson (Executive Director, British Columbia Civil Liberties Association): Thank you very much for the question.

Mr. Chair, of course, we await being told that we can speak rather than jumping in.

It isn't an either-or, and this is the message we have heard. With great respect to Ms. van Vugt, indeed we support virtually everything that she is saying in terms of the benefits of this to the business community and to other Canadians. We take no issue with Ms. van Vugt's testimony in that regard, but it isn't an either-or. The government could choose to renegotiate. Parliament could choose to have the government renegotiate. Parliament could choose to improve the bill in ways that weren't quite in line with the agreement, just to see whether that would be okay.

There are of course political ramifications to some of those choices, but there aren't legal restrictions here in terms of what Parliament can do, and so for business people.... On some of these things, I think it's quite right that it's going to be business people, particularly a lot of business people of colour who wind up being detained, being questioned in uncomfortable ways. It's not because you're a business person that you're excused from some of these issues at the border, so it is to the benefit of all Canadians, including the business community, that some of the issues we addressed last day be cleaned up so that there are better rights protections and better remedies for people who feel they may have had their rights violated, whether business people or tourists.

The Chair: Have you any closing remarks, Ms. van Vugt?

Ms. Andrea van Vugt: The only thing I would say is that with the length of time it took to negotiate this agreement with the United States, and the fact that it was negotiated under a previous administration with President Obama and Prime Minister Harper, and was then reiterated and supported by President Obama and Prime Minister Trudeau, I think for the certainty that our travellers would receive in being able to access additional pre-clearance facilities that they can't now, we want to go forward.

The Chair: Thank you.

Just to warn other parties, you'll get a bit more time, too, because I gave a little more on this side.

Hon. Tony Clement: Am I entitled to ask questions of the BCCLA, as well?

The Chair: I wasn't as clear as I should have been that we had one presentation and then questions to either of our witnesses.

Hon. Tony Clement: I have a question for Ms. van Vugt and a couple of questions for our folks in Vancouver.

Ms. van Vugt, I just want to drill down a bit on the cargo pre-clearance. You mentioned that in your remarks. Can you comment on the costs that would be reduced, for instance, by not having trucks all lined up, spending hours with lengthy waits at the border? I want you to expand on that a bit.

Ms. Andrea van Vugt: With respect to the costs, I would want to come back to you with some examples of reduced costs, which I could provide to you in greater detail.

From our perspective, our vision is that you would enable a CBSA officer to be perhaps at the GM facility and able to certify that the goods on the truck are safe, that they are exactly what they planned to be. They put a lock on the truck; the truck moves. You don't, as a result, see the additional wait times at the border, and you also don't have an increase in the resources at the border in order to be able to pre-clear that truck.

From our perspective, that's a win for the company, for our border officials, for the government, and also for companies on the other side of the border that are awaiting that shipment.

•(1600)

Hon. Tony Clement: Thank you for that.

For our friends at the BCCLA, I recall your concerns about the power of American officials to detain Canadians on Canadian soil. Minister Goodale addressed that point in his remarks to the committee, as well, and indicated this is a better system than having all travellers clear customs on U.S. soil, because ultimately in Canada a Canadian will have more robust legal recourse. I just want your comments on that assessment by Minister Goodale.

Mr. Joshua Paterson: I agree with Minister Goodale that it's better for these things to take place on Canadian soil. I don't see the option for most travellers as being between doing it on Canadian soil and doing it on American soil, because pre-clearance exists in much of the country already. I think where the issue comes in for us is what this actually means in terms of someone's remedy or accountability under Canadian law.

Last day, if you can cast your mind back, we addressed some of the issues about how the bill simultaneously exempts Canada from liability for the actions of these agents, while exempting the United States from most liability too. Even aside from that, there's no accountability mechanism proposed. There's no recourse mechanism built in.

Talking of business travellers, the Canadian Bar Association points out that there's no real redress mechanism in the bill for NEXUS travellers who have their cards revoked in pre-clearance. There are lots of things that can be done to improve this bill. Certainly, we want this happening on Canadian soil, but we don't want Canadians to be stymied—or Americans or others—when something goes wrong, as it inevitably does, and there is nowhere for them to complain. That is our real concern about this.

Hon. Tony Clement: Is that not contemplated in the bill right now? Is there no resolution mechanism?

Mr. Joshua Paterson: In respect of civil remedies for, say, charter breaches, which can often happen or at least be alleged in detention situations, the remedies require going to court for those kinds of things if they're serious enough, but those avenues are blocked.

Hon. Tony Clement: Let me turn—

Mr. Joshua Paterson: Now, someone may try to get around it somehow, but the bill has set up a regime where it's not obvious how you would do that.

Hon. Tony Clement: It's not obvious who would be liable in those circumstances. Could there be a judicial order that would create a new law saying that in this situation a Canadian should be treated in a particular way? Would that be at least a partial remedy?

Mr. Joshua Paterson: Certainly, with any act of Parliament that has constitutional problems, if someone goes to court and brings those problems up, it's possible for a court to say that Parliament did it wrong and to show how it could be remedied.

Just because there may be someone out there with the wherewithal to take some of this to court, if they were sufficiently aggrieved, that's not a reason to not try to fix some of these things now.

Hon. Tony Clement: Sure.

Mr. Joshua Paterson: We try to avoid these things on the front end. They may get to court and find that because of the State Immunity Act there's no liability on the part of the United States. Moreover, it could be a very expensive judicial process to try to strike down the portion of the bill that says these aren't crown agents, and we'd have big arguments over who's a crown agent and for what purpose.

You've seen these things before, Mr. Clement, as have others on the committee.

Hon. Tony Clement: I seem to recall—this is to the BCCLA—that in your presentation you turned your mind to the strip search potential. The concern was raised about there being no Canadian official available. It struck me that we're trying to predict the future here. Are there going to be many circumstances, or are they going to be few and far between, where a Canadian official isn't available and an American officer will be performing the strip search? I think that was an important point you made. Could you delve into it again?

• (1605)

Mr. Joshua Paterson: Sure. What the minister had said to the committee was that Americans would only be able to conduct a strip search if a Canadian officer were unavailable and that would be a fairly rare occasion, but the bill permits the Americans to strip search not only if a Canadian officer isn't available within a reasonable time but also if the Canadian officer fails to show up for an appointment

to conduct a strip search at the specified time, and third, if the Canadian officer declines to conduct a strip search.

Our submission last day was that this is fairly shocking, particularly the last one, but all of them on the whole. We can see no circumstance in which there should ever be an occasion for an American to perform a strip search.

If you think about the context of law enforcement where strip searches happen, they are not happening exigently out on the street—oh my God, we have to strip search this person right now. In almost every case they take place back at the station after some time has elapsed, after the person is secured, and so forth.

Given that—and case law backs us up on this—the strip search is a venue where your rights are being infringed most intimately, and we allow that under certain circumstances. But given how rich an area it is for rights violations, we don't think the Canadian government should delegate that. It should be Canadian officers who conduct it. If that takes 20 extra minutes, or an extra hour while CBSA handles this or that, we think that's a fine price to pay given the stakes that are involved.

Hon. Tony Clement: You would amend the legislation to basically allow the requirement that it be a Canadian officer in all circumstances, is that right? I don't want to put words in your mouth.

Mr. Joshua Paterson: All circumstances. In really exigent circumstances, they are entitled to use force, they are entitled to restrain—these are the U.S. officers—they are entitled to detain. We might quibble around the edges with some of that stuff, too, but if you have someone now locked down, we can imagine no circumstance, and none has been offered, I think, by the government, where an American has to be able to get in there and do the strip search pronto. Why can they not wait?

The Chair: Thank you.

Monsieur Dubé.

[*Translation*]

Mr. Matthew Dubé: Thank you, Mr. Chair.

[*English*]

I'm going to do something that's a bit risky in politics and go into a hypothetical that was raised with CBSA. If I recall correctly, it might have been from questioning by my colleague, Mr. Spengemann.

It was to CBSA officials basically along the lines of the use of X-ray machines and whether a pregnant woman would choose to not want to use the X-ray machine. I don't have it in front of me, but the quote if I recall it correctly was along the lines of not giving consent is a reason for suspicion, or something along those lines. It's probably a bit dangerous to paraphrase in that context.

Could you folks with the BCCLA speak to the difference in what is cause for suspicion and how that plays out in the bill versus what might be reasonably suspicious to an American officer versus a Canadian, and how or how not that's qualified?

Mr. Joshua Paterson: Thank you, Mr. Dubé.

One recommendation that we provide—and by the way, to answer Mr. Clement's question from the other day about recommendations, by now you should have our full brief in translation, with recommendations in it—is that it needs to be made clear that the refusal to answer any question asked by a pre-clearance officer doesn't in and of itself constitute grounds for the officer to suspect that an offence has been committed. Certainly, refusing to answer questions is germane to whether or not they want to let you into the United States, and that's their sovereign right, but someone's discomfort with answering certain questions isn't on its own, for our purposes, suggestive of an offence having been committed.

We note that a number of the standards have changed for doing certain things. Previously, in terms of someone being detained, if they weren't withdrawing, they could be detained by U.S. officers if it were believed—I believe it is—on reasonable grounds that they had misrepresented themselves to the officer or that they had obstructed a U.S. pre-clearance officer or had committed an offence under any act of Parliament. Bill C-23 expands this, or really just takes away those particulars and says that a U.S. officer is entitled to detain someone:

If a preclearance officer has reasonable grounds to believe that a person has committed an offence under an Act of Parliament,

We find this to be overly broad. It's not particular to when in time that offence happened. I don't suppose that U.S. officers will want to be on detention sprees, detaining people simply because of some conviction 25 years ago, but there may be some who would detain people on grounds that we might not find palatable, and this doesn't make it particular enough. When does the offence have to have been committed? Is it any offence under any act of Parliament? By the way, they took out the summary conviction or indictable offence piece. Does this mean administrative offences are now grounds for possible detention, however long ago they may have been committed?

We recommend that those be tightened up to state that U.S. pre-clearance officers should have the power to detain if they have “reasonable grounds to believe that the traveller has committed an offence under an act of Parliament, punished by indictment or summary conviction in connection with the travel”, or some wording that links the offence to the act that they're undertaking, to the pre-clearance of their travel.

• (1610)

Mr. Matthew Dubé: If I may, that's interesting, because one of the issues with the right to withdraw, for example, is that if you do choose to withdraw, you're obliged to provide truthful information to the officer. On the surface that obviously seems well and good, common sense, and so forth, but as we know, for many of the people who've raised the spectre of wanting to withdraw in many of those instances, it's sometimes related to a whole variety of things that are perfectly legal but that the person might be uncomfortable with.

I have a problem with the fact that someone might say, “You know what, I don't feel comfortable answering question XYZ”, not because they've done anything illegal but for a whole slew of reasons that are perfectly valid reasons that we might not experience personally but that some folks certainly do. Is there perhaps a similar wording that could be looked at, for example to provide truthful information in relation to the purpose of their travel, or something like that? It seems too broad that the American officer who is dealing with the person withdrawing could essentially ask them about all sorts of things, and then that person would be legally obliged to comply and would no longer have the right—on Canadian soil, it's worth reminding folks—to leave that zone and say, “You know what, this is not something I want to subject myself to.”

Mr. Joshua Paterson: I think there definitely could be things done to tighten up the withdrawal questions.

We would start by saying that, people should simply still be allowed to withdraw and we've noted that in our recommendations. If the person had reasonable grounds to suspect that there had been false or deceptive information given, or that they were committing an offence in relation to their presence in pre-clearance—for example, casing out the joint, as we've heard, and those kinds of concerns—and if there was a genuine suspicion of that, we would be more comfortable with a limitation like that on stopping someone from withdrawing to begin with.

There aren't three states in law: free to go, detained, and “Hold it right there, you have to answer my questions and I won't unreasonably delay you.” That is detention. If you're not free to go, you're detained. We say, at law, that there needs to be a stronger trigger for that than simply, “I want to ask you questions.”

I think if you tightened up why you could ask those questions to start with, then the actual questions and the things you have to do in that situation, perhaps become more palatable. I'm not signing off that it would necessarily be constitutional, but I think that perhaps that gets us closer in that direction.

• (1615)

Mr. Matthew Dubé: I certainly agree that the right to withdraw should be left as is and protected, but that being said, I think sometimes looking at how to fix it highlights the problems.

This is only one example that I found. There might be others in the bill. I'd have to go back and double-check. But if we look at clause 18, under traveller's obligations, in paragraph 18(2)(d), it states that one must, “comply with any other requirement that is prescribed by regulation.” I asked officials a question about what regulatory changes were going to be made, without a satisfactory answer, as far as I'm concerned, because they still don't know, which I find problematic.

When we saw each other last meeting, I asked you about training and whether there should be a formal list of who is doing the training and what the training consists of. When it comes to regulation, it has nothing to do with the text of the law itself. However, maybe there should be more transparency to understand that, if you have a law that says you're telling a traveller to comply with any other requirement that is prescribed by regulation and officials can't tell a parliamentarian what regulation is going to be changed, that seems problematic to me. I'd like to hear your thoughts on that.

Mr. Joshua Paterson: Members won't find it surprising that our association also finds that problematic because, if you're giving people these directions that they're legally required to do things, I think they need to be able to understand what those things are. Of course, regulations would spell those out, but I think, as parliamentarians, you need to have some satisfaction as to what those requirements might be before you sign off on a coercive power being used against travellers to do some set of undefined things.

Thinking back to Ms. van Vugt, naturally, we all want to have trust in government. We know that no one in government is sitting here out to do the wrong thing in relation to this bill and its implementation. That being said, I think we need more than just, "Trust us, we're going to do some regulations and they're going to be fantastic", not that that's what the government said. I think we do need more than that.

The Chair: Thank you, Mr. Paterson.

[Translation]

Mr. Arseneault, you have seven minutes.

Mr. René Arseneault (Madawaska—Restigouche, Lib.): Thank you, Mr. Chair. Seven minutes is generous.

Hello, Mr. Paterson.

I have read and reread this bill. Last week, we heard your testimony before going to vote. I was looking at these bills from a theoretical point of view.

Like you and other colleagues here with us, I stopped at strip searches. This clause is perhaps more sensitive than the others. If an assault occurs during a search, it is certainly during a strip search.

We are talking about a preclearance area that allows visitors from Canada to enter the United States more easily. This preclearance carried out by U.S. officials on Canadian soil. In view of clauses 9 and 11 of the bill, do you agree with me that, regardless of what happens, it is ultimately Canadian law and the Charter that apply, even in the preclearance area? Can we agree on that at least?

That seems to be what the bill says.

Mr. Joshua Paterson: I will answer in English because I am having trouble hearing the interpretation into English.

[English]

Mr. René Arseneault: Go ahead in English.

Mr. Joshua Paterson: If I understand your question, you're asking whether or not we agree that in a pre-clearance area, it should always be the Canadians conducting the strip search, even when it's U.S. pre-clearance on Canadian soil? Is that what you're asking for us to clarify?

Mr. René Arseneault: Because of clauses 9 and 11 of the bill...

• (1620)

Mr. Joshua Paterson: Our position is that there should be no foreign agents conducting strip searches here in Canada, period. We think it's bad policy.

We are already asking U.S. officers to learn Canadian law and standards, to keep abreast of that at the same time as they have to know their own law and constitution, and to apply these things on

the go all the time. Then we want to confer them this additional power to do the most intrusive thing that any police officer in Canada is ever permitted to do to someone. It doesn't get more intrusive than that, other than a digital search. This is the apex of how much the state can intrude on you.

As a matter of policy, it's a bad idea. It could lead to problems. As a matter of constitutionality and principle, this is such an intimate function, which citizens are content to allow the state to have in very limited circumstances in order to maintain all of our safety and security and everything else. The relationship between the state and individual, where it's going to get so intimate and coercive, is just so critical that it should never be delegated, not to a private security agent, not to any—

[Translation]

Mr. René Arseneault: I'm sorry to interrupt, but I have just seven minutes and I have already used up half of that time.

Clause 22 does nonetheless provide some protection to persons who might be subject to a strip search request. In 2017, I imagine that no one would allow themselves to be strip searched in front of all the passengers at a station or in an air terminal

According to subclauses 22(1), (3) and (4), as well as subclauses 25(1) and (2), it is not that easy for an American preclearance officer to request a strip search. Subclauses 26(1) and (2) provide that the person in question may ask to see a senior officer.

Let me play the devil's advocate and say that these provisions include numerous protections for a person subject to a strip search request. The person does in any case have the right to withdraw. I will get back to that later if I have the time. This right bothers us a bit because it appears that the person is being detained.

Do you agree with me? What do you think of all these subclauses that seem to protect someone who is subject to a strip search request?

[English]

Mr. Joshua Paterson: Clause 22 says the U.S. has the power to detain individuals for a strip search. Our understanding of that is, once so detained, they're no longer going to be able to withdraw. They are now under detention, first of all. Second of all, subclauses 22(1) and (2) are fine. We would be fine with just those two, and of course, 22(3) as well.

Where we run into problems is with subclause 22(4). We would delete number four altogether. We don't think the pre-clearance officer should ever be given the power to strip search. We don't think that subclauses 22(1) through (3) are a safeguard against number four. Subclause 22(4) deals with the circumstances where you can't get a strip search by a Canadian under subclauses 22(1), (2), and (3).

[Translation]

Mr. René Arseneault: The person can, however, always ask for the senior officer's opinion. If a Canadian customs officer is not available or refuses to perform the search after being asked to do so by a U.S. customs officer, the person subject to the search can always ask to see a senior officer, who can ultimately decide whether the search is appropriate.

[English]

Mr. Joshua Paterson: If you mean going to a Canadian supervisor, well sure, why not? If rank and file border services officers of CBSA make a particular call, obviously they can be—

Mr. René Arseneault: I don't think I meant a Canadian supervisor. Of course—

Mr. Joshua Paterson: You meant an American supervisor.

Mr. René Arseneault: Yes.

Mr. Joshua Paterson: No. We just don't see that there's any rationale for any American or American supervisor to be able to have these strip search powers.

There are CBSA officers at all of these Canadian airports where this would be likely happening. There are CBSA officers in other locations. They can be brought in. To be frank, if the CBSA officer looking at the circumstances says, "No, I refuse to do it. I don't think that these circumstances obtain that which are 'necessary for the purpose of conducting preclearance', etc., which are here in the act." Why on earth would we contemplate an American overruling a Canadian officer as to a decision that will affect so intimately someone's fundamental rights? I would go with the Canadian decision. We may quibble with the Canadian decision, but why should that decision be delegated? We just don't understand that, sir.

• (1625)

[Translation]

Mr. René Arseneault: On the face of it, I agree with your thinking and understand it very well.

We must remember, however, that this is a U.S. preclearance area, so the Americans must at least be given the opportunity to allow tourists or goods to enter their country. We are not living in a time when people can travel anywhere on the planet. The purpose is to accelerate the flow of goods and passengers between Canada and the United States.

The question ultimately is whether you...?

The Chair: Thank you, Mr. Arseneault.

[English]

Please just give a quick response, if you have one.

Mr. Joshua Paterson: I think what the member may be getting at is that, ultimately, perhaps it helps travellers get across the border if the Americans have this power that they could use in the final analysis. We think that they just shouldn't be given this power. Of course, if someone consents to it, that's another question, and then a Canadian should be doing it. We just don't think that Americans should be doing this at all.

The Chair: Thank you.

I just want to reconfirm, Mr. Miller. You're going to pass?

Mr. Larry Miller: Yes.

The Chair: We have about four or five minutes from Mr. Picard.

[Translation]

Mr. Michel Picard (Montarville, Lib.): Thank you, Mr. Chair.

I have two questions. The first is for Ms. van Vugt.

The arguments supporting the economic impact of preclearance for Canadian companies have been made in every possible way. In practical terms, what is the positive economic impact of preclearance, apart from simply being able to cross the border more quickly?

[English]

Ms. Andrea van Vugt: To my understanding, when Quebec City Lesage airport supported the announcement of the pre-clearance agreement, it actually said that this would contribute \$75 million a year in economic growth and opportunity to the Quebec City region.

One example is a fairly serious increase in economic activity within the region as a result of the introduction of pre-clearance.

[Translation]

Mr. Michel Picard: My question is for our witnesses from Vancouver.

With regard to the right to withdraw from the preclearance process, let me offer two or three hypotheses. The person can change their mind. They could be under stress, have physical problems, feel threatened, and so forth. Regardless of the reason, the person can change their mind to avoid negative consequences. They might also suddenly be afraid to fly.

Regardless of the reason, how can a customs officer, who is responsible for the security of Canadians, whether on one side of the border or the other, know that it is not a test? The officer must be allowed to ask questions and talk to the person a bit.

When a person goes through customs and is sent to have their luggage searched along with a second interrogation, that causes a delay. It is not a detention, but rather a delay provided for in the law. Why is that interrogation not considered simply a delay? People do after all have to cooperate with the security work of customs officials.

[English]

Mr. Joshua Paterson: Obviously, both Canadian and American officers have a duty to protect border safety and security as well as that of travellers and of course themselves, airport staff, and other port staff. We don't think someone should be required to answer questions on withdrawal, as you know. That's not currently the case. People are free to go if they want to go.

First, that isn't to say that they couldn't have questions asked of them. You don't need to detain someone to ask them questions. CBSA officers could also ask people questions without detaining them or requiring them to stay. They're entitled to do that.

Second, we suggested in our remarks just a few minutes ago and in our submission that there is a way of trying to narrow this down. If we say we're really concerned about people perhaps endangering security or testing the pre-clearance site, what have you, then find a way of tailoring the obligation to stick around to those circumstances. Right now, it's open-ended. They don't need to suspect anything at all. They just decide they want to do it.

We're concerned that over time that may be used in a discriminatory manner. It may be used in manners we don't yet understand. If that's our real concern, let's find a way to narrow it in the legislation so they are detained properly with a reasonable suspicion of something, and deal with it in that way.

• (1630)

[Translation]

The Chair: Thank you, Mr. Paterson.

[English]

That's all the time we have.

I wanted to mention to the members at the BCCLA that a report has been received and has gone through translation. It just came back to the committee once our meeting had started, so you'll get it tomorrow.

Thank you to Ms. van Vugt, as well as to our friends from Vancouver.

We're going to suspend for two minutes, and then we'll reconvene with the minister.

Thank you.

• (1630)

(Pause)

• (1630)

The Chair: We're all set to reconvene the meeting.

First, I want to welcome the minister, but more importantly I want to welcome a group of students who have joined us today from Vancouver. They're hiding at the back of the room. I want to welcome the CJPAC group of teenage leaders who are watching democracy in action. We're delighted to have you with us today.

We are going to continue our meeting now, pursuant to Standing Order 81(4), to consider the main estimates for 2017-18.

Just for the officials' and the minister's information, at the start of this meeting it was decided not to consider the supplementary estimates (A). We'll just be considering the main estimates at this meeting, and the committee will reconvene at some point to make sure that we take time to consider supplementary estimates (A). We're not sure exactly when we'll do that, but that was decided on earlier in the meeting.

Welcome, Minister and all your officials. The room is filled, and we're very pleased that you're able to come.

Normally, we would begin with an opening statement.

• (1635)

Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness): That's very good, Mr. Chairman. Thank you and members of the committee very much.

[Translation]

I am pleased to join you for a second week in a row.

This time I will tell you about the important work of the Public Safety portfolio and about our funding priorities, as set out in the Main Estimates 2017-18.

[English]

With me at the table, Mr. Chair—I think most members of the committee will know these familiar faces—are Malcolm Brown, deputy minister of public safety; Bob Paulson, commissioner of the Royal Canadian Mounted Police; Michel Coulombe, director of the Canadian Security Intelligence Service; Don Head, commissioner of the Correctional Service of Canada; Tina Namiesniowski, executive vice-president of the Canada Border Services Agency; and Harvey Cenaiko, chair of the Parole Board of Canada.

The weighty task of ensuring that Canada is well placed to address the public safety issues that we face falls, in large part, to these people and to the women and men under their direction. I'm sure all members of the committee would join me in offering our gratitude for the service they perform.

I also note that this may be the final committee appearance on the estimates for Michel Coulombe, who is retiring as the director of CSIS at the end of next week, and also for Bob Paulson, who retires as commissioner of the Royal Canadian Mounted Police at the end of June. These are two of the toughest and most important jobs in the public service of Canada. I want to thank both Bob and Michel for their dedication, their courage, and their skill in discharging their heavy burden of responsibility to all Canadians.

In recent days we have been witness to the impressive work of another key unit within my department, and that is the government operations centre, known affectionately to everyone as the GOC. This is the unit that has been coordinating the federal response to the flooding that has swept across several provinces. The government operations centre performed this same function exactly a year ago now, when we were combatting the fires around Fort McMurray. Indeed, whenever and wherever there is an emergency situation in Canada, the GOC is on duty.

The deployment of more than 2,400 Canadian Armed Forces personnel across Quebec was probably the most visible dimension of the federal response to this year's flooding, as coordinated by the government operations centre. The Canadian Armed Forces were welcomed and widely praised for their timely and skilful help.

Several other federal departments were also engaged, including Environment and Climate Change Canada; Natural Resources Canada; Transport Canada; the Canadian Coast Guard; Innovation, Science and Economic Development Canada; the Canada Border Services Agency; the Public Health Agency of Canada; Public Services and Procurement Canada; and, of course, the RCMP.

The GOC also works very closely with all relevant provincial governments and provincial emergency response agencies, as well as critical auxiliary organizations such as the Red Cross, in a whole-of-society effort to respond to these emergencies.

While conditions appear to be improving across the country generally, we should note that well over 5,000 people were displaced from their homes because of flooding this spring. They will have a very mucky mess to face upon their return and recovery, and we know they will need our ongoing support and assistance.

We also extend heartfelt condolences to the loved ones of those who tragically lost their lives in the raging waters in both Quebec and British Columbia.

I also want to take this opportunity to thank both the RCMP and the CBSA, particularly their officers on duty in Emerson, Manitoba; in Lacolle, Quebec; and in a number of other border communities. They have been managing the spontaneous and challenging arrival of asylum seekers in a professional and measured way, enforcing the law and keeping Canadians safe. Their work has earned them the praise of many local people, as well as the United Nations, and they certainly deserve our praise, as well.

● (1640)

Several weeks ago, I had the opportunity to travel to Emerson to thank the officers, both CBSA and RCMP on duty, and to thank the community. It is not an easy situation. There are no easy solutions, but we are dealing with it in a firm, measured, and responsible manner.

In the context I have just outlined and at all times, Canadians expect everyone within the public safety portfolio to keep Canadians safe, while at the same time safeguarding our rights and freedoms. Our role as government, and as parliamentarians, is to ensure these agencies have the resources they need to get the job done. That brings us directly to the subject of the numbers before us in the main estimates for 2017-18.

As members will have noted in reviewing the estimates, on a portfolio-wide basis, total authorities being sought will result in a net increase of \$209.4 million, a 2.5% augmentation over 2016-17 for a total of \$8.7 billion. Across the whole portfolio, the most substantial increases include \$64.1 million for the settlement of class action lawsuits against the RCMP, \$44.1 million to the CBSA to maintain and upgrade federal infrastructure assets, and \$41 million to Correctional Service Canada, mostly due to the growing cost of prescription drugs to treat hepatitis C and the cost of contracted community beds for mental health care.

More narrowly, for the Department of Public Safety, its 2017-18 reference level reflects a net decrease of about \$44.4 million, and most of that results from the completion of contributions to the province of Quebec for the response, recovery, and decontamination costs associated with the train derailment and explosion at Lac-Mégantic. Since that disaster occurred in 2013, a total of \$120 million, identified under the financial assistance agreement, has been paid out, and my department is now working with the province to address any additional eligible requests.

Mr. Chair, I had some comments to provide with respect to supplementary estimates (A), but I will save those for another time when you return to that topic.

I would like to mention briefly a few of the other priorities not specifically connected to the estimates that my portfolio is working on. First of all, I want to thank the committee once again for its

report on Canada's national security framework. The recommendations are being very carefully monitored as we move forward with additional measures to keep Canadians safe and safeguard rights and freedoms. The tens of thousands of public contributions to our consultations on this topic are also informing our way forward and they are, all of them, available for public review online.

Another matter of collective concern is the quality and seriousness of sexual assault investigations. Recent reports have highlighted issues regarding the way various police forces across the country investigate this crime. I raised this matter with the commissioner of the RCMP and on February 9, Commissioner Paulson directed each of his provincial and territorial commanding officers to review past sexual assault cases, work which is now complete.

National headquarters has also reviewed a sample of historically unfounded cases, or at least the label of unfounded was attached to those cases. The RCMP's contract and aboriginal policing branch at national headquarters is reviewing all of those divisional reports, as well as the sample of historical unfounded cases to understand the national picture, and to develop an appropriate and coordinated response to address the issue. The RCMP has committed to sharing the results of its review with Canadians once it is completed. I want to thank the force for being proactive in this regard.

● (1645)

The bottom line is that no victim of sexual assault should ever fear that their case won't be taken seriously by the investigating authorities.

On a related note, budget 2017 included \$100.9 million over five years to establish a national strategy to address gender-based violence. The strategy will include measures implemented by the RCMP, among other things, as well as a centre of excellence within Status of Women Canada.

Finally, before I take your questions, I want to quickly highlight a few of the other important investments proposed in budget 2017 that would support some key priorities for the Public Safety Canada portfolio. That includes \$57.8 million over five years, starting in 2017-18, and then \$13.6 million per year thereafter, to expand mental health care capacity for all inmates in federal correctional facilities. This is part of our commitment to implement the recommendations of the Ashley Smith inquest, with additional measures yet to come.

The budget also pledged \$80 million over four years, with \$20 million then ongoing, starting in 2018-19, to support the establishment of the community heroes award to support families of public safety officers who have fallen in the line of duty. Public safety officials are working diligently now to finalize the program's design.

The budget also doubled the funding for the security infrastructure program, which helps vulnerable communities better protect themselves against hate-motivated crimes.

As one final thing I would note, there is a meeting scheduled in St. John's, Newfoundland and Labrador, toward the end of this month to deal with the issue of emergency measures and emergency planning. All federal, provincial, and territorial ministers responsible for these things are expected to attend. We will be very much going over the lessons learned from Fort McMurray last year and from the floods this year to make sure that we have the very best possible emergency management framework, strategy, and plan in place—federal and provincial, seamless across the board—to be able to react to these circumstances in an efficient and effective way that keeps Canadians safe.

All of this furthers the overarching objective of the public safety portfolio, keeping our communities safe and secure, while at the same time protecting the rights and freedoms of Canadians and the values of openness, inclusion, and diversity that make our country an example for the world.

With that, my officials and I would be happy to try to answer your questions.

The Chair: Thank you, Minister.

We will begin with Ms. Damoff.

Ms. Pam Damoff: Thank you.

Minister, thank you for being here again today.

In your opening remarks, you mentioned the flooding. Certainly Canadians have been gripped by that over the last few weeks and the resulting loss of life and property damage that has been incurred.

I want to thank you for your leadership on it, and also the fast response from your department, the military, the other federal departments, scores of provincial and local public servants, first responders, and volunteers. It has really been quite extraordinary. I was just reading an article in our local paper about flooding being the leading cause of public emergency in Ontario. It is a shared responsibility in Ontario between the conservation authorities—which, in my case, is Conservation Halton—the province, and the federal government.

You mentioned in your remarks a whole-of-society response. That's something I have certainly been approached about as well, that it's not just a whole-of-government approach but a whole-of-society approach. I know there were measures introduced in the last budget having to do with funding for disaster mitigation infrastructure and implementation of new building codes, as two examples.

Could you perhaps outline the strategy and comment on how it could be put in place to better prepare us, given that in this time of climate change we'll likely be facing this more and more often?

• (1650)

Hon. Ralph Goodale: The parliamentary budget officer certainly believes it will be more and more often. He issued a report about a year ago that made two points. He thought we were provisioning too little for the accelerating damages that are likely to accrue, and he also thought it would be wise to invest upstream before the fact in the kinds of things that could mitigate damages and save money, after the fact, if damages were in fact avoided. I think that's good advice. That is one thing that is very clearly on the agenda for

federal, provincial, and territorial ministers to discuss at the end of this month. That discussion really has already begun in a number of ways.

There have been some programs over the course of the last number of years to try to encourage investments up front. The uptake on those programs has not been particularly encouraging, so we'll be looking at why, with available investment funds, there hasn't been more focus on prevention and mitigation. But the important news coming out of the budget was the creation of a stream of funding for public infrastructure that is in the broad category of green infrastructure, and a portion of that is dedicated for disaster mitigation and dealing with the consequences of climate change, in the order of \$2.5 billion over the next four or five years.

These measures obviously have to be undertaken in partnership with provinces and with municipalities and a number of other authorities, but I think this provides the country with a really significant opportunity not only to have the investment impact that can help to expand the economy and create jobs, but also to make our country in many ways more resilient to the recurring problems that flow from climate change. If you just think of the examples recently, we have the floods right now in at least four provinces. We had last winter the ice storm that particularly affected New Brunswick, and last fall, the flood in Cape Breton. Before that, of course, just about a year ago now, we had the worst wildfire disaster in Canadian history at Fort McMurray. The year before that, it was a very serious wildfire requiring the evacuation of several thousand people from northern Saskatchewan. Before that, there were two out of the last five years of successive floods across the southern prairies that damaged southeastern Saskatchewan and wreaked havoc in cities like Brandon, Manitoba, and before that, we had the worst flooding disaster in Canadian history, which was around Calgary and High River, and the toll taken there.

You see that pattern all over the last five or six years. I think it lends credence to what the parliamentary budget officer is saying. It's a serious problem. It's accelerating. It's going to get worse and more costly, and we can save money from cleaning up the damages after the fact if we invest smartly before the fact in the kinds of structures and infrastructure design and engineering that will mitigate the consequences of climate change before they happen.

Ms. Pam Damoff: Thank you, Minister.

It was very refreshing for me to hear you talk about the unfounded cases, sexual assaults, and gender-based violence. I sit on the status of women committee. It's an issue in our recent study that showed public safety does need to take a leadership role on this issue, so I'm pleased to hear you speak about that.

Commissioner, I applaud you for looking into the RCMP cases.

Unfortunately, that's just a small portion of the cases, though. I'm just wondering whether you see a leadership role for the federal government to play in terms of being able to provide best practices to some of these other police forces in terms of these sexual assault cases and how we're treating them, also in terms of the unfounded cases and in terms of training, which is something that we heard repeatedly.

●(1655)

Hon. Ralph Goodale: We need to be careful about jurisdiction.

Ms. Pam Damoff: I know.

Hon. Ralph Goodale: But there are all sorts of opportunities for me to work with my public safety counterparts at the provincial level, and for the Attorney General of Canada to work with her counterparts at the provincial level.

What I was encouraged about is that as soon as this became a public issue—and I commend the journalist who dug it out and put it on the front pages, which was important—the response by and large across the country was very constructive. The RCMP were one of the first, but in addition to that, a number of police forces, the Canadian Association of Chiefs of Police, a number of attorneys general, and provincial officials, responded as well. I think there is some genuine momentum there.

From my point of view, I intend to watch it very closely and I'm sure Jody Wilson-Raybould intends to do so as well, to make sure that the attention and focus that has been gathered over the last four or five months doesn't dissipate, and that in fact we follow through on making sure this—

Ms. Pam Damoff: I watched your press conference, and you did very firmly show leadership on the issue when it was first reported.

The Chair: Thank you, Ms. Damoff.

Hon. Ralph Goodale: Mr. Chair, Ms. Damoff mentioned that she's on the status of women committee.

I might note for the record that in addition to these fine officials who are with us today, I often have another person at this table, the associate deputy minister in public safety, Gina Wilson, who has served this portfolio very well for a good long period of time. Not long ago, she was appointed to be the deputy minister of the Department of Status of Women. We will miss her deeply in Public Safety, but she will well serve the Department of Status of Women.

The Chair: Thank you, Minister.

Mr. Clement.

Hon. Tony Clement: Thank you, Minister, for being here.

If I am curt, it's only because I have seven minutes—it's not because my name is Curt or your name is Curt—so I apologize in advance.

Hon. Ralph Goodale: You're Tony and I'm Ralph.

Hon. Tony Clement: On our good days, absolutely.

In terms of budget 2017, there is more money committed to dealing with the problem of legal asylum seekers. On closer examination, the money isn't for more boots on the ground nor for better screening and surveillance. The money is for legal aid for the legal asylum seekers.

Can you assure this committee that your priority...? I mean, I understand why legal aid is important, but our priority is also to keep our border resilient, and as a matter of fact rather than theoretically. I'd like you to respond to that.

Hon. Ralph Goodale: Absolutely, Mr. Clement.

I have had this conversation with both Commissioner Paulson and Mr. Ossowski, the president of CBSA. I have asked them to keep me fully apprised of the trend and the flow of events. They have published the most recent statistics over this past weekend that indicate a drop to a certain extent. Obviously, these numbers fluctuate as we've been saying, so you can't draw any great conclusions on the basis of one month's arithmetic, but the numbers seem to have subsided a bit.

I have said to the RCMP and to CBSA to do what they need to do within their existing resources to make sure they have the capacity to discharge their responsibilities at the border—CBSA at the ports of entry, and RCMP between the ports of entry—and if they need more resources to make sure they have what they need at the border, to please tell me and I will do my best to get them the money.

Hon. Tony Clement: Interestingly, this committee was in Washington recently and had some very interesting and positive discussions with the Department of Homeland Security, as well as their border agency. There was a reference in one of those meetings to conversations you had relating to the potential for changes in the U.S. law that would go through Congress. It would enable their border security guards, if they were aware of a conspiracy to cross the border, to detain people prior to their reaching the Canadian border.

Do you recall those conversations?

●(1700)

Hon. Ralph Goodale: There were some general discussions with Secretary Kelly about why this movement was happening, which I think was a bit of a head-scratcher on both sides of the border. He undertook at that time to examine the factors and the forces on the American side of the border that might contribute to the movement. We haven't had any report back from American officials on that phenomenon, but they undertook to examine it to see if they could identify the source and the factors that would contribute to the flow. We were both concerned about any indication that there was a trafficking operation or a smuggling operation going on. When we had the conversation, there was no evidence that could be pointed to that this might be happening.

More recently, as you may have heard, the RCMP on the Canadian side and the appropriate authorities on the American side have made some arrests about a particular movement across the border between southern Saskatchewan and North Dakota.

Hon. Tony Clement: Right.

Hon. Ralph Goodale: That does not appear, at the moment, to be connected to the flow that has been going through Emerson. It seems to be a different phenomenon. But we're obviously very alert and very concerned about anything that would suggest that people are profiteering at the expense of vulnerable people.

Hon. Tony Clement: There certainly are some media reports to indicate that there could be some profiteering going on. There were sources within the CBSA who were concerned about that.

I would just encourage you—I don't have a lot of time here—to keep pursuing those conversations with the Americans.

Hon. Ralph Goodale: Absolutely.

Hon. Tony Clement: If there's a U.S. fix to this, we should certainly pursue that.

I do have a specific question relating to Order Paper questions and access to information being denied. There were a couple of Order Paper questions relating to CPIC, including the number of records entered on CPIC for “prohibited from possessing firearms”. The opposition got an answer to that question in 2006. The opposition got an answer to that question in 2011. This year that question was denied. We were told, “The CPIC system is a record database and was not designed to provide in-depth statistical analysis.”

I'm wondering whether you could provide these statistics in the future. We could provide details on what the specific question was.

Hon. Ralph Goodale: Mr. Clement, I'm not personally familiar with that situation, but I will look into it. If the question had been answered before—

Hon. Tony Clement: Yes.

Hon. Ralph Goodale: —we'll certainly try to meet the same—

Hon. Tony Clement: To be exact, it's the number of persons prohibited from owning guns in the CPIC system. That's the question that was answered in 2006 and 2011 but not this year or last.

Hon. Ralph Goodale: I'll try to get you an answer.

Hon. Tony Clement: I'd appreciate that.

The next question relates to the Anti-terrorism Act, Bill C-51. This was obviously a subject that the committee did look into. We heard from the Centre for Israel and Jewish Affairs, who made it clear that the offence of advocating for terrorism offences in general was important to crack down on radicalization and propaganda.

I know that there were also some contrary opinions, to be fair, but I'm asking you whether you would keep that provision in place. It's important to have the ability to disrupt terrorism networks and have those laws in place on our books.

Hon. Ralph Goodale: We obviously want to have the capacity, the very effective capacity, to deal with terrorism threats and to make sure we're keeping Canadians safe. At the same time, we need to ensure that we're safeguarding the rights and freedoms of Canadians. We want to achieve both of those things simultaneously, not one at the expense of the other or with some kind of trade-off. Both of them need to be accomplished.

We will be presenting specific amendments with respect to Bill C-51. They're in the process of being prepared. I would be more than happy to have a full discussion on them when they're in the public domain.

Hon. Tony Clement: I can promise you that we'll have that full discussion.

Thank you.

I think my time is up, Mr. Chair.

The Chair: You have another minute, if you want it.

Hon. Tony Clement: Really? Okay. I'll always take another minute.

Hon. Ralph Goodale: The answers were very efficient.

Hon. Tony Clement: Going back to our illegal border migrants issue, you did state, and your parliamentary secretary buttressed that statement, that it's not “a free ticket to Canada”. I appreciate that. You made that statement last time you were before this committee. We have learned, however, that according to CBSA's own documents, only 47% of the people who receive a negative finding from the IRB are actually removed from this country within a year.

I'd like your undertaking to increase that number, because if they are found not to be genuine refugees, as you said, they should not be in our country.

• (1705)

Hon. Ralph Goodale: Mr. Clement, there's a process that clicks into place as soon as an asylum claim has been denied or rejected. The CBSA is under an obligation. I believe the law says, “as quickly as possible”. CBSA takes that responsibility seriously. There are due process considerations that apply. There are rights that have to be respected in the process. CBSA is assiduous, and is sometimes even criticized for being too assiduous, in making sure that the law is properly administered and effectively enforced.

The Chair: Thank you, Minister.

Mr. Dubé.

[*Translation*]

Mr. Matthew Dubé: Thank you, Mr. Chair.

Mr. Goodale, let me begin by thanking you for your department's response to the flooding. We went through a similar experience in my riding in 2011. That is why we understand that it is very important to be able to count on the federal government, which once again responded effectively.

Mr. Paulson and Mr. Coulombe, we face snags on certain issues from time to time. I would still like to thank you for your services which, as the minister pointed out, are far from easy to provide. I wish you all the best.

Mr. Goodale, you will not be surprised by my question about a topical matter that is of great interest to me. I am referring to the increase in civilian surveillance by the RCMP, which is one of the recommendations in Mr. McPhail's report which was published this morning. It seems as though we have been talking about the same issues for years and that they are constantly resurfacing.

I was especially bothered when I read in the report's conclusions that public safety is actually at risk now as a result of the repeated accusations of intimidation and harassment. In Toronto, there is a civilian surveillance mechanism that works relatively well right now. Other examples are cited in the report. You have already mentioned the possibility of examining this issue yourself.

What are your thoughts on that right now?

[English]

Hon. Ralph Goodale: If you recall, Mr. Dubé, the issue of harassment within the RCMP was raised in our election platform a couple of years ago. In my mandate letter from the Prime Minister, the point was repeated to work with the force to eliminate this problem. The reason these two studies were conducted over the last year or so—one by the Civilian Review and Complaints Commission for the RCMP, chaired by Ian McPhail; the other by the former auditor general, Sheila Fraser, serving in capacity as a special adviser to me—was in direct fulfillment of the point made by the Prime Minister in the mandate letter.

Their reports are now available. They have worked at this challenge over the last period of time, and have produced their findings and their advice for me. What they're recommending constitutes fundamental change in some respects. I have indicated in the past that I am open to considering their recommendations. They need to be considered very carefully because they will fundamentally alter the dynamics of the force.

People are concerned about the issues of harassment and bullying and so forth that have come forward. At the same time, I think people would want to be sure that the remedy for those things is carefully thought out and weighed properly. I intend to do that.

There is absolutely no doubt that the Prime Minister is serious about finding the solutions as rapidly as possible, and so am I. We welcome the work of Mr. McPhail and Ms. Fraser. We will very carefully weigh their advice, and we will come forward as rapidly as we can with a detailed response to all of their recommendations.

• (1710)

[Translation]

Mr. Matthew Dubé: Thank you.

With respect to civilian surveillance, I understand that you are saying “maybe”.

I would also like to talk to you about the choice of Mr. Paulson's successor. The choice was made quite quickly for CSIS. Can you give the committee an update on the search for a replacement for Mr. Paulson? There is indeed a lot of activity at the RCMP further to these reports. There is also Bill C-7, which is still being considered by the House. Mr. Paulson's successor will clearly play an extremely important role in achieving the objectives you just mentioned. How far along are you in the process of finding his replacement?

[English]

Hon. Ralph Goodale: The agenda going forward is going to be hugely vigorous and complex, as I think it probably is all the time for the commissioner of the RCMP. It's not easy, but as you say, there will soon be the enactment of Bill C-7 that will establish a new collective bargaining regime. There will be the response forthcoming to Sheila Fraser and to Ian McPhail, and a whole variety of other very important and pressing issues.

The appointment decision with respect to the new commissioner is one of those that is reserved to the prerogative of the Prime Minister, but the work is well advanced now on assembling the selection committee that will represent the full breadth of Canadian society, senior people, who will have the capacity to do the search and

recruitment and present the Prime Minister with excellent alternatives from which he will choose in due course.

Mr. Matthew Dubé: I will have to interrupt you because my time is getting short. The other issue I wanted to touch on is solitary confinement. The government's being brought to court over the issue that there was a promise made in court about enacting real reforms, which are certainly also part of the Minister of Justice's mandate letter. I'm not sure if it's in yours as well. I don't have that photographic memory.

Hon. Ralph Goodale: The short answer is yes.

Mr. Matthew Dubé: Okay, thank you. That being said, I would assume so anyhow.

Is there a timeline? We were promised those reforms this spring, and we still seem to be behind the eight ball.

Hon. Ralph Goodale: We're part way there. We haven't got the whole package completed yet, but you may have noticed that in the budget there were some specific items with respect to mental health services in the correctional system. There were four things that were involved in the public debate here. One was finding some way to cap the duration of administrative segregation. A second element was providing some form of independent expert oversight of the process. A third was enhancing the quality of confinement. The provisions that we have put in the budget have addressed the third of those three things, that is, enhancing the conditions of confinement, improving mental health services, and I'm sure—

Mr. Matthew Dubé: Is there any legislation forthcoming to deal with duration and things like that, which the UN, among others, have talked about, and some of the issues that need to be dealt with there?

Hon. Ralph Goodale: Those decisions have not been finalized, but I assure you that the work is ongoing.

Mr. Matthew Dubé: Okay.

Really quickly, on immigration detention in Ontario being outsourced to the provincial government, it was an issue in a big *Toronto Star* piece. What's happening with that?

Hon. Ralph Goodale: Last year we announced \$138 million to improve the way we deal with immigration detention. One of the prime objectives there was to reduce dramatically the reliance on provincial facilities. The plan is unfolding, as we announced last summer. The investments are beginning to be made. Part of the answer is making sure that the federal facilities that are designed for immigration purposes have greater capacity so that you don't have to rely as a fallback on provincial jails, and therefore, intermingle immigration issues with criminal issues. We're trying to keep the two as separate as possible.

Second was to develop a suite of initiatives that can be alternatives to detention so that detention isn't the only game in town when you have a problem. Thereby, again, reducing reliance on detention generally and specifically the use of provincial facilities.

• (1715)

The Chair: Thank you, Minister.

[Translation]

We will now move on to Mr. Di Iorio.

Mr. Nicola Di Iorio: Thank you, Mr. Chair.

Mr. Goodale, thank you for your generous remarks.

I would also like to thank the people with you, the directors, senior officials or people at the top of their organization.

I would also like to thank Mr. Paulson and Mr. Coulombe for their fine work with the committee, at least while I have been here. My first question is for them.

Canada is in a particular situation. Mr. Paulson and Mr. Coulombe will be leaving their positions at nearly the same time. We are all concerned about governance in this regard.

Since you yourself referred to their positions as being the most important, how can we reassure Canadians?

[*English*]

Hon. Ralph Goodale: Mr. Di Iorio, I think the RCMP and CSIS lead two very expert organizations. They are fine leaders in their own right, but they have also cultivated others with leadership skills and capacities, and as they take their leave from their onerous responsibilities, Canadians can be assured that the others who will fill that space will be competent successors.

In the case of Monsieur Coulombe, the Prime Minister has announced David Vigneault will become the new director of CSIS. I believe David will take charge toward the end of June. In the meantime, Jeff Yaworski, the deputy director in charge of operations, will be managing the CSIS apparatus.

David, who will become the full director toward the end of June, brings with him a huge amount of experience in the security and intelligence portions of the PCO, as well as previously in CSIS, CBSA, and CSEC. He has broad experience in the agencies of the Government of Canada that deal with security issues.

In the case of the commissioner of the RCMP, this is a hugely important selection, and as I said in response to an earlier question, we have established or are in the process of establishing a selection committee that will represent the broad strengths of Canadian society. It will be up to that group of people to search the recruitment and they will present a list of excellent alternatives to provide the Prime Minister with options for a successor to Commissioner Paulson. It's a very solid process because we are in search of the best of the best.

[*Translation*]

Mr. Nicola Di Iorio: Thank you, Mr. Goodale.

I would like to move on to another topic, one that I call sexual safety.

This issue obviously affects women more than men. It can certainly happen to men, but in terms of the numbers, it happens to women more often.

Mr. Goodale, we are in a country where, it must be said...

You referred to it. You have even begun a process to review sexual assault complaints and to ensure that, if those complaints were deemed unfounded in the past, they are properly examined to determine whether they are founded. So a review process is under way.

What I am saying is that we have to go much further than that.

Mr. Goodale, as I said, women experience this much more often than men do.

We must ensure the sexual safety of Canadians. Our system of government was devised in the 19th century and smacks of the Middle Ages. The reality is that sexuality and sexual development are experienced in a different way in the 21st century. The concept of consent has also evolved.

Should action not be taken to reflect this reality so that women can come and go in the world and develop sexually without the fear of violence, assault or any kind of force directed against that freedom they have?

● (1720)

[*English*]

Hon. Ralph Goodale: Part of the answer, Mr. Di Iorio, comes from the publicity around this issue in the last number of years, and indeed within the last year here in Canada. It is very publicly discussed now. I wonder when the last time was that somebody asked that kind of a question in a committee of Parliament. It's getting greater public attention, and that's good.

I was pleased when I saw the media stories back in the winter that put this issue on the front pages and prompted a reaction from governments and police forces all across the country. It's good that we're developing that kind of momentum.

Part of the government's response—and it can't be the only part—is the commitment of more than \$100 million in the federal budget for a new strategic approach to gender-based violence. Together, the minister responsible for the status of women and my department will be looking forward to an early opportunity to roll forward the details of that, a significant portion of which will be the activities of the RCMP. They were already proactive on this file before the fact, but they will play a very important role in the strategy and the work of the Government of Canada on gender-based violence.

We also look forward to every opportunity to work with our provincial and territorial colleagues to make sure this is a coherent, seamless, national effort.

[*Translation*]

The Chair: Thank you, Mr. Di Iorio.

Mr. Nicola Di Iorio: Thank you.

The Chair: You have seven minutes.

[*English*]

Mr. Miller.

Mr. Larry Miller: Thank you, Mr. Chair, and thanks again, Minister, for being here.

A couple of issues on firearms-related bills and issues that have been irritants in the firearms community, Mr. Minister, arise from the legislation proposed in Bill C-47. There are a number of clauses, but one that's particularly disconcerting to people in the firearms community is the fact that a lot of people who hunt will hunt internationally as well.

To take their firearms and go to another country—let's use the U.S. as an example—their understanding is that there are going to be huge problems bringing their firearms back into Canada. I hope you have your people take a good look at that.

Another issue here is that I was assured some time ago, last fall, by your former parliamentary secretary, that the government was quite aware there were problems with the term “variant” in the—

We seem to have some music on.

Hon. Ralph Goodale: It's a good song, though.

Hon. Tony Clement: I've danced to that song before.

Mr. Larry Miller: I hope this isn't eating into my time.

There's an issue, Mr. Minister, with the lack of definition for the term “variant”, which is used in the Firearms Act 97 times. I've been assured that the government is aware there's a problem, and it was implied to me that you're going to fix it.

I would like to know what the timing is on that, and whether there will be consultations with the firearms community.

Hon. Ralph Goodale: There are consultations on everything, so I think you can be assured that there will be.

Mr. Larry Miller: I don't remember that being the case back in 1995, when the long-gun registry was brought in.

Hon. Ralph Goodale: I see what you're referring to. I was thinking more of the last year and a half.

I would be more than happy to take the details of the two situations you referred to—the border crossing issue and the definition of “variant”—and get back to you with further details about the exact steps.

• (1725)

Mr. Larry Miller: Thank you. I would appreciate that very much.

I also had some questions on the sexual assault case with the RCMP, but I think my questions there were answered.

You mentioned a study, and I might have missed the terminology there—my hearing isn't so good. You talked about the mental capacity of inmates, and mental health generally.

Hon. Ralph Goodale: Mental health issues, yes.

Mr. Larry Miller: I'd like a little more understanding, Mr. Minister, of exactly where you'll go with that, because some people might say that for a lot of people in the prison system their mental health might have had something to do with why they're there to start with—not all, of course. Could you give us a little understanding of exactly how that study and that work will be carried out?

Hon. Ralph Goodale: In terms of the exact application of the funding in the budget, Mr. Head would be in the best position to describe the kind of programming that he has in mind to deal with people in these situations.

If you recall, at the time of the election, the platform identified two particular groups that appear to be overrepresented in the population within correctional systems, and where some additional attention was required to try to make sure that they were being dealt with in an appropriate manner that would actually contribute more to the prospect of rehabilitation, and ultimately, community and public

safety. Those two groups were indigenous people, who are clearly overrepresented, constituting about 4% or 5% of the general population but representing 25% of the population in the correctional system, and people suffering from various kinds of mental health issues.

A primary example there that was very prominent in the last number of years was the case of Ashley Smith, a young woman of 19 years of age, I believe, who—

Mr. Larry Miller: Unfortunately, we're—

The Chair: I'll give you extra because of that music.

Mr. Larry Miller: Yes, we're quite aware of that very sad case.

Hon. Ralph Goodale: We're following through on both of those priorities: the treatment of indigenous people and the treatment of people with mental health issues.

Mr. Larry Miller: Okay. I appreciate that.

I have one last quick question. Formerly, a government ministry ran an equine therapy program that was very successful. The reason I ask about this is that the marijuana law your government is bringing in shortly, could, I'll say, create a lot of problems with drugs and youth and what have you. That's what this equine therapy was about. I'm wondering if your government is considering any other programs like that or using examples from the past to help deal with those issues when the time comes.

Hon. Ralph Goodale: We are very much in favour of evidence-based decision-making, and where a program or a service can be demonstrated as effective and useful, obviously we're open to consideration, based on the facts. That's why we've taken the position on marijuana that we have.

We have an approach now that costs about \$2.5 billion a year to administer, yet Canadian young people are among the heaviest users of marijuana in the world. At the same time, \$8 billion to \$9 billion is going into the hands of organized crime. We have to do better than that, and we believe the system that we've proposed in legislation will actually achieve a better result to better protect our kids, stop the flow of illegal cash to crime organizations, and establish a regime that will make society overall safer and healthier.

The Chair: Thank you, Minister.

With your indulgence, I'd like to squeeze in a few minutes for Mr. Spengemann before we end the meeting.

Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.): Thank you, Mr. Chair.

Minister Goodale, my thanks for being with us, and my thanks to the senior officials who are with you today.

The Government of Canada is a government that has committed to making strategic investments to take our country forward, and it certainly has a strong mandate from Canadians. We've talked about infrastructure in your earlier comments in your exchange with my colleague Pam Damoff. You mentioned green infrastructure, social infrastructure, and transit.

The same is true on the public safety side. We've made significant investments in disaster resilience and public safety. These are public goods that Canadians cherish and value highly, with a view to building an open, inclusive, and diverse society, as you mentioned.

I want to take you to table 6 of the Public Safety and Emergency Preparedness expenditures on countering crime. The expenditures for 2015-16 were at \$149 million and for 2016-17 are just over \$210 million each year into 2017-18. I wanted to ask you about a program that's of significant interest to the community in my riding, particularly faith leaders, and that's the proposed office of counter-radicalization and community outreach. I'm wondering if you could update the committee on your latest thinking, on what you've heard recently from community leaders and people who are interested in this program, and on where you see it going in the future.

• (1730)

Hon. Ralph Goodale: It's extremely important, Mr. Spengemann.

I had the opportunity to meet, not long ago, with the cross-cultural round table, which is a group representing the vast diversity of Canadian society. The membership changes from time to time, but the principle of the committee has been in place since about 2002 or 2003, somewhere in that period of time. Around the table, there were representatives of various faiths and ethnic and cultural heritages. They all made the point, I think unanimously, that a far more serious effort needs to be made at counter-radicalization to violence, and that there are interesting lessons to be learned from other countries and from academics about what works and what doesn't work. They applauded the government's commitment to create a new national office.

There are various local initiatives across the country. The City of Montreal has a particularly good one. Calgary has one. Toronto has another way of doing it, Edmonton, and so forth, but they all tend to operate in isolated silos. It would be more useful to the country if we found a way to link all these networks together, so we proposed to establish a national office. We are, hopefully, now in the final stages of attracting the senior adviser who will be the face and voice of that office.

The objective is to get the very best techniques from Canada and around the world that can help us identify who is vulnerable to being enticed into a pattern of behaviour that ultimately leads to a descending spiral, and at the end of it, violence. It takes a lot of good, solid scientific research, and we intend to fund that. It's an initiative that will be done in close collaboration with several federal departments and agencies, and also our counterparts provincially and municipally.

The goal is to make Canada the very best in the world at recognizing it and then knowing how best to intervene at the right place, with the right people, at the right time, to head off a tragedy before it happens.

Mr. Sven Spengemann: Minister, a related program, somewhat smaller in scope at the moment, is the security infrastructure

program. I've had leaders from both the Muslim and the Jewish communities come up to me and say, "How can we apply?", and we've relayed that information.

What is the latest on the state of that program, and how much response are you getting in light of your recent announcement to extend it?

Hon. Ralph Goodale: It's huge. I believe it's overextended at the moment. It's a program that has proved its merit. The previous government had funded it at a certain level. We've doubled that amount and changed the rules to make it more accessible and to cover more things.

This is for communities—it might be a school, a church, or a community centre of some kind—that feel themselves vulnerable to hate crimes and other kinds of activities that are threatening and that create public safety issues. They can apply to the program for reasonably modest financial assistance to help them make their facilities more resilient. It could be fences, better doors and locks, or closed-circuit cameras. It could simply be the film that you put across a window that protects the window from breaking easily and at the same time obscures what you see through the window.

The uptake has been very good. What we are now proposing is that twice a year, in the middle of the year and at the end of the year, we issue calls for proposals and people are entitled to apply to the program. The Government of Canada will assess the application in terms of whether they are truly in a vulnerable position, and whether what they are proposing to do is likely to make them feel more secure. There are a great many people who maybe didn't know about the program before, or it just wasn't flexible enough, in its previous iteration, to do what they wanted it to do. Judging by the response, this is a program that—for a relatively modest amount of money, when you consider the totality of the federal budget—is hitting the target in terms of what people need.

• (1735)

Mr. Sven Spengemann: Thanks very much.

The Chair: Thank you, Minister. You actually don't take breaths.

Hon. Ralph Goodale: I have a drink of water every now and then.

The Chair: We always want more.

What I would normally do is thank you, but instead I will extend the thanks of our committee and its respect and best wishes to both the commissioner and the director.

Thank you for your public service. Thank you for your willingness to come to our committee always when we've requested. On behalf of the committee, we wish you the very best in whatever chapter unfolds next for both of you. Thank you for your work.

The meeting is adjourned.

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