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# **Standing Committee on Public Safety and National Security**

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**EVIDENCE**

**Tuesday, May 26, 2015**

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**Chair**

**Mr. Daryl Kramp**



## Standing Committee on Public Safety and National Security

Tuesday, May 26, 2015

•(0845)

[English]

**The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)):** Good morning, colleagues. Welcome to the Standing Committee on Public Safety and National Security, meeting number 71.

Today, of course, pursuant to Standing Order 108(2), we have referred to us from the finance committee a couple of issues in the budget. The first deals with the prevention of terrorist travel act, and the other part is the parliamentary protective service on the Hill, here. I would ask all my colleagues to consider the relevance of those topics, which have been referred from the finance committee, in your discussion.

We welcome our witnesses who are with us today for the first hour. From the Department of Public Safety and Emergency Preparedness we have John Davies, director general of national security policy. We also have Ritu Banerjee, director, operational policy and review. Also, we have Amanda Taschereau, policy adviser. As well, from the Department of Justice, we have Sophie Beecher, counsel for Public Safety Canada, legal services.

Welcome all to this committee, and welcome back, many of you.

Certainly you have the floor now for opening statements, should you wish.

**Mr. John Davies (Director General, National Security Policy, Department of Public Safety and Emergency Preparedness):** Thank you, Mr. Chair.

I'm happy to provide a brief overview of the measures being proposed in Bill C-59, specifically with regard to the prevention of terrorist travel act in tandem with the proposed changes to the Canadian passport order. The proposed amendments underline the government's continuing commitment to strengthen national security and protect Canadians at home and abroad, as they are intended to address the evolving global threat environment.

[Translation]

To begin, let me provide you with a brief overview of the changes to the Canadian Passport Order announced on May 7 related to national security.

[English]

First, the Minister of Public Safety and Emergency Preparedness will have the authority to cancel a passport when there is reasonable grounds to suspect it will prevent the commission of a terrorism offence, or for national security purposes. After a passport is

cancelled, law enforcement and border control partners are notified and the passport can no longer be used for travel. However, cancellation is a temporary measure used until investigation is completed. If at the conclusion of an investigation there are insufficient grounds to revoke the passport, the passport will be reissued to the individual.

In some circumstances the passport may be cancelled by the minister without prior notice to the individual. In these instances the individual will be notified as soon as possible after the cancellation.

The order also provides an administration reconsideration mechanism to challenge passport cancellation decisions. Once a person has been advised of a cancellation, they are given 30 days to respond and provide information that will be taken into account by the minister when reconsidering the decision to cancel. The individual can appeal the cancellation before the Federal Court of Canada within 30 days of the date on which they receive the notice of the reconsideration decision. Provisions to appeal cancellation are provided for in proposed section 4 of the prevention of terrorist travel act.

Second, the minister can also refuse or revoke a passport when there are reasonable grounds to believe it will prevent the commission of a terrorism offence, or for national security purposes.

Finally, the order also provides the Minister of Public Safety and Emergency Preparedness the authority to refuse passport services for up to 10 years, during which an individual may not apply for a passport. During a period of refusal of passport services, a person may be required to travel on an urgent, compelling, or compassionate basis. There is an existing mechanism administered by Passport Canada to allow them to travel under these circumstances.

•(0850)

[Translation]

In these situations, an individual may submit an application for a temporary passport for travel and provide the documents necessary to support the justification.

Supporting these changes to the Canadian Passport Order are the legislative measures before you today.

[English]

These measures allow individuals to challenge passport decisions, protect information used in those proceedings, and set out the rules for both an appeal of the cancellation or a judicial review of the refusal or revocation.

In national security cases sensitive information is often required to support the cancellation or revocation of passports. During judicial proceedings protecting that sensitive information from disclosure is important to prevent adverse impacts on national security, or for the safety of the person. The government must balance the requirement to protect sensitive information with the ability to successfully uphold passport decisions taken on national security or terrorism grounds.

These proposed amendments will enable a Federal Court judge to protect sensitive information when presiding over proceedings for passport cancellation, revocation, or refusal of services for national security or terrorism purposes. The judge will be required to consider sensitive information in making the decision and to protect that information from disclosure if, in the judge's opinion, the disclosure could be injurious to national security or endanger the safety of any person. While some sensitive information may be withheld, the individual would still receive a summary of the information that was used to make the decision.

In addition, in the context of appeals and judicial review of national security passport decisions in the Federal Court, an individual may introduce information to respond to the government's case.

[Translation]

Overall, this approach should streamline the process and result in more timely decisions, which are in the interest of all parties.

[English]

The procedures have been designed to provide the individual with an opportunity to present their case and to be reasonably informed of the government's case. These measures are also consistent with the ability of the courts to review other ministerial decisions, such as the listing of terrorist entities and the listing of persons provided in Bill C-51 under the secure air travel act.

These safeguards strike a good balance between the right to protect Canadians against the threat of terrorism and the right of affected individuals to fair treatment.

[Translation]

Thank you. I am happy to take any questions the committee might have on the measures being proposed.

[English]

**The Chair:** Thank you very much.

We will now go to our first round of questioning, from the government side.

**Ms. Roxanne James (Scarborough Centre, CPC):** Thank you, Mr. Chairman, and thank you to the officials and the witnesses who are here.

I listened to your comments about—and this was in your handout as well—the passport revocation being a temporary measure used until after the investigation is completed. I think this is an important thing to stress.

Could you go into a bit more detail on the process, so that it's clear that this is not just a cut-and-dried thing whereby a passport is

removed and the person never has the opportunity to obtain it again, if the investigation proves that there is no reason to withhold it?

Thanks.

**Mr. John Davies:** I'll try to do that and I'll look to my colleagues to support me here.

Just to be clear, the reference to temporary investigation was with respect to cancellation of passports. Cancellation is seen as to allow an investigation to continue. The person is given notice—or not, depending on the situation. The person has 30 days to apply for reconsideration of the decision. There is a reconsideration process. If on reconsideration the decision is upheld, then the person has 30 days to file an appeal with the Federal Court.

Essentially, cancellation could be a means to an end. If the investigation goes on and it is found that there are reasonable grounds not just to suspect but to believe that the person would be using the passport for terrorism purposes or purposes that could threaten national security, you could see that person's passport being revoked or refused.

Essentially, if cancellation takes you to a higher threshold, there is more evidence that can be used. There is a continuum that could end up leading to denial of passport services for up to 10 years.

● (0855)

**Ms. Roxanne James:** Among the provisions or the measures that our government has implemented with regard to combatting terrorism, there are a number of pieces of legislation that we've passed. I was on the citizenship and immigration committee prior to being on this public safety committee. There were certainly concerns with people using passports and so on to travel overseas to engage in terrorism.

This part of the budget implementation act that has been forwarded to us from division 2 actually includes not just things related to terrorism but also some for those who may travel overseas as child sex offenders. I think that's important to note. This is something we've been very determined to stop, to protect children not just in this country but right across the world.

I think it's important but there is some opposition to this. The leader of the Liberal Party has actually come out to say that revoking someone's passport certainly doesn't align with Canadian values. I think most Canadians watching this committee or listening to it would disagree with that.

We've heard a number of witnesses, including the director of CSIS during testimony on Bill C-51 and also in his report, specifically go into detail with regard to the threat, if someone travels overseas, engages in terrorism, receives terrorist training, and then eventually returns to Canada, and the greater impact on national security and the safety of Canadians this would have on all of us.

Could you elaborate on that and on why it is so important that we need to strengthen this area to revoke, refuse, and cancel passports when in fact this type of activity is being engaged in?

**Mr. John Davies:** I'll try.

The first thing to say is that the legislative changes contained in the budget implementation act are really around the disclosure of information and protecting sensitive information as the decisions are made. The changes to the Canadian passport order that were announced at the same time will help lower the thresholds and make it more efficient as well in revoking, refusing, or cancelling a passport.

What has happened here, similar to the case under Bill C-51, I suppose, is that the tools we have to address travel for terrorism purposes are being improved. It's just another option in the tool kit. There may be other ways to address terrorist travel, but I think the important thing with the changes we're talking about here today is that they give another option to national security agencies and law enforcement bodies to consider, which they may want to use in addressing terrorist travel.

**Ms. Roxanne James:** You touched on this briefly in your answer, but why is it important to make sure that the information surrounding these types of proceedings is not necessarily made available to the general public, especially when it relates to national security?

**Mr. John Davies:** It's very similar to the discussion we had with the secure air travel act. There are very similar provisions in that, as well as within the changes to the Immigration and Refugee Protection Act proposed in division 15.

Often the cases around passport revocation, refusal, or cancellation rely on sensitive information. This could be information provided by sources who have put their lives at risk, for example, to provide that information to intelligence or law enforcement bodies. It could have been provided by our close allies who obtained it through sensitive means and gave it to us in trust that it would not be made public. There are a lot of other reasons as well that are really important to ensure that the incentives are strong to move this kind of information, in this case, into an administrative setting to allow these kinds of decisions to be made and acted upon.

**Ms. Roxanne James:** What could be the possible outcome, if this type of information were made public?

**Mr. John Davies:** Certainly, if it were a sensitive source, if the name of the person who has offered information, say, to a law enforcement or intelligence body were made public, obviously that person's life could be at risk. If the information coming from our allies were made public, then obviously there would be a risk that we would not get any more information from that ally.

**Ms. Roxanne James:** So it's really twofold. It's the security of the person themselves but it would also extend to their family, I would think.

**Mr. John Davies:** For sure.

**Ms. Roxanne James:** Then, the second part is obviously the ability to keep those connections to ensure that you have that source of information in the future as well.

**Mr. John Davies:** That's right.

**Ms. Roxanne James:** Thank you.

• (0900)

**The Chair:** Thank you very much.

We will now go to Mr. Garrison.

You have seven minutes, sir.

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

Thank you to the witnesses. We've seen quite a lot of you this season, and I appreciate your being here again.

I want to start, since the parliamentary secretary always starts by making everything all politics all the time, by saying that we have no problem stopping those who are involved in terrorism from travelling abroad. Having agreed in principle, there may be some pieces of this legislation that we think need careful examination.

My first question involves what we're actually fixing here. You said it's simply another option. Clearly the Minister of Citizenship and Immigration already has the ability to revoke passports, so can you say a little bit more about the difference between the situation we have and this, and explain why this is another option? I have a concern that when you have two options, sometimes you have confusion about which should be used, which of these gates you go through.

**Mr. John Davies:** The existing situation is that the Minister of Citizenship and Immigration makes the decision on national security grounds. The change here is that the Minister of Public Safety will be making those decisions. Similar to the Minister of Public Safety's role in the passenger protect program, national security decisions around the Immigration and Refugee Protection Act are now going to be under the Minister of Public Safety.

**Mr. Randall Garrison:** The Minister of Citizenship and Immigration retains the power...?

**Mr. John Davies:** No, the Minister of Public Safety now assumes the power.

**Mr. Randall Garrison:** So this is a transfer.

**Mr. John Davies:** Yes, for national security reasons only. That's contained in the Canadian passport order that was made public a few weeks ago.

That's one issue.

**Mr. Randall Garrison:** So we have two ministers who can revoke passports—

**Mr. John Davies:** Yes.

**Mr. Randall Garrison:** —but only one is on the basis of national security.

**Mr. John Davies:** That's right.

**Mr. Randall Garrison:** That leads me to the question, then, of what definition of “national security” is used in the process of applying for the revocation of passports. Given discussions we had on Bill C-51, what definition is it that's before us for—?

**Mr. John Davies:** The passport order does not spell out in detail the definition of national security. That definition is pretty much the same as it has been since 2003. There are a lot of definitions for national security in various acts—in the CSIS Act, in the security of Canada information sharing act, and so on. Just as is the case for the Investment Canada Act and the Canada Evidence Act, there are a number of other acts that spell out national security as one of the rationales for taking an action, in this case refusing or revoking a passport.

**Ms. Ritu Banerjee (Director, Operational Policy and Review, Department of Public Safety and Emergency Preparedness):** Maybe I could add that the departments and agencies that would be engaged in investigating individuals and putting forward information for either revocation or cancellation would be CSIS and the RCMP. We would be relying on their mandates. In the case of CSIS, they investigate threats to the security of Canada, so that would be one basis, one point of consideration. For the RCMP, it would be meeting a criminal threshold related to a wide swath of terrorism offences that are articulated in the Criminal Code.

That gives you a bit of a sense of what we're looking for in terms of national security.

**Mr. Randall Garrison:** Does either of those have a broader definition of national security than the other?

**Ms. Ritu Banerjee:** The definition of threats to the security of Canada in the CSIS Act goes beyond terrorism, if that's what you're alluding to.

**Mr. Randall Garrison:** I guess the prevention of terrorist travel act is really a bit broader than that. It's the prevention of threats to national security.

**Mr. John Davies:** Again, the act itself is only about disclosure. When you look at it, it's very similar to the passenger protect program, the secure air travel act sections on protecting sensitive information on an appeal or judicial review.

The Canadian passport order goes into more detail, essentially on the machinery changes, the threshold changes, and so on.

The important thing is that as the agencies bring cases forward they do so, as Ms. Banerjee said, under their own mandate but knowing full well that the case's threshold has to be seen and considered by a judge as reasonable and proportional.

**Mr. Randall Garrison:** Would the Canadian passport order have been brought forward as a regulation?

**Mr. John Davies:** Yes.

**Mr. Randall Garrison:** Under what legislation?

**Ms. Ritu Banerjee:** It's an order in council.

**Mr. Randall Garrison:** Orders in council have to be under a piece of legislation.

**Ms. Sophie Beecher (Counsel, Public Safety Canada, Legal Services, Department of Justice):** No, actually, in this case it's an exception in law. The authorities come from a crown prerogative and they are codified in the Canadian passport order. It's important to mention that there are sections in the Canadian passport order that say that these ministers may exercise crown prerogative. Therefore, the codification is in the order but it does not constitute the whole of the prerogative. The prerogative exists independently.

• (0905)

**Mr. Randall Garrison:** Being an exception in law, the Canadian passport order wouldn't appear before Parliament in any form?

**Ms. Sophie Beecher:** No. Crown prerogative is part of the common law.

**Mr. Randall Garrison:** If it occurred as a regulation under a piece of legislation it would be subject to review in Parliament. Is this then not subject to review?

**Ms. Sophie Beecher:** Well, as an order in council, it's under the Governor in Council's prerogative to codify, but the authorities themselves exist in the common law at this time.

**Mr. Randall Garrison:** I understand that, but when we have regulations under a piece of legislation, we have a committee of Parliament that can review those regulations. I'm simply asking if this passport order is subject to any similar process.

**Mr. John Davies:** Not that I'm aware of.

**Mr. Randall Garrison:** That raises a number of concerns but those are not for you to deal with this morning. We'll have to address those in another way.

In terms of the administrative process, which is really the focus of this, do I understand correctly that people will have an administrative process they go through first, which is actually an improvement over where we are in the sense that the only recourse people have under the current regime is to go directly to court? Is that true?

**Mr. John Davies:** Yes. I think we're again talking about cancellation of the passport. You're correct. If they get a notification, they will have 30 days to apply for administrative review and then there's a reconsideration process. There's a back and forth exchange with the individual. They have an opportunity to present new information and so on, and then there's a discussion or a decision on whether to uphold that decision or to give them back their passport.

**Mr. Randall Garrison:** Thank you very much.

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

For the next round we'll go to Mr. Norlock, please, for seven minutes.

**Mr. Rick Norlock (Northumberland—Quinte West, CPC):** Thank you very much.

You say the act is only about disclosure, and disclosure means to the person whose passport is being.... I'm asking these questions as a citizen or one of my constituents may ask me.

I'm going to know that my passport is revoked, and if there's any question around public safety, specifically national security, that there's certain information that may not be disclosed to me. That would be reviewed by a judge who would determine, by meeting a threshold, that it's reasonable and proportional under the circumstances that the passport is being revoked or cancelled at that time.

**Mr. John Davies:** That individual would receive a summary of the information against them for sure.

**Mr. Rick Norlock:** That's correct, but it would be one omitting any information that might endanger the life or the source of information of such a nature as it would begin to cause Canada a problem with her allies and/or disclose a source that would imperil someone's safety.

**Mr. John Davies:** Yes.

**Mr. Rick Norlock:** Thank you very much.

You also mentioned some of the... The question was about the definition of national security. We understand that certain acts have definitions in them, and you alluded to several different acts that mention what national security means. But in its simplest form, could you, for the benefit of my constituents, for someone at home, describe, through the chair, what you would tell them national security really means under these circumstances we're discussing today?

It's nice to use legal terms, but when my constituents ask, I need to be able to explain it to them. It's not that they're less intelligent than we are, but they don't deal with the specificities of the law every day.

**Ms. Ritu Banerjee:** I think it's fair to say that national security is never defined with full elaboration in any of these statutes. It's mentioned, and in many cases it's up to the judge to determine whether something could be injurious to national security. That's a phrase that's commonly seen in law.

Some examples that might constitute national security would be something that's related to terrorism, espionage, counter-proliferation, subversion.... I'm drawing primarily from the way threats to the security of Canada are explained in the CSIS Act.

• (0910)

**Mr. Rick Norlock:** Thank you very much.

It was important, I think, in the statement you just made, that if there is any kind of question as to whether or not it is national security, it would go before a justice to make a determination whether that is indeed correct.

**Ms. Ritu Banerjee:** Ultimately, if it goes to an appeal before the court or a judicial review, it will be the judge who will be balancing all these considerations.

**Mr. Rick Norlock:** For those very concerned about the rights of the person whose passport is being temporarily suspended or cancelled or revoked, there is an appeal process that goes before an independent party, a judge, who makes those determinations. It's not the heavy hand of the state.

**Ms. Ritu Banerjee:** That is correct.

**Mr. Rick Norlock:** Thank you very much.

If somebody were to ask me, and you were sitting at the table with me and we were talking about what reasonable and proportional is, I think we would all have a reasonable understanding of "reasonable". But when we talk about proportional, we're talking about the seriousness of the situation, aren't we, and whether the state is being reasonable under the circumstances?

Could you give me an example that you may be aware of in which proportionality would have to be weighed by a justice?

**Ms. Ritu Banerjee:** I can start, and Sophie can finish.

The proportionality is that you're looking at the action that government is taking, which is the taking of the passport, and weighing it against what injury it might give, what harm to the individual, and then ultimately balancing those against any potential outcome. If the individual is going to engage in a terrorism offence

abroad and you know that taking the passport will prevent harm abroad, that's part of the test that either a judge or the minister would have to consider.

**Ms. Sophie Beecher:** That's exactly right. Proportionality would mostly come into play when a judge is considering the justifiability or whether taking a certain action is justifiable under the charter.

In the context of the bill before us today, a judge would mostly look at whether the decision of the government is reasonable and therefore whether it can objectively be based on certain facts: with the facts before them, was it reasonable in the circumstances to take away the passports?

Reasonableness is the most important test. Proportionality comes into play when you're looking at the objective behind the passport order and the actions being taken by government.

**Mr. Rick Norlock:** Just as a quick last question, we hear in the news about someone, mainly from among younger persons but not necessarily, who may be going over to another country to take part in a jihadist action or something to that effect. Let's say that the passport is going to be temporarily revoked for an individual like that and the individual says, "Really, that's just a rumour; I'm just going over to see my aunt or my uncle, or my cousin is getting married."

If the government oversteps its bounds of reasonableness, that person appeals to a judge and the judge decides. Am I correct there?

**Ms. Ritu Banerjee:** Yes, that is correct.

**Mr. Rick Norlock:** That's a protection to the public to make sure that the wrong people aren't being prohibited.

**Ms. Ritu Banerjee:** That is correct.

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

**The Chair:** Thank you very much.

We will now go to Mr. Easter.

You have seven minutes, sir.

**Hon. Wayne Easter (Malpeque, Lib.):** Thank you, Mr. Chair.

Thank you to the witnesses. Welcome.

The budget implementation act is a strange place for this amendment to be. Even stranger yet is that we're seeing another amendment in it to basically make legal what the Information Commissioner says was illegal, the destruction of documents by the RCMP. But that's not unusual coming from this government.

I would ask you, partly in relation to Randall's question earlier in which you basically responded that this section is not up for review under any piece of legislation, what act would this amendment normally be under, if a future government were to review this particular clause?

• (0915)

**Mr. John Davies:** I'm not sure we can answer that. Maybe it would be a stand-alone act.

**Hon. Wayne Easter:** The second question, then, is I guess to the Department of Justice.

Has this amendment been checked for charter compliance? I know the Department of Justice's record is pretty pitiful on legislation lately being turned back on grounds of charter compliance, but has it been checked?

**Ms. Sophie Beecher:** Just to complete my colleague's answer, because there is no legislation on passports we are creating here a stand-alone act. That was deemed the best solution to put these sections in. We didn't find a better place to fit them under, so they get their own act. This act accompanies the Canadian passport order.

With respect to the constitutionality of these provisions, the Department of Justice is always consulted on the development of legislation. We were closely involved in the development of this piece of legislation, and the Minister of Justice would not be presenting this if it were unconstitutional.

**Hon. Wayne Easter:** I disagree with you on that point. I very much disagree with you on that point. We've seen quite a few that he has presented that have not been charter-compliant.

In any event, in response to previous questions we learned that we now will have two ministers, the Minister of Citizenship and Immigration and the Minister of Public Safety, involved in different areas of ability to cancel or deny people's passports. That's correct, is it?

**Mr. John Davies:** That's correct. In regard to national security decisions, the Minister of Public Safety will be making the decisions on passports.

**Hon. Wayne Easter:** I really think, Mr. Chair, that this is getting into confusion. The government is the government. To have two separate authorities for passports is, I think, wrong-headed.

Let me come back to the appeal process. Can you explain the appeal process to me? We tried to amend the appeal process that is in Bill C-51 for the no-fly list. If the minister doesn't respond to an appeal within 30 days, the name on the no-fly list continues. That to me is not an appeal.

How does it work under this particular piece of legislation? Does the minister have to respond in writing to an individual within the appeal period, or does the cancellation or denial continue?

**Ms. Sophie Beecher:** The process is spelled out in two different places.

The Canadian passport order states that in the context of a passport cancellation the individual can apply for reconsideration. The procedure for that is not spelled out in detail.

However, the Department of Public Safety will have a full process in place based on other requirements for procedural fairness. Therefore in the context of reconsideration, I would say to the same extent as in the secure air travel act, a notice will be sent to the individual, that individual will be invited to present information, that individual will be provided with a summary of the facts justifying the cancellation, and there's an opportunity for an exchange of information. The minister, in making his or her decision on reconsideration, will take into account the information provided by the individual.

That's the process that will be in place and that meets the requirements for procedural fairness. Once a notice of the reconsideration decision has been provided, the individual, if not satisfied with the decision, may appeal that decision to the federal courts.

• (0920)

**Hon. Wayne Easter:** Yes, but would you really believe that is a fair process, if yours were one of the passports cancelled? I've dealt a lot with people on no-fly lists, and it is just an impossible situation to get through. It takes years, and it's because your name happens to match somebody else's. If you're just an individual out there whom, for whatever reason, the minister denies or prevents from gaining your passport, it's a serious issue. There needs to be an obligation on the part of the government to respond to an individual within a certain period of time.

Going to the Federal Court is always an option; I agree with that. However, you have to have a fair slice of money. It's getting to be that justice in this country is only for those who have the money to go that route. There seems to be no obligation on the part of the minister here, in my view, to respond to somebody who's concerned. You can have a discussion, but there should be an obligation for the minister to respond within 30 days.

**The Chair:** Give a brief response if you wish.

**Ms. Sophie Beecher:** The only response I can provide is that the courts have provided us with plenty of decisions on procedural fairness, so the government will be following the guidance provided by the courts on that topic.

**The Chair:** Thank you very much.

Now we go to Madame Doré Lefebvre.

[Translation]

You have five minutes.

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

I would like to thank the witnesses who came here today to discuss various provisions of Bill C-59 relating to public safety.

I have a number of questions about the new powers that have been given to the Minister of Public Safety with respect to the revocation of passports. I don't know if you can answer this question, but I'd like to know who determines whether a case falls within the jurisdiction of the Minister of Public Safety rather than the Minister of Immigration.

Who makes that decision?

**Mr. John Davies:** Thank you.

[English]

The Prime Minister decides.

[Translation]

**Ms. Rosane Doré Lefebvre:** Okay.

There was discussion of what constitutes terrorism or a threat to security. I would like to know whether this definition includes what is in Bill C-51, which covers a threat to the Canadian economy and infrastructures.

Is that part of what is being proposed here?

**Ms. Sophie Beecher:** No, this definition was not explicitly included. We are using a much shorter format in this case. We're simply talking about national security, as in the Immigration and Refugee Protection Act, for example. The expression "national security" will therefore be interpreted based on the facts and context. In this case, we're talking about passports. Therefore, there must be a link with the use of a passport in order to talk about national security.

I think that some parts of the definition of Bill C-51 would not apply to the use of a passport. However, we can't rule out the possibility that the definition influences how we interpret national security in certain contexts. In the context of past legislation, the courts have found the use of the simple expression "national security" to be reasonable. In fact, they acknowledge that this concept is fluid and truly depends on the context.

**Ms. Ritu Banerjee:** It's important to point out that it is the agencies in our portfolio, including CSIS and the RCMP, that will support this process. There should be a direct link with their mandate with respect to national security.

**Ms. Rosane Doré Lefebvre:** That's excellent.

It's really a question that a number of members and a large part of the population are asking: Why are these amendments or proposals in a budget implementation bill?

• (0925)

[English]

**The Chair:** Ms. James, you have a point of order.

**Ms. Roxanne James:** I don't think that's a question that should be directed to the officials who are here to talk about two specific divisions in the BIA.

**The Chair:** The bill has been referred by the finance committee. The reality is that it is here at the expressed will of finance due to the fact that the requirements, of course, of expenditures would be a matter of fact in order to enact the legislation, so I think it's pretty specific under that. Otherwise, it couldn't be referred to this committee.

[Translation]

**Ms. Rosane Doré Lefebvre:** This is one of the suggested questions in the official briefing notes. That's why I asked it. I think it's a question that is important to answer. I am disappointed to see that we will unfortunately not get an answer.

[English]

**The Chair:** Madam Doré Lefebvre, it's not a question of having an answer.

I would allow the witnesses to state whether or not there is any cost to the Government of Canada for implementing any of these measures. If there was no cost at all for implementing anything, then it could not, of course, be referred from finance to this committee. I will allow a brief response on that to assure that there is an accordance of cost involved with implementing anything.

**Mr. John Davies:** There is no cost involved with implementing this.

**The Chair:** Then carry on. You have the floor.

[Translation]

**Ms. Rosane Doré Lefebvre:** Are there any costs related to implementing these measures?

[English]

**Mr. John Davies:** There's a cost with implementing the proposals. The Department of Public Safety will absorb those costs in implementing the proposals. There's no new funding associated with this proposal.

[Translation]

**Ms. Rosane Doré Lefebvre:** If I've understood correctly, it is not tied directly to the budget.

[English]

**Mr. John Davies:** Again, as the chair said, the government made a decision to put the act into the budget....

**The Chair:** To be fair, Madam Doré Lefebvre, I understand where you're going with this, but obviously every department has its costs and if there were costs incurred whether it's Public Safety, whether it's Defence, whether it's Finance, obviously it's referred to that department. That is a reality. Government is not free. Departments do not operate freely, so I think that question is pretty straightforward and clear. But you have the floor.

[Translation]

**Ms. Rosane Doré Lefebvre:** Thank you, Mr. Chair.

Would it be possible to know what the true benefits of these changes are? Why not simply let the Minister of Immigration have the power to revoke passports instead of sharing those powers between the ministers of Immigration and Public Safety?

**Ms. Ritu Banerjee:** The Minister of Public Safety has the mandate and the power for all issues relating to national security. That's why the Minister of Public Safety will manage this program. And the agencies that come under that minister's portfolio, including CSIS, the RCMP and the Canada Border Services Agency, will be able to support him in his duties.

[English]

**The Chair:** Madam Doré Lefebvre, we're well over but the chair has an intervention should you wish to ask a brief question.

You're fine...? Okay, no problem.

Then we'll go to Mr. Payne, please.

**Mr. LaVar Payne (Medicine Hat, CPC):** Thank you, Chair, and thank you to the witnesses for coming today and for your testimony.

I just want to make sure I have this clarified.

In your comments, Mr. Davies, you talked about how once a person has been advised of cancellation, they're given 30 days. It starts from when they actually know. Is that correct?

**Mr. John Davies:** That's right.

**Mr. LaVar Payne:** I just wanted to make sure that people understood that. That's an important piece of information. Then of course it's the same thing in terms of being able to have a reconsideration decision. It's 30 days after they have been notified of that.

**Mr. John Davies:** By reconsideration decision you mean the... Once the person is notified, they have 30 days to apply for reconsideration. There's a reconsideration process. There's no actual timeline on how that will work because there will be a lot of back and forth with the applicant. After the reconsideration decision is upheld, then there will be a 30-day period in which they can apply to the Federal Court for appeal.

**Mr. LaVar Payne:** Perfect. That clarifies it. Thank you very much.

In terms of what happens in the investigation, who's doing the investigations, what information is being gathered? In fact, at such point obviously the minister has to have that information to make a decision to cancel or revoke the passport. Could you fill us in on that process?

• (0930)

**Mr. John Davies:** Typically, the national security agencies—the Canadian Security Intelligence Service or the RCMP—will put forward an individual they believe has met the threshold for cancellation of “reasonable grounds to suspect” that the person is a threat to national security or is suspected of participating in the terrorist acts that are noted in the passport order. They would prepare a rather detailed case brief on the individual who they believe meets the threshold. There would be a discussion at the table with national security experts. That decision would be discussed and referred to the minister or a delegate to make the decision.

**Mr. LaVar Payne:** Some of that information could come from some of our other allied sources—

**Mr. John Davies:** That could be the case.

**Mr. LaVar Payne:** —as well, obviously, as from here in Canada?

**Mr. John Davies:** Yes.

**Mr. LaVar Payne:** Okay, that's important to note.

Could you also comment on provisions of the previous legislation, Bill S-7, the Combating Terrorism Act, as well as the current bill, Bill C-51?

**Mr. John Davies:** It's best to look at the provisions here and the changes in the Canadian passport order and the changes in the budget implementation act as another option. It's in addition to Bill S-7, in addition to Bill C-51, and it gives security agencies another option for considering the best way to manage and mitigate threats.

**Mr. LaVar Payne:** Also, in your opening statement you talked about a period of refusal of passport services that a person might require on an urgent or compelling, compassionate basis. Could you tell us on what basis you believe this will allow them to have a passport to travel for some of those circumstances?

**Mr. John Davies:** There could be a case in which an individual has had their passport revoked, for example, and it's very clear that they need to travel, say, to a family funeral or something like that. There would be a discussion and confirmation that this was the case and about where the individual would be going, but a discussion of whether or not it should be allowed. If it were allowed, then there are various procedural mechanisms that can be used to allow the person to travel on a one-off basis.

**Mr. LaVar Payne:** What would that individual be required to provide to whoever is making the decision?

**Ms. Ritu Banerjee:** They'd have to demonstrate why they're going and provide some indication, some legitimate documentation to show that they're actually going for, let's say, a family funeral and that they actually have people there, some indication of the legitimacy of their needing this urgent travel.

**Mr. LaVar Payne:** If they were issued a temporary passport, is there a term that the passport would be issued for? It would be interesting to understand the whole process in their getting a temporary passport.

**Ms. Amanda Taschereau (Policy Adviser, Department of Public Safety and Emergency Preparedness):** I think that, with discussions between us and Passport Canada, we would be able to come up with a defined timeframe for that person to travel. It would be negotiated with the individual.

**The Chair:** Thank you very much, Mr. Payne. Your time is up now.

Madame Michaud.

[*Translation*]

**Ms. Éline Michaud (Portneuf—Jacques-Cartier, NDP):** Thank you very much.

The government states that this bill is a balance between protecting the safety of Canadians and foreign nationals, on the one hand, and that of individuals who might be accused of terrorism, on the other. However, the bill indicates that the chief justice of the Federal Court should, in certain circumstances, hold a hearing in private in the absence of the applicant or their counsel.

In the event of a mistake, it seems to me that the defendant is not well protected. In fact, no one is there to defend the defendant's rights.

First, could you specify the circumstances in which a judge might decide to hold a hearing in private and exclude the counsel representing the defendant?

**Ms. Sophie Beecher:** Actually, the legislation stipulates that the judge is required to hold a hearing in private. It is not left to the judge's discretion. It's at the government's request.

However, once the judge is aware of the government's position and has determined why the government has asked for such a hearing, the judge may decide whether the information is sensitive and needs to be protected.

A private hearing is held, but it is used to determine what the government wants to propose or is trying to protect. The judge then renders a decision. A series of private hearings are then held to protect the information. In cases like that, a summary of the information is provided to the individual and the individual's counsel. However, the judge may consider that the information is not sensitive and does not necessarily need to be protected, in which case, things proceed in the customary way.

• (0935)

**Ms. Éline Michaud:** If I've understood correctly, if the judge determines that the information is sensitive, counsel for the accused will have access only to the summary and will therefore not have access to all the evidence to properly defend the client.

**Ms. Sophie Beecher:** That's correct.

**Ms. Éloise Michaud:** Does the Prevention of Terrorist Travel Act contain a provision that would allow for the participation of a special advocate who would have access to sensitive information and the evidence? Is that set out in the current bill?

**Ms. Sophie Beecher:** No, the use of a special advocate is not set out in the bill. I believe that special advocates are specific to the Immigration and Refugee Protection Act. This mechanism doesn't appear anywhere else in Canadian legislation. In the absence of this possibility, the court always has the choice of using a friend of the court, who can study the evidence and help the judge, and support the judge in his or her duties.

**Ms. Éloise Michaud:** If I've understood correctly, someone whose passport is revoked for reasons not related to national security may have access to a special advocate or may benefit from the involvement and assistance of someone else. But, someone whose passport is revoked for a reason relating to national security under this legislation would not have the same privileges or the same opportunities, at least.

**Ms. Sophie Beecher:** I think the use of a special advocate is not at all provided with respect to passports. The use of a special advocate is a measure included in the Immigration and Refugee Protection Act for security certificates.

**Ms. Éloise Michaud:** Thank you.

It has also been mentioned that when judges have to make their decision, they will have to take into consideration all the information available, but set aside any information that has been withdrawn by the minister. If I've understood correctly, judges will not necessarily have access to all the information on the case.

**Ms. Sophie Beecher:** Judges will have access to the information on the case—

**Ms. Éloise Michaud:** —that the minister deems relevant to provide to them.

**Ms. Sophie Beecher:** No, judges will have access to the information provided by the individual and the individual's counsel. So, they will have access to all the information before them.

However, the government reserves the right to withdraw information that it deems too sensitive and that needs to be protected at all costs. In such a case, the judge will not be able to base a decision on that information. It's a way of protecting—

**Ms. Éloise Michaud:** The judge will be able to read the information, but will not be able to take it into account.

**Ms. Sophie Beecher:** That's right. The judge will have seen the information, but will not be able to consider it if the government has withdrawn it. This provision is found in other Canadian legislation, including the Canada Evidence Act.

Normally, we would use the Canada Evidence Act. However, we are opting out of the Canada Evidence Act with this legislation, and we are using the specified mechanism.

**Ms. Éloise Michaud:** Is it at the minister's discretion?

[English]

**The Chair:** Thank you very much. Our time is up.

We will now go to Ms. Ablonczy.

You have five minutes, please.

**Hon. Diane Ablonczy (Calgary—Nose Hill, CPC):** Thank you.

My friend Mr. Easter raised my eyebrows yet again. He served as a minister and I served as a minister, yet he says the government is the government is the government, suggesting that every minister knows everything about every other portfolio and that in no department has the minister a particular area of knowledge and expertise that they apply in the course of carrying out their duties.

Can you explain for my colleague, and maybe for me, the differences in knowledge and expertise between the Minister of Public Safety and the Minister of Citizenship and Immigration that would give them different responsibilities under this act?

**Mr. John Davies:** For the Minister of Public Safety, the portfolios of the RCMP, CSIS, and even CBSA are all very relevant to dealing with the issue of high-risk terrorist travellers. It's their information that probably 99% or 100% of the time will back or underpin passport decisions linked to national security, just as it is for decisions related to specifying someone under the passenger protect program or other administrative, law-enforcement, or investigative actions.

I think there's a clear accountability chain there. There's a clear comfort level in dealing with sensitive information, storing that information, discussing that information, and acting on it. In terms of symmetry or coherence in the system, the decision will help a lot.

● (0940)

**Hon. Diane Ablonczy:** I'm interested in the whole concept of a passport, period.

What is the purpose of a passport? Is it a right of every citizen to have a document? What responsibilities does it confer on the government? Does the government have some discretion as to whether to provide those services or protections to a travelling citizen?

**Ms. Sophie Beecher:** The passport is an internationally recognized instrument to verify identity and citizenship of an individual to allow for foreign travel, as you all know. In Canada, we don't guarantee necessarily the right to a passport. We have the right to mobility under section 6 of the charter, which grants Canadian citizens "the right to enter, remain in and leave Canada". The courts have recognized that a passport is a very important instrument in doing those things.

However, there are circumstances where a passport may be denied that are reasonable; the purpose must be valid. In this case, we're talking about national security, which has been recognized as a sufficiently important objective such that a passport may be denied.

**Hon. Diane Ablonczy:** I am a former minister of consular affairs. As part of what the government provides, if a Canadian citizen finds himself in distress while travelling abroad, the Government of Canada provides assistance and some services to a travelling Canadian.

If a Canadian is travelling abroad on a Canadian passport to fight with ISIS or to engage in other terrorist activities, how does this interface with the responsibility of government to bail them out if they get injured or get themselves in trouble?

**Ms. Ritu Banerjee:** I'll start.

It is important to recognize that Canadians do have a right to come back home, so the government would have an obligation to facilitate that return. In many instances an emergency travel document could be issued, in that particular instance, if the individual wants to return home. But after that, further deliberations would be required on what to do with that person's passport as to whether it would be cancelled or revoked.

**Hon. Diane Ablonczy:** Having some discretion about who actually gets to travel as a Canadian on a Canadian passport not only prevents individuals from harming others and our country but also protects the government against really unreasonable obligations to these individuals.

**Mr. John Davies:** Maybe I would add it's also to live up to our international obligations. Canada has signed on to a number of United Nations Security Council resolutions on controlling travel in regard to foreign fighters and terrorist travel, and obviously to other international agreements not to be exporting our extremist travellers.

**The Chair:** Thank you very much.

Ms. Ablonczy, your time is up.

Before we suspend for a change of witnesses, I would just bring to the committee's attention a budget issue on Bill C-637. The chair would like a motion to pass today so that we can cover our witnesses under Bill C-637. I bring that to your attention. The chair will be looking for a motion on that before we adjourn today.

At this point, I would like to thank our witnesses for appearing here today. Certainly, your time was well spent.

We will now suspend for a change of witnesses.

• (0940) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (0945)

**The Chair:** Colleagues, welcome back. We now go to the second half of our meeting.

We have, from the Privy Council Office, Ms. Isabelle Mondou, assistant secretary to the cabinet and counsel to the Clerk of the Privy Council, and Mr. David Vigneault, assistant secretary to the cabinet, responsible for security and intelligence.

Welcome, both of you.

Before we go to opening remarks, just briefly, the chair mentioned that he would appreciate a motion for the budget for Bill C-637. Could I have a motion on the floor?

**Mr. Rick Norlock:** I so move.

(Motion agreed to [See *Minutes of Proceedings*])

• (0950)

**The Chair:** Thank you very much. The chair appreciates that courtesy.

We will now go to opening statements with Mr. Vigneault.

You have the floor, sir.

[*Translation*]

**Mr. David Vigneault (Assistant Secretary to the Cabinet, Security and Intelligence, Privy Council Office):** Thank you very much.

[*English*]

I would like to thank the chair and committee members for the opportunity to speak today about division 10 of part 3 of Bill C-59. This division proposes amendments to the Parliament of Canada Act in order to establish the parliamentary protective service.

[*Translation*]

My name is David Vigneault, and I am the assistant secretary to cabinet for Security and Intelligence in the Privy Council Office. I am appearing today with Isabelle Mondou, who is the counsel to the Clerk of the Privy Council Office.

At the outset, I would like to explain that the Privy Council Office has been closely involved in the drafting of the legislation being studied today, in collaboration with legal counsel from House of Commons and Senate administrations, the RCMP, Public Safety Canada and Justice Canada. Isabelle and I are here today to speak to this bill.

I would like to highlight, however, that the Privy Council Office is not directly involved in transition planning or operational decision making to establish the Parliamentary Protective Service. This work will be led by the incoming director of the Parliamentary Protective Service and the RCMP, in close cooperation with representatives from the Senate Protective Service and the House of Commons Protective Service, under the auspices of the Speaker of the House of Commons and the Speaker of the Senate. We are aware that transition planning is already under way, and that joint working groups have been established.

Our presentation relates to the bill, which is why we have been invited here today.

[*English*]

In terms of background, I would like to highlight that this legislation was drafted in response to the express will of Parliament. Following the terrorist attack on Parliament Hill on the 22nd of October 2014, the House of Commons and the Senate passed motions to invite the RCMP without delay to lead operational security throughout the parliamentary precinct and the grounds of Parliament Hill, while respecting the privileges, immunities, and power of the respective Houses, and ensuring the continued employment of existing and respected parliamentary security staff.

In April the economic action plan 2015 also highlighted the need for an integrated security force to ensure a seamless response to threats and stated that the government would bring forward legislative amendments to implement this integrated security force. Notably, the direction to integrate security forces is consistent with recommendations made by the Auditor General in June 2012 that the House of Commons and Senate administrations should examine “the possibility of moving toward a unified security force for the Parliamentary Precinct.” The Auditor General’s report noted that unifying the security forces for Parliament Hill under a single point of command would make it possible to respond to situations more efficiently and effectively.

[Translation]

I will now turn things over to my colleague, Isabelle.

[English]

**Ms. Isabelle Mondou (Assistant Secretary to the Cabinet and Counsel to the Clerk of the Privy Council, Privy Council Office):** The work to draft this legislation was guided by the motions passed by the House of Commons and the Senate, which clearly identified three key requirements for an integrated security force: first, that the RCMP lead operational security; second, that the privileges, immunities, and powers of the Houses be respected; and third, that the continued employment of existing and respected parliamentary security staff be ensured.

In terms of the first requirement, division 10 of part 3 proposes to amend the Parliament of Canada Act to create a statutory entity called the parliamentary protective service, which would be responsible for all matters relating to physical security throughout the parliamentary precinct and the grounds of Parliament Hill.

The bill states that the Speaker of the House of Commons and the Speaker of the Senate “shall enter into an arrangement” with the Minister of Public Safety and Emergency Preparedness to have the RCMP “provide physical security services throughout the parliamentary precinct and Parliament Hill”, according to terms specified through this arrangement.

Under the joint general policy direction of the Speakers, a director of the parliamentary protective service will lead integrated security operations. This director would have the control and management of the service, would be a serving RCMP member, and would be selected through a process outlined in the arrangement. The director of the parliamentary protective service will lead RCMP members as well as current Senate protective services and House of Commons protective services members. The director will also be accountable to the Speaker for the management and performance of the parliamentary protective service.

The director will be accountable to the RCMP commissioner through the RCMP chain of command for ensuring that the RCMP meets its responsibilities according to the terms of service included in the arrangement, which is currently being negotiated by the Speakers and the Minister of Public Safety and Emergency Preparedness. All RCMP members who serve in the public protection services, including the director, will continue to be employed by the RCMP.

The second requirement set out in the motion was that privileges, immunities, and powers of the respective Houses be respected. This legislation has been drafted so as to avoid limiting the powers, privileges, rights, and immunities of the Senate, the House of Commons, and their members, and to ensure that the bill does not conflict with the RCMP Act.

According to the bill, the Speaker of the House of Commons and the Speaker of the Senate will be responsible for the parliamentary protective service, given their role as the custodians of the powers, privileges, rights, and immunities of their respective Houses and of the members of those Houses. It is through their roles as the custodians of parliamentary privilege, and as an exercise of those privileges, that the Speakers will enter into an arrangement to have the RCMP provide physical security services.

The RCMP and the House of Commons and Senate administrations are working collaboratively on transition planning right now, and while I can’t speak to these details, I can say that upholding the rights of access and privilege traditionally enjoyed by parliamentarians will be a core objective of this work.

• (0955)

[Translation]

Lastly, the motion made a commitment to ensure the continued employment of the existing parliamentary security staff. As you will have seen, much of the bill is devoted to ensuring that these staff members will have employment stability and continuity. All staff currently employed within the Senate Protective Service and the House of Commons Protective Service will become employees of the Parliamentary Protective Service on the day on which these provisions come into force. The terms and conditions of their employment would not be changed by this legislation, all existing collective agreements would remain in force according to their own terms, and the Public Service Labour Relations and Employment Board will have jurisdiction to address concerns going forward.

Some committee members may question why a decision was taken to draft legislation in order to create the Parliamentary Protective Service. I would like to note that the parties saw two advantages to this course of action.

Firstly, creating the Parliamentary Protective Service in statute ensures that there would be one employer for all existing House of Commons and Senate security staff, which would facilitate the integration and operations of this new security service.

Secondly, establishing the Parliamentary Protective Service through legislation allows for the creation of a new, independent appropriations vote to fund it. The provision of a dedicated source of funding would help to ensure that the PPS maintains its institutional independence as an office of Parliament.

Before the start of each fiscal year, the Speaker of the House of Commons and the Speaker of the Senate would instruct the director to prepare an estimate of the sums that would be required by the Parliamentary Protective Service for the coming year. The Speakers would provide these estimates to the President of the Treasury Board, who would table them in the House of Commons with the estimates of the government for the fiscal year.

[English]

In conclusion, while there are other steps to be taken before fully integrated security operations in the parliamentary precinct and the grounds of Parliament Hill are realized, this bill represents a necessary and significant step towards this goal.

Thank you for the opportunity to make these opening remarks. David and I will be pleased to answer your questions and to listen to your comments regarding the bill.

**The Chair:** Thank you very much for your comments.

We will now go to our first round of questioning for seven minutes with Mr. Falk, please.

**Mr. Ted Falk (Provencher, CPC):** Thank you, Mr. Chairman.

Thank you to both of our witnesses for coming to committee today and presenting, and for the good work you do in keeping all of us safe on the Hill.

I want to start by talking a bit about the events of October 22 of last year. First of all, I want to start by thanking all of our law enforcement agencies that were participating on the Hill during that day and making sure that the members of both Houses were safe and that our staff were as well.

Coming out of that event, there's been an analysis of that day. There were multiple law enforcement agencies involved. Can you talk a bit about the different roles that each one of those agencies had, and some of the responsibilities, and also maybe about some of the things that this act will do to streamline some of their activities?

• (1000)

**Mr. David Vigneault:** Thank you very much for your question.

As you said, the events of October 22 were definitely tragic. We also saw on that day the dedication and the professionalism of the law enforcement and security personnel throughout the different phases of the operation during the day.

First, as you now know, it's a layered approach to this security at the moment, and this bill speaks to the need to make changes to that current approach. When the event started at the War Memorial, the police of jurisdiction were the Ottawa Police Service. The OPS responded when the first incident took place, when unfortunately Canadian Forces member Cirillo was shot. When Zehaf-Bibeau transitioned to the grounds of Parliament Hill, it became the responsibility of the RCMP to tackle the threat at that point.

That layering starts with the OPS, the Ottawa Police Service, outside the grounds. When the individual arrives on the grounds of Parliament Hill, it becomes the responsibility of the RCMP. When the individual enters Parliament, the building itself, the Centre Block, then there is joint jurisdiction. Mostly, the individual stayed within the confines of the House of Commons, so the House of Commons protective service was in charge of the event up until the time Zehaf-Bibeau was shot and killed by the different security services who were there during that day.

I think what the events of that day speak to is that there is a need for better coordination of these services. As you know, of course, when you have a very determined individual—with in this case a rifle and a knife—who is determined to do something and is

determined that the objective he wants to accomplish will likely end up with him being killed and he's fine with that, it's very difficult to prevent someone like that from carrying out his mission. From that perspective, having an integrated service the way that this bill envisages will allow for better coordination from the grounds of Parliament and inside both chambers in the Senate and in the House of Commons.

In any situation where you have what would be a terrorist incident or a shooting of any other nature, there will be what we call the “fog of war”. There will be confusion and so on, but the more there is coordination between the different entities—and in this case there would be one entity protecting the chambers and all of the members and senators—the more we can reduce the risk that confusion will lead to a tragic outcome.

This bill, by creating this unified security service, is definitely a step in the right direction, meeting the express will of the Senate and the House through the motions and also responding to the detailed report of the Auditor General in 2012.

**Mr. Ted Falk:** Thank you.

On October 22 there were actually two separate security forces inside the House at that time, one for the Senate side and one for the House side. That was a change that was made almost immediately, that those two forces begin communicating and actually have one central command. The proposed act now would see the entire parliamentary precinct area included in one central command. That includes how big an area?

**Ms. Isabelle Mondou:** The bill defines what area will be covered. It is essentially all the parliamentary precinct and the grounds as well. You won't have the distinction that you have now.

The bill also allows the Speaker to designate in writing any another area. If for some reason, for construction or another reason, the House or the Senate needs to move to another building, this building could be designated as subject to parliamentary privilege and to protective services. You now have a very clear definition in the bill that designates both the grounds and the parliamentary precinct.

**Mr. Ted Falk:** And the Speaker of the House will have jurisdiction over that police protection.

• (1005)

**Ms. Isabelle Mondou:** That's correct. Both speakers have the overall control of the new service that's being created. They are the ones who will be responsible to enter into an arrangement with the RCMP and define the modality of this arrangement with the Minister of Public Safety and Emergency Preparedness and the RCMP.

**Mr. Ted Falk:** Had we had that arrangement on October 22—you've obviously analyzed that day—how would things have been different?

**Mr. David Vigneault:** First, it's a difficult question to go in retrospect and speculate in terms of what would have happened.

Second, as you've seen in media reports, a number of reviews are being finalized as we speak. The Ontario police service is doing two reviews and the RCMP has done internal reviews. The result of these operational reviews will definitely lead to changes, will inform how the new director of the parliamentary protective service, with his colleagues, will carry out the security, taking into account new threats, taking into account the environment that we're in now.

It would be very difficult for me to speculate on what would have been different, but I can say with a level of certainty that the more you unify the chain of command for operations, the more you reduce the potential for confusion. I think this definitely is a step in the right direction.

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

Mr. Garrison, you have seven minutes, sir.

**Mr. Randall Garrison:** Thank you very much, Mr. Chair.

Of course, on this side we share the sentiments about the excellent job that parliamentary security services did on October 22 in keeping all of us safe and then disposing of the threat.

I have some concerns, and we've expressed these in the House, that this is a very unusual way of proceeding. It's not just that this is in a budget implementation act, but the government used its majority to make some proposals for fundamental changes in the way Parliament operates. Normally we would not do such things as amend the Standing Orders using a government majority. We're in a difficult situation here, from my point of view, in terms of the privileges of members of Parliament.

I guess the first thing that struck me this morning was the fact that the Privy Council Office is appearing before our parliamentary committee. Can you tell me if to your knowledge this has ever happened before?

**Ms. Isabelle Mondou:** It's actually quite common. I'm appearing again with Minister Poilievre on an electoral bill this week. We do in this case support Minister Duncan, who, as you know, was the sponsor of the motion that was adopted by both the Senate and the House of Commons. We're here to assist him.

**Mr. Randall Garrison:** But you would not normally appear without a minister.

**Ms. Isabelle Mondou:** No, I'm not sure about that, either.

**Mr. David Vigneault:** If I may, my direct boss, the national security adviser to the Prime Minister, also appears on his own without the minister, in this case the Prime Minister. I'm not sure if it's more or less common in other departments, but it happens from time to time.

**Mr. Randall Garrison:** Thanks very much.

I want to go to something that you just said a minute ago, which is that the reports about what happened on October 22 "will" inform changes to come. This is an awkward question without a minister here, or without the government taking responsibility, but how can we be proposing to proceed with legislation, making a major change with the way we respond, in the absence of those reports? We don't have those reports yet.

**Mr. David Vigneault:** I understand your initial comments, but really this bill is in response to the will expressed by both chambers

in the motions. I take your point from your initial comments, but the government responded to the motions in preparing this bill.

The House of Commons and the Senate have agreed to the recommendations of the 2012 Auditor General's report, which talked about reviewing the appropriateness of creating a unified protective service.

These were the two main drivers that I'm aware of that led to this bill in front of you today.

**Mr. Randall Garrison:** But of course the Auditor General's report says nothing about giving control of that unified service to an outside party or to a party that reports to government.

We have been very strong in saying that we accept the recommendation of the Auditor General that things can be done more efficiently through unifying the protective forces within the parliamentary precincts, but the government has gone a step further than what is actually in that report.

When you talk about accountability, who is this new force accountable to?

We say this is streamlining things and making things more straightforward, but in fact what we're saying is that this new authority reports to two Speakers, the RCMP commissioner, a unified chain of command, and ultimately the minister. It doesn't seem to me that we are in fact clarifying who this force would be responsible to. You talked about a unified chain of command, so in the case of operations, who would this new force report to?

• (1010)

**Ms. Isabelle Mondou:** The way the bill is designed, it has two clear roles, one for the director and one for the Speakers.

The Speakers are responsible for the overall services in terms of, for example, the main estimates. They are also responsible for preserving privileges, and finally they have the power to issue policy direction to the services.

The director himself has full responsibility and actually statutory authority to manage the day-to-day operations of the service. He will be in charge not only of the RCMP officials who will be assigned to this task but also of employees who were formerly with the protective services of the Senate and the House of Commons. He will sit over all of them and he will be fully responsible, as per the bill, for all the day-to-day management of the services.

**Mr. Randall Garrison:** But you say that this will be an RCMP officer and that he will be part of a unified chain of command, so is that really true or does he respond to the RCMP commissioner for operations?

**Ms. Isabelle Mondou:** The link to the RCMP commissioner is that the agreement that the Speakers are going to enter into asking the force to provide that service will be with the RCMP. This director will be accountable in the sense that he will have to make sure the agreement is properly implemented as it was intended to be by the parties.

If you want, I can use the analogy of how the RCMP provides services to the provinces. They enter into an agreement with a province and although the RCMP commissioner is the one entering into the agreement, there is a contractual relationship in which the RCMP serves under this agreement.

**Mr. Randall Garrison:** The provinces have no role in operations of the RCMP in their provinces.

**Ms. Isabelle Mondou:** No, but they are the ones who sign the agreement, so the analogy here is that the Speakers will co-sign the agreement as will the Minister of Public Safety.

**Mr. Randall Garrison:** It is the actual operations that I, as a member of Parliament, am concerned about.

We've already had numerous incidents here in which, for instance, the RCMP failed to understand the necessity for members of Parliament to get to votes in the House of Commons and in which the Speaker found the prima facie case of a violation of privilege. Unfortunately the Conservatives voted not to investigate that.

Certainly these new proposals you're making here lead to some important questions, if the Speakers have no role with regard to operations and ensuring that the RCMP adheres to practices regarding privileges necessary to members of Parliament.

**Ms. Isabelle Mondou:** The bill addresses these concerns in two ways.

First the Speakers, as custodians of the parliamentary privilege, are in charge of the service. They also have the power to issue broad policy direction. In addition to all of that, there is another provision that says nothing in this bill affects the privileges of the House and the Senate. Essentially this means that every recourse that exists now, including bringing matters onto the floor of either the Senate or the House, will be preserved and will exist.

The other item that I think is important is that this new person who will be charge of the services will be selected in collaboration and in consultation with both Speakers. So the Speakers will select this person with the RCMP through a transparent and consultative process.

**The Chair:** Thank you very much.

We'll now go to Ms. Ablonczy, please.

**Hon. Diane Ablonczy:** Thank you.

First of all, I disagree with my friend Mr. Garrison when he suggests there's something evil about government using its majority to do government business. That's what governments do. I assume, if his party becomes government, they'll use their majority to get an agenda too.

I do agree with Mr. Garrison's concern about accountability. You're saying in your remarks that there are two bosses for this new security force. They're accountable to the Speakers and they're accountable to the RCMP commissioner. Now, it has been my experience, in my rather long life, that having two bosses is not a lot of fun.

I guess what I'm really asking you is this. What would this accountability look like to these two different bosses? You kind of

addressed that with Mr. Garrison, but I really want to understand how this will work, and if it is workable.

• (1015)

**Ms. Isabelle Mondou:** It's a good question. Essentially the accountability is shared because there are different purposes for each of the roles and responsibilities. In the case of the Speakers, they are the ones who are in charge of the services and they are the ones who will enter into the agreement. They're the ones who will negotiate with the RCMP the terms of the RCMP coming onto Parliament Hill. They're in control of that. They're the ones who will decide what the modalities are.

In terms of their specific role to preserve parliamentary privilege, they also need the ability—the bill was developed in consultation with both Speakers—to be able to issue policy directions on issues that are very core to the functioning of the House, whether it's access by members or whether it's the proceedings of the debate in the House, per se. They will have this ability to issue essentially broad policy direction to the director and to the service to basically lay out how they would like parliamentary privilege to operate. That's one important role.

The other role in this other accountability is that the director is a member of the force, so he comes with all the power and all the expertise of somebody from the force. He's also there to implement an agreement that has been signed by the Minister of Public Safety. The Minister of Public Safety, as you know, has no direct control over how the RCMP is managed. It's an independent organization, but the minister will sign the agreement with the Speakers to agree on all the terms and conditions of that agreement.

Once that is done, the role of the person in the protective service will be quite autonomous, because he has all the power he needs in the statute to exercise his function, plus the power that he brings with him as an RCMP official. He will be able to manage the day-to-day operations. Really, his reporting relationship with the commissioner will be to make sure that he is implementing the agreement the parties have decided to sign and in conformity with the intent of the parties.

**Hon. Diane Ablonczy:** Just so I'm clear on the concept, who has the ultimate authority?

**Ms. Isabelle Mondou:** The ultimate authority...?

**Hon. Diane Ablonczy:** Yes.

**Ms. Isabelle Mondou:** It's the Speakers who are in charge of the services.

**Hon. Diane Ablonczy:** Okay. That's good to know.

When you helped design this legislation—I appreciate that we have smart people helping the government do this, and I commend you for it—did you look at any other jurisdictions and look at their best practices? Can you tell us about that, if you did?

**Mr. David Vigneault:** We have looked at some other jurisdictions, obviously mostly with the Westminster parliament model, Australia and the U.K. We found that even though there were interesting elements to consider, it was really important to have a made-in-Canada solution, with the very specific nature of the environment here, the very specific nature of our institutions, and the way they have evolved.

We know, for example, that Australia has gone through major changes within the last 12 months given the threat environment in Australia. They have adopted a different model. In the U.K., the home of the Westminster model, we know they're also going through some changes because the current environment is such that you need to have an operational response that will allow for a much more seamless operation.

Even though with our colleagues we've looked at these models, we've also very much looked at building on the very professional protective services in the House, the Senate, the RCMP, in their giving some advice in terms of how the legislation should be constructed.

**Hon. Diane Ablonczy:** I guess the question I have is what are the mechanisms in place for massaging this arrangement? What you're telling me is that we have a made-in-Canada arrangement that is perfectly acceptable and understandable, and we know that threats are an evolving thing.

Is the committee that's being formed to oversee this transition going to continue to operate? How are there going to be reality checks and ongoing responses to emerging threats?

• (1020)

**Mr. David Vigneault:** One of the interesting challenges for our colleagues in the Senate, the House, and when the new director of the parliamentary protective service will be nominated, will be to determine how best to organize themselves in order to tackle those challenges.

To answer your question about whether the committee will continue, I think it will be up to them to determine what is the best way to keep current in terms of the evolving threats. I would say that having someone from the RCMP in charge of the protective service under the direction of the Speakers would allow this individual to have very good reach back into the rest of the Government of Canada to have information about threats and about the evolutions of different vectors of those threats.

From that perspective, I cannot speculate specifically in terms of how they would organize themselves, but I would assume they will have a construct that will allow them to take the best information available in a timely way in order to make changes and adapt their posture.

**Hon. Diane Ablonczy:** It hasn't been fully decided, but it is on the radar screen.

**Mr. David Vigneault:** It is definitely on the radar screen.

**The Chair:** Thank you very much, Ms. Ablonczy.

Now, Mr. Easter.

**Hon. Wayne Easter:** Thank you, Mr. Chair. Thank you for coming from the Privy Council Office.

I do want to correct one thing that is in your remarks. You suggest you're here today to speak to this bill. This is not a bill. It's part of the budget implementation act, which is...I don't know where it comes from, whether it's always the Privy Council Office, or where. The fact that this important piece of legislation is hidden in a budget bill is, in my view, an affront to Parliament itself. Seeing as you're from

the Privy Council Office, we've seen this happen too much under this government.

We also see in this budget implementation act a section that will—

**The Chair:** Ms. James.

**Ms. Roxanne James:** I'm wondering whether the question is going to be directed to this part of the BIA that has been referred to this committee or if the question is going to be directed at process. The two witnesses are here to speak directly to this section of the BIA that has been referred to us by the finance committee. I hope that's the question that's going to come out of this.

**The Chair:** Mr. Easter, I think you understand the relativity of the member's concern.

**Hon. Wayne Easter:** Absolutely.

**The Chair:** I would certainly ask you to bring your question around to the issue of the content of the bill.

**Hon. Wayne Easter:** Absolutely, Mr. Chair.

I would hope that the Privy Council Office understands the relativity of ensuring legislation that relates to many different issues is separate legislation, so appropriate committees can deal with it. That's why I make the point.

What will be the responsibility now under this new piece of legislation of the Sergeant-at-Arms?

**Ms. Isabelle Mondou:** The bill does not touch specifically on the Sergeant-at-Arms. That will be a matter for the Speakers of the House and the Senate to determine.

**Hon. Wayne Easter:** Okay, so we don't know what's happening, then, with the Sergeant-at-Arms.

I guess one of the difficulties—this comes back to something that was asked earlier as well—is that as a committee we have been asked to deal with a new structure in terms of a parliamentary protective service without having the benefit of any report at all in terms of the investigation of what happened on the Hill. In one sense I hate to say this, but if what I'm seeing in the media is correct, we may be putting in charge the very service that was more at fault than any other in terms of the incident happening, and that's the RCMP itself.

In Britain, they have the Intelligence and Security Committee of Parliament, which we tried to implement in Bill C-51. I have here their report on the incident of a soldier who had been shot in Britain. The report was begun before the court case even started with the individual. This is what they get in Britain. This government denied us that same kind of oversight in terms of Bill C-51, which might have been helpful.

But my point is that as parliamentarians we're being asked to look at a new parliamentary protective service when we haven't even been informed by a report of what went wrong in the incident on the Hill. I can tell you this in terms of the RCMP. There's a growing suspicion—a growing suspicion—that there's political influence in the operations of the RCMP, especially with the destruction of documents, according to the Information Commissioner.

•(1025)

**Ms. Roxanne James:** I have a point of order.

**The Chair:** A point of order, Ms. James....

**Ms. Roxanne James:** He's going on with speculation and all sorts of things. I wish the member would direct his question back to the reason we're here, which is to ask questions specifically to the Hill security and on what has been referred to us from the finance committee. His personal opinions on this and his reflections are not very helpful to actually studying this portion of the BIA, which is really the purpose of why we're here today.

**Hon. Wayne Easter:** Mr. Chair...?

**The Chair:** Mr. Easter, I will sustain that objection because, quite frankly, for the first time that is fine, but we're suggesting now.... You can have your thoughts and your perceptions on this, but we're asking the witnesses for their information and their testimony with regard to the bill. I would ask that you refer to that in your questions. Should you be able to do that, the chair would certainly be in accordance with the direction you're heading.

**Hon. Wayne Easter:** I can do that, Mr. Chair, but the fact of the matter is that this bill in the budget implementation bill is asking the RCMP to basically take over protective services. We have not had the benefit of a report to look at as a committee, so we're not operating on very good information. We do know, as the parliamentary secretary knows, that the Information Commissioner has now asked the Attorney General of Canada to file charges against the RCMP for the destruction of documents, and where did

**Ms. Roxanne James:** Mr. Chair, I have a point of order.

**Hon. Wayne Easter:** —that order come from?

**The Chair:** No, we have a point of order.

**Hon. Wayne Easter:** Did it come from the Prime Minister's Office or where?

**Ms. Roxanne James:** Point of order....

**Hon. Wayne Easter:** We need to know that.

**The Chair:** We have a point of order.

Mr. Easter, with all respect, you're making allegations before this committee on, quite frankly, as you've suggested, information that has not come to this committee. Now, if this committee has requested to hear from witnesses like that and they're going to bring forward their testimony, that is fine. But for you to make a statement offhand like this....

Let us get back now to the point of questioning our witnesses who are here. The chair would certainly appreciate your cooperation.

**Hon. Wayne Easter:** You'll get my cooperation, Mr. Chairman, but my point is that increasingly there's concern, by me certainly, and by many in the public, about what happened in terms of the incident on the Hill and about whether or not there is political influence over what is now going to be the parliamentary protective service. As parliamentarians, what we've always had with the current service—

**Hon. Diane Ablonczy:** Point of order....

**The Chair:** We have a point of order from Ms. Ablonczy.

**Hon. Diane Ablonczy:** Mr. Chair, I appreciate my friend's desire to have a partisan rant—

**Hon. Wayne Easter:** It's not a partisan rant.

**Hon. Diane Ablonczy:** —because those are always fun, but we're here to hear from expert witnesses on a particular part of the budget implementation bill. I don't know what question Mr. Easter might have in mind, but surely conspiracy theories are not something that they can reasonably respond to, so I really think we need to focus a little better on hearing from these witnesses and getting our work done.

**Hon. Wayne Easter:** My question, Mr. Chair—

**The Chair:** Mr. Easter, the chair has been most considerate, but the chair would ask you to direct your questions to the witnesses with regard to the budget bill; otherwise, you'll be denied the opportunity to ask further questions.

**Hon. Wayne Easter:** That is where I'm getting to, Mr. Chair. My concern as a parliamentarian—and I have been an MP for 21 years—is that the parliamentary protective service not be influenced from someone beyond Parliament, either in the Prime Minister's Office, in the commissioner of the RCMP's office, or somewhere else. We need that independence.

**The Chair:** You've lost the floor, Mr. Easter.

We will now go to Madame Michaud, please.

[*Translation*]

**Ms. Éline Michaud:** Thank you very much, Mr. Chair.

I would like to thank the witnesses for being here today.

I would like to quickly go back to a point that my colleague raised about the problems that some of my colleagues have already experienced with regard to access to Parliament Hill. The Speaker of the House of Commons acknowledged that there had been a breach of parliamentary privilege. A motion was put forward in the House, but it was defeated. So we can't study the issue.

Since the Speaker of the House of Commons cannot act unless there is a vote in the House, I'm wondering if a mechanism in the provision of this part of the bill can resolve this problem. In fact, in the context of a majority government, my privileges won't necessarily be protected if the government decides not to push the matter any further.

Does anything in these provisions protect me, as a member of the opposition?

•(1030)

**Ms. Isabelle Mondou:** The bill makes in no way changes the internal parliamentary rules. It protects these rules by very clearly indicating that the bill does not change the privileges. Furthermore, it does not change the rules of internal economy of the House of Commons or the Senate.

**Ms. Éloise Michaud:** So I, too, will be required to raise the fact that there may be a problem of political influence within this process. It's not entirely neutral. Actually, we need to have a vote in the House of Commons. As a parliamentarian, I see a huge problem with this.

That said, I will move on to another point because I have several questions.

In your presentation, you spoke about a directive or at least about some advice from the Auditor General from June 2012. He recommended that the security services within the Parliamentary Precinct be unified. In this case, as well, it was not a matter of entrusting all this responsibility to an external entity.

Does this decision stem from political will, from an instruction that the government gave when the bill was drafted, or is it a choice made based on consultations carried out when it was being drafted?

**Mr. David Vigneault:** Thank you.

The bill stems directly from the adoption of motions by both chambers. As you know — and your colleague mentioned it earlier — the House of Commons and the Senate motions speak very clearly of asking the Royal Canadian Mounted Police to take on this responsibility without delay. It really does stem directly from the motions.

**Ms. Éloise Michaud:** It stems directly from the votes adopted in the House by the government, which has a majority. In other words, it is not the will of Parliament, let's be very clear. It's the will of the government. Since there is no probing data behind this decision, I'll conclude that it's a political choice. Thank you.

Can you tell us whether, in terms of bilingualism, additional obligations will be imposed on Royal Canadian Mounted Police officers who work on the Hill?

Some of my colleagues have already had difficulty getting served in French by certain officers who are on Parliament Hill.

Do the provisions presented here include a specific obligation in that respect?

**Ms. Isabelle Mondou:** The rules on bilingualism, whether for individuals already part of the protection and security services of the House, the Senate or the RCMP, remain exactly the same. The bill does not change them.

**Ms. Éloise Michaud:** That's unfortunate. I personally have never had a problem with any officers of the House of Commons or the Senate. But the services provided by the RCMP outside the Hill or even inside are not the same when it comes to bilingualism. I find it a little unfortunate that no changes are being made in that regard.

**Ms. Isabelle Mondou:** I would like to add that the RCMP is subject to the Official Languages Act.

**Ms. Éloise Michaud:** In this case, revisions may be necessary because these obligations aren't currently being observed, unfortunately.

Could you tell me what specific training will be given to RCMP officers regarding parliamentary privileges? There still seem to be gaps in that respect. Could you give us some details on that?

**Mr. David Vigneault:** As we mentioned, given that the Speakers of both chambers will be responsible for the service, the director of the Parliamentary Protective Service will report hierarchically to the two Speakers, who will be responsible for determining how they want the privileges to be exercised.

Having said that, as my colleague mentioned previously, the selection process for the director of the Parliamentary Protective Service will be carried out in close cooperation with the Speakers.

**Ms. Éloise Michaud:** So we don't know if it will have to go to a vote.

My time is up, but the discussion was interesting.

• (1035)

[English]

**The Chair:** Okay, Madame Michaud. Thank you very much. We're over time.

We'll go to Mr. Payne, please.

**Mr. LaVar Payne:** Thank you, Chair.

Thanks to the witnesses for coming.

I guess I want to start off by saying that I believe our government has full confidence in the RCMP, its front-line members, and its leadership to enforce the laws of Canada and certainly to make sure that Canadians are safe.

I also want to acknowledge my colleague across the way, Mr. Easter, for saying, "Yes, this is a bill" in his comments.

I know that there are a number of organizations, particularly here even in Ottawa, that have made changes since the October 22 incident here on Parliament Hill. In particular, the Ottawa Hospital has revised some of their standards and securities for plans for employees, patients, and visitors on their campuses. Certainly those changes I believe are necessary.

I'm wondering if you have any comments that you want to make in regard to those kinds of things that have happened around Ottawa.

**Mr. David Vigneault:** Thank you for your question. I echo your comments about the professionalism of the RCMP. Any operational organization involved in operations will be well served after any such incident, any operation that requires a very high level of implication for many people, to do post-action reviews. What we have started to see now in the public domain are some references to a number of organizations. You mentioned the Ottawa Hospital. There are a number of government departments in Ottawa. The Ottawa Police Service and the RCMP have engaged in a number of post-action reviews. In my experience, this is the only way you can really learn from what has happened to improve, build your procedures, and build your decision-making processes and exercises. These are the only mechanisms you have at your disposal to really be better prepared for another incident.

If there is one thing that history teaches us, it's that the next time around it will be something different. I hope this doesn't happen any time soon, but the next time something happens, it will be a different type of incident, a different type of attack. The advantage of having a unified approach is to build on the deep expertise of the House of Commons protective services, the Senate protective services, and the RCMP and to bring their expertise together into a unified organization that will hopefully deliver better and more effective security on the Hill.

To conclude, most organizations that I'm aware of have embarked on some kind of post-action report in order to, as you mentioned, learn and improve on their performance.

**Mr. LaVar Payne:** In your comments earlier you talked about looking at Westminster, Australia, and so on. I'm just wondering, as part of your process did you look at any provincial legislatures, and do they have silos? I'm just wondering if that had any impact on this process that you're working on.

**Mr. David Vigneault:** We have looked at some provincial jurisdictions and it varies in terms of their approach. If you take for example the Province of Quebec or the Province of Ontario where they have provincial police services, or if you look at other provinces who have the RCMP under contract providing those services, they have very different processes. What we know is that a number of these organizations have inquired about the details of what has happened in Ottawa and are looking now at determining if they have any changes they need to make in their own legislatures.

**Mr. LaVar Payne:** In your comments, you also talked about all of the current members of the protective services at the House of Commons and the Senate continuing on in their role. You said something about collective agreements. I'm wondering if you could kind of review that process for me and tell me what that really means.

**Ms. Isabelle Mondou:** One important factor in the motion was to ensure that these members will be protected and that their job will be as secure in the new model. The bill does that in various ways.

For example, it's ensured that all the employees from the Senate protective services and the the House of Commons protective services will be brought under the new service but with all the same positions. Everybody will be moved but remain in their position.

In addition, all the collective agreements will be maintained. All of the recourse mechanisms that these employees have are maintained. Basically their terms and conditions of employment remain the same except that they will now be housed in one single office.

• (1040)

**The Chair:** Thank you very much.

Madame Doré Lefebvre.

[*Translation*]

**Ms. Rosane Doré Lefebvre:** Thank you very much, Mr. Chair.

I would like to thank Ms. Mondou and Mr. Vigneault for being with us to provide some clarification on what will happen to operational security on Parliament Hill.

I know that this has been a sensitive topic in recent weeks and recent months. I appreciate that you are trying to provide some clarification on the matter.

I would like to continue discussing what will happen to current security employees of the House of Commons and the Senate. The last question that Mr. Payne asked concerning the collective agreements and current security employees of the House of Commons and Senate was very interesting.

When there was the debate in the House of Commons, I remember that the constables were relatively concerned about what was going to happen to their positions.

It was also mentioned that a lot of current security employees of the House of Commons and the Senate will retire or are thinking of retiring in the next few years. What will happen to those positions? Will new people be hired to fill their positions? Will we rely on the RCMP to fill them? Will the special force of security officers in Parliament be quietly and completely replaced by the RCMP? What's going to happen in the future?

**Ms. Isabelle Mondou:** First of all, I would like to say that it's an absolutely legitimate concern. You probably noticed when reviewing the bill that transitional provisions make up about two-thirds of the bill, and their sole purpose is to ensure that all the existing rights of these employees are protected. That answers the first part of your question.

For the future, obviously, we need to ensure that the people on site, including the new director, and the Speakers of the Senate and House of Commons, in particular, think about what they see for the future. They will probably also engage in internal consideration, as your colleague indicated, on what works well and what works better. The bill does not touch on these aspects, which will be part of the operational questions that the various players, the Speakers and the director will have to ask. It will be important to know what is working the best.

**Ms. Rosane Doré Lefebvre:** The current security employees of the House of Commons and Senate have their union and their collective agreement. The Royal Canadian Mounted Police still does not have the right to unionize and, therefore, does not have a collective agreement. Will there have to be two sets of rules?

**Ms. Isabelle Mondou:** Actually, a fairly recent court decision asked for a review of the RCMP system. The court gave the government one year to look into it. So we don't know exactly what the future will bring, but it's an environment that is currently changing. What will the RCMP's status be? The court considered that there needed to be more robust mechanisms to represent RCMP employees. It will have to be resolved. I believe the court gave one year to study it.

**Ms. Rosane Doré Lefebvre:** Is the Royal Canadian Mounted Police ready to take command and control of security on Parliament Hill?

**Mr. David Vigneault:** I mentioned earlier that the Speakers of both chambers and the RCMP are currently reviewing the selection process for the new director of the Parliamentary Protective Services. That's the first step. In the meantime, the Royal Canadian Mounted Police and the protective services of both chambers have set up working groups to review administrative issues, issues relating to the problems you raised regarding human resources management. They have also started looking into operational matters. Some working groups are already meeting.

After the events of October 22, the RCMP also significantly increased its operational deployment on Parliament Hill. If I remember correctly, the government allocated in its 2015 budget some \$60 million over three years to increase resources dedicated to the services provided by the RCMP on Parliament Hill. Because of this, I can tell you that a level of operational preparation is currently in place. We are in the process of doing the work in case the bill should receive royal assent, so that everything is in place and we can carry out the operational work on day one.

● (1045)

**Ms. Rosane Doré Lefebvre:** If I've understood correctly, that means that the government is planning \$60 million over three years for RCMP officers on the Hill. I would like to know how much it will cost in total.

**Ms. Isabelle Mondou:** In terms of funds allocated currently to both protective services — the Senate Protective Services and the House of Commons Protective Services — and to the RCMP on the ground, I would like to add one thing. A transitional provision will make it possible to transfer these amounts to the new service. Therefore, in addition to the \$60 million, these amounts will be part of a new envelope.

In the future, there will be an independent credit for this office. The director will have to consult with the Speakers and decide on the amounts required for the future.

[*English*]

**The Chair:** Thank you very much, committee members.

Witnesses, thank you for coming here today to enlighten us on your experiences and certainly your knowledge of the bill we're discussing.

The meeting is adjourned.

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