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Chair

Mr. Daryl Kramp

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● (1830)

[*English*]

The Chair (Mr. Daryl Kramp (Prince Edward—Hastings, CPC)): Good evening, colleagues and ladies and gentlemen. We welcome our witnesses here this evening to meeting number 61 of the Standing Committee on Public Safety and National Security.

We're continuing our study on Bill C-51. We have two panels of witnesses tonight.

On our first panel tonight we welcome, from B'nai Brith Canada, David Matas, senior legal counsel, and Marvin Kurz, national legal counsel. We also welcome, from the Canadian Police Association, Tom Stamatakis, president. By way of video conference from Vancouver, British Columbia, we welcome Jessie Housty, as an individual.

Welcome, all.

Yes, Mr. Easter.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Chair, here is a quick point of order—you can take it off my time, if you must.

I know this is the last meeting for witnesses and we'll be starting clause-by-clause next week, I gather. Can we be given assurances that we will have Department of Justice people here who may have been involved in the drafting of the legislation? It's an omnibus bill. There are five sections. There are going to be a lot of questions on a lot of these sections. I don't think Library of Parliament counsel should be the ones who have to cover off on this.

Can we be assured that we will have Department of Justice officials who know this bill and its implications thoroughly?

The Chair: I can turn it over to the parliamentary secretary. The only suggestion I would make, Mr. Easter, is that it is normal practice to have departmental officials here, but perhaps Ms. James could advise us of the situation.

Ms. Roxanne James (Scarborough Centre, CPC): Thank you, Mr. Chair.

Yes, there will be officials here from Justice. We've seen both ministers in the first meeting. Both the Minister of Justice and the Minister of Public Safety came because there are parts of this bill that apply to both.

Hon. Wayne Easter: They will have been involved in the development of the bill, because they really have to know their stuff. There are a lot of questions here. Thank you.

The Chair: Thank you, Mr. Easter.

I just want to confirm. Ms. Housty, are we live with you? Are you ready, willing, and able here? I just want to make sure we have contact. Can you hear us well?

Ms. Jessie Housty (As an Individual): Yes, absolutely.

The Chair: Fine. Thank you very much.

Then we will start off with our rounds. There will be up to 10 minutes for each delegation. If you can make it a little more brief, that would certainly be preferable, in that it gives our committee more opportunity to be involved in the question and answer session.

We will start off with B'nai Brith Canada. Mr. Kurz, you have the mike, sir.

Mr. Marvin Kurz (National Legal Counsel, B'nai Brith Canada): Thank you, Mr. Chair.

B’nai Brith is Canada’s largest membership-based Jewish organization. Through its League for Human Rights and Institute for International Affairs, it is the premier advocate of human rights for Canada's Jewish community.

In its submission today, B’nai Brith Canada will focus on one aspect of Bill C-51, that related to the creation of an offensive promotion of terrorism, seizure of terrorist propaganda, and deletion of terrorist propaganda from computer systems.

Our position is in favour of those aspects of Bill C-51, subject to some recommendations for amendments that will help ensure that the provisions are not seen to suffer from problems of vagueness and overbreadth, which may negatively protect the constitutionality of the bill.

My colleague, Mr. Matas, will speak at greater length regarding our recommendations for the actual amendments.

For now I'd like to briefly offer an overview explanation of how we came to the point of supporting the terror propaganda provisions that we are speaking of. In doing so, I point to the context of the Jewish community's vulnerability to hate propaganda throughout the world and particularly here in Canada, the tie between hate and terror, and the context of our anti-hate propaganda legislation.

In our paper we refer to what you all know, that is the recent spate of terror activities in Canada, those actually caught by our investigative authorities before they could be carried out, those that have actually been carried out, and those that are yet to come, including the future behaviour of Canadian children brainwashed to join jihadist groups abroad.

For our community, one part of the hidden context of so much terrorist activity is the fact that the most powerful terrorist groups are now the foremost hate groups as well, with ISIS, Hezbollah, al Qaeda, and Hamas supplanting the Ku Klux Klan, the Aryan Nations, and the Heritage Front as leaders of the hate movement. These are organizations whose *raison d'être* focuses in large measure on zealous anti-Semitism.

We know of the terror activities aimed at Jews in France, the Hyper Cacher supermarket slaughter tied to the *Charlie Hebdo* attacks; the 2012 murders at a Jewish school in Marseilles; the recent murder in Copenhagen of a young Jewish guard at a synagogue, who was protecting 100 people there for a bat mitzvah; the attacks on a Jewish-owned shopping mall in Kenya in 2013; and the attack on a Mumbai religious centre as part of a larger terrorist attack in 2008.

In each of these activities I'm talking about, in each of these crimes, Jews were singled out for attack purely for reasons of hate. There was no other strategic reason to attack these innocents.

In Canada, the Jewish-owned West Edmonton Mall, along with Jewish-owned malls worldwide, was at the centre of a terror threat by al Shabaab. What hasn't been made really clear is that the reason the West Edmonton Mall, as opposed to say the Yorkdale Shopping Centre, was centred out was that it is Jewish owned. The Ghermezians own the mall as well as some of the other malls that were mentioned. The only malls that have been threatened are Jewish-owned malls.

These terror threats come in the context of a worldwide increase in anti-Semitism. Our B'nai Brith audit of anti-Semitic incidents shows that in 2013 vandalism against Jewish targets was up 21.6% and violence, 7.7%. We're awaiting the 2014 numbers, which we expect to be far higher as they have been in Europe, for example, where there has been a 100%, a doubling, of anti-Semitic incidents in France; 60% in Belgium; 50% in Britain; and 33% in Australia. These figures are all in our paper.

Canadian law in the form of a series of Supreme Court of Canada decisions has frequently confirmed the propriety of legal limitations on hate speech, recognizing the tie between hate speech and hate crimes. We say that the tie between speech and action or crime is even greater in the case of the promotion of terror, which is why we support the provisions of Bill C-51 that we are supporting, subject to the caveats that my colleague, Mr. Matas, will now speak of.

● (1835)

Mr. David Matas (Senior Legal Counsel, B'nai Brith Canada): Thank you. I will speak specifically about proposed changes to Bill C-51.

In general, as you've heard, we're in favour of the advocacy and promotion of terrorism becoming an offence. We would like to see, and we appreciate through Bill C-51, a re-equilibration of the balance between freedom of speech and protecting victims of terrorism in light of the enhanced terrorist threat with which the planet in general and Canada in particular have been confronted.

There are three specific suggestions we have that we believe are consistent with the spirit of the bill.

One is to import a defence for the offences of promotion or advocacy, which already exist for the offence of promotion of hatred. The Criminal Code now provides that no person shall be convicted of wilful promotion of hatred who, in good faith, intended to point out for the purpose of removal, matters tending to produce feelings of hatred toward an identifiable group. Something similar should be drafted for the offences of advocacy and promotion of terrorist activity.

Second, the proposed offences prohibit promotion and advocacy of terrorism offences in general without indicating what those offences are. We assume that this phrase "terrorism offences in general" refers to those offences found in section 83.01 of the Criminal Code, but whether this assumption is correct or not, the phrase "terrorism offences in general" should be defined so it is clear which offences are intended.

Our third suggestion relates to the consent of the Attorney General. For clause 16 of the bill, the seizure of terrorist propaganda and their deletion from computer systems requires the consent of the Attorney General. However, prosecution for promotion or advocacy of terrorism does not require that consent, and the absence of consent means that private prosecution is possible. We are reluctant to endorse the possibility of private prosecution for speech offences because our experience has been that once that sort of prosecution becomes possible, it is used for frivolous purposes to harass those with whom the private prosecutor disagrees.

While frivolous prosecutions are inevitably dismissed, it's no small matter to be dragged through the criminal courts, even if the result is acquittal. Attorneys General, we realize, have the power to direct a stay of private prosecutions, but mobilizing any Attorney General to exercise that power takes time and effort; and criminal private prosecutions, unlike civil lawsuits, do not allow for the awarding of costs against the unsuccessful prosecutor.

A requirement of the Attorney General's consent has, we acknowledge, its own problems. The relevant Attorneys General for these offences are the provincial Attorneys General, except for the territories. Our experience with the offence of wilful promotion of hatred has been that some Attorneys General were most reluctant to consent to prosecution of this offence, even in clear-cut cases. So we would suggest, in addition to the requirement of Attorney General consent, that there be guidelines for the use of that consent. In our written materials, we suggested several guidelines, but just as suggestions. The guidelines could be policy instruments of the Government of Canada, which they could publish after the legislation is enacted, and a committee could recommend that the government draft these guidelines. Alternatively, the legislation itself could incorporate these guidelines, somewhat like the sentencing guidelines already in the Criminal Code.

Well, that's all I wanted to say, but I just would conclude by saying that our general approach, both in proposing the requirement of Attorney General consent and suggesting guidelines is that a law criminalizing advocacy or promotion of terrorism should not be too easy to invoke, but it should not be a dead letter either.

Thank you very much.

● (1840)

The Chair: Thank you, Mr. Matas.

We will now go to Mr. Stamatakis for his opening statement.

Mr. Tom Stamatakis (President, Canadian Police Association): Thank you, Mr. Chair and members of the committee, for the invitation to appear before you this evening as you continue your study into Bill C-51.

As you mentioned, Mr. Chair, I'm here this evening on behalf of the Canadian Police Association, an organization that represents 60,000 front-line law enforcement professionals, which includes both civilian and sworn members in every provincial and municipal police service across the country.

As is my habit when appearing before you, I am going to try to keep my opening comments as brief as possible to allow you enough time as you need for questions. As I've been following the debate on Bill C-51 very closely, I would like to begin by offering the context around my appearance here tonight, and where I believe I can offer particular insight that might benefit you all in the course of this particular study.

There's no question that the issue of oversight has become a focal point in the discussions around our security and intelligence services, both here in Parliament and among the public in general.

As a front-line police officer myself, I'll be the first to admit that my experience is not as a covert intelligence officer, but it is as someone who has dealt with civilian oversight in the public safety sector on a daily basis, in a practical and not academic or theoretical setting. That's not to suggest other witnesses who have appeared before this committee, and who have commented publicly on this proposed legislation, haven't raised interesting questions and concerns, but in my experience simply calling for more oversight, without examining the practical applications and consequences of that oversight, is only giving half of the story.

Let me give you an example. Here in the province of Ontario, all professional law enforcement officers are subject to no less than three separate civilian oversight agencies: the Office of the Independent Police Review Director, the Special Investigations Unit, and the Ontario Civilian Police Commission. Despite these multiple layers, any time an unfortunate incident occurs that involves law enforcement personnel, the calls for additional oversight come quickly from almost all sectors.

This example isn't meant to suggest that there isn't a role for oversight to play in the public safety sector; however, I would take issue with calls for oversight bodies to take a more active role in the operational nature of the jobs we entrust to highly trained and very accountable professional law enforcement, whether a police officer employed by a federal, provincial, or municipal agency or an intelligence officer employed by the federal government.

Those who have criticized the Security Intelligence Review Committee for only providing "after the fact" oversight often underestimate how difficult real-time operational oversight can be to achieve, particularly in the context of a fast-moving investigation with very real public safety consequences. Those criticisms also undervalue the often positive effect that *ex post facto* oversight can have in our industry. Identifying where inappropriate actions may have been taken or where different and more positive decisions could have been made is the very foundation of our services and the training and education that often come from those service reviews.

From a law enforcement perspective, I'd suggest that while discussing whether an oversight body like SIRC has adequate resources to handle the role they've been given is important, perhaps asking whether the resources necessary to properly train our law enforcement and intelligence officers in the new powers they're being granted with this proposed legislation might be equally, if not more, important.

As the saying goes, an ounce of prevention is worth a pound of cure. That being said, there are a lot of positive steps being taken within Bill C-51 that our association wholeheartedly supports.

I know the members of this committee have heard almost two weeks' worth of witnesses on these issues, so I won't go too deeply into the details or repeat what others have already said, but provisions that allow reasonable exchanges of information, where it pertains to national security concerns, among government departments will help alleviate one of the biggest problems facing public safety in this country—that the left hand often isn't allowed to know what the right hand found out six months ago.

In fact, I would suggest that while it may not be a popular opinion, given the multi-service nature of most national security investigations, and the fact that municipal and provincial police services are often called to play a role, the language in this legislation may not go far enough in listing the agencies with which particular information can be shared.

I would also like to highlight our support for changes to the Criminal Code that allow law enforcement agencies to detain a suspect for up to seven days when an officer suspects a terrorist activity may be carried out. These new measures, if adopted, will provide our members with the necessary flexibility to conduct more in-depth and thorough investigations, while still subjecting our actions to the very appropriate and necessary judicial review process.

As I mentioned at the beginning, I wanted to keep my comments brief, though I'm not sure I've succeeded in that regard.

● (1845)

Bill C-51 is an important piece of legislation that takes a number of steps to modernize our national public security apparatus, and the public and professional law enforcement have a large role to play in this regard.

The members I represent face the very real challenges posed by increased domestic radicalization, as we saw in the attacks against Canadian Forces personnel in Quebec and Ottawa only a few short months ago. With the proper training and, yes, oversight as well, they will continue to meet this challenge head-on in the professional manner we as Canadians have come to appreciate and expect.

Again, thank you very much for the opportunity to appear. I look forward to your questions.

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

Now we welcome Ms. Housty.

You have the floor now for up to 10 minutes, please.

Ms. Jessie Housty: I would like to begin by thanking the committee for the invitation to speak to you today. As I have been introduced, my name is Jessie Housty. I am a first nations woman from the Heiltsuk Nation, who come from the outer coast of British Columbia. The geography of my homeland is part of western Canada's front line of activism in response to multiple forms of resource extraction.

I serve my people as an elected councillor on the Heiltsuk Tribal Council. However, I do not come here today to speak to you as a councillor or on behalf of the Heiltsuk Nation. I speak to you today on my own behalf. I am an activist. I am a storyteller. I am a community organizer. My work at its core is grounded in a desire to protect our lands, waters, and cultural practices for my generation and for future generations. I speak to you today from that place.

In my work, and under current laws and regulations, I have witnessed the extent to which first nations people asserting their sovereignty are already labelled as radicals and agitators. In speaking to you today, I intend to share some specific concerns around the further implications that Bill C-51 may have for indigenous nation-building.

In summary, I am concerned about the bill's expansion of state power to place people under surveillance to monitor everyday activities. I have concerns that the bill will authorize criminalization of activities involved in advancing and protecting our rights and title, indigenous dissent and activism, and more broadly, democratic activities that are based on a goal to protect and improve our environment for our generation and for future generations. I am also concerned that this will give CSIS powers to act physically to disrupt the peaceful protests that form a strong part of the foundation of our attempts to uphold our rights, interests, and sovereignty as first nations people.

Before I begin my own comments, I would like to acknowledge and adopt the testimony of several witnesses who have spoken before me. In particular, I would like to acknowledge the advocacy and testimony of National Chief Perry Bellegarde of the Assembly of First Nations, Grand Chief Stewart Phillip of the Union of B.C. Indian Chiefs and Dr. Pam Palmater. They have spoken aptly to many concerns of first nations people and I echo their analysis of the proposed bill.

I will now speak briefly of two specific concerns about the proposed bill. First, regarding the proposed security of Canada information sharing act, it is my opinion that this should not be enacted. Other witnesses, including professors Roach and Forcese have spoken at length about issues with the proposed act, so I intend to keep my comments brief.

The stated purpose of the security of Canada information sharing act is to encourage and facilitate information sharing between Government of Canada institutions in order to protect Canada against activities that undermine the security of Canada. The language in the act is very broad and subjective, and I am concerned that it will result in unnecessarily classifying certain activities as terrorist in nature.

Unfettered access to information and the ability to share it widely with any person for any purpose is dangerous and fundamentally disturbing. Upholding ideals that are not considered to be in the national interest, ideals like first nations' right to sovereignty, may, under Bill C-51, open individuals to harassment and persecution with little ability to answer to the information being collected and shared about them. I am concerned that this may result in a chill on non-violent and direct action, the very action my community utilizes to mobilize support for acknowledgement of our rights and interests.

Protests and demonstrations have often been a key element of first nations' efforts to assert sovereignty and uphold rights, in keeping with widespread cultural values around business being conducted in a public and inclusive way. Fear of legitimate action being caught in the wide net of this proposed bill may have the effect of oppressing an important expression of nation-building efforts by first nations people.

I have heard Ms. Roxanne James explain to some witnesses that the exemption for lawful protests must be read with the rest of the section and that the activities must be those that undermine the security of Canada. However, I am concerned that this is too subjective as, if the cause being put forward is not supported by the government of the day, it may be labelled as an activity that undermines the security of Canada. My concerns are not allayed by the present wording of the bill.

Second, I would like to speak briefly to the issue of additional CSIS powers. Bill C-51 proposes troubling amendments to the CSIS Act, permitting CSIS, if it has reasonable grounds to believe that an activity constitutes a threat to the security of Canada, to take measures within or outside Canada to reduce the threat.

● (1850)

With these changes, democratic protest movements with tactics that do not square in every way with even municipal law will not have the benefit of exclusion for lawful protests. They may be the subject of CSIS investigation and may even be subject to CSIS disruption.

I am troubled by the trend of the scope of lawful protest becoming increasingly narrowed, with powers of physical enforcement being expanded to CSIS with even less accountability and oversight than we see at present. I am specifically concerned that the new powers contemplated to be granted to CSIS will allow CSIS to potentially disrupt peaceful first nations protest movements for recognition of our rights and title. I echo Dr. Palmater's concern that any expression of first nation sovereignty is at risk of being construed as a threat to national security insofar as it is inherently a threat to Canada's sovereignty.

As a first nations woman I am guided first and foremost by my Heiltsuk laws. At the foundation of Heiltsuk law is the principle that all business is carried out in a public and transparent way. My concern is that peaceful protest movements around rights and title may now be captured as a security issue and addressed with little oversight behind closed doors, at odds with the way I organize, with the way my people carry themselves, and with the way my laws are carried out. This is especially frustrating given the intent and foundation of our practices and the laws of our ancestors, which strive to be peaceful and non-violent. If there were more understanding of our traditional first nations laws and values, I believe there would be less suspicion of us and less concern about violence.

In summary, my view is that this bill represents a real threat to the tool box that indigenous peoples rely on for advancing our rights and title. For that reason, as well the many reasons that other witnesses have so capably spoken to, it is my opinion that the bill should not be enacted.

Thank you again for the opportunity to speak to you, and I look forward to your questions.

The Chair: Thank you very much, Ms. Housty. I certainly appreciate your comments here this evening.

Now we will go to our rounds of questions. We will start off, for seven minutes, with Mr. Norlock.

● (1855)

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

With no surprise, my first questions will be to Mr. Stamatakis.

Mr. Stamatakis, today, we heard from Ray Boisvert, a former member of CSIS, in—quite frankly—senior positions. He echoed some of your concerns with regard to information sharing that often, not only in the world of security that he lived in, but in my experience.... You mentioned the right hand and left hand not knowing what they are doing. As we have seen in the past with terrible crimes being committed, we were unable to find who the perpetrator was. Yet if the information had been shared within police forces—I can start rhyming them off and I think you would know as many, if not more, than I do—we would have solved those crimes and perhaps even saved lives in the interim.

I'm going to direct your attention to that part of Bill C-51 that promotes information sharing. I wonder if you can comment on that from your perspective, after having read the bill, making note that what may seem like a minor incident or some minor piece of information to one entity might just be the tipping point for another. In other words, with something that seems inconsequential, somebody may be doing a project, and all of a sudden that piece of information now connects a lot of dots, and they can solve or find a perpetrator.

Could you make some comments on Bill C-51 in relation to information sharing amongst departments?

Mr. Tom Stamatakis: I think I touched on that in my remarks. Information sharing in this country right now, particularly from a public safety perspective but also more broadly from a community safety perspective, is one of the biggest barriers to delivering on the commitment to keep Canadians safe across all sectors.

From my perspective and on behalf of the members I represent, front-line police officers.... I go to meetings across the country where that's one of the primary issues they raise, the fact that you can't get information from another agency, and that if you'd had it, you could've been more proactive, for instance, in terms of getting ahead of a potential offence being committed.

From a policing perspective, we deal predominantly with criminal offences. But if you go further, particularly in light of some of the recent events, not just in this country but in other countries—especially when you look at the major urban centres across the country—front-line police officers are gathering intelligence and they're interacting with different groups in our communities every day. There are many examples, as you alluded, Mr. Norlock, where an inconsequential piece of information in one jurisdiction becomes a pivotal piece of information in terms of successfully concluding an investigation and getting it to prosecution in another jurisdiction.

We support those information-sharing provisions in the legislation, and I think they could even go further beyond the federal institutions and include, particularly, some of the larger municipal police departments like Toronto, Vancouver, and Calgary. You have lots of activity occurring in those big communities, which is being monitored right now but where information is not being exchanged the way it should be.

Mr. Rick Norlock: Thank you very much. I am going to go over now to peace bonds and preventive detention.

Could you comment on other Criminal Code amendments being proposed in the legislation, namely the lessening of the threshold for peace bonds and preventive detention, given that the recognizance with condition tools have not been used?

Do you believe in lowering that threshold but—and this is the pivotal part—ensuring that there is judicial approval and review of detention and that it could be a valuable tool for front-line law enforcement? Of course, to police officers, peace bonds are something that happens very frequently. This is specific, of course, to terrorism. We also know that, encapsulated in that proposal in C-51, judges can put on them any conditions that they deem necessary, including reporting back and other conditions.

Do you believe they would be useful tools? I wonder if you could comment on them in your experience.

● (1900)

Mr. Tom Stamatakis: Absolutely. Again, that's an area of the legislation that my organization supports, and the caveat is that, in my reading of the legislation, it's all subject to judicial oversight. I think that's the key.

I can give you many examples of the great lengths to which police officers have to go to put together the information to obtain a search warrant or to get the judicial authorization to engage in some other activity, and that's totally appropriate.

I think it is also appropriate, from my review of the legislation, that even in exigent circumstances—if there isn't time to get that authorization—there's a requirement to follow up as soon as is practicable to then get that authorization after the fact. That is a critical component, I think, particularly in Canada, to make sure there is the appropriate amount of oversight and police are getting the appropriate authorizations before they engage in activities that tread all over the rights of Canadians.

Mr. Rick Norlock: We heard from Inspector Irwin earlier this week. Inspector Irwin talked about some of the good things that the Toronto Police Service and other police services are doing with regard to radicalization.

Are you aware of any programs that the Toronto Police Service or other police services are engaged in to prevent youth at risk from being radicalized?

Mr. Tom Stamatakis: I couldn't talk about specific programs. I know generally this is an issue that's been the focus of a lot of attention in the police community.

We have pretty robust programs in place now that focus on youth engagement. I know that those programs are now being looked at to incorporate this new threat to public security in Canada, so that we can proactively engage with those who are vulnerable to try to prevent further tragedies from happening.

This is a topic of a lot of discussion in the police community across Canada and will continue to be, I think, going forward in the coming months and years.

The Chair: Thank you, Mr. Stamatakis.

Thank you, Mr. Norlock.

Now, Ms. Ashton, you have the floor.

Ms. Niki Ashton (Churchill, NDP): Thank you.

Thank you to all of our witnesses.

Ms. Housty, thank you very much for joining us today from British Columbia. We certainly appreciate your testimony as a young indigenous woman and an activist. Your perspective is unique, given the discussions we're hearing today. I know what you've brought forward is on behalf of many young indigenous people who are on the front lines similar to you.

You've shared your opposition to C-51, you've outlined some key concerns that we can glean from, and you've echoed other speakers we've heard in this committee. Given your activism on the front lines, I'm wondering if you can tell us briefly what you're up against and why you and so many young indigenous people where you are take to demonstrations to get your voices out.

Ms. Jessie Housty: Absolutely.

One of the difficulties that I face in my work interfacing between my community and the broader Canadian society at large is a great deal of persistent racism and misconceptions about what it means to be an indigenous person and to stand up for indigenous rights in this country.

My strength as an individual comes from a very place-based cultural identity that ties me to my homelands as part of a legacy of stewards and guardians that goes back tens of thousands of years. For me, the work that I do is based very deeply on love and passion and commitment to carrying on that cultural leadership that I've witnessed throughout my upbringing and that I hope to pass on to future generations in my family and in my community.

I have worked for a number of years as a community educator and a community organizer around a variety of resource extraction issues that are putting pressure on my homeland. I do this work because I believe that our people should be engaged, informed, and empowered to stand up for their rights and their homelands.

I've watched as the peaceful actions that my community has undertaken have been labelled as security threats, as my fellow community members have been called radicals and agitators and eco-terrorists and everything you can imagine. It's an incredibly deeply hurtful thing because it really drives home the fact that the narrative behind what we do is so different from the narrative that is imposed upon us by wider Canadian society when what we're doing is rooted in love and commitment, but we're being portrayed as a threat.

● (1905)

Ms. Niki Ashton: Thank you for sharing that.

Ms. Housty, the Macdonald-Laurier Institute, a conservative think tank, published a report by Douglas Bland a while ago that portrayed first nations as a serious potential national security risk and a potential source of terrorism.

What do you think of this portrayal of indigenous people in Canada?

Ms. Jessie Housty: It squares in really troubling ways with what I very commonly hear being spoken of in relation to our work. I think that simply because I exist, there are people who believe I am a threat to the Canadian interest and Canadian society and Canadian security.

I am a first nations woman who lives on my family's and my community's and my nation's unceded territory. I believe very strongly that we have land rights and other rights that are an incredibly important part of our identity. I believe in the sovereignty of my people. Simply by existing and breathing and believing those things, there are those who will brand me as being a demon that represents everything that is opposite to the Canadian dream.

I think that many such reports and documents have come out, whether they were intentionally released to the public or accessed through freedom of information requests or though leaks, that show a really consistent narrative of indigenous people being demonized in this way. I would stress again that the really deep misconceptions about who we are and why we do what we do are an artifact of the past that I would like to believe is gone.

Ms. Niki Ashton: Thank you.

I also want to echo that the Canadian Bar Association made the claim that first nations groups should be very concerned by this legislation, of course, echoing what you've said here today and what other indigenous witnesses have said to us.

Do you think that C-51 has the potential, much like other legislation we've seen from this government, to engage in race-baiting and division against indigenous people in our country?

Ms. Jessie Housty: Yes, I have really deep concerns that the kinds of practices that Bill C-51 would allow, and that similar pieces of legislation allow, do a great deal of damage to first nations people, or have the potential to do a great deal of damage to first nations people, who are defending their rights and interests.

I believe that bills like this serve to perpetuate the incredibly racist stereotypes that already severely problematize relationships between first nations and mainstream Canadian society. More broadly, I have deep concerns about any party or government that, as a practice, makes caricatures and bogeymen out of any marginalized group to build favour with its voter base.

My strong belief is that we all have a fundamental choice about whether we want to build bridges or burn them, and those choices are reflected in everything from a party's policies and practices to its election messaging. All I can say is that Canadians are watching, and I have faith that progressive values will win out over race-baiting and fearmongering.

Ms. Niki Ashton: Thank you very much for joining us, Ms. Housty.

How much time do I have?

The Chair: You have about 15 seconds.

Ms. Niki Ashton: Okay.

Have you any final thoughts that you'd like us to take away from your presentation?

Ms. Jessie Housty: Just that I think this is a time for clarity and transparency and commitment to reconciliation.

The Chair: Thank you very much.

We will now go to Mr. Payne for seven minutes, please.

Mr. LaVar Payne (Medicine Hat, CPC): Thank you, Chair, and thanks to the witnesses for coming. My first set of questions will be for Mr Stamatakis.

We've heard a lot of different things on Bill C-51, so I would like you to think about this. In your reading of the bill, do you see where the info-sharing act could label or criminalize someone for terrorism? This is an argument that seems to conflate information sharing and the Criminal Code. What are your thoughts or comments on that?

● (1910)

Mr. Tom Stamatakis: That's not what I saw in my reading of the bill. I've had this conversation with other people. The reality is that I don't think the police in this country have the capacity to engage in some of the activities we're being accused of in terms of monitoring.

Just to give you an example, in my home service we have two detectives right now who are engaged in the investigation of very serious Internet-based crime against children. In our entire video and tech unit, I think we have 10 investigators right now who are processing evidence that's being obtained from computers and hard drives. This is a major city in Canada with a large police force, but there's just not the capacity to engage in the kinds of activities that people are suggesting the police would engage in because of the provisions in this bill.

Mr. LaVar Payne: Thank you, and that's similar to testimony we heard from a 30-year veteran of CSIS, who clearly said it doesn't care about protestors and it doesn't have time for anything except for the most high-risk people. He pointed out that it is the sharing of current information relevant to national security and not the collection of information.

You may have already answered this, but do you think police have the time and the ability to spy on protestors, especially given the reasons for this bill and the “for greater certainty” clause?

Mr. Tom Stamatakis: No, we don't have the capacity. Even from a policing perspective, I would acknowledge that historically the police have made some mistakes in terms of how we've engaged with people who want to engage in lawful protest in our country. But more recently, our approach is one of collaboration and communication and to try to facilitate peaceful protest. Where it becomes an issue is when people suggest they're going to peacefully protest around an issue and then start to engage in, unfortunately, what become violent kinds of behaviours and tactics that not only pose a threat to the members I represent but often jeopardize the safety of other Canadians who want to live peacefully in their communities.

Mr. LaVar Payne: I know my colleague touched on the current warrant system and we know it's already onerous. I'm sure you know that, and this bill enhances that. I wonder if you could comment on the work that goes into a warrant, for police and CSIS, as to what you might be aware of.

Mr. Tom Stamatakis: I would have to cart in, in some cases, in a complex investigation, the pages and pages of documents that go into successfully obtaining a warrant to search, for example.

I'll just go back to Bill C-51 in terms of the provisions around extending the period that someone could be detained. I guess a perspective I would offer is that being able to take some action and detain someone for a period of time so that you can properly investigate probably gets you to a better place in terms of making sure that, when you are detaining someone with the intent of charging them with an offence, you have all of the evidence you should have in order to be able to pursue a charge like that. That is opposed to the alternative, which we currently have, that often puts police organizations under a lot of pressure and makes it very difficult to take any action, even though we have pretty good evidence to support that there's some risk to the public.

I just don't see, in the provisions contained within Bill C-51, some of the things that I know some of the witnesses have suggested.

Mr. LaVar Payne: Thank you. My next question will be for Mr. Matas or Mr. Kurz, whoever wants to respond.

Mr. Matas, I believe you said previously that many of the critics of the bill are advocates of the status quo, the old balance. However, the world has changed and the balance has to change too. The victims and potential victims need better protection than they have had at present.

We heard that, obviously from you, in terms of the number of direct activities against the Jewish community. We also heard it from the Centre for Israel and Jewish Affairs, as well as from other witnesses here. I wonder if you could explain why you see how Bill C-51 is important and how it will affect this.

● (1915)

Mr. David Matas: We focused only on one particular clause, which was one about the promotion and advocacy of terrorism. What clause 16 does is set up an offence that wasn't there before, and it's a speech offence. What it's doing is re-equilibrating the balance between freedom of expression on the one hand, and the security of the person for the victims of terrorism.

In our view, although, of course, we endorse and try to guard freedom of expression as much as we can. We feel that changing of the balance is necessary in light of the increased threat and reality of terrorism that we've seen in recent years and months.

Mr. LaVar Payne: I think that's why Minister Blaney used the example of something like, kill the infidels with whatever tool you can find, wherever you can find them, not being currently covered as a criminal offence. I think that's where he was going with this, as well as talking about taking down terrorist propaganda, which I believe you mentioned in your opening remarks.

I wonder if you have any other comments you'd like to make.

Mr. Marvin Kurz: What we're seeing now is that the tie between terror and hate is much closer than it has been in the past. We're advocating that in endorsing, in the way that we have, the provisions dealing with terror propaganda, subject to the caveats that we've mentioned, it is a recognition of the fact that terror and hate are close together and that the same principles that apply with regard to hate—that is, that one can use hate propaganda to inspire hate crimes—can apply to terrorist activity as well.

That's why the same principles can apply to terror speech as well—and we believe they should—but again, subject to some of the protections that apply in terms of balancing needs for free speech and the protection of the community against that kind of very problematic and we believe criminal expressive activity.

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

You have seven minutes, Mr. Easter.

Hon. Wayne Easter: Thank you very much, Chair. Thank you to all our witnesses for coming.

I'll start with you, Mr. Matas.

You mentioned—and I'll quote from your brief—that private criminal prosecution for speech, which the current bill allows, is an even greater potential threat to freedom of expression than private civil human rights complaints. No other witnesses brought that forward. I've been trying to find in the bill where that happens. I understand entirely your concern about frivolous complaints and how that can be a real problem.

What's it related to in the bill, and how do you propose to fix it, if I can put it that simply?

Mr. David Matas: In the bill it's in clause 16, and clause 16 basically has three components. One of them is adding in proposed section 83.221 to the Criminal Code, and that proposed section 83.221 sets out an offence. That offence does not require the consent of the Attorney General for the prosecution.

Generally, when there is no requirement for consent of the Attorney General, that means a private prosecution is possible. I can read it to you. It's proposed subsection 83.221(1). It says: “Every person who, by communicating statements...”.

You can see throughout the bill.... For instance, if you go down to proposed section 83.222, which talks about seizure, if you look at proposed subsection 83.222(7), it requires the consent of the Attorney General—so seizure requires consent. If you look at proposed section 83.223, which is about cleaning out computers, it requires the consent of the Attorney General in proposed subsection 83.223(9).

But in this one about prosecution, I've actually talked to somebody in the government about this, and it may simply have been a drafting oversight because they didn't see any reason for it.

● (1920)

Hon. Wayne Easter: I don't want to take too much time, and I know you raised some concerns about consent of the Attorney General in here as well, but we'll have to talk to some of the Justice people about the fix.

The other point you raised was that terrorism offences in general are those under section 83.01 of the Criminal Code. You assumed that's what terrorism offences were. I would suggest your assumption is wrong. Based on the testimony that has come before committee, there's a lot of concern that the bill is much too broad as to what terrorism offences are versus what is outlined in the Criminal Code. Some have suggested—and I'm not sure whether it was the Bar Association or who—that they should be restricted to what is defined as terrorism offences in the Criminal Code, so we'll look into that. I just want to point that out, and you can look at that, and maybe we can have a discussion on that later on. But I think you're wrong in assuming that the terrorism offences in Bill C-51 are those defined in the Criminal Code.

Mr. David Matas: Our ultimate point was that it shouldn't be left to assumption. It should be defined.

Hon. Wayne Easter: Thank you.

Mr. Stamatakis, you're right that there's a lot of discussion out there on oversight and all different kinds of oversight. However, I can tell you based on what we proposed in an all-party committee in 2004-05, what I have in a private member's bill, and what the parliamentary committee that Mr. Norlock sat on agreed with, it is not getting into operations. I just have to say that. Among all of our Five Eyes partners—and I'm sure in your position with the police association you would be talking to police and their Five Eyes partners—have you heard any concern expressed about the oversight agencies that exist in any of those countries? Is the talk favourable? Is it opposed? We're the only country in the Five Eyes community that does not have that kind of parliamentary oversight.

Mr. Tom Stamatakis: I haven't heard, but to give a fair answer to your question, I haven't really canvassed them on the issue. I could, if you were interested.

Hon. Wayne Easter: I am interested, because I really think that's a big qualifier and a need in this legislation. That would give Canadians at least some confidence that security—and I mean all the security agencies and not just CSIS—is not going beyond the bounds of where they should go.

You also talked about the sharing of information and I agree that's important. I know the O'Connor inquiry reasonably well and that was certainly one of their concerns. You mentioned judicial authorization and I guess I would differ with you on that. I think the judicial authorization has to do with the application for a warrant, but I think a witness said it best that once that warrant walks out the door, oversight is done at that point. Justice Mosley had grave concerns about CSIS and what they did with a warrant. Do you have any comments on that?

Mr. Tom Stamatakis: I think, and I couldn't tell you specifically where I read it, that's a reasonable comment to make, except that there are limitations on warrants once they're granted in terms of how long they remain in effect, and judges can put parameters around what they issue the warrant for. So I think provisions already exist. It's not really a question of somebody with a warrant having unfettered ability to do whatever they want.

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

[*Translation*]

Ms. Doré Lefebvre, you have five minuntes.

● (1925)

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

I would like to thank all the witnesses who are at this table and who are joining us by video conference. We greatly appreciate it.

My first question is for Ms. Housty.

The federal government monitored and gathered information on certain peace activists, including Cindy Blackstock, and even Pamela Palmater, who testified before us just a few days ago.

Are you concerned about the provisions in Bill C-51 that are related to the exchange of information or the definition of what constitutes a threat to the security of Canada?

[*English*]

Ms. Jessie Housty: Thank you for your question. Both of those things do trouble me deeply in relation to this bill.

I think that one of the great difficulties for myself as a first nations organizer and activist is that information may or may not be being gathered about me and the work I'm doing or the work that my colleagues are doing. There is no process by which I can answer to any of the information or assumptions that are part of what is being collected.

Particularly coming from a culture where openness and accountability and transparency in our business and our law is such a standard practice, it is incredibly troubling to think that this kind of information gathering could be happening behind closed doors without any ability for us to speak for ourselves or speak to our own intent with the work we're doing.

[*Translation*]

Ms. Rosane Doré Lefebvre: Thank you very much.

My next question is for Mr. Matas and Mr. Kurz.

In your presentation to the committee, you spoke about issues related to terror and its promotion. You said that this could not be solved simply by legislative changes. In your opinion, education, intercommunity dialogue and gestures of good faith by all Canadians should be used.

Could you expand on this and tell us what your thoughts are on “deradicalization”?

[*English*]

Mr. Marvin Kurz: Thank you for the question. You raise an important point. For lawyers like us, very often like the carpenter we think that every problem can be solved with a hammer and nails. It's obviously true that this is not the case, very far from it.

That's a very central part of our submission. We've limited ourselves to one specific part of the bill that we thought we could offer some assistance to Parliament on. But for B’nai Brith as an organization with its League for Human Rights and its Institute for International Affairs, we recognize that the best laws in the world aren't going to solve all of our problems, including the problems that we've spoken of today.

The laws are a tool and only a tool. We want to refine even the parts of the tools that we've spoken of today. Intercultural dialogue and deradicalization, which you spoke of, are central issues, and they are things that would make the use of the law, which is obviously the strong hand of government, less necessary if at all.

Anything that can be done in that regard is something we would support. We've been involved in intercommunity dialogue for decades. We couldn't speak more highly of the notion and the importance of those kinds of activities as being part of Canada's struggle against radicalism, against hate, and in favour of the kind of inclusive society that I believe everyone in this room believes in.

We couldn't believe more strongly about it, and that's why we've done all the things we've done. It's towards having a community that's inclusive of all of us.

Mr. David Matas: If I could just add to that, my own view is that we need an escalation of remedies. We go to the Criminal Code as a last resort, when everything else fails, because that is the most severe. That's where you bring in the most acute punishment, or you actually punish.

That's one of the reasons that guidelines would be useful. I think guidelines would be useful to prevent the Attorneys General from saying, no, we're not consenting, in hard cases, but also so they don't consent too easily too. We can build in these safeguards through some form of guidelines.

● (1930)

The Chair: Thank you very much. Our time allotment is over now. On behalf of the entire committee, we would certainly like to thank Ms. Housty, Mr. Stamatakis, Mr. Matas, and Mr. Kurz. Thank you for your attendance here today, and thank you for your contribution to this committee's deliberations.

We will suspend for two minutes for a change of witness.

● (1930)

(Pause)

● (1935)

The Chair: Good evening, ladies and gentlemen.

Welcome to the second-hour session of the Standing Committee on Public Safety and National Security studying Bill C-51.

We welcome our witnesses here today. For the second hour, from the Centre for Security Policy, we have Clare Lopez, vice-president, research and analysis. We have Kyle Shideler, the director of the threat information office, as well. We're glad your arrangements allowed you to get here in time. Thank you very kindly.

From the Air Transport Association of Canada, we have John McKenna, president and chief executive officer, and also Michael Skrobica, senior vice-president and chief financial officer. As an individual, we have Matt Sheehy, director, Canada, for Jetana Security.

We will go ahead and start with opening remarks. For each organization, your remarks will be limited to a maximum of 10 minutes. Of course, if you could keep them even briefer. That would certainly be appreciated in that it will allow us more time for Q and A.

We will start off with Mr. Sheehy. You have the floor, sir.

Mr. Matt Sheehy (Director (Canada), Jetana Security, As an Individual): Thank you. I'll read my statement, sir.

I would like to thank the chair and the members of the committee for inviting me here today to testify. The last time I appeared as a witness here in Ottawa was back in 2002, just a few months after the terrorist attack on 9/11. I was in front of the Standing Senate Committee on National Security and Defence as the chair of the security committee for the Air Canada Pilots Association at that time.

What strikes me is that it's over 13 years ago, and we find ourselves still struggling to find answers and solutions to the most critical issues of our time. We had just pushed back at 9 a.m., for an on-time performance from gate 21 in Montreal on that fateful, crisp, clear day, September 11, 2001. We had a minor mechanical problem, so we decided to return to the gate to try to fix the problem. Needless to say by the time we returned to the gate all our departures were cancelled and the world as we knew it had changed forever. I'm sure that tragic day is indelibly seared on all our collective memories, and I'm sure that we are all committed to preventing such a terrible attack from ever happening again. The question for us is: how do we accomplish this mission?

Since I've been involved in the security community for over 30 years in one capacity or another—I've been on the front lines as a pilot and as an auxiliary police officer—I can say without a doubt that we are in a very dangerous and highly fluid and unpredictable environment.

I think it is vital that we must try to overcome our differences and realize that, unless we can put aside our partisan and political differences, we will lose this battle. There's a real urgency to what this committee is tasked with, and that is to work through the issues and positions, pro and con, and come up with viable solutions. Let's put aside our partisan issues and make this process work.

I reviewed the anti-terrorism act, 2015, Bill C-51 with a front-line perspective. I found it to be an excellent piece of legislation that will address many of the outstanding issues and gaps in our legislative needs and requirements. The new act moves the strategy to a more proactive and early intervention, rather than a less static response of reactive reinforcement. Part 2, the secure air travel act, again, is getting out in front of the threat as well by not only interdicting would-be sympathizers from reaching their fellow travellers in the conflict areas, but it is also an effective strategy to find and prevent misguided and disaffected young radicals from travelling to what in many cases are their own deaths.

This new act also provides our law enforcement and security agencies more options and more latitude to not only intervene at a much earlier time in an individual's radicalization, but also provides a more integrated intelligence sharing that will enhance the accuracy of decision making. We have to keep in mind the always-demanding time constraints that can make the difference between a successful interdiction and a missed opportunity.

I understand how important it is to have an effective oversight mechanism. I think the introduction of a more robust and more resourced Security Intelligence Review Committee, SIRC, with a clear oversight mandate, a schedule of audits, and a mandated reporting system would probably satisfy most of the concerns.

Thank you, and I look forward to your questions.

● (1940)

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

We will now go to the Center for Security Policy.

Ms. Clare Lopez (Vice-President, Research and Analysis, Center for Security Policy): Thank you very much. We'd like to thank Steven Blaney, the Minister of Public Safety and Emergency Preparedness; the chairman, Daryl Kramp; and the public safety and national security committee for the opportunity to testify here today.

We consider this to be a particularly auspicious time, as Canada has recently shown itself an international leader in the effort to combat the global jihad movement.

By way of introduction, the Center for Security Policy is an American national security think tank in Washington, D.C., that was founded in 1988 by former acting assistant secretary of defense, Frank Gaffney. In the years since then we have focused on the greatest security threats to America and our allies.

My name is Clare Lopez, the center's vice-president for research and analysis. I previously served as a CIA operations officer and later served in a variety of contract positions within the U.S. defense sector. I've also served as an instructor for military intelligence and special forces on terrorism-related issues, and I'm honoured to mention my affiliation with the board of advisers for the Toronto-based Mackenzie Institute.

My colleague is Kyle Shideler. He is the director of our threat information office where he specializes in monitoring Sunni jihadist movements, especially the Muslim Brotherhood. He has briefed congressional staff, intelligence, and federal law enforcement officials on the history, ideology, and operations of the Muslim Brotherhood, particularly on its role in supporting terrorism.

Recent devastating attacks by individual jihadis on Canadian soil demonstrate the critical need for a better understanding of and appropriate tools to deal with the global jihad threat, specifically understanding that terrorism doesn't begin with a violent act itself but rather with financing, indoctrination, and propaganda. Stopping these elements is key to stopping the attacks themselves.

In particular, we applaud the decision to list as a terrorist entity the International Relief Fund for the Afflicted and Needy, an organization that was, according to available reports, engaged in financing the terrorist organization Hamas. We are hopeful that Canadian law enforcement and security services will be able to use information gleaned through this investigation and subsequent investigations to further hamper terrorist efforts.

It was also a Hamas terror-financing case that provided U.S. law enforcement with information regarding the true depth of the threat posed to North America. In that case, the Holy Land Foundation trial, U.S. federal law enforcement uncovered voluminous secret documents representing the archives of the Muslim Brotherhood in North America. Thanks in part to the evidence provided by these documents, the Holy Land Foundation Hamas terror-funding front was shut down and prosecutors secured multiple convictions on terrorism-financing charges. These documents come together to tell the story of a multi-decade long effort by the Muslim Brotherhood in North America to establish itself, create front groups, seize control of mosques and Islamic centres, indoctrinate young people through youth organizations in Islamic schools, mislead the mass media, conduct intelligence operations against law enforcement and security services, and influence politicians.

This carefully organized campaign of subversive activity forms the basis for what was called a “grand jihad” to eliminate and destroy Western civilization from within in the Brotherhood's explanatory memorandum uncovered during the Holy Land Foundation case.

There has been a tendency to divorce the physical manifestations of individual acts of Islamic terrorism, such as the recent attacks here in Canada, from the extensive support infrastructure provided by this global jihad movement, but the reality is that men and women do not seek to travel to fight in Syria or Iraq or engage in attacks domestically without first having been indoctrinated with an obligation to wage jihad. Such individuals have been instructed to put loyalty to a global Islamic *ummah* above loyalty to one's home country. They're educated to believe that Muslims have a right to impose sharia, a foreign source of law, upon one's fellow citizens. All of these elements of indoctrination must occur before an individual would ever express interest in al Qaeda or Islamic State propaganda. Providing the government an enhanced ability to target or take down propaganda that promotes a doctrinal command to wage jihad against unbelievers, or the call to use force to overthrow the government and impose sharia, in our judgment would be beneficial as it would help to disrupt indoctrination before individuals reach a stage at which they are considering attacks against a specific target.

● (1945)

Laying this ideological groundwork is exactly the mission and the role of the Muslim Brotherhood, which has undertaken the mission to support movements to engage in jihad across the Muslim world, according to Muslim Brotherhood documents seized by Swiss law enforcement in 2001. Given this obligation to support, it is no surprise that terror recruits repeatedly have been traced back to an Islamic centre, school, or mosque established or controlled by the Muslim Brotherhood, as was the case in our own Boston Marathon bombing back in April 2013.

Subsequently, organizations with ties to the brotherhood have repeatedly sought to undermine and oppose counterterrorism strategies that rely on aggressive police and intelligence work to disrupt plots and arrest those responsible, the kind of strategy currently under discussion here in Canada. We've considered how these policies under discussion would help Canada to address the common threat. It's necessary to address the whole host of activities that undermine the security of Canada, including: interfering with the capability of the government to conduct intelligence defence, public safety, or other activities; attempting to unduly change or influence the government by unlawful means; or engaging in covert, foreign-influenced activities. Likewise, we must address the full scope of jihadist operations, including indoctrination, propaganda, and subversive activities.

It seems to us that threats such as these, emerging in the pre-attack phase of the jihadist campaign, are exactly the modus operandi of the Muslim Brotherhood as it seeks to undermine constitutionally established western governments, including that of Canada, to the benefit of the global jihad movement.

We assess that legislation that would permit Canadian Security Intelligence Service, CSIS, to engage in actions to disrupt terror plots and threats to Canada would likely be effective in helping to thwart Islamic terror attacks in the pre-violent stage. Such a policy, provided due oversight, creates a necessary capability to intervene and undermine indoctrination and recruiting networks that lead individuals to become jihadists and either travel abroad to join jihadist groups, or conduct attacks at home—even without a definite connection to any terrorist group.

While we understand that there is a debate over how such capabilities could be overseen, the use of an intermediary review committee rather than direct parliamentary oversight has advantages when it is often the legislators themselves who are at risk of being targeted by these influence activities.

There has already been controversy in the United States over an appointee to the U.S. congressional House Permanent Select Committee on Intelligence having received campaign funds from and having numerous associations with Muslim Brotherhood-linked organizations in our country. Muslim Brotherhood organizations also have been aggressive in utilizing the media to target legislators engaged in oversight hearings as well as threatening to fundraise for their political opponents if they dare to examine issues related to jihadist indoctrination in serious detail. In our opinion, any oversight committee dealing with these issues risks being an immediate target for similar efforts.

Creating a buffer of intelligence professionals between CSIS and the members of Parliament may be useful, therefore, to preserve and protect important information and insulate MPs from aggressive influence operations to undermine their support for Canadian counterterrorism efforts, while also ensuring respect for civil rights and generating appropriate oversight that has a detailed understanding of the law enforcement and intelligence techniques involved.

Certainly, it is to be expected that the Parliament would be vigilant in examining the reports generated by the minister and that it would take full advantage of opportunities to examine and discuss the reported data.

In dealing with the threat posed by jihadist fighters living amidst our own communities, efforts have focused primarily on either methods to keep them from travelling abroad, or revocation of passports to keep individuals from returning.

The Center for Security Policy generally has been supportive of such measures as currently are under discussion in the U.S. Congress, which would take passports away from those who travel or seek to travel abroad to fight for terrorist forces. Likewise, changes and extensions to the current peace bond provisions here would appear to us to help to address the substantial difficulty faced by counterterrorism agencies, which is that in numerous recent cases we have seen, the terrorists who perpetrated attacks in the U.S., Britain, France, and Australia have been what terrorism experts in the U.S. have begun to describe as “known wolves”. That is, rather than being undetected and operating without connection to other jihadist groups—a genuine lone wolf—what we're seeing instead is that most individuals identified as lone wolves have, in fact, had ties with or at least a known proclivity to support jihadist ideology groups or terrorist networks, and frequently were already under some level of surveillance.

● (1950)

It is not a lack of awareness, but rather an inability to take preventive action or disrupt the plot, that all too often has resulted in these individuals successfully carrying out an act of Islamic terrorism.

In conclusion, the Center for Security Policy believes Canada is in a position to put into practice a forward-thinking approach that gives police officers and intelligence operatives the tools they need, not only to surveil and detect terror threats but to disrupt and dismantle the jihadist networks that seek to use terrorism as only one method among others to undermine and weaken the security of Canada.

Thank you very much.

The Chair: Thank you very much, Ms. Lopez.

Now we will have representation from the Air Transport Association of Canada.

Mr. McKenna, go ahead please.

Mr. John McKenna (President and Chief Executive Officer, Air Transport Association of Canada): Good evening, ladies and gentlemen, and members of the committee.

My name is John McKenna. I'm president and CEO of the Air Transport Association of Canada, and I'm accompanied here today by Mr. Mike Skrobica, senior vice-president and CFO.

The Air Transport Association of Canada has represented Canada's commercial air transport industry for more than 80 years. We have approximately 180 members engaged in commercial aviation, operating in every region of Canada and providing service to a large majority of the more than 600 airports in the country.

[*Translation*]

Our members include large airlines, regional airlines, commuter operators, air taxis, aviation educational organizations, and flight schools.

Our membership also includes the air industry support sector involved in all aspects of the aviation support industry. We refer to them as “industry partners”.

[*English*]

The Air Transport Association of Canada welcomes the opportunity to present its comments on Bill C-51. ATAC has had an active role in the development of air security in Canada for many years. Certainly since the 2001 attacks, the industry has adapted to an ever-increasing level of security, and in general ATAC welcomes Bill C-51 as it adds another layer to the security circles. No one security measure is perfect, and we believe that Bill C-51 will add to the security of air transport in Canada.

Our only comment on part 1, which would enact the security of Canada information sharing act, is to note that a major finding identified by the 9/11 commission in the U.S. was that the lack of timely information sharing between government agencies was a contributing factor in the terrorists' success on 9/11.

We have a number of comments on part 2, however, which would enact the secure air travel act. While it is not explicitly spoken in the SATA, we expect that the system would use the existing passenger protect system known colloquially as the no-fly list. Some may ask, if we currently have passenger protect, why we would augment it with an additional list. The limitation with the existing passenger protect list is that it is based upon the legal construct, which specified that a person must present “an immediate threat” to civil aviation. The list and its size are secret, but we are aware that it is in the low hundreds.

Colleagues from other jurisdictions, for example the U.S., point to its secure flight program list, which numbers in the tens of thousands of names. They question the integrity of the Canadian list and its completeness. This has led the U.S. government to institute additional security measures on Canadian aircraft overflying the U. S. For individuals who require additional screening, airlines can adapt to a Transportation Security Administration system called Selectee for Canadian use.

Proposed paragraph 9(1)(b) stipulates that the Minister may direct an air carrier to do, amongst other things, “the screening of a person”. We would note that airlines do not do the screening, as this is a Canadian Air Transport Security Authority, CATSA, duty, yet the act puts the onus and possible $500,000 fines on the airlines. This is unwarranted and not reasonable.

● (1955)

[*Translation*]

It should be noted that the passenger project applies to 89 designated airports in Canada. These comprise approximately 98% of all passenger trips. Accordingly, the risk at other airports should be rather low.

Transport Canada practises risk management, and we endorse this approach. Public Safety and Transport Canada should plan on contingencies where an individual located at a site where ground travel is not feasible, for example the Canadian north, is put on the minister's list. How does that individual get home?

[*English*]

Proposed subsection 23(4) calls for a $500,000 fine. This is excessive. The practicalities of any such complex system may have failings that are not necessarily in the air carriers' control, including communications outages and check-in personnel who are not the companies' employees, especially in foreign countries.

We understand proposed section 24 sets out a defence of “all due diligence” but that has not been defined. We suggest graduated administrative monetary penalties. We advocate that in instances where an individual is to be informed at the airport check-in that he will not be able to fly, a law enforcement officer be present as a matter of procedure. This is the practice in the U.S. and we recommend that the same practice be established in Canada. Our check-in agents shouldn't be expected to have to manage unruliness and perhaps even violent retaliation from refused passengers.

We also have great concerns about the high cost of the air travellers security charge, the ATSC. The money collected by the ATSC on tickets sold in Canada is only summarily accounted for. This taxable charge hasn't been audited since 2006. Four years ago, we asked the Auditor General to conduct an audit of the moneys collected, but were told that the data was either too old or incomplete to conduct a proper audit. Therefore, we conducted our own calculations based on Statistics Canada data for 2013 and on information published in CATSA's 2013-14 annual report. It's a simple enough exercise.

Statistics Canada publishes the number of enplaned and deplaned passengers and the mix of domestic, transborder, and international passengers, and CATSA' s annual report indicates the total number of people screened per year. We allowed for more than five times the reported double screening, and based on this data, we concluded that the revenues generated by the ATSC exceeded the CATSA budget by over $250 million. We repeated this exercise for many other years and determined that the money collected by the ATSC generally greatly exceeds CATSA's annual budget.

[*Translation*]

Why are passengers being charged far more than the services they are receiving? It is our opinion that the ATSC should be a dedicated charge set by and based upon CATSA's operational needs, not just another cash grab for the government.

[*English*]

In order for the system to work, CATSA resources are vital. We recommend that a public review be undertaken of the air travellers security charge and the Canadian Air Transport Security Authority's financing, that all air travellers security charge revenue go to CATSA, and that Canada review other jurisdictions with aviation security ticket taxes.

You will find that most other countries contribute a significant portion to the screeners' costs from general revenues. The terrorists are not at war with the airlines, but rather with the the airlines' country of origin. lt is only fair that Canada pay its fair share of this public security cost as is done in the majority of other jurisdictions. The current cost structure results in Canada having the highest aviation security tax in the world.

In closing, I would like to add that ATAC speaks for a large number of airlines in Canada, and contrary to past practices, we were not consulted in advance of this act. Including the considerable expertise of operators upstream of significant amendments is a much more constructive and efficient way to enact change.

I thank you. My colleague and I will gladly answer your questions.

The Chair: Fine, thank you very much and thank you to all of our witnesses for their contributions to this committee.

We will now go to rounds of questions for seven minutes.

Ms. Ablonczy, please.

Mr. Falk, you would like to go first? Then carry on, sir.

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

Thank you to our witnesses for attending committee this evening and for providing your expert testimony.

Mr. Sheehy, you are a former airline pilot and current security consultant, but I'm going to resist the temptation to seek your expertise on the recent horrific tragedy in Europe. I do want to ask a few questions about your testimony. You mentioned that there were gaps in the current legislation and that the bill that's proposed here, Bill C-51, addresses those gaps. Could you comment a little further on that?

● (2000)

Mr. Matt Sheehy: Yes, thank you for the question.

For example, one of the amendments in this new act is to basically review what people are saying publicly. So if you're out in public promoting terrorism, then under this new legislation that will become a criminal event. I've talked to several of my associates in the policing agencies, and generally front-line type people, but I've also spoken to some commissioners as well. They all basically suggest that up until now when a police officer is trying to interdict or deal with what appears to be terrorism, the laws are so vague that there's a reluctance to even pursue it. That's one example I can offer.

Mr. Ted Falk: Thank you.

I'm going to move on at this point to Ms. Lopez. Thank you for your testimony and to your colleague, Mr. Shideler. Whoever wants to respond, I'm fine with that.

Earlier today we had Steven Bucci from the Heritage Foundation present to committee. He gave an outsider's perspective of what this legislation looks like. He made the comment that it's a good balance of ensuring security and protecting our freedoms. I'll get you to expand on that, but I'm curious about one of the issues that you did address and that was your insight on oversight. If you could expand a bit more on your perspective on what this bill provides and the current regime.

Ms. Clare Lopez: As we have looked at the bill and reviewed it, the oversight responsibility is an important one. We have the same or a similar kind of mechanism in our own Congress down in the United States for oversight of the intelligence and the security services of our country. It remains a very important function of Parliament to oversee the implementation of any kind of new measure like this for the security and safety of Canada. From what we can observe, I think the measures of the bill under discussion would provide for that. I think that is an important point.

Kyle, do you want to add anything?

Mr. Kyle Shideler (Director, Threat Information Office, Center for Security Policy): I would add our own view, having observed these sorts of situations in the United States, of legislators who conduct oversight and who ask pointed questions being targeted. In the United States we had a detailed oversight discussion over the radicalization that occurs in prisons. Certain Congress members were aggressively treated in the media and pointedly by organizations that are known to have ties to the Muslim Brotherhood and known to have ties to terrorist organizations. As a result there comes a reluctance to discuss issues that maybe need to get discussed.

If you can create a barrier where the direct oversight of “you did this right” or “you did this wrong” is occurring at a committee level, then you have a parliamentary level that can observe that security committee and make sure the review that needs to be done is being done. That would be positive in our view because it would provide a level of protection to the legislator who is at risk of being targeted for influence operations.

Mr. Ted Falk: You're suggesting there would be potential risk with direct parliamentary oversight, as opposed to our current system that has an independent review body, which reviews it after the fact and still holds our security agencies accountable for their actions. They're still required to follow the warrants and the laws that we have in place here.

We also have judicial oversight on an ongoing basis. Whenever a warrant is requested it needs to get ministerial and judicial approval. That's different than having partisan political oversight.

Would you suggest that we have a good system?

● (2005)

Mr. Kyle Shideler: I think that makes sense as you laid it out, yes.

Mr. Ted Falk: One of the other things that you talked about in your testimony was the whole concept of preventing individuals from becoming indoctrinated, radicalized, and eventually becoming jihadists. What exactly do you see in this legislation that would be a strength in fulfilling that?

Ms. Clare Lopez: It seemed to us, as we reviewed it, that there were new measures provided for in this bill that strengthened and lengthened the review period before an individual inclined to jihad embarks on a course to a kinetic attack. It provides for looking at statements. It looks at the demonstration of a proclivity toward indoctrination to jihad before it completes or happens. The intelligence services and the police will have the ability, again with proper oversight and respect for civil rights, to take into account the behaviour, the actions, the statements, and maybe the online social media postings of an individual on the pathway to jihad, but before they get to the point of concocting a plot, or worse yet carrying it out.

The Chair: Thank you very much.

Your time is up, Mr. Falk.

Madame Doré Lefebvre.

[*Translation*]

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

I would like to thank the witnesses for being here today to discuss Bill C-51.

Since I don't have much time, I would like to focus my questions on the provisions relating to air transport security and passengers not being permitted to fly. Not many witnesses have spoken to us about that. That's why I find it extremely interesting that you addressed these points today.

I'll start with Mr. McKenna.

On March 12, Marc-André O'Rourke from the National Airlines Council of Canada appeared before the committee. He, too, mentioned some concerns about certain provisions of Bill C-51. He spoke about clause 9, specifically. Since you also mentioned it in your presentation, I won't go over it again.

Here's some of what Mr. O'Rourke said in his testimony:

> We are concerned with the potential direction to airlines to do “anything”. While our members are committed partners, what may be reasonable and necessary from the minister's perspective may not always be feasible from a carrier's perspective. As private companies, our member carriers may be limited in the actions they can take.

Could you comment on this whole burden that is placed on airlines and on what you can really do, concretely?

Mr. John McKenna: I'll ask Mr. Skrobica, who is our expert on that, to answer your question, and I will provide more details, if necessary.

[*English*]

Mr. Michael Skrobica (Senior Vice-President and Chief Financial Officer, Air Transport Association of Canada): From our perspective, we wanted to highlight that the systems we have are very complex. They're based upon computers. We rely upon their availability in order to do our check-in and processing of passengers. It includes a very substantial degree of security measures that are inherent. If they're down, we are unable to provide the same level of assurance that we would when we have the system.

There are problems worldwide in some airports. For example, the systems that are provided for you—when I say you, the airline is not provided an opportunity to utilize their own systems. We did an analysis with regard to the advance passenger information that the CBSA put into place. We were shocked to discover that the airport that's causing us the most problems is Charles de Gaulle in Paris, France. We had anticipated that it would be an airport in Cuba, for example, but there are many circumstances that are beyond our control.

The second part of proposed section 9 talks about due diligence but does not go into elaborating on it. We're very concerned by that. We have not had an opportunity.... For example, CBSA has instituted a number of new systems over the last few years. We've always had advanced consultations with them so that everybody understood where the limits were and what the expectations were. That's not been the case in this circumstance.

● (2010)

[*Translation*]

Ms. Rosane Doré Lefebvre: You are talking about the level of assurance and the security measures that all that can lead to. You also mentioned the fact that the legislation would impose a certain tax burden on airlines. And you mentioned that airlines could be fined up to $500,000.

Aside from the fines, which we have a specific number for, do you have an idea of what would be required in terms of security to put in place the measures in Bill C-51?

[*English*]

Mr. Michael Skrobica: From our perspective, we're anticipating that we're going to be able to utilize the existing passenger protect program, which is known as the no-fly list. If there is an expectation by Public Safety for us to institute a new system, that would come in the millions of dollars.

With regard to the expectation that, for some of the passengers, they are not just not going to be allowed to fly but they will be subject to additional security measures, there is an existing procedure that's being used today. We're making an assumption, because we have not been told definitively by Public Safety, that we could adapt an existing system that the U.S. has, the Selectee list. It's a system that requires the people at CATSA to undertake additional security measures to satisfy the Transportation Security Administration's requirements.

[*Translation*]

Ms. Rosane Doré Lefebvre: Perhaps you've seen other good practices in other countries around the world that could serve as a model to solve our problems with the no-fly list.

[*English*]

Mr. Michael Skrobica: One of the things that we have seen and that we advocate is that a law enforcement officer be present. Under the existing passenger protect program, we are not allowed to tell individuals who have set up for a flight, who are on the no-fly list, that they will not be able to board, except when they show up at the airport and present their credentials at the check-in.

In the United States there is a procedure that requires a law enforcement officer to be present. I believe that our check-in agents deserve the same level of security, considering that we are typifying these people as an immediate threat to civil aviation. With the hardening of air transport, we are finding there are probably going to be more attacks on the non-secure areas of airports. We want to be able to anticipate that and protect from that.

The Chair: Thank you very much. The time is up now.

Ms. Ablonczy, you have seven minutes, please.

Hon. Diane Ablonczy (Calgary—Nose Hill, CPC): Thank you to the witnesses.

I'd like to start with the Center for Security Policy. You mentioned that Canada has shown itself to be a global leader in fighting terrorism, and we thank you for that. We know Canadians are enormously proud that we're punching above our weight in fighting this threat.

You mentioned that there are groups whose agenda is to mislead the mass media, to influence politicians, to undermine policies that are aimed to address terrorism, and to undermine western governments. I'd like for you to expand on the who and the how of that.

Ms. Clare Lopez: We're referring specifically here to the network of the Muslim Brotherhood. That network spans both the United States and all of North America including Canada but also elsewhere in the world, certainly western Europe, in terms of this kind of targeting of our society for infiltration and subversion from within. Whereas elsewhere we see jihadist organizations taking a violent or a kinetic approach to conducting attacks with explosions and murder, and these things are being targeted against our societies as well, with the Muslim Brotherhood, we're seeing a calculated program to infiltrate society in different spheres. In other words, we're talking about academia, government at different levels—both the legislature of our countries and also the senior serving and appointed members of government—the media certainly, and throughout society. That has been the modus operandi of the Muslim Brotherhood and its various groups.

We know that quite a number of those groups operate throughout North America, in the United States as well as Canada, among which would be those listed on the Muslim Brotherhoods own explanatory memorandum's last page, which was one of those documents presented as evidence in our own Holy Land Foundation trial. On that list, which the Brotherhood titles “Our friends and the organizations of our friends”—quite helpful, them—were organizations like CAIR, Council on American-Islamic Relations; ISNA, Islamic Society of North America; ICNA, Islamic Circle of North America; NAIT, North American Islamic Trust, which, by the way, holds the deeds of trust to around 80% of all mosques and Islamic centres in the United States. These are some of the organizations I'm talking about.

● (2015)

Hon. Diane Ablonczy: Just this week, the media reported that there is new military intelligence showing that DND here in Canada is monitoring constant threats made against Canadian Armed Forces members and their families from ISIL terrorists on social media. I wonder if you could comment on any knowledge you have of this type of activity.

Ms. Clare Lopez: Certainly we've seen similar reports of targeting against American troops, also using social media. We know that the Islamic State is extremely sophisticated, very knowledgeable about the use of the Internet and specifically social media for the propaganda, indoctrination, and indeed, threat activities that they engage in.

I might turn to my colleague to expand on this a little bit, because that's an area in which he works very closely.

Mr. Kyle Shideler: As you mentioned, very recently we've seen in Canada and also in the United States the so-called Islamic State hacking organization, which released a list of names they claimed they had stolen from Department of Defense computers. The reality is that they had conducted open-source intelligence, a system typically called “doxxing” in hacker-speak, to gather up the names, locations, and social media identities of members of the armed forces. They have also used this technique to target Arab allies flying combat missions against the Islamic State and also against individuals who they alleged to be members of the Israeli intelligence service.

To date I'm unaware of any case where the Islamic State has successfully targeted an individual on the basis of that list, but certainly once that list has been created and published, it will be considered acceptable, authentic, and legitimate for any supporter of the Islamic State to act against an individual, and I absolutely expect they will attempt to do that.

If you look at the situation that occurred in Paris with the attack on the magazine *Charlie Hebdo*, that was a case where those individuals had been threatened many years in advance. It was some time later, but eventually they were indeed targeted.

Hon. Diane Ablonczy: In your view, are there measures in this bill that would help to contain and push back against the kinds of threats we've just been discussing?

Mr. Kyle Shideler: Yes. I think creating opportunities to prevent or disrupt.... For example, opportunities to conduct aggressive counter-intelligence to try to get in and collect the names of ISIS supporters before they strike, or something of that nature, would be one method of disrupting and preventing. Also, from our reading, I think that what's being discussed would permit that kind of activity, and it would be useful.

● (2020)

Hon. Diane Ablonczy: Thank you.

Mr. Sheehy, you mentioned that we're in a highly dangerous and highly fluid situation and that we need to be proactive. I wonder if you'd expand on what you mean there.

Mr. Matt Sheehy: Thank you for the question.

Well, I guess I should be clear that my expertise is primarily in the aviation and transportation area. That being said, I spent 37 years flying airplanes in hostile environments, so how I've applied this same sort of thinking to the threat environment we find ourselves in is that we have to capture any and all pieces of information that will help us reach our destination safely.

I think this bill, for example, sharing of information between different agencies, is excellent. When I fly an airplane, the mechanics tell me what kind of situation the airplane's in as far as the mechanics of it, and the meteorologist tells us what kind of weather we're going to have to deal with and any other issues like that. Also, we have a crew, so we engage with them too.

We're in a very fluid environment. I believe that all Canadians sincerely want to do the right thing here. These are very difficult times and this is a somewhat controversial piece of legislation from some quarters, but it's an excellent start. I think it's then up to this committee to fix it, if it needs to be fixed. But generally speaking, this is a good piece of legislation and the sharing of information is critical. Unless you have the information, unless it's clear, and unless it's sent down to the front lines.... If it's kept quietly in headquarters at CSIS, CIA, or whatever and not shared, it's useless.

The Chair: Thank you very much.

Thank you to Ms. Ablonczy.

Mr. Easter.

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

Thank you to all our witnesses for your presentations.

Just so I have you pegged correctly, does the Air Transport Association of Canada represent all the airlines that fly in Canada?

Mr. John McKenna: No, sir. We share that responsibility with the National Airlines Council of Canada. We represent some of the larger carriers but mostly the regional and smaller carriers.

Hon. Wayne Easter: We've had one other representative from the airlines here. Did I hear you say, in your presentation, that you were not consulted in the preparation of this bill? Did I hear you say that?

Mr. John McKenna: Mike is our local expert, our subject matter expert. He is usually consulted in these matters. I'll let him reply to this.

Mr. Michael Skrobica: We were not consulted in advance with regard to this bill.

Hon. Wayne Easter: We don't know whether the other group representing airlines—but I do.

To be honest with you, I am shocked. I am shocked that on one of the most important pieces of legislation related to anti-terrorism in this country, an omnibus bill, your association was not consulted in its preparation. I am shocked. I can't say any more than that.

The area related to airlines is this:

> The Minister may direct an air carrier to do anything that, in the Minister's opinion, is reasonable and necessary to prevent a listed person....

I do favour the part of the bill that establishes no-fly lists domestically. I do think there has to be better coordination internationally as well. Some of the points that you have made make me concerned. How do we stack up? I think you said that in the United States there is a police officer, probably an armed customs agent or something, who is there to assist representatives in detaining an individual who is on the no-fly list. That doesn't exist in Canada.

● (2025)

Mr. Michael Skrobica: That is correct, Mr. Easter.

In the United States, there are procedures to have a law enforcement officer available just in case the situation turns violent. We don't have that. When the passenger protect program came into being, that was one of our recommendations in our consultations. The government elected not to put that into place.

Hon. Wayne Easter: I think you said, and it says in the bill, that you can be fined, or your airline can be fined up to $500,000 if proper procedures are not followed. What I am hearing is that you are responsible, but you are not ultimately in charge.

Would that be a fair way of putting it?

Mr. Michael Skrobica: That is correct.

You will recall the reports of an individual who was travelling with a pipe bomb. CATSA handed the pipe bomb back to the individual and allowed him to travel. Under this bill, if CATSA were to be in error, potentially we would be responsible. That is not equitable, in our view.

Hon. Wayne Easter: We don't have time tonight, and you haven't suggested any amendments as such. We are going to be starting amendments sometime next week.

Would you be prepared to send a letter over the weekend to the clerk on suggested amendments that might deal with this problem in this bill? If you could do that, it would be much appreciated.

Thank you.

Mr. Michael Skrobica: Certainly.

Hon. Wayne Easter: Thank you.

I want to turn to the Center for Security Policy. Listening to the discussion between you and Mr. Falk, I think you have a grave misunderstanding of what we have in place in Canada as oversight. We have no oversight at all over all our national security agencies. There is nothing that coordinates the whole works. Many of us believe we need that. In the States, you have—and I've met with them—the Senate Select Committee on Intelligence, which can look at classified information, and the House Permanent Select Committee on Intelligence, which can look at classified information and raise questions. We have none of that in Canada in terms of elected representatives. You also have the President's Intelligence Advisory Board, which coordinates a lot of information. We have none of that in Canada.

We have a review body called SIRC that can look at issues after the fact. We used to have an inspector general, until this government cut that position. Many of us are demanding that what is needed to accompany this bill is oversight that would be all-encompassing of all our national security agencies with access to classified information that could ensure our national security agencies are doing what they should be doing and not overreaching and going beyond what they should be doing in impacting civil liberties.

My question to you, based on your answer to Mr. Falk—

The Chair: Very brief....

Hon. Wayne Easter: Would you be suggesting that you should do away with any of those oversight agencies that are in place in the United States that we don't have?

The Chair: A very brief response.

Ms. Clare Lopez: That we in the United States should do away with ours? No, certainly not.

Hon. Wayne Easter: Thank you. No further questions, Mr. Chair.

The Chair: Thank you, Mr. Easter.

Now for a few minutes, Mr. Garrison.

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

I'm aware that these hearings on this bill are drawing to a close. I want to say that I feel we've had many high points in terms of testimony, excellent testimony for us, and comprehensive briefs from witnesses, in particular from the Muslim, Jewish, and first nations communities who are very much affected by the kinds of things we're talking about.

I feel honoured to have had those important contributions.

We've also had contributions as a committee from many who were not able to appear here and who've submitted written briefs. I want to assure people who may be listening in that we will be taking those seriously.

I have to say we've had some low points, including attacks on both the integrity and sincerity of some witnesses that were done under the cloak of parliamentary privilege. I always regret when that takes place. Another low point was that, despite her dedication to being present at these hearings, the leader of the Green Party was not allowed to take any part in these hearings.

We're drawing to a close this evening not having heard from some very important witnesses. The Privacy Commissioner of Canada, who is an officer of Parliament, we were not able to hear from—

● (2030)

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

The Chair: There is a point of order.

Ms. Roxanne James: We've gone over the reason why the Privacy Commissioner was not here. It was because the opposition parties did not put the Privacy Commissioner on their list and not a high priority. I want to make that clear to the committee as a whole—

Mr. Randall Garrison: That's nothing even close to a point of order.

Ms. Roxanne James: —and even for the witnesses who are here before us today that is simply not the case. The government did not disallow someone from coming. If they had been a priority witness you should have placed that on the list.

The Chair: Fine. Thank you very much.

Let's get away from this topic with regard to this “he said, she said”. Please, finish up, Mr. Garrison.

Mr. Randall Garrison: I will say that we put a motion before this committee to hear the Privacy Commissioner, which was blocked by the Conservative Party and that's a matter of public record.

Ms. Roxanne James: Not on your list.

Mr. Randall Garrison: Or your list.

We also had three witnesses per panel. We've all seen how ineffective that has been. It leaves people with seven to 10 minutes to ask questions on a complex bill to very important witnesses. We've had 36 witnesses appear in a single week, which makes it very difficult for anyone to follow the course of the debates in this committee. Now we have a deadline for amendments at 9 a.m. tomorrow. We've just heard six witnesses this evening, including some very important suggestions from the B'nai Brith association who raised a new issue of the potential for private prosecutions. We've just heard from the Air Transport Association about some very important concerns. The rushed schedule means that it's very difficult to accommodate those.

The last point I would make, as I said earlier today, is that we've seen a very strong theme here. By my count 45 of 49 witnesses had serious concerns about this bill and suggested many important amendments that could be made. We'll be looking forward to seeing if the government is prepared to amend this bill in any fashion. We still believe that some parts are unfixable. Some important things are missing, but there were some important suggestions made to this committee regarding amendments that would allow us to meet real threats in effective ways and protect both our safety and our civil liberties.

Thank you, Mr. Chair.

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

On behalf of the entire committee I would like to thank our witnesses for taking the time and the energy, and giving of their experiences in providing the testimony that this committee takes very seriously. Your time has not been wasted.

Thank you very kindly. As we are wrapping up our first rounds of questions before we go to further examination, I'd like to thank our staff, our clerk, our analyst, and all of our support staff here who have stayed with us while we went through a significant number of extended meetings to give everybody the opportunity to participate. I thank them very much.

The meeting is adjourned.