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Speaker: The Honourable Geoff Regan

National Security and Intelligence Committee of Parliamentarians Act

The House resumed from September 27 consideration of the motion that Bill C-22, An Act to establish the National Security and Intelligence Committee of Parliamentarians and to make consequential amendments to certain Acts, be read the second time and referred to a committee.

Ms. Dianne L. Watts (South Surrey—White Rock, CPC):

Madam Speaker, I am pleased to rise in the House to speak to Bill C-22, the national security and intelligence committee of parliamentarians act.

The bill was first introduced in the House of Commons on June 16. It looks to establish a national security and intelligence committee of parliamentarians.

We know that the committee's mandate, as laid out in the legislation, is to review the legislative, regulatory, policy, administrative, and financial framework for national security and intelligence; any activity carried out by a department that relates to national security or intelligence; or any matter relating to national security or intelligence that a minister refers to the committee.

I believe that the overall principle of the bill is relevant and necessary, given what we are dealing with in today's reality. However, there is a significant amount of responsibility and understanding, and it requires knowledge and critical thinking on a number of fronts. This is why I find pieces of the legislation somewhat troubling, especially when the act does not require the members of the committee to have any experience in dealing with security or intelligence-related matters and information.

I will frame this up in order to put some context around the issue.

From a personal perspective, and as a former mayor whose city bordered on the United States and is the second-largest border crossing in the country, next to Windsor, Ontario, I have

presented before the U.S. Homeland Security on a number of issues. I have presented and also had the largest RCMP detachment in Canada, and I have dealt with significant financial, legislative, and security issues, from the proliferation of gang activity, cross-border drug and firearms issues, and murder investigations to the importation of drugs from China, Mexico, the Middle East, and the list goes on.

I cannot stress this point enough. The people serving on this committee must have some understanding and experience of sensitive, confidential, and secure information as it relates to national security and intelligence.

The bill is about the security of our country and the committee and its processes must be transparent. Regardless of political stripe, we all bring something unique to this discussion and this debate.

The chair should not be appointed. Rather, the chair should be elected. I want to take a moment here, because at this point one of the government member's stated that the critic said, in a letter, that the chair should be appointed. However, I will reiterate point seven of the letter, which is that the committee should elect its own chair from among its members. This is the practice with the U.K. committee and other allied countries. The election of the committee chair was also a commitment made by the Prime Minister. This was a direct notation from the critic to the Minister of Public Safety.

There is no doubt that this is an issue. It is unfortunate that the chair of the committee was already selected and appointed by the Prime Minister before the mandate of the committee was even established. It undermines the integrity of the committee even before it begins its work.

We need to look at the U.K. model, which was reformed in 2013 to be a committee of Parliament that reported to Parliament, and the members are appointed by Parliament, except for issues of national security, which are reported to the Prime Minister.

The stark difference with Bill C-22 is that the Prime Minister appoints the chair, the members of the committee are recommended by the Prime Minister, and the committee reports to the Prime Minister.

Also, the bill states that:

If, after consulting the Chair [who is appointed by the Prime Minister], the Prime Minister is of the opinion that information in an annual or special report is information the disclosure of which would be injurious to national security, national defence or international relations or is information that is protected by litigation privilege or solicitor-client privilege or, in civil law, by immunity from disclosure or the professional secrecy of advocates and notaries, the Prime Minister may direct the Committee to submit to the Prime Minister a revised version of the annual or special report that does not contain that information.

While parts of subclause 21(5) of the bill make perfect sense, I believe it is also far-reaching and extremely broad in its context. Virtually, the Prime Minister can have any report from the committee rewritten if he does not like the content. I believe the parameters need to be much more prescriptive and narrower in scope.

Openness and transparency is what we all want. We all want to achieve this while still maintaining the integrity and confidentiality of sensitive or classified information. The current bill as it stands would not instill confidence in the process or the general public when the Prime Minister and the chair of the committee, whom he appoints, can revise and change the committee's report at will. Censorship of the committee just simply will not work.

As I stated earlier, I believe a national security and intelligence committee of parliamentarians needs to be struck. However, we need to get it right, because we are talking about the security of this country and its people.

Therefore, I put forward three points. First, the chair of the committee should be elected. Second, the committee should have full powers to summon any witnesses and require them to give or produce evidence that the committee deems necessary to meet its mandate. Third, the committee should submit an annual report to Parliament, but the committee, in consultation with the Prime Minister and their national security adviser, exclude from the report any information that may, if released publicly, jeopardize national security.

I believe that these three points would add a level of transparency, as the committee would be arm's length from the Prime Minister's Office, and instill a level of confidence within the general public.

I believe all members support the concept and the principles and really want to ensure that we get this done right. We want to make sure that the safety and security of our intelligence personnel is intact, and we do not want the polarization or politicization of the oversight of our national security operations.

Therefore, Bill C-22 in its current state, I will not be able to support.

Mr. Adam Vaughan (Parliamentary Secretary to the Prime Minister (Intergovernmental Affairs), Lib.):

Madam Speaker, I listened with great interest and heard comments that seemed to suggest that the Prime Minister could rewrite the reports from this committee. The clause of the bill that governs the Prime Minister's authority here only refers to him being able to redact facts that may be of a classified nature and inappropriate.

If there is no provision for the Prime Minister to author a new clause, a new paragraph, or rewrite the bill, would the member opposite then support the bill as a result of that being clarified?

Ms. Dianne L. Watts:

Madam Speaker, it does state here "after consulting the chair of the committee", who is appointed by the Prime Minister, and then it goes into a litany of things that he could exclude from the report and then submit to the Prime Minister a revised version.

I think everybody is well aware that there is certain information that should not be publicly disclosed for security reasons or national security intelligence; however, there has to be an oversight of what that looks like. In the U.K. model, they still give that information to the Prime Minister. He does not have the authority to start removing information and rewriting reports.

Therefore, I think there is a balance here, and I think everybody is well aware that there have to be parameters in place, because we are dealing with sensitive confidential information.

Mr. Pierre-Luc Dusseault (Sherbrooke, NDP):

Madam Speaker, I thank my colleague for her speech.

Given that she is a Conservative member and that it was the Conservatives who passed Bill C-51, I am surprised to hear positive comments about the creation of a committee of parliamentarians to provide oversight for Canada's intelligence agencies.

When her party was in power and passed Bill C-51, which broadened the mandate of intelligence agencies, why did it not create a committee of parliamentarians to meet the needs and expectations that she just mentioned with regard to a committee of parliamentarians? That would have been a little more acceptable.

Ms. Dianne L. Watts:

Madam Speaker, I was not here during that time and do not have intimate knowledge as to why that was not set up. However, I know for a fact that many members of Parliament in government were working on that exact principle in terms of looking at oversight of intelligence agencies. It did not come to fruition. Every party that has been elected to the House has put something forward in one form or another. It is about coming together where everyone can agree.

We have a bill before us on which two parties do not agree with the government. I do not think there has been much difference as time has gone by. If there is willingness on all parts, putting political parties aside and doing what is right for the country is what needs to occur. I think we can get there. I hope we can get there. Then we will have the necessary measures in place that we need.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC):

Madam Speaker, I have just a quick question with regard to the process of committees appointing chairs. It was my understanding that the government was committed to allowing committees to appoint their own chairs, yet for this committee the chair has been appointed by the Prime Minister at an additional cost and appointed before the committee even exists. I wonder if my colleague would comment on that.

Ms. Dianne L. Watts:

Madam Speaker, that is what I am saying. That precise move undermined the confidence of the general public. How can a chair be appointed, when the Prime Minister said that it should be an elected chair, before the mandate of the committee is even put forward? That, in itself, has undermined the entire process.

We have to get back to getting the confidence of the general public and the confidence of members on both sides of the House and move forward with what we need to do.