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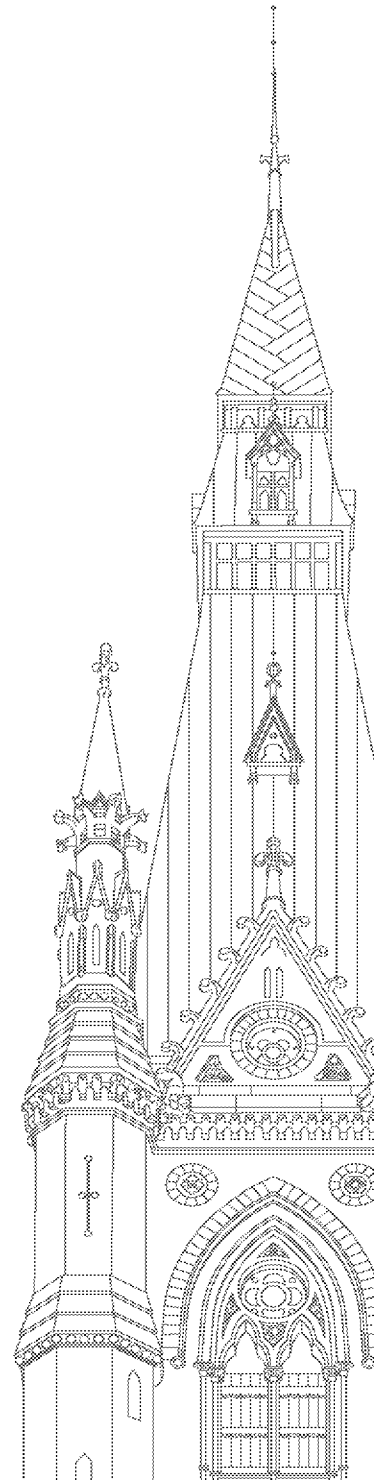
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Chair: The Honourable Bardish Chagger



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• (1105)

[English]

The Chair (Hon. Bardish Chagger (Waterloo, Lib.)): Good morning, everyone. I call the meeting to order.

We have with us, on our panel, Mr. Dan Stanton, former executive manager, Canadian Security Intelligence Service, CSIS, and Mr. Artur Wilczynski, former assistant deputy minister and director general, intelligence operations, Communications Security Establishment, CSE.

You will each have up to five minutes for opening statements, after which we will proceed to questions from committee members.

To keep it nice and tight, we'll start with you, Mr. Stanton, and then you can pass the floor to Mr. Wilczynski. We'll continue with questions after that.

Welcome to the committee.

Mr. Stanton, the floor is yours.

Mr. Dan Stanton (Former Executive Manager, Canadian Security Intelligence Service, As an Individual): Thank you, Madam Chair.

Good morning, members of the committee.

My reason for speaking today, and the message I'd like to get across, is that I do not agree with the decision to not have a public inquiry on the foreign interference allegations. I will address the rationale used to support that decision.

Additionally, I do not want the onus falling to the opposition to push for a vote to have a public inquiry. Instead, I wish to see the government—more particularly and respectively the Prime Minister—reconsider the decision to not have a public inquiry.

The special rapporteur's review found “no examples...of Ministers, the Prime Minister or their offices knowingly or negligently failing to act on intelligence, advice or recommendations.” He focused on the machinery of government, the policy-makers, and he did acknowledge that he found significant and concerning gaps in the sharing of intelligence and sensitive intelligence.

He advised that the Minister of Public Safety does not have access to top secret emails that national security officials use to share intelligence, including potential threats to members of Parliament. This has led to “situations where information that should be brought” to the political level does not get there “because it can be lost in the sea of material that floats through the government.”

In the case of intelligence and the targeting of MP Michael Chong, we're told, from the review, that while it was sent to the public safety minister and his chief of staff, it was sent through a top secret email system for which they lacked log-in details.

I ask, respectfully, this: How can there not be indications of a failure to act on intelligence warnings when decision-makers at Public Safety and a number of national security intelligence advisers never saw, or were unable to access, the reports?

We are told that some of the allegations reported by The Globe and Mail and by Global News were proven to be without foundation and were taken out of context. Which allegations? I think it's important to know that.

Canada recently expelled a Chinese diplomat. Should we reconsider the PNG action?

Security experts have advised the rapporteur—and he reported this—that we cannot have a public inquiry as it might upset the Five Eyes. Having worked with nine of the 12 Five Eyes partners' HUMINT and SIGINT agencies for many years, I can say with confidence that they have the highest regard for Canada's intelligence agencies and national security infrastructure.

The Five Eyes have survived existential leaker damage from Kim Philby to Edward Snowden, and they have much bigger preoccupations with the China target than what could be considered our slightly more pedestrian, but certainly domestic, foreign interference investigation. Five Eyes reporting—and, yes, I have no doubt there probably is some—can be sanitized for disclosure. Additionally, it can be reviewed either through witness testimony or through reports in camera at a public inquiry. The Five Eyes are not a show-stopper. The Five Eyes are not like the Eye of Sauron, looking down at our public inquiry with grave concerns.

We do have precedents for public inquiries on national security matters. We have Justice John Major's commission inquiry into the bombing of Air India flight 182—anniversary next month, by the way—where sensitive reporting and witness testimony were reviewed in camera. The same could be done with a public inquiry on foreign interference, where the Attorney General of Canada can request the commissioner to review sensitive information privately.

Finally, I wish to address the issue of the question of privilege related to an intimidation campaign against the member of Parliament for Wellington—Halton Hills. I am very proud of my 30 years of service in the Canadian Security Intelligence Service and of the work it does every day to keep Canadians safe.

That being said, I believe that, when it received credible information that a member of Parliament's family members were being targeted by the People's Republic of China, he should have been apprised of that information on a priority basis. CSIS should have told Mr. Chong directly, rather than waiting for the machinery of government to fix its email problems.

Thank you, Madam Chair.

• (1110)

[*Translation*]

Mr. Artur Wilczynski (Former Assistant Deputy Minister and Director General, Intelligence Operations, Communications Security Establishment, As an Individual): Thank you, Mr. Stanton. Thank you, Madam Chair.

I would like to begin by saying that the foreign interference experienced by Mr. Chong and other members is incompatible with democracy. Threats against members are inexcusable and threaten the integrity of our democratic institutions and their ability to represent Canadians.

In his testimony, Mr. Chong raised a series of key issues to address threats posed by hostile state actors such as China and Russia. In his report, the special rapporteur also highlighted elements that undermine Canada's ability to respond to foreign interference. Both of them have raised some key issues, and I'll try to address a few of them.

[*English*]

For many years, I was a consumer of intelligence. At Public Safety Canada and at Global Affairs Canada, as director general, I consumed highly classified intelligence from across the Canadian intel community and from international partners. I engaged regularly with deputy ministers, ministers and their staff to discuss a wide range of issues.

After serving as an ambassador, I returned to work at the Communications Security Establishment as the director general of intelligence operations. I was asked to join CSE because of my years as a consumer of intelligence. Part of my mandate as DG of operations was to improve the experience of consumers of CSE's intelligence products. I was responsible for CSE's client relations officer or CRO program. I was also the chair of the board governance of Canada's top secret network, the platform that provides access to highly classified intelligence to clients across government.

[*Translation*]

My experience has given me a better understanding of the collection, analysis, dissemination and use of information. That's why I agree with many observers that the dissemination, consumption and use of information in Canada must be modernized. This issue isn't new. It was in part to address some of those challenges that I was appointed to the Communications Security Establishment. Unfortunately, this is still a work in progress.

[*English*]

While some intelligence consumers have effective partnerships with producers, particularly personnel in the Canadian Armed Forces and other security organizations, there remain significant gaps. This unfinished business of modernization is why I was not shocked by Mr. Chong's experience or the observations shared by Mr. Johnston. They are familiar complaints of consumers of intelligence and require a systemic response.

My work was at CSE, Canada's foreign signals intelligence agency. Intelligence in Canada is produced by a wide range of actors including CSIS, the Canadian Forces Intelligence Command, FINTRAC, CBSA and the Privy Council Office. It is complemented by classified diplomatic reporting from Global Affairs. That's just material generated by Canada. We also access intelligence from the Five Eyes, NATO and other arrangements.

This is a vast information ecosystem. Ensuring that the right people see the right information at the right time to make decisions in Canada's national interest is the goal. There is still much work to do to effectively achieve that self-evident objective. We invest heavily in the collection of intelligence. We need to invest more in effective assessment and consumption. We need better coordination in the dissemination of intelligence.

As a consumer of intelligence, it is difficult to prioritize classified information coming from multiple sources and at a volume that is almost impossible to effectively manage. Consumers of intelligence, whether ministers, their staffs or deputies and other senior officials, need better training to understand what intelligence is and how to effectively use it in their decision-making process. We need a better intelligence culture in Canada.

That culture is comparatively robust in addressing security threats to Canada and Canadians. It is far more tenuous when it comes to new and emerging issues, where new consumers have less experience with intelligence and are deciding how to allocate scarce time to reading highly classified material.

We need greater transparency in intelligence, so Canadians better understand what it is and how it's used. We need greater coordination of dissemination processes. We need to value and empower the people that share that intelligence with clients and strengthen the systems used to do so. This should be the role of the office of the national security and intelligence adviser. The Office of the Director of National Intelligence in the United States is an excellent model. While much can be done through policy change, I believe codifying the NSIA's role in law would help.

Finally, I believe that deputy ministers should be more accountable for how their organizations use the intelligence they ask for. The accountability currently rests with collectors and assessors who respond to requirements set out by all of government. Consumers should be accountable for providing feedback and saying how the intelligence was used to achieve outcomes in the national interest.

● (1115)

Much of that information will need to be classified, but these are important strategic fixes that I think will address some of the challenges raised by Mr. Chong and the special rapporteur.

There are systemic challenges in our intelligence system. I hope we dedicate the time and resources to address them. I'm happy to share greater details on possible next steps with the committee.

Thank you very much, Madam Chair.

The Chair: Thank you very much for those opening comments. We appreciate your taking the time to be here with us today.

We will now enter into six-minute rounds, starting with Mr. Cooper, followed by Mr. Turnbull, Madam Gaudreau and then Madam Blaney.

Just a reminder, comments are through the chair. Also, we have two official languages in Canada, so a pause between comments and responses would be appreciated.

Mr. Cooper, the floor is yours.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you very much, Madam Chair.

I'm going to direct my questions to Mr. Stanton, through you, Madam Chair.

You spoke in relation to the issues concerning member of Parliament Michael Chong. The Minister of Public Safety and senior officials in his office were sent a sensitive email in May of 2021. They didn't have the log-in information and couldn't access the email.

Minister Blair was the minister for 18 months as of May of 2021. What does that say about the machinery of government that a minister who was in place for 18 months didn't have access to emails. Emails were being sent. CSIS was continuing to send those emails, and they were effectively going into a black hole. That doesn't seem to add up.

Mr. Dan Stanton: That's exactly... I mean what inference we want to draw from that is that you have all this sensitive reporting going into the system, which—and I'm quoting from the rapporteur's findings—is basically bobbing on a digital sea of computers. Maybe I'm being a little harsh, but it seems that there is a dearth of

briefing up going on that you would expect would be done with various departments.

It also sounds like a predilection for digital copies and that hard copy briefings are passé. I think there are advantages actually with hard copies.

It does sound to me like CSIS is putting in these very sensitive reports, and there are these glitches and gaps—and they probably didn't start last year—that need to be rectified so that the critical information would go at least to the cabinet minister level to make his decision.

I have no idea why. It just strikes me as dysfunctional.

Mr. Michael Cooper: Madam Chair, through you, ultimately, what does that say about ministerial responsibility? Ultimately, who bears responsibility? A minister is in place for 18 months—the Minister of Public Safety. We have an email on a matter as critical as an accredited diplomat threatening and targeting a sitting member of Parliament, and the minister doesn't know about it because he doesn't have access.

Mr. Dan Stanton: I'll touch on a point that Mr. Wilczynski mentioned when he talked about the rigorous review on the collection side. CSIS, CSE, CAF and others are subject to it on an annual basis in terms of their performance and compliance with policy.

I am suggesting that, on the policy-maker side, the machinery of government, we don't have the same type of review or accountability.

It should be ministerial accountability. I think that's part of the bedrock of our parliamentary system. It's where every department is responsible. You would think there are mechanisms for briefing up, particularly in security and intelligence, such that you don't have to have a particular passcode to read a particular message to factor that into your decision-making on something as critical as a threat to the members of Parliament.

● (1120)

Mr. Michael Cooper: Madam Chair, through you to Mr. Stanton, after CSIS sent that email in May, it went into a black hole. The minister didn't know even though he had been minister for 18 months. CSIS then tried to again alert the minister and other departments, the PCO, when they prepared the July 2021 memo. That went to the PCO. It went to the Prime Minister's national security adviser, yet apparently the Prime Minister didn't learn about that.

Does that sound believable to you? If the Prime Minister is in fact saying that he had no idea, what does that say about the information flows and structures that he has in place to be briefed and be alerted to critical national security information?

Mr. Dan Stanton: It's not inspiring. The thing to appreciate is... We talk about threat-related, and in this context, of course, it's a member of Parliament. With a lot of threat-related intelligence, whether it's dealing with terrorism or espionage, or things like that, there already is a drill. There already is a performance. They don't wait for CSIS to send assessments into that email system. This would go in as an assessment piece on the foreign intelligence threat with all sorts of other information that probably goes in on a routine basis.

I've heard it said by the public, "Why doesn't CSIS call, or why doesn't CSIS hint there's something in there?" What we don't want to have, with security intelligence, is the agencies shaping the narrative or saying to the policy-makers, "Here, you must read that."

What I'm saying is that I don't think that report went into the system and that the producer, CSIS, thought, okay, this needs immediate attention. It just goes in as a routine process on that. I do find it disheartening, because I spent 32 years in the business where you collect information. There's considerable risk and expense in producing intelligence reports, so you like to think that somebody read them or found them interesting.

Perhaps what this initial review is revealing is that those gaps are more significant than maybe we appreciated, if reports are just floating around the system.

Mr. Michael Cooper: Yes, I'll give you....

Mr. Artur Wilczynski: Thanks very much.

Just to add, I think it's really important to understand that within the Department of Public Safety, where Minister Blair was the accountable minister—again I also agree with the concept of ministerial accountability—there are structures. There is a branch responsible for national security that does receive regular information and intelligence from CSIS and other agencies. It's the deputy minister of public safety who determines how much and what goes to ministers.

As I mentioned in my opening statement, there's a massive volume that comes out every single day of intelligence products and assessments. Having a more robust engagement with clients like ministers, like deputies, so that the producers of intelligence better understand their needs and what needs to be brought to them urgently is something that is still weak, I think, in the government system. It needs to be addressed.

The Chair: Thank you.

I know you're new to our committee, but we still use the old-school mechanism of the beep, beep, beep. That means time is up. However, I think it's always suitable to have a response.

I thank you, Mr. Cooper, for wanting Mr. Wilczynski to be able to also contribute.

Mr. Turnbull, the floor is yours.

Mr. Ryan Turnbull (Whitby, Lib.): Thanks, Madam Chair.

Thanks to both the witnesses for being here today. I really appreciate your expertise and lending your perspective to this important conversation. I think you bring a lot to it.

Mr. Stanton, maybe I'll start just with a question for you in a follow-up to Mr. Cooper's line of questioning.

In this particular case that Mr. Cooper was speaking about, we're sort of inferring things from what the Right Honourable David Johnston has reported on in his report. What he's able to say and what he's able to report are based on obviously lots of classified intelligence that he's able to review. I just wanted to know if you are intimately aware and knowledgeable about those specific allegations.

You bring a lot of expertise to the conversation. but there's a part of me that's assuming that you don't exactly have the detailed information that David Johnston has been able to review. Am I right on that?

Mr. Dan Stanton: Absolutely, yes.

Mr. Ryan Turnbull: That's helpful, because I wouldn't put you in a position to confirm or deny certain things that you don't have knowledge of. I think that's putting you in an unfair, compromising position.

Mr. Dan Stanton: Yes.

Mr. Ryan Turnbull: I do think this conversation has become overly partisan in lots of our dealings on the Hill with foreign interference. It's such an important conversation to be had. I think the report from David Johnston, which I reviewed thoroughly multiple times now, really points to areas where we need to see improvements. At least from this side, the government side, we sit around the table hoping that we're going to get to the detailed, good-faith suggestions that can improve our system of intelligence.

I think the big thing that comes up in the report for me is the way in which information is dealt with, coordinated, how it's fed up and how it's used to make decision-making.

Mr. Stanton, maybe I'll start with you. Maybe you could give us some of your sentiments on that. Then I'll go to Mr. Wilczynski.

● (1125)

Mr. Dan Stanton: Thanks for asking that, Mr. Turnbull, because I wouldn't want anyone to interpret my comments in any way in a partisan way, because I am the antithesis of that. That's why I don't want a vote in the House. I'm trying to avoid what would be a divisive vote.

I raised the issue of these gaps, the email system and such in the context that we're hearing from the reviewer, Mr. Johnston, that there was no sign of interference, negligence or anything like that in reaction to the reporting. I am simply asking how you can make those conclusions when the policy-makers who are making these decisions didn't see, hear, read or find a report.

With these gaps in the system of being briefed, how do we reach the conclusion that the decision-makers carried out their decisions in a way that was either competent or devoid of that?

I didn't mean it in a partisan way, but in the initial question you asked me, no, I have no insight on that side of the House. I spent my whole life in what was called "collection" in field and headquarters, collecting reporting and sending it over to the consumers of reporting, so I have no insight into the system and whether it.... I am simply going by what Mr. Johnston publicly disclosed he found and acknowledged were serious and significant gaps in sharing intelligence.

Mr. Ryan Turnbull: Thank you.

Mr. Wilczynski, you made some pretty important comments in your opening remarks on how we can better deal with the flow and modernize the flow of information and how it's coordinated through the intelligence agencies to the appropriate ministries and ministers, who are ultimately accountable.

Can you speak to how we can improve that?

Mr. Artur Wilczynski: Sure. There are a number of ways we can improve that.

First, we need to make sure that all government departments have access to that top secret network, so that they can receive that information. The way that access is managed in those departments needs to be from a policy perspective and a response perspective, as opposed to a technical, departmental security point of view, which is how it's managed right now.

I also think we need to modernize and improve the coordination of the client relations officers. Those are the human beings who meet with clients around government to make sure that they get the information at the right time. At the moment, there are too few of them. At the moment, they are employed by the Communications Security Establishment. They are my former colleagues and, again they reported to me, even though they were providing a whole-of-government service in many cases. There needs to be more of them. They need to be better trained. In my opinion, they need to be at a more senior level when they are meeting with deputies and other senior officials, in order to make sure that they have the ability to engage.

Another important element is ensuring feedback. When consumers read the intelligence, they tell the collectors whether or not it is, in fact, the information that they are seeking. This is because part of the challenge is making sure that people spend time on the intelligence, and too often, when it isn't what consumers want, there is no feedback provided. That affects the volume of information that goes to key clients, which I think is part of the problem with the system as it exists.

Mr. Ryan Turnbull: We've heard about some people going into a room with a very large binder of intelligence that they're supposed to review and being given no direction as to what is relevant in that binder. I could just imagine if I were in that person's shoes. You aren't given adequate time to actually review the material, first of all, and you don't necessarily know how to.... There are a number of skills, I imagine, that you need to have.

How long, Mr. Wilczynski, would it have taken you to be able to interpret intelligence in a way so that you'd feel confident about what actions you would take as a result?

● (1130)

Mr. Artur Wilczynski: As a consumer, it takes years to get an understanding of the information in front of you, and you need regular engagement with a range of actors to be effective in turning the information that you see into actual, effective decision-making. This is why I say we need to change the intelligence culture in this country.

We need to speak more frankly with Parliament and with parliamentarians. We need to speak more often with Canadians about what intelligence is, so that when they are elected to represent us here in the House of Commons, they have a basic understanding of how intelligence works.

The Chair: Thank you.

[*Translation*]

Go ahead, Ms. Gaudreau.

Ms. Marie-Hélène Gaudreau: Thank you, Madam Chair.

I'd also like to thank you, witnesses, because you're reassuring me in a way. You're reassuring me because, since November 7, we've been worried and have been doing everything we can to get to the bottom of this.

When I hear you say that there's no reason not to hold an independent public inquiry, that the list of measures taken has already been prepared, and that you've been working in the field for over 30 years, I ask myself the following question: Since we can go back on our decision, as you said, why do you think an independent public inquiry isn't being held, in your opinion?

[*English*]

Mr. Dan Stanton: I can't answer why, but I do feel that it's very important. I feel there's increasing distrust in Canada in terms of our democratic institutions. I was at the other committee on April 10, and if you had asked me then, I would have said, "No, we don't need a public inquiry; I don't think it's necessary," and I'd come in with all sorts of security reasons for it.

Since then, there's been so much reporting and, even assuming that a percentage of the reporting has some truth, I—and I'm usually not someone who believes in conspiracy theories, and I'll always give someone the benefit of the doubt—keep thinking that there may still be some negligence. I think maybe there is, but I think Canadians are increasingly wondering what's going on. That's why I am.... I want a public inquiry, because I want Canadians to regain that trust in institutions. I'm sad about that.

When I had a performance agreement as an executive manager in the service, the first priority that we had to sign off on was the protection of Canada's democratic institutions and processes. That was it, and we were evaluated on that. All I've been hearing in the last couple of years is how Canadians are increasingly becoming less and less trusting in their system. That's why I want an inquiry.

[*Translation*]

Ms. Marie-Hélène Gaudreau: I have a question about confidence in our democratic system. I would like to repeat some of the comments you made on May 23. You wondered whether the special rapporteur was in the best position to hold these consultations and whether his findings would have enough legitimacy for there to be a national consensus and for public confidence and democratic institutions to be preserved.

Are you concerned about what will happen if there is no public inquiry? We are trying to win back or, rather, gain people's trust. I'd like you to tell me a little more about that, because the situation is quite worrisome.

Mr. Artur Wilczynski: I find that very worrisome. As you mentioned, and as the special rapporteur mentioned as well, democracy is a matter of trust. The Prime Minister picked up on that same idea. Given the facts before us, I think there's a broad consensus on the need for an independent inquiry. I think that's very important because it's a way of establishing that trust. Without trust, we have neither democracy nor institutions in common.

We must do everything in our power to shed light on what happened in the last election. We also need a transparent process to prepare for the threats that are still present and that will evolve over the next few years. I agree with my colleague that the best way to do that is to have an independent inquiry.

Ms. Marie-Hélène Gaudreau: We're told that a public inquiry could pose a risk to our national security. You say that, according to the Five Eyes, this is déjà vu. What other information can we provide to the government for it to take action? As you know, there was even a vote in the House of Commons to have an independent public inquiry conducted by all the opposition parties. What is missing?

• (1135)

Mr. Artur Wilczynski: To me, it's not a question of the classification of the information handled by the special rapporteur or as part of an independent investigation. As my colleague pointed out in his testimony, there have already been cases of public inquiries involving the handling of highly classified documents. Our allies and our Five Eyes colleagues fully understand the importance of transparency in this context. They apply these procedures themselves.

So I don't see it as a question of security or document classification. Frankly, I think it's a matter of political will.

Ms. Marie-Hélène Gaudreau: You just answered an important question, Mr. Wilczynski.

I would also like to know your opinion, Mr. Stanton.

[*English*]

Mr. Dan Stanton: When you look at inquiries, for example, the John Major inquiry, you talk about security and sensitivity of information. There were surveillance questions. There were intelligence officers, deputy ministers and former ambassadors. There was a whole smorgasbord of people who were questioned.

When I look at the nature of this investigation—and I've worked this area for years, most of my career is in counter-intelligence—foreign interference is what we refer to as low-hanging fruit. This isn't an espionage ring. This isn't of great sensitivity. I'm not understating it. I'll probably have former colleagues ask me what I'm doing, but it's not that sensitive.

It's already out that CSIS uses interviews, and it's in the media that CSIS listens to phones of targets, so there's not going to be that much coming out that's going to shake western civilization—not to be facetious. That's why I say that, if we want to have an inquiry, it's probably the safest one in terms of national security to have on this type of operation.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Thank you very much, Madam Chair.

The Chair: Thank you.

Ms. Blaney, the floor is yours.

[*English*]

Ms. Rachel Blaney (North Island—Powell River, NDP): Thank you so much, Chair.

I thank the witnesses for being here today. I'm really finding this interaction very interesting. I share your concerns about the fact that so many Canadians are losing faith in our democratic institutions. That worries me, and I think it worries all of us, hopefully, in this place.

The other thing that I'm concerned about is that it seems like the debate right now is if the special rapporteur should or should not have the job. I feel like this is not what we should be focusing on. We need to be focusing on the issues and getting to them. It seems like this is a bit of a barrier to that, and that concerns me.

You both talked a little bit about how information should have been given to Mr. Chong more effectively and more quickly. Of course, I know that I also have a member of my caucus who is facing the same or a similar challenge of just not having that information.

Could you, from your expertise, share with us if this is a legislative gap? Is it a process gap? What is preventing information? It seems strange to me, and it sounds like our legislative rules say that this has to go to the minister, and then the minister decides. It seems to me that, if a member of Parliament, a candidate during an election, is targeted, they need to have that information. Not having that information is an issue of security.

I'm just wondering—

Mr. Dan Stanton: Let me address that, because I've had that experience, and I've spoken in the past to members of Parliament on this type of issue. When the service does these interviews, there's a certain amount they can disclose, like talking to you. I'm going to have to tell you who I am and then you're going to tell me things, so it's a bit of a back-and-forth of information getting.

Then, when there's information that comes in... Perhaps some of the information that came in on Mr. Chong was not really necessarily assessed as credible. It could have come from a source of unknown reliability. It could have come from some other party or something. It's not like the moment the service gets that information, they're going to go to that member of Parliament and say, "Look, we understand you're...". They have to assess that. The process of assessing could be a number of interviews with that subject.

I did, in my final words, say that, when the service obviously understood that this was accurate, that some entity in the PRC was targeting him, they should have told him, but they don't always have the luxury of that accurate, full picture as the threat is unfolding.

I don't know what the mechanism is other than to have trust in the intelligence service that they will know when it's reaching a point where they should act or turn it over to policy-makers.

• (1140)

Ms. Rachel Blaney: I'm going to let you answer, I promise, but I just want to add clarity to that.

I hear what you're saying. There has to be something tangible to pass that on, but who gets to decide who passes that on? That seems to be the challenge.

Mr. Dan Stanton: That's the point. It looks to me—I mean, I wasn't part of the process—like the service was sending these reports routinely for quite some time and that there's an expectation that the policy-makers or the machinery of government have a strategy to deal with PRC foreign interference and would incorporate that into their decision. That's the whole point.

It's not hitting tripwires like terrorism and espionage, but it is hitting tripwires. If there's a certain lethargy with government in terms of receiving the reporting, it's not a surprise to me, when it starts getting a little more serious with respect to an MP, that there's nobody home. It goes to culture, which my colleague mentioned earlier. There simply may be a culture where they don't respond to the reporting, but CSIS isn't waiting by the phone. They're just continually putting this out as part of the intelligence production process.

Ms. Rachel Blaney: Thank you.

Go ahead, Mr. Wilczynski.

Mr. Artur Wilczynski: I was just going to add what I think is an important conversation to have: Exactly what are the thresholds for that reporting?

As my colleague Mr. Stanton pointed out, you really do need an assessed understanding of what the threat is, as opposed to any kind of information that may be in the domain that comes to the attention of the intelligence services and names or addresses a specific member of Parliament.

The challenge if you do that, if you have this open-ended "any time anyone says anything about an MP", you're opening yourself up to a whole new threat vector in terms of disinformation, misdirection and information campaigns.

I think there does need to be an exercise of judgment around when that happens. It has to be based on an assessment of the level of threat to that member of Parliament or any other Canadian, and whether some kind of engagement with that individual who is targeted would help them manage the risk, or if there is another course of action that would be more appropriate that mitigates the risk to them and, in the case of members of Parliament, to this institution.

Ms. Rachel Blaney: It appears to me that there's a bit of a void.

Mr. Wilczynski, I appreciated what you said about that conversation back and forth, and that it's not happening in the way that it should.

Could you explain, from your perspective, who is responsible for establishing protocols around the sharing of intelligence and information from intelligence agencies to government? Is there a gap between that and how the departments and the ministers take that information?

Mr. Artur Wilczynski: Government identifies its intelligence priorities. That is a cabinet process that tells the intelligence communities to go forth and get us intelligence. There is a level of opacity in that process that, I think, is challenging. There is scope for making how government decides what our intelligence priorities are more transparent to Parliament and more transparent to Canadians.

When those priorities are identified, we understand who needs it and then work very hard to ensure that the people who asked for that intelligence get it. The problem is, as I pointed out in my statement, oftentimes we don't hear back from deputies, senior officials or ministers whether we are getting what they need. That's why I said that interface needs to be improved, and there's a role for the national security and intelligence adviser to strengthen that process.

The Chair: Thank you.

We'll now do a quick round.

[*Translation*]

Go ahead, Mr. Berthold.

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Thank you very much, Madam Chair.

Mr. Stanton, you've stated publicly and directly on Twitter that you support an independent national investigation into foreign interference. You've been quite vocal about this. It has rarely happened that someone in your position has taken a similar position. Why do you think that all the other processes currently under way, such as our committee's study or Mr. Johnston's proposals for public hearings, aren't the best vehicles for doing so?

[English]

Mr. Dan Stanton: It's a good question.

There are good vehicles. The thing with the parliamentary committees such as NSIRA and NSICOP is that their prime work—and they do excellent work—is to review the compliance of the collector agencies. They are hard-driven to focus on that, not so much focusing on the machinery of government and how they are handling things. There's obviously merit in having that.

What I am sensing, mostly through media, parliamentarians and everything else, is that a lot of Canadians are getting frustrated or agitated to find out if there's any clarity to this. We also have the concerns with leaking. I am very much against leaking. Part of the reason I'm speaking publicly, and part of the reason I'm saying I'd like to have an inquiry is that I'd like to see the leaking stop as well.

It is kind of odd for me, as the security guy, to be saying, "Let's have an open hearing." It's kind of against my DNA in a way. My mind tells me that this is the best route to go right now, because I don't think a lot of people want to wait a couple of years.

• (1145)

[Translation]

Mr. Luc Berthold: Mr. Stanton, you said that, in very specific situations, information can be reviewed during a public inquiry. You also said that such an inquiry wouldn't interfere with our activities and relations with the other Five Eyes countries, particularly in view of the subject matter.

Our committee asked for the production of documents, that is to say all the information that has leaked to the media. We've asked for copies of the memos and emails, and for these documents to be provided to the law clerk of the House of Commons for redaction.

Do you think parliamentarians should have access to these documents, after they have been reviewed and redacted by the law clerk of the House, in order to shed light on the situation?

[English]

Mr. Dan Stanton: Ultimately, if the answers were going to come from cabinet confidences or that type of email exchange, it would. I'm aware of the fact that there's a sensitivity, and that's why I'm saying, with a public inquiry, you can still have those in camera discussions or exchanges with the commissioner. There are no lawyers or anyone there. They can just review it and get some answers.

It's not an either-or thing. We either have a public inquiry and we can't talk about classified matters at all, which means it's going to be pointless, or we just stick with the regular institutions we have to review it and then the public says, "How do we know it was reviewed?" That's why, in my opinion, it's a public inquiry.

You can put all sorts of safeguards on public inquiries. It just takes a bit of creativity. It's all legal. It's been done before.

[Translation]

Mr. Luc Berthold: Do you also think that the same creativity could be shown when our parliamentary committee asks for access to this information? Can the various groups and national security also be protected by the existing system?

[English]

Mr. Dan Stanton: That's a tough one.

I don't have a legal background on it. I'm just speaking in terms of a public inquiry. There are precedents for public inquiries. We've had them on national security matters. That's why I don't feel like we're really reinventing the wheel.

When you get into those issues of whether parliamentarians can demand those documents, you're asking the wrong person.

[Translation]

Mr. Artur Wilczynski: I'd like to answer your question very quickly.

Mr. Luc Berthold: I'm listening.

Mr. Artur Wilczynski: To the question of whether the clerk of the committee or the clerk of the House of Commons can redact the documents so that parliamentarians can consult them, the answer is no. The reason is that you need a person with the appropriate security clearance, skills, and authorization to—

Mr. Luc Berthold: Are you saying that the clerk of the committee or the clerk of the House doesn't have that authorization?

Mr. Artur Wilczynski: I don't know if they do. This isn't a matter for Parliament, but for the executive branch, and I think we really need to look at who could redact these documents in order to ensure transparency.

I agree with my colleague. That's why I'm also in favour of a public inquiry, because the people responsible for conducting it will be able to see the documents in their entirety.

Mr. Luc Berthold: I would like to correct one thing: the clerk of the House told the committee that he had—

The Chair: This is now a debate, and the clock has been sounded very clearly. If there's more to say, we can always hear it later.

Ms. Romanado, it's your turn now, and you have the floor for five minutes.

[English]

Mrs. Sherry Romanado (Longueuil—Charles-LeMoine, Lib.): Thank you very much, Madam Chair.

Through you, I'd like to thank the witnesses for being here today. I want to follow up a little bit on some of the questioning we've heard today.

Gentlemen, in your expertise I'm hearing a lot of the same conclusions, which are actually identified in the special rapporteur's report with respect to the governance of the communication between the intelligence community and the machinery of government. This problem has been identified and you've alluded to it as well.

Mr. Wilczynski, you brought up a very interesting topic about education and about training people to understand what is intelligence and what is evidence. It takes years to be a consumer and understand completely what intelligence is. For full disclosure, my son is an intelligence officer with the Canadian Armed Forces. Trust me: We do not have conversations around the kitchen table.

However, in Mr. Johnston's report, he clarified very clearly that he had access to cabinet information, that he had access to top secret information and that his conclusions were based on evidence. In the annex, he includes a top secret reference, which shows how he got to where he got to in terms of his decision.

He has also offered the leaders of the opposition access to top secret clearance to get access to the same information, so parliamentarians can see this to determine for themselves whether or not his conclusions were sound. They may not agree with the conclusions and they can say publicly that they don't agree. However, they've been offered that.

What are your thoughts on that?

• (1150)

Mr. Artur Wilczynski: I think they should take the special rapporteur and the government up on those offers. It's important, if we're going to have a conversation about foreign interference, that all individuals or leaders who have the opportunity and who will influence the way Canadians think about it be as informed as possible. I do believe it is very possible for individuals who see that intelligence and who review it to actually offer some particular insight about it.

Mr. Johnston put out a public report. It contains numerous pages commenting about the specifics of those reports. I think it's important to note that individuals on all sides of the House and all sides of the issue should have the understanding that they, too, can pass judgment on what they see.

With that said, it's also a bit of a moot point, in my opinion. I say that because personally I have no reason to doubt or in no way, shape or form question Mr. Johnston's conclusions. I have immense respect for him as an individual and as a public servant who has dedicated years to this country, but it's not me he should try to convince. It is a threshold of Canadians and I'm worried that's what's being compromised right now.

Mrs. Sherry Romanado: Actually, on that note—that's where I wanted to go with this—I think, honestly, that this is going to be a multipronged approach. We have NSICOP and the special rapporteur looking into this. We have NSIRA and PROC looking into this. We have multiple branches looking into this issue.

The special rapporteur also mentioned that in terms of bringing back confidence to the Canadian public, that is why he wants to do outreach with the community to explain to people what intelligence

is, what evidence is, how they too can play a part in terms of recognizing something and where they should bring that information.

As intelligence officers you know yourselves that pieces of information help bring the portrait to light, and there are many ways to capture this information, whether it be discussions with MPs individually when they see something that maybe they should be reporting....

Would you not say that what the special rapporteur is doing and proposing to do can instill some more faith in the Canadian public, who are concerned, by also educating them on what it is?

Mr. Artur Wilczynski: Again, I am very happy any time Canadians speak about national security matters, because we almost never do. I think the consequences of that, in my humble submission, are that we have not had a productive conversation about the threat that Canada is facing.

Again, would his bringing attention to various issues help? Yes. But at the end of the day, I don't think that's the issue. At the end of the day, it's how we restore the trust and faith of Canadians in democratic institutions. What is the process to get us there? All the technicalities that we talk about—I have pages of recommendations I can share with you—those are moot if Canadians don't trust. I think that needs to be the single objective of government. How do we restore trust? I'm afraid when you have the kind of partisanship we see, that does not contribute to that outcome.

• (1155)

Mrs. Sherry Romanado: Thank you very much.

The Chair: Thank you.

Madam Gaudreau.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Thank you, Madam Chair.

Gentlemen, do I understand correctly that if there is no independent public inquiry at this time, the leaks will continue? Did I understand correctly that this is a concern for you?

[*English*]

Mr. Dan Stanton: No, I didn't say that's going to happen. I'm saying I would like to see the leaks stop. That's the reason I'm doing it. I think the leakers are probably playing on that distrust.

The Chair: We're going to pause for a second, because we don't have interpretation. I want to make sure it is working.

It is working now.

Let's start that all over again, from the top, Madam Gaudreau.

[*Translation*]

Ms. Marie-Hélène Gaudreau: I'll go back to my question. Is your concern that the independent public inquiry will allow the leaks to continue? We've been seeing leaks week after week since November, haven't we?

[English]

Mr. Dan Stanton: No, I have no insight into whether the leaks are going to continue or whether they've stopped. I'm simply hoping they are. I'm simply saying the distrust that lots of Canadians are having in their institutions is creating a nobility among the leakers, which I disagree with. There's this whole idea that the leakers are whistle-blowers and are going to save the country from ruin. Not having an inquiry, calling the leakers all malign actors, saying that the journalists are all gullible, I don't think is an intelligent strategy to stop the leakers. That's my opinion.

[Translation]

Ms. Marie-Hélène Gaudreau: Thank you. I've got one minute left. Today, with all the expertise you have, what critical steps need to be taken to restore trust?

Mr. Artur Wilczynski: I think it would be important to have an independent inquiry managed by a judge or former judge so that no party could question its reliability. That would be an essential first step.

Ultimately, however, the objective is not the inquiry, but to take its findings seriously and to implement the measures proposed to counter foreign interference. The inquiry is just a process for determining ideas and proposing policies. If we rely on the motivation of the people behind the media leaks, the implementation of the policies is the key. Like Mr. Stanton, I have no idea what will happen, but I wouldn't be surprised to see the leaks continue even if there is an inquiry, because it isn't the inquiry they're interested in, but the action.

Ms. Marie-Hélène Gaudreau: Do you have anything to add, Mr. Stanton?

[English]

Mr. Dan Stanton: No.

[Translation]

Ms. Marie-Hélène Gaudreau: What I understand, Madam Chair, is that, at the end of the day, with all the bodies in place, it's important to get to the point, which is the need for an independent public inquiry.

The Chair: Thank you.

[English]

Madam Blaney, you have the floor.

Ms. Rachel Blaney: Thank you, Chair.

I'm going to come back to you, Mr. Wilczynski, about the redaction of papers. I can't tell you how many hours I've met with people to talk about the redaction of papers, wanting to make sure that whatever we request is as safe as possible.

You talked a little bit about the law clerk. The way that we get papers redacted and the process that is in place, is that not sufficient? There seems to be distrust from some members of the committee. Could you share if that is something we should be concerned about?

Mr. Artur Wilczynski: I'm broadly concerned about the security of information. I'm a former departmental security officer. I should say this up front. I spent many years as a political staffer back in

the 1980s and early 1990s too, so I know a lot about how this place works.

My concern would be around information security and information integrity. When we're talking about highly classified—

• (1200)

[Translation]

Ms. Marie-Hélène Gaudreau: Madam Chair, I'm still hearing an echo.

[English]

The Chair: We'll pause.

Is there still feedback, or is it okay when we're speaking? There is still feedback.

Is there something we can do to correct it?

[Translation]

Mr. Artur Wilczynski: I can also repeat what I said in French, if you wish.

The Chair: We are trying to have a system that works in both official languages. If you can answer in the language in which the question is asked, that's always better, but you can choose between the two official languages.

[English]

We want the system to work.

You're not getting any feedback when I speak. Is it maybe just her earphone?

Madam Gaudreau, do you still hear feedback?

Are we okay? It's all good.

Ms. Blaney, do you want to summarize your question again? If you're okay with just going to the answer, that's fine.

Ms. Rachel Blaney: Are you good? Do you need me to summarize?

Mr. Artur Wilczynski: No. I think you're—

Ms. Rachel Blaney: He's got it.

Mr. Artur Wilczynski: —wondering why I'm more than a little bit hesitant on that process.

It is around information security. We're talking about highly classified documents. We have obligations in terms of protecting the information, and I think we need to be as robust in the protection of that information as possible, which is one of the reasons that—much like my colleague—I believe, fundamentally, that there are institutions in Canada that can independently look at this information in as transparent a way as possible, that have both the physical means to do so in terms of safe, secure rooms as well as the technology to do so.

I have yet to experience that level of security for highly classified documents when it comes to this place, I'm sorry to say. I'm happy to be proven wrong, but again, in terms of my job, which was always managing risk, I think that, in terms of protection of the information, it is too high a risk.

Again, I think an inquiry that has the individuals and the facilities to appropriately handle the information is the right way to go. I understand that lots of committees are looking at it, but my preference, from a security perspective, is that inquiry process, because it has the means to manage that information.

Ms. Rachel Blaney: Thank you.

I only have 10 seconds left, so I'll just leave it at that.

Thank you, Chair.

The Chair: Thank you so much.

I will just say—

[*Translation*]

Ms. Marie-Hélène Gaudreau: Madam Chair, I really have a problem. There's still an echo.

[*English*]

The Chair: I will just ask members to be reminded that your earpiece should not be near the microphone. That might be the cause of some of that feedback.

I do find it interesting that the feedback is not evenly shared throughout the room, but there are different systems, so it could be that it's impacting one more than the other.

Madam Gaudreau, the concerns have been noted, and they are being looked into. As you can tell, our IT guru is on his feet. He's very concerned and wants to respond to this.

Mr. Cooper, before—

Mr. Michael Cooper: Give me 30 seconds.

The Chair: Can you try for 10?

Go ahead. Just give me your 10 seconds. What would you like?

Mr. Michael Cooper: Madam Chair, just before we move on to the next panel, I note that a letter was sent to you signed by all members of the opposition on this committee on May 19 requesting that Minister Blair appear for two hours. I see that he is coming to committee, but only for one hour.

Given the troubling reports that he dithered for four months to sign off on surveilling an Ontario Liberal cabinet minister as well as the very troubling information that sensitive information concerning MP Chong essentially went into a black hole because he didn't have the signing authority, after being minister for 18 months, I would say there are many questions and that the minister has a lot to answer for.

I would just ask if you could address, as chair, his availability for one hour versus two. I know you don't control the minister's schedule, but...

The Chair: Thank you, Mr. Cooper.

There are a lot of things that I—and none of us—control. As you know, our resources are very limited. As you know, PROC is to meet for four hours a week. As you know, we're meeting for a lot more than that. We're also juggling who has committed and who has not.

The motion that was presented to this committee did not provide me a lot of leniency. I respect that. We did get Jody Thomas to commit to her two hours. Because we got an extra hour, Mr. Blair was able to give us an hour. We can always work on getting them back and so on forth.

I'm working at trying to put puzzle pieces in a schedule that's challenging. I'm sure some might know that perhaps in the House of Commons right now there's someone standing on a question of privilege, which will come to this committee. I'm trying to manage what our focus and our priority is every single day because it's continually changing. For us, it's difficult. I hear you. I read in both official languages the letters you write to me and I always enjoy reading them. You don't have to send so many, but when you do I hold them close to my heart.

Right now, we have the national security intelligence adviser, who we want doing important work in keeping our country safe, appearing for two hours. We have Minister Blair appearing for one hour. You want him for a second hour. We will try to do our best to make that happen.

Minister Mendicino's office has responded back to confirm where we can make his schedule work with our schedule. Minister Joly has also been doing that. We're just kind of in this multiring circus. Rest assured and be reassured, Mr. Cooper, that I take your requests very seriously and I'll do whatever I can.

With that, Mr. Stanton and Mr. Wilczynski, we really appreciated your insights today—at least I did. I've been watching you at other committees. I like this duo you have going on. It might go really far. I also noticed that you—

An hon. member: Take it on the road.

An hon. member: The CSE and CSIS together.

The Chair: “The CSE and the CSIS: Things that happen after retirement that might not happen when we're serving”—maybe it will be contagious.

You mentioned certain documents and additional insights. If you could share those with the clerk, we will have them put in both official languages and shared with everything else. If later on tonight you think, “Oh, I wish I had said that” or “I should have added this”, do not hesitate to send it to us tomorrow or the next day. We welcome any insights you have. If you ever want to come back to PROC, just make a request. We might beat you to it.

With that, we wish you a really good day.

Our next panel has one person who's on video conference, so we'll do a sound check.

I'm suspending really quick and starting back in two minutes.

Thank you so much.

• (1205) _____ (Pause) _____

• (1210)

The Chair: I call the meeting back to order.

We have with us today Mr. Andrew Mitrovica by video conference, as well as Mr. Michael Wernick, who is joining us in person. Both are reappearing at this committee. We appreciate your coming back at our request.

You will have up to five minutes for your opening comments.

We will commence with Mr. Mitrovica.

Welcome back. The floor is yours.

Mr. Andrew Mitrovica (Writer, As an Individual): Thank you, Madam Chair.

Good afternoon.

Three weeks ago, I reluctantly appeared before this committee to try to say something of value that might help you and Canadians navigate reports about Chinese interference—a matter that I once spent a lot of time reporting about as an investigative journalist. I came here reluctantly because, as I suspected, while members of this committee listened to what I had to say, I came away convinced that several of you didn't hear what I had to say. That's an important distinction.

I know that you listen to what witnesses like me have to say through the prism of politics and then decide if it has any political currency or not. I get it. Politics is what you do.

I like to think that, as an investigative reporter, getting at the truth is what I do, so please, hear me out.

The last time I was here, I said several things that I believe are relevant to the serious matter at hand, which requires serious people to do serious thinking about—not posturing, but thinking.

First, I reminded the committee, Canadians and my colleagues in the fourth estate—many of whom have suddenly fallen deeply and madly in love with an intelligence service they know nothing about—that, beyond the ineptness and the racism inside CSIS, intelligence officers make big mistakes all the time about a lot of important stuff.

These are, as well, the same invisible intelligence officers who a Federal Court judge slammed in 2020 for having “a degree of institutional disregard for—or, at the very least, a cavalier institutional approach to—the duty of candour and regrettably the rule of law.” In other words, CSIS doesn't always tell the truth, and it breaks the law. That fact, I suspect, might be news to most of you, and to too many starry-eyed reporters, editors and columnists, who don't have a clue about how CSIS operates.

With that caveat in mind, I urge the committee, Canadians and my colleagues to treat cautiously and skeptically the drip-by-drip bits of information being leaked by what likely amounts to a handful of members of Canada's largely unaccountable security intelligence structure.

I also reminded the committee that so-called intelligence, which is just an eye-catching word for information, is neither evidence or proof. That information has to be considered in context. It has to be corroborated so that it can be embellished and edited to fit a narrative that can bear little resemblance to the truth, particularly when it is leaked by intelligence officers who, dare I say, may have an agenda, and who know, one, that top secret information can be spun to their parochial benefit and, two, that they can leverage reporters to be spun and who, in turn, can torque their stories to make a bigger splash to the delight of those intelligence officers.

Still, perhaps the most important point I made was that the leaks have caused deep harm to some of our fellow Canadians by raising spurious questions about their loyalty to the maple leaf.

These few intelligence officers, who prefer to do their handiwork in the comfortable shadows, know they will get away with the damage they have done to Canadians of Chinese descent who love this country, too. Why? Because they always get away with it.

Last week, in his report, the special rapporteur confirmed the main thrust of what I told you three weeks ago. David Johnston is not my pal. I don't live near him. I am not a member of any foundation he is a member of. In fact, I am not a member of any foundation at all. Also, anyone familiar with my writing about the current Prime Minister would never confuse me with being a Liberal lackey.

Mr. Johnston was right when he wrote that a lot of reporting fuelled by these selective leaks involved “unsubstantiated speculation”, “limited intelligence”, a “lack of...context” and finally, “When information about foreign interference is provided without care or context, it can cause the public narrative to turn on...communities.”

Ask Han Dong about the damage that can be done when this happens. A television news outlet tarred Mr. Dong as, in effect, a traitor. Mr. Johnston found that egregious, life-altering charge was absolutely categorically and emphatically false.

We are witnessing “Maher Arar: The sequel”.

This sinister stuff has a familiar ring. A former CSIS director and national security adviser to another prime minister publicly peddled the same insinuations in 2010.

• (1215)

It's ironic that, in an editorial at the time, *The Globe and Mail* denounced these remarks as “reckless” and “foolish”. The same could be said today about the newspaper itself.

Thank you for your time.

The Chair: Thank you for your comments, Mr. Mitrovica.

I know, Mr. Wernick, that you don't have comments, but I would like to pass the floor to you to say a quick hello and to set the stage.

Mr. Wernick, you have the floor.

Mr. Michael Wernick (Jarislowsky Chair in Public Sector Management, University of Ottawa, As an Individual): Thank you, Madam Chair.

I am very happy to give you a second hour at your invitation.

No, I have no opening statement. I would just be repeating the past appearance, which was before we all got the chance to read Mr. Johnston's report.

My takeaway message is the same as last time. I think it is time for you as legislators to step up and start legislating, and I'd be happy to talk about what could go in it.

The Chair: Thank you, Mr. Wernick.

We will now start with six-minute rounds beginning with Mr. Cooper, followed by Ms. Sahota, Madam Gaudreau and then Ms. Blaney.

Mr. Cooper, the floor is yours. Comments should be through the chair, pausing in between comments and answers for the sake of our interpreters.

Thank you.

Mr. Michael Cooper: Thank you very much, Madam Chair.

I am going to direct my questions to Mr. Wernick, through you, Madam Chair.

Mr. Wernick, you served as Clerk of the Privy Council and, having been in that role, were you surprised that the national security adviser confirmed that the PCO had received a CSIS memo regarding the Beijing intimidation campaign targeting Michael Chong in July of 2021 and that Michael Chong was never informed about it and learned about it through *The Globe and Mail*?

Secondly, were you surprised that the Prime Minister apparently—at least according to his word—had no idea about it and also learned about it through the media?

Mr. Michael Wernick: Mr. Cooper, as I said the last time, I left government four years ago. I have no calendars, no secret documents and no records. I was not one of the 32 people Mr. Johnston interviewed, and I don't have access to the documents that he saw, so I'd be speculating.

Mr. Michael Cooper: I recognize that you were not there in July 2021, but you did say, the last time you appeared before this committee, that you were not aware of anyone in the PCO ever withholding national security information from the Prime Minister.

Do you stand by that?

• (1220)

Mr. Michael Wernick: I am not aware of and I don't recall anybody wilfully withholding information. There may have been inadvertent gaps in information being passed from one person to another. I think Mr. Johnston writes about that in his report.

Mr. Michael Cooper: You would acknowledge that an intelligence memo citing an accredited Beijing diplomat targeting a sitting member of Parliament by threatening the safety and security of his family in Hong Kong is a serious matter. Would you agree with that?

Mr. Michael Wernick: Absolutely, I think it's Prime Minister-worthy. It should have gone to the Prime Minister.

Mr. Michael Cooper: It should have gone to the Prime Minister. Therefore, you were surprised that it didn't. Does that ring true? I'm not asking you.... You weren't there, but you were in the role. You did say that information regularly flows to the Prime Minister, so how is it possible that information as serious as that would not have been passed on to the Prime Minister?

Mr. Michael Wernick: That's the part I don't know. Mr. Johnston interviewed 32 people, presumably including everybody who was in that chain of meetings and documents.

My view, just reading the Johnston report and media clippings, is that it is the kind of thing a Prime Minister should be made aware of.

Mr. Michael Cooper: Thank you for that.

Perhaps you could explain who, likely, in the PCO would have received a memo such as that.

Mr. Michael Wernick: I'd be going back over Mr. Jean's testimony, I think, but the basis of it is that the national security and intelligence adviser acts as a coordinator among the various security and intelligence agencies. Information flows into the NSIA part of the Privy Council Office, and they make decisions about what to give to various people on their client list according to who has the appropriate clearance and who would be interested in particular topics. That judgment would be exercised somewhere within the NSIA branch of PCO.

As clerk, I was copied on documents. I met with the NSIA regularly. I would say roughly once a week, and I left the onus on the NSIA to tell me things that he or she thought I needed to know.

Mr. Michael Cooper: Changing gears a little bit, Madam Chair, to Mr. Wernick, can you explain a little bit about the types of information received by PCO with respect to keeping transmission records? Can you explain how these transmission records are produced and stored?

Mr. Michael Wernick: I can't speak about anything after April 2019. They may have completely rewired or automated the system.

Mr. Michael Cooper: When you were there up until April 2019....

Mr. Michael Wernick: It may have been given to an AI chatbot now. I have no idea how it works now.

However, what we did in the Privy Council Office was keep track of what we were sending, and I know that the Prime Minister's Office kept track of what it was receiving. There also were people in the Privy Council Office, attached to the clerk's office, who did a lot of what we called "chasing". They would keep track of documents. They had dates. They had numbers. There was a log.

Basically, there were two kinds of information passed downstairs. Some of it was for information, and you were not seeking a decision. Some of it was for a decision and it went to the Prime Minister. Those were the ones that we spent the most time chasing and trying to get what's called "a PM return"—the Prime Minister's decision of yes, no, maybe or "I want to see more work", that kind of thing.

There were people in the clerk's office and there were people in the Prime Minister's Office who were document chasers.

Mr. Michael Cooper: In your view, would it be difficult for transmission records to be provided to this committee? Would that be a difficult undertaking—from your experience up until April 2019?

Mr. Michael Wernick: I think you would have to ask the current management at the PCO. I think it's possible to provide logs that are redacted. Sometimes you would want to withhold the fact that the Prime Minister was sent something or met with somebody and so on. There's, undoubtedly, some way to do that.

Just to jump ahead a little bit.... That's why bodies like the review agency, NSICOP, the Federal Court and Mr. Johnston's inquiry do get access to that kind of document when they ask for it.

Mr. Michael Cooper: Thank you.

The Chair: Thank you.

Ms. Sahota.

Ms. Ruby Sahota (Brampton North, Lib.): Thank you, Madam Chair.

I guess I'll start with Mr. Wernick first, since he's in the room, and then I'll move on to the next witness.

My first question is around the issue of the leaks that are happening from—we suspect—CSIS, but of course, that question is still open and is yet to be resolved. We also heard from the other witness here today that there could be an agenda that is being pursued, perhaps, by the leaker.

I also want to know whether, from your perspective, you think there could be an agenda of a foreign state involved in this whole matter before us right now. Do you think there is a greater agenda to disrupt our democracy that might be in place, and if so, what are your comments and maybe some suggestions around that?

• (1225)

Mr. Michael Wernick: I'd be entirely speculating about the motives of somebody we don't know the identity of as to why he or

she leaked.... I don't think it would be responsible to speculate on that. It can be accidental. It can be deliberate. There can be any number of motivations.

I think what I would be concerned about is the end effect of that, which is that it's done damage to CSIS's reputation with our Five Eyes partners. They will now think of it as a less secure institution, and that's permanent damage. If the Americans and the Brits start to withhold documents from us—"let's not send them to the Canadians"—we'll never know.

Ms. Ruby Sahota: That's interesting.

In terms of the foreign actors involved, do you think they could be intentionally highlighting a divide that exists currently?

Mr. Michael Wernick: I think the point about foreign actors is disinformation campaigns. One of the things that are really hard work for the security intelligence community is to sort out information that's collected and decide what's reliable and what's corroborated. There is a possibility that it is disinformation. Mr. Johnston wrote about some of these.

I'm aware of incidents where the media ran with stories that were generated by foreign intelligence agencies. I'm not blaming them for that, but that's the information they had. That's one of the reasons that I think it's important that a wider community of people have the security clearances to look at information and to be more skeptical and wonder about whether this is authentic and corroborated or whether this is spin and disinformation by a malign actor.

Ms. Ruby Sahota: Thank you, Mr. Wernick.

In the previous interaction with the Conservative member, you were talking about where the communication link is perhaps broken. This was brought up in the report by the Right Honourable David Johnston. As the former clerk of the Privy Council—and part of your role was deputy minister to the Prime Minister—can you speak a little bit more about how we could correct those broken lines and how we can fill those gaps in?

Mr. Michael Wernick: Yes, I appreciate that.

I think that could be one element of the comprehensive foreign interference legislation when it finally comes forward. Having read Mr. Johnston's report and thinking about it, I think this committee could recommend to the government, or they could bring it forward as an amendment when they finally have a bill in front of them, to legislate the role of the national security and intelligence adviser. Put it in statute. Identify its powers and identify its accountabilities, and give the NSIA a statutory accountability to make sure that the right top secret information gets to the right people at the right time. Give that person accountability for the flow of information so this kind of broken communication doesn't happen again.

Ms. Ruby Sahota: Thanks, Mr. Wernick.

To our other witness, Mr. Mitrovica, you said some very bold things in your introductory remarks. I wanted to give you the opportunity to also give some recommendations to this committee as to how we could better work with our agencies. You said that perhaps there are different motives behind the way they operate, and spoke about how the political side should perhaps be operating.

What are some ways we can improve the situation so that we don't have these vulnerabilities to foreign state actors?

Mr. Andrew Mitrovica: Thank you for the question. I think it's important.

The first thing I would recommend to you is to show less deference to security officials who appear before you at parliamentary committees like this.

I was particularly shocked by the Bloc Québécois deference to security officials, because if they had any understanding of the history of Canada's security services, they would know that there was a McDonald commission of inquiry struck that showed that, in Quebec, the former RCMP security service was responsible for a slew of illegal activities that resulted in the creation of CSIS itself.

The other recommendation I would suggest to committee members is to begin to learn about the history of the very institutions you are probing. I made a point in my statement of noting that a Federal Court judge found, in 2020—not in 1960, not in 1980, but in 2020—that CSIS routinely lies and breaks the law. He is not the only Federal Court judge to have found that CSIS acts in this manner.

I would also suggest that you read my book, for future reference, to get a more intimate understanding of how intelligence services in Canada operate. You'd be much less deferential to them and less inclined to bow before their expertise.

I'll leave it at that.

• (1230)

The Chair: I appreciate that. Thank you so much.

Madam Gaudreau.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Thank you very much, Madam Chair.

Mr. Wernick, just an hour ago, we heard an argument that an independent public inquiry would not only shed light on this, but also make legitimate recommendations, including legislative ones. We've already discussed the creation of a foreign influence registry, but we were talking about partisanship. I would therefore like to repeat that the Bloc Québécois' goal is to shed light on this issue and restore people's confidence.

I'd like to hear your comments on Mr. Johnston's report on how we can correct the situation regarding trust in our democracy. Where do you think we stand?

Mr. Michael Wernick: That's quite a question.

I think that we now have a problem with trust in our democratic processes and institutions and that we must act quickly together to restore that trust before the next election. There are just over

200 sitting days left before the end of this Parliament and the next election. That's not a lot of time.

So I go back to my point. If you get your inquiry—it's a minority government, so you can force it—what are you going to do during the inquiry? I think that, at the same time, you could study a bill, debate it, amend it and improve it, so that there is legislation in place to protect the next election.

Ms. Marie-Hélène Gaudreau: I really appreciate your comments. Ultimately, with all the bodies that are currently in process, the noose is tightening, as I said earlier, and we see a guideline that has to be worked on in parallel in many tasks. You understand that, in order to shed light on the lack of an independent public inquiry, our committee is looking to obtain documents that could help it in its work. Earlier, the previous witness mentioned that it was virtually impossible to get access to these documents through the law clerk.

Could we basically get some documents that can be redacted, but that would be useful for our work?

Mr. Michael Wernick: I think you can get an inquiry, but not one that's entirely public. It's a phrase that a lot of people use, but it raises issues around documents and sources of information that we don't want to interfere with.

So we need to look at a hybrid process. I'm not a lawyer, but the Rouleau commission model, which came out of the occupation of Ottawa, seems to me to be a hybrid model to follow, with some aspects of the inquiry being public and some in camera.

Ms. Marie-Hélène Gaudreau: With regard to the search for the documents we're requesting here at the Standing Committee on Procedure and House Affairs, we were told that the law clerk was unable to provide them to us because of a lack of security clearance. You know as well as I do, even though I haven't gone through it, that the process for obtaining such clearance can be lengthy. What do you think of this situation?

• (1235)

Mr. Michael Wernick: Yes. I hesitate to recommend any particular mechanism, but there is a link between access to information and obtaining security clearance. You can't have one without the other. Whether we're talking about judges, members of the National Security and Intelligence Committee of Parliamentarians or stakeholders in feedback mechanisms, all of these people have gone through the security screening process.

Provincial governments are another very important point that Mr. Johnston raised. In fact, I think it's time to expand the number of people who have access to this kind of information, provided they first undergo security screening. It would be a good idea for provincial premiers to have access to that information, as well as some provincial officials.

I think that the threat we're facing as Canadians and Quebecers is obvious, and that we must now strengthen our defence mechanisms.

Ms. Marie-Hélène Gaudreau: I have a few seconds left, but we can continue our discussion later. I'd like to know what your priority steps are. I'd like us to be able to name them, here, when we talk about legislating and, yes, investigating and cleaning up all our bodies. You have a few seconds, and you can continue in the second round.

Mr. Michael Wernick: That's a great question. The question of whether or not to hold an inquiry has become a political issue—one that politicians will resolve. In my opinion, an inquiry isn't the goal. The goal is to have safeguards in place, and for that, legislation is needed. Therefore, we don't need to hold an inquiry first and legislate later. I think that we can do both simultaneously. I'm now convinced that an inquiry is essential.

The Chair: Thank you very much.

Ms. Blaney, the floor is yours.

[*English*]

Ms. Rachel Blaney: Thank you so much, Chair

Thank you to both our witnesses for being here.

Mr. Wernick, thank you for coming back so soon. It's good to see you again.

This is really about addressing the point of privilege, which I think is incredibly important, and what we've heard very clearly from multiple sources is that Mr. Chong was not made aware of issues soon enough. That's an important component of this.

We also know that the process to get that information to Mr. Chong seemed to get stuck somewhere in top secret email world and all of these different challenges.

I know you speak a lot about legislation and those types of changes. When you look at this system that we have in place, which is currently failing us in the way that it builds a sense of distrust not only with Canadians, as you said, but potentially with our Five Eyes partners, could you talk about the work you've done? Do you have any process or any legislative ideas around how this information should get to the people who need it in a timely way, while also honouring the reality that it has to be substantive enough, before anything else, to be shared?

I'll leave you to that.

Mr. Michael Wernick: It's a big question. I do think that Mr. Johnston's report is very helpful on this. We have a problem. Hindsight is always better than foresight, so we now know things that we could have known earlier, but we didn't.

It's now 2023. It's time to act.

I think part of the problem that Mr. Johnston identifies is that nobody felt fully accountable. It's one of those issues—and I'm familiar with others—where people assumed that somebody else was doing something, and there wasn't a clear accountability.

I would legislate the role of the NSIA. I would give them a fixed term of five years so that if somebody goes into that job, they've

made a choice to stay in it for a while. The turnover that happened over the last few years was not helpful. I would make that person accountable for where top secret and above information goes within the government.

• (1240)

Ms. Rachel Blaney: Thank you for that.

I think that is pretty apparent in the information we've seen. It seems to be a bit of a human condition: that you hope that somebody else is dealing with the issue at the time.

We did hear previous testimony from our last witnesses talking about the importance of the process of sending and receiving intelligence and making sure that the people sending it actually know what the people on the other side need and if it's useful to them. I think that's an interesting gap in the process. I'm wondering if you could share any thoughts about that, based on your years of service. I really do appreciate your idea of having that level of accountability.

I wonder where the intersection is between those two roles.

Mr. Michael Wernick: It's a tough one. I cover this a little bit in my book, if you don't mind the plug for that.

The problem, if you go at the very top, if you're the Prime Minister of Canada, the chief of staff to the Prime Minister or the Clerk of the Privy Council, is that you are at the end of a funnel of so many issues running in parallel. Your job is constant multi-tasking. You cannot read everything. You can't meet everybody. You can't see everybody. There are choices about time management and choices about what gets sent to the Prime Minister, what the Prime Minister has time to read—the several roles a prime minister plays and so on. That's an accountability of the clerk and the public service side, and it's an accountability of the chief of staff on the political side.

You will not be able to just apply some rule book or algorithm that will sort it for you and get it right every time. There will be lapses of judgment because you cannot see in advance that this thing turned out to be as important as it did, and you may be sending stuff that turns out to be trivial and unimportant.

The point about intelligence services is that they're constantly exercising judgment about information. I think I heard the tail end of that conversation. What's reliable? What's important? There are 200 countries in the world. Are we going to follow every single one of them in detail? No, there are some that are more important than others.

That's why people get these jobs of national security adviser or clerk or chief of staff to the Prime Minister: to exercise those kinds of judgments and put processes in place that reduce the risk of gaps in error. We have learned from this exercise that there are gaps that need to be addressed.

Ms. Rachel Blaney: In terms of having the NSIA's accountability increased, is that something we need legislation to do, or is that something that can be a decision made by the leadership right now to see it move forward?

Mr. Michael Wernick: My understanding, based on news stories, is that there already was an order in council that directed the agencies, or at least CSIS, to pass information to the Minister of Public Safety. You will have to make a judgment, as legislators, on whether that accountability should flow through the Minister of Public Safety or flow through the Prime Minister. In a sense, everything ends up on the Prime Minister's desk. That's a legislative design issue that you can debate when you have a bill in front of you. The NSIA works for the Prime Minister, not for the Minister of Public Safety, and acts as a coordinator for all of those agencies.

Anyway, I don't want to get deep in the weeds of governance, but these are the kinds of things where writing laws and setting up the processes and institutions will affect how people then behave and exercise judgment until you change the legislation again. We've rewritten our national security legislation roughly every five to six years because the world keeps changing. No doubt we'll have to do it again.

The Chair: Thank you so much.

[*Translation*]

Mr. Berthold, go ahead.

Mr. Luc Berthold: Thank you very much, Madam Chair.

Mr. Wernick, thank you for meeting with the committee again. I haven't read your book, so I won't refer to it.

Mr. Michael Wernick: It's available only in English.

Mr. Luc Berthold: Over the past few months, I've learned to read a few lines in English, so I should be fine.

Mr. Wernick, you said earlier that the memo on Michael Chong should have been sent directly to the Prime Minister. I'm going to give a hypothetical scenario. While you were clerk of the Privy Council, how would you have reacted if you learned that such an important memo hadn't been shared with the Prime Minister?

Mr. Michael Wernick: Every debrief exercise seeks to determine how the situation happened, what the process is now, and how to fix it to reduce the risk of the situation happening again.

• (1245)

Mr. Luc Berthold: Would you have initiated an internal inquiry to determine exactly what went wrong? I imagine that it would have provoked various reactions and email exchanges within the Privy Council Office.

Mr. Michael Wernick: There's a series of informal, semi-formal and very formal mechanisms, yes. This exercise allows lessons to be drawn from those kinds of situations.

Mr. Luc Berthold: You said yourself that this memo should have been shared with the Prime Minister's Office. Would it have been appropriate to trigger the formal mechanism to rectify that? I'm just trying to understand what the reaction might have been to prevent that kind of situation from occurring.

Mr. Michael Wernick: Yes. I think that a number of steps have already been completed. Mr. Johnston interviewed 32 individuals, all the people involved. There's an appendix I haven't seen—

Mr. Luc Berthold: Neither have I.

Mr. Michael Wernick: It'll be sent to the agency responsible for looking into that and to parliamentary committees, and it'll be made available to the opposition party leaders. I think, then, that we have all the evidence needed for this exercise, which is to learn how it happened. I always look to the future. The challenge over the next few months and years will be to determine how to prevent that kind of situation from occurring.

Mr. Luc Berthold: You recommended, during a previous appearance before this committee, that the commissioner with the mandate to hold a public inquiry not be a Canadian. Given the increasingly urgent calls by parliamentarians and all Canadians for an inquiry, who should get to choose the commissioner?

Mr. Michael Wernick: It'll be relevant if you get your inquiry.

[*English*]

If the dog catches the car, what does the dog then do?

[*Translation*]

Choosing the person who'll lead an inquiry is extremely important. In the past, there have been inquiries that weren't very useful—I'm saying this as respectfully as possible—and others that had huge repercussions. That means picking the right commissioner and support staff is extremely important. We always look to judges as if they were the magic solution, because of their training or their independence, but we have all seen judges being attacked. I believe, then, that it's about choosing someone with the right training and who knows about security and intelligence.

Mr. Luc Berthold: Pardon me, Mr. Wernick, but I think you're straying somewhat from the question. I'm not asking you who should be the judge. Rather, I want to know who should pick the judge. Should it be the Prime Minister, the Prime Minister's Office or all the members of Parliament? I'm asking you because there's been a problem with credibility and confidence given that the government made a unilateral decision.

Mr. Michael Wernick: That's a good example of why our politicians need to work together to restore the confidence of Canadians in our democratic processes and institutions. If I had to make a recommendation, I'd say that the prime minister should always be someone who puts the recommendation before cabinet, but only after having consulted the leaders of the opposition parties. However, I don't know whether it's possible to reach a consensus on who that person should be, because I don't know if any Canadian would be able to rise above the political fray.

Mr. Luc Berthold: That's why you recommended appointing a foreigner.

Mr. Michael Wernick: Yes. There's a long list of former Australian and British prime ministers and former ministers who've worked under very similar circumstances. We could appoint someone who's truly independent.

The Chair: Thank you.

Mr. Turnbull, go ahead.

[English]

Mr. Ryan Turnbull: Thanks, Madam Chair.

Thanks to both of the witnesses for being here today.

Welcome back to PROC. It's great to have your testimony.

Mr. Wernick, perhaps I'll start with you. I have a series of questions. Some of them are short answers, so hopefully you can keep your answers brief.

As former clerk of the Privy Council, I assume you're fairly knowledgeable about security clearance and dealing with sensitive top secret information. I wanted to ask you what security clearance you would need to review the highly confidential annex to David Johnston's report.

Mr. Michael Wernick: I don't know the answer to that. From reading the text, it sounds like a lot of it is top secret. In the hierarchy of clearances, it's top secret or above. That's a question to ask the government.

• (1250)

Mr. Ryan Turnbull: I think there's a level higher than top secret, which is enhanced top secret. Is that correct?

Mr. Michael Wernick: Yes, that's for some of the most sensitive electronic interception.

Mr. Ryan Turnbull: Do members of NSICOP and NSIRA have that level of enhanced top security clearance, as far as you know?

Mr. Michael Wernick: I'm not a reliable source on that. I believe they do.

Mr. Ryan Turnbull: Do you happen to know how long a security clearance lasts?

Mr. Michael Wernick: It depends on the level of clearance. Lower level ones last longer than the higher level ones. That's again a question to ask the government. My recollection is that they generally last about five years. If there's some major change in your life—you get married, move, change jobs or whatever—you may have to renew it, but I think they're roughly for five years.

Mr. Ryan Turnbull: If there's a material change to one's circumstances, would one have to undergo that security screening again?

Mr. Michael Wernick: Yes, it's just like the disclosures to the Commissioner of Lobbying and the Ethics Commissioner.

Mr. Ryan Turnbull: Would you think that former members of cabinet from a different administration have the level of security clearance required to review the top secret annex for Johnston's report?

Mr. Michael Wernick: I don't know that. They would have gone through a process of vetting, which is a different matter. The four-way checks on personal history, financial history, legal troubles and so on, those happen to everybody who is a potential nominee to

cabinet. Anybody who would have been considered for a cabinet appointment would have gone through a background check at the time, but, again, those have to be renewed every so often if something has changed.

Mr. Ryan Turnbull: Like if you got married, for example...?

Mr. Michael Wernick: Or you moved into opposition or whatever. There are all kinds of reasons why you would, and again it's not an algorithm with a simple rule. There's judgment required.

Mr. Ryan Turnbull: I understand. I've got it.

In Mr. Johnston's report, he concludes by saying, “no examples have been identified of Ministers, the Prime Minister or their offices knowingly or negligently failing to act on intelligence, advice or recommendations.”

Mr. Wernick, in your opinion, should party leaders, especially ones who have publicly expressed critical views of the findings of Johnston's report, not review the confidential annex containing the intelligence when given the opportunity to do so?

Mr. Michael Wernick: I think I heard Mr. Wilczynski say this. I think having more knowledge is always better than having less knowledge. If you have the opportunity—and not everybody does—to have access to that kind of information, you should go through the clearance process and you should be willing to take that information. I don't agree that it silences you or makes it impossible for you to do your job in opposition. We could talk about that if you like.

Mr. Ryan Turnbull: Great.

Does it concern you, then, that opposition leaders, specifically the Bloc and the Conservative Party leaders, are formulating criticisms of the government's response but not willing to do so based on the facts, when they have access to them? I exclude the NDP, because I think their leader has agreed to undergo the necessary security clearance and has expressed a clear desire to review that annex.

Mr. Michael Wernick: I think I would reframe it and say that more parliamentarians should go through the vetting process and get higher security clearances. Narrowing it to just the members of NSICOP is not sufficient anymore. There should be ways of having more people go through security clearances and get access to higher level information.

Mr. Ryan Turnbull: You've said very clearly that this doesn't necessarily silence you. Just as with David Johnston's report, he's given very clear conclusions and made observations, and even been able to say things that I think do promote public trust to some degree. If that's the overall objective here, can you speak a little bit more as to why this notion that knowing the truth is somehow a trap to silence me is not really a completely valid argument?

Mr. Michael Wernick: This is a debate we had in 2016 and 2017, when the bill to create NSICOP was before Parliament. The chair will remember some of those discussions. The same argument was made that opposition members couldn't be part of this committee, because they couldn't then be opposition members. We said, well, they make it work in the United States, and they make it work in the United Kingdom, in Germany and in France. There is a way to do that.

I think the only thing that you would be expected to keep silent about is the factoids of specific intelligence that you were made aware of, but you could make arguments, you could be critical, you could make proposals and you would not be silenced in your role as opposition. I think, furthermore, if you became aware, through intelligence sources, that a media story had been planted by a foreign intelligence service as a disinformation campaign, and you decided to be a bit more circumspect and not run with it, isn't that a good thing?

• (1255)

The Chair: Thank you.

[*Translation*]

Ms. Gaudreau, go ahead.

Ms. Marie-Hélène Gaudreau: Thank you very much, Madam Chair.

Mr. Wernick, the situation we now find ourselves in has been going on for months now. We want to get to the bottom of it, but there are many obstacles to overcome.

I really understood what you meant when you said that we need to look to the future. Everyone's going to get to a chance to stall. You talked about an independent public inquiry and passing legislation. We want to be constructive, to reassure those listening to us and to send the message that action is required. Since you have extensive expertise in this area, I'd like you to take the next few seconds to give me some ideas.

Mr. Michael Wernick: It's Tuesday afternoon. Tomorrow, Wednesday morning, each of you will attend your party's caucus meeting. You'll have direct access to your leaders in a discreet setting. I recommend that government members clearly ask the Prime Minister to rise in the House of Commons and commit to introducing a bill in September. Members of the other parties can recommend that their leader co-operate with the government to debate, amend, improve and pass that legislation as quickly as possible.

Ms. Marie-Hélène Gaudreau: What else do we need to do?

Mr. Michael Wernick: To me, those are the key elements.

Ms. Marie-Hélène Gaudreau: You're saying that those are the key elements, but other things need to be done too.

Mr. Michael Wernick: If the decision is made to hold a public inquiry, as you would like, some lessons will be learned from that. Mr. Johnston can continue his work. He's a smart man, a lawyer and law professor, and his recommendations are certainly quite useful. However, issues such as the intelligence to evidence gap are not new. There was a discussion on this during development of draft legislation under the Harper government in 2015 and during development and drafting of legislation under the Trudeau government in 2017.

The only thing missing is the political will to make decisions. A bill needs to be drafted, and parliamentarians need to take the time to hear from witnesses and study, improve, amend and, ultimately, pass that bill.

Ms. Marie-Hélène Gaudreau: Thank you, Madam Chair.

[*English*]

The Chair: Thank you.

Madam Blaney, you have the floor.

Ms. Rachel Blaney: Thank you, Madam Chair.

Mr. Wernick, I'm really fascinated by what you said, that there should be more parliamentarians going through the process of getting that security clearance and accessing information.

In that process, do you perceive members of Parliament needing better training around national security and how to protect the nation's interests? I do think it's an interesting point, because it means a higher level of accountability for us as parliamentarians, those of us who know that information and how to carry it. Hopefully it would take us from a very strongly partisan reality into one that is a little more focused on the nation's good.

I'm just wondering if you could talk about the training that MPs may require to do that work.

Mr. Michael Wernick: There are 338 of you, and there is also the Senate, so there would be decisions about how wide that would need to be and at what level. It is a question of design on which you can come to some agreement among the parties as to how far to go.

Of course, there would have to be training. With the accountability comes a possibility of sanctions. I don't have those clearances anymore, but they came with an accountability in that, if I divulged secrets that I had read or seen, I could have gone to jail. I could have been fined. I could have lost my job. I could have lost my security clearance.

In the public service, if you lose your security clearance, it's tantamount to being fired, because you can't do the work anymore. That's a tricky area. What would be the sanctions on a rogue parliamentarian who decided to leak? That happens in the States and that happens in the U.K., so there is a lot to work through there, but limiting it as narrowly as we're doing now isn't working for us anymore.

• (1300)

Ms. Rachel Blaney: My last question for you, quickly, is this: If you have a name or two that you'd like to recommend for leading a public inquiry, we'd love it. If not, what would be the criteria that you think would be key?

Mr. Michael Wernick: There is an art to driving inquiries to conclusion. There's an organizational skill in getting the work done for sure. I think that's one reason that people like judges: They're used to running courtrooms.

In this particular instance, I think that if you don't have some familiarity, life experience or background in the world of security and intelligence, you might not really know the right questions to ask and the right lines to pursue. That's a part.

My colleague might want to comment on that. The problem, if you go to people who are deeply inside the security and intelligence community, is this: Do they have the objectivity about those institutions they grew up and work in. It's not easy to find somebody who has enough knowledge but enough distance to do a good job, which is why I'm kind of inclined to go to Canberra to find the national security adviser to the Australian government. I'm only being semi-facetious there. It's not easy to find that skill set.

Each inquiry has its own subject area and its own purpose. Why I go to Australia and the U.K. is that they use the British Westminster system of government and the accountability of ministers and prime ministers is very familiar territory to anybody who works in the U.K. or Australia. If you go to Americans, the French or Germans, they have completely different software.

The Chair: The beep did not go off because it did not start. Ms. Blaney, you're one who's really good to me for the most part, minus about three examples, which I always say.

I am going to ask Mr. Mitrovica to comment on it because Mr. Wernick had suggested that.

Did you want to, Mr. Mitrovica?

Mr. Andrew Mitrovica: I found it astounding that the former clerk of the Privy Council would suggest that Canada forfeit its

sovereignty and appoint an Australian or a British member to this much-needed public inquiry. It's just astounding to me that he would suggest that even facetiously or half-seriously. It's no wonder he's out of his job.

The Chair: I will say this was actually an interesting conversation, at least for me as the chair of procedure and House affairs.

I am inclined to ask you this, Mr. Wernick: In suggesting that more people should have clearance—this is something procedure and House affairs has been quite seized with—is it your suggestion that procedure and House affairs committee members should be asking for that clearance?

Mr. Michael Wernick: I don't have a clear sense of that. My understanding is that a lot of the substantive matters about legislation and reporting go through the committee on public safety. There's a Senate committee, similarly.

To the extent that you're dealing with the privileges of Parliament as an institution, this would seem to be an important group to bring inside the tent, at least to some degree.

The Chair: That's very interesting. It's really good food for thought.

With that, I want to thank you on behalf of PROC committee members, Mr. Wernick and Mr. Mitrovica, for your reappearance at procedure and House affairs. If something comes to mind, please do not hesitate to share it with the clerk. We will have it translated into both official languages.

We're looking at some kind of Aeroplan miles thing, so the more appearances you have.... Maybe you'll get a certificate or a gold star. We are noting that you have been good to us.

Mr. Andrew Mitrovica: Well, I enjoyed listening today.

The Chair: With that, have yourselves a great day.

Committee members, we are meeting back again at 6:30. We have two more panels with two witnesses each. We will see you tonight.

Everyone keep well and safe. Thank you.

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