A Macdonald-Laurier Institute Publication

True North in Canadian public policy

Commentary

October 2017

C-59: Building on C-51 Towards a Modern Canadian National Security Regime

Scott Newark

With the return of Parliament, one of the security issues sure to attract attention, apart from Omar Khadr's $10 million payoff and the Liberal government's deer-in-the-headlights approach to the flood of persons illegally entering Canada, is what exactly is in Bill C-59 and how is it different from the Conservative's much maligned C-51.

C-51 was passed into law by the previous government, curiously with the support of the then Opposition Liberals. However, during the 2015 election, they were clear that, if elected, changes would be made. It is important to note that the Bill was only introduced into Parliament in late June 2017, some 18 months after the government came to power. This suggests that the new government may have realized the original Bill was not necessarily as malevolent as had been suggested and that the issues involved were more complex than originally thought. The Bill also demonstrates, to its credit, the government's willingness to address larger national security institutional and accountability issues.

These oversight and review reforms have been identified as necessary for years and they are a guiding principle of C-59. It should also be noted that this commitment to national security and intelligence review and accountability was also manifested in the now passed Bill C-22, which created a Parliamentary National Security Oversight Committee. Although improvements are needed to strengthen the independence and mandate of the Committee, C-22 was definitely a step in the right direction previous governments had resisted for years.

Bill C-59 contains nine different Parts that address different subjects, which will be analyzed in this Commentary. It should also be noted that the Bill contains a relatively detailed preamble that sets out the ratio-

nale for what is proposed. This is a welcome feature of Bill C-59, as it greatly reduces the ability of courts in the future to strike down legislation on *Charter* grounds on the basis that no justification for the impugned measures was provided by government.

Part 1 of the Bill enacts the *National Security and Intelligence Review Agency Act*. This establishes the National Security and Intelligence Review Agency (NSIRA), which will replace the previous Security Intelligence Review Committee (SIRC). SIRC is the long established statutory review Committee with a narrow mandate to provide an after-the-fact independent review of the capability of the Canadian Security Intelligence Service (CSIS). The restricted focus of SIRC to CSIS activities alone has been a concern, as CSIS inherently works with other agencies in carrying out its intelligence gathering mandate. In effect, Bill C-59 creates the long recommended "Super-SIRC," providing for direct review authority for CSIS, the Communications Security Establishment (CSE), and, in relation to national security issues, the Royal Canadian Mounted Police (RCMP).

> "Bill C-59 creates the long recommended 'Super-SIRC'."

NSIRA's mandate is largely laid out in s. 8 of the proposed Act and, most importantly, in s. 8(1)(b), which provides it with authority to review activities of any department that relates to national security or intelligence. Section 8(1)(c) also gives it review authority that relates to national security or intelligence referred to it by a Minister of the Crown. It should be clarified and confirmed that this also applies to the actions of an agency of the federal government, such as the Canada Border Services Agency (CBSA) or Financial Transactions and Reports Analysis Centre of Canada (FINTRAC). Otherwise, a significant gap would be created.

Section 8 also details the authority of NSIRA to investigate complaints made against CSIS, CSE, or the RCMP when it relates to national security issues. Once again, it should be clarified whether the Agency can either investigate intelligence or national security related complaints or activities of agencies, like CBSA or FINTRAC. It is also clear that the Agency will not serve as the independent review entity for CBSA – an issue that remains unaddressed by C-59.

The Act basically transforms the existing SIRC into the new NSIRA. The previous SIRC authority to investigate issues involving CSIS activities and report to the Minister as well as provide Annual Reports to the Minister is retained and expanded to include similar obligations regarding the CSE. The NSIRA will now also be required to present Annual Reports to the Prime Minister as well. In support of this expanded review mandate, s. 9 of the Act appears to broaden the Agency's right to request and access information from government departments, although the scope of this authority should be clarified.

A significant increase in agency authority is reflected in s. 31, whereby NSIRA can direct a department to review its actions relating to intelligence and national security to ensure compliance with the law and "applicable" Ministerial directions. Departments are required to report back to the Agency and the Minister following receipt of such a direction.

The Act appears to remove the required reporting by SIRC of special warrants that were issued to CSIS pursuant to C-51 and which generated controversy as they significantly expanded CSIS's role from intelligence gathering to operational work, including "disruptive" actions against persons of interest. The usual annual reporting requirements for the activities of CSIS and CSE are continued, however. In addition, it entails departmental reviews and an obligation to report to the Minister on any activity related to intelligence or national security carried out by any department that is not in compliance with the law.

In summary, the new Agency has been given an expanded mandate with a clear goal of improving review ca-

pabilities and accountability. While this is admirable, to be successful the Agency will need to be assessed to determine whether it is carrying out its duties as intended. Having a mandate is not the same thing as delivering on it. With the creation of the National Security and Intelligence Committee of Parliamentarians, there is no longer a need to have the new NSIRA comprised of former politicians. The Agency needs fully qualified members with operational, academic, or even journalistic expertise and it needs appropriate funding to be able to carry out its important duties.

Part 2 of the Bill enacts the *Intelligence Commissioner Act*. This abolishes the Office of the Commissioner of the CSE and replaces it with an increasingly empowered Intelligence Commissioner. The Intelligence Commissioner has defined approval authority for authorizations, amendments, or determinations sought by CSIS and CSE (which Part 3 of Bill C-59 reforms). This creates an expanded "oversight" mandate for the Commissioner relating to ongoing activities of CSIS and CSE rather than the after the fact "review" mandate given to the NSIRA. The Commissioner is also granted extensive review and approval authority over metadata (or "datasets") acquisition, use, and sharing, which is clearly a response to the 2016 Federal Court decision slamming CSIS for its unauthorized activities in this area.

While independent oversight is welcome, it must not simply create more self-serving bureaucracy that interferes with operational needs in exigent circumstances. This appears to be recognized in s. 21 of the Act but this is an issue that needs to be clarified and monitored. In a welcome sign of information sharing and coordination, s. 22 of the Act requires all of the Intelligence Commissioner's decisions in this regard to be provided to the new NSIRA.

"While independent oversight is welcome, it must not simply create more self-serving bureaucracy that interferes with operational needs."

The Act also gives the Commissioner specific authority to request and receive relevant information in making his or her decisions. This hopefully means a proactive approach will be taken.

Part 3 of the Bill enacts the *Communications Security Establishment Act*. This specifically establishes the CSE in its own statute rather than as part of the *National Defence Act.* Among other things, it sets out an expanded CSE mandate and an improved regime for authorizing its activities. This is important as the CSE has the primary responsibility for cyber security of the federal government as well as tracking relevant online and social media communications in restricted circumstances.

C-59 is clearly intended to modernize the legislative authority for the CSE. Section 2 of the Act, which traditionally defines terms, now includes *public information* and *terrorist group*, thus more accurately reflecting the current cyber and security environment and the current area of CSE operations. Consistent with the overall focus in C-59, s. 3 of the Act now expressly articulates mandate clarity, and compliance and accountability as guiding principles for CSE. It should be noted that s. 61 of the Act allows the Governor in Council, which essentially is the Cabinet, to change definitions in the Act by regulation to respond to a "technological change." This is an unusual clause that merits explanation and justification at Committee.

The mandate of CSE is now much more specifically articulated than before in sections 16–21. These sections merit close examination to appreciate what CSE is legally authorized to do. For the first time, CSE is now authorized in s. 20 to carry out "active cyber operations" for the broad purpose of being able to "degrade, disrupt, influence, respond to or interfere with the capabilities, intentions or activities of a foreign individual, state, organization or terrorist group as they relate to international affairs, defence or security." This

is a significant enhancement of CSE's mandate as it creates a *proactive* rather than the traditional *defensive* cyber security role that, no doubt, will be subject to close scrutiny.

The Act also continues specific restrictions on CSE activities regarding targeting Canadians or persons within Canada and now adds restrictions on targeting global information infrastructure in Canada. Section 24(1)(a) of the new Act also authorizes CSE actions regarding "acquiring, using, analysing, retaining or disclosing publicly available information." This will likely result in debate as sub section (4) also authorizes the broadly-defined "incidental" information gathered on Canadians or persons in Canada as long as they were not the intended targets of the operation. Read together, these sections would appear to authorize CSE to share metadata-type information it "incidentally" obtained on Canadians or persons in Canada with other countries. Sections 44–47 create a specific process relevant to such disclosure.

The new Act also contains detailed circumstances regarding when CSE must obtain Ministerial authorization and Intelligence Commissioner approval for interception and gathering of information, which may include communications from information infrastructure based on the s. 2 definition. The Act provides detailed criteria with respect to authorizations, including a maximum one-year limitation, which can be extended by the Minister for up to another year in foreign intelligence and cyber security cases. The scope of this issue should be clarified at Committee.

> "[C-59] creates a proactive rather than the traditional defensive cyber security role that, no doubt, will be subject to close scrutiny."

Section 41 of the Act appropriately creates a Ministerial authorization without approval by the Intelligence Commissioner in "emergency" circumstances for a maximum period of five days and stipulates that both the Commissioner and the Review Agency must be notified "as soon as feasible." In light of the reality of unpredictable events and activities in the national security environment, this appears to be a sensible balancing of interests that is reflected throughout the new Act.

The Act requires a public Annual Report from CSE as well as other specified reporting and Ministerial approval requirements. This includes a requirement of Ministerial approval in s. 55 regarding information sharing with foreign entities. The Act also provides extensive detail regarding protection of sources and exceptions to the traditional evidentiary disclosure requirements.

In summary, the Act is a significant improvement on existing legislation, specifically with respect to the modern CSE operations. It also delivers on the intended goals of mandate compliance and accountability. Given what CSE is being authorized to do, this Part of the Bill will likely (and appropriately) receive significant attention at Committee.

Part 4 amends the *Canadian Security Intelligence Service Act.* Changes to this Act under C-51 were the focus of much of the public criticism of that Bill. As noted in a previous MLI paper, *C-51: An analysis without the hype or hysteria,* C-51 did significantly enhance CSIS' authorized operational mandate, for example, by permitting "disruption" activities, such as active interference with finances or travel plans, instead of just information gathering. However, much of the criticism was overblown and exacerbated by the Harper government's refusal to answer questions and debate the actual issues.

Once again, the Government has wisely chosen to include a Preamble to the Bill that reinforces their aforementioned priorities of mandate clarity and compliance and accountability. Section 6 of the Act, for example, is amended to require more details to be included in the CSIS Annual Reports. The new Act also creates spe-

cific and extensive procedural requirements for CSIS gathering and maintaining public datasets in new sections 11.01–11.25, which is clearly a response to the 2016 Federal Court ruling that exposed and criticized its unauthorized practices in this regard. The C-59 provisions are a complete answer to this outstanding issue.

Not surprisingly, however, the amendments do not overturn CSIS's authority to undertake disruption activities, as created by C-51. But, in new sections 12.1 (2) and (3), it adds consideration of privacy impacts and a requirement to consult other federal departments and agencies as to whether they can "reduce the threat." This required consideration of these relevant issues is a deliberate effort to balance the potentially competing public interests of civil rights and national security. Additionally, new sections 12.1 (3.1)–(3.5) confirm the C-51 powers given to CSIS, allowing them to take action that might violate the *Charter* but only with judicial authorization according to Court rulings, by definition making them *Charter* compliant. This too is an issue that was never explained by the previous government and these provisions of C-59 confirm that the condemnation of this issue was unjustified.

> "Criticism [of C-51] was overblown and exacerbated by the Harper government's refusal to answer questions and debate the actual issues."

The Act also adds defined prohibited actions by CSIS in s. 12.2 and extends protections to CSIS officers in performance of their duties in new s. 18.2. New s. 20.1 also replicates and expands on current *Criminal Code* provisions regarding CSIS employees that, although authorized, engage in what may otherwise constitute illegal or unauthorized conduct, like simulated crimes designed to fool the target into thinking the person he is dealing with is also a bad guy. The system created is extremely detailed, which will also help in any future *Charter* challenges as Parliament has been clear in its purposes and rationale. This is specifically the case in s. 20.1(18), which adds restrictions to what otherwise "illegal" activities CSIS can engage in. Section 20.1(24) also provides specific detail about what must now be included in the Minister's Annual Report about CSIS activities.

Amendments to the Act to s. 21 also deal with authorization of "incidental collection" of "dataset information," which will likely attract attention and scrutiny as to whether the collection is incidental or not. This includes a process to obtain judicial authorization for CSIS to retain such data, all of which is a response to the 2016 Federal Court case condemning CSIS's actions in this area.

The Bill also creates new limits on the exercise of the Service's power to reduce threats to the security of Canada, including by setting out a list of specific measures that may be authorized by the Federal Court. In multiple sections of the *CSIS Act*, the Bill adds required consideration of "the reasonably foreseeable effects on third parties, including on their right to privacy," which is included to support *Charter* compliance.

The *CSIS Act* amendments in C-59 in large measure support rather than contradict the operational mandate expansion evident in C-51. The Bill does, however, provide greater detail on purpose, balancing of interests, and systemic accountability, all of which will support *Charter* sustainability.

Part 5 amends the *Security of Canada Information Sharing Act,* which was created in C-51 to facilitate sharing of national security-related information among designated federal departments and agencies. Consistent with the general approach of C-59, the amendments to the Act appear to be aimed at giving greater clarity to approved actions and to improve accountability for the actions taken. The amendments deal with virtually all of the issues raised during the C-51 debate. But, for the most part, the changes appear more sym-

bolic than substantive. They do, however, allow the Government to tell the public that they have "changed" what C-51 created.

The Bill adds a reference to *Privacy Act* considerations to the Preamble and a statement that clear articulation of authority and purpose supports Canadian security, all of which will be helpful in any future *Charter* challenge.

The Bill substitutes some of the language used in Bill C-51, noting that information can be "disclosed" rather than "shared" and that the disclosure of information must be accompanied by information about the accuracy of what was disclosed and the reliability of the manner in which it was obtained. The title of the Act is also changed from "Sharing" to "Disclosure."

A positive change in C-59 is that departments and agencies will now be required to prepare and retain records in respect of every disclosure. Moreover, a copy of every record prepared in the preceding year must be provided annually to NSIRA. This required reporting reflects a suggestion made by the Privacy Commissioner in his submission on C-51, although he may not be pleased that his Office is not given the responsibility as he originally recommended.

A precondition to information disclosure is that it concerns "activity that undermines the security of Canada." Yet the Act tweaks this definition by adding the qualifier of "significant or widespread" in reference to interference with critical infrastructure systems. It also continues the exclusion of exempted activities such as advocacy, protest, dissent, and artistic expression but stipulates that they must not be done in conjunction with an activity that undermines the security of Canada. New s. 5(1)(b) of the Act also creates a consideration regarding disclosure in that there is now a requirement that "the disclosure will not affect any person's privacy interest more than is reasonably necessary in the circumstances."

> "Departments and agencies will now be required to prepare and retain records in respect of every disclosure."

The amendments made to the *Security of Canada Information Sharing Act* are not significant in terms of either facilitating or obstructing the defined instances of information "disclosure" amongst government entities. In practice, they simply are responses to concerns that should have been addressed in C-51.

Part 6 amends the *Secure Air Travel Act* to make a series of relatively small changes to the existing "No Fly" list system. The *Secure Air Travel Act* authorizes the Minister of Transport to create, maintain, and revise a list of persons who he has reasonable grounds to suspect will engage in activity that would threaten transportation security or who is travelling by air for the purpose of committing a terrorism offence. It appears from the C-59 amendments that Transport Canada is finally moving to take over management of the entire "No Fly" system, including creating an enhanced technology database and sharing relevant information with foreign governments.

New s. 6(2) of the Act allows the Minister to require airlines to supply "other" information as specified by regulation. Hopefully, this will include supplying biometric information in the form of digital photos. As has long been noted, in today's sophisticated threat environment, a biographical database lookout system is obsolete and likely to cause misidentification errors. These problems have been documented over the years. New s. 7.2, which references testing of new technologies, also suggests that substantive progress may be on

the horizon. CBSA has recently successfully tested facial recognition screening to detect and interdict inadmissible persons seeking entry to Canada and it is hoped that this modernization will occur with both CBSA and Transport Canada. For full effectiveness, this needs to include international information sharing of "bad guy" databases, which is actually already authorized under the *Privacy Act*.

One area of the Act that deserves closer scrutiny is the ability of a person who discovers they are on the "No Fly" list to challenge that decision and have a right of appeal if their request for removal is rejected. While such a targeted safety measure likely is justified, it must have an effective redress system that includes a process that can deal with the potentially classified and high security information that led to the designation. New s. 15(6) reverses the presumption of denial of an appeal where no response is forthcoming to approve the appeal. It also extends the time period to 120 days from 90 days and leaves in place the s. 15(3) right of the applicant to make representations about why they should be delisted.

What is missing is a process whereby listed persons can have access to designated special advocates who can use a defined process to receive sensitive information that is relevant to why the listing was made and believed justified. This is a situation that requires a better balancing of security and civil rights and it is expected that it will be raised as an issue at Committee.

> "CBSA has recently successfully tested facial recognition screening."

In summary, the changes to the *Secure Air Travel Act* are justifiable and hopefully signal progress towards a facial recognition biometric database that can be shared in defined circumstances with Canada's international partners.

Part 7 amends the *Criminal Code* and makes a number of changes to what was enacted in C-51. It also improves the ability of the Public Safety Minister to administer and maintain the terrorist entity listing regime under s. 83.05. Pursuant to the changes, the qualification for listing has been expanded to past conduct of the entity and the Minister can add name changes or aliases of a listed entity by regulation. The required review of the listing of an entity by the Minister is extended to five years and the time for a Ministerial response (or presumed rejection) challenging a listing is extended to 90 days.

The Bill repeals the never used preventive arrest and investigative hearing regime in sections 83.28 and 83.29. These sections were implemented after September 11, 2001 and authorized detention without bail and examination of suspects. The fact that they have never been used is clearly relevant to why they are being repealed. It also returns the higher evidentiary standard, from "likely to prevent the commission of a terrorism offence" to "necessary to prevent" for issuing a preventive recognizance under s. 83.3. These orders are based on historical "peace bonds," which a Court can order on defined evidentiary grounds but without proof of a commission of a criminal offence. The Bill also mandates a review of the entirety of s. 83.3 within five years by Parliament and creates a presumptive repeal unless Parliament directs otherwise in the review of the section.

Although these changes may seem drastic, it should be noted that the provisions in question have not been used since their introduction and passage after the September 11 attacks or following the C-51 amendments.

As noted, s. 83.3 orders are not used as the "peace bond" provision of s. 810.011 in the *Criminal Code*, under which arrest warrants can be issued and strict conditions including electronic monitoring have become the tool used by police. The reduced evidentiary standard in C-51, which permitted peace bond provisions on targets who "may commit" rather than "will commit," has fortunately been left in place. It would be helpful if the federal government were to provide targeted funding for the use of the electronic monitoring tool.

Without it, experience has shown that it rarely is requested by the Crown, as required under the *Criminal Code*. Cases like Aaron Driver or Mohammed Ali Dirie, who were under terrorism peace bonds but whose activities escaped detection by law enforcement, illustrate why this is important. A $5 million annual allocation, or reallocation of existing community safety program funding, would permit this targeted monitoring tool to actually be used as intended.

C-59 will also authorize a court, in proceedings for recognizances under any of sections 83 and 810 to 810.2 (full scope of peace bonds), to make orders for the protection of witnesses who could be of assistance. Finally, the Bill will require the Attorney General of Canada to publish a report each year setting out the number of terrorism recognizances entered into under s. 810.011 in the previous year, which could be extremely useful in assessing the effectiveness of the provisions and if changes are required. Once again, this also supports the Government's commitment to increased transparency and accountability.

Arguably the most significant and inappropriate amendment to the *Criminal Code* brought about by C-59 is the change to the s. 83.221 offence of advocating or promoting terrorism offences in general. This offence was created by C-51. In its place, C-59 substitutes what will be a much higher evidentiary standard of "counselling another person to commit a terrorism offence." This change is also reflected in the s. 83.222(8) definition of *terrorist propaganda*, which will likely reduce the ability of law enforcement to use the judicially authorized terrorism propaganda "takedown" tool created by C-51.

Why this elevation of evidentiary standard is proposed is unclear. It is already a criminal offence in s. 22 to counsel another person to be a party to a criminal offence, which includes terrorism offences, so this "new" section is a duplicate of what already exists. Further, the use of the words "another person" may also be argued to mean that the actions must target a specific person rather than the broader target that is the reality of modern domestic terrorism and what the C-51 offence was aimed at.

The use of the more general "promotion" or "advocate" as the required action to prove the offence has also been in the *Criminal Code* for decades in relation to what is actually called "Hate Propaganda," which covers advocating genocide (s. 318) or promoting hatred against defined "identifiable groups" (s. 319). Using these broader motivational criteria is appropriate for the ideologically driven commission of terrorism crimes that was deliberately and purposely created in s. 83.221 through C-51. Hopefully, the Government will be closely called on to explain its actual purpose in making this change, which will almost certainly handicap the carefully crafted and scenario-relevant tool that is the current s. 83.221.

Part 8 amends the *Youth Criminal Justice Act* to clarify that justices of the peace can issue peace bonds against young persons. It also confirms that young persons are entitled to counsel in recognizance proceedings and adds criteria for the way in which young persons shall be detained, which are largely consistent with the reforms proposed in C-56 (An Act to amend the Corrections and Conditional Release Act and the Abolition of Early Parole Act). The Act also expands a protection for young persons charged with first or second-degree murder by amending current s. 67(1)(c) to remove the under 14 restriction.

Finally, the Act amends s. 119 of the *Youth Criminal Justice Act* to give employees of a department or agency of the Government of Canada access to youth records, for the purpose of administering the *Canadian Passport Order*.

Part 9 requires that a comprehensive review of the provisions and operation of Bill C-59 take place during the sixth year after the Bill comes into force. This is stipulated in s. 168 of the Bill. The Bill also directs the coordination of this review by the National Security and Intelligence Committee of Parliamentarians, as created by Bill C-22 passed by Parliament.

This kind of targeted review is a very useful way to gain substantive insight into what has worked, what has not, and why.

Conclusion

C-59 is the Government's response both to its open criticism of the previous Government's Bill C-51 and to a national security and intelligence environment that has evolved without appropriate changes to the governing legislation. It also is clearly intended to bring greater clarity of purpose and rationale to security and intelligence legislation as well as to demonstrably prioritize transparency and accountability. Bill C-59 is successful in achieving these goals.

By creating the National Security Intelligence Review Agency, which has a clear and expanded mandate, the Bill addresses long-standing concerns regarding the need for better coordination of multiple agency activities. The same is true in the Bill's creation of an Intelligence Commissioner with a defined review and approval mandate that includes measures aimed at enhancing accountability while still recognizing the need for expedited action in exigent circumstances. C-59 also is the first step in addressing the controversial issue of collection, retention, and sharing of metadata, which the 2016 Federal Court decision of Justice Noel rightly exposed.

Among the most important changes in C-59 is what is, in effect, the modernization of the CSE's mandate that gives more specific detail and authorizes "active" cyber operations for the first time. CSE's mandate and responsibilities with respect to metadata are also appropriately included.

> "The Bill addresses long-standing concerns regarding the need for better coordination of multiple agency activities."

The changes to the *CSIS Act* in C-59 provide more detail regarding restrictions on activities as well immunities. It does not, however, remove the active "disruption" authority that was provided to CSIS in C-51. In that sense, the C-59 changes to CSIS are more symbolic than substantive.

Similarly, while the changes to the renamed *Security of Canada Information Disclosure Act* do not obstruct the purpose of the change made in C-51 and provide greater description of its rationale, they too are more symbolic than substantive. Creating an annual reporting requirement of actions taken is also supportive of transparency and accountability. This is a welcome development.

The changes made to the *Secure Air Travel Act* in C-59 suggest that Transport Canada is moving to take greater operational control of the "No Fly" list system and that it is preparing to add modern technology to the existing biographic data-based system. This change will support an effective international "bad guy" biometric lookout database, which is critically important in today's threat environment.

By repealing the unused preventive arrest and investigative hearing provisions, C-59's changes to the *Criminal Code* are among the most dramatic. While this is justifiable, the changes made with respect to advocating or promoting the commission of terrorism offences needlessly undermine the targeted measure created by the C-51 environment. There have been no reported instances of inappropriate use of the current provisions so the motivation for this change appears to be political. That is something that needs to be confronted and hopefully reversed. The terrorism peace bond evidentiary standards in s. 810.011, which were revised in C-51, have fortunately been left intact.

The Bill also creates a mandatory review of the legislation and its operational impacts in five years, which is a helpful strategy.

There are definitely a number of issues in C-59 that need to be raised at Committee so that appropriate explanations of the rationale and purposes of the changes can be provided. That is, after all, the purpose of the Committee's review of legislation. Hopefully this can be accomplished without the acrimony and partisanship that surrounded C-51.

About the Author

Scott Newark is a former Alberta Crown Prosecutor who has also served as Executive Officer of the Canadian Police Association, Vice Chair of the Ontario Office for Victims of Crime, Director of Operations to the Washington D.C.-based Investigative Project on Terrorism and as a Security Policy Adviser to the Governments of Ontario and Canada. He is currently an Adjunct Professor in the TRSS Program in the School of Criminology at Simon Fraser University.

MLI

True North in Canadian public policy

Critically Acclaimed, Award-Winning Institute

The Macdonald-Laurier Institute fills a gap in Canada's democratic infrastructure by focusing our work on the full range of issues that fall under Ottawa's jurisdiction.

- One of the top five think tanks in Canada and No. 1 in Ottawa according to the University of Pennsylvania.
- Cited by five present and former Canadian Prime Ministers, as well as by David Cameron, the British Prime Minister.
- First book, *The Canadian Century: Moving out of America's Shadow*, won the Sir Antony Fisher International Memorial Award in 2011.
- *Hill Times* says Brian Lee Crowley is one of the 100 most influential people in Ottawa.
- The *Wall Street Journal*, the *Economist*, the *Globe and Mail*, the *National Post* and many other leading national and international publications have quoted the Institute's work.

"The study by Brian Lee Crowley and Ken Coates is a 'home run'. The analysis by Douglas Bland will make many uncomfortable but it is a wake up call that must be read."
FORMER CANADIAN PRIME MINISTER PAUL MARTIN ON MLI'S PROJECT ON ABORIGINAL PEOPLE AND THE NATURAL RESOURCE ECONOMY.

Ideas Change the World

Independent and non-partisan, the Macdonald-Laurier Institute is increasingly recognized as the thought leader on national issues in Canada, prodding governments, opinion leaders and the general public to accept nothing but the very best public policy solutions for the challenges Canada faces.

CTV

cpac FOR THE RECORD

corus ENTERTAINMENT

CBC news

FP Foreign Policy

tvo

The Economist

WALL STREET JOURNAL

THE HILL TIMES

THE GLOBE AND MAIL
CANADA'S NATIONAL NEWSPAPER • FOUNDED 1844

NATIONAL POST

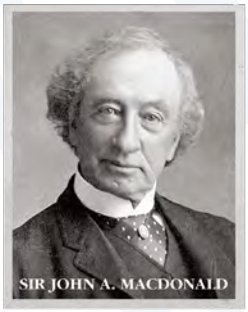
About the Macdonald-Laurier Institute

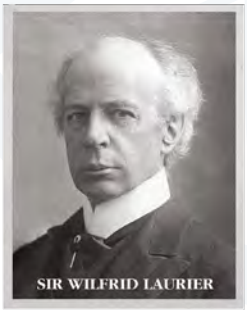
What Do We Do?

When you change how people think, you change what they want and how they act. That is why thought leadership is essential in every field. At MLI, we strip away the complexity that makes policy issues unintelligible and present them in a way that leads to action, to better quality policy decisions, to more effective government, and to a more focused pursuit of the national interest of all Canadians. MLI is the only non-partisan, independent national public policy think tank based in Ottawa that focuses on the full range of issues that fall under the jurisdiction of the federal government.

What Is in a Name?

The Macdonald-Laurier Institute exists not merely to burnish the splendid legacy of two towering figures in Canadian history – Sir John A. Macdonald and Sir Wilfrid Laurier – but to renew that legacy. A Tory and a Grit, an English speaker and a French speaker – these two men represent the very best of Canada's fine political tradition. As prime minister, each championed the values that led to Canada assuming her place as one of the world's leading democracies. We will continue to vigorously uphold these values, the cornerstones of our nation.


SIR JOHN A. MACDONALD


SIR WILFRID LAURIER

Working for a Better Canada

Good policy doesn't just happen; it requires good ideas, hard work, and being in the right place at the right time. In other words, it requires MLI. We pride ourselves on independence, and accept no funding from the government for our research. If you value our work and if you believe in the possibility of a better Canada, consider making a tax-deductible donation. The Macdonald-Laurier Institute is a registered charity.

Our Issues

The Institute undertakes an impressive program of thought leadership on public policy. Some of the issues we have tackled recently include:

- Aboriginal people and the management of our natural resources;
- Making Canada's justice system more fair and efficient;
- Defending Canada's innovators and creators;
- Controlling government debt at all levels;
- Advancing Canada's interests abroad;
- Ottawa's regulation of foreign investment; and
- How to fix Canadian health care.

True North in
Canadian public policy

CONTACT US: Macdonald-Laurier Institute
323 Chapel Street, Suite #300
Ottawa, Ontario, Canada
K1N 7Z2

TELEPHONE: (613) 482-8327

WEBSITE: www.MacdonaldLaurier.ca

CONNECT WITH US:

@MLInstitute

www.facebook.com/
MacdonaldLaurierInstitute

www.youtube.com/
MLInstitute

What people are saying about the Macdonald-Laurier Institute

In five short years, the institute has established itself as a steady source of high-quality research and thoughtful policy analysis here in our nation's capital. Inspired by Canada's deep-rooted intellectual tradition of ordered liberty – as exemplified by Macdonald and Laurier – the institute is making unique contributions to federal public policy and discourse. Please accept my best wishes for a memorable anniversary celebration and continued success.

THE RIGHT HONOURABLE STEPHEN HARPER

The Macdonald-Laurier Institute is an important source of fact and opinion for so many, including me. Everything they tackle is accomplished in great depth and furthers the public policy debate in Canada. Happy Anniversary, this is but the beginning.

THE RIGHT HONOURABLE PAUL MARTIN

In its mere five years of existence, the Macdonald-Laurier Institute, under the erudite Brian Lee Crowley's vibrant leadership, has, through its various publications and public events, forged a reputation for brilliance and originality in areas of vital concern to Canadians: from all aspects of the economy to health care reform, aboriginal affairs, justice, and national security.

BARBARA KAY, NATIONAL POST COLUMNIST

Intelligent and informed debate contributes to a stronger, healthier and more competitive Canadian society. In five short years the Macdonald-Laurier Institute has emerged as a significant and respected voice in the shaping of public policy. On a wide range of issues important to our country's future, Brian Lee Crowley and his team are making a difference.

JOHN MANLEY, CEO COUNCIL