



MINUTES OF PROCEEDINGS

OTTAWA, Monday, December 2, 2024

(67)

[English]

The Standing Senate Committee on National Security, Defence and Veterans Affairs met this day at 4 p.m., in room C128, Senate of Canada Building, the chair, the Honourable Hassan Yussuff, presiding.

Members of the committee present: The Honourable Senators Anderson, Batters, Boehm, Cardozo, Dagenais, Dasko, Deacon (*Ontario*), Kutcher, LaBoucane-Benson, McNair, Patterson, Richards and Yussuff (13).

Participating in the meeting: Emily Barrette, Procedural Clerk, Committees Directorate; Ariel Shapiro and Anne-Marie Therrien-Tremblay, analysts, Library of Parliament.

Pursuant to the order of reference adopted by the Senate on Wednesday, October 23, 2024, the committee continued its examination of Bill C-26, An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts.

WITNESSES:

Public Safety Canada:

Colin MacSween, Director General, National and Cyber Security Branch;

Kelly-Anne Gibson, Acting Director, National and Cyber Security Branch.

Innovation, Science and Economic Development Canada:

André Arbour, Director General, Strategy and Innovation Policy Sector.

At 4:03 p.m., the committee suspended.

At 4:03 p.m., the committee, pursuant to rule 12-16(1)(d), resumed in camera for the consideration of a draft agenda (future business).

At 4:38 p.m., the committee suspended.

At 4:39 p.m., the committee resumed in public.

It was agreed that the Government response to the seventh report of the Standing Senate Committee on National Security, Defence and Veterans Affairs, entitled *The Time is Now: Granting equitable access to psychedelic-assisted therapies*, deposited with the Clerk of the Senate on November 8, 2023, be delegated to the Subcommittee on Veterans Affairs.

The chair asked whether the committee agreed to proceed to clause-by-clause consideration of Bill C-26.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Anderson, Boehm, Cardozo, Dagenais, Dasko, Deacon (ON), Kutcher, LaBoucane-Benson, McNair, Patterson, Yussuff — [11]

NAYS

The Honourable Senators

Batters, Richards — [2]

ABSTENTIONS

NIL

It was agreed that the title stand postponed.

It was agreed that clause 1 carry, on division.

It was agreed that clause 2 carry, on division.

It was agreed that clause 3 carry, on division.

It was agreed that clause 4 carry, on division.

It was agreed that clause 5 carry, on division.

It was agreed that clause 6 carry, on division.

It was agreed that clause 7 carry, on division.

It was agreed that clause 8 carry, on division.

It was agreed that clause 9 carry, on division.

It was agreed that clause 10 carry, on division.

It was agreed that clause 11 carry, on division.

After debate, it was agreed that clause 12 stand postponed.

It was agreed that clause 13 carry, on division.

After debate, it was agreed that clause 14 stand postponed.

The chair asked whether clause 15 shall carry.

Colin MacSween, Kelly-Anne Gibson and André Arbour answered questions.

After debate, the question being put on the motion, it was adopted on the following vote:

YEAS

The Honourable Senators

Anderson, Boehm, Cardozo, Dagenais, Dasko, Deacon (ON), Kutcher, LaBoucane-Benson, McNair,
Patterson, Yussuff — [11]

NAYS

The Honourable Senators

Batters, Richards — [2]

ABSTENTIONS

NIL

It was agreed that clause 16 carry, on division.

It was agreed that clause 17 carry, on division.

It was agreed that clause 18 carry, on division.

The Honourable Senator LaBoucane-Benson moved that Bill C-26 be amended on page 90 by adding the following after line 26:

“PART 3

2024, c. 16

Amendment to the Countering Foreign Interference Act

19 Subsections 110(3) to (9) of the Countering Foreign Interference Act are replaced by the following:

(3) If section 11 of the other Act comes into force before section 84 of this Act, then, on the day on which that section 84 comes into force, item 5 of the schedule to the Canada Evidence Act is repealed.

(4) If section 84 of this Act comes into force before section 11 of the other Act, then that section 11 is deemed never to have come into force and is repealed.

(5) If section 11 of the other Act comes into force on the same day as section 84 of this Act, then that section 11 is deemed never to have come into force and is repealed.

(6) On the first day on which section 145 of the Critical Cyber Systems Protection Act, as enacted by section 12 of the other Act, and section 84 of this Act are in force, paragraphs 145(1)(a) to (e) of the Critical Cyber Systems Protection Act are repealed.

(7) If section 13 of the other Act comes into force before section 84 of this Act, then, on the day on which that section 84 comes into force, item 6 of the schedule to the Canada Evidence Act is repealed.

(8) If section 84 of this Act comes into force before section 13 of the other Act, then that section 13 is repealed.

(9) If section 13 of the other Act comes into force on the same day as section 84 of this Act, then that section 13 is deemed never to have come into force and is repealed.”.

Colin MacSween, Kelly-Anne Gibson and André Arbour answered questions.

After debate, the question being put on the motion in amendment, it was adopted.

The chair asked whether clause 12 shall carry.

The Honourable Senator Batters moved that Bill C-26 be amended in clause 12, on page 28, by adding the following after line 31:

“19.1 The Communications Security Establishment must give a copy of any incident report to the Privacy Commissioner, appointed under section 53 of the Privacy Act, if:

(a) the incident resulted or is likely to result in access to or the disclosure of personal information, as defined by the Personal Information Protection and Electronic Documents Act, in contravention of that Act, or the loss of that information; and

(b) it is reasonable in the circumstances to believe that the incident creates a real risk of significant harm to an individual as a result.”.

Colin MacSween and Kelly-Anne Gibson answered questions.

After debate, the question being put on the motion in amendment, it was negated on the following vote:

YEAS

The Honourable Senators

Batters, Richards — [2]

NAYS

The Honourable Senators

Boehm, Cardozo, Dagenais, Dasko, Deacon (ON), Kutcher, LaBoucane-Benson, McNair, Patterson, Yussuff — [10]

ABSTENTIONS

Anderson — [1]

It was agreed that clause 12 carry, on division.

It was agreed that clause 14 carry, on division.

It was agreed that Schedule 1 carry, on division.

It was agreed that Schedule 2 carry, on division.

It was agreed that the title carry.

It was agreed that the bill, as amended carry, on division.

It was agreed that the Law Clerk and Parliamentary Counsel be authorized to make necessary technical, grammatical, or other required non-substantive changes as a result of the amendments adopted by the committee, in both official languages, including updating cross-references and renumbering of provisions.

The committee discussed observations.

The chair asked whether observations proposed by the Honourable Senator Kutcher shall carry.

After debate, the question being put on the motion, it was adopted.

It was agreed that the Subcommittee on Agenda and Procedure be empowered to approve the final version of the observations being appended to the report, in both official languages, taking into consideration today's discussion and with any necessary editorial, grammatical or translation changes as required.

It was agreed that the chair report Bill C-26, as amended and with observations, to the Senate, in both official languages.

At 6 p.m., the committee adjourned to the call of the chair.

ATTEST:

Ericka Paajanen

Clerk of the Committee