

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

PS needs to pick up pace of reforms: Privy Council clerk

Kathryn May, Ottawa Citizen, March 25 2016

Michael Wernick, Canada's top bureaucrat, says the public service has to pick up the pace of its modernization plan so it can deliver the Trudeau government's ambitious agenda.

Two months into his job as clerk of the Privy Council, Wernick said the public service has to move faster on implementing the reforms of its Blueprint 2020 plan, especially when it comes to the way it manages people, information and money.

"My first job and priority is to help the government deliver the agenda it was elected for, and the second, which is closely related, is to raise the capabilities of the public service," Wernick said. "We won't be able to do the first unless I make progress on the second."

Wernick was barely installed in his new job when he described the public service as "a bit of a fixer-upper." In a recent, wide-ranging interview, he explained the public service has good bones but is hobbled by structures that make it too slow, rigid and risk-averse.

The longtime bureaucrat is straightforward when describing what needs to be done. He says the public service has to get better at recruitment, training and learning; it has to find the right people and mix of skills.

The culture also has to shift to a focus on results achieved rather than simply work done, he said.

Public servants should take risks — smart risks, he said. There are too many managers, and the "load of rules, bureaucracy and process that isn't productive" should be lightened.

He described a public service workplace that is tired. He said it needs better buildings and technology. It also has too many cases of reported harassment. Half of all health claims are for mental stress and anxiety at work.

Wernick said there are structures and processes that make it so difficult to "move dollars, people and information around, within and across departments."

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

“The most challenging thing ... is being nimble. Moving people around from one task to another or being able to dismantle a work unit and create a different one. We are too slow and not very nimble,” he said.

“It is a fixer-upper in the sense that the foundations are good and there are things that can be improved. That was a general comment about needing to get better at project management, people management, results and delivery, and better at doing policy in 2016. So yes, there are many ways we are a fixer-upper.”

Blueprint 2020, the reforms first rolled out by former PCO clerk Wayne Wouters to modernize the public service, will fix many of these problems. But Wernick said the Liberals have created an “urgency and ambition” for those reforms to be implemented faster.

A big pressure is the Trudeau government’s focus on results and delivery. It created a new delivery unit to be headed by trusted adviser Matthew Mendelsohn, who is the now first deputy secretary of “results and delivery.” His job is to make sure Liberal priorities are watched, tracked and delivered by the next election in 2019.

The model was borrowed from former British prime minister Tony Blair, who put his delivery unit right inside the PMO. The Liberals are the first to adapt that model to fit Prime Minister Justin Trudeau’s promise to return to cabinet government, where ministers are given more power to manage their departments.

Trudeau appointed Wernick, 58, as clerk in January with the unusual assignment of also coming up with a new process to pick his next replacement.

Wernick had just served as the assistant clerk and spent about 35 years in the public service, wrestling thorny files from national unity to the Indian Residential Schools Settlement.

He is a longtime deputy minister — first promoted into senior ranks by prime minister Jean Chretien — and recently known for his eight-year tenure at Aboriginal Affairs, now known as Indigenous Affairs, where he served four ministers and stickhandled the passage of 23 pieces of legislation.

His biography cites the unique distinction of working on the transition, start-up and swearing-in of three new governments.

Before becoming clerk, 15 members of his various management teams over the years became deputy ministers.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

As clerk, Wernick wears three hats: head of the public service, secretary to cabinet, and deputy minister to the prime minister.

His marching orders are laid out in the speech from the throne, mandate letters to ministers and most recently the budget.

The Liberals have courted public servants, promising to restore respect and rebuild a relationship damaged during the Harper era. Treasury Board Scott Brison, who leads the Liberals' charm offensive, has said the government can't deliver its activist agenda without an "innovative and agile" public service.

Wernick said the Liberals have brought a "very positive and constructive tone" to the public service. He said a new government is always refreshing and stimulating but the Liberals took "deliberate" steps to reset the relationship. They unmuzzled scientists and diplomats and introduced the first code of conduct for political staffers to ensure the line between politics and public service neutrality isn't crossed.

Although he thinks the policy process should be modernized, Wernick takes exception to critics — particularly former public servants — who argue the service lost its policy skills or atrophied during the Conservative era, when ministers didn't often seek its policy advice.

He said the public service had policy options ready when the Liberals took power and immediately faced big global issues — the Syrian migration, the Paris conference on climate change and the resetting of the mission in Syria.

He argues the challenge for public servants is the escalating pace, technological change and complexity of issues being wrestled.

His predecessor, Janice Charette, set up a deputy ministers committee on policy innovation and created a hub within PCO to encourage innovation in the public service.

The latest step is a review of the policy profession to put together must-have skills for today's policymakers similar to qualifications required by those in human resources and finance. This review is patterned after British Prime Minister David Cameron's drive to professionalize policy.

Wernick said the "mythical days" of policy-making in "ivory towers" or done in "stovepipes," with analysts singly focused on economics, foreign affairs or the environment, are over.

Rather, today's policymakers should know how to analyze big data and understand behavioural economic, social finance and citizen engagement, he said.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

“All the important issues facing Canada are multifaceted that require collaboration, and we have to get better working across silos internally. One of the real challenges and opportunities the prime minister has given us is a lot more space to collaborate work with people outside the public service,” he said,

Canadians are among the biggest consumers of online information in the world, which has ratcheted up their service expectations of government. They want information and service as fast as they get it on their mobile phones.

Wernick said people want their “services online, on mobile devices, and they want 24-hour access. We need to find ways of doing that while protecting personal information and privacy.”

At the same time, Wernick said cyber security will be one of the biggest operational challenges of the next five years. He said federal systems face millions of daily attacks by hackers trying to get at data or insert malicious software.

He said Shared Services Canada’s transformation of government IT is critical to protecting government information because it will drastically reduce the number of access points, email networks and data centres that need monitoring. Shared Services got a \$383 million cash injection in last week’s budget and another \$77.4 million for cyber-security.

“We have more than 200 organizations and need a secure firewall; secure network and service to protect Canadians’ information,” Wernick said.

“The only practical and efficient way to do that is through a common solution, which is Shared Services Canada. . . . The idea that organizations could do it by themselves is just not plausible.”

WHAT IS BLUEPRINT 2020?

Blueprint 2020 is the vision for the future of the public service based on input from thousands of public servants. Its reforms are built on four principles to build a “high performing” public service:

- * An open and networked workplace that engages Canadians and partners for the public good;
- * A whole-of-government approach to improve service delivery and value for money;
- * A modern workplace that uses new technologies for networking, access to data and customer service;

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

* A capable, confident and high-performing workforce that embraces new ways of working and the diversity of talent to serve the country's needs.

Budget promises big changes for federal bureaucracy

\$221M in cuts to consultants, travel, advertising, starting this year

Julie Ireton, CBC News, March 22 2016

While the 2016 federal budget reiterates the government's commitment to a "strong, respectful and productive relationship with the Public Service of Canada," that doesn't mean bureaucrats aren't in for some big changes over the next four years.

To make the public service both "innovative and agile," the budget outlines investments in some areas of the bureaucracy, while delivering cuts to others.

The Liberal plan aims to get rid of inefficient systems, wasteful spending obsolete initiatives. To that end, the budget proposes cutting \$221 million in professional services, travel and government advertising, starting this year.

A cut to "professional services" — also known as consultants — will be welcome news to public service unions, but not so welcome to the thousands of contractors who currently provide services to government, especially in Ottawa.

"For us that would be perfect," said Robyn Benson, president of the Public Service Alliance of Canada. "We have said, over and over that contract workers and hiring firms to come in is more costly to taxpayers than actually having a person there full time, year round."

'Obligation to find efficiencies'

"Under the leadership of the President of the Treasury Board, the Government will identify other changes and better align government spending with priorities," according to the budget document.

Treasury Board President Scott Brison will play a critical role in making sure the government's program money is spent efficiently, according to James Moore, former Conservative

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

government industry minister. But Moore said Brison also has to manage the public service that will deliver those programs.

"The government has an obligation to find efficiencies," said Moore. "The Canadian economy is not growing at a robust pace. We need to get the economic engine in this country moving in the right direction so we can afford to spend money on things we want to spend money on."

That task includes streamlining and sharing services between departments including: human resources, finance and information technology.

But Benson notes if the government plans to enhance programs such as employment insurance and food inspection services, it will need to do some hiring.

"If you're going to enhance systems, you have to have people to do that. This government seems to have put money into those programs, but have they also put the money into the corresponding human resources? I think that's where the gap is right now," said Benson.

Some other highlights:

- The budget proposes significantly lowering annual operating costs for government, but it will spend \$75.2 million over two years to make that transformation happen.
- Shared Services Canada has already begun consolidating many information technology programs for the government. In this budget, more money would go to that department: \$383.8 million over the next two years to "support the transformation of government IT systems, data centres and telecommunications networks."
- There's also money to improve the government's IT security, with a proposal of \$77.4 million over five years to implement new security measures.
- The Canada Revenue Agency will need to invest in workers if it's going to improve client services. The budget proposes \$185.8 million over five years to reduce wait times for calls to CRA and provide better client services.
- The budget reiterates the government's commitment to collective bargaining and states it will not make any unilateral changes to sick leave.

Les services publics de retour sur les rails

Paul Gaboury, Le Droit, le 22 mars 2016



Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

Le premier budget du gouvernement Trudeau prévoit remettre sur les rails plusieurs services publics décimés par les compressions du gouvernement conservateur, notamment à l'Agence du revenu du Canada, à l'assurance emploi, à Immigration et Anciens combattants Canada.

Du même souffle, le gouvernement s'est engagé à éliminer le gaspillage et les initiatives jugées inefficaces. Comme première étape, le budget prévoit des réductions de 221 millions \$ par année au chapitre des services professionnels, des déplacements et des publicités gouvernementales. Sous la direction du président du Conseil du Trésor, Scott Brison, le gouvernement ciblera d'autres changements pour mieux harmoniser les dépenses avec les priorités du gouvernement.

L'Agence du revenu du Canada arrive en tête des institutions ciblées pour améliorer les services à la clientèle, alors que le gouvernement investira 186 millions \$ sur cinq ans dès cette année, et 14 millions \$ par année par la suite, pour améliorer les services téléphoniques notamment.

«Le fait d'investir dans l'amélioration des services téléphoniques permettra de réduire les périodes d'attente et la frustration pour des millions d'appelants», a indiqué le ministre Morneau.

L'ARC pourra aussi prendre l'initiative de communiquer avec les particuliers admissibles qui ne se prévalent pas de certaines prestations fiscales.

À la Défense nationale, le gouvernement remet à plus tard les fonds de 1,6 milliard \$ sur deux ans destinés au renouvellement des grands équipements, y compris les CF-18 et les navires de guerre. Il prévoit quand même 200 millions \$ pour divers projets d'infrastructures sur les bases et autres propriétés des Forces.

Le programme de contestation judiciaire, partiellement coupé par l'ancien gouvernement conservateur, sera rétabli avec de nouveaux fonds de 12 millions \$ sur cinq ans, portant le financement annuel à 5 millions \$.

Services partagés Canada

Pour appuyer les changements déjà en cours dans les technologies de l'information, sévèrement critiqués par le vérificateur général Michael Ferguson, le gouvernement prévoit 384 millions \$ pour 2016-17 et 2017-2018. L'argent permettra de soutenir la transformation des systèmes, les centres de données et les réseaux de télécommunications du gouvernement. Une somme de 75 millions \$ est également prévue pour le remplacement des plateformes des services administratifs.



Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

Par ailleurs, le gouvernement a réservé 500 millions \$ sur deux ans pour appuyer le processus de gestion du Conseil du Trésor, et a ciblé la Gendarmerie royale du Canada et la Garde côtière comme nécessitant des fonds additionnels pour la prestation de services essentiels. «Au fur à mesure que des décisions sont prises, elles seront présentées au Parlement», indique le budget sans plus de détails. Le gouvernement a déjà annoncé le rétablissement du questionnaire long du recensement, et entend appuyer davantage Statistique Canada «pour qu'il puisse améliorer notre compréhension des problèmes importants et qu'il nous aide à prendre de meilleures décisions», a indiqué le ministre des Finances, Bill Morneau.

Le budget prévoit rouvrir les neuf bureaux régionaux de services d'Anciens combattants, tel que promis pendant la campagne électorale, et des améliorations de l'aide financière aux vétérans qui devrait s'élever à 5,6 milliards \$ sur six ans.

Les fonctionnaires devront patienter

Si l'ère des compressions budgétaires et des abolitions de postes semble derrière eux, les fonctionnaires fédéraux devront encore patienter pour savoir ce que le gouvernement libéral leur réserve quant au renouvellement des conventions collectives, mais aussi quel niveau de personnel sera nécessaire pour remplir les mesures contenues dans ce budget.

«Nous accueillons favorablement ce budget parce qu'il prévoit des investissements importants. Toutefois, notre préoccupation touche le niveau de personnel nécessaire pour livrer la marchandise. Le gouvernement ne dit pas clairement s'il va procéder à des embauches et nous avons bien l'intention de poser des questions à ce sujet au cours des prochaines semaines», a réagi Larry Rousseau, vice-président exécutif de l'Alliance de la fonction publique du Canada (AFPC) pour la région de la capitale nationale.

Dans son premier budget, le ministre des Finances Bill Morneau s'est contenté de réitérer les engagements de «négociateur de bonne foi» avec les syndicats du secteur public fédéral afin d'en arriver à «des ententes qui sont équitables pour les fonctionnaires et les Canadiens». Sans donner plus de détails, le ministre a rappelé que le gouvernement a déjà abrogé d'importants projets de loi touchant les syndicats adoptés par l'ancien gouvernement.

L'AFPC salue le retrait de l'économie de 900 millions \$ prévue pour le changement du régime de congés de maladie, et la décision de couper 221 millions \$ de services professionnels. «Est-ce que cela signifie que ces contractuels ou consultants seront embauchés à l'interne pour effectuer le travail? Le budget ne le dit pas», a souligné M. Rousseau.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

Labour Minister claims Conservatives buried ‘significant’ union report in last Parliament, releases it

As part of her testimony at the Human Resources Committee about Bill C-4, MaryAnn Mihychuk released the report commissioned by her department under the previous government, which she argues it proves Conservative changes to union laws were unfounded.

Rachel Aiello, Hill Times, March 28 2016

Employment, Workforce Development and Labour Minister MaryAnn Mihychuk is alleging the previous Conservative government buried its own government report in the last Parliament about union certification regimes because it went against the anti-union private member’s bill it pushed through into law.

The report found that mandatory voting systems had a negative effect on union certification rates, which was central to a private member’s bill the Conservatives passed in the last Parliament.

“We found that the use of an MV regime has been an important factor in the decline in union density in the Canadian business sector. It was estimated that had all Canadian jurisdictions not used an MV regime for union certification starting in 1997, business-sector union density would have been substantially higher by 2012,” stated the report.

But at the time Bill C-525 was moving through Parliament, the Conservatives claimed their legislation would not affect union membership, despite this report having been at their disposal and showing otherwise.

Ms. Mihychuk (Kildonan-St. Paul, Man.) brought forward the report before the House Human Resources, Skills and Social Development and the Status of Persons with Disabilities Committee as part of the committee’s first day of study on **Bill C-4** last week.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

“I think the significance is it’s another example of the previous government burying data and a report that didn’t meet the needs of their political agenda,” Ms. Mihychuk told *The Hill Times*.

The bill is formally called An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, the Public Service Labour Relations Act and the Income Tax Act. It repeals **Bill C-377** an Act to Amend the Income Tax Act (requirements for labour organizations), and **Bill C-525** the Employees’ Voting Rights Act. Both are Conservative private members’ bills that passed in the last Parliament.

Ms. Mihychuk said the report was commissioned by Conservative MP Lisa Raitt (Milton, Ont.) during her time as labour minister, and by the time it was completed and provided to the department, Conservative MP Kellie Leitch (Simcoe-Grey, Ont.) was the minister overseeing the department and would have been the one to make the decision to “shelf” it.

Ms. Mihychuk said she learned of the report’s existence from a long-term MP staffer who had heard of the study being commissioned and she asked the department for it. Once she saw what, she argues, is a validation that the Conservative measures passed were unnecessary, she said she felt the right thing was to make it part of the public record, through the committee’s study.

“We found something in the back room in the filing cabinet that they were hoping would never see the light of day, and I’m glad we did. And we’ll continue to check those back closets,” she said in an interview.

The report is dated November 2013 and its findings relate directly to the measures in **Bill C-525**.

Bill C-525 amended the Canada Labour Code, the Parliamentary Employment and Staff Relations Act and the Public Service Labour Relations Act to require a secret ballot vote-based majority needed to certify federally regulated workers to join a union and to decertify unions, a departure from the commonplace card-check initiative. It was sponsored by Conservative MP Blaine Calkins (Red Deer-Lacombe, Alta.) and passed in December 2014.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

Bill C-377 was sponsored by former Conservative MP Russ Hiebert and passed late last June by the Senate. The bill would have required unions and employee organizations to publicly disclose spending details through the Canada Revenue Agency and to disclose spending details for public expenses over \$5,000 and salaries of employees earning more than \$100,000. It also would require spending on political activities like lobbying to be reported and posted publicly. At the end of last year, the new Liberal government announced it would be waiving the reporting requirements under Bill C-377 as a stopgap measure in the meantime.

The report examined the links between the adoption of a mandatory-vote regime for founding unions and the decline in Canadian business-sector union density between 1997 and 2012. The report found a decrease in unionization over the last few decades and the use of a mandatory-vote regime has been an important factor in the decline in union density in the sector. It went on to say that had the sector not used the mandatory-vote system, union density could have been substantially higher.

As stated in the report, a card-check system allows for union certification when a certain minimum proportion of the proposed bargaining unit signs a card in favour of forming a union instead of forcing a vote.

It is not clear if this report was ever discussed outside of the ministry or with Mr. Calkins, or if the decision to not release it was attached to **Bill C-525** at all.

Ms. Leitch did not respond to *The Hill Times* request for comment before deadline and Mr. Calkins was not available.

“Clearly, it’s related to the topic, the information was available, they were sitting around the same boardroom, so that’s all I know. Other than that it’s speculation,” said Ms. Mihychuk, adding that it would be “unlikely that they are unrelated,” because the timing was sequential.

This was all spawned by a question from Liberal committee member MP Filomena Tassi (Hamilton West-Ancaster-Dundas, Ont.) to Ms. Mihychuk whether the department had done any research on the card-check system versus the mandatory vote.

“I’m just wondering why the report was dated November 2013 and the bill [**C-525**] was passed 2014, whether the department research was made publicly available to people?” Ms. Tassi

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

asked, followed up by a question about why an “evidence-based report” would be kept hidden or silent from the public when this was the very issue being discussed.

To this, during committee Ms. Mihychuk replied that it was a purely political attack on organized labour.

“This is a bit of speculation and I’d like to say I wasn’t in the Conservative caucus. ... The overall trend, as the report shows, that Canadians were choosing not to become unionized, this isn’t a serious threat to businesses, and in fact the report indicates that it wasn’t warranted, so one would have to conclude that it was a political agenda,” she told the committee.

Ms. Mihychuk said she doesn’t expect the passing of the newer Liberal bill to automatically create union harmony, or will it spur rapid unionization.

The Conservatives on the committee didn’t have much to say in direct response to the report brought forward, instead focusing their questioning of the minister around transparency and accountability.

Conservative MP and member of the committee Mark Warawa (Langley-Aldergrove, B.C.) highlighted the “hard work” of the Conservative MPs to get their private members’ bills passed, and the time it took to consult and debate them, and questioned how much time the Liberals have spent doing so before bringing this bill in.

“This has all happened? Russ Hiebert spent four years [on **Bill C-377**]. This has been one of the pilot pieces of legislation, **C-4**, from the Liberal government. ... What did the consultations look like? Did you consult with more than unions?” he asked the minister.

The NDP supports the bill and are on side with seeing it passed quickly. NDP MP Niki Ashton (Churchill-Keewatinook Aski, Man.), and critic for jobs, employment and workforce development, described what she was seeing from her Conservative colleagues as “generals fighting the last war.”

She said that, during the election, Canadians spoke up against these measures and that the Conservative criticism that this bill was disrespectful to private members’ bills is “absurd.”

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

“I was here and I saw the way in which the government touted this,” she said, adding that despite the bills coming from backbench MPs, they were “core to their governing agenda.”

The committee has planned to study **Bill C-4** for a total of four meetings, with three remaining now that the minister has appeared. The next two will be comprised of two panels with three witnesses each, and the final day will be dedicated to clause-by-clause. MPs on the committee had until last Friday to submit witness lists. It’s anticipated the committee will resume its study shortly after Parliament resumes the week of April 11.

Ms. Mihychuk said she feels the four meetings are sufficient because the content has already been through the legislative process twice, once for each private member’s bill, and many Parliamentarians are familiar with the measures.

She said she’s heard from several people in the Senate that “see this as an opportunity,” and she is optimistic it’ll pass. She said having it be one of the government’s first bills “sends a strong message.”

Once the laws are set back to how they were before these private members’ bills passed, she has plans to study the Labour Code and is considering “major changes” to it in the future.

Les directives d'Ottawa au SCRS concernant le projet C-51 gardées secrètes

ICI Radio-Canada, le 27 mars 2016

Le gouvernement fédéral a fourni des directives au service de renseignement canadien concernant l'utilisation des pouvoirs que lui ont conférés de nouvelles lois antiterroristes controversées, mais la plupart de ces instructions ne seront pas divulguées publiquement. De nombreux passages des directives ministérielles offertes en juillet dernier au Service canadien du renseignement de sécurité (SCRS) ont en effet été caviardés en vertu des dispositions de la Loi sur l'accès à l'information concernant la sécurité, les délibérations internes et les secrets du cabinet.

Selon le bureau du ministre de la Sécurité publique, Ralph Goodale, les bureaux ministériels ne participent pas au traitement des demandes d'accès à l'information et ne devraient jamais le faire.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

La décision du gouvernement de garder la majeure partie des directives destinées au SCRS secrètes n'a toutefois pas rassuré ceux qui s'inquiètent des répercussions de C-51, le projet de loi omnibus sur la sécurité ayant été adopté l'été dernier.

La loi donne le pouvoir nécessaire au service de renseignement pour déjouer les complots terroristes potentiels, lui permettant même d'enfreindre la Charte des droits et des libertés pour peu qu'il obtienne l'aval d'un juge avant de passer à l'action.

Des inquiétudes soulevées

Le directeur général de l'Association des libertés civiles de la Colombie-Britannique, Josh Paterson, a affirmé que l'une de ses plus grandes craintes par rapport à C-51 est le fait que le projet ait octroyé de nouveaux pouvoirs importants au SCRS, dont celui de violer la loi et la Constitution.

« Si certains détails doivent demeurer secrets, c'est troublant de voir qu'une portion si importante des directives générales ministérielles fournies au SCRS sur la façon dont l'organisme doit interpréter ses nouveaux pouvoirs a été censurée », a indiqué M. Paterson.

Seuls les principes fondamentaux sont connus

Le ministre de la Sécurité publique ne dicte pas au SCRS son comportement au quotidien, mais il lui soumet régulièrement des directives écrites servant de cadre général à ses décisions. Les instructions publiées en juillet combinaient et remplaçaient deux séries de directives présentées précédemment, l'une portant sur les activités de l'organisme et l'autre sur ses responsabilités par rapport au ministre.

Pour les élaborer, les représentants du ministère de la Sécurité publique ont consulté le SCRS, le ministère de la Justice, la Gendarmerie royale du Canada (GRC) le ministère des Affaires étrangères et le ministre de la Sécurité publique de l'époque, Steven Blaney.

Elles établissent les « principaux paramètres » régissant le recours du SCRS à ses nouveaux pouvoirs en vertu des projets de loi C-51 et C-44 qui abordent des sujets comme la protection des sources et l'utilisation des mandats judiciaires, peut-on lire dans une note de service adressée à M. Blaney le 29 juillet.

La copie des directives obtenue par *La Presse Canadienne* mentionne les principes fondamentaux que l'organisme doit observer, incluant le respect de la loi, l'utilisation de méthodes opérationnelles raisonnables et proportionnelles à la menace, le traitement décent des sources et la nécessité que ses activités à l'extérieur du pays tiennent compte des intérêts



Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

du ministère des Affaires étrangères ainsi que de la sécurité des missions et du personnel en sol étranger.

Les détails concernant la manière dont le SCRS doit s'y prendre pour atteindre ces objectifs ont cependant été supprimés.

Liberals set to grow public service

Kathryn May, Ottawa Citizen, March 22 2016

The Liberal government's debut budget has positioned Canada's public service to expand, reversing a decade of Tory-era restraint, while at the same time gearing up for another spending review to find \$3 billion in savings.

It's unclear how many people the government could add to the public service in the coming years, but there will be hiring, as the budget reverses various Conservative cuts and introduces new programs.

"We are seeing a significant increase in the role of the federal government in many areas of the economy, from aboriginal affairs and the environment to urban transit," said Ian Lee, a professor at Carleton University's Sprott School of Business. "That means significant hiring and a major generational turnover as the last of the boomers leave over the next four years."

Debi Daviau, president of the Professional Institute of the Public Service, said the government has to invest in departments or risk being unable to deliver on its election promises.

"It has to invest, which always means hiring, and it needs to do smart hiring," she said.

Robyn Benson, president of the giant Public Service of Canada, however, said she's concerned the money invested in public services may not include additional staffing.

She said the union is pleased the government pumped money into employment insurance, veterans offices and food inspection but noted the budget was silent on whether more people would be hired. The Conservatives cut about 30,000 jobs.

"Departments (should) have the staffing resources they need to adequately serve Canadians," Benson said. "There needs to be an explicit commitment to fill the hole created by years of departmental freezes, job and program cuts of the previous government. Not filling it spells trouble ahead."

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

Many argue the big challenge facing the public service is whether it will be able to find and recruit the talent it needs fast enough to implement Liberal plans. Any growth comes at a time when the last of the baby boomers are retiring, which will open up job opportunities and promotions for existing public servants and will force the government to recruit from outside.

The biggest cash injection for departments is the \$3.4 billion the government has set aside over the next five years to upgrade and maintain federal infrastructure, from trails and highways in national parks to harbours, federal laboratories, museums and cleaning up contaminated sites.

About \$2.1 billion is earmarked for repairing and upgrading federal buildings and “greening” government operations. That includes plans to reduce the carbon footprint and energy consumption of federal buildings in the National Capital Region. The government has six heating and cooling plants servicing 85 buildings in the NCR, that will be overhauled to reduce costs and greenhouse gas emissions.

The department poised for the biggest hiring surge is Canada Revenue Agency, which is getting nearly \$1 billion extra to improve and speed up service to Canadians, crack down on tax evasion and beef up collections. The biggest slice is \$444 million over the next five years to battle tax evasion and tax avoidance by hiring more auditors and tax specialists. The agency predicts the investment will generate an additional \$2.6 billion in revenues over five years.

The tax agency is also getting another \$351 million over five years to improve its tax collection. This is expected to recover an additional \$7.4 billion in outstanding tax debts over the same period.

New service measures include improving telephone service — including a new support line for tax service providers — to reduce the backlog of calls and long wait times. CRA will also make the 130 million letters a year it sends to Canadians more understandable; recruit more volunteers to help low-income Canadians with their tax returns; and consult with charities on rules governing the political activities of charities.

Carleton MP Pierre Poilievre, the Conservative Treasury Board critic, warned that Liberal deficits will threaten job security of the public servants and the Ottawa economy, in the long run.

“It is very expensive to engage in hiring binges that are inevitably followed by mass layoffs down the road when the piggy bank is empty,” he said. “They’d be better off controlling spending and aiming for a balanced budget. That would give more job security to public servants and the Ottawa economy.”

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

After a decade of Tory restraint, however, some departments have found themselves too stretched to do their jobs and deliver their programs properly.

The government has set aside \$500 million to address these “rust-out” or “program integrity” problems, with Treasury Board leading a review of departments that need additional funding. The Canadian Coast Guard and RCMP have already been flagged as agencies that need more funding to deliver their “mission-critical services.”

Results and delivery are a big priority for the Liberals and the public service has a lousy track record at both. The government appointed Matthew Mendelsohn, former head of the Mowat Centre think-tank, as a deputy secretary in the Privy Council Office to head a new “results and delivery” secretariat to ensure the Liberals’ election promises are tracked and met during its four-year mandate.

Treasury Board President Scott Brison has been tasked with “strengthening” the public service to ensure it is “innovative, agile, collaborative and high-performing” to provide advice and deliver services to Canadians.

As part of that plan, the government wants to conduct more surveys of employees on how the government can improve the workplace.

Brison will also be leading a spending review to find \$3 billion in savings but much of this is expected to come from eliminating “inefficient tax measures.” The government has already identified \$221 million of that \$3 billion savings target by cuts in professional services, travel and government advertising.

The budget says the PCO will be pivotal in the government’s drive to shift the public service to a “culture of measurement and impact” to ensure resources are aligned to the government’s priorities. PCO will get nearly \$100 million over the next two years to “support the government’s agenda,” strengthen security and update its systems and buildings.

25 ways the federal budget affects you

A MoneySense guide to Budget 2016

Romana King, Maclean’s, March 22 2016

Want to focus on deficit reduction, tax cuts and seniors? You’ve got the wrong budget. Much as they did with their election platform, the Liberals took aim at middle-class Canadians, with a

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

few small business hits and misses, lots of infrastructure spending promises and a great deal of promises that focused on Canada's health and well-being of First Nations communities.

The key takeaway from Finance Minister Bill Morneau is that Budget 2016 works to improve the lives of middle-class Canadians. Here are 24 ways the budget will impact you and your pocketbook.

INCOME TAX

1. Reduction of mid income tax bracket

As previously announced, the Liberals confirmed in this budget that the middle-class income tax bracket would be cut from 22% to 20.5%, starting this year. That means if your taxable income is between \$45,282 and \$90,563, you'll pay less tax.

A single Canadian in this tax bracket will see an average tax reduction of \$330 every year, while couples will see an average tax reduction of \$540 per year.

According to Budget 2016, nearly 9 million Canadians will benefit from this tax cut, which took effect Jan. 1, 2016.

2. New HNW tax bracket

The Liberals also made good on their promise to introduce a new 33% tax bracket for high net worth people who earn more than \$200,000 each year.

3. Crackdown on tax evasion

The Liberals will invest \$444.4 million over five years to help the Canada Revenue Agency to crack down on tax evasion. This money will go to hiring more tax auditors and specialists, developing robust business intelligence infrastructure, increasing verification activities and investigating criminal tax evaders.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

The Liberals will also spend \$351.6 million over the next five years to help the Canada Revenue Agency improve its ability to collect outstanding tax debts. The new federal government assumes this will help bring in \$7.4 billion in tax debt over this time frame.

4. Closing tax loopholes for HNW

For those private corporation business owners, this Budget will close loopholes that allow them to use a life insurance policy to make distributions tax free.

SENIORS

5. Retirement age officially rolled-back to 65

The Liberals are keeping the retirement age at 65 by officially reversing the Conservatives' decision to raise it to 67 beginning in 2023.

As stated: "Restoring the eligibility age for Old Age Security and Guaranteed Income Supplement benefits to 65 will put thousands of dollars back in the pockets of Canadians as they become seniors. These benefits are an important part of the retirement income of Canadians, particularly for lower-income seniors. Vulnerable seniors depend on this support, and without it, face a much higher risk of living in poverty."

6. Low-income seniors get 10% more in GIS benefits

Starting in July 2016, low-income seniors who rely almost exclusively on Old Age Security and Guaranteed Income Supplement (GIS) benefits can expect a 10% increase to their total maximum GIS benefits.

This top-up will increase annual GIS payouts to \$947 annually for those single seniors living on \$4,600 or less per year (not including OAS and GIS benefits), and more than doubles the current GIS maximum limit.

According to the Budget, this should help improve the financial security of roughly 900,000 single seniors in Canada—those seniors most susceptible to living in poverty in Canada.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

7. Couples can now split their GIS benefits

In an effort to reduce the number of seniors living in poverty, the Liberals propose to amend the Old Age Security Act to allow senior couples who qualify for GIS and Allowance benefit to receive higher benefits should they be forced to live apart due, for example, to health reasons.

Legislation is already in place to allow senior couples, who are both GIS recipients, to receive these benefits when forced to live apart. The proposed amendments would extend this to seniors eligible for Allowance payments.

FAMILIES

8. Canada Child Benefit

Starting in July, the UCCB and CCTB will be replaced with one non-taxable Canada Child Benefit. The Budget declares that the Canada Child Benefit will be simpler, tax-free, better-targeted and “much more generous.”

Under the current system, families with one child and with annual earnings of \$30,000 would receive \$4,852, after tax, if their child was under age 6, or \$3,916 if their child is aged 6 to 17.

Under the Canada Child Benefit, these low-income families could see \$6,400 per child under age 6 and up to \$5,400 per child per year for children aged 6 to 17. As such, most Canadian families will see an average increase in child benefits of almost \$2,300 starting this year.

The Liberal rationale, as outlined in Budget 2016 is that: “Canada’s existing child benefit system is complicated, consisting of a tax-free, income-tested Canada Child Tax Benefit with two components (the base benefit and the National Child Benefit supplement) and a taxable Universal Child Care Benefit received by all families, regardless of income. It is a system that is both inadequate (it does not provide families with the support they need) and not sufficiently targeted to those who need it most (families with very high incomes receive benefits).”



Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

According to the Liberals, nine out of 10 families will receive more in child benefits than under the current system.

9. Increased Child Disability Benefits

“To recognize the additional costs of caring for a child with a severe disability,” Budget 2016 will continue the Child Disability Benefit but add an additional amount of up to \$2,730 for each child who is eligible for the Disability Tax Credit.

10. Eliminate income splitting for couples with kids

Income splitting for couples with children under age 18 will be eliminated.

While not referenced in the Budget document by name, this decision eliminates the prior Conservative government’s introduction of the Family Tax Cut, which allowed couples to income split and save up to \$2,000 in taxes each year.

11. No more fitness or arts tax credit for kids

Currently, families can get a tax credit of \$150 and \$75 per child through Children’s Fitness and Arts Tax Credits (up to \$1,000 and \$500 in eligible expenses, respectively).

These will be eliminated. The justification is that the Liberals are trying to simplify the tax code and better target support for families with children.

But the elimination isn’t immediate or retroactive. Instead, expect a 50% reduction of the maximum eligible expenses for the Children’s Fitness and Arts Tax Credits in 2016, and a complete elimination of both credits by 2017.

12. Childcare investment

The Liberals want to invest \$500 million, starting in 2017, to establish a National Framework on Early Learning and Child Care (\$100 million of this is earmarked for Indigenous child care and early learning on reserve) that will facilitate how provinces address childcare needs.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

STUDENTS

13. Reforms to Canada Students Loans eligibility

The Liberals propose to introduce a flat-rate contribution to determine a student's eligibility for Canada Student Loans. This would replace the current system that assesses eligibility based on a student's income and assets.

This change would also enable students to work and earn, while attending school, without seeing a reduction in their level of financial loan assistance.

14. Increase in amounts for Canada Student Loans

Budget 2016 proposes to increase Canada Student Grant amounts by 50%:

from \$2,000 to \$3,000 per year for students from low-income families;

from \$800 to \$1,200 per year for students from middle-income families; and

from \$1,200 to \$1,800 per year for part-time students.

These increased grant amounts will be available to students starting or continuing post-secondary schooling this coming September.

15. Help with student debt

As promised, the Justin Trudeau Liberals will increase the loan threshold payment, so that no student will be required to repay their Canada Student Loan until they earn at least \$25,000 per year.

16. Elimination of education and textbook tax credit

As expected, this Budget eliminates the Education and Textbook tax credits, effective Jan. 1, 2017. The reasoning is that these tax credits are not targeted based on income and "often provide little direct support to students at the time they need it most."

EMPLOYMENT

17. Investment in youth employment



Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

The Liberals will invest \$165.4 million in the Youth Employment Strategy this year that will include: creation of green jobs, increased access to Skills Link program and increased job opportunities in the heritage sector.

This funding is in addition to the \$339 million already announced for the Canada Summer Jobs Program—funding that will be rolled out over the next three years, starting in 2016.

18. More co-op placement opportunities

Under this Budget, the Liberals pledge to spend \$73 million over the next four years, to help employers and post-secondary institutions to create new co-op placements for students.

19. Shorter waits for Employment Insurance benefits

Those hit by job loss will find some significant changes to Employment Insurance (EI). The waiting period for benefits will be reduced from two weeks to one week.

20. Increased eligibility to EI benefits

Also, how a person qualifies for EI will change. For example, Donald lives in Winnipeg, Manitoba, where he has worked part time over the past six months since graduating from college. He was recently laid off. Under current EI eligibility rules, Donald would be considered a new entrant to the labour force. As a result, he would need to have worked at least 910 hours over the past 52 weeks to qualify for EI benefits. Since Donald only worked 780 hours over this period, he does not qualify for benefits.

Under the proposed changes, Donald would face the same EI eligibility requirements as other claimants in his region. That would mean he could qualify for EI as long as he worked 665 hours. Since, Donald qualifies for EI under the new rules he could receive up to 17 weeks of EI benefits while he looks for new work to start his career. These changes will take effect in July this year.

21. Help for oil workers

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

Because of dramatic job losses due to declines in global oil prices, this Budget proposes legislative changes to extend the duration of EI regular benefits by five weeks, up to a maximum of 50 weeks of benefits for anyone living in a resource-dependent region.

For long-tenured workers in these regions, these changes could mean an additional 20 weeks of EI regular benefits up to a maximum of 70 weeks of benefits.

These extended benefits will be available for one year starting in July 2016, with the measure being applied retroactively to all eligible claims as of January 4, 2015.

22. Working while on EI is extended until August 2018

The Working While on Claim pilot project lets people earn and keep up to 50 cents of their EI benefits for every \$1 they earn, up to a maximum of 90% of their weekly insurable earnings (used to calculate their EI benefit amount). This pilot project will be extended until August 2018.

INVESTORS

23. Investors can expect to pay more tax

This Budget will close loopholes that some investors use to reduce tax paid to the CRA. For instance, it will examine the use of “debt-parking transactions” by investors or private corporations in an effort to “preserve the integrity of the foreign exchange computational rules.”

This Budget will also “prevent the asymmetrical recognition of gains and losses on derivatives for tax purposes,” and “prevent the deferral of capital gains tax by investors in mutual fund corporations structured as switch funds.” This means investors holding C-class mutual funds will no longer be able to shelter their capital gains from tax.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

This Budget will also “introduce a new rule that would effectively treat the portion of any gain realized on the sale of a linked note that is attributable to the variable return on the note as accrued interest on the note.”

24. Labour-Sponsored tax credit reinstated

Budget 2016 will restore the Labour-Sponsored Venture Capital Corporations (LSVCC) tax credit to 15% for share purchases of provincially registered LSVCCs for 2016 and subsequent tax years. The aim is to help small and medium-sized businesses gain access to venture capital and provide federal tax relief of about \$815 million over the 2015–16 to 2020–21 period.

CHARITABLE DONATIONS

25. Elimination of capital gains tax exemption on donations

Budget 2015 included a proposal to provide, beginning in 2017, an income tax exemption on capital gains of donated private corporation shares or real estate. (To qualify the cash proceeds from the disposition would need to be donated to a registered charity or other qualified donee within 30 days.) This will be eliminated in Budget.

Public servants hope budget brings end to job cuts

Alternative budget report: Keeping Liberal promises will require more public servants

Julie Ireton, CBC News, March 22 2016

After several years of watching the federal public service shrink, government workers and their unions hope today's budget will include new programs that translate into new hiring.

The Liberal government promises include tens of billions in spending on infrastructure projects, new employment programs, improvements to the auditing functions of the Canada Revenue Agency and better food inspection processes.

All those increased services will require federal workers.

"Given the cuts and given the Liberal promises, just common sense suggests there's no way they can fulfill some of those promises adequately without adding more people," said Howie

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

West, author of an alternative budget report, [The State of Federal Services and How to Fix Them](#), for the Canadian Centre for Policy Alternatives.

West is also the work and reorganization officer with the Public Service Alliance of Canada. He recently cross-referenced the Liberal election promises with other federal reports.

According to the [latest federal reports on plans and priorities](#), several federal departments are still slated to cut, although these projections still reflect the former, Conservative government's plans.

"When you look over the years from 2016 to 2017, in fact many departments are still on a downward slope as far as staffing goes, which absolutely doesn't jibe with the Liberal promises. There's no way they can do some of the stuff they want without more staff," said West. "That's just basic math. If there aren't enough people to provide the service, more calls will go unanswered."

Watching for sick leave plans in budget

West's report notes that more than 25,000 jobs were cut from the core public service and agencies between 2011 and 2015 under the previous government.

Current Treasury Board President Scott Brison has tried to take a new tone with the bureaucracy since the Liberals took office last fall.

"You can't move a progressive agenda for Canada forward without the full engagement and co-operation of your public service," said Brison.

To that end, Brison has already announced the repeal of the changes the previous Conservative government made to the Public Service Labour Relations Act. Those changes aimed to replace the sick leave program for federal workers -- a move seen as a violation of their collective bargaining rights.

But now, the Liberals need to find the \$900 million dollars the Conservatives projected the new sick leave plan would save.

"We will seek to modernize sick leave benefits with the public servants in a way that is fair," said Brison.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

Interim Conservative Leader Rona Ambrose has said this reversal would be a costly mistake for a government already facing a fiscal crunch.

Liberals must fix way Supreme Court justices are named: Editorial

**Prime Minister Justin Trudeau has an opportunity to restore a more open, transparent process for appointing members of the Supreme Court of Canada.
Editorial Board, Toronto Star, March 26 2016**

Prime Minister Justin Trudeau will have an early opportunity to start putting his stamp on the Supreme Court of Canada, with [the impending retirement of Justice Thomas Cromwell](#).

And aside from putting a new face on the top court, the opening gives the prime minister a chance to restore a more open, transparent process for appointing members of one of the country's most important institutions.

Trudeau and his justice minister, Jody Wilson-Raybould, should decisively turn the page on how the Harper government handled appointments to the court. Over the past three years the Conservatives dumped any pretence of openness and reverted to the old practice of making Supreme Court appointments the sole prerogative of the prime minister.

That's perfectly legal, but it ran counter to a decade of efforts by all parties to make the process more accountable. It was also completely at odds with what Harper committed to doing in the early, more hopeful days of his government.

To his credit, Trudeau has already instructed Wilson-Raybould to do better on these important appointments. In his mandate letter to the justice minister, he told her to make sure that "the process of appointing Supreme Court Justices is transparent, inclusive and accountable." That's encouraging, but it leaves wide open just how that should be done.

Governments have been basically making it up as they go over the past decade. Liberal justice minister Irwin Cotler opened the door a crack in 2004 when he met a parliamentary committee to explain how he would appoint judges. Two years later, the Harper government brought in a welcome change when it had a newly appointed judge, Marshall Rothstein, actually appear before MPs to answer some carefully circumscribed questions.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

At the time, there were typically Canadian fears that the whole thing was a dangerous experiment that would lead to an “American-style” politicization of the top court. No such thing happened, of course, but Canadians did get for the first time a chance to hear from one of the nine members of the most powerful court in the land.

In 2013, though, Harper dumped the whole idea of wider consultations and public hearings when his attempt to appoint Marc Nadon to a Quebec seat on the Supreme Court blew up in his face. After that he named three more justices entirely on his own, in what Cotler described as “a serious regression to a process that is secret, unaccountable and unrepresentative.”

The Conservatives were essentially throwing a snit because the Supreme Court itself rejected Nadon as being ineligible for a Quebec seat. At the same time, the court was handing the government a string of defeats on issues ranging from prostitution laws to mandatory minimum sentences.

The task for the Trudeau government is to come up with a new process that will be both open and sufficiently well thought out that it won't be abandoned at the first whiff of controversy. There's been more than enough improvisation in recent years.

It needs to involve wide consultations with the provinces, all parties in the Commons, the legal community, and others with a stake in the justice system. It must, of course, be free of partisan or overtly political considerations.

It should also include some form of the public hearing that Harper introduced in the first years of his government. There's nothing wrong with a new member of the court meeting with members of a parliamentary committee to face questions about his or her record and judicial philosophy.

We don't have a system of formal checks and balances on the power of the executive, as the Americans do with the Senate approving (or these days refusing to approve) the president's nominees to the Supreme Court. But a properly conducted hearing can at least play a useful role in educating Canadians about a court that routinely shapes public policy on vital social issues. It was done before, until Harper ditched it.

The Trudeau government has been busy junking the Harper legacy in a whole range of areas. It should add naming new members of the Supreme Court to that list.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

La Cour suprême se penchera sur la légalité du système de justice militaire

La Presse Canadienne, La Presse, le 22 mars 2016

La Cour suprême du Canada va se pencher sur la légalité du système de justice militaire en entendant deux appels, dont celui du ministère de la Défense dans l'affaire de l'adjudant québécois André Gagnon, acquitté d'une accusation d'agression sexuelle qui aurait été commise au manège militaire de Lévis en 2011 sur l'ex-caporale réserviste Stéphanie Raymond.

L'homme avait été déclaré non coupable en 2014, mais le ministère avait porté ce verdict en appel.

M. Gagnon avait alors présenté une requête en annulation et en rejet de l'appel, plaidant que la Loi sur la défense nationale ne respecte pas l'exigence constitutionnelle d'«indépendance» du poursuivant, qui est dans ce cas le ministère de la Défense. Bref, le soldat allègue que cet article est contraire à la Charte canadienne des droits et libertés.

La Cour d'appel de la cour martiale avait ensuite jugé que l'article attaqué de la loi est invalide, mais la déclaration d'invalidité avait été suspendue pour une période de six mois. Les appels doivent donc être entendus à une date ultérieure.

Malgré cela, le ministère de la Défense a demandé à la Cour suprême la permission de faire appel pour lui demander de confirmer la constitutionnalité de la Loi sur la défense nationale.

Mardi, la Cour suprême a fait savoir qu'elle entendra cet appel ainsi que le dossier du caporal québécois Alexandre Thibault, qui avait également été accusé d'agression sexuelle. Celui-ci invoquait que cette affaire n'était pas de la compétence de la justice militaire, car l'infraction n'était pas en lien avec son service au sein des forces armées.

La Cour martiale lui avait donné raison. Le soldat avait notamment fait valoir que lorsque les faits reprochés se sont produits, il ne portait pas l'uniforme et qu'en plus il était en congé, à des centaines de kilomètres de sa base militaire. Le ministère de la Défense avait porté ce dossier en appel.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

Justice Thomas Cromwell announces retirement from Supreme Court of Canada

Chief Justice Beverley McLachlin says Cromwell's colleagues 'will miss him greatly'
Anjuli Patil, CBC News, March 22 2016

Justice Thomas Cromwell, the only Nova Scotian currently sitting on the highest court of Canada, has announced he will retire in September.

Cromwell, who was appointed to the Supreme Court of Canada in December 2008, notified the federal justice minister on Tuesday of his impending retirement.

The 63-year-old judge had previously been appointed to the Nova Scotia Court of Appeals in 1997.

Cromwell, who will retire from the Supreme Court of Canada as of Sept. 1., said in a statement that being a judge is "both a great privilege and an onerous responsibility."

"I will always be grateful for the opportunity that I have been given to serve Canada in this capacity," he said.

"As my time as a judge draws to a close, I believe more firmly than ever that an independent and effective judiciary is a cornerstone of democracy."

Chief Justice Beverley McLachlin said in a statement that Cromwell's colleagues "will miss him greatly."

"Justice Cromwell's contributions to the court and the country are unsurpassed. In his time at the court, his colleagues have always benefited from his wisdom, his rigour and his friendship," she said.

"Outside the court, Justice Cromwell's tireless efforts to increase access to justice will continue to benefit Canadians long after his retirement from the bench."

Cromwell was born in Kingston, Ont. and attended Queen's University. He practised law in Kingston and Toronto and taught in the faculty of law at Dalhousie University.

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

Legal community masses forces for set piece battle over privilege

**Professor says such cases ‘central to the administration of justice’
Cristin Schmitz , The Lawyers Weekly, April 1 2016**

Organized bar groups are massing at the Supreme Court of Canada again to repel what they contend are state attacks on the adversarial justice system.

The Federation of Law Societies, the Canadian Bar Association, the Advocates Society and the Criminal Lawyers’ Association have variously intervened in separate appeals at the top court which ask when — and how — solicitor-client privilege and litigation privilege may be abrogated by the state and, in particular, what degree of legislative clarity is necessary to override these pillars of the justice system.

“These cases are very important to the day-to-day work of lawyers because privilege claims arise in virtually every case, and in many administrative proceedings,” explains University of Ottawa law professor Adam Dodek, author of the textbook, *Solicitor-Client Privilege*. “There is a need for certainty as to how courts, and especially administrative officials, deal with privilege claims, lest the whole process gets bogged down in interlocutory appeals,” he said.

On March 24, the Supreme Court was slated to hear an appeal from a 2015 Quebec Court of Appeal decision which held that litigation privilege cannot be abrogated by inference — i.e. that regulators or other statutory officials cannot gain access to documents covered by litigation privilege in the absence of clear and express statutory language. In this case a provincial regulator, who was overseeing an insurance adjuster, sought records that the employer insurance company claimed were shielded by litigation privilege. The appeal court agreed, effectively raising the protection for litigation privilege to the lofty heights accorded solicitor-client privilege: *Lizotte v. Aviva Insurance Company of Canada* [2015] J.Q. no 383.

Mahmud Jamal of Toronto’s Osler, Hoskin & Harcourt LLP, co-counsel in the case for the intervener Canadian Bar Association, said the Quebec regulator’s appeal offers the high court its first opportunity to set the standard for legislative abrogation of litigation privilege. The case also marks just the second time the court has addressed the scope of litigation privilege — “a critical issue for the legal profession” because that privilege is “a cornerstone of our adversarial process,” Jamal said.

“When, and under what circumstances, can a regulator pry into a lawyer’s litigation brief, while the litigation is still under way, in order to examine the lawyer’s litigation strategy, trial

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

preparation and other material collected or prepared for the dominant purpose of actual or apprehended litigation?” Jamal asked. “If the court finds that litigation privilege can be abrogated by inference, it would expose lawyers’ briefs to regulatory scrutiny while litigation is still under way, in the absence of clear and explicit statutory language. This would dramatically expand the circumstances in which regulators could access information protected by litigation privilege.”

(Litigation privilege refers to the protection from disclosure accorded to information gathered or created in the litigation context, as distinct from solicitor-client privilege, which shields confidential communications between lawyers and clients).

On April 1, the Supreme Court will explore a similar theme in *Information and Privacy Commissioner of Alberta v. Board of Governors of the University of Calgary* — an appeal that affects all practising lawyers.

“The question before the court is, what is the standard of legislative clarity required in order for legislation to abrogate solicitor-client privilege?” explained Jamal, co-counsel in that case with David Rankin for the intervener Federation of Law Societies (FLSC).

“Can solicitor-client privilege be abrogated by inference, based on a purposive reading of the legislation, even if the legislation is not otherwise explicit?” Jamal asked by e-mail. “The issue is of profound importance to the legal profession, and to the law societies across Canada, because solicitor-client privilege is a critical foundation of our system of justice. It promotes access to justice by facilitating the seeking and giving of legal advice.”

The two appeals have at their core a single question: when can regulators access privileged information?

In the Alberta case, the province’s information and privacy commissioner ordered the University of Calgary to produce all employment records related to, and requested by, a former university employee who made a human rights complaint against her ex-employer, and also sued for constructive dismissal. The university claimed solicitor-client privilege over records related to the legal advice it sought from its in-house and external counsel. The commissioner’s delegate ordered the university to produce the records so he could determine whether the privilege claim was properly made. His decision was upheld on judicial review, but the Alberta Court of Appeal set it aside. For the court, Justice Russell Brown, since elevated to the Supreme Court, held that the commissioner did not have the requisite express statutory authority to compel production, for purposes of review, of records over which a public body, such as the university, has asserted privilege. Section 56 of Alberta’s *Freedom of Information and Protection*

Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

of *Privacy Act* says a public body must produce a record to the commissioner despite “any privilege of the law of evidence.”

Does that wording comply with the Supreme Court’s edict in *Canada (Privacy Commissioner) v. Blood Tribe Department of Health* 2008 SCC 44 that clear and explicit language is required and that solicitor-client privilege cannot be abrogated by inference?

The FLSC, the umbrella group for Canada’s 14 law societies, argues it is not correct to characterize solicitor-client privilege as a mere evidentiary rule, as the privilege has evolved, through Supreme Court jurisprudence, into a fundamental substantive right. “Backtracking on privilege as a fundamental substantive right would thus unravel decades of the court’s jurisprudence and much of the modern law of privilege,” Jamal argues.

But the commissioner argues public bodies are incorrectly applying *Blood Tribe* to stymie disclosure, regardless of the statutory code in question, resulting in a lack of access, transparency in government and fairness to people making access requests. Wording similar to Alberta’s in other provinces’ statutes has also been interpreted by the privacy commissioners of New Brunswick and Quebec as enabling them to review records to confirm the veracity of solicitor-client privilege claims. “It is not the case that records over which solicitor-client privilege is asserted can never be reviewed by a tribunal to determine whether the assertion of privilege is properly made, unless the statute uses the words ‘solicitor-client’ privilege,” Alberta’s information and privacy commissioner says in her written argument. “That is not the principle articulated in *Blood Tribe*.”

Dodek noted by e-mail that since 1999 the Supreme Court has heard an average of nearly one case per year dealing with solicitor-client privilege — demonstrating that “solicitor client privilege is central to the administration of justice in Canada.” “In fact, solicitor-client privilege hasn’t really ‘lost’ out at the Supreme Court in over a decade,” he pointed out.

The Supreme Court also has under reserve two tax law cases which raise similar issues. In *A.G. Canada v. Chambres des notaires du Quebec* [2014] QCCA 552, argued last November, the judges are asked to address, with respect to the *Income Tax Act* (ITA), what statutory wording is required to abrogate solicitor-client privilege in the context of the tax agency’s power to request accounting records. Lawyers’ groups successfully argued below that the ITA’s narrow definition of solicitor-client privilege, which excludes lawyers’ and notaries’ accounting records, is not legally effective to abrogate solicitor-client privilege, or if it is, it is unconstitutional. As in the freedom of information context, the court is also asked to clarify the *Blood Tribe* decision’s application and limits.



Press Clippings for the period of March 22nd to the 28th, 2016 / Revue de presse pour la période du 22 au 28 mars 2016

Also under reserve since Dec. 4, 2014, is *Revenue Canada v. Thompson* which asks whether “accounting record” under the ITA should be construed restrictively to exclude privileged information, such as clients’ names, in the context of tax enforcement proceedings against a lawyer (as opposed to the context of collecting tax from a lawyer’s clients, as in the *Chambres des notaires case*).