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## **Interview: Justice Minister Jody Wilson-Raybould embraces new mandate with great expectations**

**Anna Maria Tremonti, The Current (CBC Radio), November 26 2015**

The to-do list is long for Jody Wilson-Raybould. From changes to the anti-terror bill, to doctor-assisted death, to confronting mandatory minimum sentencing. Much of her mandate appears to focus on undoing what the Harper government did. But the new Justice Minister is up for the challenge.

Listen to the interview at <http://www.cbc.ca/radio/thecurrent/the-current-for-november-26-2015-1.3337829/justice-minister-jody-wilson-raybould-embraces-new-mandate-with-great-expectations-1.3337860>

## **Doctors, lawyers concerned about small-business tax changes**

**Larry MacDonald, Special to the Globe and Mail, November 27 2015**

Doctors and lawyers who run their own practices are anxiously waiting for more details on Prime Minister Justin Trudeau's plan to change tax rules for small businesses. At the moment, few details on the forthcoming changes are available, leaving these professionals wondering just how they will be affected.

The issue of tax avoidance arose during the fall federal election when the Liberals, Conservatives and NDP endorsed the proposal in the 2015 federal budget (passed into law in June) to reduce the small-business tax rate to 9 per cent from 11 per cent. The three parties said it was important to support small businesses because they are a major driver of jobs and economic growth.

However, the Liberals were concerned about handing out tax cuts to small businesses that are set up mainly to avoid taxes. As Mr. Trudeau said in a CBC broadcast on Sept. 8: "We have to know that a large percentage of small businesses are actually just ways for wealthier Canadians to save on their taxes and we want to reward the people who are actually creating jobs."

The Conservatives and NDP disagreed during the election with the suggestion that the percentage of tax dodgers was large. Nonetheless, the Liberals pushed ahead, saying in their election campaign document that they wanted to ensure "Canadian-Controlled Private Corporation (CCPC) status is not used to reduce personal income tax obligations for high-income earners."



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Financial adviser Ross McShane of McLarty & Co. has an idea of what could be in store. He thinks the Liberals could reduce or eliminate the small-business tax deduction for these businesses and could also eliminate the ability to split income through dividend-paying shares issued to spouses and adult offspring.

For CCPCs that currently use these tax breaks, the changes could be significant. Gavin Miranda, a partner at accounting, tax and business consulting firm MNP LLP, has crunched the numbers for Ontario businesses and finds that if the small-business tax deduction is not available, “every \$50,000 of taxable income would give rise to an additional \$5,750 of corporate tax in 2016.” Also, if shares can no longer be issued to family members, small-business owners (in the highest tax bracket) now paying \$40,000 in taxable dividends to a family shareholder could face as much as \$17,000 more in taxes.

Not all CCPCs have access to these tax breaks, so the impact of the amendments won’t be as significant in some cases. For example, depending on the province, members of many professional groups are only permitted to issue shares in CCPCs to persons in their profession. And in Quebec, the eligibility for the small-business deduction was amended to exclude corporations employing less than four full-time persons year-round; companies that don’t qualify are subject to the 15-per-cent federal corporate rate.

Dr. Barry Dworkin belongs to one of the groups that could be among the hardest hit: Ontario physicians. He believes that the gross income figures often reported in the media may have created a misconception about how much physicians really earn. Like most self-employed persons, Dr. Dworkin says physicians bear a lot of expenses that salaried individual don’t have to deal with. As Mr. McShane says: “People have to understand that many doctors are not ‘swimming in money.’ ”

A 2012 study by Ontario Medical Association economist Boris Kralj provided estimates of take-home pay for Ontario doctors using data from PricewaterhouseCoopers. In fiscal 2009-10, they received an average \$318,278 in gross payments but after deducting average overhead costs of \$141,517 and 20 per cent for pension and benefits, their average disposable income netted out to about \$145,000.

“I don’t make oodles and oodles of money or spend frivolously – in fact, my car is a five-year-old Hyundai Elantra,” Dr. Dworkin says. “And with the Ontario government asking doctors to do more while cutting back on fees, it’s getting to be discouraging. I’m beginning to ask, why bother? Maybe it’s time to slow down and retire.”

## **Segal resigns from advisory committee on public service – but still offers advice**

**Kathryn May, Ottawa Citizen, November 26 2015**

Former Conservative senator Hugh Segal has resigned as co-chair of the influential committee that Stephen Harper appointed for advice on managing and modernizing Canada’s public service.

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But he still has plenty of advice to share on how the bureaucracy can run more smoothly, including a recommendation to undo reforms in the former Conservative government's signature Federal Accountability Act that he thinks smother the flexibility of public servants.

Segal confirmed in an interview that he quit following the swearing-in of Prime Minister Justin Trudeau because he felt Trudeau shouldn't be bound by the political appointments of his predecessor.

Segal has long maintained that all governor-in-council appointments, such as deputy ministers and heads of Crown corporations, should offer their resignations and give a new prime minister a free hand. Harper made a blizzard of such appointments in the weeks before the election was called.

He praised the "good work" of the committee but felt it would be "presumptuous" to assume Trudeau wants to address issues around the management of the public service the same way Harper did.

"There are a million ways the prime minister could go at this but he has the right to do it ... so I think the responsible and honourable way is to get out of the way when you are appointed by another prime minister," Segal said in an interview.

The Liberals have promised more respect for the public service, and to bring public servants back into the loop on evidence-based decision-making.

Segal's departure raises the question of how Trudeau will put his stamp on modernizing the public service and improving efficiency.

Harper wanted an "external" view. He assembled a lineup of top-tier private executives to provide that advice. The committee held significant sway during the Conservatives' tenure, with most of its recommendations implemented.

But many feel the public service emerged from the Tory decade even more confused about its role in a changing digital world. Some argue that role should be defined in legislation; others suggest clarifying it in a Charter for the public service, or turning it over to a joint Senate and House of Commons committee to study. Privy Council officials said the government has not decided what to do with the committee or its mandate.

Segal, who left the Senate nearly two years ago to become the master of Massey College, joined the committee when former co-chair Paul Tellier, a businessman and former Clerk of the Privy Council, left along with former cabinet minister David Emerson. Segal co-chaired the committee with Rick Waugh, the former president, CEO and deputy chairman of Scotiabank.

Segal has had a ringside seat on the workings of the public service over the years. He was chief of staff to Ontario premier Bill Davis, chief of staff to prime minister Brian Mulroney, president of the Institute for Research on Public Policy, and spent nine years in the Senate before joining the committee.

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With that perspective, Segal has strong views on issues the incoming government should tackle and argues the timing is perfect for major changes.

He said the change wave the Liberals are riding, coupled with a “public service that feels repressed and unwelcome,” creates a “delta for fresh ideas and change for politicians and public servants that under the right circumstances (could) produce a very rich agenda from which choices can be made.”

He said the government should consider getting rid of management layers, as well as the snare of rules, legislation, structures and processes that limit managers’ power, authority and discretion to do their jobs.

What’s needed is a review of all statutes and Treasury Board guidelines that are having “perverse outcomes,” he says, arguing some are simply not realistic in a “cyber” world and others are “disconnected from reality on the ground.”

He said public servants work under the burden of so much oversight, coupled with rules and reporting, that managers have lost any flexibility to manage.

At the top of Segal’s list is undoing the reforms of the Conservatives’ signature Federal Accountability Act, which he called “over-the-top, excessive and destructive” of the capacity of the public service to get things done while complying with all rules and controls.

It has reached the point, Segal says, where senior executives don’t have as much authority or discretion as a front line border guard who is expected to use on-the-spot judgment when screening those crossing the border.

“I am not suggesting we should diminish the discretion of Canada’s border guards ... but does that mean we shouldn’t be looking into giving public servants more discretion to get things done quickly? Right now we have a system that works against that,” he said.

“We have to give them discretion so they can use their judgment and experience to make the right decisions ... but we can’t expect them to do that if we don’t give them the chance.”

Segal said the Liberals should look at getting rid of rules and controls that block performance.

He said the system is out of balance when today’s deputy ministers can be fired for breaching a language rule, but no one is on the hook when a department fails to deliver on a statutory obligation or priority of the government.

“That strikes me, and I think it would the average Canadian, as a big imbalance,” said Segal.

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The Liberals' mandate letters to ministers emphasized performance and results, ordering ministers to monitor and track government priorities.

"The federal public service is burdened immensely by these (rules) which is either a tremendous opportunity for the new government to make change and open things up, or it will be a huge source of frustration."

He said the Liberals should reinstate a long-standing rule, which allowed political staffers access to the priority list for jobs in the public service if they spent three years in a ministers' office. The Conservatives abolished it in the accountability act, which Segal said helped create a highly partisan corps of political staffers working for Conservative ministers.

He argues a career option of joining the public service could have tempered the behaviour of these staffers, better balancing issues other than the political interests of their bosses.

"I think it would increase the quality of people hired into ministers' offices because they would be thinking of not just being of service to a minister but also of service to their country after, which is no longer an option for any young people," he said.

## **Réfugiés syriens: «Du jamais vu sous les conservateurs»**

**Paul Gaboury, Le Droit, le 26 novembre 2015**

Les libéraux avaient promis de traiter les fonctionnaires fédéraux «avec respect», pendant la dernière campagne électorale. Les premiers signes d'un changement dans les relations avec les syndicats sont arrivés avec l'annonce du plan d'accueil des réfugiés syriens.

«Nous avons eu un téléphone une heure après l'annonce par le gouvernement libéral de son plan pour nous donner les détails. C'est du jamais vu sous les conservateurs, qui nous ont durement éprouvés», a indiqué au Droit Jean-Pierre Fortin, président national du Syndicat des Douanes et de l'Immigration, élément de l'Alliance de la fonction publique du Canada, dont le siège social est à Ottawa. Le syndicat compte un effectif de 10 500 membres, incluant 6500 agents aux frontières et dans les aéroports partout au pays.

«Nous sommes satisfaits d'avoir eu ces informations aussi rapidement de la part du ministère, poursuit-il. Après tout, nous voulons être impliqués et consultés. Et nous allons travailler avec le gouvernement pour prendre les bonnes décisions.»

Mesures «sensées»

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Le dirigeant syndical estime que les mesures annoncées par le gouvernement paraissent «sensées». Il salue la décision de «répartir» l'arrivée des 25 000 réfugiés jusqu'à la fin février. «Ça enlèvera un peu de pression sur nos membres, alors que l'achalandage augmente dans les aéroports pendant la période des Fêtes», croit M. Fortin.

Pour l'instant, les détails ne permettent pas de savoir combien d'agents devront être en poste aux aéroports de Montréal ou Toronto, destinations pour l'arrivée des réfugiés syriens.

Des renforts pourraient être demandés dans les périphéries de ces deux villes pour hausser le nombre d'agents disponibles, a souligné M. Fortin.

«C'est évident que nous aimerions avoir le personnel que nous avons perdu avec les compressions. Nous effectuons un travail très spécialisé. Il faut une formation de 18 semaines au Collège de Rigaud. Donc, nous n'aurons pas le temps de former d'autres agents à temps. Selon l'information obtenue, ils viendraient de la périphérie (des deux aéroports de Montréal et de Toronto)», a indiqué M. Fortin.

## **Stephen Harper's parting act of contempt for the public service**

**Alan Freeman, iPolitics.ca, November 24 2015**

When the definitive history of the Harper era is written, the chapter on its systematic degradation of Canada's public service will be one of the longest — and one of the more painful to read.

Its repeated attacks on public servants for partisan ends, its muzzling of government scientists, its willful dismissal of bureaucratic evidence and advice — the indictment list should be familiar by now. The Harper government's defeat was greeted by a collective sigh of relief in the federal public service.

Behind all that euphoria (which included cringe-worthy scenes of bureaucrats mobbing Justin Trudeau as if he were the lead singer in a boy band) a more disturbing picture has emerged — of a coterie of senior bureaucrats who were willing collaborators in some of the worst excesses of the Harper government.

In an excellent recent piece of reporting, iPolitics' Elizabeth Thompson confirmed that in its final months of office, the Harper government made dozens of future appointments to government agencies and commissions — some of which were not to take effect for up to a year, well beyond the end of Harper's mandate.

The 49 appointments, including renewals and new appointments, have effectively blocked the newly-elected government from determining the future course of key agencies like the National Energy Board. In one remarkable case of chutzpah, the government renewed in advance the term of Canada Post's

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CEO, Deepak Chopra, until 2021 — even though Chopra was the architect of the Crown corporation’s decision to kill door-to-door mail delivery, a policy opposed by both the Liberals and the NDP. (In this case, the Liberals may be able to undo the appointment because it was made “at pleasure”. Others won’t be so easy.)

These appointments, if not actually illegal, were clearly in contravention of the understanding that an outgoing government should not bind a new government. But where was the Clerk of the Privy Council when these outrageous orders-in-council were made? Likely hiding in her office, as she was when the government issued some of the 26 secret orders-in-council that the Harper government slipped through during its decade in power — a maneuver of which Vladimir Putin would be proud.

What’s particularly curious about the future appointments is that several of them came down just days before Harper called the federal election in early August, at which point the so-called “caretaker convention” came into effect. That convention calls on the outgoing government to show restraint in its exercise of power during an election campaign, and to not do anything controversial. Knowing that the convention was about to come into effect, the government rushed ahead regardless with its future appointments — surely knowing that it could do it with a wink and a nod from its top bureaucrats.

For deputy ministers during the Harper era, accommodation was the key to survival. If you wanted to get ahead, you accommodated the wishes of your minister and, above all, the PMO — no questions asked. For the careerists, it was a sweet time. No need to worry about policy, about seeking out the best advice from your bureaucrats or about consulting provinces and stakeholders. If you pleased the minister, you were golden.

Few top bureaucrats objected to the new way of doing things. Those who did — like Munir Sheikh at Statistics Canada and nuclear regulator Linda Keen — were soon gone.

When the Conservatives ordered the Government of Canada renamed the “Harper Government” in all official news releases — a clear violation of the government’s own Federal Identity Program — not a single DM said boo and PCO bowed and scraped as usual. The only objection apparently came from the Canadian International Development Agency, which pleaded that nobody in Bangladesh or Tanzania had a clue what a “Harper Government” was.

Inspired by their leaders, rank and file bureaucrats took the “accommodate” message to heart. When the office of Jason Kenney wanted to set up a fake citizenship ceremony to help a Sun News crew too lazy to go and cover a real event, Citizenship and Immigration gladly provided public servants to serve as bogus new citizens, in true North Korean style.

The use of government resources for partisan purposes became routine, from the millions of dollars in Economic Action Plan TV ads for non-existent programs to those awful 24/7 videos produced with taxpayer funds and posted on the prime minister’s web page — including a fawning profile of Laureen Harper, an individual with no role in the government of Canada.



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It's clear that many deputy ministers, each holding their jobs at the pleasure of the PM and reporting to a Privy Council clerk equally beholden to Harper, have spent a decade conveniently ignoring their duty to serve the government and people of Canada. Many have known no other government and may now suddenly find themselves a loss when actually asked for real advice, let alone being forced to speak "truth to power".

Is there a solution that will result in a senior public service with some backbone? Ralph Heintzman, a respected former senior public servant and adjunct research professor at University of Ottawa, has suggested making deputy ministers less the direct pawns of the government in power by mandating the Public Service Commission to hold competitions for these jobs and to make recommendations for appointments to the prime minister. Some object that this could make deputies — already small potentates in their departments — even less accountable. But it's certainly worth a look.

If nothing is done, we may be in for bigger and nastier surprises. If senior bureaucrats were willing to do whatever it took to please a government they largely despised, imagine what they'll be willing to do for a government they're in *love* with.

## **Une précommission à la commission d'enquête sur les femmes autochtones disparues**

**Christian Noel, Radio-Canada, le 26 novembre 2015**

Carolyn Bennet doit d'ailleurs annoncer, dès la semaine prochaine, la première étape du projet : la mise sur pied d'une précommission d'enquête, afin de consulter les victimes, leur famille et les groupes autochtones. Selon ce qu'a appris Radio-Canada, la précommission va notamment se pencher sur :

- l'aide psychologique à offrir aux participants avant, durant et après la commission;
- la gestion des révélations possiblement criminelles, de même que leurs retombées dans les communautés visées;
- la nécessité d'inclure le rôle de la pauvreté et l'attitude des forces de l'ordre dans le traitement des femmes autochtones;
- l'inclusion des hommes et des garçons autochtones dans le processus;
- la mission d'éducation du public de la commission.

« On doit écouter les familles dès le début, pour qu'elles aient leur mot à dire sur le mandat, le fonctionnement, et la durée de la commission. C'est la seule façon d'atteindre des résultats concrets », a dit la ministre Bennett la semaine dernière.





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Mille deux cents femmes autochtones ont été assassinées ou portées disparues en 30 ans au Canada. Toutes proportions gardées, c'est de trois à quatre fois plus que dans la population canadienne en général.

« C'est plus qu'une commission pour faire ressortir des faits, explique le grand chef de l'Ontario, Isadore Day. Ça fera ressortir des émotions très fortes, très vives. On touche à la vie du vrai monde, il faut être prêt à s'occuper des répercussions »

**« Ta mère est morte »**

L'aide traditionnelle et psychologique est l'élément essentiel pour encourager les victimes à témoigner, selon Cherilyn Panamic-Ense. Sa mère Clarene a été tuée par son conjoint quand Cherilyn avait 13 ans.

« Il y avait beaucoup de drogues et d'alcool quand il était à la maison, se souvient Cherilyn. Il était violent et il la battait. Souvent, je m'assois à côté d'elle sur le lit. J'essuyais ses larmes, je la réconfortais, je lui disais que je l'aimais. »

Sa voix est déchirée par les sanglots, à plusieurs reprises, pendant qu'elle raconte ces tragiques événements.

Un soir après une dispute particulièrement violente, sa mère lui confie : « Il est fou! J'ai peur qu'il me tue. »

Le lendemain matin, « la maison était sens dessus dessous. Du verre brisé partout, des chaises renversées », décrit-elle. Sa tante et sa grand-mère étaient en larmes. Elles lui ont dit : « Ta mère est morte, c'est lui qui l'a tué. Il l'a frappé avec sa voiture, à haute vitesse, sans s'arrêter. »

Reconnu coupable d'homicide involontaire, il a purgé seulement deux ans de prison. « C'est comme si la vie de ma mère ne valait pas grand-chose », déplore Cherilyn.

Cherilyn a maintenant 38 ans. Elle ne sait pas encore si elle aura le courage de témoigner devant la commission d'enquête.

« Je sais que raconter, pleurer, ça fait partie du processus de guérison. Mais ça aiderait vraiment si les témoins avaient accès à des cérémonies du cercle de guérison, en plus de l'aide professionnelle. »

— *Cherilyn Panamic-Ense*



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Cela a notamment été le cas lors de la Commission de vérité et de réconciliation sur les pensionnats autochtones.

### **Pauvreté, drogue, violence**

L'enquête publique ne devrait pas se limiter à la disparition et aux meurtres des femmes autochtones, selon plusieurs groupes.

« La question de la pauvreté abjecte doit être intrinsèque à cette commission, explique le chef Day. Elle mène parfois au trafic de drogue, à la prostitution, à la violence conjugale. » Une commission qui n'aborderait pas ces aspects serait incomplète, selon lui.

La commission, ajoute-t-il, devrait également se pencher sur les facteurs d'ordre économique, l'éducation, et les relations avec les forces de l'ordre.

### **Une escouade spéciale?**

Il faut également être prêt à faire face aux révélations qui feront surface, ajoute le chef Day.

Certains groupes autochtones suggèrent même la mise sur pied d'une escouade nationale sur les crimes autochtones, pour effectuer des suivis. Un peu comme l'UPAC au Québec, qui a fait des enquêtes en suivi à la commission Charbonneau.

### **« Val-d'Or, ce n'est pas Winnipeg »**

La ministre des Affaires autochtones, Carolyn Bennett, souhaiterait également tenir compte des différences régionales dans le fonctionnement de la commission.

« La réalité du Highway of Tears en Colombie-Britannique est différente de celle des réserves près de Winnipeg ou de celle des femmes autochtones de Val-d'Or, selon une source près du dossier. Les Autochtones de Toronto ont des défis différents que ceux du nord de l'Ontario, il faut en tenir compte. »

Une des suggestions sur le bureau de la ministre : la création de sous-commissions régionales, basée sur le modèle australien de la Commission royale d'enquête de 1987 sur les morts d'Autochtones en détention.

Jusqu'à cinq sous-commissions pourraient être envisagées, soit le Québec/Atlantique, l'Ontario, le Manitoba et les Prairies, la Colombie-Britannique et le Nord.



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« Ça permettrait de tenir de multiples audiences en même temps, et donc d'accélérer la cueillette des témoignages et des données, afin de raccourcir la durée de la commission nationale.

### **Dépassement de coûts?**

Plusieurs se demandent en effet si les 40 millions de dollars sur deux ans, promis par le Parti libéral durant la campagne électorale, seront suffisants pour bien mener la commission à terme.

« Si on regarde la Commission Vérité et Réconciliation (CVR) elle a pris 6 ans et a coûté 60 millions, indique une personne liée au dossier. Ce sera impossible pour la commission sur les femmes autochtones de couvrir tout le pays en seulement deux ans. »

Bon nombre de groupes autochtones exigent également que la commission ait le pouvoir d'émettre des sommations à comparaître et à produire des documents, ce qui n'était pas le cas pour la CVR.

Plusieurs exigent également, en coulisse, que le rapport soit remis directement au Bureau du conseil privé (qui relève directement du premier ministre) plutôt qu'au ministère des Affaires autochtones « parce que la bureaucratie du ministère des Affaires autochtones est encore souvent critiquée pour son attitude paternaliste », selon plusieurs sources.

### **Commissaire pressentie**

Une juge autochtone de la Saskatchewan est une des femmes pressenties pour diriger la commission, selon plusieurs sources proches du dossier.

Mary Ellen Turpel-Lafond, âgée de 52 ans, est protectrice de la jeunesse en Colombie-Britannique. Son mandat se termine en 2016. Elle est née d'un père cri et d'une mère écossaise. Elle a fait son droit à Osgoode Hall, sa maîtrise en droit international à l'Université de Cambridge et son doctorat à Harvard.

D'autres noms circulent, soit comme commissaire principale ou régionale, dont Michelle Audette, Roberta Jamieson, Dawn Harvard-Laval.

« Ces femmes sont d'ardentes défenderesses de la cause des enfants, des femmes et des familles autochtones, constate le grand chef de l'Ontario Isadore Day. Elles sont compétentes, compassionnelles avec des principes solides, elles devraient jouer un rôle intégral dans cette commission. »



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## **Senior civil servants have the new PM's ear – so far**

**Bill Curry, The Globe and Mail, November 24 2015**

Janice Charette is carrying a heavy load as the new Liberal government finds its feet.

The job of Clerk of the Privy Council is the most senior position in the federal public service. Acting as the deputy minister to the Prime Minister, the Clerk advises the PM on everything he needs to know, from policy problems to looming appointments. The communication goes the other way as well: The Clerk takes note of the Prime Minister's wishes and gets the public service to deliver.

In an unusual move, Ms. Charette joined Prime Minister Justin Trudeau on his first foreign trip to the G20 summit in Turkey and the Asia Pacific Economic Co-operation summit in the Philippines.

The Clerk of the Privy Council doesn't usually travel abroad with the Prime Minister. However, with so many hours of travel time, the trip presented an opportunity to squeeze in the many briefings Mr. Trudeau required as he met major world leaders for the first time. Domestic issues would likely have been discussed as well. Her deep experience in government surely would have been appreciated by a Prime Minister who has none.

Mr. Trudeau and his small team are leaning heavily on senior PCO staff in the early days.

Since as far back as prime minister Pierre Trudeau in the 1970s, there has been growing concern about the power and influence of political aides working in the Prime Minister's Office. These are the so-called "boys in short pants" that regularly drew the ire of Conservative MPs and senators under Stephen Harper's government.

Mr. Trudeau's Liberals have promised to scale back the influence of PMO staffers. But for the moment, that's not really an issue. Few senior political aides have actually been hired as the new government pores through résumés in an effort to fill key positions.

Stepping in to fill the void is the PCO, which is the central agency of the public service that serves the Prime Minister and cabinet.

"The question the PMO staff will ask themselves is what is the right balance to be struck and how much can we use the PCO?" said David Zussman, a former senior PCO official who now teaches public sector management at the University of Ottawa. "And frankly the PCO will have to get used to being used in a way that they haven't been for a long, long time."

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Ms. Charette has experience in both worlds. She was a senior political aide to several cabinet ministers during the Progressive Conservative government of Brian Mulroney and was chief of staff to PC Leader Jean Charest when he was in opposition. Links to the since-disbanded Tory party aren't necessarily a problem for Mr. Trudeau. His Treasury Board President, Scott Brison, was once a member of Mr. Charest's federal caucus. Mr. Trudeau also called on former deputy minister Peter Harder to lead his transition team and Mr. Harder worked for a time as a Progressive Conservative aide. Further, Ms. Charette's rise in the public service occurred under both Liberal and Conservative governments.

Mr. Trudeau's inner circle on his first foreign trip is surprisingly small.

Whether meeting with U.S. President Barack Obama or attending meetings on the Trans-Pacific Partnership trade agreement, leaders are often allowed to bring only a handful of advisers inside the room. Often, only one other person is allowed.

Those who rotated through these roles last week included Katie Telford, Mr. Trudeau's chief of staff; Roland Paris, his political adviser on foreign policy who is on leave from the University of Ottawa, and two senior officials from the PCO: Ms. Charette, the Clerk, and John Hannaford, the PCO foreign and defence policy adviser to the Prime Minister.

Senior ministers also sat in on some meetings with Mr. Trudeau. Finance Minister Bill Morneau attended the G20 summit, while Foreign Affairs Minister Stéphane Dion and Trade Minister Chrystia Freeland were at the APEC summit.

For the upcoming trip to the Commonwealth summit in Malta and the climate change conference in Paris, Ms. Charette will stay in Ottawa. However, Mr. Hannaford will continue travelling with the Prime Minister as will Dr. Paris. Ms. Telford will be replaced by senior Trudeau adviser Gerald Butts. Mr. Dion will be with the Prime Minister throughout the trip, while Environment Minister Catherine McKenna will join the Prime Minister in Paris.

For Mr. Trudeau, all that time with his new Clerk also gives him a chance to see whether the relationship will last long term.

When Mr. Harper became prime minister, he replaced then-clerk Alex Himelfarb a few weeks after the new government's swearing in. After a stint as ambassador to Italy, Mr. Himelfarb would go on to be a vocal critic of the Conservatives outside of government, accusing it of "crushing" the progressive state. In 2013 he co-authored a book called *Tax Is Not a Four-Letter Word*, making it clear that he was not on the same ideological page as Mr. Harper.

Ms. Charette was named Clerk in August, 2014, and started in the position on Oct. 6, 2014. Dr. Zussman said that timeline is among the factors that would make a similarly quick change at the top unlikely.



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“Generally speaking, new prime ministers sometimes – I wouldn’t say always, but certainly sometimes – change their clerks,” he said. “This is a bit unusual because Janice has only been in the job for a relatively short time.”

University of Moncton governance professor Donald Savoie agrees that Ms. Charette is likely to stay on with the new government.

“I know enough about the public service to know that she’s had a good reputation over the past 20 years or so,” he said.

## **RCMP boss wants warrantless access to online subscriber information**

**Jim Bronskill, The Canadian Press, November 25 2015**

Police need warrantless access to Internet subscriber information to keep pace with child predators and other online criminals, says RCMP Commissioner Bob Paulson.

The top Mountie said Wednesday that a Supreme Court of Canada ruling curtailing the flow of basic data about customers -- such as name and address -- has "put a chill on our ability to initiate investigations."

"I'm all for warrantless access to subscriber info," Paulson told a security conference, comparing the process to his beat-cop days of entering licence-plate data into a computer and coming up with a vehicle owner's name.

"If I had to get a judge on the phone every time I wanted to run a licence plate when I was doing my policing, there wouldn't have been much policing getting done."

In June last year, the Supreme Court of Canada ruled police must have a judge's authorization to obtain customer data linked to online activities.

The high court rejected the notion the federal privacy law governing companies allowed them to hand over subscriber identities voluntarily.

Police say telecommunications companies and other service providers -- such as banks and rental companies -- now demand court approval for nearly all types of requests from authorities for basic identifying information.

The Supreme Court judgment came amid mounting public concern about authorities quietly gaining access to customer data with little oversight or independent scrutiny.

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Paulson said after his speech that he advocates giving police ready access to basic subscriber information while respecting the Charter of Rights and Freedoms.

"I think we've been consistent in recognizing that we are very respectful of the charter and people's charter rights and nobody is recommending that we go any further," he said. "But there needs to be some sort of administrative access to basic subscriber information."

The Canadian Association of Chiefs of Police revealed in August that government officials were mulling just such a scheme -- though it's not clear exactly how it would square with the court ruling. The chiefs said a discussion paper spearheaded by the Department of Justice was presented to the federal, provincial and territorial cybercrime working group of senior officials.

The paper outlined three legislative options for allowing access to basic subscriber information:

- An administrative scheme that would not involve court approval;
- A new judicial order process or a tweak to the existing regime;
- A judicial order process for subscriber information with a greater expectation of privacy and an administrative, non-judicial one for less sensitive subscriber data.

Paulson said while the Internet is a marvellous boon to communication, education and commerce, it is also a place where a vast array of crime takes place -- including rampant sexual abuse of youngsters.

Children are "being hurt at a pace and a frequency that is alarming," the commissioner said.

"Technology is fuelling that. So now these people can encrypt their communications and they can exploit children for sexual purposes and it's a little harder to get at them from a police point of view."

Many people want the Internet to be completely free, without rules, Paulson noted. "That's fine if we don't want justice there."

It's time for a public conversation about how best to prevent all kinds of exploitation in cyberspace, he said.

Allies in the United States, Britain, Australia and New Zealand are confronting the same issues, Paulson added.

"We're all struggling with this. It's hard to keep people safe on the Internet right now."

## **Israel not compromising democracy in terror fight: top jurist**



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**Janice Arnold, Canadian Jewish News, November 25 2015**

Combating terrorism in a democracy means fighting with one arm tied behind your back, and Israel is succeeding in doing that while maintaining a Jewish state, the new deputy president of the Supreme Court of Israel told Montreal lawyers.

Elyakim Rubinstein, who has sat on Israel's highest court since 2004, insisted that Israel's democracy, including freedoms accorded all citizens, is as healthy as Canada's [despite the ongoing threat to the state's very existence](#).

"We have managed to hold up both the flag of freedom and rights, and the flag of security," said Rubinstein, who was attorney general from 1997 to 2003.

The highest court's workload is staggering, he noted. Its 15 justices hear 9,000 cases a year (down from 12,000 in 2004), compared to the approximately 80 that come before the Supreme Court of Canada.

Unlike the Canadian judicial system, Israel's Supreme Court is not for final appeals only, but can be petitioned directly – no need to make one's way through lower courts, he said. Moreover, a petitioner does not have to be personally involved in the matter, he said.

The court is equally open to Palestinians in the territories, and Rubinstein said they file grievances "daily, not weekly."

Rubinstein was the guest speaker at the Lord Reading Law Society's annual Henry Steinberg Memorial Lecture on Nov. 24.

Earlier Rubinstein met in Ottawa with Chief Justice Beverley McLachlin and some other justices of the Supreme Court.

"The Israeli Supreme Court has had a close and ongoing relationship with the Canadian Supreme Court for decades," he said. "Canada is one of the best friends of the State of Israel and I hope it remains so."

The Israeli Supreme Court is continually criticized within the country, by some for being too liberal, by others for being too harsh, he said, but its members remain committed to the rule of law and moderation.

"Be balanced, be reasonable, proportionality is a major consideration... Trying to cope with terrorism with legal means is not easy... We are not perfect, we make mistakes. But look at our record... We try to do our best in a complex situation."



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Rubinstein said the court is often at odds with the military. He offered the example of the time the IDF wanted to bomb a building where they knew the leadership of Hamas was housed, but the Supreme Court vetoed it because there were innocent civilians living in the 15-storey apartment.

He also recalled that the Supreme Court ruled in favour of Palestinian farmers who protested that the security fence was running through their land. The Court ordered that they must have minimal hindrance in accessing their fields, either by having the fence rerouted or by having a guarded gate.

Rubinstein, who earlier in his career was involved in peace negotiations with Egypt and Jordan, stressed that the enemy is not Muslims.

He rather blames “extremist Islam... a nightmare for the civilized world.”

Rubinstein, who describes himself as a religious Zionist, said he is “an avid reader of the Qur’an,” has worked well with Arabs over many years and has Arab friends. (There is one Arab on the Supreme Court.)

He counselled against despair in the face of terrorism, and remains optimistic that a peace breakthrough could happen unexpectedly and suddenly, as it did when Egyptian president Anwar Sadat, in a historic move, came to Israel in 1977.

Rubinstein is confident Israel will remain a “Jewish and democratic state.”

“Israel is a full-fledged democracy, not less than the Canadian democracy, while we are fighting for our existence. We are the only living democracy threatened for its existence by its neighbours,” he said. “And that is black and white, there is no mincing of words – their charter calls for the annihilation of the State of Israel.”

Rubinstein’s lecture was the culmination of a daylong seminar attended by about 60 lawyers on challenges in international law, from the Israeli and Canadian perspectives, organized with Israel’s foreign affairs ministry and the Centre for Israel and Jewish Affairs. Topics covered included “lawfare,” counter-terrorism and boycott, divestment and sanctions.

Among the speakers was Daniel Taub, who recently completed his term as Israel’s ambassador to the United Kingdom, as well as ministry officials from Israel, and a representative of Belgium’s defence ministry.