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NEWS RELEASE

Inadequacies of Parliament Highlighted in Review of Anti-terrorism Act

*Overly partisan debate in the House of Commons suggests that the
Federal Court may be the place to craft and review security legislation*

Montreal – Parliament has been referred to as the “highest court in the land.” These days however, more often than not, bitter and petty partisanship is calling this idea into question. The IRPP study being released today, on the parliamentary review of the *Anti-terrorism Act* (ATA), argues that partisan rancour in Parliament may have reached a tipping point and threatens the House of Commons’ ability to do its job.

Author Kent Roach (University of Toronto) assesses the policy-making process behind the review of the ATA and the expiry of its provisions regarding preventive arrests and investigative hearings. He is generally disappointed with the reports produced by the House and Senate, as well as the subsequent debate. Roach argues that the committees’ reports “had virtually no impact” on the debate about whether to renew investigative hearings and preventive arrests. He also laments the fact that national security debates “should be becoming more sophisticated and nuanced as we move away from 9/11,” but are not, due in part to successive minority governments. If this situation does not change, he says, the Federal Court may “fill the policy vacuum” on issues such as the ATA.

The author’s analysis, particularly with regard to the low impact of the reports and the unsophisticated debate, is cause for concern. Without sober, informed discussion of the issues there is a risk that Parliament will lurch from one extreme to the other and enact draconian or inappropriate legislation.

Roach outlines what he views as misguided recommendations and sins of omission in the Commons and Senate reports:

- ◆ He argues that the Commons committee opened the glorification of terrorism issue “without recognizing the controversies it would cause or exploring alternative strategies to deal with extremists who would glorify acts of terrorism.”
- ◆ He contends that while both committees devoted considerable attention to legislation on government secrecy, they ignored the dangers of “extravagant claims of secrecy” on the part of governments and how these claims might delay terrorism prosecutions.
- ◆ He decries the fact that neither committee examined the cases for and against giving parliamentarians access to secret information and an oversight role in examining whether bureaucrats are doing enough to prevent terrorism.

Citing the very different analyses and the “conflicting advice” provided by the two committees, Roach believes the House’s task of crafting a response to the reports will be very difficult. Parliament, he says, will have to lift its game. If it cannot, there is evidence that the Federal Court “may take ownership of the issue.”

Better Late Than Never? The Canadian Parliamentary Review of the Anti-terrorism Act, by Kent Roach, can be downloaded free of charge from www.irpp.org

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