

17 June 2026

### **Please choose democracy, not authoritarianism**

It is an authoritarian government that silences debate, withholds evidence, and refuses to listen to objections from privacy experts, conscripted industries, and the general public about its intention to dramatically increase government surveillance.

I write today to argue for democracy instead.

In particular, I'm hoping to shame the MPs who are participating in these abuses of process and inspire the Senators who want to say no to being complicit in it.

I would also encourage other Canadians, including employees on the Hill, to object to this way of proceeding. There are higher principles at stake here.

### **Bad law**

Bill C-22 is bad law. There is clear agreement from those with relevant knowledge that it would make technology less safe. As Signal said on June 2: "There is no back door that only good guys can walk through."

Bill C-22 would also violate Canadians' right to privacy, per s. 8 of the Charter. As is always the case with increased police surveillance, it would disproportionately impact populations that authoritarian governments seek to suppress, including racialized communities, journalists, and activists.

Bill C-22 would, as Meta pointed out, "turn private businesses into a surveillance arm of government." Bill C-22 does not, as NSIRA pointed out, have sufficient oversight mechanisms by either Canadian or international standards.

In addition to the expert evidence that was submitted to SECU, many Canadians have objected to this proposed legislation. OpenMedia reported nearly 25,000 messages to Parliament from its community, opposing sweeping surveillance powers. The Parliamentary petition Jenny Kwan introduced against Bill C-22 currently has 14638 signatures.

In addition to expert and widespread opposition, there is also no clear need for these expanded powers. The evidence at clause-by-clause of Sgt Aaron Gilkes, Acting Officer-in-Charge, RCMP Lawful Access, was helpful in demonstrating that police do already have investigatory options, it just takes more thought and effort than would be required if the police and CSIS had easy access to massive digital "filing cabinets" of Canadians' private information.

I also watched Liberal Anthony Housefather try to justify the need for Bill C-22 through an example involving Karla Homolka bringing photos of abuse to a physical store that develops film. This talking point is obviously irrelevant and inflammatory, designed to create revulsion and fear and compliance. I wonder sometimes if the Liberals are being coached on "lawful access" legislation by Vic Toews.

## **Breach of privilege**

Opposition members pointed out that important briefs had been submitted to SECU but not distributed. In fact, the majority of briefs were distributed and published on the SECU website only after the government's arbitrary deadline for clause-by-clause amendments (June 1).

The explanation the government provided for this fact is delays at the Translation Bureau. Documents submitted in one language must be translated before being distributed. Documents submitted in both official languages must, according to the Committee's own rules, "be sent for linguistic review by the Translation Bureau before being distributed." The Chair moved that motion himself a year ago, noting at the time that documents submitted during a bill's study "are so important for the committee."

But this same government also significantly underfunds human translation services. And rather than wait for important documents to be translated before proceeding with the study of the bill, the government chose to go full-steam ahead without them. This is not respect for official languages and the democratic process. This is the government using official languages as an excuse to withhold evidence of opposition to its authoritarian legislation until it's too late.

On June 2, the day after proposed amendments for clause-by-clause were due, opposition members rightly pointed out that it is a breach of privilege to expedite study of Bill C-22 in the absence of evidence submitted by the many stakeholders opposed to it. The Chair held this is not a breach of privilege, even though it clearly is. When opposition members continued to object to making law without evidence, the Chair attempted to force a voice vote on overturning his own ruling, even though no one had introduced such a motion. He then adjourned the meeting early.

Opposition members had also tried to get a sense of how many briefs had been submitted but not yet distributed in relation to Bill C-22. The Chair refused to provide even a ballpark answer, or permit the Clerk to provide a ballpark answer. As an interested Canadian, I myself have asked the Clerk for this information, which surely is tracked by the staff of Parliamentary committees. I still have not seen an answer to this basic informational question.

I would argue this is a breach of privilege not just for members but for Canadians as well. Representing constituents for the good of society is what MPs are elected and highly paid to do. Imposing rights-violating laws while withholding evidence is authoritarian, not democratic. This abuse of the democratic process does not deserve deference from the Senate.

## **Clause-by-clause**

Some briefs that were not distributed to members in time for clause-by-clause included proposed amendments to address flaws in Bill C-22.

For example, the brief from the National Security and Intelligence Review Agency contains two proposed amendments that would improve oversight of the new "lawful access" regime. It appears that this brief was submitted to the committee by email in both official languages on April 16, 2026, and yet not shared with members and the public until June 11, nearly two full months later.

Similarly, the brief from the Privacy Commissioner made specific recommendations about how to make Bill C-22 more consistent with Canadians' right to privacy, noting that "the interception of communications and the search and seizure of information are among the most intrusive

forms of power that the state can bring to bear.” This brief was submitted bilingually on May 21, and according to the SECU website also not distributed until June 11.

Since the government’s deadline for members to submit proposed amendments for clause-by-clause was June 1, this meant members had to attempt to draft proposed amendments to a complicated bill in the absence of written evidence from subject-matter experts. This is undemocratic.

Opposition members then tried to get government witnesses at clause-by-clause to engage with the substance of the critiques in these long-delayed expert briefs. Questions included specifics about how proposed amendments would help law enforcement in practice, and discussion of the difference between the legal standards of reasonable grounds to believe versus reasonable grounds to suspect. Understanding the actual impact of a bill seems like the bare minimum that should be expected of legislators.

But the Liberals objected to opposition members asking legal questions of government witnesses on such grounds as “I don’t think the House pays us enough money to have to sit and listen to all this” (base salary: \$217,700) and “the bill has nothing to do with the privacy of people and their personal information” (June 11, around 18:42 and 18:47 respectively).

## Guillotine motion

Angry at delays in advancing its authoritarian agenda, the government has now introduced a motion in the House of Commons to end debate at committee.

### GOVERNMENT BUSINESS

**No. 13** — June 15, 2026 — The Minister of Transport and Leader of the Government in the House of Commons — That, notwithstanding any standing order or usual practice of the House, Bill C-22, An Act respecting lawful access, be disposed of as follows:

- (a) it be an instruction to the Standing Committee on Public Safety and National Security that, during its consideration of the bill,
  - (i) the committee shall meet, within one hour after the adoption of this order, for the purpose of completing clause-by-clause consideration of the bill,
  - (ii) if the committee has not completed the clause-by-clause consideration of the bill within 30 minutes of the beginning of the meeting, all remaining amendments that were submitted to the committee by 4:30 p.m. on June 15, 2026, shall be deemed moved, the Chair shall put the question forthwith and successively without further debate on all remaining clauses and amendments submitted to the committee, as well as each and every question necessary to dispose of the clause-by-clause consideration of the bill, and the committee shall not adjourn the meeting until it has disposed of the bill,
  - (iii) the committee shall have first priority for the use of House resources for this meeting,
  - (iv) a member of the committee may report the bill to the House by depositing it with the Clerk of the House at any time after the completion of clause-by-clause consideration, and the Clerk shall notify the House leaders of the recognized parties and independent members, and the report shall be deemed to have been duly presented to the House;
- (b) the bill may be considered at the report stage at any time following the completion of paragraph (a)(iv) of this order, and, when the order is read, it shall be deemed to have been concurred in, as amended, at the report stage;
- (c) a motion for third reading may be made immediately after the bill has been concurred in, as amended, at report stage;
- (d) motions to proceed to the orders of the day to consider the bill, and to adjourn the debate or the House may be moved by a minister of the Crown, including on a point of order, and any such motion when moved by a minister of the Crown, shall be deemed adopted;
- (e) when the House begins debate at the third reading stage of the bill, one member of each recognized party, a member of the New Democratic Party, and the member of the Green Party, may each speak at the said stage for not more than 20 minutes, followed by 10 minutes for questions and comments, provided that members may be permitted to split their time with another member;
- (f) at the conclusion of the time provided for the debate at the third reading stage or when no member wishes to speak, whichever is earlier, all questions necessary to dispose of the third reading stage of the bill shall be put without further debate or amendment, provided that, if a recorded division is requested, it shall not be deferred; and
- (g) when the bill is considered at report stage and at the third reading stage, after 12:00 p.m., no quorum calls, dilatory motions or requests for unanimous consent, except from a minister of the Crown, shall be received by the Chair.

My understanding is that this is called a “guillotine” motion because it brutally cuts off debate.

My further understanding is that this means Canadians will never know the majority of amendments that were proposed on Bill C-22.

The government had previously indicated, in response to “searing criticism,” that it would propose its own amendments to Bill C-22. I understand the government’s guillotine motion to mean that those amendments will be adopted by brute force without Canadians even knowing in advance what they are.

And then the bill will be sent to the Senate with the expectation of a prompt rubber-stamping.

### **Sober second thought**

The Senate can decline to be complicit in this blatant abuse of the legislative process.

Senators can refuse to lend their legitimacy to a process that involves the withholding of expert evidence, a refusal to listen to the concerns of tens of thousands of Canadians, and the curtailing of debate intended to address the many obvious flaws in the bill as drafted (including violating privacy rights and making technology less secure).

Senators can choose to stand up for democratic principles and official languages and the Charter instead. Make people say “good thing the Senate exists.”

While I would love for the Senate to just flat-out refuse to pass authoritarian legislation, I understand one procedural option is to split Bill C-22 and send the more offensive second part back to the House of Commons for actual democratic study. I understand this is a motion that has to happen before the bill is referred to committee, and I point to Bill C-103 in 1988 and Bill C-10 in 2002 as examples.

The process taken in the House of Commons with respect to Bill C-22 is an appalling abuse of democracy. Please, Senators, use your privilege, principles and independence to help keep Canada off the authoritarian path.

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