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**Tuesday, March 8, 2005**

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**Chair**

**Mr. Bernard Patry**

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## Standing Committee on Foreign Affairs and International Trade

Tuesday, March 8, 2005

•(0905)

[English]

**The Chair (Mr. Bernard Patry (Pierrefonds—Dollard, Lib.)):**  
Good morning, everyone.

Pursuant to the order of reference of Tuesday, December 7, 2004, we are discussing Bill C-25, an act governing the operation of remote sensing space systems.

As our witnesses this morning we have, from the Department of Foreign Affairs, Mr. Robert McDougall, director, non-proliferation, arms control and disarmament division; Mr. Phillip Baines, senior adviser, sciences and technology, non-proliferation, arms control and disarmament division; and Mr. Bruce Mann, senior counsel, justice legal services division.

From the Department of National Defence, we welcome Lieutenant-Colonel Scott A.A. Johnson, from the Directorate of Space Development, Policy, Strategy and Cooperation. We also welcome Lauren Small, Senior Manager with the International Relations/Earth Observation and Environmental Affairs.

Today, as agreed on February 22, we are beginning clause-by-clause consideration of Bill C-25, an Act Governing the Operation of Remote Sensing Space Systems.

Before we begin, I would like to give a brief description of the process.

During clause-by-clause consideration, a committee examines every part of the bill, starting at the beginning, line by line, and if necessary, word by word. Amendments can be proposed, debated, and voted upon. A member can ask questions about a clause or debate a clause even if he or she has no amendment to propose. The witnesses are here to answer questions and provide clarification. The committee votes on each amendment; each clause; on the schedule and preamble, if the bill has them; on the title; and finally, on the bill as a whole. The committee then adopts a motion to report the bill to the House, including what changes, if any, they have made to the bill.

[Translation]

Thirty-one amendments to Bill C-25 were submitted to the clerk. They were distributed to members' offices last Friday.

Today's agenda sets out all the amendments, as well as the votes.

[English]

At the last meeting there was a request that the members have the possibility of looking at Annex II, and we have been authorized by

Deputy Minister Harder to offer to show Annex II of the Agreement between the Government of Canada and the Government of the United States of America concerning the Operation of Commercial Remote Sensing Satellite Space Systems. It's called Canada Treaty Series 2000/14 to SCAIT.

Since the annex is classified as commercial confidential, this offer is made on the understanding that the committee will be shown the text in camera, respecting what I understand to be the usual arrangements, such as agreement to return all copies of the text and any notes made concerning it at the end of the session, and not to read or otherwise enter the document into the public record during the session.

If this is acceptable to the committee, we will be in a position to hold such a session as early as this morning.

Now we'll go to questions.

Mr. Sorenson.

•(0910)

**Mr. Kevin Sorenson (Crowfoot, CPC):** I thank you, Mr. Chair, for taking the intent of the motion, or the intent of the request. Even in the Winnipeg paper today, I think it was Mr. Axworthy who was talking about the importance of seeing Annex II, so I think we would still want to go in camera, look at Annex II, and understand a little bit about the confidentiality of the document and what it all deals with.

**The Chair:** Are there any other comments?

Madame Lalonde, do you have any other comments?

Everyone agrees on the procedure. It's quite important that the department is willing, as I say, to provide Annex II to the members to look at in camera, but be assured that there will be no comments and the paper will be given back to the department at the end. We need to be very knowledgeable about this, and understand that no comments can be made publicly, because if any one of us made comments publicly, that person could be sued outside. This is just for the committee, and in camera.

All agreed?

We will stop for two minutes, and then we will go in camera.

[Proceedings continue in camera]

•(1015)

[*Translation*]

**The Chair:** As agreed when we started, we are resuming consideration of Bill C-25. We will be doing the clause-by-clause.

Pursuant to Standing Order 75(1), clause 1 will be considered at the very end of the process.

(Clause 2—*Definitions*)

[*English*]

**The Chair:** We have an NDP amendment, which you have in front of you.

Madame McDonough.

**Ms. Alexa McDonough (Halifax, NDP):** I would like to amend this as set out in our committee stage amendments.

I move that clause 2 be amended by adding, after line 25 on page 1, the following—and I assume, Mr. Chairman, that you don't want me to read it in full:

“international obligations” means obligations relating to agreements and treaties entered into by Canada with other countries and international bodies, including the United Nations, that create legal rights and obligations, and that include but are not limited to

I won't read in full all of the treaties and obligations referred to, but I want to stress that the words “not limited to” are important because we may not have an exhaustive list in the one that was provided to us. It was much appreciated that the department did respond to our requests for information about what those treaties would be that are intended here, but there could in fact be others. There's no claim by departmental officials that it was exhaustive.

It's extremely important that we amend this clause so that there is a context here that makes clear the kinds of international obligations we're talking about.

**The Chair:** Thank you.

Mr. McTeague.

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Thank you, Chair, and thank you, colleagues, for getting these to us earlier than anticipated. That allowed us to work out some of the issues in advance.

I'd like to respond to Ms. McDonough's first motion dealing with international obligations in the following way.

At last count, the phrase is used about ten times in the bill. It serves as a guide to the minister in various decision-making functions and under a number of other circumstances. I also found—and I'd like the department to corroborate some of these things—that there are 12 other federal statutes that use the term “international obligations” in a similar fashion, as a sort of thumb sketch or guide to the minister and the department. None of these statutes have them defined.

We've seen this practice in other jurisdictions in the U.S. and the U.K. in laws dealing with space activities. The amendment as proposed is also not inclusive of customary international law, which can add legally binding obligations to Canada.

I'm concerned about its practicality and its flexibility in terms of including a comprehensive list in legislation. In this case, I don't think there's a need to give an instruction to the minister in his or her own area of responsibility.

**The Chair:** Thank you, Mr. McTeague.

Madame Lalonde.

[*Translation*]

**Ms. Francine Lalonde (La Pointe-de-l'Île, BQ):** The last words of the first paragraph in Ms. McDonough's amendment are, in the French version, “y compris”. I see that in the English version, these words are “but are not limited to”. In French, this should not read “y compris”, because it appears to be a limiting statement. When a definition describes something, it is limiting. I certainly don't want to see the word “limité”, even if we find it long. This is a quite short provision to describe international obligations. The words “y compris” should be replaced by “notamment”. That to me seems clear. I hope that I will not need to move a subamendment for this. “Y compris” does not mean the same thing as “but are not limited to”.

•(1020)

**The Chair:** I quite agree, Ms. Lalonde. Let's say that the French translation does not correspond to the English version, which says “not limited to”. Replacing the words “y compris” with the word “notamment” will constitute a subamendment. If you are ready, we could vote on that subamendment. This does not mean the amendment will pass, but at least we are clarifying it. I think that a subamendment to delete the words “y compris” and replace them with the word “notamment” could be acceptable.

[*English*]

**Hon. Dan McTeague:** The comment would be simply redundant.

**The Chair:** I think it's just the fact that we are going to vote. That's fine. For me it's just a clarification of the translation. We have all agreed that *y compris* is not right. It should be *notamment*.

(Amendment negated [See *Minutes of Proceedings*])

**The Chair:** Now we will go to the next amendment, NDP-2.

Madame McDonough.

**Ms. Alexa McDonough:** The second amendment is that Bill C-25, in clause 2, be amended by adding after line 25 on page 1 the following: “international relations” means Canada's relations with other countries and international bodies, as they relate to Canada's official, declared policy on foreign affairs, defence, international development, the environment, and trade.

Again, I think we know there can be, in Canada's publicly declared policy, some significant implications for the protection of the public interest, and we need to indicate clearly that this is what is intended in the repeated references to international relations.

**The Chair:** Fine.

Mr. McTeague.

**Hon. Dan McTeague:** Chair, I think we rejected number two. My comments are exactly the same as in number one. I'll be keeping my position accordingly.

**The Chair:** Fine. Are there any other comments?

(Amendment negated)

**The Chair:** Now we have amendment NDP-3 on page 4.

Madame McDonough.

**Ms. Alexa McDonough:** Mr. Chairman, the third amendment of the NDP is that Bill C-25, in clause 2, be amended by adding, after line 5, on page 3, the following:

(2) Where this Act provides that the Minister consider Canada's conduct of international relations and Canada's international obligations before exercising his or her authority, and where the two are inconsistent,

(a) the Minister shall not exercise the authority except in accordance with an order in council; and

(b) the Governor in Council may, by order, authorize the Minister to exercise his or her authority and set out such terms and conditions as the Governor in Council considers appropriate.

Mr. Chairman, the reason for this proposed amendment is that it is not inconceivable that one can think of examples, for sure, where our foreign policy is in fact different in a particular situation from that of our U.S. neighbours. It can be a major challenge for us to deal with those kinds of situations that will arise, where there is in fact a difference, not a convergence, of our respective foreign policy positions and interests. The purpose of this is to recognize that this is indeed a major challenge, a serious situation, and that any decisions to deal with such circumstances that could arise should not be made singularly by the minister. In fact, they should have the benefit of the wisdom of the council, of the consideration and the careful deliberations of the full cabinet, before any resolution of that conflicting set of interests is actually arrived upon and a decision is made.

So that's the reason for suggesting that there be in fact an order in council to deal with such situations. I think this really would deepen and strengthen the confidence on the part of Canadians that this kind of situation is taken very seriously and that there is more than the position of the minister brought to bear on this.

•(1025)

**The Chair:** Thank you, Ms. McDonough.

I want to pinpoint an issue before asking my colleagues to comment. This amendment, NDP-3, is an amendment to the interpretation clause of the bill, which sets out a procedure to be followed in the event that Canada's conduct of international relations and Canada's international obligations are deemed to be inconsistent with each other. Our practice, according to page 66 of Marleau and Montpetit, is that the interpretation clause of a bill is not the place to propose a substantive amendment. On this basis, I'm obliged to rule that the amendment, as written, is inadmissible. However, if the amendment were to be moved as an addition to another clause or becomes a new clause on its own, it will be admissible and it can be considered by the committee. As it is right now, it's not receivable.

The amendment is not accepted.

(Clauses 2 and 3 agreed to)

(On clause 4—*Binding on Crown*)

**The Chair:** We're going to deal first with the Bloc Québécois.

[*Translation*]

The first amendment by the Bloc Québécois is to clause 4, on page 3.

Ms. Lalonde.

**Ms. Francine Lalonde:** I move that Bill C-25, in clause 4, be amended by deleting lines 10 and 11 on page 3. The lines read:

This Act binds Her Majesty in right of Canada or a province.

[*English*]

**The Chair:** Mr. McTeague.

**Hon. Dan McTeague:** If the amendment were to be accepted, we'd probably unintentionally introduce a security lapse were federal government and provincial space systems not regulated in accordance with the proposed bill. The provinces may be exempted under subclause 4(3), as you see here, where such systems do not raise security, defence, or foreign policy issues.

**The Chair:** Are there any other comments?

**Mr. Kevin Sorenson:** Are you on the right clause?

**Hon. Dan McTeague:** It deals with subclause 4(1). She's referring to the removal of subclause 4(1), "This Act binds Her Majesty in right of Canada or a province". BQ-1 proposes to delete that section. I'm responding to the deletion and what effect it would have.

**The Chair:** Are there any other comments?

[*Translation*]

Ms. Lalonde, you have the right to answer.

**Ms. Francine Lalonde:** What if I were to move that the sentence end after the words "of Canada", and that the words "or a province" be deleted?

•(1030)

[*English*]

**The Chair:** It's the same thing.

**Hon. Dan McTeague:** I'm trying to figure out why you would remove that if in fact you are dealing with matters or acts that are consistent with every other legislation we've passed in this committee and in this House.

[*Translation*]

I'm trying to understand why you want to delete the words "Her Majesty".

**Ms. Francine Lalonde:** No. The phrase would read: "This Act binds Her Majesty in right of Canada."

[*English*]

**Mr. Kevin Sorenson:** That's essentially Her Majesty.

**Hon. Dan McTeague:** I just said that the provinces may be exempted under subclause 4(3) where such systems do not raise security, defence, or foreign policy issues. You wouldn't want the provinces as well?

**The Chair:** Are there any other comments?

(Amendment negated)

[*Translation*]

**The Chair:** We will now go on to the second amendment by the Bloc Québécois, which applies to clause...

[English]

**Hon. Dan McTeague:** I believe this would have an impact on the fourth NDP amendment by Ms. McDonough. If we could just refer to that momentarily, unless I'm mistaken here, I think there is a connection to it.

**The Chair:** We'll get there.

**Hon. Dan McTeague:** That's fine. I just want to make sure. One obviates the need for the other.

[Translation]

**The Chair:** Ms. Lalonde, you have the floor to tell us about your second amendment.

**Ms. Francine Lalonde:** Thank you.

The purpose of this amendment is clear. I move that Bill C-25, in clause 4, be amended by replacing line 21 on page 3 with the following:

(3) The minister may, by order, after consulting the provinces, exempt any

A number of amendments to this bill aim to give those provinces that choose to, a way of expressing their views.

We heard that a number of provinces had invested in the development of RADARSAT-1 and that in exchange they had obtained good coverage when it comes to images. The government was therefore involved in developing this radar. We're trying to give those provinces that are willing some say that is more than commercial in nature. Indeed, in this bill, the provinces have nothing more than that, despite the fact that they may have urgent environmental, agricultural, or mining needs.

Getting back to RADARSAT-2 and the way in which the company is selling itself, it would seem that the provinces are those that are most interested. What I'm trying to do in moving this amendment, is to give those provinces that want to have some influence the opportunity to do just that.

[English]

**The Chair:** Mr. McTeague.

**Hon. Dan McTeague:** I appreciate Madame Lalonde's comments. As we know, the minister will consult appropriately, according to the nature of this exemption, and the bill was drafted respecting federal responsibilities for outer space. There is, of course, mandatory consultation with the provinces. In this case it would be inappropriate for federal matters.

The Government of Canada notified the provinces of this bill before its tabling, and to date we have received no representations from any province concerning this bill.

**The Chair:** Thank you.

Are there any other comments?

I'll now pass to the vote on

[Translation]

the BQ-2 amendment. If you have any comments to make, you'll have the right to speak at the end, Ms. Lalonde.

**Ms. Francine Lalonde:** Thank you. I will wait and see if there are any other comments.

[English]

**The Chair:** Are there any other comments?

[Translation]

There are no further comments. We are therefore ready to put the question on the BQ-2 amendment.

**Ms. Francine Lalonde:** I just want to get back to the last comment made by Mr. McTeague.

**The Chair:** Go ahead, Ms. Lalonde.

**Ms. Francine Lalonde:** Depending on the provincial government in power, some may be more or less interested in reacting to this.

**The Chair:** Thank you.

**Hon. Dan McTeague:** It really depends on the provincial government. Each government represents the province as a whole, but there are two things to bear in mind here. First, there's the federal government's responsibility in outer space. Second, and this has been the case for a long time, the provinces have made no representations before us to this effect. For these two reasons, we will not support your amendment.

•(1035)

[English]

**The Chair:** All in favour of amendment BQ-2?

(Amendment negated)

[Translation]

**The Chair:** We will now move on to amendment BQ-3.

Ms. Lalonde, go ahead.

**Ms. Francine Lalonde:** I move that Bill C-25, in clause 4, be amended by replacing line 29 on page 3 with the following:

a) the exemption is neither injurious to privacy, to

[English]

**The Chair:** Are there any comments?

Mr. McTeague, then Madame McDonough.

[Translation]

**Ms. Francine Lalonde:** I think it's straightforward, and it is important for it to be there, all the more so if you look back at the debate we had earlier on; the issue of privacy rights was something that we wanted to focus on. So I feel the minister should be aware of this.

**The Chair:** Thank you.

Mr. McTeague.

[English]

**Hon. Dan McTeague:** The proposed amendment would do very little to enhance the issue of privacy rights. There is already a panoply of legislation and circumstances in place—the Charter of Rights and Freedoms, of course, and the Privacy Act. There is another act, the Personal Information Protection and Electronic Documents Act. They'd continue to apply even were an exemption to be granted here.

The government met with the Office of the Privacy Commissioner prior to the tabling of this act. There were no recommendations for the provisions dealing with privacy rights. I should also point out that the privacy rights and other acts in the charter apply equally to aircraft and to other terrestrial sensors.

Specifying new requirements in this bill specific to satellites would do nothing to address these more intrusive technologies, so I'd recommend that we not proceed with this.

**The Chair:** Ms. McDonough.

**Ms. Alexa McDonough:** I support the sense of what Madame Lalonde is proposing, and notwithstanding what the parliamentary secretary has said, I think it behooves us to recognize that there are privacy issues. Perhaps the legal terminology for what I'm suggesting has to do with the notion of "for greater certainty" or "for greater public reassurance".

I'd like to suggest, in terms of a friendly amendment—because I absolutely support what Madame Lalonde is proposing—that the insertion of "privacy" might be better placed in paragraph 4(3)(b), in other words, that "adequate provision will be made for the protection of the environment, public health, privacy and the safety of persons and property". It seems to me the privacy issue is of the same ilk and the same order as the other protections that are being referred to here—the environment, public health, and the safety of persons.

So it would read, "the minister is satisfied that", and then it would go to paragraph 4(3)(b), "adequate provision will be made for the protection of the environment, public health, privacy and safety of persons and property".

**The Chair:** Ms. McDonough, I don't want to stop you, but it seems you're talking about your next amendment, NDP-4. Right now we're on amendment BQ-3.

I just want to be sure we deal with BQ-3. We'll go to this after, because it's not the same. There's a little bit of difference between them.

It's okay. I just want to be sure.

**Ms. Alexa McDonough:** It wasn't my intention to go to my amendment so much as respond to the discussion between the parliamentary secretary and Madame Lalonde. But if that's your ruling—

**The Chair:** No, no, it's okay. It's just to be sure that we're not dealing with your amendment.

Madame Lalonde.

[*Translation*]

**Ms. Francine Lalonde:** Thank you, Mr. Chairman. Of course, the wording is the same, but it seems to me that what is covered under this bill, is different.

Mr. McTeague is saying that there are a number of laws in place to protect privacy rights. There is indeed legislation on defence, national security, ethics, etc. Under section 4(3) of the bill "The minister may...exempt any person or remote sensing space system... from the application of any provisions of this Act or the regulations..."

And further on: "It may be made only if the minister is satisfied that..." Only if the minister is satisfied that "...the exemption is neither injurious to national security...", I agree, but we should also include "the exemption is neither injurious to privacy..."

What we're dealing with here is an exemption of any person or system from the application of any provision under the act. In my opinion, this is a major breach. If the minister's intention is to focus on privacy rights, he should be willing to add this.

• (1040)

[*English*]

**The Chair:** Mr. Sorenson.

**Mr. Kevin Sorenson:** I just think it's awfully difficult to put the onus on the minister here that he's satisfied that all privacy concerns are....

I would agree with Ms. McDonough that maybe some type of privacy should be mentioned down in paragraph 4(3)(b), where it talks about adequate provision of safety for persons. But to include this on the same level as national security and the defence of Canada may indeed handcuff a minister if he's forced all of a sudden to consider privacy as equal to national defence.

I would oppose this motion on that basis.

**The Chair:** Ms. McDonough, do you have a comment?

**Ms. Alexa McDonough:** Further to our discussion, I think it's always useful if we listen to each other. I have to say that Madame Lalonde has persuaded me, absolutely. There is a good reason for it to be in paragraph 4(3)(a) as well, because it relates to items that might be injurious. So I'm going to try to make the case for both.

I would really ask the parliamentary secretary and the Liberal members opposite to understand that the same arguments they are using—or at least that the parliamentary secretary seems to be using—against the inclusion of privacy would really make it questionable why these other provisions with respect to exemptions and provisions generally are there at all.

[*Translation*]

**The Chair:** All right. Thank you.

[*English*]

**Hon. Dan McTeague:** Mr. Chairman, I'm backed up by the Privacy Commissioner. I think it's very clear that the Privacy Commissioner found no difficulty with this.

But in terms of what you're trying to achieve, I think it may have the unintended effect of doing the opposite. We know that the charter applies equally to aircraft and to any other terrestrial sensors, and if we go as far as specifying new requirements in this bill specific to satellites, it would do nothing to address the more intrusive technology.

I understand where you're coming from, but I think there is already an arsenal of defences there that would provide us with adequate protections.

Don't take my word for it, but ask the Privacy Commissioner. The office has already vetted this bill and did not arrive at the same conclusions of either... But we can also ask our witnesses.

Mr. Baines, you may want to opine on this.

**The Chair:** Fine. Thank you.

Are there any other comments?

I'm going to call the question concerning amendment BQ-3.

(Amendment negatived)

**The Chair:** Now we'll go to the NDP amendment on page 8.

**Ms. Alexa McDonough:** Thank you, Mr. Chairman. I wasn't trying to sneak this in earlier; I thought the two were related.

But perhaps I could come back and say, without repeating my argument ad nauseam, it seems to me that it's for greater certainty; it's for public comfort. It's an acknowledgment that, yes, we have the apparatus, the Privacy Commissioner, to concern herself or himself with privacy; but as Madame Lalonde has argued, we also have environmental and public health officials, and so on, dealing with their domains as well. I don't think it's intended that the Privacy Commissioner be the only person in whom concern for privacy is to reside.

As legislators, I think we're saying that for purposes of this bill it should be a specification on which the minister must be satisfied.

• (1045)

**The Chair:** Thank you, Madame McDonough.

Are there any other comments concerning Ms. McDonough's amendment NDP-4?

Mr. McTeague.

**Hon. Dan McTeague:** We've voted down amendment BQ-3, and it's consistent. So I'm going to stay consistent, and for all the reasons I've given against Madame Lalonde's proposal, I will be voting against this.

**The Chair:** Thank you.

Are there any other comments?

(Amendment negatived [See *Minutes of Proceedings*])

**The Chair:** Now we will go to the Bloc Québécois, amendment BQ-4.

Yes, Madame McDonough.

**Ms. Alexa McDonough:** If I could—and I'm not sure procedurally if this is the right place to raise it—you made a ruling earlier on the inadmissibility of amendment NDP-3 but suggested that if it were brought in at a different place...

Although there hasn't been a lot of time to consider it, it seems as though this might be the appropriate place to suggest its reinsertion. So is this when I should raise it, or should I bring it in at the end and we'd come back to clause 4?

It would be my proposal that we add that third amendment, which I could read again, if we need to, for the record, as a further addition to subclause 4(3)—in other words, that after line 37, in clause 4, those three paragraphs be added.

**The Chair:** I told you that if the amendment were moved somewhere else it would be admissible, as you have just pointed out. We will now go to amendment BQ-4, and during that time I will ask

our legislative clerk to look at this, and then we will come back to it later, just to be sure that you get the privilege to pass this amendment if you want to do so. Okay?

We'll do the Bloc Québécois amendment, but we will not say yes or no. I just want to get clarification from my legislative clerk, please.

[*Translation*]

Ms. Lalonde, you may table amendment BQ-4, if you please.

**Ms. Francine Lalonde:** Thank you.

I move that Bill C-25, in clause 4, be amended by adding after line 37 on page 3 the following:

(c) the interests of the provinces are protected.

**The Chair:** Please repeat your explanation.

**Ms. Francine Lalonde:** I repeat that the activities of remote sensing systems involve areas of provincial jurisdiction, in agriculture as well as in forestry, etc.

[*English*]

**The Chair:** Merci.

Mr. McTeague.

**Hon. Dan McTeague:** Chair, I think the question is really that the term “the interests of the provinces” is rather vague and begs the question as to who determines the interests of the provinces. I think this opens up quite a substantial red herring.

It's likely that when the minister weighs whether to grant an exemption, the minister's consideration of national security, defence of Canada, or protection of our armed forces, Canada's conduct of international relations, and Canada's international obligations would have also addressed the interests of the provinces.

I perhaps would conclude by simply saying that I can't accept this. But I would ask the member,

[*Translation*]

Could Ms. Lalonde give us some examples of where the exemption will infringe on provincial interests.

**The Chair:** Mr. Paquette.

**Mr. Pierre Paquette (Joliette, BQ):** There are many instances of this in paragraph 4(3)(b). Public health is an area of provincial jurisdiction. The environment is an area of shared jurisdiction. The same applies to the security of persons and goods. The things mentioned under paragraph 4(3)(b), are matters of provincial interest.

**Hon. Dan McTeague:** It is already there.

**Mr. Pierre Paquette:** It is not exhaustive.

**Hon. Dan McTeague:** But it is there. It is agreed that the government would have...

**Mr. Pierre Paquette:** Natural resources, for instance, come under provincial jurisdiction.

**Hon. Dan McTeague:** But it has been like that for years...

**Mr. Pierre Paquette:** We know that this issue was a source of very serious frictions.



**Hon. Dan McTeague:** There are sectors where jurisdictions are clearly defined, and the government could not use a definition as vague as “provincial interests”. I might say that it could be in the interest of provinces not to speak about other provinces or perhaps not to do anything at all. This is too vague, too ill-defined and leaves too much room for interpretation.

•(1050)

**The Chair:** Very well.

[*English*]

Are there any other comments?

Mr. Menzies, please.

**Mr. Ted Menzies (Macleod, CPC):** As a point of clarification, who would the minister consult on a provincial basis before he made these decisions?

[*Translation*]

**Ms. Francine Lalonde:** It would be the person appointed by the province to intervene on this issue. It is mentioned at the end. Provinces have used the services of RADARSAT-1 and RADARSAT-2. As this is owned by a company, the government, with this bill, is defining its interests. However, let us not forget that the provinces contributed a fair share of the \$430 million invested by Canada. This is why provincial interests must also be protected.

**The Chair:** Thank you.

[*English*]

Are there any other comments? If not, I'm going to call the question on amendment BQ-4.

(Amendment agreed to)

**The Chair:** I want to point out, just to let you know, that the chair can vote only if there is a tie.

Now we'll go to amendment BQ-5.

Madame Lalonde.

[*Translation*]

**Ms. Francine Lalonde:** No, Mr. Paquette is tabling this amendment.

**The Chair:** Mr. Paquette.

**Mr. Pierre Paquette:** I move that Bill C-25, in clause 4, be amended by adding after line 37 on page 3, the following:

(4) Every power granted by this Act shall be exercised in accordance with the guidelines of the policy on the control of military exports of the Department of Foreign Affairs and International Trade.

As you know, there are restrictions on military merchandise. I am not saying that remote sensing images are always military merchandise, but they do have national security applications; this has been repeated over and over. Thus, we must exercise very strict control when dealing with clients such as countries involved in hazardous conflicts, countries under United Nations sanctions or countries where there are serious human rights violations. These are already the guiding principles for decisions regarding the export of military merchandise. Thus, this is nothing new, we are just broadening the policy's application.

As we know, this legislation is aimed at the future. But we do not know to what extent remote sensing will be used for military purposes in the future. So we would do well to protect ourselves now with references to what has already been set out in Canada's export policy.

**The Chair:** Thank you.

[*English*]

Mr. McTeague.

**Hon. Dan McTeague:** Chair, the amendment adds nothing, because it only says that the minister must follow his or her own guidelines.

The proposal, ironically, would make an act of Parliament, in effect, subordinate to government policy, which could be altered at a departmental or even a lower level in the case of guidelines. I'm sure that's not what Mr. Paquette wanted to propose here. This act is being established to do for satellite data and imagery more or less what the Export and Import Permits Act does—that is, for military and dual-use technology, goods, and services.

I will be voting against this.

**The Chair:** Thank you.

Are there any other comments? If not, I will call the question on amendment BQ-5.

Four are in favour, and four are against. I vote against. It's defeated five to four.

(Amendment negated)

**The Chair:** I'm going to allow Ms. McDonough to present her amendment now.

I want to finish clause 4, but before we leave, because I have quorum, I also want members to accept the travel budget of the Subcommittee on International Trade. It's very simple.

Ms. McDonough.

**Ms. Alexa McDonough:** Thank you, Mr. Chair.

As already suggested—and I don't want to take the committee all the way through it—in accordance with your ruling about this being inadmissible where I had proposed it earlier, I am proposing instead that it go in clause 4, as subclause 4(4). Therefore, what I'm proposing is that clause 4 be amended by adding after line 37, on page 3, the following...

Do you want me to read it in full, Mr. Chairman?

•(1055)

**The Chair:** Yes.

**Ms. Alexa McDonough:** It reads:

(4) Where this Act provides that the Minister consider Canada's conduct of international relations and Canada's international obligations before exercising his or her authority, and where the two are inconsistent,

(a) the Minister shall not exercise the authority except in accordance with an order in council; and

(b) the Governor in Council may, by order, authorize the Minister to exercise his or her authority and set out such terms and conditions as the Governor in Council considers appropriate.

The arguments I made where I was proposing it be placed earlier obviously still apply: that it's a serious thing to think of situations where there could in fact be some kind of tension or even fundamental difference between our international relations and international obligations, and that where there is the potential to disagree with our neighbours on certain foreign policy directions, this be a matter to be taken seriously by the whole of cabinet before the minister is in fact authorized to act.

**The Chair:** Okay. Now, if this were applied—it's in clause 4—it would be amended by adding what Ms. McDonough just mentioned after line 37 on page 3.

Mr. McTeague.

**Hon. Dan McTeague:** Chair, the Minister of Foreign Affairs is always required to act in a very timely manner for certain provisions of the act, namely shutter control and priority access. The provision here for an order in council would be obviously quite lengthy, perhaps too cumbersome. The Minister of Foreign Affairs is also responsible for both conduct of international relations and meeting Canada's international obligations, and thus would be responsible for determining if there is a conflict. That remains the reserve of the Minister of Foreign Affairs.

It's the nature of the same minister's job to set Canada's path in apparent contradictions of foreign policy inclusive of international relations and Canada's international obligations. Thus, referral to the Governor in Council would likely rely in any event upon the minister's expertise.

So I will vote against this amendment.

**The Chair:** Thank you.

Are there any other comments?

Ms. McDonough.

**Ms. Alexa McDonough:** In response, if there are no other comments, it seems to me that in the instance where contradictions or conflicts could arise between the two, it would be all the more important to recognize that it might be a contradiction that arises between the departments of foreign affairs and international cooperation, or between the foreign affairs and defence departments. Therefore, there's all the more reason to have the collegial and collaborative input of cabinet. I don't hear any persuasive arguments for why there is some instantaneous need for judgment. When you're dealing with something this serious, it seems to me it's warranted—in fact, it's absolutely desirable—that there be careful consideration before we blunder ahead in dealing with such a contradiction or conflict.

**The Chair:** Thank you.

I want to call the question on the NDP amendment.

(Amendment negated)

**The Chair:** Ms. McDonough.

**Ms. Alexa McDonough:** I may have been mistaken, but I thought there were five in favour of the amendment here, were there not?

**The Chair:** No. They voted against it. Madame, I'm sorry.

(Clause 4 as amended agreed to)

**The Chair:** We're going to stop Bill C-25 for now. We're going to resume Bill C-25 on Thursday morning from 9 to 11 o'clock.

But before you leave, could we just pass by a budget for the Subcommittee on International Trade? Mr. Menzies will talk about this. He is a member of the committee.

Mr. Menzies.

**Mr. Ted Menzies:** This is the budget?

**The Chair:** Yes.

**Mr. Ted Menzies:** This was put before our committee for proposed travel on emerging market strategy. We've had many long discussions on whether or not we should actually be travelling, considering that this is a minority government. I'm not sure if this is the place for me to voice my opinion, but this is a substantial expenditure.

Frankly, I have concerns, as do some of our other Conservative members, about our absence from this House for this many days, considering it's a minority government. Initially I spoke against this because I felt it was better use of our time to be here rather than travel to the witnesses. I would rather see the witnesses come to us. We can continue to carry on the other business that we as legislators need to be involved in.

So I'm tabling this request.

● (1100)

**The Chair:** I will ask Mr. Cannis to speak, please.

Mr. Cannis, you're the chair of the committee.

**Mr. John Cannis (Scarborough Centre, Lib.):** Thank you, Mr. Chairman.

Just to add my voice to this request, given the circumstances that are unfolding, especially most recently with the ruling from Montana, I believe it was, I know one of the areas that has driven our economy and our country over the past several years is the ability to seek out new horizons, new opportunities in terms of trade. We see some of the disputes that are before us as well.

I appreciate what colleagues have said in the past in terms of time, in terms of cost factors and what have you, but there's always a cost factor. You have to invest a dollar to make a dollar.

We've looked at this budget quite extensively with the subcommittee, and there have been some creative ways to minimize the expenditure. In terms of time, I find it most valuable—and I'll use the Windsor crossing, if I may, as an example—when we hear of the difficulties that the infrastructure is going through there. We hear it here in Ottawa. Well, Canada doesn't revolve around Ottawa alone. I've said before, and I'll say it again for the record, that unless we actually find ourselves sometimes on the premises to talk to the people locally there and hear their concerns and see for ourselves, we won't be in the strong position that I believe we could be to put a report together and recommendations for the minister. So I ask that the committee seriously consider giving the subcommittee the opportunity and the means and ways to go and visit different parts of the country, to come back with a decent report.

Thank you.

**The Chair:** Thank you.

Mr. Bevilacqua.

**Mr. Maurizio Bevilacqua (Vaughan, Lib.):** In support of Mr. Cannis, I'd also like to draw to your attention—and I really appreciate the fact—that members of Parliament will be using their own travel points to reduce the costs.

As for those who believe all 308 members of Parliament should stay in Ottawa just because of a minority situation, I think we have to rethink that. The national and international stages within which we operate need to see our faces as well. We need to go out there and seek input from people. I think this notion that everybody should stay in Ottawa is inaccurate.

I'd like to support this.

**The Chair:** Thank you.

Madame McDonough.

**Ms. Alexa McDonough:** I would speak in support of this as well. If I'm not mistaken, it was my colleague Peter Julian who proposed it. I completely agree with Mr. Bevilacqua that our responsibility as members of a minority government is to make Parliament work, to make committees work, and parliamentary committees can't work if they go nowhere anytime.

So I speak in support.

**The Chair:** Fine. I'll call the question concerning this.

Monsieur Paquette.

[*Translation*]

**Mr. Pierre Paquette:** Let me emphasize that we do agree in principle. However, I have not had the opportunity of raising this issue with Bloc Québécois officials. Consequently, problems may well arise in the Liaison Committee. I am just mentioning this because we do not want any surprises.

**The Chair:** I will deal with the Liaison Committee, on which I sit.

Thank you very much.

[*English*]

(Motion agreed to)

**The Chair:** Thank you very much.

Madame McDonough.

**Ms. Alexa McDonough:** I'm giving notice of motion—

**The Chair:** We're going to discuss it next week.

**Ms. Alexa McDonough:** In both cases, next week is too late, because the notice of motion with respect to supplementary estimates—

**The Chair:** If we go quickly next Thursday on Bill C-25—that's all we'll have on Thursday morning from 9 o'clock to 11 o'clock—we can discuss it after that, but first we need to finish Bill C-25.

**Ms. Alexa McDonough:** Secondly, Mr. Chairman, my notice of motion about the invitation to representatives of the working group on Canada's policy with regard to agriculture and biotechnology in developing countries is only workable if there is the possibility of our meeting with these folks on Thursday. They are only here and available on Thursday. Is it not possible?

● (1105)

**The Chair:** But, Ms. McDonough, we cannot expect them to show up on Thursday. We have Bill C-25, which we need to finish on Thursday first. But we're going to discuss it...

**Ms. Alexa McDonough:** Are committee members at all willing to consider the possibility that we hold a separate meeting, which we often do, over lunch or breakfast?

**The Chair:** I cannot give you any answer about that.

I need to finish, because another committee is to meet here at 11 o'clock.

Madame Lalonde.

[*Translation*]

**Ms. Francine Lalonde:** Mr. Chairman, I would just like to know whether you have thought of inviting Ambassador Cellucci to meet with us before he leaves.

**The Chair:** Ms. Lalonde, since you will be meeting him at a luncheon, you should ask him whether he wants to meet with us after leaving his position as ambassador.

Many thanks to the witnesses.

[*English*]

Thank you very much to the witnesses. I understand you're going to be back on Thursday.

The meeting is adjourned.





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