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**Tuesday, February 1, 2005**

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**Chair**

**Mr. Paul Zed**

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Tuesday, February 1, 2005

•(1535)

[English]

**The Chair (Mr. Paul Zed (Saint John, Lib.)):** Order, please. Good afternoon, ladies and gentlemen, and welcome to the subcommittee.

We are pleased today to receive the Honourable Anne McLellan, the Minister of Public Safety and the Deputy Prime Minister.

On behalf of my colleagues, Minister, I'm very pleased to welcome you.

As everyone knows, Bill C-26, An Act to establish the Canada Border Services Agency, was introduced in the House of Commons in November 2004. The bill implements the Government of Canada's decision of December 12, 2003, to create the Border Services Agency.

I believe, ladies and gentlemen, you know that it establishes the border agency as a corporate body and defines its mandate, power, and authorities. It establishes the CBSA as a legal entity. Bill C-26 changes the machinery of government by vesting in the CBSA some of the powers and authorities. We understand there will be three legacy organizations.

Minister, *bienvenue*. We offer you the opportunity to make some opening comments.

**Hon. Anne McLellan (Minister of Public Safety and Emergency Preparedness):** *Merci beaucoup, monsieur le président.*

First of all, let me thank you all for taking up the challenge of this subcommittee of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness. Obviously the work you will do with me and others in the months ahead is very important to the collective safety, security, and general preparedness of our country. So I thank you all for taking up this challenge.

Before I go any further, let me introduce some of the people with me here today: Monsieur Alain Jolicoeur, *le président de l'agence*; Monsieur Denis Lefebvre, *le premier vice-président de l'agence*; Bill Pentney, assistant deputy attorney general at the Department of Public Security and Emergency Preparedness; and Daniel Jean, the ADM from Immigration Canada.

[Translation]

I am pleased to appear before you to assist you in your review of Bill C-26, legislation introduced by our government to establish the Canada Border Services Agency.

There is no role more important for the government than to protect its citizens. A vital and flourishing economy is also in the national interest, with trade flowing safely across a safe and secure border. These great issues underlie the decision to unite the administration of Canada's border services under one agency.

[English]

The bill under review is the next step, as you heard from the chair, in our government's integrated approach to national security, major elements of which were announced on December 12, 2003, by the Prime Minister. We now have a national security adviser to the Prime Minister and a new cabinet committee devoted to security, public health, and emergencies. The Integrated Threat Assessment Centre, the Public Health Agency, and the health emergency response teams now enable the government to anticipate and manage complex threats more effectively.

We also created the public safety and emergency preparedness portfolio to bring together key national agencies dedicated to public safety, including the CBSA, the Correctional Service of Canada, the RCMP, CSIS, the Canada Firearms Centre, and the National Parole Board. Our job is to protect Canadians and to constantly evaluate information from domestic and international sources to assess the whole range of risks that Canada faces.

The CBSA is a vital component of these efforts. The legislation in front of you will formally establish the agency, enshrining in law its mandate, powers, and authorities. This is mainly a machinery bill that vests in the CBSA the same powers and authorities that existed in portions of its three legacy organizations. The bill also includes consequential amendments to various statutes to reflect changes that are generally of an administrative nature.

Though the events of September 11, 2001, served as a catalyst in relation to our understanding of the need for a safe and secure border, our response has addressed a range of challenges that in fact had emerged earlier and will continue to evolve in the future. Terrorist threats, illegal migration, organized crime, and the introduction of previously unknown diseases, such as SARS and the avian flu, all pose serious threats to our way of life. The CBSA's challenge is to protect Canadians while at the same time facilitating the flow of lawful people and trade, and it brings together the components necessary to meet this important goal.

On December 12, the Prime Minister integrated personnel and functions from portions of three larger organizations—the CCRA, CIC, and CFIA—into one agency. This transfer brings the total number of CBSA employees to more than 11,000, including customs officers; immigration officers responsible for ports of entry, detention, removals, investigations, intelligence, and immigration control overseas; officials inspecting animal, plant, and food imports; and marine inspection officials.

We now have, working together under one roof, a wealth of experience, skill, and innovation in border management. For the first time, our border service professionals are working within the same agency to improve and accelerate protection initiatives already in place and to develop strategic approaches to border management to keep pace with new and emerging threats.

I would like to give you some examples of how important this agency is to our nation's security and prosperity. Let me first turn to the United States and our relationship with Canada's main partner in the defence of North America. Sharing an 8,000-kilometre border with our neighbour means facilitating over 90 million travellers and 11 million cross-border shipments each year. This is the world's largest trading relationship, and managing this huge cross-border flow is important to the economic security of our country. The Canada-U.S. smart border declaration has resulted in stronger cooperation between Canada and the United States, and highlights a new approach to border management that is an example to the world.

Canadian industry now participates in programs to streamline the border clearance process for pre-approved low-risk travellers and goods. FAST is a harmonized commercial process offered to pre-approved importers, carriers, and registered drivers to facilitate clearance into either Canada or the United States with greater speed and certainty.

Frequent cross-border travellers can take advantage of NEXOS, a binational program that simplifies border transit and reduces wait times.

Furthermore, the integrated border enforcement teams, or IBETs, led by the RCMP, unite law enforcement, border, and intelligence personnel from Canada and the United States, and are strategically placed to detect, deter, and apprehend individuals involved in cross-border crime. The model is built on the premise of partnership and on sharing information more effectively to stay one step ahead of criminals and terrorists.

● (1540)

These are but a few examples of our progress to advance our two nations' shared goals of public safety and economic security. We are also making joint progress in the areas of marine and air security, bio-security, and critical infrastructure protection. I intend to build on these accomplishments.

In December I met in Detroit with Tom Ridge to announce a land pre-clearance pilot at the Peace Bridge in Fort Erie, the final implementation of the safe third country regulations, our decision to expand U.S. pre-clearance facilities to the Halifax International Airport, and the expansion of the FAST program. We also announced that 30 additional CBSA officers would be engaged to staff the border at the Windsor-Detroit gateway and committed to

reduce transit times across this vital trade link by 25%. We are moving forward to develop a next-generation smart border agenda, as was committed to recently by Prime Minister Martin and President Bush.

These accomplishments reflect a multiple borders strategy, the interdiction of high-risk travellers and cargo before they arrive in Canada. To that end, we work closely with our partners and deploy migration integrity officers overseas. MIOs work with airlines and local authorities, share intelligence, detect document fraud, and interrupt the flow of illegal migrants, criminals, and persons with terrorist links before they board a plane for Canada.

The work of these officers resulted in an interdiction rate of over 70% in the last two years. This means that of all attempted illegal entries by air, 70%, or more than 12,000 individuals, were stopped before they reached Canada. Once there is interdiction at the GTA or wherever, we then of course involve ourselves in a multiplicity of processes that are timely and costly. Therefore, clearly, if we can, for those who have no right to come to this country we want to do the interdiction offshore.

In fact, I think it's fair to say, Alain, that ours is one of the most successful offshore interdiction programs in the world in terms of the rate of people interdicted offshore as opposed to at an airport, be it Toronto, Vancouver, or wherever.

An advanced commercial information initiative now requires ocean carriers to submit cargo data, electronically, 24 hours before the container is loaded in foreign ports. Air and rail aspects of ACI will follow this year. These multiple levels of screening prior to departure—this is the key—during transit and upon arrival reflect our investments in better technology tools and training.

In addition to these measures to push the borders out, offshore, from both our country and the United States, we are strengthening the borders at home. For example, in January 2004 we established the National Risk Assessment Centre. Through the analysis and sharing of information, the NRAC increases Canada's ability to detect and interdict the movement of high-risk travellers and goods into the country by using sophisticated intelligence-gathering techniques and technology.

The NRAC ensures the timely distribution of this information to field officers, who are ready to act quickly and decisively to apprehend and stop the entry of terrorists, high-risk people, illegal contraband, drugs, and weapons into Canada.

Other new technologies include VACIS, the vehicle and cargo inspection system.

In our new agency, gentlemen—I guess you're all gentlemen on this committee—you will discover that we have many acronyms. We may send you a little dictionary of acronyms so that it's easier for everyone.

VACIS obviously complements our long-standing methods, such as our 69 detector dog teams, to secure the efficient flow of marine and rail containers, cars, trucks, and air passengers.

Let me say that I'm very proud of a detector dog whose name is Mickey. Yesterday in British Columbia, Mickey detected, wrapped in fish, \$1.4 million worth of cocaine coming from the United States into Canada. I guess the person who is now in detention thought that by wrapping his cocaine in fish skins, Mickey would be put off. I have come to understand that these dogs are not easily put off from the task at hand.

• (1545)

That is only one example of what these detector dog teams, the dogs and their owners, do every day at seaports, land border crossings, and airports. Therefore, we use whatever tools make sense in terms of making sure we are interdicting both people and goods.

I would like to publicly congratulate Mickey and his trainer for the outstanding job they did in Vancouver yesterday.

In blending the expertise, tools, and technology from three legacy organizations, we have sharpened our focus, created synergy, and modernized our approach to border management.

Mr. Chair, overall, reaction of stakeholders to the creation of the CBSA has been positive. The alignment of border management activities within one organization is generally viewed as strengthening our national security. Canada has a long tradition of welcoming legitimate refugees and immigrants, and that must continue. Nonetheless, part of the CBSA's mandate is to prevent people who should not be in Canada from reaching our borders. We also work to detect those who are in Canada but who are in contravention of the Immigration and Refugee Protection Act to ensure they are removed in a timely manner.

Administration of the IRPA is now the shared responsibility of CIC and the CBSA, with CIC focusing on selection, settlement, and integration, and the CBSA becoming the operational arm of immigration policies and procedures developed by CIC. I would point out, however, that in staffing the primary inspection line, our customs officers have always played an important role in welcoming all persons to our country and are well trained to perform those functions.

Mr. Chair, I know an issue has arisen relating to the peace officer status of officers and whether that status applies to immigration officials. I believe, in fact, you will hear from some of these officials. I am open to the examination of this question, and I have asked the CBSA to present me with an analysis of the options.

Mr. Chair, I would now like to take a minute to speak about privacy issues, because I know these are of concern to committee members. They were when I was here with the PSEP legislation. Obviously the protection of sensitive personal information is a key obligation and priority of all aspects of my department and portfolio, and nowhere more so than with the CBSA, which takes its responsibilities for managing personal information very seriously.

The Privacy Commissioner and her office have been consulted by senior officials with the agency and have been reassured that data collection and sharing would be subject to the terms and conditions

of applicable legislation. Information is shared with the goal of maintaining and protecting the health and safety of Canadians. This is achieved by sharing information that will aid in the administration and enforcement of citizenship, immigration, customs, and food inspection laws. However, the CBSA shares personal information and information related to goods with the specific and sole aim of the protection and safety of Canadians, in accordance with the law.

• (1550)

Let me say in conclusion how important an obligation it is for the Government of Canada to protect our citizens, economy, and society. To do this we must be able to anticipate and be better prepared to address any and all hazards arriving on our doorstep. The CBSA brings together the expertise needed to do just that. We need to work cooperatively across disciplines, across jurisdictions, and across borders to achieve our objectives. The creation of the Canada Border Services Agency will enhance the safety and security of Canadians while facilitating the cross-border flow of lawful goods.

I look forward, Mr. Chair, committee members, to your questions and comments.

Thank you very much, *merci beaucoup*, for your attention this afternoon.

**The Chair:** Thank you, Madam Minister.

I also wanted to add my welcome to your officials, and I want to remind colleagues that if they have any questions for the minister or to any of the officials they should direct them through the chair.

We have an opening round, and I will ask my colleague Peter MacKay to begin, please.

Thank you.

**Mr. Peter MacKay (Central Nova, CPC):** Thank you, Mr. Chair, Madam Minister, and officials. We're pleased to have you back. I guess it's the first opportunity to wish you a happy new year.

I was interested to hear your citation of Mickey the dog. I might suggest that you loan Mickey to the Auditor General. She might be able to use Mickey to sort through some of the fishy stuff she's been finding.

**Hon. Anne McLellan:** Thank you for that suggestion, Mr. MacKay.

**Mr. Peter MacKay:** I also wouldn't mind telling you that I visited the Peace Arch crossing in South Surrey, British Columbia, quite recently.

**Hon. Anne McLellan:** When you were at your caucus meeting?

**Mr. Peter MacKay:** Yes, and I was well received by officials there. We also visited with the American side of that crossing.

**Hon. Anne McLellan:** Yes.

**Mr. Peter MacKay:** To be quite frank with you, there was quite a stark contrast with the computer equipment that was made available to them and the approach they took. The personnel was almost double on the American side. I was also very interested to see that their representatives have the ability to arrest. That is not the case on the Canadian side. They are, of course, equipped with side arms, batons, pepper spray, and I think in some cases they wear vests, given the nature of individuals they might encounter and the type of contraband that is sometimes flowing across that border, a high-traffic area, and even in lower-traffic areas.

I have questions, Minister, with respect to the Canadian practice of, in some cases, having a single guard at a posting, as at Roosevelt in British Columbia, where, tragically, one of the border guards died; the guard was in distress due to natural causes, yet was there alone. There are other examples. In fact, there's a recent report of a crossing where the guard was asleep after having worked a 24-hour shift. These revelations are of great concern. We also saw reports just after Christmas of the crossing where a bus was speeding along the shoulder of a truck lane. This was at the Lacolle crossing in Quebec. There were reports that efforts were made to contact the RCMP or the Sûreté du Québec, and no response came. You, to your credit, said you were going to look into that. I'd like to give you the opportunity to tell us your findings.

As an overall comment, these programs that have been announced and re-announced, press releases and promotions put forward, with infomercials about the effectiveness of Smart, and NEXUS, and FAST, and now VACIS, are quite vacuous in respect of their practical application. They may be talked about, but the resources backing them up seem to be sorely lacking. The personnel needed to operate in an efficient way in these programs are sorely lacking. That's what I'm hearing in talking to individuals who are actually being given the important job of enforcement at the border. They have also expressed a concern over individuals they encounter with contraband and the expectation that they can do nothing more than question them and hope they can hold them there through powers of persuasion until the RCMP arrive. If we are going to be asking individuals, just as we do with our armed forces, just as we do with police, to do an important and often dangerous job, it's also incumbent upon the Government of Canada to give them the tools to actually enforce it.

These are real concerns, just as are the concerns I know you've heard expressed by prison officials, where they don't have sufficient protection for their own well-being, let alone the ability to protect Canadian citizens.

I'd like to give you the opportunity to respond to those comments and questions, Minister.

• (1555)

**Hon. Anne McLellan:** I will, indeed. Mr. Jolicoeur will refer to a specific situation involving the death of one officer.

First, I want to clarify the record. Our agents at the border have the power to arrest. They arrest all the time. They do not carry side arms. That's a long-standing policy and it has been much debated, but the policy decision of this government is that they do not carry side arms. However, I was down at the Windsor-Detroit border, and all our customs agents there are equipped with vests, pepper spray,

batons, everything short of a side arm. It is a very clear policy decision of this government—a long-standing policy decision of previous governments—that those agents will not be armed at the border. But in relation to anything else, they have exactly the same kind of equipment as their American counterparts.

Clearly, with an agency like the CBSA, bringing together parts of three other agencies, there are growing pains in the first year. We have come a very long way in integrating these three parts of what is now the CBSA. We have identified costs that were not identified at the outset, because nobody could have identified them. In fact, we worked with the Americans, and Mr. Ridge and I put more demands on the CBSA, just as he puts more demands on his people. We are making requests for additional resources to meet those demands. For example, we're going to put 30 more people on the Windsor-Detroit border, and that is a direct result of the meeting between Secretary Ridge and me. That is a significant resource implication.

**Mr. Peter MacKay:** Was the decision to put thirty more guards at the Windsor border a request from the Americans?

**Hon. Anne McLellan:** No, that was a decision made by us in consultation with local authorities, the private sector, and the Province of Ontario, and after an assessment of what was happening at the border and what was needed at the border. What we then did was obviously indicate to our American counterparts that we would be increasing our border presence, but there was no request from the United States and DHS to put more people on the border. In fact, they increased the number of people they had on their side of the border, and that has been a gradual thing as well. In fact, they just added four new booths, and that was requested on their side by the private sector. They added those four booths and Tom Ridge had to get the resources to do that. Those four booths have made a difference, just as our thirty new officers on our side will make a difference.

• (1600)

**Mr. Peter MacKay:** Is there an across-the-board intention? You've just referenced the fact that you'll be seeking more resources. I suspect that you'll have an opportunity to do that in the upcoming budget. Are you prepared to announce today that you're committing to putting more border guards in place and that you will do away with this practice of having a single border guard in place?

**Hon. Anne McLellan:** What I'm saying—and it's not a new announcement—is that we put thirty new people on at Windsor-Detroit. I'm not announcing more.

**Mr. Peter MacKay:** That's one crossing. I'm asking if you're committing to more across the board.

**Hon. Anne McLellan:** No, I'm not announcing more resources today. In fact, we do an assessment—

**Mr. Peter MacKay:** Will you be asking for more resources?

**Hon. Anne McLellan:** We do an assessment, on a regular basis, as to what we need at the border crossings.

If we could just respond to the one specific case where I believe the Canada Labour—

**The Chair:** Keep it short, because we're actually over time.

Mr. Jolicoeur, *s'il vous plaît*.

**Hon. Anne McLellan:** Speak directly to the situation where the border agent was by himself and died of natural causes.

**Mr. Alain Jolicoeur (President, Canada Border Services Agency, Department of Public Safety and Emergency Preparedness):** As you say, Mr. MacKay, we do have a number of offices where, for a period of time, officers work alone. That has been raised as a concern by some employees and by the union, and it has been discussed intensely in the organization through our structure of health and safety committees.

As I think we've said before, we have hired a contractor to help us analyze the situation. With the employees and with the union, we've developed a series of strategies. At the end of the day, for some of these offices, because of their location and because of the accessibility of support, we will basically double the number of employees for a small number, six or seven of them. For others, the analysis suggests that we can provide a secure environment without having two officers all the time. This is coming from outside.

More recently, you mentioned Roosevelt. It's interesting that one of our employees stopped working out of concern for safety and called in Labour Canada, which is provided for under the code. Labour Canada has confirmed that it is a safe environment and that there is no reason to be concerned in that very location.

So we have an analysis for each of those locations.

**The Chair:** Thank you.

Colleagues, I'm trying to respect a sense of the minister's time while giving everyone a chance to share.

Mr. Ménard, you're next up on our list.

[Translation]

**Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ):** I have a very simple question.

A car approaches the border, the driver is asked to stop, he does not do this but continues driving straight ahead. What can the customs officer do?

[English]

**Hon. Anne McLellan:** I'll let Alain provide you with part of the answer, but let me say that we have—and we can provide you with statistics—a number of people who, as they say, blow the border every year. For example, at Lacolle there are two million border crossings on average in a given year, and our most recent statistics would indicate that at that particular crossing 18 blew the border. That's a very small number. In fact, blowing the border happens coming this way and going the other way. It's a case of how we deal with that. At the Lacolle situation in particular, I gather that after I asked for an investigation, an investigation was undertaken. There was an emergency vehicle lane that was kept open, permitting some people to blow the border. So what we've done is put in a barrier, so that is no longer possible. People have to stop.

But clearly, anyone who blows the border is breaking the law, and we will deal with those people. As you know, Monsieur Ménard, it is within the jurisdiction of the Sûreté in the province of Quebec. If there is a situation where someone at the border, one of our agents, calls police, often it is the Sûreté. I gather it is not often the RCMP. There is of course a detachment at Lacolle, and in fact, that

detachment has been augmented, but not to deal with people blowing the border. As I understand it, that is largely left up to the Sûreté du Québec.

But you might like to add something, Alain.

• (1605)

[Translation]

**Mr. Alain Jolicoeur:** As for the matter pertaining to Lacolle, as the minister stated, we have taken steps to...

**Mr. Serge Ménard:** I did not mention Lacolle.

**Mr. Alain Jolicoeur:** No, but this is the event that the newspapers talked about.

**Mr. Serge Ménard:** That could also happen at Beebe.

**Mr. Alain Jolicoeur:** Yes. For that reason, we did a study throughout the country in order to assess the magnitude of this phenomenon.

We noted that in most cases, the people who stop and then drive away without complying with the conditions are individuals who have problems that are not related to smuggling or anything of that nature.

You asked a question about what procedure is followed in such cases. The police are called and provided with the licence plate numbers, and the people who are caught are then fined. A certain percentage of these individuals do get away, but in most cases, they are caught and brought back to the border crossing.

**Mr. Serge Ménard:** The simplest response would have been to say that you run after these people and catch them, but that was not your answer. You stated that you call the police. What police force do you call and how long does it take for the police to arrive?

**Mr. Alain Jolicoeur:** I cannot give you a general answer to that question. It depends what location you are talking about. As you know, a police force is always designated under a local agreement. Each border crossing has an agreement. That is how things operate.

**Mr. Serge Ménard:** That's what you call a secure border?

**Mr. Alain Jolicoeur:** We would have to have a longer discussion about what you mean by a secure border.

**Mr. Serge Ménard:** That's what the minister was alluding to in her speech, right? She said that all of these measures were designed to ensure that Canada had a secure border...

**Mr. Alain Jolicoeur:** Yes, but border security has been enhanced.

**Mr. Serge Ménard:** ...so that people cannot easily import weapons and drugs. I would imagine that if someone wants to import drugs, the individual simply has to act as if he or she made a mistake.

**Mr. Alain Jolicoeur:** But to the extent that this individual...

**Mr. Serge Ménard:** We don't have much chance of catching this person in the next half hour.

**Mr. Alain Jolicoeur:** You are the one saying that we do not have much chance of catching the individuals. A few may escape...

**Mr. Serge Ménard:** A reporter tried to do that on two occasions.

**Mr. Alain Jolicoeur:** That is possible. We have 119 ports of entry and a border that is 8,000 kilometres long. Some may get away from time to time.

**Mr. Serge Ménard:** He tried in both directions. He was caught faster on the other side.

**Mr. Alain Jolicoeur:** That is possible.

**Mr. Serge Ménard:** In fact, there is no police force whose sole mandate is to catch those individuals who decide not to stop at the border.

**Mr. Alain Jolicoeur:** In the United States, there is an organization called the US Customs and Border Patrol, which is a special police force for the border. In Canada, our agreement states that the area between the ports of entry is the responsibility of the Royal Canadian Mounted Police. As for those individuals who drive through the ports of entry without stopping, each port has an agreement with the local police department.

**Mr. Serge Ménard:** Who is the local police? In Quebec, would that be the Sûreté du Québec?

**Hon. Anne McLellan:** Yes, that would be the Sûreté du Québec.

**Mr. Serge Ménard:** So you are telling us that you have formal agreements with the Sûreté du Québec so that this police department will stop those individuals who try to cross the border without stopping at customs.

[English]

**Hon. Anne McLellan:** I think, as you probably know, Monsieur Ménard, no province stands on provincial jurisdiction with more vigour than the Province of Quebec. I believe the Province of Quebec takes the position that it is a matter of local policing, and therefore is within the jurisdiction of the Sûreté du Québec.

[Translation]

**Mr. Serge Ménard:** We could always ask the Quebec Minister of Public Security about this agreement. You claim that you have an agreement with the Sûreté du Québec whereby customs officers would call this police department should someone cross the border without stopping.

•(1610)

**Mr. Alain Jolicoeur:** What I gather is that these agreements are made on a port-by-port basis.

**Mr. Serge Ménard:** They are what?

**Mr. Alain Jolicoeur:** On a port of entry by port of entry basis.

**Mr. Serge Ménard:** There are not all that many in Quebec.

**Mr. Alain Jolicoeur:** I do not know the exact number, but there is quite a number of them.

**Mr. Serge Ménard:** So it may not only be the Sûreté du Québec that is involved.

**Mr. Alain Jolicoeur:** Yes.

**Mr. Serge Ménard:** Do you have a formal agreement with the Sûreté du Québec?

**Mr. Alain Jolicoeur:** On a port-by-port basis.

**Mr. Serge Ménard:** What do you mean by “on a port-by-port basis”?

**Mr. Alain Jolicoeur:** I mean that for every port of entry, arrangements are made with the police authorities to deal with those cases where individuals do not stop at the border.

[English]

**Hon. Anne McLellan:** As I say—

[Translation]

**Mr. Serge Ménard:** So, if someone were to decide to bring a truckload of weapons into the country, he might do so simply by failing to stop at customs when crossing the border, and you cannot make any guarantee to Canadians that that he would indeed be caught.

**Mr. Alain Jolicoeur:** There is no one hundred per cent guarantee, but I can assure you that in most cases he would be caught.

**Mr. Serge Ménard:** What would you estimate the percentage to be?

**Mr. Alain Jolicoeur:** I would have to look at the figures.

**Mr. Serge Ménard:** Didn't the recent events prompt you to look into that?

**Mr. Alain Jolicoeur:** We are looking into this incident in a detailed fashion.

**Mr. Serge Ménard:** Do you catch 10% of these cases?

**Mr. Alain Jolicoeur:** We catch much more than that.

**Mr. Serge Ménard:** Fifty per cent of such cases?

**Mr. Alain Jolicoeur:** You will not get me to throw out a figure when I do not have the information with me, but this would apply to most cases.

**Mr. Serge Ménard:** Sixty per cent?

**Mr. Alain Jolicoeur:** I will not give you any figures because I do not have the information with me.

**Mr. Serge Ménard:** You are not able to tell us what the percentage is?

**Mr. Alain Jolicoeur:** Indeed, not any more than I would be able to tell you...

**Mr. Serge Ménard:** You can't even give us a ballpark figure?

**Mr. Alain Jolicoeur:** We would have to know who has entered illegally in order to do this. It is impossible to tell you how many crimes we prevented last year.

[English]

**The Chair:** I'm going to stick my nose in here and, as your chairman, move things along. Merci, Monsieur Ménard, Monsieur Jolicoeur.

Mr. Comartin, you have the floor.



**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Let me deal with security a bit more. We know from our experiences at Windsor that the whole peace officer issue is a major one. Not the least of it is the pay and the turnover that results. In particular, most of the new members who are coming on have come out of training, community college, etc., and have trained to be police officers. We lose a number of them. They stay with the border services only for a relatively short time if they can move on to a police department. Their pay scale in comparison with local police forces in the Windsor, southern Ontario area is probably about 25% to 35% less. Is this issue being addressed?

In connection with this, they're having the same experience on the U.S. side. Shortly after September 11 the border guards on the U.S. side started being hired away as marshals. It was a much more attractive job, but most importantly, it paid, again, something like 25% more. They had a turnover, I think, in that first year of well over 25%.

I'm just wondering if the department is doing anything at this point to address the pay issue.

**Hon. Anne McLellan:** I'm going to let Monsieur Lefebvre refer to that directly, but I do want to reassure you that all our employment information from Windsor-Detroit tells us that we do not have a turnover problem there. In fact, I was able to visit with some of our agents on the Canadian side when I was in the area with Secretary Ridge. Certainly there are some workplace issues, as one would expect in any big workplace. These are jobs not without stress for individual officers, obviously. There have been lengthy collective bargaining negotiations with the agency, with Treasury Board, as the employer, and with our employees at CBSA.

Denis, do you want to fill in the details of where those collective bargaining discussions are at and salary issues generally?

• (1615)

**Mr. Denis Lefebvre (Executive Vice-President, Canada Border Services Agency, Department of Public Safety and Emergency Preparedness):** Yes, the salaries can affect the recruiting and retention, of course. We have no problem recruiting border officers across the country, and turnover of the workforce is stable except in a couple of places, Toronto and Vancouver, where the general cost of living and salaries are higher and it's a challenge to retain a trained workforce without officers seeking higher-paying jobs.

In general, I think the rate of pay is lower than that in police forces across Canada, but we think our employees are properly classified and are receiving sufficient remuneration for us to be able to recruit good-quality people and, again, in most places retain them.

**Mr. Joe Comartin:** I'm going to go on to another point, but let me just say that this needs to be monitored on an ongoing basis. As you add those additional thirty people, I think you're going to find a somewhat different experience and you're going to lose people fairly rapidly.

The other side of the mandate, which I don't think gets paid enough attention to, is that the department is not responsible just for the safety of people moving back and forth, it's also very much responsible for an efficient movement of goods. You know, Minister, for a long time, both I and the member from Windsor West have been on the issue of the lack of support coming from the federal

government to the ferry service at Windsor. In fact, hurdles are being thrown up to make that system inefficient.

I want you to address whether there's going to be movement. What's happening with the lawsuit? Why are we going on with that lawsuit? There's a perception that it's simply big government keeping the weight on the small operator. As you know from the Schwartz report that just came out, there was a strong recommendation that this issue be moved on immediately because it could move as many as 1,000 to 2,000 trucks off the bridge.

The third point I want to make is that we keep getting anecdotal evidence that the hazardous material that is supposed to be coming across on the ferry and not on the bridge is in fact regularly crossing the bridge. It's posing a severe hazard if we ever have either an accident or a terrorism incident around one of those vehicles. I'm wondering if there has been any stepped-up monitoring of that material.

**Hon. Anne McLellan:** In relation to the ferry, when I was in the area before Christmas, I had the opportunity to meet with the proprietors of the ferry service. Obviously I can't comment on the lawsuit because it's before the courts.

For those of you who don't know, this dispute is around cost recovery at the CBSA. We have reduced our charges in relation to the recovery of costs, but clearly there is an ongoing legal action that has not been settled at this point. I did indicate to the ferry proprietor at that time that certainly what we want to do is, if possible, facilitate the movement of goods in this case. Therefore, the two sides need to keep talking to each other.

Clearly there are rules around cost recovery put in place by the Treasury Board. Those rules have to be observed. However, I am interested in looking at the whole question of cost recovery and comparing what we recover to that which the DHS border agency recovers, and in making sure we are not putting either individual businesses or industrial sectors at a disadvantage in terms of the services that are provided on one side of the border and those that might be cost-recovered on our side of the border.

So I do want to take a serious look at the whole question of cost recovery, because it comes up not only in this case but also, as you're probably aware, in lots of other cases, such as remote airports and fishing ports, and all sorts of issues that surround cost recovery.

**Mr. Joe Comartin:** But this is the most blatant one in the country, Madam Minister, in terms of the way we're treating the operators at the tunnel and the bridge, to a great advantage for them, simply because we grandfathered. The regulations don't make sense. Are you looking at changing the regulations?

• (1620)

**Hon. Anne McLellan:** What I'm looking at doing is going to Treasury Board and explaining the whole situation around cost recovery to them and that we need to understand the implications of some of these cost recovery policies and seek some rationalization of them. Yes, I do intend to do that.

**The Chair:** I think that would be a good spot to end your questioning, Mr. Comartin.

**Mr. Joe Comartin:** I have a whole page.

**The Chair:** I'm sure you do, but we have a lot of people chomping here.

I'll ask my colleague Mr. Wappel to lead for Liberals.

**Mr. Tom Wappel (Scarborough Southwest, Lib.):** Thank you, Chairman.

Welcome, Minister and officials. I have a few questions, but as always, somebody else's questions raise some questions.

Minister, you said border agents have the power to arrest. I wonder if you could tell us the legal authority for this power to arrest?

**Hon. Anne McLellan:** It must be in the Criminal Code or the bill or in the—

**Mr. Bill Pentney (Assistant Deputy Attorney General, Department of Public Safety and Emergency Preparedness):** If the member looks at page 22 of the bill, it amends the Criminal Code's paragraph 58(1)(d), designating officers as peace officers for the purposes of the Criminal Code. This is an amendment in the bill to change the definition of peace officer. It used to refer to customs officer and now it will simply refer as it's worded there, designating these officers as peace officers.

**Mr. Tom Wappel:** Yes, but this bill isn't passed. What's the current leading authority?

**Mr. Bill Pentney:** The current authority is the Criminal Code, which this is amending and which simply refers to customs officers. We're going to eliminate that and have the new definition.

**Mr. Tom Wappel:** Customs officers as peace officers? Is that what you're saying?

**Mr. Bill Pentney:** Yes. The Criminal Code definition of peace officer now refers to customs officers.

**Mr. Tom Wappel:** All right, so we're talking about customs officers at the border having the power to arrest. That's what you're referring to in that answer.

**Mr. Bill Pentney:** And immigration, too, but under a different....

**Mr. Tom Wappel:** And what is the immigration officers' authority for doing that?

**Mr. Bill Pentney:** I believe it's the Immigration Act, but I don't have the papers in front of me.

**Mr. Tom Wappel:** Minister, would you be kind enough to give us the chapter and verse of the Immigration Act that permits the immigration officers to exercise that jurisdiction?

**Hon. Anne McLellan:** I think we have it here.

**Mr. Tom Wappel:** By all means, but I only have seven minutes.

**Hon. Anne McLellan:** Yes, I understand.

**Mr. Tom Wappel:** There was an interesting question from Monsieur Ménard. Minister, you indicated that Quebec takes the position that the Sûreté has jurisdiction in Quebec.

**Hon. Anne McLellan:** Local policing.

**Mr. Tom Wappel:** Local policing. What is Canada's position?

**Hon. Anne McLellan:** We respect that, as we do in the province of Ontario. Those provinces have their own provincial police forces and they police locally.

**Mr. Tom Wappel:** Does that mean there are no RCMP officers posted at any border crossing in the province of Quebec?

**Hon. Anne McLellan:** No, there are RCMP officers posted throughout both provinces to do a variety of federal policing—for example, in the province of Quebec, as it relates to organized crime, as it relates to the enforcement of various federal statutes—but it's federal policing, not local policing.

**Mr. Tom Wappel:** All right, but wouldn't federal policing include the statutes that are enforced under your ministry?

• (1625)

**Hon. Anne McLellan:** Indeed, that may very well be the case. But in terms of the situation in the province of Quebec, as I understand it, that province believes that when somebody leaves the border and is found on the highways and byways of Quebec, that is a matter for their local police force, which is the Sûreté.

We try to work together as it relates to enforcement. We try to work in a cooperative fashion, respecting the views of either the local police force or the provincial government in relation to policing in their province when they have their own provincial police force.

Many of the calls—and I think we have the numbers—at Lacolle, for example, were placed to the Sûreté. Obviously, that then becomes a matter of local policing. If calls are made to the RCMP, then it is my understanding that the detachment will deal with those. But very often the calls go to the Sûreté because they're viewed as a matter of local policing.

**Mr. Tom Wappel:** Thank you.

Could I turn your attention, then, to the peace officer designation that you mentioned and to the fact that you are open to considering CIC officers having peace officer designation. I believe that's what you said.

Currently there are a number of people who are designated as peace officers under a variety of statutes, including the Corrections and Conditional Release Act, the Fisheries Act, the Aeronautics Act, the Customs Act, and the Excise Act, as we know because it was just mentioned. I'm just wondering if you know whether there was any discussion at the time of the creation of this super ministry about whether or not to include immigration officers. If so, can you tell us about that?

**Hon. Anne McLellan:** Well, there are immigration officers included. They're one of the three components that make up this new Canada Border Services Agency.

**Mr. Tom Wappel:** No, I mean specifically as peace officers.

**Hon. Anne McLellan:** Oh.

Bill.

**Mr. Bill Pentney:** At the time of the creation of the agency there were existing delegation and designation instruments that designated a certain number of former CIC officials as officers for the purpose of the act and then delegated to them certain powers. Some of them are already peace officers under the immigration act. The Immigration and Refugee Protection Act has a number of provisions; there's section 55, and section 142 sets out the powers of immigration officers, including powers to arrest and detain as peace officers.

When the government reorganized, new designation and delegation instruments were signed by Minister McLellan as the Solicitor General and styled as the Minister of Public Safety and Emergency Preparedness. Under this bill there is an amendment to the former provisions, and the immigration officials will continue to act under the Immigration and Refugee Protection Act with respect to arrest and detention and removal in the execution of the act as peace officers.

**Mr. Tom Wappel:** But what's the distinction between what the union wants and what you've just told us? Perhaps that's the best way of dealing with it. I gather they want all immigration officers to be peace officers. Is that their position, as far as you know?

**Hon. Anne McLellan:** Mr. Jolicoeur, do you want to speak to that?

However, I have no doubt the union will be here fully elaborating its position on this point.

**Mr. Alain Jolicoeur:** I'm a lawyer, and my understanding is that since the provisions are different and people are peace officers for different reasons under different pieces of legislation, now that people are working under one agency, they might not be designated peace officers if they work in the other area of the agency. They wanted to be deemed to be peace officers under the same authority and reference in the Criminal Code. I think that's their position.

Our view is that it doesn't make very much difference, but it's not a problem.

**Hon. Anne McLellan:** And I've indicated, Mr. Wappel, that I am willing to look at this, because as Mr. Jolicoeur has said, we don't think there's a lot of practical difference here. Therefore, let's take a look at it and see if this is an irritation we can remove.

**Mr. Tom Wappel:** That's good. Thank you.

You indicated you'd asked CBSA to report to you about this. When do you think you might get that report and share it with us?

**Hon. Anne McLellan:** Actually, I think we're interested in hearing what the union has to say when they appear here, and then we'll be happy to move. After listening to their submission, we will take that up and see what we can do. I'm sure Mr. Cullen, as my PS, may have something to report to you in that regard by the end of the committee's work, once we've heard the union's submission.

**Mr. Tom Wappel:** Thank you.

My last question is on the coast guard. The coast guard is not under your jurisdiction?

**Hon. Anne McLellan:** No, it's in the Department of Fisheries and Oceans.

**Mr. Tom Wappel:** And I'm just wondering why that is. Was there any thought or discussion about bringing the coast guard in under your mandate?

**Hon. Anne McLellan:** I suppose that for the history there are those who know more about this than I do. It used to be with the Department of Transport, and then it was moved during the restructuring and program review in 1995-96. The coast guard was moved from Transport at that time into the Department of Fisheries and Oceans.

I think it was moved because it was thought that our coast guard operates in many respects quite differently from the U.S. Coast Guard in that if you look at the powers of the U.S. Coast Guard, it has some of the powers that are presently exercised by our navy in terms of patrolling offshore. Then they have powers similar to those of our coast guard in terms of, for example, patrolling for illegal fishing, safety violations on the water, and some rescue, although search and rescue is divided, obviously, among the navy, the RCMP, and the coast guard. I think it was felt that because of the orientation around fisheries issues, illegal fishing and that kind of thing, it would be better to put it in the Department of Fisheries and Oceans.

I think that when my department was created there was some consideration given to whether it should be moved. People felt in part that as it had been moved to Fisheries and Oceans only in the recent past and as we have good working relationships among the coast guard, Fisheries and Oceans, the RCMP, and the navy, it would have been unnecessarily disruptive at that point to again move them and bring them into this new department.

I'm not suggesting it might not be something we would consider in the future, but I do not want anyone to think I am in the position here of trying to take the coast guard away from my colleague Minister Regan. All I'm saying is that as we learn—as we learn—it may make sense over time to bring the coast guard into my department, especially if its functions change from the main function around fisheries protection and enforcement to other things. But that's certainly not the case now.

**Mr. Tom Wappel:** Thank you very much.

• (1630)

**The Chair:** Thank you, colleagues.

Mr. Sorenson, please.

**Mr. Kevin Sorenson (Crowfoot, CPC):** Thank you, as well, for coming here.

I have three or four very quick questions.

First of all, if you're in the United States and if you do have an opportunity to read some of the columns about security and about our border security, even if you have the opportunity to speak to some of the politicians about our security.... Let me tell you they believe our border is a risk, and they have believed it in the past. Perhaps you would suggest to Mr. MacKay that they didn't request extra resources at the borders, but they certainly made known the fact that they felt this border was a risk to them, and that has been clearly evident in a lot of different columns and articles you can read.

My first question is this. The Prime Minister, in a great and grandiose way, stood and announced this new Canada Border Services Agency on December 12, 2003. Why has it taken so long for this government to move with this legislation? You've said that most of this is housekeeping; it's the setting up of the agency. We're in February 2005. Why has it taken the government so long to bring forward this legislation?

**Secondly, subclause 13(1) of the bill says:** the Agency may, with the approval of the Governor in Council, on the recommendation of the Minister and the Minister of Foreign Affairs and International Trade, enter into an agreement with a foreign state or an international organization, for the purposes of carrying out the mandate of the Agency.

Now, I recognize and understand that other and past agencies—the Canadian Food Inspection Agency, Immigration Canada, Canada Customs and Revenue—have had the ability to do this as well, but could you give me some kind of idea as to the type of agreement they would enter into with a foreign government or a foreign agency?

My third question is this. In your briefing book you talk about the 147 land crossings and 13 marine crossings, and you list that of those 160 crossings, 103 are work-alone sites, many of them in remote areas. We all know—and it's been brought out today—about the dangers at many of these sites. There's the fact that in British Columbia we lost the life of one of our border guards. Although he died of natural causes, there was no one else there who might have been able to step in and help. You've said that at some of the border crossings—perhaps six or seven, I think you said—you will double the number of personnel or you will add personnel. That's for six or seven out of 103 work-alone sites. What about the other 98 or 97 or however many there are?

Would you respond to those?

Just before you do... One article—I think it was in the *Ottawa Citizen*—talked about communication problems at those sites, where they're unable to get hold of someone when they need to. Is the minister aware of that, and what has been put in place to fix the problem?

**Hon. Anne McLellan:** First of all, I'm going to go to the point you raised around perceptions in the United States. Of course, there are people, some at fairly high levels in the U.S. Congress, who still believe that some of the 17 hijackers who committed that dastardly deed came from Canada. I'm sorry, in times of distress and other things people look around for people to blame. I personally think it is most unfortunate that there are still those who believe, for no sound reason whatsoever—it is urban myth—that some of those 17 came from this country.

If you talk to the people who actually are responsible for the border and our relationships, people such as Secretary Ridge and the former Attorney General, John Ashcroft, you'll find they know exactly what is happening, because we work with them in cooperation and they have no problems with what we are doing together and separately at our borders.

I would suggest that we all, including parliamentarians from all parties, need to do a better job of not accepting the urban myth but in fact just blowing the urban myth up when you meet these people by talking about what is happening and taking them on directly and saying, look, I'm sorry, we're not your problem, we are working constructively, and look at the work that's being done. People need to be reminded of this, and it's an important obligation of all parliamentarians, regardless of what party they are in.

That being said, if there are things we can do better...

If you look at the United States of America, you'll see that in fact there are people in that country illegally. It's a challenge for them, just as it is for us and just as it is for any developed nation. Therefore, what we have to do is work together to constantly improve, which is what Secretary Ridge and I do and which is what John Ashcroft and I and others have done. You need to take on the

urban myth and make plain what the situation is between the two governments and the two countries and the high degree of cooperation that actually does exist.

• (1635)

**Mr. Kevin Sorenson:** But when you look at the resources and personnel the Americans put at their crossings and make a comparison with what the Canadians have, there may be cause for concern.

You talk about what some congressmen may believe. But we have people in our own government who have some very perverted ideas as to what some of the Americans may believe on certain issues. So you're going to have that.

The best way is to show us the proof. Show us what's happening at the borders. When they look at the borders, they are concerned.

**Hon. Anne McLellan:** All I can do is look at the people in the Department of Homeland Security and elsewhere who actually know the borders and have a responsibility to protect them on their side. It is a huge land border, and we are proud of the fact that it is the safest border in the world. The United States and Canada will continue to work together to ensure it continues to be the safest border in the world.

The Americans will tell you they have illegals who cross their borders. We have illegals. There is no country in the world that doesn't. We do the best job we can, working together and separately, in relation to making sure that our borders are secure. It doesn't help when parliamentarians buy in to ill-informed myth as opposed to explaining the shared challenge we all have as Canadians and Americans to ensure that our borders are safe and that we're identifying high-risk individuals and high-risk goods.

**Mr. Kevin Sorenson:** I'm not sure it's an ill-informed myth when it's the border agents who are raising some of the concerns. We can talk about myth, but those are the ones who are raising the concerns, along with Liberal senators.

**The Chair:** Thank you, colleagues.

Mr. Cullen has a short question.

**Hon. Roy Cullen (Etobicoke North, Lib.):** I have a couple of questions, actually. You're telling me they're going to be short.

**The Chair:** Yes. I didn't even get to ask a question.

**Hon. Roy Cullen:** I had a question around the Safe Third Country Agreement and the volume we actually experienced at the border leading up to that. I think it came into force on December 27 or 28. I'll skip that question because my time is limited.

Minister and officials, thank you for coming.

When we hear this discussion on the border, we sometimes are tempted to think that Canada is on its own in terms of dealing with its borders or law enforcement and security issues, when in fact there is a lot of cooperation between jurisdictions. I'm thinking of the cooperation we have with regard to ships when they're leaving their ports and before they get here, the integrated border enforcement teams, and the Cross-border Crime Forum. I'm wondering if you could summarize the degree of cooperation that goes on inter-jurisdictionally and the kinds of results we're getting.

**Hon. Anne McLellan:** Cooperation has always been high between Canada and the United States, but it has increased dramatically since September 11, along with the degree of cooperation with other countries.

Mr. Sorenson asked about the kinds of agreements one would enter into. For example, you would enter into an agreement with the Port of Hong Kong whereby our border agents would be placed offshore, again as part of our container security initiative. You push the borders out to identify high-risk goods before they leave the port of Hong Kong. You would need to enter into an agreement with the port and perhaps the government itself to put our agents on the ground. Those are the kinds of agreements we have. They're the kinds of agreements the U.S. and other western democracies are entering into all the time to facilitate trade and to identify high-risk goods before they come to our shores.

Between Canada and the United States there is an enormous number of cooperative agreements. For example, the IBETs, the integrated border enforcement teams, are very important. I visited the one in Cornwall. Whenever you talk to the agents on both sides of the border, they simply extol the virtues of interoperability and an integration that speaks to working as a seamless unit. It's absolutely key. We have an IBET, for example, close to the border around Lacolle to deal with various kinds of identified problems. We now have 15 teams across the country. This is an example of Canada-U.S. cooperation at the highest level in terms of integrating at the operational level.

We still have some issues in relation to, for example, radio operability among first responders, both here at home and across the border. We're funding a pilot project with our colleagues on the U.S. side and the RCMP in the Windsor area, Mr. Comartin, to try to see how or if technology can solve the interoperability problems, which sometimes get in the way of first responders even within our own country—fire, police, what have you—and their being able to talk to each other as well as across borders. Work needs to be done in that regard.

I think that since September 11, democracies such as ours understand the importance of entering into agreements, while being respectful of our laws and values, that help us share the responsibility of keeping not only our people safe, but the people of our allies.

• (1640)

**The Chair:** Thank you.

Mr. MacKay.

**Mr. Peter MacKay:** Mr. Chair, given the importance of this issue, and as we have the minister and her officials here, I'm wondering if we might extend for one more round of questions.

**The Chair:** Madam Minister, could you stay for a few more questions?

**Hon. Anne McLellan:** I have, unfortunately, an appointment at 5 o'clock, so I would have to leave here probably around ten to the hour.

**The Chair:** That's very kind. I'll monitor everyone's questions.

Mr. MacKay.

**Mr. Peter MacKay:** Thank you, Minister. I have two very quick questions as follow-up.

With respect to the sharing of information, there's a report from your department that highlights the need to consolidate information, in particular with respect to the indexes of known individuals or watched individuals who may be travelling, a red flagging system. The report seems to suggest that there's an incoherent array of information that hasn't been consolidated, so they're calling for a consolidation. Are you aware of that? Has that consolidation begun, and when will it take place?

The other thing I would draw to your attention and ask for your comments on is the Senate report, the *Canadian Security Guide Book*, 2005 edition, which was released just before Christmas, as you'd be aware. They highlight a number of shortcomings, but the one that drew my attention and drew a lot of people's attention was the state of security on the water. We're talking a lot about borders here, but clearly, the biggest vulnerability in this country is the water.

I don't want to sound alarmist, but you can bring anything from a nuclear bomb to child pornography in on the water, and you've got the best chance of doing it if you bring it through an unguarded port. We've heard that not only may our borders be manned by a single individual, but this is true as well of borders that are of a marine nature. Since the disbanding of the ports police, you've mentioned the need for more equipment for screening these containers that come in. A very small percentage of containers coming into Canada actually receive examination through these X-ray machines or otherwise.

What security measures are currently being pursued to secure the ports? This appears to be the largest threat, not only to Canada but to North America. The Americans clearly have concerns about it as well.

•(1645)

**Hon. Anne McLellan:** The Americans have identified for themselves marine security as their next biggest vulnerability. We are working very closely with them, and the container security initiative is a small part of that. My colleague the Minister of Transport has a major initiative on enhancing security at our ports, and that initiative will continue. Some of it has been implemented, some of it is ongoing, but there are new processes that will help us. For example, you don't get to come into port any more unless there is 24-hour notification, and that's why we've had cargo ships waiting offshore in Vancouver, and the same thing has happened in the U.S. When the rules changed, people were not providing the notification. Sorry, without it, they don't get to come into port.

**Mr. Peter MacKay:** Is there talk of a coordinated effort around the North American perimeter? To go back to Mr. Wappel's reference to the fact that the ports police are gone, we have, I would suggest, a coast guard that's not in your security department. The American coast guard is almost as large as our navy, so they've put emphasis on coastal security.

**The Chair:** I'm going to have to jump in if I'm going to be able to give Mr. Ménard and Mr. Comartin equal time here.

[Translation]

**Mr. Serge Ménard:** Once again, I have a very simple question to ask you.

In her March 30, 2004 report, the Auditor General observed that information on the 25,000 Canadian passports that are either lost or stolen every year was not accessible to front-line employees. Has this situation been remedied? If so, how?

**Mr. Alain Jolicoeur:** Yes, the situation has been remedied. The Canada Passport Office data bank, which contains the numbers and names of lost passports, has been directly linked to our system, which is called the LIPI, or the IPIL in English, and is available to front-line officers. Should a stolen passport be used, it would immediately be identified as such on our officer's computer.

**Mr. Serge Ménard:** Another observation made by the Auditor General pertained to individuals who had passes for the regulated zones. I believe that, in several instances, such passes were given to individuals working for private security agencies. It was noted that more than 5% of these individuals had ties with organized crime. What has been done to rectify this situation?

[English]

**Hon. Anne McLellan:** This is actually an issue for my colleague, for the Minister of Transport. He has made a number of statements in relation to the fact that we are moving on the concern identified by the Auditor General.

Clearly we would like to work this out with the relevant authorities and in some cases unions, if that is possible. If not, then... I mean, whatever needs to be done to ensure that the people who work in sensitive areas are in fact security cleared, and security cleared to a level that one would expect, especially after September 11.

So some steps have been taken in this regard, but I would have to get you details through the Minister of Transport. Certainly it's an issue for airport authorities, seaports in particular, and quite clearly

for us in terms of ensuring that we know who has access to sensitive areas, what their backgrounds are, their records if any, and the nature of those criminal records if any, that would show a predisposition to their being a danger to national security.

**The Chair:** Thank you, Minister.

Mr. Comartin, please.

**Mr. Joe Comartin:** I actually didn't get an answer on the hazardous materials going across the border. Since I have you here, I'll ask another question.

I've been discussing with other members of the committee on parliamentary oversight that spent the summer... We wrote a report, and we're still waiting for a response from your office. We're getting impatient.

**Hon. Anne McLellan:** Fair enough.

On the last one, I am very hopeful that we will be in a position to respond with official release of the document—I know it was mostly leaked—and our response thereto in the very near future. I thank everyone for their patience. Members who were on that committee did outstanding work.

This does not necessarily mean, and should not be interpreted to mean, that I agree with all the recommendations there. But I know that the committee worked hard, and my response, and its official tabling in the House, will take place very soon.

Hazardous material ferries, Windsor-Detroit....

•(1650)

**Mr. Denis Lefebvre:** I understand that it is the bridge itself that decided it didn't want hazardous material to...and the policing of this is left to it as well. So the ferry basically transports the trucks that transport the hazardous material, because the bridge authorities won't allow them on the bridge.

**Mr. Joe Comartin:** My understanding is that it's government regulation that requires it.

**Hon. Anne McLellan:** We'll check that, sir.

**The Chair:** Mr. MacKay says that I cut you off from answering a question of his.

**Hon. Anne McLellan:** Surely not, Mr. Zed. What was the question?

**The Chair:** Go ahead, Mr. MacKay.

**Mr. Peter MacKay:** I simply asked if there was anything being done about this report from your own department about the need to share information or consolidate watch lists. I asked about port police.

**Hon. Anne McLellan:** Yes, and we answered that.

**Mr. Peter MacKay:** Well, no, you didn't answer that. I asked about whether there was a specific plan to address coastal security. Those were the three questions I asked, and it was then moved immediately to my colleague Mr. Ménard.

**Hon. Anne McLellan:** No, indeed, as I say, we're working...and my colleague the Minister of Transport has a major initiative. We're in the midst of it as it relates to marine security.

In relation to policing of the coasts, we have the coast guard, the RCMP, and the navy. In fact, a plan has been developed in terms of safety on the water and along the coasts. All three of those entities have....

The Great Lakes issue has been identified by both Canada and the United States as a major one in terms of our collective security. We are looking at a proposal from the U.S., called shiprider, and we will see how we are able to integrate on the Great Lakes. Doing it together makes sense in areas like Cornwall and elsewhere. There are no bright lines, most of the time, in terms of where you cross from one to the other. So we're taking a look at the shiprider proposal from the U.S. in terms of possible activity on the Great Lakes.

You could answer his question in relation to information systems, because we've done quite a bit of work there.

**Mr. Alain Jolicoeur:** Yes.

Our information systems are not in disarray; we are developing new ones all the time. In terms of how they are connected to each other, we have two query systems, functioning very well, that allow our people at the front line to access the information required. Now we're working at another level, ensuring that we are linked, as was mentioned by Mr. Ménard, with the passport office, for instance, for some of the information. We have a query system being developed to link as well with the RCMP.

Basically, I think—I *think*—we are out there with state-of-the-art information from the systems perspective, from the software perspective.

**The Chair:** I'm going to jump in here. The minister's time is up.

**Hon. Anne McLellan:** Thank you, Mr. Chair.

**The Chair:** Mr. Wappel has a question for the officials, so if it's okay, you could leave them behind.

**Hon. Anne McLellan:** Yes, sure, my officials would be happy to stay.

**The Chair:** On behalf of the committee, Minister, we look forward to working with you. This committee no doubt will be working quite closely with you and your officials.

**Hon. Anne McLellan:** Absolutely. You will become part of my extended family.

**The Chair:** Thank you.

Mr. Wappel, a question to officials, and then we're going to suspend for a moment.

**Mr. Tom Wappel:** This will be a very brief question, following up on Monsieur Ménard's questions about passports.

The Auditor General's report found that 25,000 Canadian passports were lost or stolen each year. I realize that the report dealt with a time prior to the organization of your service, but I just want you to tell me if you know if that statistic is static. Is it still 25,000 per year lost or stolen, or is there any change in those numbers?

**Mr. Alain Jolicoeur:** I don't know that number. The number I am familiar with, if I remember correctly, is a cumulative number as opposed to a number per year. So I wouldn't know the number.

It was a challenge at the time when that report was written by the AG, and we quickly developed a batch system transfer to be able to access that information. It wasn't highly sophisticated. Now it's transferred automatically. But I don't know the annual number.

• (1655)

**Mr. Tom Wappel:** If possible, perhaps you could you find out and provide that information to the chair. I would think at least the stolen passports would be a very important statistic vis-à-vis protection of our borders.

**The Chair:** I see the witness nodding.

Mr. Cullen, a question to officials.

**Hon. Roy Cullen:** Thank you, Mr. Chairman.

Mr. Jean, maybe you could pick up on my question on the safe third agreement with the United States. It came into force December 23, 24 or 27, or one of those days. Perhaps you could give me that date.

Before that agreement, someone could arrive in the United States, drive up to Canada, and claim refugee status in Canada. This agreement precludes that both ways. Leading up to December, I know there was some anticipation that a number of people would arrive at our Canadian border in advance of that agreement coming into force.

Can you give us an assessment of the inventory? How many people did show up, if you have the number? Was it more than we expected? Are they being processed efficiently, etc.?

**Mr. Daniel Jean (Assistant Deputy Minister, Policy and Program Development, Department of Public Safety and Emergency Preparedness):** The transition occurred on December 29. For most border crossings across Canada, the transition was very smooth. There was not a single refugee claim presented in those weeks west of Ontario, and in Quebec there was a small increase. It certainly was a lot less than some increases we've had in the past, when misinformation circulated around our change of policies. There was a more substantial increase in the Niagara area, although still a little smaller than other surges we've experienced in the past. It was extremely well managed between the Canadian Border Services Agency, which managed the border there, and the provincial authorities to make sure people were dealt with in an efficient manner.

We could provide you with actual statistics on this, but since the enforcement of safe third, the number of asylum claims at all border crossings has reduced in a substantial way. For example, Niagara, which has been our most important port of entry in terms of asylum claims, on an average yearly basis had roughly more than 20 claims a day. Since December 29 it's had about 10 claims a week, and some of these claims are declared ineligible under the safe third agreement. When they are allowed to proceed, it's usually because of family reunification in Canada. It makes sense that the claim for protection be heard in Canada.

**Hon. Roy Cullen:** Thank you.

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

We're going to suspend for in camera, Mr. Comartin, but perhaps you can make a short intervention.

**Mr. Joe Comartin:** I just want to get this in. There was a really bad incident—it's the agency that's responsible for this—of what was clearly racist material getting through the border. We sent the minister a letter, and I just want to put it on the record that I would like an early response to it and hopefully a different interpretation, because the material in fact was allowed into the country by the agency.

Thank you.

**The Chair:** Okay. They've heard your comment.

Thank you very much, colleagues, for your patience, and to the officials, thank you for what I know is going to be a new relationship for all of us. We look forward to working with you.

*[Proceedings continue in camera]*

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