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—
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The Honourable Roger Gallaway

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• (1530)

[English]

The Chair (Hon. Roger Gallaway (Sarnia—Lambton, Lib.): Colleagues, we now have quorum, so we can begin.

Today we have Bill C-3, pursuant to the order of reference from the House, but we also have the motion of which we were given notice on Tuesday. I'm going to suggest that we deal with the motion of Madam St-Hilaire first and invite the witnesses who are here to the table after we have dealt with the motion.

Is that agreeable to everyone?

Some hon. members: Agreed.

The Chair: Thank you.

We have notice of the motion, and I understand Madam St-Hilaire will start.

[Translation]

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Certainly we could share our time. In any case, committee members have received a copy of the motion concerning Mirabel.

If my colleague would like to add something further...

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): I understand that some of the Members who addressed the House today, which happened to be an opposition day for the Conservatives, expressed views that were consistent with this motion. No doubt you'll understand that I will support this motion.

[English]

Hon. Rob Nicholson (Niagara Falls, CPC): I think this is consistent with the motion presently being debated in the House, and it covers much the same ground, so I have no problem whatsoever supporting it.

The Chair: Mr. Scarpaleggia.

[Translation]

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Thank you, Mr. Chairman.

I'm opposed to this motion. In 1992, the Conservative government established a number of authorities across Canada to manage airport assets, most notably ADM corporation to administer Dorval and Mirabel airports. All interests in these airports was transferred to ADM, which signed a lease due to expire in 2072. Therefore, ADM corporation owns the land in question. If the federal government wanted to make a change of some kind, as requested in Ms. St-

Hilaire's motion, it would need to expropriate ADM's interest, as ADM owns this arable land.

It would be a matter of expropriating land to alleviate the impact of an earlier expropriation. Obviously this would entail certain costs and the federal government would have to compensate ADM if ever it went ahead with the expropriation action. For the moment, it's impossible to put a price tag on expropriation. As I see it, this approach should be discounted. However, the two federal government representatives on the ADM board of directors could request some changes to the current leases. Besides, these positions were created by the Liberal government in 1997. At the time the ADM was established, no provision had been made for having federal government representatives serve on the board of directors. The terms of the leases currently negotiated with farmers could either be improved upon or amended. I prefer this solution and that's why I will be voting against this motion.

• (1535)

[English]

The Chair: If there is no further comment, I will call the question.

(Motion agreed to)

The Chair: We'll now move to our consideration and study of Bill C-3.

Welcome to our witnesses. From the Department of Transport we have Mr. Gerard McDonald, Madame Proulx, and Mr. Gauthier, and from the Department of Fisheries and Oceans we have Mr. Gadula, and Yvette-Marie Kieran, senior counsel.

I understand this is one presentation. Mr. McDonald appears to be the spokesperson today, so please proceed.

Mr. Gerard McDonald (Director General, Marine Safety, Department of Transport): That is correct, Mr. Chair. Thank you very much.

I have a short presentation, and then we can take any questions you might have.

Honourable members, ladies and gentlemen, it's an honour to be here with you today to talk about Bill C-3, an act to amend the Canada Shipping Act, the Canada Shipping Act, 2001, the Canada National Marine Conservation Areas Act, and the Oceans Act.

Last December 12 the government decided to rationalize responsibility for marine safety and protection of the marine environment by transferring to Transport Canada all Canadian Coast Guard policy responsibilities and certain operational responsibilities relating to pleasure craft safety, marine navigation services, pollution prevention and response, and navigable waters protection. To make the new division of responsibilities clear to all Canadians, it is necessary to amend the many references to “Minister” or “Department” that appear in the various pieces of legislation.

[*Translation*]

Stakeholders in the marine community welcome this change, as it makes it much easier to know which Minister, which department, is responsible for what.

The division of policy and enforcement responsibilities between Transport Canada and Fisheries and Oceans has been difficult to understand and to implement. Having one Minister responsible for pleasure craft and another responsible for non-pleasure vessels, in particular, was a constant irritant for stakeholders.

The changes reflected in this bill provide Canadians with a single point of contact for policy issues associated with marine safety and security. They consolidate and rationalize marine safety responsibilities, to improve the responsiveness, coherence and consistency of the marine regulatory framework. The bill supports improved service delivery in both policy and operational functions.

● (1540)

[*English*]

The areas of policy responsibility that were transferred from Fisheries and Oceans to Transport Canada are pleasure craft safety, marine navigation services, pollution prevention and response, and navigable waters protection. In the area of pleasure craft safety, Transport Canada is now taking on responsibility for the small vessel regulations, the boating restriction regulations, the competency of operators of pleasure craft regulations, and the pleasure craft sewage pollution prevention regulations. This includes both policy and enforcement responsibility for keeping the regulations up to date by means of policy review, public consultation, and amendment, and for ensuring that systems are in place for their enforcement. As a result, recreational vessels will now be regulated by the same department that does so for similar vessels used for passenger transportation or fishing.

[*Translation*]

The Office of Boating Safety, which administers a regulatory program for pleasure craft, has been transferred to Transport Canada together with all related programs and functions, including among others, vessel licensing, operator competency, educational and awareness programs, and working with enforcement agencies to monitor for compliance. Transport Canada, through the Office of Boating Safety, continues to work in partnership with the Canadian Coast Guard Auxiliary and Canadian Red Cross to deliver boating safety education and awareness programs.

[*English*]

In the area of marine navigation services, Transport Canada's new policy responsibilities include the vessel traffic services zones regulations, the eastern Canada vessel traffic services zones regula-

tions, the private buoy regulations, and the aids to navigation protection regulations. Accordingly, Transport Canada will now be responsible for developing, amending, and enforcing the rules in this area.

The service delivery capacity, however, is still with the Canadian Coast Guard, and it will continue to manage and deliver marine navigation services. This includes the aids to navigation system, both the aids themselves—buoys, beacons, lights, and so on—and communications, thenotices to mariners and notices to shipping.

The coast guard will continue to deliver marine communications and vessel traffic services. This includes the automated identification system recently implemented on the St. Lawrence Seaway and the long range vessel tracking system. The coast guard also remains responsible for the marine services fee program, which recovers a portion of marine navigation and icebreaking services costs.

[*Translation*]

When it comes to pollution prevention and response, Transport Canada has assumed responsibility for safety oversight, pollution prevention, monitoring of compliance with regulations and enforcement action. Accordingly, Transport Canada will manage the National Aerial Surveillance Program, which focuses on pollution surveillance. It will be responsible for the approval of oil handling facility response plans and ship source pollution prevention and response plans on board large commercial vessels. It will be up to Transport Canada to certify response organizations and monitor their activities and exercises. Transport Canada will administer the bulk oil cargo fee.

● (1545)

[*English*]

The Canadian Coast Guard continues to manage the aerial surveillance program pertaining to fisheries and security, which also watches Canadian waters for incidents of pollution by means of existing monitoring programs, such as those involving helicopters and ships, and acts as a first response organization.

Responsibility for the navigable waters protection program is part of the transfer as well. Henceforth, Transport Canada will be responsible for the administration and enforcement of the Navigable Waters Protection Act and regulations, namely the navigable waters works regulations, the navigable waters bridges regulations, and the ferry cables regulations. This includes issuing permits, removing obstructions to navigation, acting as receiver of wrecks, and conducting all related environmental assessments under the Canadian Environmental Assessment Act.

Overall, these changes respond to the comments of stakeholders in recreational boating and industry who have been saying for some time that the legislative framework for marine safety and for protection of the marine environment is due for rationalization and consolidation.

[Translation]

Bill C-3 is drafted in such a way as to ensure that the roles and responsibilities of the government remain the same, in whatever department they be found, preserve the authority conferred upon the Department of Fisheries and Oceans to carry out the operation role assigned to by the Orders in Council, ensure that the powers, duties and functions transferred from the Minister of Fisheries and Oceans to the Minister of Transport are unambiguous in order to promote certainty in the industry and prevent litigation or any contentious issues; and preserve the logic and coherence of the affected statutes.

[English]

The bill will help the Department of Transport to do its job of protecting safety and the environment. At the same time, it has to be emphasized that this is a machinery of government bill. The reorganization of powers, duties, and functions has no effect on the substance of the law. The rules remain the same; the powers, duties, and functions remain the same. They are just switched from one minister to another. Accordingly, although this bill amends many individual provisions—sections, subsections, and paragraphs—those amendments largely consist of changing the definition of “Minister” or replacing “Minister of Fisheries and Oceans” with “Minister of Transport”.

Since there is no change of substance, there is no environmental impact and there is no impact on international relations. The implementation of the transfer of responsibility has no significant cost, just the cost of drafting this bill and of moving 155 associated staff from one department to another. Delivery of service to stakeholders and other Canadians goes on without interruption.

Thank you very much, Mr. Chairman.

The Chair: Thank you, Mr. McDonald.

We will start with questions, and Mr. Nicholson will begin.

Hon. Rob Nicholson: Thank you very much, Mr. Chairman.

Thank you, Mr. McDonald, and those who are with you today.

So we are basically ratifying something that was done last year. That pretty well sums it up. Are we just cleaning up a decision that was taken last year?

Mr. Gerard McDonald: That's absolutely correct.

On December 12, 2003, there was an order in council that actually affected this transfer from the Department of Fisheries and Oceans to the Department of Transport.

What this does is reflect in the legislation what was done through the order in council.

Hon. Rob Nicholson: Let me ask you something. Correct me if I'm wrong on this, but if we go back 10 or 11 years, these responsibilities that are going back to the Department of Transport from the Department of Fisheries were originally with the Department of Transport.

• (1550)

Mr. Gerard McDonald: That's correct. Prior to 1995, they were.

Hon. Rob Nicholson: Obviously you and those working with you determined that it was a mistake in 1995 to transfer them out of the Department of Transport, so we're just in part correcting the mistake that was made back in 1995. Is that a fair comment?

Mr. Gerard McDonald: We are returning to the situation for these particular areas as it was prior to 1995.

Hon. Rob Nicholson: Thank you.

I think it was perhaps a little unfair on my part asking you to comment on whether it was a mistake or not, but we can draw our own conclusions on that.

Some hon. members: Oh, oh!

Hon. Rob Nicholson: So did you work very carefully then with the cabinet in the preparation of the order in council to put this together?

Mr. Gerard McDonald: No, I did not.

Hon. Rob Nicholson: Did the others with you work on that?

Mr. Gerard McDonald: No, that was a decision of the cabinet.

Hon. Rob Nicholson: And in advising the cabinet and putting together the documentation necessary for this order in council, would you have had any involvement with that?

Mr. Gerard McDonald: No, I did not.

Hon. Rob Nicholson: Is it your understanding that this order in council was in fact passed on December 12? Is it your understanding that it was passed on that particular day?

Mr. Gerard McDonald: Yes, that's correct.

Hon. Rob Nicholson: Okay. Thank you.

You must have consulted with a number of stakeholders to put together this piece of legislation. Do any stakeholders have any concerns with this that we should be aware of?

Mr. Gerard McDonald: No. No concerns have been brought to my attention by any stakeholders with respect to this legislation.

Hon. Rob Nicholson: And you consulted widely, presumably, before December 12 and had input from a number of those stakeholders and they were generally supportive of this action?

Mr. Gerard McDonald: On this specific transfer, we did not do any consultations. As I indicated, I was not involved in the decision-making process leading to this transfer.

However, in leading up to that point in time, the stakeholders had commented to us on a number of occasions on the seeming inefficiency of having two departments deal with marine safety policy issues.

Hon. Rob Nicholson: That's true. That's the mistake we're correcting here with this.

Okay. Those are my comments, Mr. Chairman.

I'm sure there may be a bit of time left, and my colleagues may have one or two questions.

The Chair: Mrs. Smith.

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Thank you.

I will direct this to Mr. McDonald. Are there any additional resources tagged to Transport Canada to shore up this Bill C-3 that's going through? For instance, licensing and enforcement issues and educational awareness issues seem to be a part of this package. Are there any additional financial dollars attached to the program?

Mr. Gerard McDonald: The only resources we've received as a result of this transfer are the resources that were actually working on these issues at the Canadian Coast Guard. So everything they were expending on these issues, and the people who were working on these issues, have now been transferred to Transport Canada.

Mrs. Joy Smith: What you're saying basically, just to reiterate so that I'm clear on it, is that there are no additional resources at this particular time. It's just a lateral move from one department to another.

Has there been any research or any comment on whether or not all of these things are working very well? Are the education awareness and the enforcement issues and licensing issues working very well?

Mr. Gerard McDonald: Some are working well; some are working better than others. I think there are areas for improvement in probably all of them. That is something that we, now being responsible for these issues, will have to work on.

Mrs. Joy Smith: Is there any one area in particular, Mr. McDonald, that you might say is a concern and something that has to be zeroed in on, like enforcement issues, for instance? Are they going very well, or are there inadequacies in that department? Would you need resources to make this run more smoothly?

Mr. Gerard McDonald: Certainly, I wouldn't turn down any resources to make this run more smoothly. We have concerns with respect to pleasure craft licensing and whether or not we have adequate resources to do what the regulations require us to do.

These are all issues we'll have to address with time.

Mrs. Joy Smith: Thank you.

The Chair: Mr. Carrier.

[*Translation*]

Mr. Robert Carrier (Alfred-Pellan, BQ): Thank you, Mr. Chairman.

I'd like to welcome Mr. McDonald and his associates to our committee.

In 1995, responsibility for all Coast Guard operations was transferred from Transport Canada to DFO. There is now talk of

reversing this decision. This 1995 ruling has apparently caused so many operational problems that the Standing Committee on Fisheries and Oceans went so far as to draft a 74-page study that focussed, among other things, on the deplorable state of Coast Guard operations within DFO. The report also points to the events of September 11, 2001 which prompted the introduction of added security measures to protect Canada's coasts.

All of which brings us to two questions. First of all, a return to earlier times is in order. In 1995, the Minister of Transport was not authorized to oversee the Coast Guard, which had been transferred to DFO. Why is this arrangement being re-reinstated at this time? Are some of the problems seen in 1995 also coming to the fore again?

Secondly, your brief contained some elements of information. Will any of the 18 recommendations unanimously reached by the Standing Committee on Fisheries and Oceans be taken into account when responsibilities are transferred to Transport Canada?

• (1555)

[*English*]

Mr. Gerard McDonald: To respond to your first question, and just to clarify, the entire coast guard is not coming back to Transport Canada; it's solely those marine safety policy areas that were with Transport Canada before that are returning to Transport Canada. It is the four specific areas I mentioned, mainly pleasure craft safety, marine navigation services, environmental protection and response, and the Navigable Waters Protection Act. They are the only areas returning to Transport Canada.

As for the second part of the question with respect to the 18 points of the fisheries committee, and whether this transfer responds to any of those 18 points, I'm afraid I don't have those in front of me and can't comment directly on whether or not the transfer would address any of those issues. In my understanding of the recommendations, just from memory, I'm not sure this transfer is directly related to any of those recommendations.

Charlie may have more information.

Mr. Charles Gadula (Director General, Marine Programs Directorate, Department of Fisheries and Oceans): I would say, first of all, that we are in the process with our colleagues of preparing a formal response to the SCOFO report.

But specifically to your question on the recommendations, recommendation 1 deals with the funding to the Canadian Coast Guard auxiliary, particularly the fuel piece. I'm pleased to inform the committee that we did manage to find the \$400,000 necessary to provide that extra money to the auxiliary this year, and the Canadian Coast Guard auxiliary now receives about \$4.9 million a year to carry out the very good work they do.

With respect to recommendation 2, in my opinion, recommendation 2 asked us to look at A-base funding for the Office of Boating Safety. When we transferred the Office of Boating Safety to Transport Canada, we fully funded the A-base and transferred the full amount, so they got a fully funded, operational Office of Boating Safety transferred.

So recommendations 1 and 2 have in fact been done, and we are looking at giving SCOFO a full report back on their tabled report.

[Translation]

Ms. Yvette-Marie Kieran (Senior Counsel, Legal Services, Department of Fisheries and Oceans): Bill C-3 does not address the recommendations directly, as the government's response to the Fisheries and Oceans committee's report will come later. As Gerard mentioned earlier, the bill stems from the December 12 order that preceded the mentioned report. Therefore, like the order, the bill does not constitute a response to the report.

• (1600)

Mr. Robert Carrier: Apparently, only certain Coast Guard responsibilities are being transferred to Transport Canada. Will the operations involved in the transfer still be referred to as Coast Guard operations? Will we in fact have two Coast Guard divisions, one reporting to Transport Canada and the other to DFO, or will these responsibilities simply be transferred in their entirety to Transport Canada and the designation of Coast Guard shed in the process? Initially, I hadn't seen this complication.

[English]

Mr. Gerard McDonald: I hope I didn't make it sound complicated. Certainly there won't be two coast guards. There's only one coast guard in the country, and we have no designs on starting another one.

What I said was that the marine safety policy responsibilities have been transferred to Transport Canada. With this transfer we've tried to move all responsibility for the making of regulations and legislation on marine safety into one department. So all of that is now essentially Transport Canada's responsibility. In previous years, two departments were responsible for legislation and regulations relating to marine safety, which in some cases caused some confusion.

The Chair: Mrs. Desjarlais.

Mrs. Bev Desjarlais (Churchill, NDP): Just to follow up on my Bloc colleague's question, can you give us a rough idea of how it would work then? Will Transport Canada be giving any direction on a daily basis to the coast guard, or will that all be coming from Fisheries and Oceans?

Mr. Gerard McDonald: We work very closely with the coast guard on a number of issues. We don't give the coast guard any direction on how to operate. That is strictly their responsibility. But we do work closely on issues such as oil spill response, where it's our responsibility to make sure that appropriate response plans are in place. It is their responsibility in certain instances to be able to respond to things like mystery spills.

We also work closely with them on other pollution incidents and on defining areas where marine navigation services should apply with respect to navigation communications.

I don't know if you have anything you want to add, Charlie.

Mr. Charles Gadula: On some examples, the coast guard will continue to deliver the maritime portion of the Canadian search and rescue program, including the entire communication net into the RCCs and the JRCCs. That will still be the same operation. The Canadian Coast Guard will continue to deliver the icebreaking

program in the high Arctic, the low Arctic, the Great Lakes, and the east coast. We'll continue to deliver the aids to navigation program.

So on the operational lens we'll continue to deliver. The only exception really is the transfer of the fuel people and the Office of Boating Safety to Transport. That became the outreach piece that was essential to meet with the recreational boating community, which is very large and dispersed across the country.

Mrs. Bev Desjarlais: Okay. Just so we're clear, when there's an oil spill, all the policies and rules are in place as to how they should address it, and the coast guard, under Fisheries and Oceans, responds.

Mr. Gerard McDonald: It depends on where the spill is and the nature of the spill. If it's something south of 60, we have response organizations that will respond to that. If it's a mystery spill, the coast guard may be called upon to respond to that.

Mrs. Bev Desjarlais: Okay. So south of 60 you have response teams that respond.

Mr. Gerard McDonald: Yes. North of 60 the coast guard is responsible.

Mrs. Bev Desjarlais: And if it's on the east coast but south of 60...?

Mr. Gerard McDonald: There's a response organization called the Eastern Canada Response Corporation.

Mrs. Bev Desjarlais: And who do they operate under?

Mr. Gerard McDonald: It's a cooperative that's funded by the oil carriers that fund these organizations.

Mrs. Bev Desjarlais: Is that under the ship-to-shore oil pollution spill...? I forget what it's called.

Mr. Gerard McDonald: No, it's under the Canada Shipping Act.

Mrs. Bev Desjarlais: It's under the Canada Shipping Act and it's funded by the shippers.

Mr. Gerard McDonald: It's funded by the oil industry, yes.

Mrs. Bev Desjarlais: Who responds, say, for Lake Winnipeg? Is there any coast guard response or Transport Canada response for Lake Winnipeg?

Mr. Gerard McDonald: I'm not sure.

•(1605)

Mr. Charles Gadula: We have response capabilities strategically located in different centres across the country. It would really depend on the size of the spill and whether there was a local person you could contract to clean it up. A lot of spills are very small—a couple of litres in nature. We have the ROs, which are the large industry-funded, industry-operated, response organizations, south of 60. They have a significant amount of equipment and personnel trained to respond. In addition, the coast guard across the country has maintained, south of 60, significant resources, equipment, and trained personnel with a capability of moving them to the location where they're required. North of 60 we've built in response equipment pieces in each of the 25 communities up there so we can handle small local spills.

So overall there is a government capability of response within the coast guard; there's the regulatory regime provided by Transport Canada; there's the industry-funded, industry-operated part of it; and there's the ability to contract with small companies that can also provide cleanup.

Mrs. Bev Desjarlais: I'm just going by the paragraph where you indicated that Transport Canada will manage the national area surveillance program for pollution surveillance. How many helicopters or planes would you use?

Mr. Gerard McDonald: Right now we have one Dash 8 operating out of Moncton that does surveillance for the Great Lakes and the east coast. We also have some resources that are used for the Great Lakes, but I'm not sure exactly what type of platform that is.

Mrs. Bev Desjarlais: Is there one for the whole area?

Mr. Gerard McDonald: That's correct.

Then we have a Twin Otter in British Columbia that provides the same service. In addition to that, we use RADARSAT to try to site possible spills that we can then ground-truth. We also contract out some surveillance.

Mrs. Bev Desjarlais: At one time the coast guard had operations that did sort of search and rescue on Lake Winnipeg. Is that still available?

Mr. Charles Gadula: Yes, we still have a presence on Lake Winnipeg. We have a multi-mission aids to navigation vessel there that also does search and rescue. In addition, we have a number of coast guard auxiliary units in the Gimley area.

The Chair: Just one more question.

Mrs. Bev Desjarlais: When the bill first came out it was titled the coast guard bill, in the information that came to us as parliamentarians. I'm curious as to why.

Mr. Gerard McDonald: I don't have a clue, and I'm not aware it was ever titled that.

The Chair: Perhaps you could tell us where you read that.

Mrs. Bev Desjarlais: It was in all the information that was given to our House leaders, our whips, MPs.

The Chair: That may have been written elsewhere and not by the department. I don't know.

Mrs. Bev Desjarlais: I thought since it was affecting the department, they might have some idea why—silly me.

The Chair: It's like headlines; someone else writes it.

Ms. Yvette-Marie Kieran: As we said, that's a result of the order in council of December 12. At that time, the idea was to transfer the policy responsibilities to Transport. One of the reasons for doing that was so the coast guard would be able to concentrate on services. That might be one of the reasons. I also heard it referred to as the coast guard bill before. I think that might be one of the reasons.

Mrs. Bev Desjarlais: Thank you.

The Chair: Thank you.

Mr. Scarpaleggia, do you have any questions?

Mr. Francis Scarpaleggia: Sure. It's really a point of information.

I'm on another committee that is studying Bill C-15. Basically, it will make it easier for the Government of Canada to prosecute ships that are dumping waste oil off the coast. Of course, they do this because it's cheaper than having the oil treated in harbour. In discussions about the bill, I remember references to RADARSAT, a satellite-based system that would basically allow you to pinpoint oil slicks in the ship's wake.

There are two paragraphs of your presentation that captured my attention. It's where you mention that Transport Canada has assumed responsibility for pollution prevention, and Transport Canada will manage the national aerial surveillance program, which focuses on pollution surveillance. Will that be through the RADARSAT system?

•(1610)

Mr. Gerard McDonald: That's one aspect of it. For one aspect, we have the planes and we do flights. We go out and look for the oil, knowing where the traffic might be. Another way to do it is based on the information that we get from RADARSAT, it will identify that there is possibly something in the water somewhere. Then we can take a plane, go out, and try to ground-truth the suspicion that there may be a spill.

Mr. Francis Scarpaleggia: I see.

Then in the following paragraph, which is really the crux of my question, it says:

The Canadian Coast Guard continues to manage the aerial surveillance program pertaining to fisheries and security (which also watches Canadian waters for incidents of pollution....

Is there an overlap there? Is there a way of having one satellite survey the waters for all of these things? Is that perhaps where you're heading?

Mr. Gerard McDonald: I think wherever we can multi-task, we are indeed looking for ways to do it. I'm certainly not an expert in this area, but as I understand it, the fisheries surveillance flights are quite different from the marine pollution surveillance flights. They are done at a much higher altitude, and they're obviously looking for different things. If you want to ground-truth it to make sure it's an oil spill, you have to get closer to the target to be able to get sufficient evidence to prosecute successfully.

Mr. Francis Scarpaleggia: Am I correct in understanding that each department has its own planes?

Mr. Gerard McDonald: No. I think the Department of Transport is the only department with planes, and of course the Department of National Defence.

Mr. Francis Scarpaleggia: Okay. It seems to me there's overlap.

Mr. Gerard McDonald: We're very aware of the different duties. We also do reconnaissance for ice. As I said, we try to multi-task, but it isn't always possible. Given the functions they're doing while on the plane, they can't do everything that's expected of them on the same flight.

Mr. Francis Scarpaleggia: Thank you.

The Chair: Thank you, Mr. Scarpaleggia.

I think Mr. Nicholson had a question.

Hon. Rob Nicholson: I only have one question, Mr. Chairman. It's on the same point Mr. Scarpaleggia raised.

In your comment, you said that Transport Canada will manage the national aerial surveillance program, which focuses on pollution surveillance. Was that one of the responsibilities that had been with the Department of Fisheries and Oceans but now is with the Department of Transport? I'm assuming it is because you've highlighted it

Mr. Gerard McDonald: Exactly.

Hon. Rob Nicholson: Okay. The pollution surveillance covers all types of shipping, not only pleasure craft but anything to do with water.

Mr. Gerard McDonald: That's correct.

Hon. Rob Nicholson: Thank you.

That's all, Mr. Chairman.

[Translation]

The Chair: Mr. Carrier.

Mr. Robert Carrier: Still on the same subject, it seems the Canadian Coast Guard will continue to manage the Aerial Surveillance Program pertaining to fisheries and security. If I understand correctly, responsibility for this area will not be transferred to Transport Canada. I thought I heard someone say earlier that all regulatory services being transferred to Transport Canada would no longer be designated as Coast Guard operations. If I understand how responsibilities are being shared, all Coast Guard responsibilities under the bill will be transferred to DFO.

Transport Canada will assume responsibility for certain operations. Since the Coast Guard's budget was inadequate to ensure the agency's smooth running, have you earmarked sufficient funds for the activities that are being transferred over to your department, since

DFO will have to manage its own Coast Guard program? My question may seem rather complex, but the bill now before us is also very complex.

• (1615)

[English]

Mr. Gerard McDonald: Perhaps I didn't explain it clearly enough. There are two distinct programs here. One is surveillance for oil pollution. The other program is surveillance for fisheries infractions. They are very different programs done with, I understand, different types of aircraft flying at different altitudes. So it's not always possible for the same two programs to be carried out by the same aircraft. The program for the fisheries surveillance is not done within the coast guard, as I understand it; it's done within the Department of Fisheries and Oceans. It was always a separate program from the oil pollution surveillance program, which was done by the Canadian Coast Guard.

It is solely the oil pollution surveillance program that has been transferred to Transport Canada. So the Department of Fisheries and Oceans still has an aerial surveillance program, but the purpose of that program is to try to monitor and catch any fisheries infractions that may be occurring.

[Translation]

Mr. Robert Carrier: Will Transport Canada be getting adequate budget funds to take on these new responsibilities?

[English]

Mr. Gerard McDonald: It has been transferred to us. All the money the coast guard was spending on the oil pollution surveillance program has been transferred to Transport Canada.

[Translation]

Mr. Robert Carrier: Thank you.

[English]

The Chair: Thank you.

Ms. Desjarlais.

Mrs. Bev Desjarlais: Did I hear you correctly earlier that the recommendations or the changes to the legislation came from an order in council and not on the recommendation of the department?

Mr. Gerard McDonald: No, the transfer of the responsibilities came as a result of the order in council.

Mrs. Bev Desjarlais: Are you aware of why they were suggesting a transfer? Was there any indication as to why the transfer was suggested?

Mr. Gerard McDonald: It was to bring about greater efficiency in the area of marine safety policy.

Mrs. Bev Desjarlais: I'm trying to see whether or not there was a recommendation given from one or both departments to them. I just find it simply amazing that they knew they should do this, that this was the answer, without having had discussions with the department.

Mr. Gerard McDonald: I think the issue had been discussed in a number of fora—not this transfer specifically, but various issues surrounding the original transfer of the coast guard to Fisheries and Oceans, the problems with having marine safety policy responsibilities split between two departments. So there were a number of fora in which these issues had been discussed.

Mrs. Bev Desjarlais: But there was no written report given suggesting that this would be a good move?

The Chair: I don't mean to interrupt, but Mr. McDonald is the director general of marine safety. You're asking about the macro decision-making or perhaps policy-making within the department, and I think it's very difficult for Mr. McDonald to answer questions. I would suggest that if we want to go further, we could have somebody, perhaps the minister, back to answer these questions.

But these are very difficult questions and not within Mr. McDonald's purview at all.

Mrs. Bev Desjarlais: I just thought since he was the witness here he would know why there was a recommendation made to do this.

The Chair: That comes at a higher level, a policy level.

We can certainly address that question, but we would need different witnesses, that's all.

Mrs. Bev Desjarlais: Okay. I'm finding this a bit strange, but that's fine. We can do that and get the minister to answer to that.

I find it strange that the person who's here appearing as our witness to answer our questions on this doesn't know why the order in council came, doesn't know if there was a specific report or something that went forward to somehow give an indication.... I know that those giving the order in council all have great wisdom, but usually things are acted upon from recommendations from within the department. I just wanted to know, because it seemed like it didn't come from the department. I'm just a bit amazed that it happened.

I'm curious. You've mentioned there's going to be a response to this report. We all know, if we've been here a few years, that within the House there is no committee that travels and gets information directly from the source more than the fisheries committee. Since we're going to be dealing with a piece of legislation that will be affected by some of these recommendations, I'd be very interested in seeing the response to this report before we follow through with the legislation.

That's just a comment.

• (1620)

The Chair: You'll appreciate also that the minister has 120 sitting days to respond to the report of the committee. That's a considerable period of time.

Mr. Scarpaleggia.

Mr. Francis Scarpaleggia: Yes, Mr. Chair.

I don't know if this is a fair question to ask you. It is perhaps policy related.

On personal watercraft, the Sea-doo's, it seems to me—correct me if I'm wrong, and I won't pursue this—that in the last Parliament there was a bill that was making its way from the Senate.

Mr. Gerard McDonald: Yes, Senator Spivak's bill.

Mr. Francis Scarpaleggia: Again, correct me if I'm wrong, but it would have given local communities the power to regulate personal watercraft.

Mr. Gerard McDonald: In essence, yes. As I understand it, a local community could make a recommendation to the minister that personal watercraft be banned or restricted from certain areas.

Mr. Francis Scarpaleggia: I'm not going to ask you if you think this is good or bad.

Mr. Gerard McDonald: I think I could answer.

The Chair: Mr. McDonald, don't do it.

Mr. Francis Scarpaleggia: On the technical level, are there problems with this bill? Is this bill technically sound?

Mr. Gerard McDonald: I won't comment on the technicalities of the bill, because quite honestly I haven't read it in that light.

We do have a concern with the bill on a couple of fronts.

First, it would seem to mirror regulations that we already have. We have what are called the boating restriction regulations, where any body of water can have restrictions applied to it provided the appropriate consultations occur and the appropriate considerations are given to what is wished by the community.

Obviously, like any regulations these regulations have to be brought about with the approval of the governor in council.

Senator Spivak's bill, as I understand it, would bypass the regulatory process.

Mr. Francis Scarpaleggia: How's that?

Mr. Gerard McDonald: It would allow a number of local cottage owners to make a representation to the minister to forbid the use of watercraft on a specific body of water. It would not require governor in council approval. It would not require the necessary consultation that is required of regulation, nor would it require the necessary regulatory impact analysis that accompanies any regulation, which must be promulgated.

Mr. Francis Scarpaleggia: If I understand correctly, right now there are regulations in place that allow the minister to consult with local communities over these issues.

Mr. Gerard McDonald: Yes, there are the boating restriction regulations, which allow those issues to be considered on any body of water.

Mr. Francis Scarpaleggia: So in your view, as an expert in these matters, Senator Spivak's bill adds nothing to what already exists?

Mr. Gerard McDonald: We feel there is appropriate regulation in place to deal with these issues.

• (1625)

Mr. Francis Scarpaleggia: Yes.

The Chair: That's very interesting, but Senator Spivak lives in another place, and that bill was never in the House, or certainly not before this committee.

Are there further questions?

Mrs. Bev Desjarlais: I have just a short one.

You mentioned there is one Dash 8 and a Twin Otter, and that you use RADARSAT to track pollution. How often do that Twin Otter and Dash 8 get out from the Great Lakes to scoot around all of the east coast to check for pollution?

Mr. Gerard McDonald: I don't have that information at hand, but I'd be happy to get back to you with the information as to how many flight hours we have in a year.

Mrs. Bev Desjarlais: Do you know whether you have enough equipment to do that or not?

Mr. Gerard McDonald: It is a difficult question to answer. As I answered to a previous question, we could always use more.

I think it's a matter of managing the risk and trying to ensure that you have appropriate surveillance to keep any potential polluters at bay, let them know that at any particular point in time there could be surveillance up there that might catch them doing an inappropriate thing.

Mrs. Bev Desjarlais: I'm assuming you're here because you're the expert, given that your department's taxed with this. Based on the report that often comes out on the ship-source pollution—there's a report that comes out every year; we get it in our offices, and it's fantastic reading—my understanding is that it usually indicates there's not nearly enough happening as far as surveillance is concerned and that a fair amount of time is passing after the spill so that you can't track down the culprit. In that regard, if your department is taxed with this, I think it would be extremely important that we know whether or not there is adequate equipment. We need to ensure that happens.

The Chair: I just want to follow up very clearly on a point of clarification with respect to Mrs. Desjarlais and a question that was raised earlier.

I understood you to say, Mr. McDonald, that in terms of Great Lakes pollution surveillance, the department has one Dash 8, which is located in Fredericton?

Mr. Gerard McDonald: In Moncton.

The Chair: The last time I looked at a map, Moncton wasn't very close to the Great Lakes.

Mr. Gerard McDonald: That's true.

The Chair: Because I fly in Dash 8s frequently, probably hundreds of times in this business, I know the range of a Dash 8 is not that extensive. If you look at the back of those Air Canada magazines, it says the range is 1,200 or 1,400 kilometres. How much surveillance could one possibly do on the Great Lakes with a Dash 8 that takes off out of Moncton?

Mr. Gerard McDonald: What I also said was that we have additional aircraft that fly out of Hamilton. I'm not sure how much use is made of those aircraft to do Great Lakes surveillance, but they do some Great Lakes surveillance. I'd pleased to get you that information, but I don't have it at hand, unfortunately.

The Chair: Mrs. Desjarlais was looking for information. If you could supply that through the clerk, we would appreciate that.

Mr. Gerard McDonald: Yes.

The Chair: Monsieur Carrier.

[Translation]

Mr. Robert Carrier: All of the reports that have been drawn up recommend the creation of an independent Canadian agency to oversee Coast Guard operations. This agency would have its own budget based on the mandates assigned to it. Enforcement action arising from the various acts that the Coast Guard must administer would thus be clarified.

The many shortcomings associated with DFO managing Coast Guard operations have been acknowledged. Creating a separate agency will help to clearly identify responsibilities. Do you think the creation of an independent agency is one solution that warrants future consideration?

[English]

The Chair: I don't know if you want to answer that. That's a policy question.

Mr. Robert Carrier: I want just an impression, just an idea.

The Chair: If you want to give an impression, please do so.

Mr. Charles Gadula: Just as a very quick comment, in the last eight or nine months we've been concentrating a lot of effort in the coast guard to bring into place the separate operating agency, which will make us more businesslike and let us concentrate on service to Canadians. We're hopeful the decision by the government to go with a separate operating agency will allow us to do some of the things one might be able to do in an independent agency. Only time will tell, but I've been in the coast guard since 1966, so I've seen lots of changes, and I'm optimistic.

● (1630)

The Chair: I just have two very quick questions.

You mentioned that this was all set in motion by an order in council. If that were the case, if it was in fact done with the order in council and the wheels were put in motion, if the cabinet had that authority, why do we have legislation?

Mr. Gerard McDonald: The legislation is just to add greater clarity to the existing legislation that we have. What we have now is a piece of legislation that says in it that the Minister of Fisheries and Oceans is responsible for that or the Minister of Transport is responsible for that. When the average Canadian goes to read it and he wants to see who's responsible for pollution response, he'll look in the legislation and it will say the Minister of Fisheries and Oceans is responsible for that, when in actual fact the Minister of Transport is responsible for that issue right now. So it's to add greater clarity for the people who are going to be referring to the legislation in the future.

The Chair: I have one final, quick question.

You make reference to 155 people being moved, shuffled. Is this a paper move, or is this having families move? If you have 155 families moving physically, I would think the cost for that would be at least a few million dollars, at \$20,000 a family. That's not really cheap. What is happening in that?

Mr. Gerard McDonald: At this point, no people have been physically moved from their area of residence as a result of this transfer. Obviously, a number of people at 400 Kent Street have now moved into Place de Ville for the areas they do at headquarters. In the regions, it's a little more complicated, because coast guard offices don't always correspond with Transport Canada centres and where they're located, but we are working through those issues. In many areas we are co-located, so it's not that big an issue. But there are a few instances where people may have to be moved. As of yet, though, that hasn't occurred.

The Chair: Can you quantify the few instances?

Mr. Gerard McDonald: I would think it would be fewer than five.

The Chair: Thank you.

Go ahead, Mrs. Desjarlais.

Mrs. Bev Desjarlais: I have one more little question that came as a result of your question and actually as a result of the response.

You mentioned that you're optimistic about a separate coast guard

Mr. Gerard McDonald: A special operating agency.

Mrs. Bev Desjarlais: A special operating agency.

That being the case, why wouldn't we hold off on this legislation and wait and see if there's going to be something that's going to reflect that change?

Ms. Yvette-Marie Kieran: Actually, I think that gives me the opportunity to go back to your previous question about the recommendations.

•(1635)

Mrs. Bev Desjarlais: [*Inaudible—Editor*]

Ms. Yvette-Marie Kieran: Well, no, that's not the one I wanted to go back to. You were asking my colleague Gerard if it was coming from the recommendations. I will not go into the policy decision behind that, but I think it's important that you realize that the order in council of December 12 was actually signed pursuant to what is called the Public Service Rearrangement and Transfer of Duties Act.

Under that act, there are two ways.... It could be after recommendations of the two departments involved that the order in council will be issued. The other possibility, which is the one that was used on December 12, is the Prime Minister's prerogative. That

order in council never came from the recommendations of the two departments; it came from the Prime Minister's Office. As for who he consulted and how it was done, I assume, as Gerard McDonald did, that the decision was made because of different things that were raised in the past. But I think it's important to realize that it's a prerogative of the Prime Minister.

That leads me now to your question about why we don't wait. Actually, that bill is simply to clarify the legislation, but the transfer was already done through the order in council. Delaying the bill will have the result that the public, in reading the bill, will be confused, because the normal reaction is not to read orders in council but to read the legislation.

Mrs. Bev Desjarlais: Thank you.

The Chair: Very good. Thank you.

There being no further questions, we thank our witnesses for coming.

Colleagues, before we leave, I understand the clerk has circulated a list of witnesses that has been provided by the department with respect to Bill C-3. On Tuesday next, we will have the director general of the coast guard here, but if you have or know of other witnesses you would like to have before the committee with respect to this bill, please let us know and we will move to facilitate that.

Mrs. Bev Desjarlais: How about a rep from the PMO, to see why the order in council took place?

The Chair: Do you want to provide a name, Mrs. Desjarlais?

Mrs. Bev Desjarlais: The PM.

The Chair: Good luck.

If you want, we could have Mr. Ranger, the deputy minister, come before the committee.

[*Translation*]

Ms. Caroline St-Hilaire: Are you referring to the Parliamentary Secretary to the Prime Minister? Did I hear you correctly?

[*English*]

Mrs. Bev Desjarlais: To the Prime Minister?

The Chair: No, I said Monsieur Ranger, the Deputy Minister of Transport. If you have other people, please advise us.

I thank you, and we stand adjourned.

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