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Chair

Mr. Garry Breitkreuz

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• (1110)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): I'd like to bring this meeting to order. This is the Standing Committee on Public Safety and National Security, meeting number 33.

We have, pursuant to Standing Order 108(2), a briefing on the no-fly list.

We would like to welcome today, from the Department of Transport, Mr. Grégoire, the assistant deputy minister for safety and security, and Mr. Brandt, the director of security policy.

Welcome, gentlemen, to our committee. We look forward to any information you can give us in regard to this. You are both welcome to make some opening statements, up to ten minutes long if you wish.

Who would like to begin? Mr. Grégoire.

Mr. Marc Grégoire (Assistant Deputy Minister, Safety and Security, Department of Transport): Thank you, Mr. Chairman.

I am here to address the committee's expressed interest in learning more about the passenger protect program.

[Translation]

I am joined by Brion Brandt, who is our director of Security Policy. As you are aware, for decades terrorist groups have targeted civil aviation. As a result, countries around the world have enhanced security and Canada has been a leader in improving security. We have pioneered such initiatives as passenger-baggage match, and advanced explosives detection techniques.

One recent initiative, regarded with interest by other countries, is to provide non-passengers—workers, if you will—with secure ID, in the form of the Restricted Area Identity Card that contains biometric identifiers and is backed up by a rigorous security clearance process.

[English]

The diversity of initiatives to secure civil aviation reflects an approach that stands the best chance of success: layered security. Each layer adds something useful to make the whole better than the parts. Together, security layers have contributed to a situation in which security is adapting and improving, and public confidence in civil aviation and passenger numbers are growing once again.

The passenger protect program responds to a recent trend, confirmed by current intelligence, of efforts by terrorist groups to place operatives on board aircraft for the purpose of bringing the

aircraft down, or using it as a weapon. In 2004, terrorists in Russia who boarded two aircraft caused the aircraft to crash, killing 89 people. In 2006, British authorities disrupted an alleged plot to use passengers to bring down multiple aircraft, using improvised explosive devices. That was last August.

[Translation]

The risk associated with this disturbing terrorist trend is acute, unless it is mitigated by several means, including passenger assessment. Fortunately, careful passenger assessment is more practical in aviation than in urban transit, for example.

The Passenger Protection Program will apply to flights within Canada, and to flights originating in, or destined for, Canada. Inside Canada, the program will apply to the same commercial flights for which passenger screening is required currently, that is to say in the 89 currently designated airports. These flights warrant greater attention because of their size and access to airports in larger cities. The program will also apply and add additional security benefit to flights to Canada from foreign airports, which in some cases may not have comparable screening programs.

[English]

For the first time ever, the program will require air carriers to check passenger ID on Canadian domestic flights before boarding. Until now, ID checks on domestic flights were voluntary and not always applied by the various airlines. The passenger protect program will formalize this good security practice.

Like many other aviation security programs, the passenger protect program requires a partnership between government agencies and air carriers. Transport Canada, using information from the RCMP and CSIS, will provide air carriers with a list of individuals who, if they attempt to board a flight, may pose a threat to that flight.

The list will be dynamic. As required by law, each name must be reassessed every 30 days. Names can be added on an urgent basis in response to a specific threat situation. Many countries and even private companies use watch lists, because they work.

•(1115)

[*Translation*]

One unfortunate result of the terrorist use of passengers to carry out attacks is the mistrust created between passengers, resulting in several incidents where individuals were asked to leave an aircraft on suspicion that they posed a threat. The proposed program will offer passengers on flights to and from Canada, and within Canada, additional assurance that fellow passengers do not represent a threat.

[*English*]

The challenges that face the passenger protect program mirror those that face other watch-list programs. The people who pose a threat may try to travel under an assumed identity to avoid detection. We must remember that the individuals we are discussing are few and far between.

Creating a false identity and evading detection require effort. Law enforcement and intelligence agencies may be able to defeat efforts at evasion, and these detection efforts can result in stopping the individual from boarding an aircraft. We should also remember that the perpetrators of 9/11 and the shoe bomber, Richard Reid, all travelled using their own identities.

The passenger protect program faces other challenges as well, in particular, avoiding mistakes. Transport Canada has worked over the past two years with the aviation industry, civil liberties groups, and community organizations to design a system that reduces the likelihood of a mistake being made. The key here is to have a list that is clearly focused on aviation security, therefore minimizing the risk of a mistake. It must be limited in size and scope—enough to do the job and no bigger.

At the same time, the system should permit the rapid resolution of cases in which your name is similar to the name of someone on the list by letting you provide additional data points—date of birth, home address, passport number—on the spot, at the airport, prior to boarding, to clear matters up. If you face repeated name-match issues but are cleared through an ID check, we will work with you before your next trip to minimize repeated inconvenience.

[*Translation*]

Permit me to spend a few minutes describing how a potential no-fly situation will be handled. Whether check-in is via Internet, kiosks, or at the counter, air carriers will now allow printing of the boarding pass when there is a name match with the specified persons list. Passengers refused a boarding pass at a kiosk or off the Internet will be directed to the airport counter where an air carrier agent will request government-issued identification to determine whether the name, date of birth and gender match those of a listed person.

When an individual presents government-issued identification with name, date of birth and gender not matching those of a specified person, the air carrier will issue a boarding pass.

[*English*]

When requesting government issued identification, the air carrier must ask for either one piece of government issued photo ID that shows the person's name, date of birth, and gender, or two similar pieces, at least of which one shows the person's name, date of birth, and gender. One of those two pieces does not have to have a photo.

These pieces must be federally, provincially, or territorially issued identification. This is the identification we would request for meeting the requirements.

The program will apply to persons who appear to be 12 years of age or older, so young children are excluded from the requirement to have government issued identification.

If an individual presents government issued identification with name, date of birth, and gender matching those of a listed person, the air carrier will inform the person of the delay in processing and will call Transport Canada. In addition, the air carrier will ask whether the individual has ID that provides additional data, as we just discussed.

When an air carrier calls Transport Canada about a possible match on the specified persons list, a 24/7 operations centre, staffed by Transport Canada personnel, will receive the call. The officer receiving the call will have the task of verifying whether the individual is in fact the person on the list. The air carrier will provide Transport Canada with the data obtained from the individual.

•(1120)

[*Translation*]

Transport Canada will assess the data. If the data demonstrate that the person has been specified, the TC operations centre will inform a senior official.

A decision will be made at that time, based on the ID information provided, and any additional up-to-date information available to the department, on whether to issue an Emergency Direction to the air carrier, instructing them to deny boarding to the individual.

[*English*]

Transport Canada will inform the air carrier of its decision.

When an emergency direction decision to deny boarding has been made, Transport Canada will notify the RCMP national operations centre immediately to inform them of the presence of the specified person at an airport.

The RCMP will inform police located locally about the individual who is to receive an emergency direction denying boarding. Air carriers may also contact police and/or security personnel located locally.

The air carrier will inform the person that an emergency direction has been issued denying boarding, and will provide information from Transport Canada concerning the reconsideration process.

Police and/or security personnel will respond as appropriate to the situation, such as security assurance or execution of a warrant of arrest. This is a key point. Passenger protect's objective is to keep an individual who threatens a flight off the plane. This individual may be subject to arrest, but that decision is within the mandate of the police, not Transport Canada.

[Translation]

If, despite the program design elements that I have just outlined, a mistake occurs, Transport Canada is establishing an Office of Reconsideration, staffed by individuals who have had no previous role in creating the watch list and supported by independent experts, so that an individual can provide additional information to challenge the Transport Canada decision.

The Minister of Transport will consider advice from the Office of Reconsideration. The reconsideration process offers a low cost and quick approach to challenging a decision to deny boarding, based on the list.

[English]

In moving forward with passenger protect, we are making use of the provisions of the Public Safety Act, approved by Parliament after considerable debate, including creation of a watch list to protect air passengers. The proposed program also contributes to the objectives of the security and prosperity partnership endorsed by Canada, the United States, and Mexico to develop equivalent approaches to aviation security, including in the matter of passenger assessment or no-fly programs.

Passenger protect would enable us to use Canadian standards in judgments, and scrupulously respect Canadian laws including the Privacy Act, while at the same time engaging our partners in dialogue in the development of separate but comparable programs to improve aviation security. Developing appropriate security programs is always complex and often controversial. We must develop programs that enhance security while respecting privacy and efficiency.

Thank you for your time. We both look forward to your questions.

The Chair: Thank you very much.

Mr. Lee.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Thank you for your presentation.

Is the passenger protect program contained in the statute or the regulations, or is it simply a policy that is being implemented by the department?

• (1125)

Mr. Marc Grégoire: The Aeronautics Act was amended by the Public Safety Act in May 2004, giving us the enabling authority to make such a list.

Mr. Derek Lee: So the framework legislation is in place. Will you use regulations to do this?

Mr. Marc Grégoire: We will use regulations, and the regulations were published in the *Canada Gazette* part I at the end of October. We are now in the process of analyzing the comments and preparing to move for representation in the *Canada Gazette* part II.

Mr. Derek Lee: And those regulations will in the normal course be reviewable by Parliament through its processes at the Standing Joint Committee for the Scrutiny of Regulations.

Mr. Marc Grégoire: Yes.

Mr. Derek Lee: There's no exemption from that.

Mr. Marc Grégoire: No.

Mr. Derek Lee: Okay, thank you.

Can I ask a question? There are a whole sequence of questions about these regulations.

I concede right at the start that the purpose is the protection of the public. We all accept that. The whole process is intended to put a regime in place that will protect in as fail-safe a way as we can do it.

My questions assume that this exists. I'm going to just change the angle of questioning to look at what-if scenarios for the average citizen. I'm going to give you two or three questions here.

Give me an example, if you could, of something that would cause an individual's name to be taken off the list. I realize there's some kind of a 30-day review. But once the name is on the list, the fact that somebody reviews it and says the original information is there, the name is there, check, it stays—what would actually cause a name on the list to be removed? That's the first question.

My second question pertains to the emergency direction. If you start with the premise that the name is on the list, the only question is whether the individual presenting himself or herself at the airport is the same person as the person on the list. So there's the process of providing additional identification to try to determine that.

The regulations provide for an emergency direction from Transport Canada—this 24/7 operation. What if an emergency direction doesn't come from Transport Canada? What if they're not sure? Is not the citizen still prevented from boarding the aircraft because the same name exists on the list? What would allow the citizen to board the aircraft if an emergency direction is not issued with respect to that person?

Isn't the citizen then in a no-man's land? An identical name is on the list. Identification has been presented. Transport Canada is unable to determine what to do, so they don't issue an emergency direction. The implication for the travelling citizen is still the same. They can't board the aircraft. They are absolutely stuck at the airport. They have to go home, and hopefully it's not in another city.

Those are two questions. I'm probably getting close to being out of time.

• (1130)

Mr. Marc Grégoire: If I may, I'll start with the second one. I'm not sure I quite understand it, but let me try this.

There is somebody at the airport for whom we will not issue an emergency direction, and we tell the airline this person is clear to go and the airline still doesn't board that person. Is that your question?

Mr. Derek Lee: In the process, there is no authority for Transport Canada to tell the carrier they're clear to go. There is only a provision that allows Transport Canada to issue an emergency direction. What you've described does not exist in law. Transport Canada, as far as I can see from what you've described, does not have a green-light mechanism; it only has a red light. All Transport Canada is going to do is put up their hands and say I'm sorry, we can't make up our minds.

Mr. Marc Grégoire: No, no. We will make up our mind. If we tell the air carrier this person is not the same person as the name on the list appears to be, this is a green light. But if the air carrier still refuses to bring that person on board, there's nothing we can do. It is not because of this process.

Let's assume that John Smith—

Mr. Derek Lee: Are you telling us that when the carrier contacts Transport Canada it must either give a green light or an emergency direction? Are you saying that this is what the regulations impose?

Mr. Marc Grégoire: By default, that's what it is. But a green light—

Mr. Derek Lee: No, I'm sorry, we can't.... I'm sorry, there is no such thing as “by default”. Either the regulations have a regime that causes Transport Canada to give a green light or an emergency direction, or they're defective and the citizen will not have the certainty of being able to board the flight—unless you think there are civil servants out there who are going to be empowered to give green lights. I have never found a civil servant in my life who was able to give a green light unless they had the authority to do so.

A voice: That's slanderous.

Mr. Marc Grégoire: We will have people on my staff seven days a week, 24 hours a day, answering calls from the airline and verifying that the person is or is not the person who's on the list. If we tell the air carrier we have verified the information they gave us, and this is not the person on the list, that's all.

Can we force an airline to board the passenger? We cannot.

Mr. Derek Lee: Can the passenger force you to make a decision? That's my question.

Mr. Marc Grégoire: We will make a decision.

Mr. Derek Lee: What if you don't?

Mr. Marc Grégoire: But we will. Why would we not make a decision? We will make a decision in each and every case. But that's not a guarantee.

Mr. Derek Lee: What if you're not sure, sir? What if you're not sure?

Mr. Marc Grégoire: We will make a decision. If we are not sure, we may make a decision for you not to board.

Mr. Derek Lee: Will you issue an emergency direction?

Mr. Marc Grégoire: If we're not sure, yes.

Mr. Derek Lee: Oh, if you're not sure, you will issue an emergency—

Mr. Marc Grégoire: If we're not sure and we think there is a security threat for the flight, we will issue a security directive, an emergency directive.

Mr. Derek Lee: And you notify the police authorities of that fact, even though you're not sure.

Mr. Marc Grégoire: Yes, but that's a purely theoretical question.

The Chair: Mr. Lee, we will have to stop. Do you want an answer to your first question?

Mr. Derek Lee: Yes, please.

The Chair: Your time is way over. Do you still remember the first question?

Mr. Derek Lee: Yes. It was about what would cause a name to be moved off the list.

Mr. Marc Grégoire: Again, that's purely theoretical. But this list will be made by people. We will have a committee of Transport Canada, CSIS, and RCMP. They will be analyzing the facts surrounding people, and they will be recommending that people be placed on the list.

Since this is made by people, it is possible to think that people may make a mistake or that a situation or the facts surrounding somebody may be wrong or some new information could be acquired. If that should be the case, the name would be removed, but the criteria—

Mr. Derek Lee: What circumstances would trigger the removal of a name from the list in this 30-day exercise?

Mr. Marc Grégoire: What circumstances?

Mr. Derek Lee: Yes, an example of what would cause it.

Mr. Marc Grégoire: We will have a continuous review of all the names on the list by the three parties I just mentioned, so a trigger would be from one of the agencies. Another trigger would be from the passenger—

Mr. Derek Lee: That's to get on the list, sir. How do you get off the list? What would cause an agency to take a name off the list?

Mr. Marc Grégoire: I just said a permanent review of the list every 30 days. Each and every name will have to be looked at again, and if information is provided to take the name off, it will be taken off.

Another trigger would be the reconsideration mechanism that I mentioned. If somebody appeals because he or she feels there's a mistake, that's another trigger.

So there are two potential triggers.

The Chair: I'll have to move on to Mr. Ménard.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Thank you, Mr. Chair.

Mr. Grégoire, I'll tell you that, travelling by air and knowing a number of people I care for who travel by air, and understanding the present situation, I'm concerned about air security as much as you, if that's possible.

However, I need clear answers to a few questions that I ask myself before I can get an idea of the situation. I would appreciate brief and clear answers since we have a little time.

First, when you register by Internet, do you know immediately whether you can take the plane or whether you may be denied at the airport?

• (1135)

Mr. Marc Grégoire: You know whether you can take the plane only if you are able to print your boarding pass. If you can't print your boarding pass, that means there is a doubt, and you'll know that before getting to the airport.

Mr. Serge Ménard: But I believe you can print your boarding pass at home on your computer.

Mr. Marc Grégoire: Indeed.

Mr. Serge Ménard: If my name is on the no-fly list,...

Mr. Marc Grégoire: You won't be able to print it.

Mr. Serge Ménard: ... I'll know it at that time. That's perfect. So I won't have to leave home.

I'd like to ask you a second question. You tell us that you consulted...

Mr. Marc Grégoire: Wait a minute. If you can't print it, that doesn't mean that you are the person whose name is on the list. That means that you have a name similar to that of someone who is on the list.

Let's say there's another Mr. Ménard on the list and that that person is a danger, but that it isn't you...

Mr. Serge Ménard: I understand that, and that's what I wanted to know.

Now I want to ask you a second question. You said that you had consulted a number of organizations concerned with certain things. You no doubt have a list of the organizations that you consulted. Could you file it or send it to us?

Mr. Marc Grégoire: Absolutely. The list of all the organizations consulted is in the regulatory impact study that is part of the draft regulations in Part I of the *Canada Gazette*, but I'll be pleased to send it to you as soon as possible.

Mr. Serge Ménard: I have a third question. You said you had given lengthy evidence before the Senate. This list was prepared in the United States, wasn't it?

Mr. Marc Grégoire: Yes, in the fall of 2001.

Mr. Serge Ménard: The reports that we have concerning the preparation of that list tell us that a lot of mistakes were made due to prejudices, and probably instances of revenge as well. We were told that Senator Ted Kennedy was on it, that a name of a singer by the name of Cat Stevens was on it as well, and that a lot of militant environmentalists and pacifists had been added to the list.

How are you going to avoid these kinds of errors?

Mr. Marc Grégoire: First, the Canadian legislation is much more restrictive than the U.S. legislation. The American criteria for entering people on the list, as you very accurately described, were very broad. We have much more restrictive criteria, and the person must, in our view, represent a danger to aviation security.

We've very closely monitored the problems that the Americans have had with this list over the past five years, and we're going to do everything to prevent those problems from arising here in Canada. We anticipate a much shorter list than that of the Americans, which should help us control and limit mistakes. We also foresee a frequent systematic review, as I mentioned earlier, to ensure that we maintain control over the size and content of the list.

Mr. Serge Ménard: How are you going to do that? You tell us, among other things, that you have independent staff who will be consulted in order to revise the list, or to review names that appear on the list, because people ask that their names be deleted. How will that independent staff be selected and who will pay them?

Mr. Marc Grégoire: Those are two different topics. First, the list is prepared and reviewed on an ongoing basis by Transport Canada, CSIS and the RCMP, not by outside personnel. The information comes to us mainly from CSIS and the RCMP.

The other topic we discussed was the Office of Reconsideration, a process enabling an individual who believes he has been falsely placed on the list to appeal. We set up that office at Transport Canada because there was no independent tribunal that would be capable of hearing these types of cases at this time. We set up the office for this program and for the security clearances that we do. The office will handle complaints from the Passenger Protection Program and regarding security clearances that we would deny. That affords individuals the opportunity to have an easier and less costly process to deal with rather than go to Federal Court or use another process. We don't yet know how much such a process would cost because we don't know how many appeals there will be. However, we have set aside a budget of approximately \$1.5 million a year for the Office of Reconsideration.

We've published notices in the newspapers in recent months, and we're selecting independent experts who will be chosen to hear people who appeal to the office.

• (1140)

Mr. Serge Ménard: How are you going to judge the experts' ability to make those decisions? For example, if a person who belongs to the Ligue des droits et libertés or is a university law professor submitted his name, would you accept him as an independent expert or would you feel that these people were prejudiced in favour of persons who would be appealing?

Mr. Marc Grégoire: We're looking for people who are neutral, former judges and people who are able to show that they are impartial. However, it is important to note that these aren't the people who will make the decision. The decision will still be made by the Minister of Transport. The independent expert who hears a case will make a recommendation to the Minister of Transport. He will ask him to reconsider or not reconsider his initial decision. It's a matter of judgment. We can't shift responsibility for the judgment from the Minister of Transport to an outside party.

Mr. Serge Ménard: Will the appellant be informed of the independent expert's opinion?

[English]

The Chair: That will have to be your final question.

Mr. Brion Brandt (Director, Security Policy, Department of Transport): I will take this one.

[*Translation*]

People will be informed of the minister's decision, but that's one person's recommendation to the minister. It's the minister's decision. It's not really a matter of receiving the opinion of another person.

Mr. Serge Ménard: What I want to know is whether the person will know what recommendation the independent expert has made to the minister.

Mr. Brion Brandt: That's not part of our program.

Mr. Serge Ménard: It's secret.

Mr. Marc Grégoire: It's not secret. To have an Office of Reconsideration that is completely independent, Mr. Ménard, we put it elsewhere in the department. This office is so independent that I can't provide specific details such as that. This person doesn't report to me within the organization. This person is placed elsewhere in order to be independent.

Mr. Serge Ménard: That's not my question. I consider that the simple fact of not responding is a response. I understand perfectly well. Will the person be informed of the decision by the independent expert who advises the minister?

Mr. Marc Grégoire: We can provide you with the answer in writing, if you wish.

Mr. Serge Ménard: Yes.

Mr. Marc Grégoire: We'll do that.

Mr. Serge Ménard: Thank you.

[*English*]

The Chair: Will the person who is placed on a no-fly list know why he has been placed on there, just to clarify?

Mr. Marc Grégoire: No.

The Chair: He will not know why he has been placed on that list?

Mr. Marc Grégoire: No.

The Chair: Monsieur Comartin.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): I'm deeply offended, Mr. Chair. That was going to be my question.

Some hon. members: Oh, oh!

The Chair: I can't believe the right and the left have the same mind on something.

Mr. Joe Comartin: That is shocking.

The Chair: Yes, shocking.

Mr. Joe Comartin: Mr. Grégoire, pursuing the chair's question, because I seriously was going to ask it—

The Chair: Sorry.

Mr. Joe Comartin: No, that's fine, Mr. Chair.

So you're not going to tell them why they're on the list. They're going to have absolutely no information as to why they're on the list. Is that correct?

Mr. Marc Grégoire: That is correct. Actually, we—

Mr. Joe Comartin: That's fine.

So they will have no opportunity to get themselves off the list by being able to establish that in fact the information—much as has happened with Mr. Arar, and let's go down the list.... You're just repeating the same thing we've done so many times in the past. Didn't we learn anything?

Mr. Marc Grégoire: No, we have learned, and we are using the lessons from Arar, you can be sure of that. In the regulation—

Mr. Joe Comartin: But did you learn anything from the Supreme Court of Canada decision on Friday?

Mr. Marc Grégoire: In the regulation, we have specified the guidelines that would be used to determine—

Mr. Joe Comartin: All kept secret.

Mr. Marc Grégoire: No, the guidelines are published. Look, the guidelines are—

Mr. Joe Comartin: The guidelines are, but the information that's behind it is coming either from CSIS, the RCMP, or from external forces outside the country. You're going to take information from outside the country.

Mr. Marc Grégoire: The person who will be put on the list will be representing a very high risk to aviation security. We're talking about terrorists.

Mr. Joe Comartin: Based on information that's coming from secret sources.

Mr. Marc Grégoire: Based on information given to us by CSIS and the RCMP.

Mr. Joe Comartin: I commend the Supreme Court of Canada decision to you.

I don't have any other questions, Mr. Chair.

The Chair: Thank you.

We then go over to the government side, Mr. Norlock, for seven minutes, please.

● (1145)

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Thank you very much for coming this morning, gentlemen.

I'd like to return to the person who is told there's a discrepancy as to their name. It probably isn't the person—let's go back to Mr. Ménard. When Mr. Ménard shows up at the airport, he's told he cannot receive a boarding pass but there's some question as to whether it is the real Mr. Ménard. Let's say his name is Paul Ménard and the name Serge comes up. You say that there's a system that will verify whether it is or is not the person in question.

Have you a length of time that this would take? Is it minutes? Hours? Could it be one or two days? Because what I'm thinking of is you have a family, perhaps, that's going on vacation or a person who's going to Vancouver from Toronto on business and there is a clerical error or there's a similarity that precludes his ability or her ability to get a boarding pass. What are the timelines?

Mr. Marc Grégoire: We're talking minutes, and it has to be minutes, because the flight has to go, and people don't come in days before their flight, they come in an hour or an hour and a half before their flight. The whole process has to be handled in a matter of minutes. Most probably, if you put yourself in a situation where you're at the airport and there's a big lineup there, the person would probably be asked to step aside for a few minutes while papers are verified.

Then the airline agent would call the Transport Canada office 24-7 and give the Transport Canada officer information about the person, additional information like date of birth, which would be found on the ID card. The Transport Canada officer would in most cases be able to immediately say that this is not the person on the list, there is no issue with that person.

In the odd, remote cases where the person is in fact the person on the list, depending on the gravity of the situation, the information will be given back immediately by Transport Canada to the airline in the sense of an emergency direction, prohibiting the airline to board the passenger. At the same time, the airline will be asked to give a sheet or a paper to the passenger refused, telling the passenger he has the right to ask for reconsideration of his name being put on the list.

Mr. Rick Norlock: Let's just explore that a little bit further.

We're dealing with a lot of hypothetical situations here. We are living in Canada, and we are living in a free country. We're living in a country where you have access to the courts should you suffer any consequences with regard to a refusal.

In this case, going back to some of the previous questions, the question was what if the person receives the green light—and we're talking red lights and green lights—to go, and the airline for whatever reason says not to go. If it were a business case or a lost vacation, would you feel it reasonable that the person would have redress to go to the civil courts and get compensation that way?

Mr. Marc Grégoire: I really cannot comment on this. I understand this has happened in the past five years. There is no provision for the Government of Canada to provide any money for such passengers, but passengers may sue airlines if they think they have a case.

Mr. Rick Norlock: Thank you.

The RCMP is notified that the person cannot receive a boarding pass, and the local police will then take the appropriate action, should it be a person who is.... You did mention that it would be the local police?

Mr. Marc Grégoire: Yes.

Mr. Rick Norlock: Okay.

Has the Department of Transport provided any training to the local police as to what the processes are and what they probably should or shouldn't do in cases like this? I suppose it would be easier for folks listening to your testimony today if you would go through the scenario of what kind of training the police get, and what might occur in a situation such as that.

In other words, the person can't fly. Are they arrested? Are they taken into custody? Can you walk us through that, please?

•(1150)

Mr. Marc Grégoire: It depends. If we're talking about somebody who cannot fly because he or she represents a threat to the flight only, but is not a threat to society without a mandate of arrest, then there is no issue; there is no one to be arrested. But if it's a criminal under research or at liberty who is found by the airline ticket agent, of course the RCMP will deal with it with the local police. Transport Canada's role stops at making sure the person doesn't board the aircraft. The rest of it is a police matter.

Mr. Rick Norlock: You notify the police, the person can't fly, and you simply tell the police, all we have is the person is not permitted to fly, we believe they are a risk. And there's no more information, so the police would then, in all probability, not take any action.

Mr. Marc Grégoire: There is no more information from Transport Canada, but this is why Transport Canada will immediately talk to the RCMP operation centre, because if there are police matters to be dealt with, they can be dealt with by the RCMP and the police together.

Mr. Rick Norlock: I'd like to go back to something Mr. Comartin was questioning you on—and obviously he feels exasperated—in that there are issues of state secrecy regarding a person needing to know why they're on the no-fly list. You weren't able to provide him with sufficient information, because that information is a matter of national security.

Would I be correct in assuming that the reason you don't give the person this information is that they may find out from whence the information came and then jeopardize the whole system?

Mr. Marc Grégoire: That would be an assumption, but the criteria are public. We have published the conditions under which we will put somebody on the list, in most cases. These are very serious: you are or have been involved in a terrorist group; it can be reasonably suspected that you will endanger the security of the aircraft; or you've been convicted of serious, life-threatening crimes against aviation security, etc. These are not necessarily the only criteria used, but they show the seriousness of the situation here, and

Mr. Rick Norlock: So the person would know? You would tell them and list the reasons why they could be on the no-fly list.

So the person asks, "Why am I on the no-fly list?" You will say, "Because you belong to a terrorist organization." You won't tell them that?

Mr. Marc Grégoire: I don't know. If Osama bin Laden asked us why he is on the list, we may tell him, "Because you represent a risk."

Mr. Rick Norlock: Does a person have the ability to find out what category they are under? Is there a system involved with that? How would a person access it?

Mr. Marc Grégoire: No, there's no—

The Chair: No system.

Mr. Marc Grégoire: No.

The Chair: Okay, that completes round one. We're not going to get through round two.

Ms. Barnes, go ahead.

Hon. Sue Barnes (London West, Lib.): I have some short questions, and please give short answers.

You give emergency direction if the answer is no when somebody presents themselves. What if the answer is yes? Is there some sort of confirmation back? If I give my credit card to a cab driver, he gets a confirmation number back. Is there something you have in a protocol to show that it's a go-ahead, or is it just a verbal?

Mr. Marc Grégoire: Brion is dying to answer this one.

Mr. Brion Brandt: The point is that the air carriers are there to transport people, right? That's the first assumption we operate under. So the whole point of the program is designed to keep those people who pose an immediate threat to aviation security from flying. So we allow the air carriers to do their job, which is transporting people, unless there's a circumstance in which there's somebody on the list, and we would issue an emergency directive saying that the person cannot fly.

So the green light really isn't necessary. Everybody gets a green light except those people who are told they cannot fly, as there's an emergency directive.

Hon. Sue Barnes: Thank you. You've answered the question.

When does the office of reconsideration open?

Mr. Marc Grégoire: It has opened. It has been operational for about a month, even though the program has not started. We have staff in position and they're hiring people.

Hon. Sue Barnes: Okay.

Other than the courts, is this the only way a person who finds himself on a no-fly list can appeal that decision, get input into that decision?

Mr. Marc Grégoire: No. Since some of the information comes from CSIS, if the person is not satisfied with the office of reconsideration, they could choose to appeal to SIRC.

If the person finds out that the information comes from the RCMP and is not satisfied with the office of reconsideration, he could appeal to the Commission for Public Complaints against the RCMP.

• (1155)

Hon. Sue Barnes: In your brief here, you put that this offers a low-cost and quick approach to challenging a decision. What's the cost for somebody trying to find out how to challenge their—

Mr. Marc Grégoire: There's no cost.

Hon. Sue Barnes: Then why does your brief say—

Mr. Marc Grégoire: That's comparing it to the Federal Court, where you have to have lawyers and wait for years—

Hon. Sue Barnes: Okay, so there is no fee for somebody to go—

Mr. Marc Grégoire: No, there's no fee; it's free.

Hon. Sue Barnes: Okay, it's just the way it's worded.

Take me through the reconsideration process. Is there any way the person speaks directly to any of the decision-makers during the reconsideration process?

Mr. Marc Grégoire: The person doesn't speak to the decision-maker. The persons who decide to put the person on the list in the first place comprise a committee of three: Transport Canada, CSIS, and the RCMP, at the senior level. They make the decision to put the person on the list. They will get a delegation from the Minister of Transport.

If the person goes through a reconsideration, the person doesn't speak to that committee. The applicant for a reconsideration speaks only to the expert adviser hired to listen to the case. This expert adviser in turn makes a recommendation to the minister to reconsider the decision, or not. That decision will be made and will have to be looked at again by the committee, given the new information.

Hon. Sue Barnes: I can just imagine the frustration of somebody who is put on a no-fly list by mistake. Every 30 days you have to reconsider that list. Would this person go through this process over and over again?

Mr. Marc Grégoire: No, because we will set up mechanisms with the airlines. If the person was put on by mistake, and there is an easy fix—for instance, if when you book you provide your passport number or something like that—that shouldn't reoccur. We don't want repeating errors.

Hon. Sue Barnes: Do I have any time?

The Chair: You have a few seconds.

Hon. Sue Barnes: How satisfied are the airlines with this process to date? How much input is ongoing? Is the dialogue continuing between them? Because they're the ones who are going to be the most immediately affected.

Mr. Marc Grégoire: The airlines have been consulted since the very beginning of this program, and they are satisfied with the program now. They are asking us to accelerate its implementation.

Hon. Sue Barnes: Mr. Lee, did you want to add something? No? Okay.

The Chair: I have something, if you're done.

Is there some kind of an operations manual that's been developed for Transport Canada staff, and if so, could we have a copy of that for this committee?

Mr. Brion Brandt: We're in the process of developing our awareness material and our program material. Anything that we would be making available to the public and to people in terms of training awareness, I think we could make available.

Generally we don't release offhand our operations manuals for doing inspections and those sorts of things if they include things like security measures. But for material related to awareness and so forth, we're certainly working at that, and we could make that available.

Mr. Marc Grégoire: I should add quickly that the people who will be doing that are being hired now. This office doesn't exist. We're setting it up today.

The Chair: Okay.

Is it just the name that will appear on the no-fly list? What if that name is spelled incorrectly? What if you have a name like mine and several letters are mixed up?

Mr. Marc Grégoire: There will be aliases.

The Chair: There will be aliases.

Mr. Marc Grégoire: When the list is made, we will provide aliases, because many names have various ways to be pronounced or to be written. It will be—

• (1200)

The Chair: So even if it's close, it would trigger a review?

Mr. Marc Grégoire: It could.

Mr. Brion Brandt: It's important to keep in mind that the air carriers will have name, date of birth, and gender. So at the very outset, we're trying to eliminate the simple name match. In other words, it will be much more precise than just having the name. If you've got name, date of birth, and gender, that's when you start thinking about something.

The Chair: You'll have all three.

We will have to suspend here for a moment. We are actually out of time.

How urgent is it, Ms. Mourani? Is it something that will really—

Mrs. Maria Mourani (Ahuntsic, BQ): Yes, I have an important question.

The Chair: Okay, can you make it brief?

Mrs. Maria Mourani: Yes, I will be very fast.

[Translation]

Mr. Grégoire, you said that the program would apply to persons who appear to be 12 years of age or more. That means there will be minors on the list.

How many minors are there currently on this list?

Mr. Marc Grégoire: Now?

Mrs. Maria Mourani: Yes.

Mr. Marc Grégoire: There are none.

Mrs. Maria Mourani: How many adults are on the list?

Mr. Marc Grégoire: We're preparing the list. We're not going to publish the number of persons on the list.

Mrs. Maria Mourani: Very well. If a nine-year-old child appears with his parents and seems to be 13 or 14 years old, will you do checks, since he seems to be 12 years old or more?

Mr. Brion Brandt: The purpose is to request the identification of persons who seem to be over 12. If we can verify that a person is not 12, it's not necessary for that person to have an identification card.

Mrs. Maria Mourani: That means that young children will undergo this process, this trauma of being considered terrorists. Furthermore, teenagers risk being labelled as terrorists and having to undergo the entire verification process. That's what I understand.

Mr. Marc Grégoire: Yes.

Mrs. Maria Mourani: Furthermore...

[English]

The Chair: As long as you know that the more time we have here, the less time we have with the minister, go ahead.

[Translation]

Mrs. Maria Mourani: This is my final question.

A person has to be 12 years old or more to be on the list. Do being Arab or Muslim, having dual citizenship, wearing a beard or turban, being named Bin Laden or not, being named Mohammed Bin something or other, being born in a country like Iran or Syria, can all these characteristics mean that a person may appear on the list?

Mr. Marc Grégoire: No.

[English]

The Chair: We will suspend for a few minutes, and I will welcome the minister.

Thank you very much.

• (1200)

(Pause)

• (1205)

The Chair: Okay, I'd like to call this meeting to order. We're continuing with the second part of meeting number 33 of the Standing Committee on Public Safety and National Security.

We would like to welcome the Minister of Public Safety, the Honourable Stockwell Day. We are dealing today, under Standing Order 108(2), with a study on the arming of Canada Border Service Agency officers.

We welcome you, Mr. Minister. If you have an opening statement, however long, you may go ahead and begin.

Hon. Stockwell Day (Minister of Public Safety): However long? That could be right up until my time of one o'clock, Mr. Chairman. I appreciate the generosity, but I don't know if that would be shared by my colleagues.

I'll try to be brief, but there are some things I would like to address. And I appreciate the members' interest in this particular issue, and not just this, but the good work that's done by this committee on a variety of issues.

The whole question of security, as you know, and we've said it many times, is a priority for the government.

[Translation]

It is one of the Canadian government's priorities to have systems that guarantee the security of all its citizens from sea to sea, in the streets, in the cities, across the country. That is why an additional \$1.4 billion was allocated to security in the 2006 budget.

[English]

It's clearly an area of priority. This government is committed to the safety and security of its citizens. That should be the prime goal of every government.

The \$1.4 billion that was indicated in the 2006 budget—there have been additions since then—provided for resources in a number of areas. I think members here are aware and will recall that we made a commitment that there will be 1,000 more RCMP officers over the next four years, from coast to coast, in areas of federal policing. To accomplish that goal, last year in the budget there was a two-year commitment of \$161 million to begin the training process, the retraining, and the building of training facilities—a depot in Regina. Again, that's a very clear commitment and a demonstration of what we want to see happen related to increased security.

On borders, which is the area of interest today, a few weeks ago I made an announcement related to enhancing our capabilities at the borders, mainly along the lines of technology. So \$431 million was announced, and \$390 million of that is for what we call the electronic manifest.

We're fast approaching the time when a huge portion of the truck traffic, if not all of it, will be forwarding their manifests electronically to the border stations they're approaching. Those manifests will include what is on board the truck, what is being shipped, who the driver is, who the brokers are, and who they deal with.

This demonstrates that we are focused on two areas: prosperity at the border so that business and low-risk travel can happen smoothly; and security, so we aren't allowing dangerous goods or individuals to come into the country.

When you look at what's involved at the border itself—\$1.9 billion a day in trade—this is huge. The amount of trade just at the bridge from Windsor to Detroit is greater than the amount of trade that takes place between the United States and Japan. These are huge numbers. In a year, some 90 million people are checked crossing the borders, and 266,000 people a day are looked at, checked, and talked to in some way, either extensively or in a superficial fashion, related to their security risk.

• (1210)

Hon. Sue Barnes: Point of order.

Hon. Stockwell Day: Over 18,000 trucks cross that border every day.

The Chair: Ms. Barnes.

Hon. Sue Barnes: Thank you. I know we have very limited time here. We're not looking at the trade issue; we're looking at the arming of border guards. We'd like to have enough time to be able to question, so I respectfully ask the minister to concentrate on the issue that has brought him before us today. I'd be happy to hear the other things another day.

Thank you.

The Chair: We usually allow at least ten minutes for an opening statement.

Go ahead, Mr. Minister.

Hon. Stockwell Day: Thank you for that usual allowance, Mr. Chairman, because you cannot look at this in isolation. You have to look at it in the broad context.

As I was saying, 18,000 trucks a day are crossing that border. In a year, some 21 million cars are looked into by border officers, literally as they come to the border.

Before the day is over some two dozen drug seizures will have taken place by border officers. Five situations will arise where weapons will have to be taken from somebody crossing the border, illegal weapons, and one of those will be a firearm.

More than once a week, a missing child who has been put up on the missing child index is apprehended at the border.

All that trade, all the incidents that take place, everything that goes on at the border narrows down to something like 3,600 people, the border officers themselves. They are highly trained. They are capable and trained to do arrests and seizures. For a number of years, they have requested the ability to be properly equipped in every way, including the ability to be armed.

We know that though crime stats in some areas have gone down, many areas of serious crime, organized crime, aggravated assault—the tendency we see is for people committing grievous crimes in the United States to try to get into Canada.

Some disturbing stats show these crime rates increasing. When it is brought to the attention of our border officers, some of whom are serving in work alone situations, that there is the possibility of a dangerous or armed person approaching the border—and if you flip this around and it's someone from Canada, a dangerous person approaching the U.S. border and the notice is given, their border officers are armed and they are prepared to take care of a situation should it arise. Our border officers are not.

In those moments, as you know, there are too often cases where border officers will leave their post, because they deem the situation to be unsafe and they are not armed. They will first close the post and then they will leave it until sufficient assistance comes, either from police of a local jurisdiction or the RCMP themselves.

This causes huge economic problems. As you know, with just-in-time manufacturing these days, a border, especially a large border, only has to be shut down for two to three hours and immediately you can see manufacturing lines and assembly lines starting to close down on the other side of the border.

The costs of this, quite rightly, are a concern of this committee. All kinds of numbers have been thrown around because looking at it from a first instance a lot of variables came into play.

The training and the arming costs of this many border officers—we're talking about 4,800, 3,600 at the border and another 1,200 at other places—is about \$400 million and almost half of that is in the retraining and the recertification that has to happen each year as border officers are retrained.

Other figures get added into that whole picture, giving a larger global amount. One hundred million dollars is the estimate right now for what will be required for the training facilities to be enhanced, not just for the training of border officers, but there are integrity and structural realities. There has been an ongoing need to rebuild at Rigaud, about \$100 million there alone.

Then there is the cost of hiring 400 more individuals to fill in approximately 95 sites at some time during the day across the country where people are working alone.

Added to what we see as pressure on bringing the overall global prices down is the fact that CBSA is now committed to—along with the initial training that is going to be happening in Ottawa and at the RCMP base in Chilliwack, once the trainers have all been trained and once the training process starts—inviting proposals as early as this April for alternate sites, people who can provide the accommodation at alternate sites and not only speed up the process, but keep the price down, not the training itself. That will be done by CBSA, in terms of provision of the sites.

Mr. Chairman, that gives a ballpark figure of what we're looking at. I'd be more than happy to entertain questions, suggestions, and advice from committee members.

•(1215)

The Chair: Thank you, Mr. Minister, for the outline of that situation.

The usual practice at this committee is to begin with the official opposition for seven minutes of questions.

Hon. Sue Barnes: Thank you for appearing before us today. I hope you'll be able to give us some information about some of our concerns and some of the policies that will have to be developed if this government moves forward, as it seems to be doing, with arming of the border security agents.

I should note there's been no definitive evidence that demonstrates that carrying a firearm enhances the officer protection, and we have heard that the initiative would increase the likelihood of firearm accidents or liability arising from the use of firearms. I know you're familiar with that.

One of the things I would like to hear from you, to start, is this. Say you had the discharge of a firearm. What system, what type of review, what protocol will you put in place, and will it be something the public can see as accountable to the public, or will you be leaning to internal investigations? Has that decision been made?

Then I need to have some time to talk to you about student replacements and the cost of infrastructure and about whether you have made the decision to keep the weaponry on site, in secure locations, and what that's going to cost on infrastructure.

I'll give you some opportunity, and then we'll go from there.

Hon. Stockwell Day: On the question of protocols, that's one of the reasons the training itself is as extensive as it has to be. As you know, it's far more than the simple handling of a firearm. Protocols that would go around that—the whole question of the cascading use of increased force, from original interception to possible incident—this is very extensive training.

In terms of should something take place, and of course we hope it never does, but should something take place, the recommendations that have come from the O'Connor report talk about the ability for an agency like CBSA to be reviewed in a more extensive way and at more arm's length than agencies presently are.

As you know, we're working through the O'Connor report right now in terms of review. It will be a process that will be very open and it will be subject to the principles of the O'Connor report.

In terms of the firearms themselves, you're quite right, in terms of infrastructure, there has to be the building of a safe storage capability for the firearms, because firearm officers will not be taking their firearms home. They will be safely stored on site.

Hon. Sue Barnes: Okay. We know in the past there have been many, many summer students employed at borders. Have you costed out in your department what it will take to now have full-time officers at the border points? I understand your decision was made to still utilize the students at inland ports and airports. Is that correct?

Hon. Stockwell Day: That's correct. We still want to have the capability for students to gain experience in this type of occupation. I don't know if CBSA has a final, down-to-the-cent cost in terms of paying full-time officers vis-à-vis students, but I will ask for that and I will get that exact dollar amount. There's no question it will be more expensive to have a full-time officer at a border site than a student for a given period of time. Students will be deployed to areas where a firearm will not be required.

•(1220)

Hon. Sue Barnes: Have you thought of the difference between a customs officer, a customs border security agent who is not required to utilize the weapon because of the decision made by your government, versus those on the front lines at the border points? What will this mean for future bargaining, not only in this situation, but there's also another part to this? As you've heard, I'm sure, the potential for other law enforcement officers, including 6,800 correction officers, 450 park wardens, and 1,700 parole officers.... What could be the consequences—a potential domino effect on that—in your future guard? To my knowledge, none of this costing is in the current nearly \$1 billion that we have.

Hon. Stockwell Day: The figure is not \$1 billion.

Hon. Sue Barnes: It's just below that.

Hon. Stockwell Day: It's well below that. That is not an accurate figure at all in any way, shape, or form. I can say that with confidence. That figure really is more fictitious than factual.

I've said, and I'll repeat, that the actual training costs are going to be about \$400 million, and a significant portion, almost half of that, is the re-certification process.

There will be provision for officers in certain regional and administrative positions that they will not be required to have a firearm. And in terms of pay scales and shift differentials, those are collective agreement items, which I properly don't get involved in.

You mentioned others who may want firearms. I have never heard, for instance—and I meet with parole officers regularly—of them requesting firearms. Although it is not an entirely unsafe occupation, I have never had a request either individually or corporately for that.

Of course, there are already some 865 wildlife conservation officers around the country who carry sidearms. I guess a person might reflect that if 865 conservation officers quite rightly protecting fish and fowl and our furry friends.... It underlines in my view the added importance that border officers should be equally equipped.

Hon. Sue Barnes: The Northgate Group appeared before us and they told us that they interviewed approximately 400 people. My information is that those 400 people self-identified. There was no scientific way of doing this. It was just a case of if you want to talk to us, you can come forward and talk. Is that your understanding also?

Hon. Stockwell Day: It was 380, and not requiring identification was done on purpose to allow for those.... When workers know that the vast majority of their brothers and sisters want firearms, they may be reluctant to come forward and put forward another position. So anonymity was very important to get a clear picture of people who would not want to have firearms. The Northgate study identified that just over 86% of those said definitely they do want the firearms. Some 12% said that they didn't feel that they were equipped or trained properly, and they indicated that. That 12% didn't say they didn't want a firearm. There was about another 2% who were clear that they did not want a firearm.

That was right on parallel with the union study itself. The union study of some 2,400 indicated that about 88% said they wanted firearms. Between 10% and 11% said they felt they weren't equipped. They didn't say no, they didn't want them. Again, somewhere around 2% said that personally they did not want firearms. Those two studies done independently seem to reflect closely the intent of the workers.

The Chair: Thank you very much.

Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard: Thank you.

Mr. Minister, thank you for coming to answer our questions. I see that you have a firm grasp on your file. You don't need notes. I assume you'll nevertheless be able to give us some clear answers.

Can we consider that, for a certain number of positions, weapons will not have to be carried? What percentage do those positions represent?

• (1225)

Hon. Stockwell Day: In the majority of cases, a weapon will have to be carried. However, we have identified some where that will not be necessary. I'm not sure of the exact percentage, but I can say that the goal is to offer a training program to approximately 4,800 Border Services Agency officers.

Mr. Serge Ménard: What is the total strength?

Hon. Stockwell Day: It is 13,200 persons.

Mr. Serge Ménard: So a weapon will have to be carried in approximately one-third of the positions. Is that correct?

Hon. Stockwell Day: Yes, we can say one-third, but it is important to acknowledge that most of the border officers will have to carry a weapon.

Mr. Serge Ménard: I imagine that the other third includes people who occupy administrative positions and therefore don't need a firearm. However, in the airports where the police are present, do you think it will be necessary for officers to carry weapons?

Hon. Stockwell Day: The officers have to follow a rotation system. For example, they have to occupy a position in an airport for two or three years, then a border position for two, three or four years or in a group responsible for people who come to Canada but are not admissible.

It is important to maintain this rotation. That's why we've requested that the training be offered to all of them. It is possible that this may not be necessary in the case of certain positions in the airports. The people who manage the process with the union will be able to designate those positions.

Mr. Serge Ménard: We've been told how long the training necessary to be eligible to carry a firearm will take. It's quite considerable. The RCMP commissioner told us that the RCMP couldn't provide that training, that is to say that it would have to train customs officers as trainers and that they would in turn train other people.

As for providing that training, I know that Canadian police academies have made offers. Why don't you use those academies rather than offer this training second-hand, if I may put it that way, that is so it is offered by trainers who have been recently trained? I believe that at least three of those academies already provide this kind of training. We're talking about experienced people here.

I see that you're aware of the fact that it's not just handling, but also the progressive use of force. I understand your concern and I share it. However, the legal liability incurred when you use a firearm is a little more complicated.

Hon. Stockwell Day: That's a good question. I have had occasion to ask it. I can tell you that we haven't closed the door to the possibility of using another group of trainers.

However, it's absolutely necessary to start with the members of the agency. As you can imagine, the training isn't exactly the same as at the RCMP or Sûreté du Québec. You have to learn other things. That's why we determined that, for the moment, the most efficient method was to call on the people within the same system.

Once the first group has received its training, we can evaluate the situation. If other means or other people can then help us in a manner that's at least as efficient as initially, then that will be something to consider.

• (1230)

Mr. Serge Ménard: You spoke quite eloquently about the traffic at the border between the United States and Canada. It's apparently the most frequently crossed border in the world. You mentioned the incidents that can occur there.

You no doubt know how many work stoppages over the past five years have been attributable to customs officers who felt that their situation was too dangerous at the border. Give us an approximate figure.

Hon. Stockwell Day: There have been a number. I can give the committee the exact number. In a six-month period in 2006, officers decided to leave their positions on 30 occasions, I believe. The effect on the economy was very great. In addition...

Mr. Serge Ménard: Was there a union dispute movement behind those 30 stoppages? That's why I'd like to have a better idea of the situation over a longer period of time, if you can give it to me. I suspect that was part of union demands.

[English]

The Chair: Your time is up.

You may have a brief response.

[Translation]

Hon. Stockwell Day: I can't give you the exact number, because that also happened before we formed the government. That's a good question. I'll ensure the exact number is provided to you.

[English]

The Chair: Mr. Comartin, please.

Mr. Joe Comartin: Thank you, Mr. Chair.

Thank you, Mr. Minister, for being here.

As you know, my party supports this initiative to provide security to the border guards right across the country who are at the frontiers. But I have to say I share Mr. Ménard's concerns about the training. Let me make a statement.

I have a real sense that there are two things going on here. One is that there's an institutional arrogance on the part of the agency in feeling they are the only ones who can do this, which, quite frankly, flies in the face of all the other expertise we have, both in the RCMP and in the provincial and even a number of our large city police forces, who would be operating in a standard that would make the quality of training at least equal to what the Border Services Agency can do.

I think the other thing you're faced with, and I'm going to put this on the record, is that you have an institutional opposition to this at the upper levels of the agency.

So having made those two statements, I want to go back to the training, because I've done an analysis of this to some degree. When the OPP were here, for instance, they certainly indicated that they felt they had the ability to provide this training. The curriculum, of course, would have to be worked out, and obviously the Border Services Agency would be a key player in developing that curriculum, but so would international standards. Probably even more important would be looking at international standards and qualities, rather than just within the agency.

So I'm going to ask you—and then urge you, because I don't think your agency has pursued this well enough—whether you're going to look at that more closely. I urge you to do that.

One of the points I want to make about this is the cost. I know the figures that came out in those articles earlier this week are substantially inflated, but I have concerns over our spending the kind of capital that is being proposed to be spent at Rigaud when we have any number of facilities across the country that would allow for that training.

I think of the armouries that I have in my own riding—actually, it's the riding next to me, but it's only a few blocks from the bridge where most of these people are going to be operating after they're trained. That's shared with the Windsor Police Service. They do all their training there, both the military and the police. They have classrooms there. The facility is completely adequate for what's needed in the way of physical training.

You can repeat that with the Sûreté du Québec, with the OPP, and with a number of the municipal police forces across the country. The OPP indicated they would certainly be interested in having the opportunity to do this training. They felt they could do it.

The other point I want to make is about the ongoing cost. If we go in at Chilliwack, we will be moving our staff people across the country repeatedly every year to get that upgrade.

Again, I think of the physical stuff we have in Windsor, and I'm thinking they only have to go a few blocks to sleep in their own beds. They're away from work for much less time. The replacement worker costs are going to be substantially less. And that can be repeated across the country.

Having said all that, I guess I'd just like your comments.

• (1235)

Hon. Stockwell Day: Well, those are good observations.

You opened by talking about how you felt a certain institutional arrogance. I spend a lot of time with CBSA officials at the senior levels and in the front ranks, literally right out in the booths while cars and trucks are going through, and I try to get a sense of the operation. By and large, I'm very encouraged by the quality of people there and their commitment. I know you're not questioning that.

Mr. Joe Comartin: I'm not referring to the lower levels here—the line people—it's the upper levels.

Hon. Stockwell Day: I know you're not being unduly critical, and I appreciate the spirit in which you made that remark. I think there's definitely a pride of profession and a pride of service throughout the organization. But there's also a very strong focus on liability—the inherent risks with this type of training and operation—which they're taking very seriously.

If something were to go sideways—we hope it never does, but if it does—they would be the ones, especially management and those doing the training, who would be held responsible. I think being very parochial, in a proper way, about their own service is more how I would characterize it.

There's also no question that some in the senior ranks have indicated some reticence about this in the past.

Mr. Joe Comartin: That's being diplomatic.

Hon. Stockwell Day: Thank you for your observation on my language.

I would say that is gone. They are fully committed to this task, at all levels.

On the question, you mentioned other possibilities. You mentioned your own area. As I said, in April of this year there will be requests for other types of proposals. It's very important when they start at the base of this, with the first trainers and 300 or so officers, that they get the model right. They learn from any mistakes so that others who may step forward with a proposal that is more efficient, with less travel, as you indicated, are able to see the standards in place and see them at work. We would definitely be open to other types of possibilities.

I know one thing: the environmental demands on the firing ranges these days are quite rightly very, very strict. Some of the present firing ranges have been grandfathered, but they're not allowing new uptake of activity there.

Having said that, if you have groups in your area that feel they can deliver on the accommodation or the training side, we'd be very interested in seeing those proposals.

Mr. Joe Comartin: I've already made some overtures, so you will be getting one from our area, I expect.

I want to go to the standards that are being looked at. As much as I appreciate your diplomatic comments, I'm still concerned. Quite frankly, the agency hasn't done this before. You can't convince me the expertise lies within it, because it just isn't there. It hasn't been there historically.

In terms of what we're going to do at the border and the best practices, I think to some degree we have to look internationally, obviously to the United States, but the European Union would be the other area. Are we doing that?

Hon. Stockwell Day: Yes, we are looking broadly for best practices and standards. There are national and international standards, and those are being incorporated.

I would ask you to keep in mind that the unique training process that border officers have gone through up to this point include not only arrests but, for instance—and again it's very limited—if you have to use force of some kind, if you have to use pepper spray, if you have to use a baton. So that continuum is being taught. This is one more, albeit serious, extension of that. It has to be consistent with the standards they're already operating under.

But they do cast widely in terms of other jurisdictions and how it's done. We want to make sure our border officers are recognized as the best in the world, as in some ways they are now. In fact there's interest in places like Afghanistan, where there are border issues and how you can have increased expertise.

● (1240)

The Chair: Thank you, Mr. Minister.

We'll now go to the government side. Mr. Merrifield, for seven minutes.

Mr. Rob Merrifield (Yellowhead, CPC): I actually liked the way you started your presentation, because it laid out the relationship

between the two countries, which is unique in the world. There are no two countries that even come close to the kind of trade we have and how integrated we are as two countries. I think you have to see and understand that before you can get a sense of how best to apply the law at the border.

I've had the opportunity as a co-chair of the Canada-U.S. Inter-Parliamentary Group to spend most of my summer in the United States. If there's one thing they have told me loud and clear, it's that they're absolutely concerned about security. I don't think we quite catch how 9/11 has changed the paradigm down there. For them, anything they see we are not doing to protect that border and have security at that border becomes a very strong irritant. I believe that's what the passport issue and their insistence on everyone having a passport or equivalent document is all about.

When you have \$1.9 billion in trade a day, it's a significant amount of money that is in jeopardy if we get this wrong. I think we're at a crossroads. If we get it right, then trade will flow even freer. If we get it wrong, millions and billions of dollars are at risk. So when it comes to arming the border, I concur that this is where we should go. We should have gone there earlier even.

Nonetheless, they have now moved to electronic surveillance, putting helicopters in the air sometimes for surveillance and so on. I want to know what the relationship is between our side and their side with regard to that kind of surveillance. It's an extension of the gun thing, but it's relevant.

Hon. Stockwell Day: The U.S., just because of the size of their treasury, has the capacity to have more enhanced technological capabilities, in some ways. But I argue with them that if you look, per capita, at what is happening at our borders, certainly in this last year we have increased our border security and the prosperity measures more than the U.S. has, if you look at it that way.

Having said that, they are going very extensively with increased surveillance capability. We've talked about helicopters and manned aircraft, but there are surveillance cameras along remote sites, and they're looking at unmanned air vehicles. They're really moving that up. Now, they're moving it up mainly on their southern border, for obvious reasons, but on their northern border, which is our border, there will be increased surveillance and increased capability.

We've talked with them about that, and they will not be hesitant at all to share information if they should observe something, whether it's on the flights or with their long-range surveillance cameras at the border. They will pass that information on to us. I don't like it to look like we'll necessarily be piggybacking on what they're doing, but in fact we will be.

That won't diminish our determination to make sure that we are as technologically advanced as possible, but I see that as an assist. There's good information sharing, on both sides of the border, between our various officers and the posts. And them having increased technological capability to survey those fairly large expanses of uncovered border will benefit both sides.

Mr. Rob Merrifield: I know that the other thing they are absolutely phobic about, when it comes to security, is drugs. We talk about the methamphetamine problems we have in western Canada and right across the country. But when you talk about methamphetamine problems with some of the congressmen, I've seen them almost vibrate in their chairs, that's how excited they are, because it impacts their ridings so intensely. And when they see the potential of crystal meth coming in from Mexico or from the north down, and even our marijuana, it becomes a very serious issue for them.

In moving from where we are now to moving ahead to make that border as fluid as possible, what do you see as far as cooperation and the next stage of the relationship in dealing with that?

Hon. Stockwell Day: There are a number of things that make us nervous, on both sides of the border. I met with their so-called drug czar last week when he was in Canada, and he spoke at a number of public venues, also. He talked about their concerns about high-potency marijuana that comes across from the Canadian side to the American side. I talked about high-potency firearms that come from the U.S. to the Canadian side and the smuggling end. We have shared concerns.

You mentioned the whole issue of crystal meth and the labs that are involved. There were some provisions that were put in place. I'll give some credit to the former government in terms of precursors: how they have to be identified; when manufacturers are purchasing those precursors, how they have to register those amounts; and where they are allowed to manufacture them. There have been considerable steps taken.

Here's what it's done. It's reduced the potential for large-scale manufacturing in these laboratories. Both on the U.S. side and on the Canadian side, it has forced the manufacturers of that product to go to considerably smaller venues. That's good in terms of mass production, but it's limited. It makes it a little more difficult, then, on the detection side, because people are literally making this stuff in their basements or in rooms in their homes, at very high risk, because we're talking about highly incendiary and explosive elements. But there has been progress on that, and we share the concern.

I can tell you that they very much appreciated the fact that the new government of Canada did not pursue the wholesale decriminalization of marijuana. And we did that for Canadian interests, though, obviously, there were concerns in the United States. Intercepting at the border is very important to dissuade people from getting into that business at all. We can talk about the devastating effects of very low-cost, highly addictive crystal meth, but the marijuana that's manufactured or grown today—as I look around the table, there would be a few of us who would recall our friends in those days—is not like what was a different business altogether. It was nowhere near the potency, nowhere near the addictive quality, nowhere near the physiologically destructive nature of the high-potency marijuana that's grown today.

So we are aggressively concerned about our citizens. They are about theirs. We put Canada's interests first. That also helps our neighbours, because we want to go after them, whether it's crystal meth labs or grow operations. And we've recently committed increased resources and special teams dedicated just to the grow operations in Canada itself.

●(1245)

The Chair: Make it very brief.

Mr. Rob Merrifield: Actually, Mr. Miller had one quick question. Would it be all right if I split the time with him?

The Chair: It's too late to split the time. We'll come back to you. I think there may be a chance yet.

Mr. Lee, go ahead, please.

Mr. Derek Lee: Thank you.

Mr. Minister, no matter how you cut the pie here, it looks like the cost of this exercise is in excess of \$100,000 per gun. If you're at \$400 million for training, and you have acquisition and other administrative adjustments, are we not over \$100,000 per gun? I know that wasn't envisaged when your party made your commitments on this, but we're looking at a lot of toast to allow our people to pack heat at the border.

I have a technical question with respect to jurisdiction. As I understand it now, your CBSA has officials who are from the Department of Immigration, from the Food Inspection Agency, and from CRA, the Canada Revenue Agency. I believe those people still report to those ministers. This is a little technical, but are we not here talking about arming individuals in agencies reporting to ministers other than you? We're actually going to be arming immigration officials, Canadian Food Inspection Agency officials, and Canada Revenue Agency officials, the guys who collect the income tax. Are we not arming those people in their work here, and is there a jurisdictional thing? Have you settled that, in terms of the laws, as to which minister is responsible for these individuals in terms of their acquisition and use of these firearms?

Hon. Stockwell Day: We are not arming individuals from other departments. These are CBSA officers duly constituted. There's overlap at a border site, for instance, or an inspection site in terms of jurisdictional capabilities and agricultural officers. The number of interceptions of plants, animals, and soil that take place, for instance, is in the thousands per day. We are talking about CBSA officers, some 4,800 that are being armed. They will certainly be working with other officers in other jurisdictions, but we're talking about CBSA officers here.

I'm sorry, I just had to address this issue. Your first question....

●(1250)

Mr. Derek Lee: That was the \$100,000 plus.

Hon. Stockwell Day: You picked one piece of equipment—the firearm. You could do exactly same thing and say a pair of boots cost \$100,000. That's an inappropriate way of addressing it. The overall cost of equipping somebody.... As I said, these costs include the hiring of 400 more officers. These costs include a lot of elements of the training. There are three weeks of training. That includes enhanced first aid training, for obvious reasons, which will hopefully never have to be used.

Mr. Derek Lee: That's in case they get shot accidentally.

Hon. Stockwell Day: Anything could happen.

Actually the price of the firearm itself—and I stand to be corrected—is somewhere in the order of less than \$1,000, I believe. I'll make sure on that.

Mr. Derek Lee: Could I also ask you to give us an assurance here that with respect to this firearm acquisition, the consultants retained by either CBSA or Public Works and Government Services do not have any associations with any of the bidders, any conflicts of interest so that the process will be seen to be fair? I know that Smith & Wesson is a possible bidder. I know that Para-Ordnance is a possible bidder. Could you just give an assurance that the consultants retained to design the specifications and advise with respect to the consultation won't have any conflicts, and that the process will be a really good transparent one?

Hon. Stockwell Day: It's a fair question, especially in light of past concerns in other eras regarding procurement. Any group can run into difficulties if the process isn't absolutely clear and transparent. I can assure you it is. The Auditor General will be looking at the process. I would invite any of the members here to look at it. You're right: Smith & Wesson, as a matter of fact, is one of the firearms that to this point is receiving a high degree of favour. I don't know if they're going to wind up with the eventual contract.

I can assure you, Mr. Chairman, it will be clear and transparent and open to the view of this committee and anybody else who wants to see it.

Mr. Derek Lee: Thank you, Mr. Chair.

The Chair: Do you have a question?

[*Translation*]

Mrs. Maria Mourani: Thank you, Mr. Chair.

Thank you for your testimony, Mr. Minister.

Do you know how many border officers wear bullet-proof vests? I think they have bullet-proof vests.

Hon. Stockwell Day: They have vests. I don't know whether they all have their own vests.

Mrs. Maria Mourani: Is there any directive to that effect?

Hon. Stockwell Day: Perhaps they can leave their protective clothing after their shift. I can enquire into the exact number and tell you whether they share the equipment or whether they have their own equipment.

Mrs. Maria Mourani: Is there a directive that states, for example, that such and such a border officer at such and such a position always has to wear a bullet-proof vest? Are there any rules? Give us an example.

Hon. Stockwell Day: The instructions are very clear with regard to the type of equipment they must wear. I don't have the instructions specific to each one here today, but I can get them for each piece of equipment.

Mrs. Maria Mourani: That means that, according to the directives, all border officers on duty should normally wear a bullet-proof vest. Is that in fact the case, or does that concern specific positions instead? For example, are those at the airport treated differently from those who are at land border posts? What is the criterion for determining which ones must wear a vest and which ones don't have to?

• (1255)

Hon. Stockwell Day: I can provide you with the exact list, Mr. Chair. A person may have to wear different clothing depending whether he or she works indoors or outdoors. That's a good question; I'm going to provide you with the answer.

Mrs. Maria Mourani: Furthermore, to your knowledge, over a period of three or four years, how many people are shot at by criminals? How many have been injured, wounded, and so on?

[*English*]

Hon. Stockwell Day: Let me be specific with the numbers on that question.

There are incidents that are recorded when border officers have difficulty at the border. One of the things that's very hard to pin down is the deterrent factor. For instance, most Canadians may not be aware that the rate now, in Canada, is that there are about 13,260 individuals in the private sector who have sidearms, working for security firms. Generally it's the armoured-car services. I want you to think about that for a minute. There are over 13,000 people, right now, with firearms, across Canada, protecting bags of coins, and they're walking into malls every day. They're walking on our streets. We see them. They pull up to high-rise buildings, they walk in there. It happens from time to time, but it's very rare. So the flip side of the question is: if they didn't have those firearms, what would be happening?

The question we face with the border officers is that we know there are times when in fact, because they don't have firearms, the wrong people are coming to the border. The wrong people are thinking they can get across the border. We know there are times when people get across the border from the United States, and they do harm. I'm not blaming Americans. I'm just saying the same thing happens, from time to time, that Canadians get across the border and do damage in the United States, kill people and do other things.

So the number of incidents that occur where there's some kind of physical interaction, if I can say that, they're rare because of the professionalism of the border officers. If you've been to—I'm sure you have—what they call the “secondary sites” where somebody is sent, they have to be both ambassadors and policing-type officers at the same time, because they're telling people.... They're asking them to get out of their car. They're saying we're going to search your car. And as I said, about two dozen times today, the person getting out of the car knows they have drugs in the car or the truck, and they know there's a chance that's going to be found. It's a very sensitive and dangerous situation.

So we have to weigh out the deterring effect. But in terms of number of incidents, it is rare. We of course hope that with firearms preventing people, there will be a message to the criminal and possibly the terrorist community. There will be a message that it's going to be difficult to get past a Canadian border officer.

The Chair: Thank you very much.

Mr. Minister, I might be putting you on the spot a bit here, but I am very interested when it comes to cost. What would be the cost of shutting down a very busy border point for five or six hours because the posts have been abandoned? Have any studies been done on this? I'm not aware of any.

Hon. Stockwell Day: There are studies out there that show what the costs would be if an incident happened, accidental or otherwise. I'll use the Windsor-Detroit bridge as an example. Once you get up to two and three hours, you're quickly running into the hundreds of millions of dollars at a border point like that one. We have some very, very busy border points.

There's another thing on the cost. I'm concerned about cost as much as anybody is, but think of it this way. This year, those border officers, in import duties alone, will collect about \$3.2 billion. In GST-HST, they will collect about \$22 billion. If you wanted to look at it from the point of earning their keep or paying for their operation, the total operation of CBSA this year is going to be about \$3.14 billion. That's what it's going to cost to run the whole operation. As I said, in import duties alone they're collecting \$3.2 billion, and in GST-HST they're collecting about \$22 billion.

The Chair: I was going to put this in context.

Go ahead, Mr. Miller.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Thank you, Mr. Chairman.

Mr. Minister, thank you for being here.

I don't normally sit on this committee. I've been very interested in this topic, so a lot of this is of interest to me.

I can't help but make one comment. It's a little ironic that Mr. Lee seemed to have a problem spending \$100,000 on public safety, but at the same time he didn't seem to have a problem supporting the \$2 billion on the long-gun registry, which does absolutely nothing for public safety.

• (1300)

The Chair: That's a good point.

Mr. Larry Miller: Anyway, could you tell us a little bit more about the altered ModuSpec report? I understand there is also a Northgate report. I'm not really familiar with them and I'd like to hear some comments.

I'd like to hear exactly what was recommended by those reports and I'd like to hear a little more about the level of support, negative or positive, among the border service agents themselves. Basically, are they supporting the government? Did they request the government? Did they request the previous government? Could I have some stuff along those lines?

Hon. Stockwell Day: The request has been long outstanding.

As for your observation about the gun registry, I'll leave that to you and Mr. Lee to discuss, but—

An hon. member: I'm glad he spotted the connection.

Hon. Stockwell Day: —I'm sensitive to your point.

All the surveys are showing that the vast majority, whether you go with the Northgate study, with CEUDA's own study, or with the somewhat anecdotal study that was done by management itself at CBSA.... They did a report that was anecdotal, in that they talked, as I said, with groups of individuals or one-on-one, just asking what they thought.

There will be a percentage of people.... First of all, the number saying they absolutely don't want a firearm, according to the Northgate and CEUDA report, is very low; it's somewhere in the range of 2%. There will be those who will not be able to physically pass the test, whether it's eyesight or whatever it may be, in order to qualify. In those cases, there are both regional and administrative positions that can certainly accommodate those who are saying that they absolutely don't want to do this.

However, it will be part of the professional package. Everybody now coming into CBSA would not be able to entertain the prospect of not having a sidearm, just as a firefighter couldn't sign up to enter the profession of firefighting and say they never want to ride on a fire truck. That person would be excused from the beginning.

Some accommodation will be attempted to be made, but the overwhelming majority want this, and in terms of your question of how long it has been out there, they've been asking for this provision for literally years.

I don't want to get into a political partisan thing. You know how much I dislike partisanship, but we looked at this before the last election, and now, as the new government of Canada, and for all the reasons I've stated, we see this as absolutely necessary for the ongoing safety, security, and prosperity of Canada, first of all, and secondarily for our friends to the south.

Mr. Larry Miller: I have just one last thing that I may not have made clear enough. The ModuSpec report, I understand, was altered or something. What was all that about? I read that somewhere.

Hon. Stockwell Day: I'm not sure what you're referring to in terms of the alteration on that, but I'll get back to you on that.

The Chair: I'm sorry to have to cut you off, Larry. We've taken more of the minister's time than we were supposed to.

Thank you, Mr. Minister, for appearing before the committee and answering our questions. We appreciate it very much.

Hon. Stockwell Day: We've noted the areas in which I said I'd get information back, and we'll do that, Mr. Chairman.

The Chair: This meeting stands adjourned.

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