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Chair

Mr. Merv Tweed

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• (1110)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Good morning, everyone. Welcome to the Standing Committee on Transport, Infrastructure and Communities.

The first report of the committee has been circulated to members of the committee. I'm asking you to peruse it, look at it, and then I am asking for a motion to agree to the report as presented. This is basically the information that was garnered from the steering committee after the last meeting.

Mr. Laframboise, go ahead, please.

[Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): If I understand correctly, you want us to adopt the report immediately. Do we discuss it first?

[English]

The Chair: If you want to, we can discuss it first, or move it to the end of the agenda and deal with the witnesses. What do you prefer?

[Translation]

Mr. Mario Laframboise: We could talk about it after hearing the witnesses.

[English]

The Chair: Is everyone in agreement with that?

There is no problem. Okay, thank you.

Then we'll move right into Bill C-3, pursuant to the order of reference of Monday, May 1, 2006, Bill C-3, an act respecting international bridges and tunnels and making a consequential amendment to another act.

We have witnesses before us today, and I would ask them to introduce themselves.

Proceed.

Mr. Brian Hicks (Director, Bridge Policy and Programs, Department of Transport): My name is Brian Hicks. I'm the director of bridge policy and programs at Transport Canada.

Ms. Evelyn Marcoux (Director General, Surface Infrastructure Programs, Department of Transport): I'm Evelyn Marcoux, director general of surface infrastructure programs at Transport Canada.

[Translation]

Mr. Éric Harvey (Legal Counsel, Legal Services, Department of Transport): My name is Éric Harvey. I work with Transport Canada's Legal Services.

[English]

The Chair: Welcome.

I would ask you to proceed.

Ms. Evelyn Marcoux: Mr. Chairman and members of the committee, good morning.

First, thank you for having us appear before you to speak about Bill C-3, the International Bridges and Tunnels Act. I will speak today about the history of the bill and its importance to Canada's international bridges and tunnels.

In Canada there are 24 vehicular and nine railway bridges and tunnels that link our country to the United States. Mention has been made of five railway bridges and tunnels; however, it now appears that the number is nine.

Of the bridges that carry vehicle traffic, fourteen are located in Ontario, nine in New Brunswick, and one in Quebec. The rail bridges and tunnels are all located in Ontario, except for one, which is located in New Brunswick.

Most of these bridges and tunnels came into existence through special acts of Parliament quite some time ago. The acts served mainly to incorporate the company responsible for building the bridge or tunnel and determine the terms and conditions of the construction. They are specific to the bridge or tunnel in question, and most, if not all, do not address modern-day concerns such as safety and security.

The bill before you addresses many of the issues that concern us today. Whether it is to strengthen the trade corridors that we share with the U.S. or protect our national borders, the bill is intended to strike a healthy balance among the interests. The principle behind this bill is quite simple. It is to ensure the efficient flow of traffic, people, and goods across the border. It is a means to give tools to the federal government to fix problems should they arise.

[Translation]

Our international bridges and tunnels are highly valued components of our national transportation system. They are undeniably important to international trade, as they are the means by which the majority of our trade with the United States is transported. They ensure, both directly and indirectly, many jobs for Canadians in the transportation and tourism industries.

International bridges and tunnels fall within the jurisdiction of the federal government. No law has ever been adopted that uniformly applies to all international bridges and tunnels, and sets out the manner in which the federal government can exercise its jurisdiction with respect to these structures. This means that today and until this bill is enacted, the federal government has limited authority when it comes to determining: who may build a new international bridge or tunnel; where this bridge or tunnel is to be located; the use that is to be made of it; how it is to be maintained; and the level of security that will be exercised over this bridge or tunnel.

[English]

This bill is the culmination of past efforts to amend the Canada Transportation Act to include provisions dealing with international bridges and tunnels and to strengthen, refine, and improve upon these provisions.

It borrows from former Bill C-26 and Bill C-44, both of which died on the order paper. Now, in a stand-alone bill, the subject of international bridges and tunnels is front and centre.

The bill proposes the same regulatory powers in the areas of maintenance, repair, operation and use, safety and security as were in former Bill C-44. With this bill the government will be able to ensure that all international bridges and tunnels are properly maintained and, where appropriate, demand that certain repairs be done necessary to keep the structure in good condition. Also, it will make sure that appropriate security measures are put into place and that security information is shared with the government.

Bill C-3 also proposes the same approval process for the construction of new international bridges and tunnels and for alteration to existing structures as did former Bill C-44. It may be that in establishing the guidelines governing the approval process, the government will take inspiration from the United States—more specifically its presidential permit process for the construction of new international bridges that has been in place for quite some time. That process ensures that applicants obtain all required permits and consult with all interested government departments, including the Canadian government.

• (1115)

[Translation]

Allow me to draw your attention to the new provisions. These fall into two categories: the construction of bridges over the St. Lawrence River, and the approval of transactions affecting the ownership and control, or operation of international bridges and tunnels.

The section dealing with construction over the St. Lawrence River is technical in nature and serves to correct an oversight in current legislation. Mr. Harvey, legal counsel with Justice Canada assigned to Transport Canada, will be able to explain this provision to you and guide you through the legalities.

The effect of this new section will be that any new construction over the St. Lawrence River will no longer require a Special Act of Parliament, which is the case today. This bill is also proposing that any transactions that have an effect on the ownership or control, or operation of international bridges and tunnels be approved by the government.

[English]

The policy decision behind this is simple. It is the government's responsibility to ensure the safety and security of its citizens, and as such, it must know who owns and operates these structures.

Finally, when former Bill C-44 was introduced, we consulted with bridge and tunnel stakeholders, many of whom you might hear from at these hearings. Since Bill C-3 was introduced, we have had further consultation with the stakeholders. As was the case with Bill C-44, it is believed that the stakeholders generally support the bill and the involvement of the federal government in the area of international bridges and tunnels.

However, the extent of the involvement will become clearer once we develop the regulations. We fully expect and look forward to working with the stakeholders in the regulatory process, when they will be consulted once again and their views and concerns taken into account. We at Transport Canada are committed to working with these stakeholders and any other stakeholders to ensure that all international bridges and tunnels are safe, secure, and operated in a manner that ensures the efficient flow of traffic across our border.

Thank you.

The Chair: Thank you, Ms. Marcoux.

We'll start our questioning as previously agreed.

Mr. Don Bell (North Vancouver, Lib.): Do you not have three...?

The Chair: Actually, I think there's just one presenter.

Ms. Stronach.

Hon. Belinda Stronach (Newmarket—Aurora, Lib.): Thank you very much.

My questions relate to clauses 23 to 28, the new provision talking about change in ownership, operator, or control, just to get a bit more clarity around what the intent of this new provision is.

Is it setting up a provision where the Governor in Council approval is required to build, sell, or assign a transfer...? Is that for the future? How does it apply? It's a bit vague in respect to the past. Is it retroactive? And under what circumstances would this be applied?

Again, it applies to whom or to what? Is it to a municipality or to a province? I want some clarity on that.

Also, on the scope of information that's to be disclosed, if there's corporate confidential information, how would it be treated? Could it be accessed through ATIP? And who will have access to the information? Would it be the CBS, the Canadian Transportation Agency, the minister? I'd like some clarity around the disclosure aspect and whether it is retroactive.

• (1120)

Ms. Evelyn Marcoux: Thank you.

I can start, and Éric will finish.

Is this retroactive? The answer is no. The corporations that own the bridges today won't be affected. We're not going to revisit who owns bridges today and then put them through a process. However, once this act is in force, if there is a request for transferring the shares or the ownership, then, yes, there will be a process and applications will have to be forwarded.

In terms of access to information, Éric will speak.

Mr. Éric Harvey: As you know, the Access to Information Act provides for a series of safeguards vis-à-vis confidential information. So assuming that information would be provided by those proposing to transfer a bridge to the minister for the purpose of exercising the approval process set out in these provisions, the safeguards that exist in the Access to Information Act vis-à-vis sensitive commercial information would be subject to it.

The application of these provisions apply to all bridge operators regardless of who they are, private companies and publicly owned bridges as well.

Hon. Belinda Stronach: In section 26, it says:

The minister may, in accordance with any terms and conditions that the minister considers appropriate, order a person

and then down to paragraph (c):

to relinquish control of an entity that owns or operates an international bridge or tunnel if that person acquired control of the entity without the approval of the Governor in Council.

Does that apply retroactively, or is that for future consideration?

Mr. Éric Harvey: The rule of interpretation vis-à-vis the coming into force of a statute is that the statute comes into force on a date and applies from that moment into the future. So consistent with what Evelyn just mentioned, it means that all transactions that may happen prior to the coming into force of the act won't be subject to it, but any future transaction will be.

Hon. Belinda Stronach: Okay, and just one—

Ms. Evelyn Marcoux: But section 26 itself will be used if someone proceeds with construction without getting GIC approval. So this will be used to sanction someone who has gone forward without doing the proper process.

Hon. Belinda Stronach: I have just one other point. How does it affect repairs, if someone wants to amend a bridge or had a twinned bridge?

Ms. Evelyn Marcoux: You mean the act in general? If someone wants to repair a bridge.... We have to keep in mind that the objective of the legislation is to ensure consistent free flow of traffic. If the project is complex and will delay or cause traffic problems, then we need to be informed and we will negotiate with the bridge owners on the process. But for all alterations, a submission will be sent to us and we will administer it, again, once we have established the regulations and the guidelines.

The Chair: All right, we'll move on.

Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: Thank you, Mr. Chairman.

Here I have the version of Bill C-3 that was provided to us. I see that clause 16 has two different titles. In the English version, it's entitled "SECURITY AND SAFETY", whereas it bears the title of "SÛRETÉ" only in the French version. Is that a mistake?

• (1125)

Mr. Éric Harvey: It's not a mistake. In fact, this question was discussed at length with the Justice Department drafters.

According to the Francophone drafter who helped us, the word "sûreté" has a broader meaning than the English term "security", broad enough to embrace the meaning of the terms "security and safety". After a number of discussions, we agreed that the term "sûreté" was sufficient to represent both notions.

Mr. Mario Laframboise: However, the following paragraph refers to the security of bridges and the safety of persons. So a distinction is drawn between the two terms. I'd like to be sure there isn't a problem here.

Mr. Éric Harvey: Mr. Laframboise, I raised this question myself in my discussions with my drafter colleagues.

Mr. Mario Laframboise: That's good; we'll have a chance to talk about it again.

If I understand correctly, without this measure, you can't issue directions to operators. Even the contracts you've signed with them don't contain these kinds of measures.

Mr. Éric Harvey: Currently, for each bridge, we have to analyze the legislation that enabled the creation and incorporation of the company in order to determine the scope of the legislation.

Mr. Mario Laframboise: That's very good.

Let's go back to clause 15, which is entitled "OPERATION AND USE", and which grants powers to regulate the use of bridges, to regulate the tolls that owners may charge, and so on. I've previously had the chance to ask you this question, but I'd like to hear from you again.

Did you speak with our partners, the provinces in particular, which operate and manage a number of these bridges? I believe there is some interference here. This gives you a power that goes beyond safety issues. You'll be able to intervene and limit, regulate the use of a bridge and tunnel at all times, based on the type of vehicle. For example, you could order operators to prohibit truck traffic on a given bridge or in a given tunnel.

Have I correctly understood the meaning of this clause?

You've no doubt reached agreements enabling you to negotiate with your partners. However, if the bill is passed as it stands, you'll be able to make them do what you want. Have you discussed this with them and do they agree on it?

Ms. Evelyn Marcoux: When the bill is passed, we'll have to go on to the regulatory stage. That's when all these questions, in particular those concerning clause 15, will be negotiated. We'll have to agree with the operators and determine what's reasonable.

The aim of the bill is not to impose unnecessary, extraordinary measures. Consider international bridges, for example. We manage three bridges, and our objective is to facilitate the movement of goods and people. We can negotiate so that a bridge can have a FAST/NEXUS lane, for example. These are new programs that have been adopted since September 11. In other cases, it might be more effective to allow truck traffic on one bridge and car traffic on another, but that will be negotiated. We don't intend to impose measures that aren't reasonable or that won't achieve traffic flow objectives.

Mr. Mario Laframboise: Why didn't you add a subclause to clause 15 providing that agreements and negotiations will be reached and entered into by regulation?

Ms. Evelyn Marcoux: It wasn't done because it's understood in a bill like this one.

Mr. Mario Laframboise: I'd like to go back to clauses 13 and 14, which concern maintenance and repair.

You can make regulations on equipment maintenance and repair, but there's no mention anywhere of funds that would be available to the Department of Transport in order to discharge its financial responsibilities.

Are you telling us today that new money is available or that the big boss has authorized you to sign off on it all and to postpone the financial negotiations?

• (1130)

Ms. Evelyn Marcoux: We're not here to announce any new money. The maintenance and repair of bridges is something that's part of...

[*English*]

the business proposition of running a bridge.

[*Translation*]

The management of this type of facility is part of the inherent costs. Furthermore, as I said earlier, we don't intend to adopt extraordinary and unreasonable measures. This is part of the operating costs of these facilities, and no budget is specifically provided for implementing these measures.

Mr. Mario Laframboise: Clause 15(c) states: 15.(c) respecting any matter relating to complaints in respect of tolls, fees and other charges, including the procedures [...]

You're telling me you don't intend to use it, but if you establish a complaints procedure, people will file complaints. You'll have to identify people or organizations that will handle those complaints. Clause 15, which concerns operation and use, follows immediately after the section on maintenance and repair. People will no doubt think it's now possible to complain about the quality and condition of bridges, and they'll do it. Do you want a complaints service to be officially established?

Ms. Evelyn Marcoux: That wasn't our goal. The purpose was to provide for a mechanism in the event we didn't reach an agreement

with the operator. Then there would be an independent mechanism to resolve the matter.

Mr. Mario Laframboise: So this would concern operator complaints, not public complaints. That's good. That's fine with me.

[*English*]

The Chair: Mr. Julian.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Thank you very much, Mr. Chair.

I'm interested in the process you underwent with the stakeholders and the consultation that was done with local authorities. I'm thinking specifically of the City of Windsor, Fort Francis—those areas where there are private bridges. There were some concerns raised at the local level around that.

Have there been consultations?

Mr. Brian Hicks: If I can, I'll answer that.

There have been extensive consultations. When we introduced Bill C-44, we had a series of consultations. A lot of the large Ontario-U.S. bridges are members of the Bridge and Tunnel Operators Association, and on numerous occasions we briefed them as a group. We've also briefed a number of them individually—this is back with Bill C-44. Then when Bill C-3 was introduced, we went back and had subsequent briefings, again with the Bridge and Tunnel Operators Association as a group, and we've had subsequent phone calls and meetings in our offices.

You mentioned the City of Windsor. We've met with the owners and operators that operate those facilities. With the Fort Francis bridge, we did that over the phone and had a lengthy conversation with them.

Mr. Peter Julian: But my question was specifically about the local elected officials in the City of Windsor, in Fort Francis, and in other municipalities that are affected by this.

Mr. Brian Hicks: Our consultations have been with the owners and operators of the facilities.

Mr. Peter Julian: Okay.

Why haven't you consulted with the local authorities? This particular bill is important legislation, but the weakness in the bill seems to be in the local input for these bridges and tunnels that have a profound impact on local economies—particularly in Windsor, but I'm also talking about other cities that are impacted by it.

I'm wondering why there hasn't been consultation with those local authorities.

Ms. Evelyn Marcoux: The City of Windsor and the local authorities are, as you know, very involved in the whole process of the new crossing, and as part of that process, there are extensive consultations taking place with all stakeholders through the environmental assessment process or through other consultations.

We did not contact the City of Windsor directly for Bill C-3. If they feel they should be contacted, we would be happy to do so.

•(1135)

Mr. Peter Julian: Currently, we're referring some of the local officials to the clerk. We're in contact with the City of Windsor to see if they would like to come and provide input on the bill.

Coming back to the weakness that we've seen in the bill, it's the interaction between the federal government authority—generally, we support the thrust of the bill—and local input.

What provisions are there for local input on decisions that are made by the federal government in regard to international bridges and tunnels?

Ms. Evelyn Marcoux: Maybe this will give me an opportunity to come back to Mr. Laframboise's questions. When I told you about paragraph 15(c), that the complaint is only for the operators, I was wrong. It's for operators and the public. There is a mechanism set up in the bill for public complaints as a result of the operations of the bridge.

It is in the bill.

Mr. Peter Julian: I'm specifically referring to local authorities—elected officials. And as you know, this issue has been a long-standing one in Windsor. Windsor MPs such as Brian Massey and Joe Comartin have often spoken to this issue. I think it's fair to say it's a fairly hot topic in that city.

I'm asking specifically if there are any mechanisms in the bill currently that allow for that local input beyond the possibility for public complaint, something that on a regular basis would allow for local input on the federal government's overseeing of these important...

Ms. Evelyn Marcoux: We met with Mr. Masse and we met with Mr. Comartin. They have been consulted on the bill, and there are ongoing consultations with them on the Windsor crossing project. They are very much in contact with Transport Canada.

Mr. Peter Julian: I'm specifically referring to local authorities, though. I understand that you've spoken with Mr. Masse and Mr. Comartin, but there are no provisions that you foresee beyond the public complaints process that would allow for that local input.

Ms. Evelyn Marcoux: Not at the moment, no.

Mr. Peter Julian: Okay. Was any possibility of providing that within the bill considered?

Ms. Evelyn Marcoux: No, not really.

Mr. Brian Hicks: This is actually the first time that anybody has raised this question with us. Not only have we consulted with the people I mentioned before, but we have consulted and dealt with the provincial governments in New Brunswick, Quebec, and Ontario. Until this morning, nobody has actually suggested that we talk to local elected officials.

Mr. Peter Julian: Okay. Coming back to the issue of provinces then, are there mechanisms within the bill for ongoing consultations with the provincial authorities?

Mr. Brian Hicks: I guess it's a little unclear to me what those consultations would consist of.

This bill gives the federal government an oversight role on these bridges. When we're talking about things like safety, security, and

operations, the individual bridge owners and operators would be sending documentation to us.

I'm not really sure what you have in mind for the consultation. It's not like we're going out and imposing things on the operators. This bill gives us the authority to receive information from them, and then, if something is deficient, to have a conversation with the owners and operators. I'm not sure what the local officials would want to discuss with us.

Mr. Peter Julian: I'm coming back to the provinces, though. I understand there's no—

Ms. Evelyn Marcoux: We are talking to the provinces. We have talked to Ontario, Quebec, and New Brunswick. Those are the three provinces that are involved.

Mr. Peter Julian: Okay. What—

The Chair: I'll have to stop you there. I'm sorry, Mr. Julian.

Mr. Fast.

Mr. Ed Fast (Abbotsford, CPC): Thank you, Mr. Chair.

I'd like to refer back to clause 15, specifically paragraph 15(b), which of course provides the ability for the minister to make regulations regarding tolls, fees, and other charges that might be imposed on the operators.

I'm interested in the financial impact this will have on the operators themselves. I'm sure you're aware that they have raised some concerns about the impact this will have on their financial viability and, more specifically, to borrow at advantageous interest rates, especially those who have intentions of expanding in the future. Of course, expansion would presumably lead to a greater viability for those facilities.

I would assume this is the first time the federal government has actually intervened in the free market of setting tolls. Is it not?

Ms. Evelyn Marcoux: No.

Mr. Ed Fast: Could you respond to that, first of all?

•(1140)

Mr. Éric Harvey: Yes. As Evelyn mentioned in her introductory remarks, international bridges have been governed until now by specific statutes. In many of them, if you read them, you will see there are provisions that enable the company to charge tolls. Depending on the statute, because for each of them you have various variations on that theme, sometimes there's a reference to the railway act or sometimes there's a reference to a specific review mechanism.

I would need to check the date when there was a uniform recourse vis-à-vis tolls that was introduced by legislation. I believe that recourse was introduced in the 1950s and existed up until 1996, when the National Transportation Act, 1987, was repealed. But until then, there was definitely a regulation respecting applicable tolls.

Mr. Ed Fast: Since 1987, though, what has been the—

Mr. Éric Harvey: Prior to 1996 you need to go back to the specific statutes applicable to each bridge.

Mr. Ed Fast: Will this bill supersede those statutes?

Mr. Éric Harvey: Yes.

Mr. Ed Fast: To go back to paragraph 15(b), the minister now addresses the issue of tolls by regulation. I notice the proposed legislation doesn't have a specific process in place whereby those tolls would be established according to certain formulae, or through some other process that would be fair to the operators.

Mr. Éric Harvey: You may have noticed that paragraphs 15(b) and 15(c) both have the word "tolls" in them. Paragraph 15(b), as you mentioned in your question, gives regulation-making powers vis-à-vis tolls, but you may also have noticed that it is to ensure the efficient flow of traffic. In other words, it's not to come and regulate things just for the sake of regulating; it is regulating within the circumscribed circumstance put in this provision, which is to ensure the efficient flow of traffic.

As long as tolls imposed by or charged by bridge operators don't impact the flow of traffic, then that power cannot be exercised to regulate.

Mr. Ed Fast: Have the operators been in touch with you to express their concerns about their ability to borrow money, and the impact that will have on their credit rating, or their ability to borrow, and also on the interest rates they will have to pay in order to expand their facilities?

Ms. Evelyn Marcoux: Yes, they have told us they are concerned about that clause. As Éric just explained, that clause is.... We will negotiate what it will mean and how far we will go as we go through the regulation processes.

The objective right now is to be reactive, as opposed to proactive. We don't intend to tell the bridge owners or operators how much they can charge, but if they increase their tolls, we want to be told. We want to be informed of that, and if increasing the tolls in one area creates problems—it could be decreasing as well, by the way, or it could be increasing or decreasing, which then affects the flow of traffic, and that goes against the grain of this act—then the government wants to sit down with the operator and have a conversation.

This is the objective behind it. Again, it's to be reactive, as opposed to coming in at the outset.

We have explained that to the operators. They understand it. They are concerned about how this issue may affect their credit rating. We're hoping it can be resolved if they have conversations with their bankers, but I understand they might need representation to you, the committee, as well. We're open to discussing what, if any, changes they want.

• (1145)

Mr. Ed Fast: Mr. Chairman, I'm looking forward to hearing from the operators. The object here is to be fair with them—to ensure they can operate business in a way that's comparable to the rest of the market out there, can borrow at proper rates of interest, and can generally feel they're being treated fairly.

I found that missing here. We didn't have some kind of process in place ahead of time, but I'm assuming the minister is already putting his mind to working on a way of addressing the concerns of these particular operators.

Ms. Evelyn Marcoux: Absolutely, and we are in contact with them on a regular basis.

As I said, this will go through a regulation process. The regulations will cover the maintenance, the repair, the operation, the use, the ownership, and the tolls. Conversation will have to take place, and common sense will have to prevail.

Mr. Ed Fast: Thank you, Mr. Chair.

The Chair: Mr. Bell.

Mr. Don Bell: Thank you.

Some of the questions I was going to ask have been answered.

I'll go back, first of all, to consultation issues. In the material we received with our briefing, on page one, tab B, you say the stakeholders have not been consulted with respect to these two new provisions. My understanding is they were consulted on the process for Bill C-44, and I heard Mr. Hicks say there was some consultation by telephone currently, but the third paragraph says these stakeholders have not been consulted with respect to the additional provisions. I presume those are the two at 4 and 5 under the numerical tabs we have. Those are the two changes between Bill C-44 and Bill C-3. The first is the change of ownership and the control—Ms. Stronach asked some of the questions about the issue of access to information under that—and the other is the one on the St. Lawrence River.

If I understand it, the St. Lawrence issue was basically a catch-22, and this is attempting to resolve that. Is that more or less correct?

Ms. Evelyn Marcoux: Éric can speak to that.

Mr. Éric Harvey: That's correct. I can give you a long explanation. It's essentially a technical thing.

Mr. Don Bell: I waded through the background paragraph and figured out that's what it was.

The other issues I had relate to that. One is the question of retroactivity. Clause 26 of the bill is on pages 16 and 38, I think, of the.... The first section is a description of clause 26 and of the ministerial powers to order a person. There's no definition of "person" in the bill that I could find. Is there a fallback to a federal definition of person that would include a corporation as an entity?

Mr. Éric Harvey: Yes.

Mr. Don Bell: Would it include a provincial government or a municipal government? I think it doesn't apply in British Columbia right now, but I know in my area, municipalities have just recently been given person powers.

Mr. Éric Harvey: Clause 3 of the act says it is "binding on Her Majesty in right of Canada or of a province", so this act would apply to a province by virtue of this provision.

Mr. Don Bell: But it wouldn't apply to a municipality. And there isn't one now, I guess. I'm just curious as to the application and the references. I'm looking particularly at clause 26, where it makes reference to a person.

• (1150)

Mr. Éric Harvey: The intent is to cover all operators.

Mr. Don Bell: When you're talking here about selling, assigning, or transferring, or otherwise disposing of, what happens if one of these companies sells shares or sells a portion? Is there no trigger in terms of percentage? They might not sell outright; they might just take on a partner, for example. Is that covered?

Mr. Éric Harvey: You have a reference to the control and entity in paragraph 26(1)(c).

I believe that what's important to understand vis-à-vis clause 26 is that it can be used only if there is a breach of clause 23—in other words, when a transaction happens without the approval of GIC. In other words, I'm selling you my bridge without seeking GIC approval. In that case, and in that case only, or under similar circumstances in the act, the minister can use this.

Mr. Don Bell: With regard to the question that Ms. Stronach asked about retroactivity, I presume when we say without the approval of GIC, it's implied that because of the previous individual acts there was approval of GIC?

Mr. Éric Harvey: No, I think the approval of the GIC referred to here, if you read the provision—

Mr. Don Bell: I'm looking at clause 23 as well?

Mr. Éric Harvey: It refers to clause 23. In other words, as long as clause 23 is not in force, these provisions cannot be used.

Mr. Don Bell: And this act, in effect then, in one fell swoop, in one action, brings all the existing bridges and tunnels that are known about to be under the approval of the GIC.

Mr. Éric Harvey: Well, it doesn't change the current situation. In other words, the current situation stays as it is. Clause 26 cannot be used except to change situations that exist.

Mr. Don Bell: Okay, let me put it the other way then. Maybe I'm not getting this. Clauses 23 and 26 say that the only way you can operate, purchase, or acquire control, but more particularly just operate an international bridge or tunnel, is to have approval of GIC, and if the existing legislation that created some of these entities did not have approval of GIC, and if this is not retroactive, is the purpose of this bill to, in effect, bring all those 24—or whatever it is—tunnels, theoretically giving approval of GIC so that in future...?

Ms. Evelyn Marcoux: It's for new ones. It's addressing new requests for—

Mr. Don Bell: So the existing ones—

Ms. Evelyn Marcoux: They had their own act of Parliament.

Mr. Don Bell: They had some separate act?

Ms. Evelyn Marcoux: They had sanctions.

Mr. Don Bell: So they're not covered then, theoretically, unless there are changes?

Ms. Evelyn Marcoux: They're covered if they make changes or alterations to their—

Mr. Éric Harvey: Or transfers to the bridge they own.

Ms. Evelyn Marcoux: Or they want to sell.

The Chair: Mr. Carrier, go ahead, please.

[Translation]

Mr. Robert Carrier (Alfred-Pellan, BQ): I'd like to go back to clauses 15(b) and (c). I don't know whether this is a problem.

At the end of clause 15(c), it is stated, and I quote: “including [...] the person or body who is responsible for dealing with complaints”.

I suppose this refers to the owner or operator, or trying to identify the person.

Mr. Éric Harvey: We want to identify the person who will decide on how the complaint is resolved.

Mr. Robert Carrier: Are you referring to the Department of Transport or the owner?

Mr. Éric Harvey: In fact, for there to be a complaint settlement mechanism, the complaint must be put before a person, and that person must have the power to decide. The purpose of this wording is to make it possible, by regulation, to identify the person—whether it's a government representative or an adjudicator—to whom users could go and complain about a toll and who would have to make a decision after hearing the parties.

Mr. Robert Carrier: So you mean a federal organization; that's what you mean. In fact, this isn't clear.

Mr. Éric Harvey: Ultimately, this provision permits the making of regulations. Its purpose is to permit regulations to be made to identify the person who will make the decision, without that person or organization necessarily being identified for the moment.

Mr. Robert Carrier: I'm going back to clause 15(b). It states, and I quote:

15.(b) respecting the tolls, fees and other charges that may be imposed by owners or operators of international bridges or tunnels for their use, to ensure the efficient flow of traffic;

As you said a bit earlier, the purpose of this paragraph is to ensure the efficient flow of traffic. Would it be possible for you to make a recommendation, or a requirement, that the toll collection system be modified to ensure more efficient traffic flow? In fact, there could be various collection methods, such as manual methods or more efficient methods, such as visual detection methods.

• (1155)

Mr. Éric Harvey: When we drafted this provision, we were thinking about the amounts of the tolls charged, for example, two, three, four or five dollars.

Mr. Robert Carrier: You're talking about costs, but that would slow down traffic flow.

Mr. Éric Harvey: I don't agree with that view.

Mr. Robert Carrier: Whether it's 25¢ or \$2, it's the same...

Mr. Éric Harvey: In fact, it's a supply and demand issue. The higher the price, the more users could potentially choose other options than the bridge in question. In my view, that's possible in some regions where users really have options. One could then consider raising or lowering the price.

Mr. Robert Carrier: It seems to me that requirement isn't designed to ensure efficient traffic flow, but to increase capacity.

Ms. Evelyn Marcoux: That's not correct. If, tomorrow morning, a bridge operator decided to charge a much lower toll, that would attract an enormous number of vehicles and cause a traffic problem. The bridge would be backed up.

We must establish a mechanism that will rebalance demand for the various options available in a region.

Mr. Robert Carrier: That's one way of looking at things, but we could also consider the collection method. If you have an archaic collection method, which slows down traffic, you could ask that there be a more efficient mechanism.

Ms. Evelyn Marcoux: Those things can be discussed when the regulations are examined. However, we hadn't considered getting that far.

Mr. Robert Carrier: The wording could allow that, which would result in major collection system costs.

Ms. Evelyn Marcoux: That's not our intention, but we would examine that question at the appropriate time.

Mr. Robert Carrier: Are the U.S. measures similar to what you want to do? Is there a national standard for all these tolls? Does that vary with each state? Currently it varies with each of the provinces.

Ms. Evelyn Marcoux: In the United States, they use what's called a presidential permit. In the case of a new construction or an infrastructure change, an application must be made to the U.S. government, which then triggers the process. So we're going to rely on that model to establish our system, in cooperation with the operators and governments.

[English]

The Chair: Mr. Julian.

Mr. Peter Julian: *Merci beaucoup, monsieur le président.*

I wanted to come back to the issue of consultations more specifically, because what I want to do is just have you take me through a practical case where we're talking about ownership change for the Ambassador Bridge, for example.

The Governor in Council has the ability to make that decision, but what would be forthcoming in terms of consultations with the province and with the municipality? That's really the heart of my concern.

We're giving the authority to the federal government. I understand the need for that, but there's also a need for local input when these ownership changes or alterations may have a real impact on certain areas of the country. So that's specifically what I'm looking for. In the case of change of ownership, how would that work?

• (1200)

Mr. Brian Hicks: A lot of the details you're asking for will come out of the regulations. We have not developed the regulations. We

will be consulting with all kinds of stakeholders in developing the regulations.

What we have in mind is that when an owner or an operator of an international bridge has the intention of selling, they would notify us that they're selling it and they would tell us before the sale who they would be selling to. You mentioned a little earlier that the Fort Frances bridge is for sale, and in fact they told us that the bridge is for sale. So even though this act isn't enforced, they have actually gone and told us their intention of selling.

As for what we will do, who we will consult, we haven't discussed that. That would come out of the regulations.

Ms. Evelyn Marcoux: But the objective is in terms of how much power the government will give itself to respond, to agree or disagree to that request. It's really an issue of public safety at the moment. We don't want a bridge to be in the wrong hands, in the hands of "terrorists organizations". So it's really under extreme cases that the government will not allow a transaction to go forward. It would need a good reason to do so, and those are the details we will develop at the next stage.

Mr. Peter Julian: In the consultations you had with the provinces, did any of the three provinces impacted raise that concern, that they wanted to be consulted in the case of places where the Governor in Council actually has the power to make the decision? Did that come up in the consultations with the provinces?

Mr. Brian Hicks: The consultations we've had so far with the provinces have been on questions like coordination. They see it the same way we do, that if an international bridge is going to be restricted for alterations or construction, they want to make sure that industry knows that. So I think most of them have been very supportive of that provision.

As far as the sale is concerned, nobody has raised it yet, but to use my answer to reply also to Mr. Bell's question about the consultations that have gone on, in regard to that page at the beginning where it said we have not discussed these new provisions, we have consulted with certain people. This discussion is ongoing. We've set up conference calls. We've had some. We have not finished all of the conference calls with the three provinces, so I don't know today whether one or two of the provinces will bring that up. They have not so far brought it up, but we do have other conference calls scheduled.

Mr. Peter Julian: Okay.

In general, then, the discussions with the provinces have been more on the principle of the bill than the mechanics. Is that fair to say?

Mr. Brian Hicks: The provinces understand that international bridges are federal jurisdiction. They have expressed...I wouldn't say a concern, but curiosity as to what would be in the regulations. They have asked about cost, and if the federal government would be imposing something on them that would cost money—

Mr. Peter Julian: A fair question.

Mr. Brian Hicks: —who would implement it. I think they have been reassured when we've explained to them that our intention is not to impose some federal standard on them but in fact we would be using their standards.

All provinces have engineering safety standards. So what we would do is, if we were looking at a bridge in New Brunswick, we would say, "Does this bridge meet the New Brunswick engineering safety requirements?" If it does, end of conversation. If it doesn't, if according to New Brunswick's own rules this bridge isn't safe, that's when we would step in and have a conversation.

•(1205)

The Chair: Thank you.

Mr. Storseth.

Mr. Brian Storseth (Westlock—St. Paul, CPC): Thank you, Mr. Chair.

I think one of the keys to this legislation is the idea of increasing the efficiency of transportation on our international borders.

One of the questions I was going to ask you to expand on is how this regulation compares to that of our American counterparts, and is it actually increasing the efficiency?

Mr. Brian Hicks: As Evelyn Marcoux was saying earlier, the Americans have a presidential permit process, and the U.S. federal government steps in when a bridge is going to be constructed or if there are major alterations on the bridge. After that, they delegate that authority to the local states, and it's up to the local states then to be concerned about traffic flow and the efficiency. We've been down to Washington and we've explained what we're doing. They've been very interested, but as of today, the efficiency and fluidity of traffic remains with individual states.

Mr. Brian Storseth: Thank you.

The Chair: It was brought to my attention that Mr. Blaney and Mr. Storseth are going to share their five minutes, and then we can get into the last one.

Mr. Blaney.

[*Translation*]

Mr. Steven Blaney (Lévis—Bellechasse, CPC): Good morning.

If I've understood correctly, in the United States right now, the states manage bridges and bridge construction. Is that correct?

[*English*]

Mr. Brian Hicks: The U.S. federal government requires a presidential permit for the construction or alterations, but after the major construction or alteration, then it's the state.

[*Translation*]

Mr. Steven Blaney: As you said, this bill is designed to fill a legal void and the House gave it its unanimous support on first reading. So I see there's sufficient desire to move it forward.

Do you believe the bill would have negative financial impact on operators or would impose restrictions on them?

Ms. Evelyn Marcoux: The operators of international bridges and tunnels are responsible entities, particularly since the events of September 11. Additional security measures have been taken.

The federal government can't say right now whether those bridges are properly managed because we don't have any information on the subject. This bill would enable the federal government to ensure that infrastructures are well and securely managed.

We don't anticipate that this will result in any major additional expenses for operators. These infrastructures are obviously expensive to operate; some are older than others, and reinvestment is required in some cases, but that's their responsibility.

Mr. Steven Blaney: That answers my questions, Mr. Chairman.

[*English*]

The Chair: Mr. Jean, any comments or questions?

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Two comments. I just wanted to point out to the committee that only two of the bridges, if I'm correct, are privately owned. Is that correct? All the rest are provincial or state...?

Mr. Brian Hicks: Two of the vehicular bridges, the rail bridges.

The Chair: Mr. Hubbard, did you want to ask a question?

Mr. Don Bell: Just in response to Mr. Fast, are we going to pursue the issue of any opportunity for the operators to appear if they want to?

The Chair: I think if we have any more questions for these people, then we can do that after we have that discussion.

Mr. Laframboise.

•(1210)

[*Translation*]

Mr. Mario Laframboise: May we ask other questions?

[*English*]

The Chair: Short questions. We've done the rounds according to the original agreement. I'll give each group one more, maybe a couple of minutes just to finalize for today.

[*Translation*]

Mr. Mario Laframboise: I want to go back to Mr. Blaney's question. If I understand correctly, you aren't aware of the condition of the bridges. You've signed agreements, but... This bill will enable you to determine the condition of the bridges. That was previously independent, even though you were partners and there were bills.

Ms. Evelyn Marcoux: That isn't automatic. Each bridge was created by an act of Parliament or other provision. In each case, there are specific clauses on certain bridges, but not all the statutes provide that this kind of information should be shared with the federal government. Some administrations share this information willingly; others do so because they are required to do so by law. So information isn't shared in a standard manner.

Mr. Mario Laframboise: So you're going to determine the condition of the bridges. A complaints mechanism is being added which, as you mentioned earlier, will be managed by an independent organization responsible for receiving complaints.

Mr. Éric Harvey: In fact, the complaints only concern tolls.

Mr. Mario Laframboise: That appears in the paragraph concerning the safety and security of persons.

Mr. Éric Harvey: The complaints mechanism? Where?

Mr. Mario Laframboise: Pardon me, that was the “Operation and Use” section of the bill.

Mr. Éric Harvey: The complaints mechanism referred to in paragraph 15(c) concerns only tolls.

Mr. Mario Laframboise: All right.

[*English*]

The Chair: I'd like to thank our witnesses today. I appreciate their comments and answers.

After our guests have left we'll have a brief discussion on some of the rules and regulations.

We'll continue with the report that was tabled earlier. I don't know if there will be any discussions on it, but I'm certainly prepared to entertain any discussions. Then we can move forward.

Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: I agree on the content of the report. However, the last paragraph states:

It was agreed, - That an amendment to the routine motions be presented to the main committee to include a member of the government party, other than the Chair, on the Subcommittee on Agenda and Procedure

I would agree, provided the member in question is the parliamentary secretary.

[*English*]

The Chair: I'm sorry, would you repeat your last sentence?

[*Translation*]

Mr. Mario Laframboise: It states:

It was agreed, - That an amendment to the routine motions be presented to the main committee to include a member of the government party, other than the Chair, on the Subcommittee on Agenda and Procedure

I had understood that this other member of the government party was the parliamentary secretary. If it's the parliamentary secretary, that's fine with me. Otherwise, we're going to start adding members from all the parties. Instead it should state: “than the parliamentary secretary”, because he can provide us with good information.

[*English*]

The Chair: Mr. Julian.

[*Translation*]

Mr. Peter Julian: I agree with Mr. Laframboise. That's what we agreed in our discussions. If there are permanent members of the subcommittee: the Chair, the two Vice-Chairs, the representative of the other party, that is myself, there will have to be a permanent group, and members won't change at every meeting. I believe Mr. Laframboise is entirely correct. It should be the parliamentary secretary, not a representative of the government caucus.

• (1215)

[*English*]

The Chair: Thank you.

I think what's happened is in checking out previous other committees it said “Conservative member”, but I agree with you the discussion was with the parliamentary secretary.

Do we have to amend it to state “parliamentary secretary”?

I would ask Mr. Laframboise to put forward the motion.

[*Translation*]

Mr. Mario Laframboise: I agree, if everyone agrees. We should be unanimous.

[*English*]

The Chair: Mr. Julian is seconding it.

Mr. Fast.

Mr. Ed Fast: Mr. Chair, one question. I agree it should be the parliamentary secretary if he is available. There may be meetings at which he can't appear, and I'm wondering, should there not be some flexibility? This allows for the flexibility to have someone else in that position. Right now, we are all agreeing that it will be Mr. Jean who will be nominated. We'll make a motion to that effect that he would be the member. However, it does take away some flexibility.

[*Translation*]

Mr. Mario Laframboise: Mr. Chairman, as far as I know, you're a member of the Conservative Party. So you represent your party on the committee. Each party is usually represented on a committee, and the Chairman, who is often a member from the party in power, represents his or her party.

As parliamentary secretary, Mr. Jean can provide us with a great deal, since he has a direct link to the minister's office. That's fine with me. As for adding other members, Mr. Chairman, I believe you're a worthy representative of your party and that, if Mr. Jean isn't here, you can raise whatever subjects you wish. That's what I understand.

[*English*]

The Chair: Thank you. I'm prepared to...Mr. Julian.

[*Translation*]

Mr. Peter Julian: In the same line of thinking, the Vice-Chairs are represented. There's Mr. Bell, Mr. Laframboise, you, as Chair, and I, as representative of the other party. However, we don't replace each other. If Mr. Bell isn't available, he isn't available.

The same is true for the parliamentary secretary. We don't have a coordinating group where people could replace each other. Each of us has accepted responsibility to be present. You also have a responsibility to schedule meetings so that we can be present.

[*English*]

The Chair: I agree with you, and I would like the amendment to read “the parliamentary secretary”.

(Amendment agreed to)

The Chair: Mr. Bell.

Mr. Don Bell: A point of clarification. I agree with the report and the content, and I know we looked at what might reasonably be done within the first period of time. I only wanted to make sure that committee members and I am satisfied that the issue I've spoken about, which is ports and airport competitiveness, is not lost in here, or whether ultimately it would be another issue. We talked about it in the main meeting and didn't talk about it in the others, and maybe it's my fault for not bringing it up. But it's likely something we'll get to further on. I simply don't want it to be lost as an item identified as a priority, because the competitive issue is very important.

The Chair: And in the opening paragraph it says "not limited to", and I would agree and think that that would imply competitiveness.

Mr. Don Bell: Would there be agreement that we identify that as a sixth item, the final one, or insert it in there when we're talking about the topics, so we're showing a sequence here? We're talking about the infrastructure as a priority, the creation of the committee, the safety issues, other bills, and then if we referred to competitiveness of our air and ports/marine....

The Chair: Are there any comments? Mr. Jean.

Mr. Brian Jean: My concern is actually about the safety issues. I'm not really interested in safety issues; I'm interested in safety solutions. I think it's one thing we have to deal with, obviously, but I'm interested in solutions. I don't want to listen to witnesses talk about issues and events that have happened. I want to be clear with the committee. I want to find people who know risk assessment. I want to know people who know how to solve safety issues, so that we can implement or make a report that actually recommends some implementation of solutions, not issues.

I only want to be clear on what my point is, because I think a lot of things go on from there. Maybe we will want to do this after we're done with a good portion of the safety issues. We could come back to the committee and at least get an idea of where we want to go next.

What's the committee's feeling on how long we're going to spend on the safety solutions?

• (1220)

The Chair: Any comments? Mr. Julian.

Mr. Peter Julian: It's a very good question that the parliamentary secretary poses. We're already forwarding lists of possible witnesses to the clerk, so I think we'd be looking at certainly a good two or three weeks on safety issues. Now, that would take us to some time into mid-June. We have Ports Canada, which Mr. Laframboise has raised, that we have said we would also deal with prior to the summer recess. With that and the bills, our feeling is that this would be a pretty full agenda until the summer recess.

[*Translation*]

Mr. Mario Laframboise: I agree with Mr. Julian and Mr. Jean. However, as regards competitiveness, when we address the security issue, there will clearly be some competitiveness from the industry on this matter. In view of the time frames allowed us, let's focus on this issue. In any case, I'm convinced that the industry will raise the competitiveness issue, that it will present solutions and, of course, the costs that they will generate.

[*English*]

Mr. Don Bell: We seem to identify in the mind, in talking about there being safety issues relating to the derailments, and to the marine disaster on the west coast, for example, and that risk, and to the issues of air safety, whether these included the flight attendants or whether they included other aspects of air travel security....

I just want to make sure, when we each start talking about issues such as airport rents and fees, or in the case of ports about the ability to make the ports more sustainable and competitive, and particularly about the issue of competition with the U.S. ports, that it's an issue we begin some work on. I don't expect we're going to.... These would be the higher priorities.

I guess on reflection and looking at this, I would have liked to see it mentioned—not with the intention to have it done, as Mr. Julian said before, by the summer recess, but so that it was simply acknowledged as a major topic; that was all.

That's why I would suggest it be a lower number somewhere, but listed as an item we've acknowledged, because somebody looking at this work plan, while we've said it's "not limited to", is going to ask whether we are looking at competitiveness. We can say yes, but if it's there, the question doesn't have to be asked.

Mr. Brian Jean: I don't know how the members feel about it, and maybe I'm being a little too specific, but I agree with Mr. Bell. I like having a focus and an agenda and dealing with the agenda, and I'd rather be more thorough than not enough, even if we don't have to say it's required that we deal with those issues.

I think competitiveness is an issue. I think security should be included in this. Maybe what the paragraph should read is—and I'm back to the safety issue comment—"Safety solutions on all modes of transportation—rail safety, marine safety, air safety, and road safety", keeping in mind competitiveness and security and other issues that may be there, but also acknowledging that safety is the key focus of this agenda, notwithstanding that it may make them non-competitive. Obviously, we don't care, if they're not competitive, because safety is the number one key.

I don't want to be in a situation like my first bout of my last committee. Sometimes I would listen to witnesses, but with respect, they had no relevance to what we were trying to study. I would hate to see a situation where we get witnesses who may offer information on what happened on a boat that went down or a rail that went off, but really don't give us any idea how we can stop it from happening, so that we are talking about the issue rather than talking about the solution.

That would be my two cents' worth, to make it safety solutions, keeping in mind the issue of competitiveness and the issues of security and anything else the members think would be relevant to keep in mind on it, because it doesn't restrict us. But certainly the people reading this, the witnesses and experts who are coming forward, would be in a situation to say this is what they're going to gear their conversation toward—safety as the main theme—but keeping in mind these other issues.

• (1225)

Mr. Don Bell: Just so that we cover it and we know what the priority is and put it in the sequence, if we were to take item number 4 and say “Safety, security and competitiveness solutions on all modes of transportation—rail, marine, air, and road”, that would cover it. We would in effect have placed the priority on safety and security, and it rules the issues.

Let's just then deal with it as we bring it in, and if we find as we're getting into safety that there's a competitiveness issue that particularly comes up, rather than some general issue of U.S. ports, for example, we can deal with it in that context. Then it's there. People know we're going to address it.

Mr. Brian Jean: I'm satisfied with that. I'm satisfied with either one. Mr. Julian was the one who initiated the safety issue. I think he brought the committee back to a focus, and I would like to hear from him, if that's possible.

Mr. Peter Julian: I am concerned, given that we have an ambitious agenda, about broadening the topics. We only have five weeks, really and these are pretty substantive topics already. I would be in favour of looking at that more in the fall, but I'm concerned, if we are dealing with the issues of rail safety and marine safety and air safety, that there are pretty extensive lists of experts and witnesses who would be coming. If we broaden this, I'm not sure we'll get our work done.

Mr. Brian Jean: I tend to agree. I think, if I may say this, I would rather go back to what my amendment was and say safety is the key factor, keeping in mind these other issues. As a witness, if I were looking at the agenda of this committee and were coming to provide testimony, the first thing I would look at is the first report to see what people want me to look at.

I think safety issues are very broad, and there's no question safety is important. Keeping in mind the security aspect, which is very important, and keeping in mind the competitive nature of the business, which it has to maintain or else it's not going to be in business, but making sure that safety is the main focus of all of these, I think is an acceptable medium between the two issues. It gives a better focus to the witnesses, in my mind.

The Chair: If we were to move to item 4 and have it read something like “Safety and security solutions on all modes—rail

safety...including competitive security and other issues”, it basically moves it to the bottom. We're dealing with the safety and security solutions, as you said. I think Mr. Bell has acknowledged that he's not worried that it get onto the agenda in the spring, but that it not be forgotten in the agenda in the fall.

Mr. Don Bell: I agree with the change that was there. I'd like to see, then—whether we throw it in as what I'll call with the renumbering item 4(a) or as 5(a), because item 6 is really a procedural thing in terms of having the parliamentary secretary come there, or show it as an item farther down—that the issue of competitiveness be addressed at a future time. We can indicate the sequencing, so that Mr. Julian's point about indicating what we're trying to do up front... I agree. I would just like to see this highlighted so that we haven't overlooked it; that's all.

The Chair: Ms. Stronach.

Hon. Belinda Stronach: I'll jump in and add my two cents.

First of all, I like the idea of solutions. Let's get on with solutions, as opposed to issues. And safety is the number one priority.

I would put competitiveness as a separate thing, because with the rise of China and the rise of India, we want to make sure we're capturing that trade and have the appropriate investments and resources and infrastructure in place to take advantage of it, so that we don't lose investment or our business elsewhere.

I think it's a significant enough piece that it needs to have its own line in there. We may not get to it, but we shouldn't lose it as an issue.

The Chair: Perhaps it could be an item 4(a), dealing with competitiveness.

Mr. Laframboise.

[*Translation*]

Mr. Mario Laframboise: I believe Mr. Bell was proposing to add competitiveness by mentioning the word “subsequently”. If we want to add a paragraph stating that we'll address safety and security first and competitiveness subsequently, that's fine with me. I agree with the idea of adding competitiveness, but, in view of the time frames, I'm aware we'll have to focus on this issue.

I believe security is a good starting point. We could have added that this was our work plan from now until the end of the June, but it states that this is an interim work plan. I wouldn't have any objection to adding a paragraph on competitiveness, but stating that we'll deal with that later. I think that could be all right.

• (1230)

[*English*]

The Chair: Is everyone in agreement? Do we need a motion?

We need a motion.

Mr. Brian Jean: I'd like “issues” to be replaced with “solutions”. I don't want to be dealing with issues all day.

The Chair: So the motion as amended will read “Safety and security solutions”, and there will be a separate line dedicated to competitiveness in the future.

Mr. Don Bell: All modes of transportation could be addressed in the future.

The Chair: Is it agreed?

(Motion agreed to [See *Minutes of Proceedings*])

The Chair: Now, it's been brought to my attention that when we....

Mr. Jean?

Mr. Brian Jean: I'm sorry, I don't think we've adopted the report, have we?

I just wanted to make sure that I reported back to the committee, as I said I would, on the minister. June 1 is a date that's available to the minister and the department. I'm not sure he can be here the whole time, but my understanding is if he can't be, the department would be happy to answer questions as well. I'm sure there would be an hour with the minister for sure, but if we can get more time, that would be great.

The Chair: Is everyone good with June 1?

I will ask that we adopt the first report as presented with amendments. Is it agreed?

Some hon. members: Agreed.

The Chair: There are a couple of issues I want to discuss and on which I want clarification. During the first meeting we did discuss how the rounds would take place. I've checked the minutes, and when I read the minutes, the procedure we followed was correct, but it was also brought to my attention that perhaps the way it was recorded was not correct, or did not reflect our intention.

I understood the intention to be that we would have rounds until everyone had spoken once, and then we would open it up for the last five minutes for the Bloc and the New Democratic Party. The way it is presented in the form is that we would have one round of seven minutes for each party and then another round of five minutes for each party and then an open floor for five minutes each for each person who has not spoken.

I look for direction from the committee. Initially when I saw it, that wasn't the way I interpreted it, so I'm looking for clarification and direction.

Mr. Jean, go ahead, please.

Mr. Brian Jean: It was my motion, Mr. Chair, and I don't think there is any doubt with any member of the committee what the intention of the motion was. I've asked for a copy of the tape. I would still like it even if we resolve it at this stage, just for future reference. It was not the intention of the motion to have it read like that. Quite frankly, I can't imagine that I didn't do it that way, but I make mistakes every day, so I'm sure I did. It was the intention that everybody receive five minutes, or some period of time of discussion or questions before anybody had a second turn. That was what the intention was. That's not how it reads in the minutes.

The Chair: Mr. Laframboise, go ahead, please.

[*Translation*]

Mr. Mario Laframboise: I agree on the way we've proceeded today. Do we want to reconsider the way we've proceeded today? Did you think it didn't work? I won't reconsider it.

[*English*]

The Chair: Yes, Mr. Jean?

Mr. Brian Jean: Whether today was good or whether today wasn't good is not the issue. We're going to have ministers; we're going to have different people here. I think the situation is that sometimes we're going to have witnesses that are going to be more in demand than at other times. But that wasn't the intention of the person making the motion, which was me, and certainly that was not the discussion that any of us had, quite frankly. In fact it was quite the opposite. Some of the opposition we received on it arose specifically on the basis that it was unfair because it didn't give parties equal time. I would like to have the opportunity to look at the transcript, and I will be making a motion accordingly on that basis at the next meeting.

I quite frankly didn't have a problem today. In fact my intention was to provide my time to opposition parties other than the Liberals—no disrespect intended—just to give more time, because Mr. Julian had some great questions, I think, for the witnesses. But in the future, it may be the case. Quite frankly, in this particular case, Mr. Julian would receive 12 minutes of time before the Conservative Party, with substantially more votes from a national perspective, received even 10 minutes, so I don't think that's fair. I would like to have the opportunity to review the tape and to make a motion at the next sitting of this committee.

The Chair: Mr. Laframboise, go ahead, please.

[*Translation*]

Mr. Mario Laframboise: Were we limited with regard to time? I had the impression you didn't have any more questions. It may have been stupidity on my part, but I thought we had finished. Was only one hour allocated for the witness? We could have continued.

•(1235)

[*English*]

The Chair: No, we're not at liberty to give that much. What was brought to my attention was that actually the process I followed today was based on how I was reading it in the notes provided. I think we should check the blues to confirm the intention of what was presented at the last meeting. It would suggest—and my interpretation before reading this was—that everyone would have a chance to speak once before anyone spoke a second time.

Can I ask for the committee's indulgence? Apparently there is no tape of it, but there is a blues section. We'll check to confirm the intent of what was actually said and report back at the next committee.

Mr. Laframboise, go ahead, please.

[*Translation*]

Mr. Mario Laframboise: I didn't speak twice this time.

[*English*]

Mr. Brian Jean: I missed some of the first translation. I apologize.

The Chair: Basically, both members of your party spoke. Each had an opportunity, and the way I interpreted it at the first meeting was that the Liberals would start, and then it would be the Bloc, the NDP, a Conservative member, Liberal, Bloc, Conservative, Liberal, Conservative, and then the last 10 minutes would be open to the Bloc and the....

Go ahead, Mr. Jean—

Mr. Peter Julian: Mr. Chair, I don't think we can resolve this today. It was Mr. Laframboise who moved the motion. I think things worked well today, and I don't think we should have another very contentious debate around the issue.

The Chair: I won't disagree with that, but I do think it's important that we get the motion and the discussion, and then we can make a reasonable....

Mr. Jean.

Mr. Brian Jean: I want to make it clear on the record that it's not about parties; it's about every person who's been elected by 100,000 people in this country having the same opportunity to ask questions of witnesses. On the basis of the NDP's proportional representation proposal, I think it's wrong that members of Parliament do not have equal time, at least for a period of time, to ask questions. Every one of them should have that opportunity.

What I'd like to know, Mr. Chair, is why tapes are not kept. My understanding is that everything is recorded. I would like to know for future reference as to what happens and why it's not simply a matter of course.

The Chair: I'm advised that the blues are available and we will check that.

Mr. Brian Jean: May I ask, Mr. Chair, if you could find out why we're not recorded, or if they destroy the tapes if we are? I would like to know about recordings.

The Chair: They don't record any more, I'm advised.

Mr. Brian Jean: Thank you.

The Chair: If there are no other comments we'll do up business for Tuesday. We will call C-3 again, and if there are no witnesses we'll proceed to clause-by-clause, if that's agreed.

Mr. Peter Julian: Have you received our witnesses list?

The Clerk of the Committee (Mr. Georges Etoke): Yes, but not on C-3.

Mr. Peter Julian: Okay, you should be getting something from my office later today.

The Chair: So is that agreed by the committee?

Mr. Fast.

Mr. Ed Fast: Mr. Chair, could we make sure that the representatives of the operators are contacted to see whether they want to be...or are they already on the witness list?

The Clerk: Yes, they're expected to come.

The Chair: They have made a request to appear.

Mr. Brian Jean: And may I suggest that for the next meeting, rather than deal with this internal issue with witnesses here to present, we do it in the last 15 or 20 minutes of the meeting? That way we don't have people who are here to make presentations listen to the discussion we have about order.

The Chair: It might create the problem of doing it again the way we did it today.

Mr. Brian Jean: I had no problem with that. I think for the most part, I don't think we're going to have an issue. But it comes to the point where we have five witnesses and they come in and take an hour and fifteen minutes or an hour and a half of time and we only have thirty minutes to question. Quite frankly, what's going to happen in that circumstance is we're going to see all the opposition parties taking up the majority of the time, and we're going to have one member from the government ask a question. For thirty minutes—

The Chair: We'll check the blues as they were written and we'll have that discussion at the next meeting. Is that reasonable?

Thank you.

The meeting is adjourned to the call of the chair.

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