



House of Commons
CANADA

Standing Committee on Transport, Infrastructure and Communities

TRAN • NUMBER 033 • 3rd SESSION • 40th PARLIAMENT

EVIDENCE

Tuesday, November 16, 2010

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Chair

Mr. Merv Tweed

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•(1150)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): I call the meeting to order.

We're now out of camera. The official meeting, meeting 33, shall commence.

We have a motion by Monsieur Guimond.

Monsieur Guimond, go ahead, please.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Thank you, Mr. Chair.

I will try to keep this short, as I don't want to drag out the discussions needlessly. The motion is fairly clear; it's self-explanatory. What's more, I've had the opportunity to speak with most colleagues in this room about noise caused by airport operations in urban areas. A number of colleagues broached the subject first, since the noise issue is causing problems.

Each year, a number of Canadians file complaints. They claim that they are inconvenienced and that their peace and quiet is disturbed. We know that quality of life is becoming increasingly important and that airports are not always located in agricultural or isolated regions. Municipalities have policies aimed at reducing urban sprawl and increasing urban densification in order to get the most out of their municipal budgets. More and more Canadians are now moving to locations near airports or have been living near these facilities for years. Their peace and quiet is affected by the countless landings and takeoffs.

In certain areas, small sightseeing aircraft and private planes add to the daily number of landings and takeoffs. We're talking about an increasingly popular hobby or career. Since the number of small private aircraft is rising, the number of flying schools is also increasing. Air carriers have responsibilities. Airports also wish to make their operations profitable. In 1995, the government began transferring the management of airports to regional authorities. Various interest groups, provincial and municipal governments, users, and so on, are represented on the administrative council.

We have been through a similar situation. I was a member of the Standing Committee on Transport from 1993 to 1997 during which time the Government of Canada transferred responsibility for the management of airports and ports. This motion should be adopted by the committee members, especially since it concerns a country-wide issue. We would potentially go on tour, meet with regional

representatives, hold meetings outside of the Ottawa ivory tower. We could go on site and have the opportunity to determine the scope of the noise problem ourselves.

I think we can agree on the fact that we are not too inconvenienced by airplane noise in this room. I doubt that any of you have heard these noises, since there is a safety perimeter to be respected for flights over Parliament Hill. It would be a good idea to have a few meetings in the regions to be able to study the issue. That's what I wanted to bring up.

Like you, I have taken part in discussions. The meeting is now public. Today, we will begin with the Minister of Public Security. Some of our witnesses wish to speak to Bill C-42. I'm not sure what the best way to proceed would be.

•(1155)

Other committees have already proceeded in the following way: dividing the committee into two, while respecting quorum and the membership breakdown typical of a minority government. This way, we can hold hearings on Bill C-42, and, at the same time, hold hearings on the noise issue.

As it stands now, given the number of witnesses we'll have for Bill C-42, we might have to consider meeting on Christmas Eve, December 24, or on the morning of January 1. That's not what I want.

I think that we should begin discussions in the near future on the serious issue of noise caused by airport operations in urban areas.

Thank you, Mr. Chair.

[English]

The Chair: *Merci, monsieur Guimond.*

Mr. McCallum.

Hon. John McCallum (Markham—Unionville, Lib.): Thank you.

I'd like to propose what I hope will be viewed as a friendly amendment to broaden the scope of the report somewhat. I would propose that the motion read: Pursuant to Standing Order 108(2), that the Committee study

—and this is the new part—the regulatory framework for airports in Canada, with special attention to, but not limited to, the consequences of noise caused by airport operations in urban areas and that it report its observations and recommendations to the House.

The intent of this amendment is that there are certain important issues, I think, with regard to the federal government's ability to regulate airports, noise being an important case, but not necessarily limited to noise.

So that is my proposed amendment.

The Chair: Mr. Guimond.

[Translation]

Mr. Michel Guimond: Unfortunately, my assistant was talking to me about my list of witnesses for Bill C-42, which I just passed on to the clerk. So, I missed what you said.

[English]

Hon. John McCallum: Shall I repeat it?

The Chair: I think you should.

Hon. John McCallum: The amendment is to add the following words: "the regulatory framework for airports in Canada, with special attention to, but not limited to, the consequences of noise".

So it says, let us study the regulatory framework for airports with special attention to, but not limited to, the consequences of noise.

[Translation]

Mr. Michel Guimond: Where are you adding those words? How will the passage be incorporated in your version?

[English]

Hon. John McCallum: I could read out the whole thing.

Mr. Michel Guimond: Please.

Hon. John McCallum: It reads:

Pursuant to Standing Order 108(2), that the Committee study the regulatory framework for airports in Canada, with special attention to, but not limited to, the consequences of noise caused by airport operations in urban areas and that it report its observations and recommendations to the House.

[Translation]

Mr. Michel Guimond: I yield the floor to Mrs. Mourani.

[English]

The Chair: Okay, we'll hear from Madame Mourani.

[Translation]

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Chair, I have a question for my colleague.

I would like to know what he means by "regulatory framework."

[English]

The Chair: Mr. McCallum.

Hon. John McCallum: I'm told that the federal government at the present time has very limited powers to regulate airports and so I think that, in the context of examining what sort of regulatory framework could be applied to the issue of noise, it would be a good idea to look more generally at the federal government's regulatory framework or capacity to regulate airports at this time, because we may find areas other than noise that are important examples of limited capacity on the part of the federal government to regulate airports today.

The Chair: I have Mr. Dhaliwal, and then I'll go to Monsieur Guimond.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Thank you, Mr. Chair.

I would like to thank Mr. Guimond and Mr. McCallum for bringing forward this motion and the friendly amendment to this motion. I agree with Mr. McCallum, because when we were travelling, Marlene Jennings had an opportunity to come to my riding of Newton—North Delta, and in fact—

• (1200)

The Chair: I have Mr. Watson on a point of order.

Mr. Jeff Watson (Essex, CPC): Has Mr. McCallum's amendment in fact been accepted as a friendly amendment or not? He was referring to it, and I wanted to be sure whether it's—

The Chair: Mr. Guimond, I would have to ask you first whether you would accept that as a friendly amendment.

[Translation]

Mr. Michel Guimond: No. The motion needs to be revised. I feel strongly about the passage "the consequences of noise caused." If we start debating the regulatory framework, we could get sidetracked. Mr. McCallum said that the regulatory framework could involve issues other than noise. I think that expanding the framework would just dilute the issue. I don't think that the amendment is a friendly one.

[English]

The Chair: Mr. Jean, on a point of order.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Mr. Chair, bluntly, I have no difficulty, for the most part, in relation to this motion by Mr. Guimond, but I see that the minister has shown up, and I know his time is extremely valuable. If we could move this to the end and then deal with it at the end, quite frankly, on a cooperative basis, I don't see much problem with that.

I think we should take full advantage of the minister's time while he's here.

The Chair: Do we have agreement for that?

So we'll defer this to the last five minutes of the meeting and we'll proceed with the minister?

Monsieur Guimond, are you okay if we defer it to the last five minutes to finalize it?

Thank you.

Mr. Brian Jean: And Sukh, you can have as many five minutes as you want.

Mr. Sukh Dhaliwal: Oh, thank you.

The Chair: Okay. With that, we'll open the second part of our meeting.

Pursuant to the order of reference of Tuesday, October 26, 2010, we are here to discuss Bill C-42, An Act to amend the Aeronautics Act.

Joining us at the table today is the Honourable Vic Toews, Minister of Public Safety. I'll ask the minister to maybe introduce the people at the table with him and then proceed with opening comments.

Please begin.

Hon. Vic Toews (Minister of Public Safety): Thank you, Mr. Chairman.

The individuals with me here today are: from Public Safety, both the director for North America and the assistant deputy minister of strategic policy; and from Transport Canada, the director general of aviation security.

Mr. Chairman, I have some opening remarks. May I proceed?

The Chair: Please.

Hon. Vic Toews: Let me take this opportunity to thank the committee for the invitation to appear before you today. It's a pleasure to be here to assist with your deliberations on Bill C-42, An Act to amend the Aeronautics Act.

Before describing the legislation in front of you, I'd like to take a few moments to briefly put it into context. Members of this committee will know that shortly after the tragic events of September 11, 2001, the United States government quickly implemented a number of security measures, as did Canada. One of these involved enhancing the ability of Canadian air carriers to work with their international partners, in particular our American friends to the south, to deter and detect terrorists.

Specifically, the former government, the Liberal government of the day, introduced Bill C-44, which amended section 4.83 of the Aeronautics Act. The amendment was designed to allow Canadian air carriers to provide the U.S. with passenger and crew information for all flights destined for that country. That is what it did, and the bill received royal assent on December 18, 2001, less than one month after it was introduced in the House. Simply put, the legislation before us today will do the same thing for any Canadian flights that fly over the continental U.S. airspace on their way to destinations such as Mexico or the Caribbean.

Aside from general security considerations, the rationale for passing this bill is much the same as it was in 2001. As the then Minister of Transport, Minister Collenette, noted at committee hearings:

Any sovereign state, whether the U.S., Britain or anyone else around the world, has a right to know who is coming into its country, whether by land, sea, or plane.

He also noted:

Under the Aeronautics Act, carriers are obliged to operate under the legislation of another country once they enter its air space.

This is in line with international law, which recognizes the right of any country, including Canada, to regulate foreign air carriers entering that country's airspace.

In response to the events of 9/11 and the subsequent 9/11 commission report, the U.S. passed the Intelligence Reform and Terrorism Prevention Act of 2004, which among other things called for the government to repatriate from airlines the responsibility for checking passenger manifests against the U.S. no-fly and selectee lists.

In 2008 the U.S. published the secure flight final rule, spelling out how the U.S. government intends to implement the law. The secure flight final rule outlines what steps all domestic and international air

carriers will need to take for flights to, from, within, and over the United States.

The final rule stipulates that airlines are required to provide each passenger's full name, date of birth, and gender to the Transportation Security Administration before departure for all domestic and international flights landing in the U.S., as well as those that fly over U.S. airspace. The TSA, under the final rule, has assumed responsibility for checking airline passenger manifests against selectee and no-fly lists so that individuals who have been identified as posing a security threat are prevented from carrying out a possible act of terrorism.

The United States is implementing the final rule in phases. Domestic flights and most flights to and from the U.S. are already sharing secure flight information. The U.S. hopes to implement secure flights over continental U.S. airspace by the end of this calendar year.

Members of this committee will know that our government is committed to working with our international partners to enhance aviation security, both here in Canada and around the world.

• (1205)

Last December, the world was once again reminded of the threat terrorism continues to pose to those of us who choose to travel by air. A man on Northwest flight 253 on its way to Detroit attempted to detonate an improvised explosive device. We know that the flight spent a lot of time over Canadian airspace.

The threats to our country are real. We therefore need to remain vigilant and continue working with our partners to ensure the safety and security of our citizens. And that is what our government is doing. Over the past 12 months we have actively engaged with the United States and other international partners around the world to strengthen our collective capacity to address aviation threats.

At the International Civil Aviation Organization general assembly meeting this past September, nations agreed to adopt strengthened aviation security measures. In addition to Canada's Passenger Protect program introduced in 2007 as a way to prevent persons who pose an immediate threat to aviation security from boarding a flight, in the weeks following the attempted terrorist attack on Christmas Day the Government of Canada took additional steps to strengthen aviation security.

This included purchasing explosive trace detection equipment and full-body scanners; announcing its intention to develop a passenger behaviour observation program; and providing funding of \$1.5 billion over five years to help the Canadian Air Transport Security Authority strengthen the security of our aviation system and protect air travellers.

We have also published our intention to introduce changes to the Canadian aviation security regulations in order to ensure that our domestic airports have the safest and most effective security systems possible. But the threats remain and they are evolving.

On October 29, 2010, cargo planes en route from Yemen were found to have explosives on board. Canada acted quickly. All air cargo originating from Yemen or transiting through Yemen is now banned from entering Canada.

We are well-placed to further strengthen our air cargo security measures moving forward. Our government committed funds of \$95.7 million over five years to further enhance air cargo security at Canadian airports by building on the air cargo initiative unveiled by Prime Minister Stephen Harper in June 2006.

These are all important initiatives. All will go a long way toward helping to fight terrorism and protect the safety and security of Canadians—something that our government has made a top priority since we were first elected in 2006.

As important as these initiatives are, however, our government is also acutely aware of the need to protect privacy and individual rights, as in the United States. During the development of the Secure Flight program, we reminded the Americans that our countries have bolstered security on both sides of the border and in our shared airspace, in line with our respective legal requirements, and in line with our interest in protecting the privacy and human rights of passengers.

We formally raised a number of issues with them as they were developing their final rule, in order to influence its final outcome. We stressed to them that every effort would need to be made under Secure Flight to guard against false matches, which are not only inconvenient and disruptive to both the professional and personal lives of travellers, but also potentially damaging to their reputations.

We noted that transparency and redress are key elements to any passenger-matching program. We indicated that passenger information should not be vetted against any list other than those used to maintain aviation security. We also expressed concern about data retention periods.

The United States is of the view that Secure Flight will enhance the security of domestic and international commercial air travel through the use of improved watch-list matching, while also facilitating legitimate passenger air travel and protecting individual rights through the use of mechanisms such as a comprehensive privacy plan, and the Department of Homeland Security's traveller redress inquiry program, otherwise known as TRIP.

● (1210)

Our government also pushed for and received an exemption from Secure Flight for all Canadian domestic flights. These are flights from one Canadian city to another that fly over U.S. airspace. That's important, since some of our domestic flights will normally spend a majority of their time in U.S. airspace.

In a perfect world, initiatives such as Passenger Protect and Secure Flight would not be needed, but the reality today is that every government can and will take action to protect its citizens against the threat of terrorism. We therefore need to work together to ensure that we continue to facilitate the legitimate movement of our citizens across each other's borders, while also taking action to enhance our joint security. This is what Bill C-42 will do, while also helping to ensure that Canadian travellers can continue to fly to international destinations in the easiest and most cost-effective way possible.

Thank you.

Mr. Chair, I would be happy to answer any questions the committee might have.

The Chair: Thank you, Minister.

Mr. McCallum, I'll just advise you and the committee that we have limited time, so please get in as much as you can in the seven minutes.

Hon. John McCallum: Thank you, Chair.

Thank you, Minister, for joining us today.

It's my understanding that the U.S. is prepared to exempt countries, including Canada, if we can put in place a system that is comparable to theirs. Have you considered that possibility? It would be a lot less intrusive in terms of privacy concerns. Why can we not do it ourselves in a manner similar to theirs and thereby avoid all of this?

Hon. Vic Toews: I'll let the officials answer that, but my understanding is that Canada, of course, is not providing the information: this is information being provided by the airlines to the American authorities.

In order to set up a new institution, which would then take in information from passengers coming to Canada or in Canada who would then be overflying the United States...would necessitate the creation of an entirely new administrative body. My understanding is that the cost would be somewhere in the neighbourhood of \$150 million over and above the cost that this puts us to. So the issue is a significant one in terms of cost.

I don't know if there are any further details on those costs from the officials.

● (1215)

Ms. Kristina Namiesniowski (Assistant Deputy Minister, Strategic Policy Branch, Department of Public Safety and Emergency Preparedness): Perhaps I could just add that it's not simply an issue of cost. There is also an issue of what the U.S. expectations would be of Canada developing a comparable program. We did have some initial discussions with the U.S. government, and their expectation would be that, at a minimum, Canada would run the U.S. no-fly list, which from a legal perspective we felt would be quite difficult for us to do.

I think the other issue is also the time it would take to put in place a comparable program. The U.S. government has taken a number of years to develop the Secure Flight program—I would say it's been a minimum of five to seven years—and given the timing of the program in its implementation, there would have been insufficient time for Canada to proceed with the development of such a program, if a decision had been made to do so.

Hon. John McCallum: I would have thought it would be less bad for Canada to run this U.S. list than for the U.S. to, because we're not quite sure what the U.S. will do with this information.

I guess my next question would be whether the American privacy act is legally binding in the case of a Canadian flying over the United States.

Hon. Vic Toews: I'll let the officials continue on from my comments, but it's my understanding that the same legal protections are in place today in respect of this list as there were with respect to the list your government provided to the Americans in 2001-02 with the provision of that information. So in terms of protection, it has not altered in any way. The same protections that you insisted upon back in 2001-02 are presently in place.

Hon. John McCallum: That's not my question. We're now extending the rule to flying over the U.S., as opposed to landing in the U.S. My question is whether the American privacy act is legally binding in the case of a Canadian flying over the U.S.

Hon. Vic Toews: What I can say is that the privacy rules in place today have not changed in terms of the protection they afford to those who either fly into the United States and land in a particular city or those who fly over American space. The protections are identical.

Hon. John McCallum: I wonder if one of the officials can give us....

I don't want to use too much time, but all I need is a yes or a no. Is the American privacy act legally binding in the case of a Canadian flying over the U.S.? Yes or no?

Ms. Kristina Namiesniowski: I think, Mr. Chair, in terms of answering that question, what we can say is that the U.S. Secure Flight final rule does stipulate the kind of privacy provisions that the U.S. government is taking into account in terms of how it intends to treat the information that airlines and air carriers will provide to the U.S. government.

They've made clear in their rule that the information is used for aviation security and national security purposes.

Hon. John McCallum: All right. It's my understanding that the answer to that question is "no"—that we might get assurances, but the U.S. is not legally required to give the same provisions to Canadians as to Americans under their privacy act.

The minister talked about the time that would be required to implement a Canadian system, but that brings up another issue. The government has had a long time to act on this, you've known about this for a long time, and the bill itself is just one paragraph long, so why did you choose to wait until June 17—the last sitting day before the summer break—to introduce this legislation? Was it your goal to try to force the opposition into passing it without proper scrutiny?

If the deadline is the end of the year, you certainly haven't given us much time. I don't see why you couldn't have brought this bill forward many months earlier.

Hon. Vic Toews: The final rule came out in 2008. That was when we first learned of how the Americans would actually spell out how the U.S. government intended to implement the law. It set out the rules they would carry out.

At that point we continued to negotiate with the Americans, looking for exemptions from that rule. In fact, the Americans did provide us with a very important exemption, especially looking at the southern Ontario situation: individuals flying from Toronto, let's say, to other parts of Canada would, for a large part of many flights, cover American airspace; the Americans exempted us from that final rule as a result of the negotiations.

The negotiations continued until late in the day. At the point that we felt there could be no further progress made in terms of exemptions, we were also advised in no uncertain terms that the Americans intended to implement the law at the end of this calendar year, so it became very important then for us—recognizing that no further negotiations were available to us and that we had the best deal we could get under the circumstances—to bring in the legislation.

Given that the changes in terms of privacy and roughly the information being provided were the same as what had been negotiated by your government some years ago, we felt that this would be the appropriate time to bring the legislation forward.

• (1220)

The Chair: I have to interrupt there.

Monsieur Guimond, vous disposez de sept minutes.

[*Translation*]

Mr. Michel Guimond: Thank you, Mr. Chair.

Thank you for your testimony, Minister. We know that Canadian and American no-fly lists have limitations. They contain mistakes, some of which can be very serious. We know that, in the United States, Senator Ted Kennedy, who was not known as a terrorist, was denied boarding because his name was on the U.S. no-fly list. We know that the name of a six-year-old girl found its way onto the list at some point. What kind of guarantee is there that the lists are reliable?

To avoid an overly long answer, I will get on with my second question right away. How can we be sure that Americans will not misuse personal information they are given? As a Canadian minister, how can you be sure that the Department of State or the U.S. Department of Homeland Security will not misuse the information? Where's the guarantee that this won't happen?

On page 18 of your speaking notes, the following is stated: "We also expressed concern about data retention periods." For how long will Americans retain the data? Did you express concern because you were told the Americans would keep the information for too long? For how long will they retain the data?

[*English*]

Hon. Vic Toews: My information, first of all in respect of the second question, is that the American law outlines that Secure Flight is a program designed for aviation security and terrorism purposes, and not for any other purpose. My understanding of the American law is that it would be unlawful to use it for any other purpose.

Second, passenger information that is confirmed as not linked with terrorism will be erased within seven days. Where there's confirmation that there's no connection, it will be erased within seven days.

In respect of the issue you've raised and we've raised, as a government, because we wanted some redress mechanism to ensure that if someone was mistakenly put on the list there would be some mechanism to address that, the U.S. Department of Homeland Security's TRIP program, which I talked about earlier, was designed to assist all individuals, of any nationality, who seek assistance and resolution regarding difficulties they've experienced during travel to or across American borders. So the Americans have specifically set up a program to deal with that.

One of the concerns, of course, is the issue of French language because it's not a Canadian program. The Americans don't offer that program—this is their program, not ours—in French. The American government recommends that Canadians who prefer to use that official language contact the U.S. embassy or consulate to obtain bilingual assistance in their native tongue.

• (1225)

[Translation]

Mr. Michel Guimond: What private information will be shared with the Americans? What type of data will be transferred to them?

[English]

Hon. Vic Toews: As I understand it, the name, the date of birth, and the gender of the individual are required.

[Translation]

Mr. Michel Guimond: We're talking about the number and other passport-related information. We're talking about information on travel itineraries. Is that right?

[English]

Hon. Vic Toews: My understanding is that if that is available to the airlines, that information you specifically indicated will be transferred.

[Translation]

Mr. Michel Guimond: Usually, passengers aren't required to show their passports, as photo identification, to board a plane.

I have another question. We are acutely aware that...

[English]

Hon. Vic Toews: I'm sorry, I missed that. Was that something you wanted me to comment on?

[Translation]

Mr. Michel Guimond: No, I was just thinking out loud.

Minister, you gave examples of terrorist acts during takeoff or landing. At takeoff, that's understandable. The U.S. authorities are asking that information on passengers be provided for all flights travelling over United States airspace, even if they don't necessarily stop over in the U.S. Let's consider a Canadian flight—for instance, from Montreal to Cuba—which must fly over U.S. airspace. Previously, information on passengers was provided only for stopover flights. It made sense because the plane would physically be in the U.S. However, now we're talking about a Montreal-Cuba flight crossing over U.S. airspace at an altitude of 33,000 feet.

[English]

Hon. Vic Toews: Yes, those are all concerns we've raised with the American government, and the law is very clear. They made a small

exception for us—a very important exception—in respect of a flight going from one Canadian city, such as Montreal, to Toronto; if it crosses American airspace, they have not required that, and they've made that exception. But in any other situation, such as going from a Canadian city to another foreign destination and crossing over United States airspace, it is their sovereign right to require that information. Whether we agree with it or not is another issue. If we want to fly over their airspace, that will be a requirement at the end of this year.

We have tried our best to see if there are any exceptions. The only exception we were able to obtain was for crossing American airspace while going from one Canadian city to another.

The Chair: *Merci, Monsieur Guimond.*

Mr. Bevington.

Mr. Dennis Bevington (Western Arctic, NDP): Thank you, Mr. Chair.

Thank you, Mr. Minister, for attending our transport committee meeting.

A number of issues come up from what you've said. In your speech you mentioned there were three requirements for information, but from the background document we received, the Secure Flight program actually can ask for much more information, including reservation control numbers, record sequence numbers, passenger update indicators—a whole number of things.

As well, under the Patriot Act, once a passenger's information is given to the U.S. government, they have the right to access many files that are carried by airlines, most of them located in the United States. You say that passenger information should not be vetted against any other list. Where is the guarantee from the United States?

Under their Patriot Act, they're allowed to look at many other sources of information on any person entering the United States. They have that. Above their privacy act, they have the Patriot Act.

How do we protect Canadians' privacy when the U.S. is using an act like the Patriot Act to access any other kind of information they want on Canadian passengers?

• (1230)

Hon. Vic Toews: Well, I'm not an expert in American law. I can only say what the law will require of us at the end of this year, and the law will require a name, date of birth, gender, and other information, if it is available.

As I indicated in my prior answer, I believe to Mr. Guimond, American law indicates that Secure Flight is a program designed for a specific purpose, for aviation security and for terrorism purposes. That is the American law, and the American authorities will have to implement that law in accordance with the applicable statute.

There is an alternative, and that alternative is to fly around American airspace. Quite frankly, that would cause an immense hardship on most air carriers, if, to use Mr. Guimond's example, we were to fly from Montreal to Cuba by skirting U.S. airspace, or from Winnipeg to Puerto Vallarta, for example.

Mr. Dennis Bevington: Fair enough that this is a problem, but the United States has hundreds of overflights of Canadian territory every single day.

Hon. Vic Toews: Yes.

Mr. Dennis Bevington: Are we asking for any information from the U.S. on their flights over Canada?

Hon. Vic Toews: Well—

Mr. Dennis Bevington: Are we at this point? I'm looking for a yes or no, basically.

Ms. Kristina Namiesniowski: At this point, Canada does not have in place any kind of similar overflight provisions.

Mr. Dennis Bevington: Okay.

Now, I'm really curious about threat assessment here. We have a situation where the U.S. has decided that we can fly domestically and go over their airspace, and we will do this hundreds of times a day in different locations across the country. The people on those planes will not have passports. They will have a lower degree of security clearance than the people who are on international flights flying from Canada to Mexico or to any other place.

Where is the logic in what's happening here? Where is the logic that says those people on the domestic flights are less of a risk to the United States in some fashion than those people flying overflights of their country?

Surely this is a tremendous breach of any kind of logic.

Hon. Vic Toews: Well, all right, if you're advocating, then, that we should also be supplying them—

Mr. Dennis Bevington: I'm not advocating that at all.

Hon. Vic Toews: All right, then, let's not go there.

Mr. Dennis Bevington: What I'm saying is, look, where is the threat assessment? Has Public Safety actually done a threat assessment of the kind of information you can achieve through this process?

We've had 19 terrorists identified on airplanes in the last 10 years. Is there any way we can profile terrorists by way of information that can be provided through this? Is there anything that logically follows from what we're doing here, or is this simply another knee-jerk reaction to aviation security that will cost us a lot of money and will not make anybody flying any safer?

Hon. Vic Toews: Mr. Bevington, those are all discussions that we have had, all issues that we have raised. Our contention is that we want to have an effective, efficient transport system that is a secure system. We have raised those and other arguments with the Americans. The Americans have ultimately landed up with the final rule that they have come down on, and that is the rule that is going into place at the end of this year.

Mr. Dennis Bevington: Maybe we don't need arguments. Maybe we need to institute the same system on those planes that are flying over our space—so that the U.S. understands what they're doing to our passengers—with their passengers.

•(1235)

Hon. Vic Toews: If you want to set up that kind of system, I suggest you bring a bill into the House and do that. I quite frankly—

Mr. Dennis Bevington: You're willing to give up the rights of Canadians rather than standing up for them. Is that what you're saying?

Hon. Vic Toews: Just because I don't agree with one situation that we might be compelled to do doesn't mean we do something similar in Canada. My intention with the Americans is to work closely with the Americans, to work on legitimate security and trade interests. I want to see open borders between the United States and Canada. I want to see trade continue. I want my constituents to have jobs, and I want them to be able to travel from southern Manitoba to Puerto Vallarta in the wintertime.

Coming from the Northwest Territories, you understand what it's like to be cold a couple of months of the year.

Mr. Dennis Bevington: Certainly I do, but I'm also very concerned about where this is leading us to in terms of other arrangements that may be made between the U.S. and other countries.

Is there any sense that this information, once in the hands of the United States, could be passed on to other countries? Is there any guarantee that Canadian information...? As far as Canadian passengers who have their names on those lists or are put forward to U.S. Homeland Security, will the U.S. vet those names against other countries' international information systems? Will that expose Canadians to other risks in other countries?

Hon. Vic Toews: All I can say at this point is that the Americans do apply their privacy laws to the information that has been compiled in this fashion; that the purpose of the information is for aviation security and terrorism purposes; that there are restrictions on their use of it; and that the privacy protections that are in place have been in place since the prior government first started providing that information to the Americans back in 2002.

On the privacy issue, nothing has changed. The only thing that this legislation changes is the fact that instead of only providing that same information, essentially the same information, when the plane lands in an American city, that same information is now provided when we cross over their airspace.

So the same protections apply. The same information is provided. The only difference is that there is no touchdown in an American airport; it is in another foreign country's airport. That's the only difference.

The Chair: Thank you.

Ms. Brown.

Ms. Lois Brown (Newmarket—Aurora, CPC): Thank you, Mr. Chair. I will be sharing my time with Mr. Jean.

Minister, I think all of us are concerned about air travel and safety. Coming from a riding that's just north of Toronto, I know that a number of my constituents regularly travel to Buffalo now in order to access American flights.

So I guess this is my question. If we don't implement this, what will be the impact on our own airlines? Do we know what will happen to Air Canada or Air Transat flying out of Toronto, for instance?

Hon. Vic Toews: Right now, for example, your constituents, when they're travelling from Toronto to Buffalo, are already providing that information. What this will require is that same air flight going from Toronto...that same airline going from Toronto to a third country, whether it's Cuba, Mexico, or another country, if it crosses over airspace, that information has to be provided.

So we're not providing any substantially different information to the American authorities as a result of this legislation. The only difference is that there will be no touchdown in an American airport.

We can argue about whether or not that should be the case. We were able to obtain a very important exemption, in my opinion, for a Canadian travelling from Toronto to Winnipeg, for example, crossing over American airspace: that information is exempted.

Mr. Bevington might suggest that maybe we shouldn't exempt them; maybe we should include them, to be logical. Quite frankly, I think there are good reasons to exempt them, and we're very pleased that the Government of the United States has provided us with that exemption. I think it will be of great assistance to our transport industry.

• (1240)

Ms. Lois Brown: So that being the case, why would anybody object to this, then?

Hon. Vic Toews: Well, in fairness, the providing of personal information to a foreign government is always a concern, and the providing of additional personal information in different circumstances is of concern. So I think it's legitimate for this committee to examine this, in much the way you have been. Are the privacy concerns met? Have the purposes for this information been clearly established? Under what circumstances is it provided?

Those are legitimate questions for this committee to ask. We, as the government, in fact have raised all of these questions with the Americans, and we have come to the conclusion that we obtained the concessions that we could. Now the Americans are saying, come the end of this year, the final rule is going into effect; if you don't comply, your planes do not cross our airspace.

So that's a trade-off. And we can say as Canadians, well, we're going to travel around the United States to go to Mexico. Well, you can imagine what that would do to the cost of airline tickets, the cost to the economy, the cost to all kinds of things. So this is an issue we have to weigh off. It's not something we control. We've been diligent. We worked hard, but this is the ultimate position we've been placed in and that's why we brought this bill forward.

The Chair: I'm going to interrupt for one minute and recognize Mr. Bevington on a point of order.

Mr. Dennis Bevington: Thank you, Mr. Chair.

Respectfully, on the minister's comments, I did not say that, and in fact I clarified myself very clearly about that. I would appreciate that witnesses do not put words in the mouths of us in our work here. It's difficult enough, the work we do, taking on these very complex issues, so I would appreciate that.

The Chair: Thank you.

It's not a point of order but a point well made.

Hon. Vic Toews: I think it's a good point.

The Chair: Mr. Jean, you have three minutes.

Mr. Brian Jean: Thank you, Mr. Chair.

First, I'd like to offer my congratulations, Minister, for a great job negotiating with the United States to ask for that exemption. I think it's great work indeed that you did that, and to take off exactly on what Mr. Bevington said, the very instance of that put forward by Mr. Bevington in relation to what's provided means that you did great work and your department did great work on that.

My first question is really a comment. I had a chance to meet with Air Canada and WestJet a couple of weeks ago, and they advised me that if this was not implemented, there would be somewhere in the neighbourhood of an increase in tickets of 40% to 50% for Canadians who are travelling to Mexico or to points in the south. I know when I look at an airline ticket, I'm very cognizant of how much it costs, so I think most Canadians would agree that this is a very necessary thing to do and very necessary, in fact, to get done before the end of this year.

So I want to congratulate you on that as well, and I think it's very important, especially in regard to what's taking place in Plattsburgh, New York, with Air Canada, and what's going on in Montreal and in Vancouver in Mr. Dhaliwal's riding. A lot of people are travelling by cars to south of the border and getting cheaper airline tickets. My comments would be that, indeed, Air Canada and WestJet have both identified to me that if this law is not implemented, that is going to accelerate far beyond what it currently is and I think that would be a real cash drain on our economy and certainly be an inconvenience to Canadians.

Now, my understanding also, and correct me if I'm wrong, is that we are actually going to be providing less than what is currently being provided on a passport. Is that fair? The law actually states, except for the airline information, the name, the birthdate, and the gender of the person are actually going to be provided and that's all that's going to be provided. But that is actually less than what is currently provided on a passport. Is that fair to say?

Hon. Vic Toews: I'll let the official explain that. She knows the area better than I do.

Ms. Kristina Namiesniowski: Mr. Chairman, the mandatory information that must be provided is the name, date of birth, and gender of the individual. However, if the airline has information that the individual has provided to them related to their passport, passport number, as well as itinerary, among other bits of information that I think have been shared already with the committee, then the airline would be required to provide that as well.

Mr. Brian Jean: Okay.

And in fact these amendments that are being proposed are in relation to a bill from 2002 and implemented in 2004 by the previous Liberal government and actually only add 18 words. Is that fair to say?

•(1245)

Hon. Vic Toews: As I've tried to make clear here, we aren't changing any of the privacy protections that were put in place by the prior Liberal government. Whatever privacy protections they negotiated with the Americans and the assurances they got are still in place. The only thing that is different is that we are now providing the information in respect of individuals who are crossing American airspace. This is a sovereignty issue for the Americans. It's their airspace. So we're providing this, as their law requires, by the end of this year.

The Chair: Thank you.

Mr. Dhaliwal.

Mr. Sukh Dhaliwal: Thank you, Mr. Chair.

Thank you to the minister and his associates. Welcome.

Minister, did your government consult the Privacy Commissioner before bringing in this legislation?

Hon. Vic Toews: Yes, we did. We've had extensive discussions with the Privacy Commissioner. I think the Privacy Commissioner has expressed some concerns but ultimately recognized that this is an American law, not a Canadian law.

One of the officials could perhaps provide you some detail with respect to those conversations.

Ms. Kristina Namiesniowski: Yes, Mr. Chairman, I could offer that discussions took place with officials from the Office of the Privacy Commissioner back in April. Both Transport Canada as well as Public Safety had those discussions. We talked to them about the efforts that Canada had expended to try to secure the type of exemption that we have in the Secure Flight final rule and the number of discussions that we had with the U.S. government about our privacy concerns.

Mr. Sukh Dhaliwal: Thank you.

Minister, you mentioned you have received an exemption from Secure Flight from one Canadian destination to the other destination. When did you get that exemption, and is that implemented by Air Canada and WestJet? I recently ran into someone in Montreal who was complaining that this had still not been implemented.

Hon. Vic Toews: Remember, Secure Flight has not been implemented yet. It's going to be implemented at the end of this year. I don't know what the individual you spoke to would have been talking about other than it could have been associated with a flight from, let's say, Montreal to an American city. As of today, the airlines are not required to provide that information in overflight situations. As a result of the final rule coming into effect sometime at the end of this year or early next year...and I don't have an exact date, I should be clear on that, but that's what the Homeland Security Secretary has made clear to me, that it would be in that time.

So that's all I can provide on that. The individual must be mistaken in terms of his or her concerns about that.

Mr. Sukh Dhaliwal: Okay.

On another note, the European Parliament told the commission to renegotiate its overflight data-sharing with the U.S. because there

weren't enough privacy protections. Will the EU receive additional privacy protections that Canada did not or will not?

Hon. Vic Toews: I'm not aware of any concessions that the Europeans would have received that we did not receive. In fact we would have received the concession of the Canadian-city-to-Canadian-city exemption.

The law itself, the final rule, is a law of the United States. I don't really see how the government, the administration, the White House, or whoever could provide any further exemptions in that respect.

Perhaps some of the officials might respond to that.

Ms. Kristina Namiesniowski: Mr. Chairman, as far as I know, the rule applies equally to every country that has any overflights of the continental U.S. The only countries that have an exemption for domestic flights that may overfly the U.S. are Canada and Mexico.

The Chair: I have to end it there. Unfortunately, the minister has other commitments.

Perhaps we'll keep an open book, suggesting that if we have further questions, we'll invite you back.

Thank you.

Hon. Vic Toews: Thank you very much.

The Chair: We're going to take just a two-minute recess while the witnesses remove themselves. Then we'll go back to our previous discussion with Mr. Guimond.

•(1245)

(Pause)

•(1250)

The Chair: Okay, we're back.

When we left the discussion, there was talk around a friendly amendment. I am advised that there may be one on the table.

Mr. McCallum.

Hon. John McCallum: This, I believe, is a truly friendly amendment—having consulted my colleagues—and comes in two parts.

The last part of the motion says, “report its observations and recommendations to the House”. We would change it to say: “report its observations and recommendations, including recommendations relating to an appropriate regulatory response, to the House”.

The second part of the amendment, which I have in French, adds, after “consequences of noise caused by airport operations in urban areas”, this phrase: “*ainsi que toute autre problématique liée à la qualité de vie de la population*”.

The Chair: Monsieur Guimond.

[Translation]

Mr. Michel Guimond: I'm satisfied with the answer.

[English]

The Chair: Mr. Jean.

Mr. Brian Jean: What I'm recommending is something similar. I have no problem with the noise study. I just.... I mean, we have study after study after study, and none has been completed. That is a concern to me.

I would rather see us focus on something. If it's noise that we focus on, then we focus on noise, we deal with it and get it done, and we report it to the House, if necessary.

The "if necessary" is the reason I'm saying this. We as a committee have studied this issue before. I'm familiar with some issues that are going on in Quebec, for instance, with noise and small planes. I think Turtle Bay is one of them, and some different areas.

But what I'm recommending is a little bit different. I don't even think we need to have a notice of motion and pass it. I'm fully prepared to sit down at an extra meeting, at a different time, to study the issue of noise and to start with the department to ask what the situation is today with the regulations and what we can do about it. My understanding, after studying this before, is that there is not really a lot we can do, except to make recommendations to airport authorities to restrict the hours of services and different things like that.

But before we do that, let's take a look at what's happening with the airline industry in Canada. I have a copy of "The Economic Impacts of the Member Carriers of the National Airlines Council of Canada". I asked for a copy in French, but they didn't have a copy in French. So I can't table it, but I'm going to continue to look for a copy in French.

If you look at what airlines contribute to the Canadian economy, it's unbelievable, and if we start throwing up restrictions on the industry itself—which is fragile, to say the least, especially Air Canada, if you look at their books—I am nervous about that.

I think what we should do and what I would propose—and I'm fully prepared to support a motion, but I don't think it's necessary, because I think all parties are unanimous on this—is to study airport noise; to have one day and have the departmental officials here and ask them the questions: what can we do about it; what is the situation right now?

Then, if we need to continue with that study...which I would suggest we don't, unless it's a political exercise and you want to hear from particular towns and reeves and mayors, etc., and then that's what we do—a political exercise. But if it's an exercise to change the regulations or to change the legislative authority to deal with these things, I think it's going to be a much bigger study.

What I'm recommending is that we have an extra meeting, that we bring the department in, we sit down, and we talk about noise. And then the next day, if Mr. McCallum wants to study something else in relation to the regulations or whether the regulations are broad enough or the legislation is broad enough, let's study that.

Let's deal with noise, if that's what it takes, and let's find out what the situation is in Canada. Then, after we figure out what the situation is, if you want to have four or five meetings and have extra meetings, I'm prepared to sit until midnight every night next week, if you want to. But let's not grab this additional study along with our other six or eight studies and the five pieces of legislation that are

before us and the other pieces of legislation that are going to come in and just have a study sitting in the background on which nothing is done.

• (1255)

The Chair: Mr. McCallum.

Hon. John McCallum: Well, I think I would still be in favour of passing this motion, because I think what Mr. Jean is proposing is not terribly different. Presumably, if we do conduct this study, perhaps the departmental people would be first. The committee is always the master of its own destiny, and if the committee believes, after hearing departmental officials, that we call it off, we can.

So I don't really see a conflict between what Mr. Jean is saying and passing this motion.

The Chair: Mr. Dhaliwal.

Mr. Sukh Dhaliwal: Thank you, Mr. Chair.

As Mr. Jean mentioned, there has been study after study after study. It's not only issues to do with Quebec. I can tell you that where I come from, in British Columbia, the people of Surrey, Delta, and Richmond are facing the same issues of quality of life.

Mr. Guimond said that the committee should travel, go out, and reach out to those people so that we can have public input into the studies Mr. Jean is mentioning, as we have in previous years.

I had the opportunity, as I mentioned earlier, to take Madam Marlene Jennings into my riding of Newton—North Delta, and she met with the stakeholders. She met with the councillors and mayors and different authorities, and we came up with this: there is no opportunity for public input. And the roles of Nav Canada, Transport Canada, and local airport authorities are all blurred. There's no clear delineation of responsibilities among different departments.

That's why this is a very important study, because it affects health. And it's not only the flights during the day. In fact there are the cargo flights at night where we live, in the part of Canada I come from, the Lower Mainland in British Columbia. That's a key issue.

Thank you.

The Chair: Madame Mourani.

[*Translation*]

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

I really want to urge my colleagues to take this motion seriously and to support it. The situation in certain regions in Quebec, and elsewhere in Canada, for that matter, is very serious. I would imagine some Quebec and Canadian cities are in the same boat. I'm talking about Quebec because that's what I know best.

In my riding, the noise issue has been a major problem for several years. However, it's important to note all the other effects of airport proximity on people's daily lives. We're talking about noise, but the environment is affected as well.

Some people have told me about dust and residues. Some are even saying that there are liquid residues, but we need to look into all those claims. A study would provide us with a balanced snapshot of not only the current situation, but also its effect on Canadians.

There's one thing we shouldn't forget to do. We can invite department or ADM representatives, for instance, and they could talk to us about decibels and about noise, but they'll give us an "administrative" view of the problem. I think my colleague Mr. Guimond was right in saying that we should meet with those affected and talk to them. We should also talk to their representatives to get an idea of what takes place on a daily basis, so that we can determine if health or the environment could be affected.

Public health or environmental experts could probably talk to us about this issue. They could provide us with an accurate portrait of the situation so that we can draft a report with interesting recommendations. That would enable us to either resolve the issue or to find ways to do so.

People in my riding have had about enough, not just of airplane noise, but also of everything that implies. We're talking about airplane noise, but it has gotten so bad that people can't eat on their balconies in the summer. This example may seem overly simplistic, but it is part of people's daily lives. Some of them can't sleep at night because they are regularly awakened by airplanes. These kinds of disturbances can drive people crazy.

Therefore, I urge you to begin working on this study and, as my colleague said, to go to the regions to meet with people. It would be my pleasure to welcome you in my riding and introduce you to many people who, depending on the day, may be either in a good or in a bad mood. They could tell you what they think about their daily lives.

I invite you to come to my riding and am prepared to bring together about a hundred people from Ahuntsic and even Cartierville, so that you can meet them. All they would do is talk to you.

● (1300)

[*English*]

The Chair: Thank you.

I have a few people on the list, so I'm going to adjourn the meeting today and we'll pick up this conversation in the last 15 minutes of the next meeting, okay?

The meeting is adjourned.

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