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Chair

Mr. Merv Tweed

Standing Committee on Transport, Infrastructure and Communities

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•(1105)

[English]

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

Welcome to the Standing Committee on Transport, Infrastructure and Communities, meeting number 35.

Our orders of the day, pursuant to the order of reference of Tuesday, October 26, 2010, are to consider Bill C-42, An Act to amend the Aeronautics Act.

Joining us today as witnesses, from the National Airlines Council of Canada, are Mike McNaney, member of the board of directors, and Joseph Galimberti, also a member of the board.

From the Tourism Industry Association of Canada, we have David Goldstein, president and chief executive officer; Kevin Desjardins, director of communications; and Catherine Sadler, manager of research.

From the Canadian Civil Liberties Association, we have Sukanya Pillay, director of the national security program, and Nathalie Des Rosiers, general counsel.

Welcome to everyone. I'm sure you've been given a little bit of direction by Bonnie. I'm not sure if you have an order in which you want to proceed.

Maybe we'll start with Madame Des Rosiers for roughly 10 minutes, and then we'll go to questions and answers.

I'll give you a signal when you have one minute left.

[Translation]

Ms. Nathalie Des Rosiers (General Counsel, Canadian Civil Liberties Association): I want to thank the committee for inviting the Canadian Civil Liberties Association.

The association has been in existence since 1964 and has been in the service of civil liberties in Canada since that time. It has acquired broad experience with privacy issues.

I'm going to address four points in this presentation: the bill's constitutional vulnerability; its vulnerability from the standpoint of international law, the dangers it entails with regard to precedents in the field of privacy in Canada and, lastly, an invitation to go back to the drawing board to explore certain measures that we will be proposing.

[English]

I will give the rest of my presentation in English, and would be happy to answer questions in English or French. My colleague, Sukanya Pillay, will complete the question period.

First of all, in terms of the constitutional vulnerability of the bill, as you know, privacy is protected by the charter. Passengers may have diminished expectations of privacy when they go to an airport, but they don't have "no" expectations of privacy. Indeed, the question of the expectations of privacy of passengers with respect to their personal information is being considered by the Supreme Court, as we speak. In the Chehil case, CCLA is one of the intervenors.

So the question of the privacy of information of passengers is directly under the court right now, and in our view, it would be premature to move under the current bill without knowing the full extent to which it complies with the charter.

Certainly to the extent that there is an expectation of privacy protected by the charter, this bill would not meet a section 1 challenge, because it has no limitations. It does not adequately protect the problems that may arise with the disclosure of information, and so on. So the first point is that there is a constitutional vulnerability that should be looked at before we go too much further.

The second point is that it does not meet the international law standards that do allow exceptions. I have to remind you here that this is a bill that provides for general exemptions from PIPEDA. And in international law, again, in light of wanting to protect privacy, there is a possibility of exemptions, but—and in the brief that we submitted, we refer to the UN committee on this—it must not give unfettered discretion to the operator. It must be subject to some monitoring and it must be absolutely necessary. So in our view, not only is it vulnerable to constitutional law but also it does not have sufficient guarantees in international law to reassure Canadians.

And finally, our third point is that it's a very dangerous bill, not only because of the way in which it's drafted but also because it's a precedent for how it could be used in the future. Let me talk about what are the difficulties and the dangerous nature of this bill.

There is no requirement in Bill C-42 or in the regulations of the U.S. TSA for safeguards to protect the information. There's no safeguard that the TSA will not pass information to other government agencies, such as law enforcement or immigration. There is no safeguard that the TSA will not pass this information to third countries. And we know this has been a particularly difficult issue for some Canadians, Maher Arar being a case in point. There's no guarantee that the TSA will not use the information for profiling Canadians, to put them on their watchlist or the no-fly list.

I would mention to the committee that in the United States, the no-fly list is under constitutional review as we speak. It has been challenged because there are too many false positives arising. The process has been described as Kafkaesque, in the way it does not allow people to know whether they're on it, how to get off it, and what evidence is on it. So that's the danger. The danger is that Canadian passengers, Canadians, will be put at risk of being stuck somewhere with no possibility of flying back. There's no guarantee that an innocent Canadian could not be mistakenly placed on the list. There's no guarantee that innocent Canadians mistakenly placed on the list will not be prevented from flying or from being detained in the U.S. or elsewhere without due process.

It's a dangerous bill, because it gives the possibility of exemptions forever. There is no time-limited aspect to it and there are no restrictions to the number of countries to which it could be applied. I understand that the idea was that it would be applicable to the U.S. now, and that by regulations it could eventually be applied to other countries. That's very dangerous, because there's no process by which we can assess whether the privacy guarantees apply to this information. So in our view, it's dangerous as a model for moving forward on privacy.

• (1110)

Now, I'm sure the position will be that it's needed, that it's absolutely needed, otherwise Canadian airlines may be prevented from accessing U.S. airspace. In our view, if we're going to move to a regime of exemptions from PIPEDA, it should never be unlimited in a time fashion. It's possible to have a process of monitoring these exemptions so they are time limited and so that you keep the pressure on ensuring that the people using the information are under review.

What if, in two years, the TSA decides they want more personal information? What if, in two years, they have lesser guarantees about sharing the information with law enforcement, or they're not complying well with their own privacy legislation? What if the way in which the act has proceeded is found to be unconstitutional in the U.S.?

So our view is that a time limit on the process of exemption would go a long way toward reassuring us that we're not giving up our sovereignty and not giving up people's ability to have their privacy protected. We need a limitation to ensure there's some sort of monitoring about the way in which the situation is done. Also, we need some compensation for the people who will be caught in the Kafkaesque context of mistaken identity, who will suffer great damage if they are left without the possibility of return. So there must be some possibility of compensation for these people.

Finally, in our view, the way that the bill does not sufficiently capture the essence of the protection of privacy invites us to go back to do better homework on this. It's not necessary to proceed too quickly, since the matter is before the Supreme Court of Canada.

I will conclude by reading our last memo.

We recommend that Bill C-42 in its current form not be passed. It represents a violation of the right to privacy. It's not rationally connected and proportional to the objective of aviation security. It's just too dangerous.

We further recommend that any sharing of passenger information for overflights be subject to existing legal safeguards in the charter, including safeguards relating to the use, sharing, retention, redress, and access to information, and the correction of the provenance of any information used to match names to the watchlist in existence.

Merci beaucoup.

• (1115)

The Chair: Thank you very much.

Mike, please proceed.

Mr. Mike McNaney (Board of Directors Member, National Airlines Council of Canada): Thank you, Mr. Chairman, and members of the committee, for the opportunity to appear this morning to outline for you why the National Airlines Council of Canada does support wholeheartedly the passage of Bill C-42.

We are here on behalf of WestJet, Air Canada, Air Transat, and Jazz to briefly outline for you the operational and economic fallout that would occur if Canadian carriers were denied access to U.S. airspace for overflight. We fully realize there are other issues on the table, of course, that are impacting the decision you'll have to make, but we did want to take the opportunity here to tell you about the economic impact.

During debate at second reading, it has been implied that denying Canadian carriers access to U.S. airspace for overflight may simply make flying time somewhat longer. In fact, the impact is far greater than that. Simply put, air services from Canada to Mexico, the Caribbean or South America would no longer be commercially viable if we were denied access to transit through U.S. airspace en route to those destinations.

Flights from Ontario, Quebec, and the Maritimes would all have to head further east over the Atlantic Ocean. Up to four hours additional flying time round trip for each flight would result in significantly increasing fuel burn and drastically reduce the amount of payload carried. By payload, we mean passengers, cargo, bags, etc.

More significantly, the additional flight time would mean that the vast majority of destinations could no longer be served. You could not fly there anymore, because they would exceed the safe performance limitations of the aircraft. Flights from western Canada would need to head west over the Pacific, and would run into similar operational and geographic realities. The airspace west of the continental United States is one of the busiest oceanic routes in the world, due to east-west traffic from the continental U.S. running to various Pacific destinations.

From an air traffic control perspective, north-south flights across the corridor would simply be impractical, as they would be prohibited or, at best, severely restricted by air traffic control. Furthermore, even if there were a handful of destinations that might still be served, the dramatic increase in flying time and the necessary increase in airfares to cover the increased fuel burn would make the flights completely unattractive to Canadian consumers. Why would someone choose to fly out of Canada on a flight that is now up to four hours longer, when you could simply cross the border and fly on U.S. carriers to take advantage of the much shorter flying time and commensurately lower fares?

Thus, from a commercial and operational perspective, being denied access to U.S. airspace for overflight would be an unmitigated disaster for Canadian air carriers and our passengers. Given the operational realities and the commercial impact, carriers would largely cancel service on these routes.

The economic impact on Canadian carriers would be severe. The winter schedules are already set, the tour packages and room nights, etc., are already booked, the crew scheduling is already taken care of, as is aircraft scheduling already locked in. Denial of access to these markets would create insurmountable challenges and seriously undermine the economic strength of the industry.

We urge the committee and Parliament to pass Bill C-42.

We would be happy to take your questions.

The Chair: Mr. Goldstein.

• (1120)

[Translation]

Mr. David Goldstein (President and Chief Executive Officer, Tourism Industry Association of Canada): Thank you, Mr. Chairman, members of the committee, for the opportunity to appear today in support of Bill C-42.

My name is David Goldstein, and I am president and CEO of the Tourism Industry Association of Canada.

[English]

By way of introduction, the Tourism Industry Association is the only national organization that represents the full cross-section of the tourism and travel industry in Canada. Our members include those who are directly involved in the aviation sector, such as airlines and airports, but our perspective goes beyond the economics of aviation in Canada. We are here to explain the importance of the ripple effect it plays on the broader Canadian economy, as we represent over 8,000 direct and affiliate members across the country from coast to coast, who in turn represent over 1.6 million Canadians whose jobs depend on the economic impact of tourism in Canada.

In the interests of ensuring we continue to work towards a safe, efficient, and cost-effective air transportation system, TIAC supports Bill C-42, which will put Canada in compliance with the U.S. Secure Flight program by transmitting passenger information to the U.S. prior to the departure from Canada of any aircraft that will traverse U.S. airspace in the course of its flight to a destination outside the U.S. That deals with outbound flights as much as it deals with inbound flights coming into Canada.

In this context, TIAC welcomes the negotiation of an exemption for domestic flights as they pass through U.S. airspace.

Flights that will be affected by Bill C-42 are important to the tourism sector. The Americas, excluding the U.S., represent a significant market for us. The region includes two of the Canadian Tourism Commission's key target markets—Mexico and Brazil—and overall, 615,000 travellers from the Americas spent \$764 million in Canada in 2008.

Nearly all of these visitors fly to get here. We've attached some information in a chart appended to our submission. If Canada does not pass Bill C-42, the best case would mean use of alternative routes that go around U.S. airspace, and the worst case would see these flights grounded.

Use of alternative routes will mean longer travel times, higher costs, and increased environmental impact. Sixty-five per cent of visitors from the Americas fly directly to Canada—that is, through U.S. airspace—but do not stop in the U.S.

If Canada chooses to narrowly define its sovereign right to refuse the U.S. request to supply passenger information for flights through U.S. airspace, this will change the economic model for flights and for Canadian tourism. Consequently, these travellers are likely to choose other destinations that would not require them to make stopovers or long flyovers.

Since 30% of travellers from the Americas arrive here via the U.S., assuming they take the same type of route to get home, their personal information is already being transmitted to the U.S. before they fly anyway.

The U.S. has a sovereign right to control its airspace, and entry into sovereign territory constitutes agreement to abide by the laws of the state that governs it. It only makes sense that Canada would wish to maintain its access to U.S. airspace.

Taking these two things as given, TIAC hopes the committee will choose to support Bill C-42.

I thank the committee for its time, and I welcome your questions.

The Chair: Thank you very much.

Mr. McCallum.

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

Thank you to all of you for being with us.

It seems we're on the horns of a bit of a dilemma, in which two of the three groups say if we don't pass this, there will be an unmitigated economic disaster, and the other party says it's totally unacceptable from a civil liberties standpoint.

Madame Des Rosiers, I'd like to pursue the issue of possible amendments to the bill, as you mentioned at the end of your presentation. You talk about a time limit. Do you mean, for example, this bill would have a life of, say, two years, after which it would be reviewed? Is that what you mean?

Ms. Nathalie Des Rosiers: Yes, there are a couple of possibilities.

For example, the exemptions could be time-limited. The way the bill is framed now gives unfettered discretion to the carrier to send or not send the information, as they wish, to comply with a foreign jurisdiction's law. It might be better if exemptions were granted in Canada, and they could be time-limited and renewable for sure but with a view to ensuring that we keep some control over what the dangers are and how the situation evolves as we move forward.

Either the bill is time-limited or the exemption itself is time-limited as a way of ensuring that indeed *carte blanche* is not given to the carriers.

Granted, they probably all want to protect the privacy of their passengers' information, but that's not the way privacy legislation works. It's not the owner of the information who can decide to disclose it to anybody. We tend to want to have a public body that looks at whether it's appropriate or not.

• (1125)

Hon. John McCallum: When you talk about compensation for people who suffer damages, who would pay the compensation? Would it be the airlines? Would it be the government?

Ms. Nathalie Des Rosiers: As of now, there's a decision, the Supreme Court *v. Ward*, that does recognize that when there is a *qu* breach of constitutional law, it can be indemnified.

In our view, I think if we're going to go this route, if a couple of people suffer damages just because we want to support an industry, then I think it's like saying one house has to be destroyed so we can protect the rest of the community.

So the government should be paying, or should pass the cost to the airline industry if that's needed.

We're not talking about huge amounts of money, I hope.

Hon. John McCallum: Are you suggesting the bill could be amended to ensure that the compensation be—

Ms. Nathalie Des Rosiers: To provide the right to compensation for the people who will be affected.

Hon. John McCallum: There's the provision now, as I understand it, that countries other than the U.S. could simply be added by regulation without going back to Parliament. Would it provide you significant comfort if the bill were amended so that the addition of countries would require parliamentary oversight?

Ms. Nathalie Des Rosiers: I think it's absolutely needed, because that's where the danger lies. You need to keep control over the privacy environment of the country to which you give this information. I think it's incumbent upon parliamentarians to want to keep control over this process.

Hon. John McCallum: Your second point was monitoring, but I wasn't quite sure what that meant. How do we monitor the U.S. government?

Ms. Nathalie Des Rosiers: I think we know quite a bit about the way in which the TSA is working. What are the guarantees that...? I think their safeguards should be in writing, but at the minimum, we want to know how this situation is progressing.

For example, in an ideal world, you would have an authority in Canada, the Privacy Commissioner, that would monitor and report to

parliamentarians about the way in which a no-fly list in the U.S. is working. Last year no Canadians were caught on this, so no problem, but they are changing the ways in which they are accumulating the information. We now have reports that it has been disclosed to law enforcement, and so on and so forth. We must ensure that there is a form of control that we continue to know what the information may indeed be.

In the context of a renewable exemption, then the information would be material. If the situation is not satisfactory, then at least you would have the opportunity to engage in bargaining with the U.S. to improve its system.

Hon. John McCallum: Last week we heard from the Privacy Commissioner that Homeland Security is able to share passenger information with other agencies like law enforcement and immigration, and also with foreign agencies. Is that also your understanding of the situation?

Ms. Nathalie Des Rosiers: That's one of the reasons why it is being challenged in the U.S. right now.

Hon. John McCallum: There is a provision in the law that requires notice to passengers that their personal information will be disclosed to the U.S. Is that your understanding?

Ms. Nathalie Des Rosiers: It's not a huge safeguard, because the no-fly list in the U.S. does not, at this moment, disclose whether you're on the list or not. You may think you're not on the list, and show up at the airport, but once the information is transferred there may be a reason why you are stopped. You probably have heard about the stories where E. Kennedy was stopped; an 8-year-old boy was stopped because there was a case of mistaken identity. So that's the concern.

• (1130)

Hon. John McCallum: Perhaps I could ask the airlines the question.

How does it work today, in terms of notifying passengers that their information will be given to the United States—for example, if I take a flight from Toronto to New York?

Mr. Mike McNaney: For a transborder flight, it shows up on your ticket as well as on the website. We have a general notion on the website that when you're flying to foreign countries, we'll be transmitting this data to the requisite aeronautical authorities to be used for security purposes by that government.

Hon. John McCallum: If this law were to pass, then, the same kind of notification would continue to be used for flights that cross over the U.S.?

Mr. Mike McNaney: Certainly.

The Chair: Mr. Guimond.

[*Translation*]

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

Ms. Des Rosiers, I'm a lawyer by training, like you. With regard to the disclosure of personal information to the Americans, I have no confidence that the American department to which we will be providing it won't pass it on or use it for other purposes. I put the question to Minister Toews, and he told me that the Americans were going to destroy it, that they would not disclose it to others. When I asked him what basis he had for saying that, he responded that the Americans had told him so.

In response to questions from my colleague Mr. McCallum, you said that this issue was being challenged in the United States. What is the case and exactly how big is it?

Ms. Nathalie Des Rosiers: It's a case before a district court in Oregon.

[*English*]

Do you want to answer this...? Okay.

[*Translation*]

It concerns the no-fly list, particularly people who have appeared on the no-fly list.

One of the problems with this case is that it's the third time the ACLU, the American Civil Liberties Union, has appeared in court to raise the issue of the constitutionality of the process. The first two times, the names of the applicants were suddenly removed from the list.

This is now the third case, and there are 17 applicants. To date, the issue has not been resolved in court because, each time, the U.S. authorities have decided to remove the individuals' names from the list.

This time, we hope the case will reach a judicial resolution.

Mr. Michel Guimond: However, you've heard the representatives of the airlines and the tourism industry. What response is given to an air carrier that does charter flights between Winnipeg and Mazatlan, Mexico? What is it told?

As you know, the Americans... I haven't yet adopted a final position on this bill or on the amendments either. I'm a bit torn between the imperatives... What do you tell that carrier? Do you tell it to fly over the Pacific Ocean? With regard to Montreal, Quebec City, Ottawa and Halifax, it's very easy, and it's even easier for Vancouver; it's close to the ocean.

What's your response to that carrier?

Ms. Nathalie Des Rosiers: It was in this context that we submitted proposed amendments to restrict the scope of the bill with regard to time, oversight of the bill, to take the pulse, in order to determine somewhat where this is headed. If the U.S. provisions are perhaps ruled unconstitutional, the system in the United States is changed and there are better restrictions, our apprehensions may disappear.

We insisted on written commitments from the U.S. in this context, and an approach that is very calm and that ensures constant monitoring of the question. A process of exemption by route, for example, may be renewed if the situation continues to require it. Your trip may be exempted from PIPEDA if it is necessary or there are no alternatives.

However, we don't want to guarantee holus-bolus that, in future, the private information of Canadian passengers cannot ever be disclosed to any country, particularly in a context in which the bill gives this discretion to the airline rather than to another entity that might be in a better position to assess the dangers of possible disclosure.

• (1135)

Mr. Michel Guimond: Have you sent your proposed amendments? You don't have the written text of your presentation?

Ms. Nathalie Des Rosiers: We just submitted it today. I'm going to make sure it is sent to you in French.

Mr. Michel Guimond: The clerk probably hasn't distributed it because you submitted it in English only.

Ms. Nathalie Des Rosiers: Yes, that's it.

Mr. Michel Guimond: Canada's beautiful; it seems there are two languages.

Ms. Nathalie Des Rosiers: It'll be a great pleasure for me to write in French; my French is even better.

Mr. Michel Guimond: Yes, yes.

I have a final question for Mr. Goldstein, Mr. Chairman.

Rightly or wrongly, you're trying to resolve the information disclosure issue through scare tactics, by saying that travellers might decide to cross the border if they want to go south. To avoid this, people would cross the border. As Quebeckers, we see that Plattsburgh airport has become our second airport—we don't have Mirabel anymore—or a subsidiary of Dorval.

I say "scare tactics" because it depends where people live. If they live in Churchill, Manitoba, they won't cross the Dakota border to... Although that depends on their place of residence. If they live in Montreal, one hour from Plattsburgh, yes, they'll do it.

Mr. David Goldstein: Perhaps that should be the subject of another study by this committee to determine the current structure of our air costs for Montrealers who go to use the airport in Plattsburgh.

However, we're conducting a different study today. For us, this isn't just about Manitobans who want to go to Mexico. It's also the reverse. We see that two or three major markets for Canada's tourism industry are Mexico, Brazil and...

Mr. Michel Guimond: Argentina.

Mr. David Goldstein: ... Argentina is another one. This concerns all that traffic. That's our concern.

Thank you, Mr. Guimond.

Mr. Michel Guimond: As for Mexico, in view of the Conservatives' decision to require a visa—

[*English*]

The Chair: Mr. Bevington.

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

Thank you to everyone here.

The U.S., of course, has many flights over Canada. I'm curious; if Canada were to institute a demand of U.S. citizens similar to what the U.S. is proposing for Canada, would that stand up under their law?

Ms. Nathalie Des Rosiers: Actually, I think one of the issues as well is that...

I don't know the answer to this, but I'll check. My sense is that it's not.

Mr. Dennis Bevington: And it's certainly in front of the Supreme Court in the United States right now, this particular type of information sharing?

• (1140)

Ms. Nathalie Des Rosiers: What is in front of the district court is the way in which the no-fly list has too many false positives and no due process rights for people. That's the challenge.

One of the issues is that there is a potential for Canada to exercise a position of leadership here, I think, because there may be a time when this model will be distributed elsewhere in the world. Really, it's dangerous in terms of models for privacy protection. I think there's an opportunity to reflect and take into account the fact that, yes, there are some economic imperatives, but be a little more creative in choosing different models to respond well to the privacy impact.

Ms. Sukanya Pillay (Director, National Security Program, Canadian Civil Liberties Association): I agree with everything that Nathalie has just said.

I just want to add that there are many practical reasons, of course, to ensure—obviously we want to ensure as well—that we continue to have access to U.S. airspace. But it's not something we need to be strong-armed into doing. We don't need to be told that we have to hand things over or we won't have the access.

What we need to do is find a way to have a real partnership between the two governments to ensure that any exchange of personal information is properly protected within the greater context. There are so many issues with listing, and the listing process in the U.S., as Nathalie has said, is before the courts right now. We want to make sure that the Canadian information doesn't get on those lists. If it gets on those lists, we need to know how it's going to be...and what the redress possibilities are, etc.

Going back to the comment of the other gentleman, that the U.S. told them that it wouldn't be used in such and such a way, this is exactly our point. We need to have some sort of written agreement as to use, retention, destruction of the information, that it won't be shared, and if it is improperly used or if it results in a false positive for a Canadian, what the redress would be.

Mr. Dennis Bevington: Okay.

I could go a little more in that direction, but I want to ask a question of the airline.

When it comes to what happens going into the United States now, say with law enforcement—they have a zero-tolerance policy—how many of your passengers fall into that, where you have to deny them access to your plane? Or is that taken care of at American customs before they enter your plane, or at the final destination?

Do you have a problem now with people being taken off planes to the United States for other than security reasons?

Mr. Joseph Galimberti (Board of Directors Member, National Airlines Council of Canada): For other than security reasons? No.

Mr. Dennis Bevington: So that doesn't happen.

Mr. Joseph Galimberti: No. When you go to check in, when we issue a boarding pass, we are checking your name against the U.S. no-fly list. We are executing a simple identification exercise, which is whether we can confirm that you are who you say you are.

Mr. Dennis Bevington: So you have access to the U.S. no-fly list, then?

Mr. Joseph Galimberti: Well, the U.S. transmits to us the list of names that we are to monitor. We don't have access to the U.S. no-fly list—

Mr. Dennis Bevington: Can you do this well in advance of the flight?

Mr. Joseph Galimberti: We can certainly do it well in advance of the flight so long as information is transmitted to us. For instance, at Air Canada we use the aeroplane number as a differentiator to determine identity, whether you are who you say you are. But yes, it is our intention, absolutely, just for the sake of good customer service, to identify as far in advance as we possibly can that you are not an exact match to that U.S. no-fly list.

Mr. Mike McNaney: Just to be clear, too, under the Secure Flight regulations, you will transmit that data 72 hours prior to, if you have the data. You know people purchase tickets within that 72-hour window.

Just to be clear in terms of the information the air carrier receives, we do not receive any information about that individual and whatever accusations or concerns may arise. We are given the direction that you can either issue a boarding pass, issue a boarding pass requiring secondary screening, or deny a boarding pass. If it is deny a boarding pass, then that reservation is automatically locked out so that individual has to speak to a representative of the airline. For obvious privacy reasons, we are not given the information as to why they have shown up. We then provide them with the contact information for whichever regulatory authority; it could be the TSA, it could be Transport Canada, if it's passenger protect. That individual then deals directly with the appropriate regulatory body.

Mr. Dennis Bevington: Certainly we checked your websites, all the four carriers, and there was a considerable difference in the way you treat disclosure of the information. I think only Air Transat really nailed it and told people exactly what was going on. In fact the other sites are much more difficult. They take a detailed reading to understand what's going on with their information. I think that's something that might be pointed out, because it's not a uniform treatment in the aviation industry towards this information disclosure. It may be that there should be some legislation that really outlines how any of that information is.... It may need more clarification.

Now for the Tourism Industry Association, I have your business plan for 2009. On page 20 you say:

Security considerations post 9-11 have triumphed over the free movement of people with the result that many people in both Canada and the United States have cut back on their discretionary travel. The border is now widely seen as cumbersome, bureaucratic and expensive to traverse.

And we've seen that the number of visitations from the United States to Canada has dropped by half. Do you really think that by continuing to push the security button here, we're going to do anything for tourism in the future in this country? Or do we need to start to open up a different dialogue with our American friends in order to get this border straightened out?

• (1145)

Mr. David Goldstein: I think Bill C-42 in isolation is one step towards greater harmonization of rules and regulations on travel back and forth. That's obviously our biggest concern.

Mr. Dennis Bevington: But these people are not landing in the United States.

Mr. David Goldstein: No, but figuring out—

Mr. Dennis Bevington: It's not going to change anything for the people coming from the United States to Canada.

The Chair: I'll have to allow the witness to answer the question.

Mr. David Goldstein: Respectfully, allowing border passage is an important issue. I think the point is that if you'd read on in the document, one of our long-term objectives is to find a perimeter solution to North America, much like they have in the EU, so people can travel freely.

It has had a huge impact, especially in border communities: the 604 area, the Lower Mainland of British Columbia, southwestern Ontario, and eastern Quebec. It has had a huge impact on those tourism numbers. I think what we have to do is figure out a way with the Americans and with other allied countries to figure out what our policies and regulations will be so that we can return to a freer flow of traffic back and forth.

The Chair: Thank you.

Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Thank you, Mr. Chairman.

Thank you, witnesses, for coming today.

As is known by all the politicians around the table, all politics is local. I have to say, Ms. Pillay, I have a mayor of Slave Lake with the same last name, and I'm wondering if you're related.

Ms. Sukanya Pillay: No, not to my knowledge.

Mr. Brian Jean: Oh, that's too bad. She's an excellent mayor, second term, and it's very good to work with her.

I do have to say, though, since politics is local, that I would hate to be the politician who stood in the way of my constituents flying through the United States, or going through airspace and having to go that four hours around. I have to tell you that I've heard very little concern about this. But I will say, after listening to your testimony and the testimony of the other witnesses, that I feel like we're talking about different bills.

In essence, I'm a lawyer by trade, as is Monsieur Guimond, and the thing about lawyers is that when you get three of them in the

room, you get nine different opinions. And I don't think this is any different. You may ask why, but there are always a couple of opinions I have afterwards.

Certainly what we're talking about is safety versus privacy. You'll agree that Canada is a signatory of the international convention of 1944, the Chicago Convention. Is that correct? We are signatories of that?

Ms. Sukanya Pillay: Yes.

Mr. Brian Jean: The United States is a signatory as well, which confirms that all signatories of that Chicago Convention are the masters of their own airspace. They're legislative masters of their own airspace. Is that correct?

Ms. Sukanya Pillay: Canada agrees with that, and so do we.

Mr. Brian Jean: Yes.

In this case, we're talking about people who are voluntarily taking planes to go over U.S. airspace. So they voluntarily have to comply with the laws, and we have signed on to that. That's why I feel we're talking about different—

Ms. Sukanya Pillay: May I clarify what I think you're getting at?

Mr. Brian Jean: Please do.

Ms. Sukanya Pillay: We completely agree that the U.S. has sovereignty over their airspace. We're not challenging their sovereignty, but the issue of privacy also has to be dealt with.

Mr. Brian Jean: I understand, Ms. Pillay. But with respect, all of these people who are taking those planes are voluntarily entering U.S. airspace, so by nature they have to comply with that law.

I want to confirm my position. If I'm getting on a plane voluntarily, and I have decided to take a plane that's going to enter U.S. airspace, which I obviously know beforehand, then I should have to comply with their laws. It seems to make a lot of sense to me.

I want to talk about a few other things. I had a chance to meet with Air Transat, and I'm sure you heard what they had to say. They told me, in essence, that if this law doesn't pass by January they're going to be bankrupt. That's what they told me, right across the table. This frightened me, because our airline industry is currently not in the greatest financial shape.

• (1150)

Ms. Nathalie Des Rosiers: We are suggesting that amendments would go a long way towards preserving the privacy of Canadians and their ability to travel through the airspace.

What we're reacting to here is a bit of extortion from the U.S. that says, "From now on, you cannot travel unless you comply with this."

Mr. Brian Jean: With respect, I have to disagree with you. Extortion in relation to keeping your own people safe? I don't buy that. I mean, their laws are there to keep their people safe. As legislators in Canada, we have to keep Canadians safe, as they have to in their country. That's my obligation, and I take it very seriously.

I'd like to go on to another topic.

Do you travel to the United States?

Ms. Nathalie Des Rosiers: Certainly.

Mr. Brian Jean: What information do you have a problem with airlines sharing with police authorities? What specific information?

I only have seven minutes, and this information is very important to me.

Ms. Nathalie Des Rosiers: Yes.

Mr. Brian Jean: When you fly, you give information to a front teller of an airline company, to somebody who works there and takes information, or to a telephone operator, what is it that you object to their sharing with police in the United States?

Ms. Nathalie Des Rosiers: It's because they're matching it to a no-fly list that has problems, that has been—

Mr. Brian Jean: Okay, but what information specifically?

Ms. Nathalie Des Rosiers: Your personal information—your name, your gender.

Mr. Brian Jean: So you have a problem with sharing that information?

Ms. Nathalie Des Rosiers: No. I'm saying that the process, the sharing and matching to a no-fly list, would not be allowed elsewhere.

Mr. Brian Jean: Ms. Des Rosiers, with respect, what information specifically do you have a problem with them sharing with the United States?

Ms. Sukanya Pillay: The issue is contained in your question. What is the information that's going to be shared? We don't know yet. Name, gender—

Mr. Brian Jean: With respect, though, you give the same information to an airline person on the phone, a private company, somebody who can share it with anybody she wants. They don't ask, "Can I share this information with people?"

Ms. Sukanya Pillay: Actually, PIPEDA didn't state that they could share it with anybody. Now that exemption is gone, so that's the issue behind this. If airlines are compiling dossiers on people, if they are compiling information such as whether you showed up at the airport to cancel your flight, how many bags you checked, what your meal preferences were, or what religion you are, and if all of that information, upon a second request from a government, is going to be shared, we want to know how it is going to be used. Will it be used for profiling?

Mr. Brian Jean: I have never had anybody ask me my religion when I got on a plane, ever. Nobody has ever asked me.

Once again, what do you have a problem sharing with the United States police? Do you have a problem with your visa number, because that's what they're going to share? They might share what sex you are. What information specifically?

Ms. Sukanya Pillay: It's not sharing your name, but if they take your name and pass it on to another agency that can arrest you, suddenly you're in a position where your rights have been impaired. What can you do to deal with that? Why should an innocent person lose the presumption of innocence?

Mr. Brian Jean: You talked about "arrest" and "innocence" in the same two sentences there. I don't see an innocent person getting arrested very often, because they're obviously—

Ms. Sukanya Pillay: Actually, it's what happens with the no-fly list quite a bit, and that's the problem. There are a million names on the no-fly list right now in the United States.

Mr. Brian Jean: I thought there were about 40,000.

Ms. Sukanya Pillay: No, there are a million names on the U.S. no-fly list right now. We just met with our colleagues from the ACLU. The reason this case is being challenged before the courts is that they're saying it's completely unconstitutional.

Mr. Brian Jean: I understand that, but again, I'm still missing it. Your problem, if I may, is that your information may be utilized in a way that you don't agree with?

Ms. Nathalie Des Rosiers: Well, privacy is about this: I can share my information with you, but you're supposed to use it only for the purposes that we have agreed upon. Once you decide to give it to X, Y, Z, that's an infringement of my privacy.

Mr. Brian Jean: So as long as they notify you ahead of time that they're authorized to share it with any police, and you voluntarily assume they're going to do that and you go to the United States, do you have a problem with that?

Ms. Nathalie Des Rosiers: In our view, it's not going to happen that way. We are abiding by an unconstitutional system in the U.S. That's our difficulty.

If you are feeling a sense of...you could have time-limited legislation.

Mr. Brian Jean: I'm really missing what you're trying to say. I don't understand what the problem is with sharing information with a police authority when you voluntarily decide to enter their country.

I'm out of time. I'm sorry.

The Chair: I have to interrupt.

Mr. Byrne.

• (1155)

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Thank you, Mr. Chair.

This is a very interesting discussion.

How's your day going so far, Ms. Des Rosiers?

Ms. Nathalie Des Rosiers: I love coming here. I think we're doing this for public service.

Hon. Gerry Byrne: One of the things that I struggle with is the notion of the grassroots of what privacy is all about. It's a fundamental protection. Also, I recognize the fact that in the absence of a convention of procedures, let's take a situation where there's not a no-fly list, there is no pre-screening before a Canadian traveller or an international traveller gets on board. A Canadian citizen goes to not only Washington but, say, goes to Jamaica or some other jurisdiction without any pre-board screening, and then finds themselves in the jurisdiction of Cuba, or Jamaica, or wherever, and then finds out that they're not eligible to fly home because the Jamaican authorities decide they're not eligible.

Wouldn't it be better to actually have the screening done in advance and have a procedure in place? Wouldn't you agree with that? Or is it better for a Canadian citizen to be in a foreign jurisdiction with, all of a sudden, their rights stripped from them?

Ms. Nathalie Des Rosiers: Indeed, what is interesting is that's one of the issues with the no-fly list in the U.S. Some people have been allowed to fly and they are not able to go home. Essentially—

Hon. Gerry Byrne: You say “some”. How many would that be? I've never heard of that.

Ms. Nathalie Des Rosiers: That's part of the lawsuit that's in the States. There were at least 17, I think, who were in that context.

What we're arguing for is a movement to better protect the privacy of Canadian passengers and passengers around the world. I think the idea of trying to raise the level of expectations toward the U.S., in terms of protection of privacy of individuals, is something that we should share as a human rights value throughout.

The more we frame this issue in terms of insisting that there be more privacy guarantees is not to say we're abandoning the idea of flying, but it's to recognize that we should all be part of protecting privacy.

Hon. Gerry Byrne: It didn't sink in with me, the chain of liability on this. Where does the chain of liability extend if the act were passed now? Is it strictly borne by the federal government, or are third parties and the airlines themselves potentially liable? What's your understanding?

Ms. Nathalie Des Rosiers: The way the bill is framed now, it is completely at the discretion of the airline. So the exemption from PIPEDA is not given to a process by which somebody would apply for an exemption, it's completely discretionary.

Hon. Gerry Byrne: So you're implying that there's clear liability on the part of the Canadian airline industry, should a Canadian citizen or one of their passengers be mistreated or taken falsely. There is a liability issue that's borne by them.

Ms. Nathalie Des Rosiers: I think that will be one issue. There will also be the issue of whether the bill, abilitating this, raises the liability under the charter, for example. That's unclear territory at this stage.

Hon. Gerry Byrne: Mr. Chair, I'm going to share my time with Mr. Dhaliwal.

Before I do so, I want to ask one question of the airline industry. How do you feel about that liability? Is that a risk you're prepared to accept? If not, why not?

Mr. Joseph Galimberti: I think I'd agree that any liability that exists, in terms of the airline, is probably pretty questionable. You know, we are simply transmitting data at the request of a foreign jurisdiction. We are not a law enforcement agency. I mean, this is contingent on you being allowed by that jurisdiction to board a plane.

Hon. Gerry Byrne: If your liability were proven to exist, would you be as enthusiastic about this bill?

Mr. Joseph Galimberti: I wouldn't think that we would enthusiastically embrace any liability for something like that.

We are not an immigration authority. We are not a law enforcement body. We are executing a security process on behalf of a foreign jurisdiction.

Hon. Gerry Byrne: We have more time, don't we, Mr. Chair?

The Chair: Yes.

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

My question is to Madame Des Rosiers.

In Canadian law, there is no provision that asks that a Canadian passenger's information be shared with U.S. authorities, just as Mr. Jean said. Now it can be shared with police. It can be shared with immigration authorities or any other countries.

Do you see that there should be a provision in the law that should inform Canadian passengers?

• (1200)

Ms. Nathalie Des Rosiers: My understanding is that one of the cornerstones of privacy protection in law is that the information can only be used for the purpose for which it was acquired. To the extent that an agency acquires information for its purposes, it cannot share it with other agencies, no matter how interesting it would be. That's one point.

Second, there is the ability to create some consent. The consent has to be in a context in which we don't expect people to consent to unreasonable aspects, such as unreasonable searches. Our problem is that this bill, to facilitate one process, seems to challenge fundamental issues in our privacy arrangements. It's not the owner of the information who decides when to give it. It's usually a supervised.... There's no monitoring. There is no time limit or space limit. That's our concern.

The Chair: Thank you.

We'll go to Ms. Brown.

Ms. Lois Brown (Newmarket—Aurora, CPC): Thank you, Mr. Chair.

Thank you to all the witnesses for being here.

I will be sharing my time with Mr. Mayes.

The Chair: Excuse me.

I'm sorry, Ms. Mourani. I missed you. I apologize.

[*Translation*]

Mrs. Maria Mourani (Ahuntsic, BQ): Thank you all for being here today.

This bill concerns me, particularly since we've also examined the no-fly list on the Standing Committee on Public Safety and National Security. Correct me if I'm wrong, but, from what I understand of this bill, we are going to provide the Americans with information such as the names, dates of birth and gender, as well as flight details, I believe, of Canadian passengers, so that the American authorities concerned can check to see whether any of those Canadians appear on their no-fly list. However, having studied this as part of the Standing Committee on Public Safety and National Security, I know that these U.S. lists are really poorly done. And the Canadian list is no better, as it includes the names of minors. Go figure.

Those people were not even able to tell me on what criteria they added someone's name to a list. The biggest concern in this matter is that, when you want to remove your name from the list, you face a real Tower of Babel.

Mr. Goldstein and Mr. McNaney, I was struck by the fact that you spoke at length about the economic aspect and that human rights seemed to be the least of your concerns. Nor do you seem concerned by the fact that this information could be used for good or bad purposes. We don't know since we have no control over it.

Do you have any solutions to suggest to us, apart from voting for this bill? Perhaps you don't think there's a problem.

[English]

Mr. Mike McNaney: As I said in my opening comments, we recognize that there are other issues on this beyond economics. Our purpose in coming here today was that we had heard comments in the House and whatnot that the inconvenience to the industry would be another 60 minutes or 30 minutes flight time. So what we want to do today is point out to you that, no, the economic implications of it are far broader.

That does not mean, and we are not suggesting, that our economic conditions must trump the other considerations that you as legislators have to look at, but I certainly think it is a consideration that has to be put on the table as you factor in what you're going to do with this legislation.

As far as suggestions and whatnot, at the end of the day you have to keep in mind....

Mr. Byrne was asking how your day had started off. The first five minutes sitting here, I was being told I'm going to be sued.

The air carriers collect this information because we are told by regulatory authorities to collect it. We spend millions of dollars on our IT and our reservation systems to ensure we do not run afoul of any of the regulations in any of the jurisdictions we fly into.

So there is an inherent extremely large cost to us on an ongoing basis. I could make the argument that this cost is directly related to ensuring privacy and regulatory compliance by air carriers, so yes, we certainly are interested in it. We ensure that the information we are providing is only in the context the regulator has asked us for.

In terms of what that information is and in terms of how it should be used or should not be used, that decision is made by regulators in various jurisdictions and at this table here. So yes, we are concerned about it, but we are also very concerned about the economic impact and the jobs impact that will occur if this legislation doesn't pass.

• (1205)

[Translation]

Mr. David Goldstein: Our answer is the same.

Mrs. Maria Mourani: From what I understand, you feel you've been taken hostage in a way. You have to comply with regulations, you submit to them, and you encourage the members here to vote for the bill. You believe we don't really have a choice, that Canada can only acquiesce to the Americans, set aside its sovereignty and the protection of its citizens and put itself in the service of the Americans.

Mr. David Goldstein: Allow me to speak in English.

Mrs. Maria Mourani: All right.

[English]

Mr. David Goldstein: I'm intrigued by the sovereignty issue, because in the EU, the French don't feel less French, the Germans don't feel less German, and the Dutch don't feel less Dutch just because they have free transportation—

[Translation]

Mrs. Maria Mourani: They exchange information. We provide them with information, but they don't provide us with any. It's not the same thing.

[English]

Mr. David Goldstein: If we are going to get to a modern set of transportation policies and regulations, we're going to have to acknowledge that the world we live in isn't perfect and people are making voluntary choices to travel. As long as airlines are appropriately disclaiming or giving disclosure and providing the consumer with the ability to opt in or opt out, then those are unfortunately the choices we make to travel in the modern world.

As to why we have set this border between us and the United States, it's terribly unfortunate, and it's something that may take decades for us to unwind.

The Chair: I have to stop you there. Sorry.

[Translation]

Mrs. Maria Mourani: Very well. Thank you.

[English]

The Chair: Ms. Brown, we'll try again.

Ms. Lois Brown: Thank you, Mr. Chair.

Again, I want to share my time with Mr. Mayes.

Thank you very much for being here.

Gentlemen, I really do want to talk about the economic impacts on Canada. In any of the border cities, and I'll use Plattsburgh and Buffalo and Seattle as examples, we've already seen seepage from those major areas into American jurisdictions to purchase flights into American airspace voluntarily. So Canadians are already providing this information when they go across the border to purchase an American flight. Correct?

First of all, gentlemen, how many people are employed in the airline industry in Canada? Do you have any estimate of what kind of numbers we have there?

Mr. Joseph Galimberti: Directly by our membership, we're in the 35,000 to 40,000 range.

Ms. Lois Brown: So 35,000 jobs at a minimum, and that doesn't include all the spinoff jobs that go along with repair and products that are necessary, and maybe food.

Mr. Joseph Galimberti: No, that's directly in the airlines—all of our catering, ground support in the case of Westjet, all the support around airports, employees at airports, that type of thing.

Ms. Lois Brown: Okay, so 35,000. And what about in the tourism industry?

Mr. David Goldstein: According to Statistics Canada, over three-quarters of a million direct jobs, and if you load in the indirect jobs, it's 1.6 million Canadians.

Ms. Lois Brown: Do you have any estimate of what kind of reduction in employment we will see if we don't pass this piece of legislation?

Mr. Mike McNaney: Well, what you would see, from an operating perspective and a financial perspective, is that it just would not make sense to fly to the vast majority of those destinations below the U.S. border. For a variety of reasons, carriers would have to look at rescheduling and what they are going to do with that aircraft, and so on.

The opportunity for the U.S. airports is fantastic. In terms of some of the jurisdictions you were mentioning, to date the Plattsburgh airport, just south of Montreal, has received \$100 million U.S. from the federal and state governments to change the airport. They are targeting Canadians aggressively. They have publicly stated that they are going to do nothing but grow and grow. I don't know many airports in Canada that are publicly stating that they're going to do nothing but grow and grow.

On the west coast, to compete directly with Vancouver, Bellingham just had a new runway put in for \$28 million, of which 95% was paid by the FAA. We know that the U.S. carriers are looking at that border region as their market share.

Spirit just announced new flights out of Buffalo, and so on. It's right in the press release that they're going after Canadians.

If we have to back off those flights—even if we could try to serve the move, your flight would now be four hours longer—we will do a tremendous job of furthering the economic development of U.S. border airports and U.S. carriers.

• (1210)

Ms. Lois Brown: As I said, if they're spending \$100 million in Plattsburgh to do that, to lure Canadians to come down there to use American airlines, Canadians are already voluntarily providing the information, because it's required now to fly within American airspace.

Mr. Mike McNaney: Well, the irony would be that we would be cutting back all the service. They would be increasing their service, and yes, Canadians would be voluntarily going to those places.

Ms. Lois Brown: Right.

Go ahead, Mr. Mayes.

Mr. Colin Mayes (Okanagan—Shuswap, CPC): Thank you.

Thank you, Mr. Chair.

I'd like to direct my first question to Mrs. Des Rosiers.

I would say that there are approximately a billion passengers in the U.S. I know that there are about 100 million in Canada. I'd say that there have to be a billion in the U.S., and you said that there were a million people on the no-fly list.

Do you know the incidence of problems with that, when people have been misidentified and there have been issues? What are the chances? Is it one in a million, two in a million, or five in a million that somebody will actually run into a problem?

Ms. Nathalie Des Rosiers: Well, certainly I think part of the problem is that once they get into trouble, the process....

Mr. Colin Mayes: No, I want to know the numbers. I know that there's going to be a process they have to go through, and likely it's cumbersome and it's a challenge, but I want to know the numbers.

Ms. Nathalie Des Rosiers: I don't have the numbers, because we don't know fully who is on the list and who is not on the list. But we can get you the numbers, because it's in litigation in the U.S., I think.

Mr. Colin Mayes: Okay.

You know, one of the challenges I have as a citizen in this country is this. I appreciate the work you do at the Canadian Civil Liberties Association. But by executing your job, you actually are minimizing my freedom to make a choice.

As was said earlier, I have the freedom to say, "Okay, I'm willing to give up information so I can fly this airline directly to my sun vacation." And I don't think you....

I don't really want, as a Canadian, to give you that privilege. I want to be able to make that decision myself, thank you.

Can you answer that?

Ms. Nathalie Des Rosiers: Yes.

I take issue with this, because what we're looking at is an exemption from an existing law. PIPEDA exists. It has been passed by parliamentarians, and it recognizes that, indeed, there is value in protecting the privacy of Canadians.

We didn't come here to say that you have no opportunity. We came here with the view that this bill should be limited, and we suggested some amendments. I think we're taking the position that it can be improved to better reconcile the interests of privacy in the long term, in terms of a model for Canadians.

Once you've had a free trade agreement, and you are encouraging the mobility of Canadians throughout the world, it's kind of bizarre to now say that's it's now completely your choice. People take flights not only because they want to but because they have to for travel, because they have to for employment, because they have to for family reasons, and so on.

In a way, I think we're beyond the idea that it's a choice, solely a choice. I think they rely on their elected leaders to ensure that they're not unfairly subjected to statutes that work badly, and that's our claim about the no-fly list in the States.

The Chair: Thank you.

Mr. Dhaliwal.

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

My question is to the Tourism Industry Association of Canada and the National Airline Council of Canada.

As Ms. Brown mentioned, a lot of passengers are infiltrating into the U.S. economy right now. I think it's just because of our "not open skies" policy. We can improve that if we have input from you on the economic perspective.

Look at the Singapore example in Vancouver. They had to leave because we don't have open skies. Look at the UAE conflict with Emirates. If we do not let them in, we lose millions of dollars. It has created a lot of inconvenience to many passengers who want to travel. Would you also suggest something about that?

You're concerned about the economic downturn in the tourism industry, so could you comment on that issue?

●(1215)

Mr. David Goldstein: Thank you, Mr. Dhaliwal.

Again, this is maybe not for today's discussion, but we would welcome the opportunity to come before this committee and discuss the cost structure of air flight in Canada, which is eroding our competitiveness. In fact, we are launching an economic white paper on that very subject.

To us, the route to increasing inbound tourism to Canada is actually through appropriate competition that can exist within the current routes that are provided for but simply aren't affordable.

Part of my job is to go around and ask foreign carriers if they're prepared to increase their flights to Canada in order to create better value for the inbound consumer. Aside from the Emirates issue, there are a lot of airlines who either have the capacity or could easily get the capacity who aren't coming to Canada, not because of an open skies issue but because of the cost structure in order to land a plane here. That's a bigger issue that we need to get around before we even begin to have a discussion.

These gentlemen have fair opinions, but I think a lot of this debate has been centred around open skies, and what we're looking for is a more competitive situation where we can actually benefit from the routes that already exist.

Mr. Sukh Dhaliwal: My question now is to Madame Des Rosiers.

I was listening to you carefully. You said that the information we are going to share with the U.S. can also be transmitted to other countries where there is no public safety, and that can put Canadians in danger. Can you give me an example, and then how it might be avoided?

Ms. Sukanya Pillay: Yes, you're right, one of our concerns is that if we....

We're not saying we're not going to share information. We're saying let's share it with some safeguards. One of those safeguards would ask, are you going to share this information with third countries? We're hoping that the answer is no. It's up to Canada to say we'll let our airlines share it with this or that country. That is sovereignty, to decide where our information goes.

Our concern is that if the information is passed on to a third country that doesn't have the same human rights or civil liberties democratic values, would it endanger a Canadian. We have seen examples in our recent history where Canadians, because of the misuse and troublesome sharing of information, found themselves

stuck abroad in very difficult circumstances and were unable to return to Canada.

This is the sort of thing we'd like to guard against.

Ms. Nathalie Des Rosiers: Yes, people can be detained based on this information. That's the concern. They can be detained in foreign jails, and that's a concern.

Mr. Sukh Dhaliwal: My concern is that by bringing this legislation in, we are not only allowing this information to be given to the U.S., but tomorrow another country. For example, North Korea might ask for similar information.

Do you see that there should be some safeguards around that?

Ms. Nathalie Des Rosiers: Our position is there's a way in which a process of exemption should be curtailed, and you keep control over when and how you give the exemption. You should certainly have parliamentary oversight about which countries you're allowing the sharing to be with. You should also demand some assurances. We do that all the time with countries. We ask for assurances. You keep monitoring, because sometimes the assurances are not always adhered to.

So there are ways in which you can recognize that; we want to be in an environment where there is free access and so on, but we want to preserve some control over the process of exemptions.

To answer further, the EU is a really good model, but it's a model that has privacy at its forefront. If we are going this route, we're quite happy to go this route as it has a much stronger support for privacy. I think that's something to do, to look elsewhere in the world where they have protected privacy. That may be useful as well.

●(1220)

The Chair: Thank you.

Mr. Jean.

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

Did I hear Mr. Dhaliwal say that the U.S. was going to share information with North Korea?

The Chair: I think it was an example.

Mr. Brian Jean: Oh, okay. I just thought maybe something had changed in the news since I last checked that one out.

I was wondering, first of all, have you had any protestors? Has Greenpeace been at your office lately? I was just curious, because I'm from Fort McMurray, and we get them every once in a while hanging off the scaffolds and stuff. I just think with the environmental impact of this legislation not being passed and airplanes using four more hours of jet fuel to go around the continental U.S., they're going to be at your door soon. I hope they don't find out about that, because Greenpeace hangs off everything; I'll let you know that.

Ms. Nathalie Des Rosiers: Thank you for the advice. As I said, I think our position is quite clear that it is your responsibility to ensure that there is privacy protection in this legislation.

Mr. Brian Jean: It's just a little bit of a joke.

Ms. Nathalie Des Rosiers: Yes, I got it.

Mr. Brian Jean: I do understand why they don't publish the no-fly list, if I can just make this comment. I mean, to me, speaking as a lawyer, for \$25 in Alberta, I think, at Vital Statistics, you can go and change your name. So if my name is Bill Smith and I find out I'm on the no-fly list, I can tell you that I'm going to go the next day and change my name to Joe Jones, right?

So obviously they don't want to share those million names and let people know they're on the no-fly list because they're just going to change their names, and then what use is the no-fly list? That's just a comment, because I think that's the reality.

A lot of people in this room, believe it or not—probably 20% of the people in this room—have changed their names through some sort of adoption or something. There's a large percentage of people who change their names. I just wanted to make that comment.

I want to talk to Mr. McNaney about this. First of all, how many people in Quebec are employed directly or indirectly by the airline industry? Do you have that statistic? I know it's one of the largest concentrations in Canada.

Mr. Joseph Galimberti: In Quebec, certainly for Air Canada, it's well over 5,000.

Mr. Brian Jean: Direct employees?

Mr. Joseph Galimberti: Direct employees. The head office is in Montreal, in Dorval, so the bulk of our management staff is there. We also maintain engine maintenance and crew bases for flight attendants and pilots. So in addition to those you see at the airport, anyone who's properly employed there, there's a large population base that you wouldn't necessarily see in—

Mr. Brian Jean: So we're probably talking 20,000 or 30,000 people directly or indirectly employed in the Quebec area—

Mr. Joseph Galimberti: Well, 5,000—

Mr. Brian Jean: —with Air Transat, with Air Canada?

Mr. Joseph Galimberti: Yes, if you add in Air Transat's employee base, which would again be predominantly in Montreal. I think the sum totality of Transat's a little over 5,000 employees, so easily you get into the tens of thousands, just in that one particular area of Quebec.

Mr. Brian Jean: Just for the benefit of Ms. Mourani, what amount of airline loss is there in Montreal going south of the border to Plattsburgh? I understand it's quite substantive. If you go through Plattsburgh you very seldom find a licence plate that's not from Quebec.

Mr. Joseph Galimberti: Yes, it is significant. Any attempt to capture leakage has been, for the most part, anecdotal. We have rough estimates that there are in the high hundreds of thousands to millions of passengers who are transiting through there. The best way to look at it is to look at the services that are developing. Clearly, there's a certain market opportunity or else people wouldn't be investing billions of dollars in aircraft to service that location.

Mr. Brian Jean: Is it fair to say that as legislators we should actually shut that business down and move it back to Canada where it belongs, create more jobs, create more employment, make it more competitive?

Mr. Joseph Galimberti: Yes, absolutely. Even at a more basic level, there's an enormous amount of foregone tax revenue

associated with those purchases as well, putting aside the economic benefits. There's actually cold hard cash that would be otherwise collected.

Mr. Brian Jean: Now to my last question.

If I may, both you and Mr. McNaney probably travel a lot—Mr. Goldstein, I'm sure you do as well—and I know that we have a lot of Mexicans and South Americans in Alberta doing bear hunting and things like that. So a lot of people from that area are coming up. I asked this question earlier: what information that you collect as an airline, or that people collect as an airline, would you not want to share with the United States police authorities? Is there any information that you collect from your passengers that you would not want to share with U.S. authorities? I'm talking about police authorities. The legislation is clear that it's going to be police.

What information would you not want to share that people collect at the border?

Mr. Mike McNaney: Nothing comes readily to mind—

Mr. Brian Jean: Well, you would know more than I do. There are 26 or 32 items that are collected by airlines?

Mr. Mike McNaney: There's a variety of items. There's nothing that comes to mind. It's fairly straightforward data.

Mr. Brian Jean: What kind of data is it?

Mr. Mike McNaney: It includes name, date of birth, gender. If they've had issues with whatever jurisdiction's no-fly list, or whatever we want to generically call it, and they've remediated that issue, they will be given a number to provide to us so they don't get caught in the system afterwards.

• (1225)

Mr. Brian Jean: That's the appeal process that's already in place. They would take note that there's an appeal process and that they've appealed the decision.

Mr. Mike McNaney: And that their situation has been corrected.

Mr. Brian Jean: Obviously, if it hadn't been corrected, they'd be somewhere else, we'd hope.

Mr. Mike McNaney: Again, keep in mind that we have no access to, nor do we want any access to, any of the decision-making or information that goes on among security authorities when they make those decisions.

Mr. Brian Jean: Mr. Goldstein, is there any information that you can imagine that you wouldn't want to share with U.S. authorities?

Mr. David Goldstein: No. Again, this is a voluntary transaction. I'm engaging in the marketplace, just as I would be in applying for a credit card or other series of information.

But I would tell you that there's also a reciprocal problem, in that Canada Customs is making it very difficult for certain travellers to come into Canada for very minor criminal offences that are decades old. We have a serious situation in which tourists coming into Canada—Americans who have a DWI infraction that's 30 years old—are being denied access to Canada. It goes back to the notion that we need to harmonize the policies and regulations and get on with it.

Mr. Brian Jean: Does this legislation move that agenda forward?

Mr. David Goldstein: We believe it's a small step forward.

The Chair: Thank you.

Just to follow up on that, I know friends who were charged 35 years ago who really struggle to access the United States, and yet we have examples of people changing their names and actually gaining employment in the United States because they can't find out who they really are. We have an example of that in the news right now.

We're going to go with one more round of about four minutes each for each party.

I'll start with Mr. McCallum, and then we'll go to Ms. Mourani.

Hon. John McCallum: Thank you.

I just have one question for Madame Des Rosiers. I'd like to ask you whether, if the bill were amended in four specific ways, which I'll read out, you would find it acceptable.

I should say that this is not to say we will necessarily propose these amendments; it's more a hypothetical question.

These specific ways are: one, that Canadian law require that passengers be notified about the information to be shared; two, that adding any countries other than the U.S. to the list would require parliamentary approval; three, concerning the time-limited issue, that this committee be required to review the legislation after, let us say, two years; and four, that the Privacy Commissioner be called upon to monitor the situation and to report regularly to Parliament.

There's a fifth one, but I don't think it could be put into law. You talked about a written agreement from the U.S. regarding the use of data. I think that's more a question of negotiating; I don't know whether it would be possible.

But would those four items make the bill more palatable to you?

Ms. Nathalie Des Rosiers: They certainly would be a good step.

I think the question of assurances, which we do all the time—we request of the U.S., for example, that they not use the death penalty on someone and so on—with a view to complying with Canadian law, is appropriate in this context.

In an international context in which we want to ensure that there is a possibility of fairness for travellers—and what we're talking about is fairness for travellers—that there be a movement to require some transparency about whether the assurances from the TSA.... It seems to me this would be a significant addition.

Hon. John McCallum: Thank you.

The Chair: Ms. Mourani.

[*Translation*]

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

Mr. Goldstein, I would like to go back to what you said about Plattsburgh. Did you mean that more people would go there if Bill C-42 weren't adopted? Why?

Mr. David Goldstein: Absolutely. We would lose Canadian air service.

Mrs. Maria Mourani: It would be a less lengthy process to leave from there. Is that it?

Mr. David Goldstein: American Airlines or any other carrier would transport its Canadian passengers to Cuba or Mexico. That wouldn't be from Montreal or Ottawa.

Mr. Desjardins comes from New Brunswick. We were with his brother last summer. He moved to Bangor, Maine. He told me he had driven five hours to take advantage of a cheaper flight.

• (1230)

Mrs. Maria Mourani: Shorter and cheaper, is that right?

Why are people doing that?

Mr. David Goldstein: Currently?

Mrs. Maria Mourani: Yes, why are people going to Plattsburgh?

Mr. David Goldstein: For us, it's—

Mrs. Maria Mourani: Is that related to ADM, to the fact that that airport is not very operational?

[*English*]

Mr. David Goldstein: It is the cost structure of flight in Canada right now that is making us uncompetitive.

Mr. Mike McNaney: Let me quickly answer that. It's all publicly available on the Plattsburgh website. They are a debt-free airport. There was \$100 million spent to change it from a military base to a commercial airport. The runway is about 13,500 feet, made of concrete; it's about 200 feet less than the longest runway at Pearson. They can handle huge aircraft.

On their website they're quite clear that because they are debt-free as a result of the direct funding they have received from the federal and state governments, they can offer landing fees to air carriers that can't be matched in other locations.

[*Translation*]

Mrs. Maria Mourani: Why do people go there rather than leave from Pierre Elliott Trudeau Airport? Is that related to the fact that it isn't operational?

Mr. Joseph Galimberti: It's entirely due to cost.

[*English*]

The cost of Dorval, the cost of security at Dorval, the cost of maintaining the buildings at Dorval, the extra costs associated with airport rent in Canada—all of this compiles. In the U.S. your security charge is \$2.50, and in Canada your security charge is \$17. Just the security charge for a family of four is something like \$100.

[*Translation*]

Mrs. Maria Mourani: Imagine that Pierre Elliott Trudeau Airport moves and flights are aligned on a north-south access. Do you think that would help recover the clientele that's going to Plattsburgh?

Mr. Joseph Galimberti: That might help, but the fact remains that the problem is entirely due to cost.

Mrs. Maria Mourani: Infrastructure—

Mr. Joseph Galimberti: If it's cheaper in Plattsburgh, people will go there.

Mrs. Maria Mourani: But from what you're telling me, that could help.

Mr. Joseph Galimberti: Perhaps a bit, but it's ultimately a question of cost.

Mrs. Maria Mourani: That's an interesting point.

Do I have any time left, Mr. Chairman?

Ms. Des Rosiers, based on the study that we conducted on the no-fly list, whether American or Canadian, the information provided is based in large part on a racial profile. Is that correct?

Ms. Nathalie Des Rosiers: Definitely. That's one of the issues. Furthermore, the information that supports access to the no-fly list, especially the American list, is sometimes obtained through torture. The entire process of the lists as instruments of protection against terrorism is at risk. The United Nations has appointed an ombudsman to review the list. It is recognized that the mechanism of the list is itself a problem. It has accomplished nothing but has definitely caused some serious problems in the areas of justice and equity for individuals who did not know how to get out of it. The information that would enable them to show that their names should not appear on the list is not provided to them.

It's in those circumstances that all these lists are being challenged and are considered as a poor instrument. That's our proposal—

[*English*]

The Chair: *Merci.*

Mr. Bevington.

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

You've been flying over the U.S. for, what, 50 years?

Mr. Mike McNaney: We've only been in existence for 14.

Mr. Dennis Bevington: I'll try Air Canada, then—the senior company.

Mr. Joseph Galimberti: Yes, it's been well over.

Mr. Dennis Bevington: Has any incident happened on a plane overflying the United States?

Mr. Joseph Galimberti: Do you mean on a Canadian aircraft, a security incident? No, there's nothing related to that.

Mr. Dennis Bevington: So we don't really have any risk assessment to go with this. But curiously enough, through Canadian airspace just a year ago we did have an incident in which an overflight of Canada had the underwear bomber on it. Is that correct?

• (1235)

Mr. Joseph Galimberti: Yes.

Mr. Dennis Bevington: So our government hasn't chosen to think that there's a problem with checking information on flights overflying Canada, even though we've had an incident. Yet the United States, with no incidents of overflight, wants security

information that we haven't shared in the past and haven't had any problem with.

So what we have here, I think, quite clearly, is that we're all around this table wondering what the U.S. is doing, and we're going to comply with them. We have an illogical situation occurring, and we're willing to comply with it. As good Canadians, we want to keep our businesses going, and we want to ensure that our people get to Mexico and the Caribbean. That's a good idea. So we have to come up with a solution that doesn't reward illogical behaviour and that can give us some redress in the future.

The U.S., in their final note on the Secure Flight, has the ability to completely exempt Canada from sharing information based on comparable systems. We have a situation where the U.S. government won't accept our system as comparable in security with theirs. I think what we have is a situation of time. We need time with this legislation.

The Conservative government chose to deal with it in this fashion. This has caused us all considerable grief. They brought it forward at the last moment in June, and then they brought it forward again without giving us enough time for a decision. So we're now stuck with the options that would appear to be there to amend the bill so that our legacy from working on this bill is something that will not impair Canadians forever.

That's my statement on it. I didn't want to draw any conclusions. I was following Mr. Jean's line, where he laid out what's going on here. I appreciate the parliamentary secretary's efforts as well.

So here we go. We would appreciate any suggestions you have about this bill and how it can be amended so that we can ensure that we're not moving in the wrong direction. We don't want to move in a direction that will permanently impair Canadians' privacy.

The Chair: Thank you. If you have any recommendations, I suggest that you submit them and any accompanying documents to the chair or the clerk.

Ms. Brown.

Ms. Lois Brown: Thanks for all that you've said here. I think it's been most helpful in shedding some light on this. We know that the United States has sovereignty in its own airspace. This is a decision that they've made. If we want to fly over their airspace, this is their decision, not ours.

But I want to come back to something, Mr. Goldstein, that you talked about earlier. When I look at my role as a parliamentarian, I believe that part of my role is to be a forward-looking person. I try to avoid situations in which I am forced to react, but often by the time it comes to legislation we are reacting to something that's gone on in society.

You made a comment earlier about the need to move toward greater harmonization of security measures, and you talked about the perimeter they have in the EU. What would it look like for Canada and the United States to have a secure perimeter? Any thoughts on that? What does it look like in Europe? You said Germans don't feel any less German, or the French any less French. What have they done that we should be looking at as legislators to be forward-looking people and not always reactive?

Mr. David Goldstein: I don't want to say it's utopic, but it's something where unfortunately we missed some steps in the wake of 9/11 that probably could have been taken to ensure a different course for the security perimeter of North America.

Without delving into too much history, it's clear in public statements of our ministers around the table at the time that there was a healthy debate around the cabinet table in those days of how we were going to deal in the immediate wake after 9/11. Having lost that initial time, we are going to have to figure out how...

You know, if a multitude of countries in the EU can figure out multilateral agreements in order to make this work.... Considering it's an area of the world that has had physical conflict as late as 10, 15 years ago, in the Balkans, you can still get on a train from Kosovo and go to London without papers. It's unbelievable to me what I have to go through just to take a trip to Washington for the day.

In a sense, there are many who consider the Americans to have an upper hand, but at the same time, my colleagues in Washington have the same concerns. The U.S. Travel Association has the same concerns over those border issues as we do. I think over time we're going to have to figure out how we get into bilateral discussions with Congress, and frankly successive administrations, to try to ameliorate the situation. Otherwise, we're putting a bottleneck on our own trade and commerce. Tourism is an export industry, and effectively by requiring documentation, by requiring difficult widening borders, you're effectively putting a trade restraint on yourself, as we are with our biggest trading country.

All the niceties of tourism aside, if we start to look at it in those terms, it's easier to get a box of cherries from California here than it is somebody from California, and that's a problem for the Canadian economy.

•(1240)

Ms. Lois Brown: So in your estimation, is this a first step toward correcting some of the problems that were created? And is this a move for future discussion in helping to mitigate some of the things we're facing right now?

Mr. David Goldstein: Any step, however small, that creates cooperation between the two jurisdictions to allow free passage of people, and not just goods, across the border and internationally is important to our sector economically, and probably to our safety as passengers.

The Chair: Thank you.

It's interesting that you make that comment, and yet there are jurisdictions in North America where they're talking about building walls around themselves, which is very unfortunate.

We're going to recess for two minutes.

I'll thank our guests for being here today. We appreciate your input, and hopefully you'll see some results from your input here today.

For the committee, I would like all the committee members to stay. We're going to have a brief 10- or 15-minute committee meeting to make some plans for the after-hour committee meetings that have been asked for by other members.

• _____ (Pause) _____

•

•(1245)

The Chair: Thank you, and welcome back, everyone.

In the last meeting we talked about hosting extra meetings in regard to some of the outstanding issues we have. I'm seeking some direction from the committee.

I would ask that all committee members review their schedules and submit to Bonnie what evenings they would be available over the next two weeks. Once we do that we'll try to build enough meetings so that when we have quorum, or enough people are committed, we will call the meeting and do the issues. We do need to know that by Thursday. If we're going to start booking witnesses, we need to be able to give them confirmed times.

The budget on Bill C-42 has been circulated to all members. Everybody has a copy of it. This is basically the cost of either bringing individuals in or setting up video conferences.

I would need a motion for that.

Mr. Dennis Bevington: I so move.

The Chair: The seconder is Mr. Mayes.

Thank you.

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

The Chair: Okay. That is taken care of.

I did want to ask the committee about Bill C-511, which is outstanding and sitting waiting to come to committee, just for advice.

Mr. Guimond.

[*Translation*]

Mr. Michel Guimond: Mr. Chairman, before we go on to the other bill, I would like to raise two points. With regard to the schedule for the study we're doing on noise, I was wondering whether colleagues would state when they are available. I'm not just talking about evenings. It could also be from 3:30 p.m., after question period. I repeat: I have no objection to it being in the evenings. However, if we were at times available from 3:30, that would be enough.

Furthermore, it may be too early to address this question, but I was wondering whether we could consider having the committee, in whole or in part, making a same-day round trip journey to Washington to meet some of our American counterparts and to ask them some questions. I see that two of the witnesses are from Washington. Are they agents of the Department of Homeland Security, the Department of Transport or other departments?

[English]

The Chair: The witnesses who have been invited are the Liberty Coalition and the U.S. administration. I think that's something the committee could discuss. We could also set up a video conference with them, if we are looking at the time push we're up against in December.

I think your suggestion of 3:30, if that...and the reason I made the request to find out what people's schedules are. So 3:30 would be another number we could look at.

Mr. McCallum.

Hon. John McCallum: I have two specific suggestions.

One is that I'm getting a bit concerned that we keep putting off appearances of municipal people on the subject of the deadline. I was going to suggest that we might have a special meeting on, for example, Wednesday, December 1, to deal with that. That's one proposal.

The second issue is that I think it might be a good idea to hear the minister on the subject of the estimates at some point.

The Chair: Thank you. That would have to take place by the 7th of December. We have to report them on the 7th, so it would have to take place either on a regular working day, the 2nd, or a meeting outside of that. Certainly in discussion with the committee we can make that decision.

I want to ask the committee about this. Obviously there's infrastructure, and we had infrastructure and signage. We have the situation of noise at airports. We have the Air Canada cargo issue that's been brought forward. What I need to know from the committee is what priority we would want to put on these. If we're trying to book these, who would we ask first?

Mr. Guimond.

• (1250)

[Translation]

Mr. Michel Guimond: Remember that, when we prepared the business agenda in the steering committee, we talked about keeping certain operations at Air Canada's maintenance centres, about compliance with the Air Canada Public Participation Act, about Aveos, and about keeping the maintenance centres in Mississauga, Montreal and Winnipeg. Time should be scheduled in order to start that study.

[English]

The Chair: I guess that would be on the list. I just need to know what would be the priority of the committee. Obviously, we're pushing up against a December 16 deadline.

Mr. Jean, then Mr. Dhaliwal.

Mr. Brian Jean: As I've said in the committee before, and Monsieur Guimond has agreed, my number one issue is that we continue on with committee business, legislation specifically, because we have three bills. Other than that, I'm prepared to sit whenever anybody wants. I think 3:30 p.m. is a great suggestion.

I am getting concerned about the infrastructure issue being a priority only because we have three pieces of legislation in front of us waiting to happen: Bill C-511, which is of course Mr. Volpe's PEDAL act, which the government has said it's open to look at; Bill C-42, which is before us now and for which we are under a time constraint; and Bill C-33, a railway review coming forward, which a lot of user groups I think are going to be rattling our doors very heavily on.

Originally, when we agreed to have the infrastructure motion and to have that study, it was suggested to have two meetings. Then I think it was a government amendment that said have up to four. We've had three or four already. If we're going to go into those meetings, I would prefer them not being a priority, and just doing them outside of regular meetings, certainly whenever you want to do so.

I think Mr. Guimond is correct in relation to the public participation act. I think we have to study that. That's an issue that's coming forward, and we might have to deal with it as a committee or as a government immediately, so it would be a good idea to get input on that.

As far as I'm concerned, as long as the regular committee meetings are the legislation and we continue with the legislation as we're doing, I'm open to whichever priorities the opposition parties want to study.

The Chair: I think, just for the record, Mr. McCallum suggested Wednesday, December 1, which is not a committee day.

Again, I need input from everyone to agree to that. If that's what we agree to, then we'll try right now to establish the witnesses for December 1.

Monsieur Guimond.

[Translation]

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

In the wake of what Mr. Jean just suggested, as parliamentary secretary, perhaps he could send a request to departmental officials. We could schedule a one-hour meeting or a briefing by Transport Canada officials to get their interpretation of the Air Canada Public Participation Act.

Air Canada clearly has an opinion that, in any case, in our view, is not consistent with the act. That's why I would like officials to come and tell us what they think about it. Then, if the officials prove us right, we'll ask the minister to make submissions to Air Canada.

This isn't a minor matter. We're talking about more than 4,500 jobs in the three provinces concerned, well paid direct employment. None of those people works for minimum wage. With the indirect jobs that generates, subcontractors and other workers, we're talking about 23,000 jobs in Canada.

That could be transferred to El Salvador and there are also equivalents in Costa Rica. Don't think I'm being racist toward Salvadoreans, but I believe the jobs we have in Quebec and Canada should stay here.

• (1255)

[English]

The Chair: Just before I recognize Mr. Bevington, can I ask that members advise Bonnie by late today or tomorrow noon for sure, and we would schedule December 1 at 3:30 or 5:30 p.m. or whatever time, if that works.

As I said before, if not all members can attend, and I regret that not all can, but if we have quorum, I think I would call the meeting so that we could start the process. Please keep that in mind.

Mr. Bevington.

Mr. Dennis Bevington: December 1 at 3:30 p.m. would work for me, but definitely not the evening. Thursdays are going to be tough for anyone to swallow here. Thursday evenings, I suppose, are out of consideration, but if they are...I think the Thursday evening is a good time. I'd recommend that it take place.

I agree with Monsieur Guimond; we talked about this and we wanted to bring in the airlines on this issue. I sense that we need to also look at how many witnesses we have with Bill C-42 and see whether we can achieve our ends there in a reasonable time.

I know that probably makes Mr. Jean happy, but I'm not averse to doing that on occasion.

The Chair: Just for the information of everybody who has provided names of people to be invited, we're down to five left that we haven't invited. We've basically advised the people we're contacting that we are on a timeframe, and if they can commit, please do so, and if they can't, they have the option of sending a written report to the committee.

Mr. Dennis Bevington: I would suggest as well, Mr. Chair, that you will need some time for amendments on this bill. You'll need at least one session for amendments. There will be a number of them, obviously, coming forth.

The Chair: Yes.

I would also ask the committee—it's been brought up by Monsieur Guimond—that if we do want to have the minister on estimates, it has to be done by December 2.

An hon. member: It has to be done by December 2?

The Chair: It has to be done by December 2 so that we can report it after the weekend.

One, we need agreement to do that; and two, we have to make sure that... The minister should come; obviously, for estimates, I think it's important that he be here.

Mr. Jean.

Mr. Brian Jean: I think now that we have flexibility as far as our times go, the minister could probably find an available time slot that's convenient for all of us. I think the 3:30 idea is great.

I do want to make sure in relation to this December 1 meeting—again, I'm not trying to avoid it, but I don't see what else we're going to get out of the infrastructure study. We've studied it for three or four meetings. I'm not saying that this is not the right thing to study. I understand why the opposition wants to study it, but things are not going to change between now and the end of December, or now and February, in relation to the government's position. The stories from the people who are coming forward with information aren't going to change.

My biggest issue is this. The opposition wanted two meetings, and we've had three or four already. I'm not trying to limit the number of meetings, but we have the Air Canada Public Participation Act, which is a big issue that Mr. Guimond wants to study, and quite frankly I think it would be good to study. We have the issue of airport noise that we want to study. We have a number of issues that have come forward. I just want to make sure that infrastructure is not the priority we're going to deal with on December 1, because I don't think we're going to learn anything more. If there's something that the witnesses are going to come forward with that's going to be fantastic and new, that's great, but they're going to come forward with exactly the same things we've had up till now, and we've already studied those for four meetings.

I would like to do noise and deal with it because it's been brought forward. I'd also like to deal with the Air Canada Public Participation Act before we deal with the issue of infrastructure. So if you want to schedule three or four meetings per week, I'm okay with that, and then we can get the infrastructure.

My point is that we have noise, we have ACPA, and we have some other issues that need to be dealt with at the outside meetings. Let's deal with those issues.

• (1300)

The Chair: Mr. McCallum.

Hon. John McCallum: I don't think we've had four meetings, and we have had no meetings to which we have called municipal officials who are impacted by this deadline, and that is what we want to do. I think all the opposition parties are in agreement with that. I've asked for only one meeting: the one on December 1. We want individual mayors.

The Chair: Mr. Jean.

Mr. Brian Jean: I don't think that's what the motion said, in the first place, but we had three or four meetings—four, according to what the chair has said. We've had four meetings in the space of—I think we've had a total of nine meetings so far. We've spent 50% of the committee's time on an issue that's not going to change. We've not heard from municipalities, but how many municipalities do we have across the country?

Hon. John McCallum: We disagree on this. If we don't have a consensus, maybe it's better if I bring a motion.

Mr. Brian Jean: Mr. Chair, I thought I had the floor. I have to be clear—we've had municipal organizations that represent every community from Quebec, I think from Ontario, and from Manitoba. We've heard different views. I don't see what new information's going to come forward. I just don't know what other information can come forward. If individual municipalities have issues they want to bring forward, why don't they bring them forward in writing? They have the option to do that. Then maybe we could see whether there is new information.

But we have noise as an issue. We have ACPPA as an issue with 4,500 employees and 20,000 indirect jobs. I think those are issues that we can deal with today, whereas the issue of the infrastructure deadline is not going to change between now and March.

Hon. John McCallum: It's clear that the Conservatives aren't happy to hear mayors coming in saying what a devastating impact this deadline will have on their cities. So I'm not surprised. I think we will learn a lot in this one meeting. But if there isn't consensus, Mr. Chair, maybe I'll bring a motion, and we'll see what the will of the committee is.

The Chair: I think that would probably be the best approach. If I remember correctly, in the original motion that was put forward, we were requesting that provincial and municipal organizations represent themselves, simply because we didn't.... At that time there were ongoing elections in certain provinces. I think a motion probably would be the best approach.

Mr. Jean.

Mr. Brian Jean: I just want to let Mr. McCallum know that I am not objecting at all to the meeting. I'm just suggesting that he's asking for a meeting on December 1, which is only a week away, and we have other issues that are really pressing. If we want to have three meetings in one week, we could probably cover the noise issue in one, ACPPA in one, and then infrastructure in one, or even do it over a two-week period.

I'm just suggesting that since we were asked to pick our priorities and we've already had four meetings on infrastructure, let's deal with the issue of noise and the issue of ACPPA, and then deal with the issue of infrastructure. That's what my suggestion is. I'm not saying we shouldn't—

The Chair: I think, before we go around this circle too many times....

Mr. Dhaliwal has a comment, and then I'll make a suggestion as to where we should go.

Mr. Sukh Dhaliwal: Thank you, Mr. Chair, for giving me an opportunity.

The way I see it, and as Mr. Jean said, noise is an issue in my part of the world, but it's been there for many, many years and months. Certainly, I have talked to the people in the Vancouver area and they're willing to come in the new year to make presentations.

Right now, if we look at the March 31 deadline, it's approaching and there are many municipalities that might be scrambling. So I think it's a good idea to accommodate one meeting on that now, as Mr. McCallum said—because we can't make hypothetical or imaginary decisions or deliberations here, Mr. Jean. As you said, it's not going to make a difference. The only way it can make a difference is by listening to people, by having input from the people.

Mr. Chair, I would suggest that we accommodate Mr. McCallum's request, because he has always been a very reasonable man and I think it's a very reasonable request.

The Chair: Mr. Watson.

Mr. Jeff Watson (Essex, CPC): Thank you, Mr. Chair.

We've now passed the time in which we originally we thought we would have a meeting. We're losing members currently and now we're going to potentially get into a motion to debate one particular item of future business.

I'm not sure that's going to be practical, so I'm going to move that we adjourn.

●(1305)

The Chair: You can do that.

I think what I'm going to ask the committee to do is to submit the times they are available and their priorities as to what they want discussed, and then we'll make that decision and start booking

Okay?

Some hon. members: Agreed.

The Chair: All right. Thank you.

The meeting is adjourned.

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