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Chair

Mr. Merv Tweed

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•(1105)

[English]

The Chair (Mr. Merv Tweed (Brandon—Souris, CPC)): Thank you, and good morning, everyone.

Welcome to the Standing Committee on Transport, Infrastructure and Communities. This is meeting number 41, pursuant to the order of reference of Tuesday, October 26, 2010, on Bill C-42, an act to amend the Aeronautics Act.

I want to bring to the committee's attention that I've circulated a budget for the extra meetings that we're having. It's to provide for witnesses to get here to present. I need someone to move the budget, if they would, so that we can move on to the rest of the—

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): So moved.

The Chair: Thank you. Mr. Dhaliwal has moved it.

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

The Chair: Now back to the order of business.

Joining us today from the Department of Public Safety and Emergency Preparedness are Kristina Namiesniowski, Caroline Fobes, and Chris Gregory; and from the Department of Transport, Isabelle Desmartis. Welcome.

When we left the last meeting we were discussing amendment BQ-2, moved by Monsieur Guimond. There was some debate taking place, and I'm going to open the floor to further debate or call the question.

Are we ready? Okay.

(Amendment negatived)

The Chair: We will now move to amendment BQ-3.

Monsieur Guimond.

[Translation]

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

The intent of this amendment is to recognize in the act the principle of reciprocity between states. That is, Canada must be able to require the same things from states whose aircraft use our airspace as the Americans require. In broad terms, that is the intent of the amendment.

The Chair: Thank you, Mr. Guimond.

[English]

I'm advised by counsel that the amendment is inadmissible. It goes beyond the scope of the bill and introduces a new concept that was not present at second reading.

We will now move to amendment LIB-1.

Mr. McCallum.

Hon. John McCallum (Markham—Unionville, Lib.): Actually, it's Mr. Dhaliwal's.

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): No, I already moved it.

The Chair: Yes, but would you like to explain it?

Mr. Sukh Dhaliwal: During the testimony, Mr. Chair, we learned that the law requiring that passengers on overflights be notified that the information will be transmitted to the U.S. government is under the American law. I would like to see that in the regulations. It should be enshrined in Canadian law so that if this thing is stopped or repelled by the U.S., we should be able to notify the Canadian passengers.

•(1110)

The Chair: Is there any comment?

Mr. Jean.

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Yes, Mr. Chair.

I have had an opportunity to review Mr. Dhaliwal's proposed amendments. As well, after hearing the witnesses and speaking to Mr. Bevington and listening to Mr. Guimond in relation to this particular section, what I would like to do is propose an alternative to Mr. Dhaliwal's motion. I will read that into the record.

The operator of an aircraft that is due to fly over, but not land in, the United States must notify all persons who are on board or expected to be on board the aircraft that information relating to them may be provided to a competent authority in the United States in accordance with subsection (1).

You'll note, Mr. Chair, that motion NDP-1 was ruled out of order by you, with a reference to the United States. But after listening to witnesses and the concerns of the NDP and the Bloc, the government is prepared to move this amendment to replace amendment LIB-1, if it's satisfactory to the Liberals to do so. I think it is, bluntly, consistent with what the Bloc has been pushing forward, and also with the NDP's line of questioning of the witnesses.

I understand what you may do in relation to this, Mr. Chair, but I am proposing that. Depending on what your ruling is in relation to this, we'll deal with it accordingly.

The Chair: I would ask you to read it into the record one more time, slowly.

You are suggesting that this would be—

Mr. Brian Jean: A replacement.

The Chair: —a replacement. So we're talking about removing LIB-1 and replacing it with this.

Mr. Brian Jean: So, again:

The operator of an aircraft that is due to fly over, but not land in, the United States must notify all persons who are on board or expected to be on board the aircraft that information relating to them may be provided to a competent authority in the United States in accordance with subsection (1).

That is what I think I've been listening to from the Bloc and the NDP, exactly along those lines. I understand that... Well, I don't understand, Mr. Chair. Are you going to make a ruling in respect of this?

The Chair: The amendment proposed by the Liberals is in order, but obviously if they're agreeable to withdraw their amendment and substitute it with this, then we can move forward.

Mr. Sukh Dhaliwal: I do.

The Chair: I see agreement.

Mr. Bevington.

Mr. Dennis Bevington (Western Arctic, NDP): I'd simply say that if the parliamentary secretary takes a look at NDP-2, the notification for the United States is in that under (1.1), so we have that in the NDP motion and it's clear there. This doesn't actually go toward the motion that we had overturned. That motion was to limit this bill simply to sharing information with the United States. Now, if the parliamentary secretary can explain how his amendment limits this bill to sharing information with the United States, I'll be happy to hear that.

Mr. Brian Jean: My understanding of the amendment itself, and possibly the officials will have an opportunity to look at it, is that because the United States is specifically named, it would limit it to the United States. It would give no authority to allow it to share it with any other country, because it's only allowing it to share with the United States.

I'd be happy to provide that to you. I've got a copy of it in French as well, if it would please the Bloc to have that.

Mr. Dennis Bevington: Perhaps we could get a ruling from the counsel.

• (1115)

The Chair: It's the opinion of the chair that the proposed amendment by the government is in order, and we can open the floor to debate or we can call the question.

Mr. Bevington.

Mr. Dennis Bevington: I'd certainly like to get clarification on whether this amendment will limit this bill to simply sharing of information with the United States. Does that mean that by inserting this clause, it limits the sharing of information with other foreign states?

The Chair: Mr. Jean.

Mr. Brian Jean: My understanding—and I'm not an expert on this—is that we have no other authority, except for this bill, to share information with any other country. I don't know if the officials... Ms. Fobes?

Ms. Caroline Fobes (Deputy Executive Director and Senior Counsel, Department of Public Safety and Emergency Preparedness): Currently the regulation is the only competent authority that is noted as one in the United States, so what that motion does is to just require airlines to provide notice to passengers as a precondition to them sharing the information.

Mr. Brian Jean: For overflights to the U.S.?

Ms. Caroline Fobes: For overflights to the U.S., exactly.

Mr. Dennis Bevington: Does that mean that if the airline company is sharing information with another foreign state, they won't have to tell the passengers that they're sharing the information with Mexico or Colombia or Venezuela?

Ms. Caroline Fobes: This only applies to overflights over the U.S., so you're correct.

Mr. Dennis Bevington: I'm correct that this doesn't limit the airlines in providing information to other countries?

The Chair: Mr. Jean.

Mr. Brian Jean: I was just going to say, if Mr. Bevington can be patient in relation to his proposal, it does, in this particular case, only deal with notification to the United States, but if you can foretell the future, you'll see that there is another proposal coming forward to limit it. But this would be consistent with the notification and the limiting in relation to it.

You'll find the olive branch all the way through, Mr. Bevington, to make sure that we can get this bill through.

Mr. Dennis Bevington: Okay. Fine.

(Amendment agreed to)

The Chair: We now move to the NDP amendment number 2.

Mr. Bevington.

Mr. Dennis Bevington: This amendment certainly fits with the previous amendment but gives more of the particular information that has to be provided by the airline company. It's very clear that this is the information that is provided and how it can be used. Those are the circumstances of this particular amendment.

The Chair: On the advice to the chair, I would have to rule that NDP-2 is inadmissible. The introduction of the requirement for operators of aircraft to provide references to the possible internal administrative procedures of a foreign state is a new concept that is beyond the scope.

Okay. We will now move to Liberal amendment number 2.

Mr. McCallum.

• (1120)

Hon. John McCallum: Thank you, Mr. Chair.

I think it's fairly self-evident. I think the Privacy Commissioner could involve herself in any event, but this makes it explicit that we want the Privacy Commissioner to monitor the operation of this bill in terms of the privacy issues and to report to Parliament. That is the proposal.

The Chair: The amendment is in order.

Mr. Jean.

Mr. Brian Jean: I'm just wondering, Mr. Gregory, I have seen you testify in the past and I don't know if this is your expertise or not, but does the Privacy Commissioner need this reference in the bill? My understanding is the authority is already there to be able to do exactly what this amendment would propose.

Mr. Chris Gregory (Director, North America, Department of Public Safety and Emergency Preparedness): Yes, Mr. Chair, I would agree with that. She already has—

Mr. Brian Jean: So she already has the authority, so this would be redundant, in fact not necessary, in my opinion.

The Chair: Is there further comment?

Hon. John McCallum: I apologize, I missed what you said. Would you mind repeating it?

Mr. Chris Gregory: Mr. Chair, I agreed with Mr. Jean's assessment that the Privacy Commissioner already has similar powers to do what this amendment is speaking to.

Mr. Brian Jean: So it's redundant.

Hon. John McCallum: All right, we'll withdraw it.

The Chair: Thank you.

Liberal amendment number 2 is withdrawn, which moves us to Bloc amendment number 4.

I will advise the committee that Bloc amendment number 4 is very similar to Liberal amendment number 4. I would suggest we consider them together to make sure we get the best outcome, if that's agreed to by the committee.

Monsieur Guimond, please present.

[*Translation*]

Mr. Michel Guimond: We share the legal interpretation that has been provided. We certainly saw that it is similar to amendment L-4. The amendment means that, within three years after the act comes into force, there is to be a comprehensive review so that we can see the use that has been made of personal information submitted to American authorities and the degree to which the rights of the persons affected have been respected. This is just about conducting an evaluation after three years.

The Chair: Thank you.

[*English*]

Mr. McCallum, do you want to comment on Liberal amendment number 4? I believe there's a strong similarity.

Hon. John McCallum: I agree that the Bloc's three years is probably more reasonable than our two years. I think the only other difference is that we also call for a regular review every five years thereafter.

If the Bloc wants to add the point that we have the review every five years thereafter, in addition to within three years after the act comes into force, or else if the Bloc would like to accept our version, but with the amendment saying "within three years", not "within two years", either way I think it comes to the same thing.

The Chair: Mr. Jean.

Mr. Brian Jean: I'm looking at Liberal 4, which is similar with regard to the review, and the difficulty I have with this is with regulations. They already have to be gazetted; they already have to be published. This proposal would take the executive authority away from the—

The Chair: Liberal amendment 4 and BQ-4?

Mr. Brian Jean: I thought we were on Liberal amendment 3.

The Chair: No.

Mr. Brian Jean: Okay, sorry. I apologize. That's why I was confused.

Excellent. That's good, because that was exactly my point. Great.

• (1125)

The Chair: Monsieur Guimond, would you accept the Liberal amendment with the insertion of your clause at the beginning of it?

[*Translation*]

Mr. Michel Guimond: Yes, Mr. Chair.

[*English*]

The Chair: So we understand that Liberal amendment 4 would be presented with the first portion, the (1.1) BQ amendment substituted for number 3 in the Liberal amendment. Do we understand that?

Is it the second one?

[*Translation*]

Mr. Michel Guimond: That is correct.

[*English*]

The Chair: Mr. Dhaliwal.

Mr. Sukh Dhaliwal: We insert the other one in ours, so that will be the way to go.

The Chair: We're just trying to get that in the order.

Mr. Sukh Dhaliwal: Okay, so why don't we do that?

The Chair: BQ-4 will be withdrawn. We will go to LIB-4 and we're going to insert clause 1.1, the whole clause, and remove clause 3 on the Liberal amendment. So where the Liberal amendment says "Within two years after this Act comes into force and every five years thereafter" it will read "Within three years of this subsection coming into force, a comprehensive review of its operation shall be undertaken by such committee..."

Do we want to insert the five-year timeframe, Mr. McCallum?

Hon. John McCallum: Yes.

Mr. Sukh Dhaliwal: Five years, yes.

The Chair: Monsieur Guimond, you're okay with that?

[*Translation*]

Mr. Michel Guimond: Yes.

[English]

The Chair: Okay.

Hon. John McCallum: Mr. Chair, wouldn't it be simpler if we just kept ours as is and say "Within three years" instead of "Within two years"?

The Chair: Yes, we could do that.

Hon. John McCallum: Mr. Chair, the Conservatives just made a suggestion that I think is reasonable. Keep it at two years, but say it would be under a comprehensive review that's commenced. So within two years we would commence the review.

The Chair: So it would read: "Within two years after this Act comes into force"—

Hon. John McCallum:—"and every five years thereafter,"—

The Chair:—"and every five years thereafter, the committee of the House of Commons responsible shall"—

Hon. John McCallum:—"commence"—

The Chair:—"commence a comprehensive review of the provisions and operations of this Act".

Hon. John McCallum: Yes.

The Chair: Monsieur Guimond, or Mr. Jean?

Mr. Sukh Dhaliwal: Yes, that's fine. It's good to go.

Mr. Brian Jean: I think that's better. It doesn't tie the hands of the transport committee.

Mr. Sukh Dhaliwal: It's better to go now—

Mr. Brian Jean: You're so agreeable today.

Mr. Sukh Dhaliwal: I told you, I'm in a good mood today.

The Chair: So is everybody in agreement with L-4 and the amendment to 3(a)?

Please comment.

Ms. Caroline Fobes: I just have a couple of technical comments, because we have to fit it within the current section.

Right now it reads "after this Act comes into force". We should say "after this subsection", because we're actually amending just one section of the act. The act is already in force, of course.

Mr. Sukh Dhaliwal: Is that good now, Mr. Jean?

Mr. Brian Jean: It's good, eh?

Great, thanks.

The Chair: That is okay?

Ms. Caroline Fobes: So it would read "subsection", instead of "act".

Also, could we have it as a subsection, as opposed to a new section? It's all part of the same section, the one section. So we don't want a new section in the act; we want it only to relate to the section we've been amending. So we should have it as a subsection.

• (1130)

The Chair: I have Mr. Bevington.

Mr. Dennis Bevington: Mr. Chair, I don't find giving an open-ended review process satisfactory at all. So I won't be voting for this

motion, and I'll certainly be making sure that is part of our further work on this bill.

The Chair: Okay.

With Mr. McCallum's amendment, we're going to keep it in clause 2, and it will state in paragraph 4.83(4)(a), "commence", and we'll remove "carry out".

Mr. Brian Jean: And it will be subsection 4.83(4).

The Chair: Yes.

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

The Chair: We will now move to amendment L-3, page 11.

Mr. McCallum.

Hon. John McCallum: Thank you, Mr. Chair.

The intent of this amendment is to make sure that third countries are not added to the list—countries other than the U.S.—by regulation, and that if any country is to be added, that has to come back to Parliament for debate and approval.

The Chair: Comment?

Mr. Jean.

Mr. Brian Jean: Yes, Mr. Chair.

This is the clause I was speaking to Mr. Bevington about. What I would propose—and I'm trying to get my thoughts in order here in relation to this—as an additional reach-out for Mr. Bevington on this particular one is that.... And I could give this to the clerk if it would be easier. Or would you prefer I read it out, Mr. Chair?

The Chair: I think you should read it out.

Mr. Brian Jean: Thanks, Mr. Chair.

It reads that Bill C-42 be amended in clause 2 by replacing lines 15 and 16 on page 1 with the following.... So it's lines 15 and 16, if everybody can direct their attention there.

The Chair: Does everybody have a copy of the bill?

Okay, Mr. Jean.

Mr. Brian Jean: The motion is to replace lines 15 and 16 on page 1 with the following:

to land in a foreign state or fly over the United States and land outside Canada or of a Canadian

And then carry on.

The Chair: So you're substituting "due to land in the United States".... Is that what you're saying?

Mr. Brian Jean: Yes.

The Chair: And/or fly over? Is that what you're saying?

Mr. Brian Jean: ..."to land in a foreign state or fly over the United States". It's to include the fly-over, which was one of the NDP issues.

The Chair: Mr. McCallum.

Mr. Brian Jean: Sorry. And to continue on, my second amendment would be replacing lines 18 and 19, so leaving line 17 there, and substituting instead:

Canada that is due to land in a foreign state or fly over the United States may, in accordance with the

And then carry on with the subsection. So it would be to reflect the United States and the fly-over provisions.

Are you happy, Mr. Bevington?

Mr. Dennis Bevington: On that particular aspect, yes.

The Chair: Those subamendments would be inadmissible. We would need the agreement of the entire committee to—

• (1135)

Mr. Brian Jean: Or just to challenge....

The Chair: Or challenge it, yes.

Mr. Brian Jean: I would so challenge, Mr. Chair, unfortunately.

The Chair: The challenge that we have here is that in the LIB-3 amendment, they are actually adding lines, and therefore your subamendment is correcting lines within the bill itself.

Mr. Brian Jean: Absolutely.

The Chair: But that's what makes it inadmissible, and we would have to deal with the LIB-3 amendment first and then go back to the subamendment. It would be a new amendment at that point.

Mr. McCallum.

Hon. John McCallum: I think the amendment proposed by the government achieves directly what we were seeking to achieve indirectly. If the legislation is limited to the United States, we do not need our own amendment, because that means that no other country could be included without amendment to the legislation. So that would mean that we would withdraw our amendment and go instead with Mr. Jean's amendment.

The Chair: I need to make sure everybody is in agreement with that.

Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: Yes, okay.

[*English*]

The Chair: So what we would have to do is have the LIB-3 amendment withdrawn, which Mr. McCallum has agreed to, but we still need someone to move the amendments that Mr. Jean has proposed.

Mr. Sukh Dhaliwal: I will move the amendment.

The Chair: Mr. Dhaliwal will move the amendment, as read by Mr. Jean. It still makes it inadmissible.

Mr. Sukh Dhaliwal: I'll blame you now.

The Chair: Yes, unfortunately.

Mr. Sukh Dhaliwal: I'm very sorry, Chair. You always make good decisions.

Mr. Brian Jean: He's in a good mood.

Mr. Sukh Dhaliwal: So I would have to challenge you, Mr. Chair.

The Chair: One stab at a time.

Anyway, the chair's ruling has been challenged. We'll need a count to see if....

Shall the chair's ruling be sustained? I suspect I'm going to hear a lot of nays.

(Chair's ruling overturned: nays 9; yeas 2)

The Chair: The ruling of the chair has been overruled. I would ask the question on the amendment proposed by Mr. Dhaliwal.

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

The Chair: We'll now move to amendment NDP-3. Mr. Bevington.

Mr. Dennis Bevington: Mr. Chair, the witnesses showed that within our air service, as it stands, information carried on passengers on our flights is under American jurisdiction, in that the servers are located in the United States. Under the particular acts within the United States, they can have full access to that information. This is an amendment that would seek to change the nature of the information.

• (1140)

The Chair: Thank you, Mr. Bevington.

Regrettably, the advice I've been given is that the introduction of the requirement for operators of aircraft to locate all their computer servers that are used to make reservations in Canada is a new concept and therefore beyond the scope of the bill.

We're now going to move to amendment NDP-4. Mr. Bevington.

Mr. Dennis Bevington: Mr. Chair, once again this is an amendment that will assist travellers in any wrongful designation of their status by the foreign country, in that it will emphasize the responsibility of the minister to deal with this.

I note the ambassador's letter that was given to us by you clearly states that within the United States there is a process for appeal. I think this particular amendment, giving responsibility to our government to provide a similar level of protection to Canadian citizens under our laws, is justifiable and will make this law better.

I know you're going to make a ruling here, so I'll leave it at that.

The Chair: Thank you, Mr. Bevington.

Again, on the advice to the chair, the introduction of the requirement for the minister to bring in regulations of this manner is a new concept and therefore beyond the scope of Bill C-42.

Mr. Bevington, amendment NDP-5.

Mr. Dennis Bevington: Well, I'll wait for your ruling.

The Chair: You actually have to introduce it before I can rule.

Mr. Dennis Bevington: I'll introduce it, then.

The Chair: Okay, thank you.

Regrettably, again, on the advice that I've been given, the introduction of this requirement for the minister to make representation to the Government of the United States on behalf of a citizen with regard to the U.S.-administered no-fly list is a new concept, and therefore beyond the scope of the bill.

We're going to move on.

(Clause 2 as amended agreed to)

The Chair: We dealt with amendment LIB-4 in the previous clause, so we're going to NDP-6, a proposed new clause 3.

Mr. Bevington.

Mr. Dennis Bevington: Yes, Mr. Chair. This is an amendment that would draw this act to an end three years after the day on which it receives royal assent. As we've heard much testimony about the nature of this information, we've seen that we're really being pressured into doing something that the Canadian government and the minister said was not appropriate. The minister in his testimony in front of us said that they were working to get a complete exemption for all of these overflights. That was the information I received from the minister.

What we have is a situation where we're passing a law under duress, under the threat of a major disruption to our air traffic service. As such, Mr. Chair, I'm proposing that this act cease to have effect. This will mean that in the intervening time, the government will have an opportunity to make its case better to the Government of the United States and to solve this particular problem.

•(1145)

The Chair: It is the opinion of the chair that the motion is in order, and we'll open the floor to debate.

Mr. Jean.

Mr. Brian Jean: I understand Mr. Bevington's position on this, and that's why, with great reluctance, the government came forward with proposed amendments to Liberal motions to have a mandatory review by the committee within three years, and a mandatory review in five years, so the committee could deal with it—and was, in essence, forced to deal with it—so they could deal with exactly why Mr. Bevington wants a sunset clause.

I have to respond to the issue of duress. I don't at all think we're under any kind of duress. I think, in fact, it's the exact opposite. We're receiving the privilege to fly over somebody else's airspace. If China were below our border, we wouldn't be having this discussion, because they'd just shoot anything out of the air that flies over them. We would not be talking about the exemption; we would not have to be looking at this law.

I think the exact opposite. The government has tried to reach out to Mr. Bevington and the NDP, as well as the Bloc and the Liberals, with this particular amendment to have a review. I think that's more than adequate. Certainly I don't believe it's a right to fly over the U. S., or any sovereign state's airspace. I think it's a privilege, just like it's a privilege for other countries to fly over ours. So the government would not support the sunset clause.

The Chair: Is there further comment?

Mr. Bevington.

Mr. Dennis Bevington: It will give me an opportunity to ask the witnesses. I understand that some of the witnesses were privy to the negotiations that took place. Was the original position of the government that they were looking for complete exemption from these regulations?

Ms. Kristina Namiesniowski (Assistant Deputy Minister, Strategic Policy Branch, Department of Public Safety and Emergency Preparedness): The government had discussions with

the United States, Mr. Chair, and at the outset we looked to see what was possible and whether or not Canada could achieve a full exemption. We were not successful.

Mr. Dennis Bevington: I think that makes my main point in this discussion that we were trying to avoid this particular thing. Because of the information that has been given to us by the Privacy Commissioner and many of the others, this is a very serious issue vis-à-vis privacy and the rights of individuals.

We have a situation where we're passing a bill here today in order to meet up with the U.S. standards that they're now applying to a system of overflights that's been in place for probably 70 years, where this information was previously not required.

Most laws in the British system are based on common law. If you look at the provision, say, of entering into someone's property, then that right is developed over time. Now, this is of course different between sovereign nations, but certainly we could look at this particular act of the United States as an additional burden they're asking us to take on in a long-term relationship.

Without the understanding of the nature of the threat assessment that's being applied to this.... Quite obviously, our government didn't think there was a great threat assessment present with the overflights over the United States. If our government had considered that these overflights presented a hazard to another country, I'm sure it would not have gone there looking for a complete exemption. It would have gone there open-hearted, giving the information to the United States, if it felt that there were reasonable grounds for doing this. So there aren't reasonable grounds in the eyes of the Canadian government.

We have a situation where we're being asked to make an unreasonable change in the nature of our relationship with the United States based on decisions that are not coming from the legislators of the United States. It's quite clear within the legislation that was developed in the United States that there are grounds for a complete exemption for overflights. That's built into their legislation, so the legislators in their wisdom in the United States said "Yes, we should have the ability to give another country a complete exemption from overflight requirements".

That's clear. The United States, at the level we deal with as legislators, made that decision. What has happened since is that at a bureaucratic level there have been some decisions made that this overflight information is required, and that our security service and security system is not adequate.

What I wanted to accomplish with this sunset clause is to put the onus back on the government to deal with this at the highest level, to deal with this with the understanding that our legislators and the legislators in the United States both see that this information requirement is excessive, and that it can be eliminated. Without this clause, we will see that this legislation will remain in place for a very long period of time and be an unnecessary burden on Canadian travellers.

We have a situation with a review, which is fine and good, but now we have an open-ended review, so we have the government and this committee commencing a review. That's what it says. You can commence a review and you can go on for many years before you actually complete a review. I was willing to go along with that amendment when it had a fixed time, when that review had to come in front of Parliament. I don't see that now. I see a wide-open review process with no obligation for completion. There's no obligation now in the legislation that says that review has to be completed.

• (1150)

“Commence”—what kind of word is “commence” within legislation? How does that put any onus on anyone to complete something? “Commence a review”—that's about the worst word I can imagine to put in that situation. It really doesn't do anything. It requires there to be complete goodwill on the part of whoever is holding the majority in this committee at the time of the commencement of the review in order for that review to be completed. What you've done then is to basically make this subject to the whim of the committee. You've made the legislation subject to the whim of the committee. You've taken it away from being a very clear obligation on the part of this committee, which has made this decision to go ahead with a particular law that we've heard quite clearly can infringe upon Canadians' privacy rights. You've made a decision to go ahead with that, and now you've kept the decision for completion of a review in the hands of the majority of the committee.

Mr. Chair, we don't know what the composition of this committee will be like in three years. There will be another election within three years. There may be a majority of any shape or description on this. That's unlikely to be determined until the election. With this kind of legislation, I think we can safely say....

I'm speaking to the legislation, but there's a point of order.

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

Mr. Jeff Watson (Essex, CPC): Mr. Chair, debate on amendment LIB-4 has already ceased. We're on amendment NDP-6, if I'm correct on that.

The Chair: Yes, we are.

Mr. Dennis Bevington: Mr. Chair, I would like to comment on that point of order.

The Chair: On the same point of order.... It's not a point of order, but if you want to raise a new one....

Mr. Dennis Bevington: I would just say that the purpose of this amendment is to take away the amendment number 4 and provide more certainty as to what's going to happen with this particular law.

In reference to this particular amendment, I must speak to amendment LIB-4 as well.

• (1155)

The Chair: Seeing no other representations, I will ask, shall amendment NDP-6 carry?

(Amendment negated)

The Chair: Regrettably, amendment LIB-4 was moved into clause 2 and accepted by the committee, so I will now ask, shall the short title carry?

Some hon. members: Agreed.

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall I report the bill as amended to the House?

Some hon. members: Agreed.

The Chair: I shall report the bill as amended to the House.

Shall the committee order a reprint of the bill?

Some hon. members: Agreed.

The Chair: Mr. McCallum.

Hon. John McCallum: I'm not sure if this is a point of order. I'd like, if I could, to present my motion regarding John Baird's expenses. The government gave us some information, but it was extremely aggregate in nature and didn't really go to what was asked for in that motion.

The Chair: Mr. Jean.

Mr. Brian Jean: Mr. McCallum has the ability to do so, but if he wants to make a request by way of motion or otherwise, the government's not going to stand in his way to get that information—so whatever he would like additional information on.

The nature of his original motion was quite onerous. I think it said to provide every piece of paper, every bill, every....

Would it be possible at this stage to just ask for a detailing of specifics in there, or would you like to have every piece of paper and every—

Hon. John McCallum: I think I'd like to vote on the motion.

Mr. Brian Jean: Okay.

The Chair: We have the motion by Mr. McCallum from the previous meeting.

I have Mr. Watson on a point of order.

Mr. Jeff Watson: Are the witnesses dismissed now that we're on committee business?

The Chair: I was just going to get to that as I was seeking the motion by Mr. McCallum.

I'll thank our guests for being here today. I appreciate your time, as always. Have a good holiday season.

Ms. Caroline Fobes: Thank you.

[Translation]

Ms. Kristina Namiesniowski: Thank you

[English]

The Chair: For the information of the committee, Mr. McCallum's motion is that the committee request the Department of Transport to provide the committee with all documentation, both paper and electronic, related to the \$32,885 that the Minister of Transport, Infrastructure and Communities' office spent on professional and special services in the fiscal year of 2009-2010, and that this information be provided to the committee in both official languages within five business days.

Mr. Jean.

Mr. Brian Jean: Frankly, the position of the government on this is to abstain.

[Translation]

Mr. Roger Gaudet (Montcalm, BQ): Could we have a copy of the motion, please?

[English]

The Chair: It's been on notice of motion for the last.... This is the second one.

Mr. Jeff Watson: That was for the benefit of Mr. Bellavance, who wasn't at committee.

Mr. Brian Jean: The government's position on accountability and full disclosure is fairly evident from our legislation. I'm wondering if Mr. McCallum could extend it to thirty days instead of five, or thereabouts, just to make it a reasonable timeframe. I think five days is a little bit unreasonable.

• (1200)

Mr. Sukh Dhaliwal: Maybe ten or fifteen days....

Hon. John McCallum: We'd go for ten.

Mr. Brian Jean: Would you consider fifteen, Mr. McCallum?

The Chair: Mr. Jean is suggesting fifteen days, Mr. McCallum.

Hon. John McCallum: Well, ten days would put us into the break, so I guess the issue is whether the clerk can receive the information and distribute it to us during the break.

The Chair: I'm advised that if the information is forwarded to the clerk it will be distributed to the members as soon as we get it.

Mr. Sukh Dhaliwal: We're happy with fifteen. Give them fifteen. That's fine. We want to enjoy the Christmas....

Hon. John McCallum: All right, fifteen.

Mr. Brian Jean: I can see there's leverage on that side.

The Chair: Okay, so with agreement we'll change the last line from five days to fifteen days.

Is everybody in agreement with that?

Mr. McCallum.

Hon. John McCallum: It should be fifteen calendar days, not working days.

The Chair: Is everybody okay with that?

Do you have a question, Mr. Bevington?

Mr. Dennis Bevington: I'm kind of perplexed by having the information come out in fifteen calendar days. That's in the middle of

Christmas. Shouldn't it be by the next committee meeting after Christmas?

The Chair: Mr. Jean.

Mr. Brian Jean: That's really the issue. I just want to make sure.... On the accountability and the disclosure, I think there's no question it should be done, if Mr. McCallum wants. The question is, really, that we're going to demand this of the bureaucracy, to provide this. I'm sure there are going to be five people working around the clock trying to find this stuff in the first place, but I don't know exactly how they work it. But we're not going to be looking at it until February. You can't even ask questions on it in the House until February. So the relevance of getting it in fifteen days is to send it to newspapers during Christmas. They're going to publish this instead of Santa Claus on December 25, I'm sure.

I just don't see the relevance of providing it by that timeframe and putting that onerous obligation on the department. We're not going to vote against it; we're going to abstain. So it's whatever the opposition thinks is reasonable for people who work for us.

The Chair: Mr. McCallum.

Hon. John McCallum: Look, I've said fifteen days in order to try to be reasonable. I don't think it's a massive amount of work. If they don't want to work through Christmas, then do it in eight days. I don't think it is unreasonable. We think it is relevant. Therefore I'm not going to compromise further, beyond fifteen calendar days.

The Chair: The motion is on the floor that we—

Mr. Dennis Bevington: We're not voting on the amendment, then, Mr. Chair?

The Chair: Yes, I guess we will. We'll vote on the amendment to extend it from five to fifteen calendar days.

(Amendment agreed to)

The Chair: Now I'll move to the motion as amended.

(Motion as amended agreed to)

The Chair: Mr. Jean.

Mr. Brian Jean: There's one further item of business, and I did want to talk to the committee about this. We finished up Bill C-42 a little bit early. What I'm proposing is that we consider moving immediately to Bill S-5, which has now been referred to our committee.

It's a very small bill. I know some of you are aware of it already. It's a bill, just one amendment, that will allow Transport Canada and Environment Canada to become compliant with NAFTA, which as of January 2009 required that Canada allow importation of Mexican vehicles that are ten years old or older. Right now it can't be done, believe it or not, so Canadians who go down to Mexico can't import them. What we're asking is to bring it to the committee. It should take no more than half an hour to an hour.

What I'm proposing is that we could bring it up on Thursday, tentatively based on whether or not you agree to it after you get your briefing. I would provide briefings in relation to it or ask the department to provide briefings to all the people interested. Once you get the deck on it you're going to see it's very small and very quick.

We could have this done and referred to the House before the break. What I'm proposing is that we keep Thursday open for this bill, and then we could have another bill to the House before Christmas. All of you would receive a briefing between now and then. I would get a deck to you, first of all, and you'll see it's quite small. Then if you want a briefing by the department, I would get that arranged before Thursday.

• (1205)

The Chair: Mr. Dhaliwal.

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

Again, sometimes it bothers me, the incompetence of the government, and then they try to push things through so fast. This bill was due in 2009. In fact, we should have met our international obligation on NAFTA two years ago, in 2009. We're heading into 2011. It's quite important that we should meet that international obligation as soon as possible, and make sure that when we import those used cars from Mexico, they're safe for our drivers on the road and are environmentally sensitive.

We would love to see that here in this committee.

The Chair: Mr. Watson.

Mr. Jeff Watson: Yes, only to be playful for a moment, Mr. Chair, in terms of complying with NAFTA, I do believe the Liberals in 1993 were taking the position that we shouldn't have NAFTA.

The Chair: I'm not sure that added a lot to the value of our commentary.

I'm going to suggest that on Thursday we will start the meeting with a review, in the hope of going to clause-by-clause on Bill S-5.

Mr. Jean.

Mr. Brian Jean: Mr. Chair, I do want to say that I do have a copy of questions and answers, which was provided by the department. If anybody wants a copy of that I can get it to them right away.

The Chair: I would ask that you send it to the clerk and we'll distribute it to every member of the committee. Then we have it.

Mr. Brian Jean: Absolutely.

The Chair: Thank you, everyone.

The meeting is adjourned.

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