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# **Standing Committee on Public Safety and National Security**

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**EVIDENCE**

**Tuesday, October 3, 2017**

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**Chair**

**The Honourable John McKay**



## Standing Committee on Public Safety and National Security

Tuesday, October 3, 2017

• (0850)

[English]

**The Chair (Hon. John McKay (Scarborough—Guildwood, Lib.)):** Let me bring this meeting to order.

This is meeting 75 of the Standing Committee on Public Safety and National Security. For the first hour, we are privileged to welcome the Honourable Ralph Goodale, Minister of Public Safety and Emergency, for his views on Bill C-21.

Mr. Goodale.

**Hon. Ralph Goodale (Minister of Public Safety and Emergency Preparedness):** Mr. Chairman and members of the committee, good morning.

I'm sure you would all like to join me this morning in expressing our deep concern with respect to the two very serious incidents that occurred this past weekend, one in Edmonton and the other in Las Vegas. These circumstances are horrendous in our free and open and democratic society. It's at times like these that we all pull together to support each other and to applaud our first responders on both sides of the border, who have done extraordinary work. We extend our thoughts and prayers to the victims and the families and the loved ones, and we hope for the speedy and full recovery of those who have been injured. We make the emphatic point that events like this will not divide us, nor will they intimidate us. Police investigations are obviously ongoing; they're at a very early stage. A lot more information will be forthcoming in due course, but we I'm sure stand in solidarity with one another within our country and across the border when these kinds of sorry events occur.

Mr. Chairman, with respect to this meeting and this topic, this is my first opportunity to be before the committee since the return of Parliament, so welcome to you as the new chair. I notice some other new faces on all sides of the table, and some old-timers too. To all of you, welcome, and thank you for the invitation to be here today. I look forward to a very good relationship with the committee.

We begin, of course, with Bill C-21. I'm joined today by Martin Bolduc, who is vice-president of the Canada Border Services Agency; Sébastien Aubertin-Giguère, who is director general of the traveller program directorate within CBSA; and Andrew Lawrence, who is the acting executive director of the traveller program directorate.

The bill that we're here to discuss will at long last enable Canada to keep track of not only who enters our country but also who leaves

it. If that sounds pretty fundamental, actually it is. But there has been a gap in our border system for a great many years that we are now proposing to close with Bill C-21. I would point out that many other countries, including all of our Five Eyes allies, already collect this information that is commonly known as "exit" data. Canada, with Bill C-21, will catch up to those other countries and fill the gap.

The information that we're talking about is simply the basic identification information that is found on page 2 of everyone's passport, along with the time and the place of departure. It's the same simple identification information that all travellers willingly hand over when they cross the border. When you cross into the United States, you show your passport and the border officers take note of the information on page 2. It's that information that we're talking about here: name, date, place of birth, nationality, gender, and the issuing authority of the travel document.

The way this information will be collected is really quite straightforward, and travellers should notice no difference at all in the process. For people leaving Canada by air, the air carrier will collect that information, as it already does from passenger manifests, and it will give it to the Canada Border Services Agency before departure. For people crossing by land into the United States, American officials collecting this information, as they already do in the form of entry data, will then send it back to CBSA where it will serve as exit data. This will work in the same way in reverse for travellers crossing into Canada from the United States. The experience from the point of the view of the traveller will be absolutely unchanged.

• (0855)

With this information in hand, Canadian officials will be better able to deal with cross-border crime, including child abductions and human trafficking. It will strengthen our ability to prevent radicalized individuals from travelling to join terrorist groups overseas. It will help ensure the integrity of benefit programs where residency requirements are part of the eligibility criteria. It will also ensure that immigration officials have complete and accurate information when they do their jobs. They won't waste a lot of time dealing with people who have already left the country.

Finally, the legislation also addresses a concern raised in the Auditor General's report in the fall of 2015 about the need for stronger measures to combat the unlawful export of controlled or dangerous goods. Bill C-21 will amend the Customs Act to prohibit smuggling controlled goods out of Canada. Currently, and this may be a surprise to some people, only smuggling "into" Canada is prohibited. The new legislation will give border officers the authorities regarding outbound goods similar to the ones they already have for inbound goods.

Mr. Chair, I followed closely the second reading debate in the House about Bill C-21. There were not a lot of specific issues raised, but there was one mentioned by Mr. Dubé that I would like to respond to. It had to do with this issue of the sharing of information with the United States. I was concerned that there seemed to be a view that any exchange of information with the U.S. was inherently a bad thing.

I think we should keep in mind that the process of Canadian and U.S. authorities working together and exchanging information, pursuant to laws and agreements and subject to oversight, is essential for our mutual security. For example, when Canadian authorities were able to take action in Strathroy, Ontario, last summer to prevent a planned terrorist attack, that was due to an exchange of information with the United States. Because of that, the RCMP and local police authorities were able to prevent a much larger tragedy. Working in concert with our American partners, and exchanging information with them according to the rules, is very important to our national interests. It supports having the longest, most open, successful international boundary in the history of the world.

The key questions are these: what kind of information is to be shared, with what safeguards, and for what purposes? Bill C-21 provides very clear answers. What kind of information? As I said, it's the basic identification data, on page 2 of our passports, that we all offer up whenever we cross a border. It's worth pointing out that if Canada is sharing this information with the United States, that is only because the person in question has just come into Canada from the United States, to whom they necessarily gave the same information upon entry. It's not new or expanded information beyond the fact that they have left. That's the sum and substance of the data that is involved.

What safeguards are in place? To begin with, the government has engaged proactively throughout this whole process with the Privacy Commissioner. That engagement continues. You can find the privacy impact assessments of the current and previous phases of entry/exit implementation on the CBSA website. A new assessment will be updated once the new legislation is actually in effect.

In addition, exchange of information both within Canada and with the U.S. will be subject to formal agreements that will include information management safeguards, privacy protection clauses, and mechanisms to address any potential problems.

● (0900)

All of this will be happening in the context of the most robust national security accountability structure that Canada has ever had. We've already passed Bill C-22, which creates the new National Security and Intelligence Committee of Parliamentarians. Add to that Bill C-59, introduced in the spring, which will create a new national

security and intelligence review agency. And as you know, we have proactively, in the last number of days, released new ministerial directives about information sharing that have been broadly applauded as significant advancements.

Finally, what purpose does the exchange of information serve? As I've outlined, it will help Canadian authorities do everything from combating cross-border crime to preventing terrorist travel to improving the management of social benefits and immigration programs. But to give you a concrete example, if it's discovered one evening that a child is missing, police can do a check of the exit records to see if the child left the country earlier that day, where, at what time, and in whose company. That is obviously immensely helpful to investigators working collaboratively on both sides of the border in their efforts to recover the child and catch the kidnapper. For that reason alone, I hope the committee will see fit to report this bill back to the House with all deliberate speed.

I thank you for your attention, Mr. Chair, and look forward to questions.

**The Chair:** Thank you, Minister Goodale.

I will take this opportunity to mention to colleagues that we should try to confine ourselves to relevance to Bill C-21 as much as possible; indulge your chair that way.

Without further admonition, may I call upon Mr. Spengemann.

**Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.):** Mr. Chair, thank you very much.

Minister Goodale, it's good to have you back. Thank you as well to your staff, your team, for being here with us this morning.

Bill C-21, as you just outlined, pursues a number of very laudable objectives, including the amber alerts, safeguarding against radicalized individuals travelling, the fraud and abuse of social benefit programs that can be prevented, and also overstays. I represent a riding that is not only very proximate to Pearson airport; I also have constituents who take advantage of Pearson airport regularly for both business travel and leisure travel. I'm wondering if you could comment a little on the volume and resourcing concerns, if any, under this bill.

The GTAA has approached a number of us in the Toronto area with respect to.... This past summer it was our 150th, so volumes have been high. Pearson airport is on a trajectory of increased growth. How do you see this bill coming into the question of wait times, of processing volumes, and potentially additional resourcing for the airport to do its job effectively?

I'm asking particularly with respect to a large number of seniors in my riding, many of whom are snowbirds travelling to the United States. With respect to the export of goods, personal goods, would they be facing any additional wait times, in your projection, when they go through Pearson airport and other border facilities?

**Hon. Ralph Goodale:** I'll ask Martin to comment on this as well, Mr. Spengemann, but the design of this system was deliberately structured in such a way to make it effective but as unobtrusive as possible. When personal identification needs to be done, it does not add a new layer of activity. It simply uses the existing activity for a dual purpose.

You always show your passport to get your boarding pass, which automatically records the information at that point, or, if you're going through a land border, you show your passport to the American officer on the other side. That one act, which is already what you have to do to cross the border, is all that's required. Then either the airline manifest is shared with CBSA so they can record the activity, or the American officers return it to the CBSA automatically and electronically. So the structure of this is designed to be as seamless as possible, and the traveller should not notice any difference.

Martin, on the inspection of goods, could you add a comment in terms of whether that has the potential to slow things at the border?

• (0905)

**Mr. Martin Bolduc (Vice-President, Programs Branch, Canada Border Services Agency):** Thank you, Minister.

Thank you for your question. As the minister stated, we're not introducing physical border controls. As an average traveller, you should not encounter a border services officer at the departure gate if you're leaving Pearson airport. That will be seamless to the traveller. But if we have reason to interview someone, then the bill will give us the ability to do so.

As for your question on the snowbirds—if I may, Minister—travellers to the U.S. are already providing that information to the U.S. border services. So we're not collecting additional information. That information is provided by people when they cross the border.

**Mr. Sven Spengemann:** That's helpful. Thank you very much for that.

With respect to the export of goods, is there a quantitative threshold similar to the importation of goods, at which point seniors or anybody travelling would have to declare what they have on them? In other words, is there a personal exemption that's anticipated, or would you at some point along the way of travelling have to declare anything that you carry with you, that you take out of the country, including a tube of toothpaste?

**Mr. Martin Bolduc:** There are specific requirements on export, but for the general public there is no personal exemption. So you will be able to leave the country with your personal goods if you're travelling for either business or pleasure.

**Mr. Sven Spengemann:** That's helpful. Thank you.

Minister Goodale, with respect to countries involved in this, it seems that the bill, as you framed it, is U.S.-Canada-centric, and for very obvious reasons; it's because of the intertwined nature of our two countries. What other countries are involved, and what other regulatory regimes? For example, we've just concluded the Canada-Europe trade agreement. Are there similar arrangements in place with European countries—when travellers enter the European Union or exit from the European Union to come to Canada?

**Hon. Ralph Goodale:** Most other countries do have an exit regime where they actually collect the information—not every country, but most do.

Martin, can you provide more detail?

**Mr. Martin Bolduc:** Yes.

As the minister explained, the sharing of information will occur at the land border with the U.S. Information collected by the CBSA on exit will remain within the Government of Canada for the Government of Canada, either law enforcement or social programs. There's no provision at this point to share that information with any other countries.

**Mr. Sven Spengemann:** Thank you very much.

**Hon. Ralph Goodale:** I'll just add one point that may be helpful. Some seniors may be concerned about issues related to their benefits under old age security, or their benefits in relation to medicare. With respect to OAS, once a person has lived in Canada as an adult for 20 years, residency ceases to be a factor in terms of their eligibility for OAS. They can decide to live anywhere they want in the world, as long as they've lived 20 years as an adult in Canada. Their pension then becomes fully portable wherever they wish to take it. Bill C-21 would be irrelevant to that.

With respect to medicare, because that is administered provincially, the information is shared only with federal authorities, not with provincial authorities.

**Mr. Sven Spengemann:** Mr. Chair, I think that's just about my time. Thank you very much.

• (0910)

**The Chair:** Thank you.

[Translation]

Mr. Paul-Hus, you have the floor for seven minutes.

**Mr. Pierre Paul-Hus (Charlesbourg—Haute-Saint-Charles, CPC):** Thank you, Mr. Chair.

Minister, Mr. Bolduc, good morning.

Minister, in February 2011, you said the following in the House of Commons:

[English]

“If we have a common entry and common exit system, does it not follow that Canada no longer has sovereign Canadian control over immigration and refugees?”

Do you still believe this?

**Hon. Ralph Goodale:** First of all, Mr. Paul-Hus, congratulations on your appointment as the official representative of the opposition in these matters. I haven't had a chance to say that yet, but congratulations on your appointment.

With respect to that debate that was taking place in 2011, I think if you check the context of the discussion I was having with the government of the day, it had to do with the discussion then about establishing a common perimeter around North America. It wasn't the cross-border relationship between Canada and the United States but whether we should have in effect a North American boundary. That was the issue that raised questions about Canadian sovereignty. The discussion later on went in a much different direction, so those issues didn't emerge. My comment that has been referred to was in relation to the common North American perimeter, not the cross-border traffic between Canada and the U.S.

[Translation]

**Mr. Pierre Paul-Hus:** Thank you.

My next question, which is for the representatives of the Canada Border Services Agency, will apply if Bill C-45 is passed and becomes law.

[English]

How will CBSA officials deal with cases where they find marijuana among the goods Canadian travellers are taking with them abroad?

[Translation]

**Mr. Martin Bolduc:** As we have explained, the underlying intent of Bill C-21 is not to introduce physical controls on exit. If you have travelled in Europe, you know that those controls are done when people present their passport to an officer on exiting Schengen countries. That is not the case in Canada.

If we have information that an individual will break the law by leaving the country, we could intercept them under the provisions of Bill C-21, whether they are carrying drugs or any other controlled goods. However, you won't see border services officers behind a counter at boarding gates in Canadian airports.

**Mr. Pierre Paul-Hus:** Currently, screening is easier in airports because passengers register prior to boarding.

With Bill C-21 still not in force, is there a system the airline can use to inform you if an individual is identified?

**Mr. Martin Bolduc:** No. Airline companies currently provide us with information on arrival.

**Mr. Pierre Paul-Hus:** So it is done when the passenger goes to the counter.

**Mr. Martin Bolduc:** Bill C-21 will allow airlines to provide us with the passenger manifest at the time of departure.

**Mr. Pierre Paul-Hus:** So you have time to intervene and arrest someone who is trying to leave.

**Mr. Martin Bolduc:** Exactly. We have a certain amount of time to react. The airline accesses the information and transmits it to us within a short time frame. When someone registers online, the information will be sent to the agency, and we will be able to take action.

**Mr. Pierre Paul-Hus:** In the case of land travel, will U.S. services inform Canada if, for example, some citizens are crossing the border every day? For screening purposes, you want to know who is leaving Canada. If screening is not performed in advance, the Americans must send us the information. Is that what will happen?

**Mr. Martin Bolduc:** Yes. Information is shared on both sides approximately every fifteen minutes. It doesn't happen in real time, but every 15 minutes or so.

**Mr. Pierre Paul-Hus:** If someone crosses the border into the United States and you receive a signal informing you that the person has a criminal record, that they are not allowed to travel or they are wanted, can the Americans intervene and arrest them, under the legislation currently in force?

**Mr. Martin Bolduc:** Yes, they can. U.S. customs officers already have access to certain databases. In the example you gave, if someone has a criminal record or they are wanted, the Americans already have access to that information. So, having no physical controls will not prevent an intervention that may be required by U.S. customs officers.

**Mr. Pierre Paul-Hus:** When it comes to the recent and ongoing wave of immigrants at the border since this past summer, does the same system apply? Those people are going through the back door. When they arrive in Canada, are the same rules applied in terms of information sharing?

● (0915)

[English]

**Hon. Ralph Goodale:** Mr. Paul-Hus, whenever a person crosses the border in an irregular fashion, section 133 of the Immigration and Refugee Protection Act clicks into place. That section says that before a person would be subject to any legal proceedings about their irregular manner of entering the country, the first obligation under Canadian law is to determine their status in Canada. In other words, do they have a legitimate asylum claim or not? That is, as you know, a very deliberate process that involves the IRB and legal due process. But right at the border, if people are not coming through a port of entry, if they are coming around it in some manner, they are, first of all, apprehended by the RCMP. CBSA has jurisdiction at the port of entry. The RCMP has jurisdiction between ports of entry.

So the jurisdiction here, outside of a port of entry, is with the RCMP. They apprehend the individual. They begin a process to specifically identify who this person is by biographic information, by biometric information. They check not only Canadian databases but also American and international databases, including Interpol, to determine if there is any immigration issue with this person, if there is a criminal issue with this person, if there is any risk to national security, or if there is any question of terrorism. All of that data is assembled right at the spot. If there is a risk to the public, the person can be detained under Canadian law. If they detect a criminal offence that is taking place, the person is immediately turned over to local police authorities to be handled in the normal way under Canadian criminal law.

**The Chair:** Mr. Paul-Hus, Minister Goodale, you're going to have to carry on this conversation—

**Hon. Ralph Goodale:** Can I just make one final point?

There is a very deliberate process, and it's followed meticulously before people are further allowed to conduct their affairs in Canada.

**The Chair:** Thank you.

Monsieur Dubé.

[*Translation*]

**Mr. Matthew Dubé (Beloeil—Chambly, NDP):** Thank you, Mr. Chair.

[*English*]

Minister, let me echo what you said about the events in Edmonton and Las Vegas.

Welcome back to the committee. I'm going to apologize in advance if I have to cut you off, as I do have several questions.

The first one is about the information-sharing regime put in place under what was Bill C-51 and that is maintained mostly in its integrity under Bill C-59. Would this information be shared among the government agencies covered by what is now referred to as SCISA?

**Hon. Ralph Goodale:** Sorry, which specific information are you...?

**Mr. Matthew Dubé:** The information that Bill C-21 deals with and being kept by CBSA; the exit information. Is that covered by the information-sharing regime, set up by what was Bill C-51, among different government agencies ?

**Hon. Ralph Goodale:** In due course, as it will be amended by Bill C-59, the rules would apply, Monsieur Dubé, but again, the critical point for the purposes of Bill C-21 is the nature of the information. It is nothing more or nothing less than what is on page 2 of your passport.

**Mr. Matthew Dubé:** Minister, that's fair, but the question is this. So as amended under Bill C-59—that's fine—this information will be shareable across government agencies, based on that regime of information sharing.

**Hon. Ralph Goodale:** It will be subject to the rules and the law.

**Mr. Matthew Dubé:** Correct. Okay. Thank you.

The other question I have is that the bill says that the agency “may collect”.

[*Translation*]

Does that give the officers discretion, or will it be done consistently in all cases of someone leaving the country? The word “may” implies that officers could arbitrarily decide, at the border, to collect information or not.

[*English*]

**Hon. Ralph Goodale:** It is not intended to imply any kind of inconsistency or capriciousness, Monsieur Dubé. The justice department drafters have informed us—and I've raised this issue with them in relation to other legislation as well—that this is the appropriate language to use in a statute of this kind so that the agency is empowered to do what they need to do and the agency will apply the law consistently.

● (0920)

**Mr. Matthew Dubé:** So this process of collecting exit information will be done to every traveller, regardless.

**Hon. Ralph Goodale:** Yes, and automatically.

**Mr. Matthew Dubé:** Okay. Thank you.

With regard to my next question, we had this same issue with Bill C-23. Of course, we recognize that regulation is part of legislation and that not everything can be done by legislative means. However, once again, the feeling is that there is a pretty large scope to the regulatory piece in here. It says that: (2) The Governor in Council may make regulations for the purposes of subsection (1), including regulations

- (a) prescribing the sources from which the information may be collected;
- (b) respecting the circumstances in which the information may be collected; and
- (c) respecting the time within which and the manner in which the information may be collected.

Why would that be left so large? That can significantly change the scope of how this information is being collected at the border.

**Hon. Ralph Goodale:** I'll ask Martin to comment on that, Monsieur Dubé, but the point here is that the precise details are better left to regulations. Those regulations themselves will be subject to a public review process before they can actually be—

**Mr. Matthew Dubé:** That's not quite as robust as the legislative process, of course.

**Hon. Ralph Goodale:** It's a very robust process.

**Mr. Matthew Dubé:** It's a little bit more under the radar than a debate in the House of Commons.

**Hon. Ralph Goodale:** But you have the complete opportunity, Monsieur Dubé, to trigger that debate. If you are unhappy with the regulations, you can raise that point. That's why our regulatory system is very transparent.

**Mr. Matthew Dubé:** Could we get an undertaking from you and the department to provide written examples of what kind of changes would be made with regard to these regulatory changes, and why we would have to change the manner in which the information would be collected? Or perhaps even now you could give us some examples.

**Hon. Ralph Goodale:** Martin, could you comment?

**Mr. Martin Bolduc:** Yes.

If I may, the way it has been worded is to give us the flexibility to determine in what fashion an air carrier would provide the information to CBSA, and what format: how far ahead of the flight's departure from Canada? It gives us the flexibility to be able to engage with airlines to be able to determine that.

**Mr. Matthew Dubé:** Let me understand that correctly, though. Does that mean that as soon as someone buys a plane ticket, if you so chose through regulatory changes, the carrier could provide a passenger manifest within months, even, of a departure?

**Mr. Martin Bolduc:** They wouldn't be able to do that, Monsieur Dubé, because they wouldn't have the information. Bear in mind that the information that is gathered under Bill C-21 and, as the minister said, page 2 of the passport, is provided by the traveller. So when you go online to check in and provide your passport information, your name, etc., or you're at a kiosk at an airport or at the check-in counter, that's the time when that information becomes available to the airline, not before that.

**Hon. Ralph Goodale:** And there are existing limits about how early or late you can check in.

**Mr. Matthew Dubé:** What's an example of respecting the circumstances in which information may be collected? What kind of regulatory change do we see with regard to that?

**Mr. Martin Bolduc:** I'm looking at my colleagues here.

Monsieur Lawrence.

**Mr. Andrew Lawrence (Acting Executive Director, Traveller Program Directorate, Canada Border Services Agency):** The regime is set up to regulate the timing, the manner, and the circumstances. A good example would be that the timing would be upon entry to the United States; the manner would be reciprocal electronic exchange of entry information; and the circumstances would be at the land border. It gives the flexibility within regulation to stipulate how the information is collected, and to tailor the collection to be seamless and to work in all modes, whether it's by train, plane, automobile, or vessel.

**Mr. Matthew Dubé:** Okay. Thank you.

I have just one last question for you, Minister, before my time runs out. You talk about using this information to track down potentially radicalized individuals. Given that the passport does contain information such as nationality and citizenship, is there not a concern, when we see things like Mr. Trump's travel ban and some of the profiling that's happened at the border, that this information, though it may already be provided and very basic, could be used to profile certain individuals who might be leaving the country?

• (0925)

**The Chair:** It will be very challenging to answer that in five seconds, but if you can do it in five seconds—

**Hon. Ralph Goodale:** One short sentence might be helpful.

This information is for the purposes of Canadian border officers to pursue their responsibilities, and they are guided by a whole range of safeguards, including the Charter of Rights.

**The Chair:** Thank you, Monsieur Dubé.

Mr. Fragiskatos.

**Mr. Peter Fragiskatos (London North Centre, Lib.):** Thank you very much, Chair.

Thank you, Minister, for being here today, and thanks to everyone else as well.

Minister, I am from London, Ontario, as you know. Strathroy is about a 20-minute drive from London. I was happy to hear you mention Strathroy in your opening remarks.

I wonder if you could talk about Bill C-21 in the context of the bill serving, as I think it does, as another tool that this country has to combat terror and radicalization.

**Hon. Ralph Goodale:** One of the serious issues the world is struggling with is those who travel internationally for the purpose of endangering international air travel, or to get to another part of the world where they intend to engage in terror-related activities. At the moment, we have no systematic way to determine when a person has left the country. We collect that information on foreign nationals. We collect that information on permanent residents, but not on those who are Canadian citizens. So there's a big hole in our data collection system.

It's very useful for police and security services to be able to identify when people have left the country. If there is a suspicion about the activity that individuals may be engaged in, the police authorities and the security authorities will at least have that extra piece of information that says they are no longer in Canada. There's a lot more to the process of dealing with travellers who would either endanger air transportation or try to get to a part of the world where they intend to engage in terrorist activity, but knowing where they are is a critical piece of information.

There's another element too. When a person is attempting to board an aircraft, you have those precious few minutes or hours between the time the manifest is complete and the plane is about to take off. For police and security authorities, if they have sufficient grounds to believe that this is a dangerous traveller who could put that aircraft in danger, or who would be heading to a part of the world to engage in terrorist activity, presuming they have the information that says they are a risk, having the information that they're about to get on an airplane is very useful.

If they have the legal authority, they can take the appropriate action to prevent that person from getting on the airplane. But first of all, they have to know: are they trying to get on an airplane? At the moment, we don't have that information. With Bill C-21, we will know if an individual is trying to get on an airplane, and then, with the other legal authorities in place, police or security officers would be able to take the appropriate action.

**Mr. Peter Fragiskatos:** Thank you very much.



Would you or anyone at the table be able to comment on whether the previous government attempted to bring a similar measure forward in terms of collecting exit data? Your explanation shows that this is a genuine and very legitimate tool when it comes to this country's national security.

**Hon. Ralph Goodale:** I don't know what the internal efforts were, Mr. Fragiskatos, but I can tell you that it was an active subject of discussion between Canada and the United States when I first became the minister. So it wasn't a new topic that I raised in the fall of 2015, it was a subject matter that was already under discussion between Canada and the U.S. I think both countries had decided this would be a good thing to do, and the apparatus was beginning to roll forward.

Is there any more history to it than that, Martin?

• (0930)

**Mr. Martin Bolduc:** It was a commitment under Beyond the Border that both countries would have an entry/exit system.

**Mr. Peter Fragiskatos:** Thank you.

In your opening remarks, Minister, you mentioned privacy protection clauses. Could you expand on that? I think there is some concern that privacy matters are at stake, but I think there are safeguards here to guard against—

**Hon. Ralph Goodale:** There are several safeguards, including, number one, the nature of the information. It is very basic data, and it's data that people already share. If you're crossing into the United States, you show your passport. What this will add is the provision that this information will then automatically come back to the CBSA too. You've already told the Americans, so CBSA will have the data that would say this individual left Canada at this time at this border crossing. That's safeguard number one, the nature of the information.

Safeguard number two is the relationship we've developed with the Privacy Commissioner. In all of these measures, whether it's for this or Bill C-23 or Bill C-59, we have an ongoing dialogue with the Office of the Privacy Commissioner. He comments on areas where we could improve, where he sees problems, where he would like to see things changed, and all of that advice is taken very seriously in crafting both the law and the regulations.

There are privacy impact assessments that are required to be done. The ones that have been done so far on this initiative are already on the website. Once the legislation is passed and we actually have the legal framework, we will produce a new privacy impact assessment that will be made public to satisfy the requirements of the Privacy Commissioner. There will also be written agreements between the relevant Canadian departments and between Canada and the U.S., which will detail the way the information will be managed and safeguarded, what the privacy protection clauses need to be, and the mechanisms for addressing any potential problems. That will all be laid out in agreements governing—

**The Chair:** Thank you, Minister.

Thank you, Mr. Fragiskatos.

Mr. Motz.

**Mr. Glen Motz (Medicine Hat—Cardston—Warner, CPC):** Thank you, Mr. Chair.

Thank you, Minister and CBSA staff.

Just to help Mr. Fragiskatos with the answer to his question, of course I want to thank the minister for bringing this legislation forward, but like much of the other important trade work that has happened, it started with the previous government. That's pretty clear on where it actually started.

I'm looking forward to working with you and—

**Hon. Ralph Goodale:** A good portion of it started with the previous previous government, so...

**Mr. Glen Motz:** Well, there you go. There's a good example of working together on the common good, isn't it?

I want to ask a couple of questions, Mr. Minister. We know that CBSA inspects goods coming into the country. With the new Bill C-21 provisions to deal with exports and inspections of those, how does CBSA envision carrying out the inspections of exports?

**Hon. Ralph Goodale:** Martin, would you like to comment?

**Mr. Martin Bolduc:** Yes.

Bill C-21 will give us the ability, at the request of an officer, to interview somebody who's leaving the country. Right now our authority is very limited.

**Mr. Glen Motz:** I'm just talking about goods; not people, just goods.

**Mr. Martin Bolduc:** CBSA has the ability to do inspections on exports. If we suspect that goods are under the export control list, we have an ability to review and inspect. Bill C-21 will give us the ability to do so, because as you're leaving the country as a traveller, you always have goods with you—your suitcase is “goods”. Bill C-21 will give us the ability to do the inspection.

**Mr. Glen Motz:** The provisions in this legislation provide for not just a traveller and what they're carrying with them in a suitcase but the goods, the big goods, that leave this country.

• (0935)

**Mr. Martin Bolduc:** Commercial goods.

**Mr. Glen Motz:** Commercial goods: thank you.

It would be reasonable to presume that, as much as resources are allocated for monitoring goods coming into the country, there is going to be a similar vigour to ensure that goods leaving the country are exposed to the same sort of testing. Will there be any additional funding allocated to carry out those inspections exiting our country, or will you be required to add that provision of this particular legislation with your current resources?

**Mr. Martin Bolduc:** At CBSA we adjust our workforce and where we have officers, based on the threats. We do that every single day. We move resources around to be able to address the threats. That will be part of our regular planning process. If for some reason we have information that would lead us to do more export examinations, then we would divert resources to those activities. Again, it's maintaining everything in equilibrium. Essentially, with the proposed amendments, we'll mirror our authorities on entry for export. The Customs Act will be balanced on both ends, for people and goods leaving and people and goods arriving.

**Hon. Ralph Goodale:** It was, Mr. Motz, an interesting discovery for me to find out that we actually have rules against smuggling in one direction but not the other, so we're trying to fill that gap.

Obviously, if CBSA requires additional resources in terms of manpower, technology, or other physical supports, they would make that request in the budget process, and the government would want to make sure that they've got what they need to do the job.

**Mr. Glen Motz:** Mr. Minister, I appreciate that you many not be aware of this, but the Alberta riding I represent has all the border crossings in the province that are open seasonally or all year round, other than the one in Waterton, which is seasonal.

Do you envision this legislation requiring appropriate investments at border crossings, such as the one at the Port of Wild Horse, south of Elkwater, to meet the demand and the smooth flow of the goods and services as a result of the increased potential in this legislation?

**The Chair:** Very briefly, please.

**Hon. Ralph Goodale:** We are assessing with CBSA their border capacity at different points across the country all the time. As you may suspect, over time the pressures change, depending on where the big flows are. The government tries its best to respond to that.

The CBSA will make its own assessment about where they see those pressure points. To some extent, they can address them by internal reallocation, but if it becomes clear that they simply don't have capacity to deal with the border pressure, CBSA would make a request to the government, and the government would try its very best to respond to it constructively.

Certainly, the crossing that you've referred to in the southern part of your riding is a very important one in the international movement of people and goods, and we would want to see that it's properly staffed and supported in all the other ways to make it efficient and safe.

**The Chair:** Thank you, Minister.

Thank you, Mr. Motz. You will be pleased to know that the minister was here for the previous, previous, previous, previous, previous government.

**Voices:** Oh, oh!

**The Chair:** Mr. Arseneault, you have the final five minutes.

[Translation]

**Mr. René Arseneault (Madawaska—Restigouche, Lib.):** Thank you, Mr. Chair.

Minister, thank you very much for being here. Thank you for your clear and unambiguous answers.

My questions will be about the clause 92(1) proposed in the bill and will follow up on one of the questions asked by my colleague Matthew Dubé. The proposed clause 92(1) says the following: "In relation to any person ... the Agency may collect, from a prescribed source" the information we are talking about. In English, the word "may" is used. We know that, in law, there's a huge difference between "may" and "shall".

[English]

or, in English, "shall" or "may".

[Translation]

I would really like to know what the reasoning behind that is. Why is it discretionary? Why is the agency given the option to collect information on a discretionary basis?

• (0940)

[English]

**Hon. Ralph Goodale:** Martin might want to comment as well.

Mr. Arseneault, the drafting here is on the advice of the Department of Justice, which, in the creation of these powers, always expresses it in terms of permission. CBSA has, by virtue of proposed subsection 92(1), the authority to collect. The precise details, as per Monsieur Dubé's question in terms of the modalities of that collection, will be laid out in regulations, and that is also a public process that brings with it due scrutiny.

The choice of the word "may" is the best considered advice of the Department of Justice that this is the proper way to give the agency the authority it requires to take the actions that are laid out in Bill C-21.

[Translation]

**Mr. René Arseneault:** Okay.

Perhaps Mr. Bolduc could answer my next question.

In practical terms, how can the agency decide whether it should collect specific information on a passenger or whether, in other cases—for example, for flight travel—the information should not be collected? Practically speaking, how does the agency decide whether or not to collect information?

**Mr. Martin Bolduc:** As the minister explained in his opening remarks, that exchange will be done systematically. Airlines will send the agency flight manifests with a list of all passengers. No company can decide to include one group of passengers and exclude another. It will be done systematically through the computing platform. So all the information will be sent to the agency.

**Mr. René Arseneault:** The first step is to collect information on all passengers, every time.

**Mr. Martin Bolduc:** Yes, for all passengers and every time.

[English]

**Hon. Ralph Goodale:** That's correct.

[Translation]

**Mr. René Arseneault:** Thank you.

Still in the proposed clause 92(1), it says, “from a prescribed source”. Aside from passports and NEXUS cards, are there any other sources you can think of?

[English]

**Mr. Martin Bolduc:** If I may, Andrew, the “source” of information is...

**Mr. Andrew Lawrence:** At the land border it's U.S. Customs and Border Protection, through a reciprocal exchange under this provision. That's how it would be regulated. Under proposed section 93, that gives the agency the authority to prescribe or to compel airlines and air carriers to submit outbound flight manifests. This particular section is about collection of exit information. It gives the agency the authority to collect exit information and to identify in regulations who we receive that information from, the timing, the manner, and the circumstances.

[Translation]

**Mr. René Arseneault:** So a passport is not necessarily the source of information.

[English]

**Mr. Andrew Lawrence:** In terms of the “source”, in this instance, we would regulate, within regulation, the U.S. Customs and Border Protection; they collect it from the passport upon entry, and within 15 minutes that entry record into the U.S. constitutes an exit from Canada.

**Mr. René Arseneault:** So the passport is a source.

**Mr. Andrew Lawrence:** Yes.

**Mr. René Arseneault:** It's one of them. Are there other sources that you can think of?

**Mr. Andrew Lawrence:** Well, that's why the first provision is written as “may”, because there are different modalities through which people enter or exit the country. This provision gives the authority to tailor the collection of exit information in a seamless manner, based on the modality, whether it's a private aircraft, whether it's a land border.

**Hon. Ralph Goodale:** Mr. Arseneault, I would point out that proposed subsection 92(1), in paragraphs (a), (b), and (c), limits the information. It's not the collection of information writ large, it's specifically those things in proposed paragraphs 92(1)(a), (b), and (c) that correspond exactly with what's on page 2 of a passport.

• (0945)

**The Chair:** I want to thank the minister for coming and launching us on our study of Bill C-21.

I will suspend our meeting for a couple of minutes while the minister has an opportunity to leave, and we'll re-panels shortly.

Again, thank you, Minister.

**Hon. Ralph Goodale:** Thank you very much.

• (0945)

\_\_\_\_\_ (Pause) \_\_\_\_\_

• (0945)

**The Chair:** I bring the meeting back to order.

We'll go back to the original order.

Monsieur Picard, seven minutes, *s'il vous plaît*.

**Mr. Michel Picard (Montarville, Lib.):** Thank you.

[Translation]

I thank the agency representatives for joining us.

I have a number of questions.

For clarification purposes, I would like to know whether Bill C-21 applies exclusively to travellers or to goods, as well.

**Mr. Martin Bolduc:** The amendments to legislation proposed in Bill C-21 will apply to people and goods.

**Mr. Michel Picard:** Okay.

Currently, a certain number of provisions enable the agency to intervene in the exporting of controlled goods, but are there any other circumstances where it can intervene? We are talking about controlled goods, but does the agency control the outbound movement of other types of goods?

**Mr. Martin Bolduc:** At this time, the agency can only intervene in the case of controlled goods. If the shipper does not have the required permit for goods they are exporting, the agency will intervene. We will also intervene if we believe that goods are regulated by our colleagues from Global Affairs Canada because they constitute dual-use goods in strategic exports. The agency is currently operating within that sphere of activity.

• (0950)

**Mr. Michel Picard:** Does that require exporters to make arrangements to systematically declare any outbound goods, to inform the Border Services Agency in advance and thereby avoid any uncontrolled goods exiting?

Exporters may think of doing business with countries where certain relations are not established and where there is no protection in terms of high tech.

Does the exporter have to take additional steps in terms of their export declaration for goods? That would also allow you to talk to the exporter, where appropriate.

**Mr. Martin Bolduc:** I will ask my colleagues to answer your question.

[English]

**Mr. Andrew Lawrence:** Bill C-21 does not change any of the reporting obligations for exported goods. It provides a residual authority that officers can require those goods to be reported in instances where they believe there may be a controlled or regulated item in that shipment.

[Translation]

**Mr. Michel Picard:** Thank you.

We are also talking about avoiding contraband. For the time being, that concerns contraband coming from foreign countries into Canada, but it is now a matter of providing protection to avoid contraband coming from Canada, as well.

However, how can goods that have not yet left Canada be considered as smuggled, be it through concealment or other methods? How can they be considered contraband goods?

**Mr. Martin Bolduc:** Mr. Aubertin-Giguère, can you answer this question?

**Mr. Sébastien Aubertin-Giguère (Director General, Traveller Program Directorate, Canada Border Services Agency):** For example, stolen automobiles may be shipped abroad in containers. In that case, the new status would allow us to carry out inspections and make requests.

**Mr. Michel Picard:** I assume that the RCMP is also part of the operation and that you are currently not involved in it. Automobile theft is a pretty serious issue.

**Mr. Sébastien Aubertin-Giguère:** Yes, exactly. Our authority to ensure exit controls is fairly limited.

**Mr. Michel Picard:** Okay.

When it comes to travellers' environment, there is no physical control like in Europe, such as a counter with a customs officer who checks passports. That's very clear. As I understand it, there is already a procedure that requires passengers to declare to customs if they are leaving the country with \$10,000.

How does that procedure currently work?

**Mr. Martin Bolduc:** Right now, people can comply with that requirement by coming to the agency before going through security to voluntarily declare the money they are carrying. As I mentioned earlier, Bill C-21 will essentially enable us to exercise the same authority on entry and on exit. The requirement regarding currency control will not change for travellers. If they have more than \$10,000 with them, they will still have to declare it, be it when entering or when leaving the country.

**Mr. Michel Picard:** Currently, the U.S. customs periodically transmit information on the entry of travellers to the United States. I assume that only applies to Canadian travellers, unless we are also talking about travellers coming from Canada.

Is there a distinction to be made between receiving information on people who are going through Canada to the United States and obtaining information on Canadians going to the United States. Is there a difference between those two types of passengers?

**Mr. Martin Bolduc:** Currently, at the land border, the information exchanged with the Americans concerns foreign nationals, permanent residents and U.S. citizens. Canadian citizens are excluded. Bill C-21 will allow us to share information on Canadian citizens.

In terms of air travel, the information provided to the agency on exit will be reserved for use only by the Canadian government. That information will not be shared with the Americans.

**Mr. Michel Picard:** Will the Government of Canada not share that information with the provinces based on specific needs, such as health?

• (0955)

**Mr. Martin Bolduc:** That information will be used by the Government of Canada.

**Mr. Michel Picard:** Thank you.

That's all.

[English]

**The Chair:** I'll just take this opportunity to remind both witnesses and colleagues that answers and questions are to be directed through the chair.

Mr. MacKenzie, you have seven minutes.

**Mr. Dave MacKenzie (Oxford, CPC):** Thank you, Mr. Chair.

Thank you to the panel for being here.

First off, I think it's a very good proposal we have here. Having had lots of opportunity over the years to see what happens when we don't have these situations in place, the amber alerts among others, how will they process work as far as the exchange of information is concerned? For instance, if a police officer in the city of Toronto has information that someone has left the country, or conversely, if someone has left the country and is back in the country, how would they access the information? Is there some mechanism set up to deal with that?

**Mr. Martin Bolduc:** Yes. The police agency would make a request to the CBSA for specific information on a traveller. If we do have that information, there is already a provision in the Customs Act to be able to share that information with other law enforcement on a case-by-case basis.

**Mr. Dave MacKenzie:** Having dealt with those situations a couple of times, sometimes what gets very difficult is that you don't know who to go to. Has CBSA set up those points for law enforcement to contact, and have they made the law enforcement community aware of them?

**Mr. Martin Bolduc:** CBSA is part of many joint force operations that are sometimes under the leadership of municipal or provincial police. On other occasions it's under the leadership of the RCMP. I think the mechanism by which you should enter the CBSA is broadly known by law enforcement. I'm not aware of any recent cases where this has been an issue.

**Mr. Dave MacKenzie:** I'm not concerned; I just want to know that there will be a mechanism, whether it be through the CISO or through the police community or whatever, as long as they know how they can access it.

The other thing is this. The information we have is that they will be sharing with other government agencies with respect to benefits, some of which people may or may not be entitled to. How will they be made aware of the entrance and exit, or will it be on a case-by-case basis where they will have to contact CBSA to gather the information?

**Mr. Martin Bolduc:** If I may, I will ask a colleague to answer that question.

**Mr. Andrew Lawrence:** The information sharing for social benefit program integrity is criteria-based. Information with respect to individuals who meet specific criteria would be shared systematically with Employment and Social Development or the Canada Revenue Agency. If those individuals are collecting benefits erroneously, they would then undertake their program integrity investigations in order to cease those payments and recoup any overpayments. For example, OAS is for people over the age of 60. We wouldn't be sharing information on a 25-year-old for OAS purposes.

**Mr. Dave MacKenzie:** But in terms of somebody collecting EI who is entitled to it while they're here and all those things, as long as a request is made, you would share that information.

**Mr. Andrew Lawrence:** Yes. The disclosure would be based on the regulatory or the statutory program requirements for—

**Mr. Dave MacKenzie:** But you'd have to ask.

**Mr. Andrew Lawrence:** No, we would push that information to them.

**Mr. Dave MacKenzie:** How would you know?

**Mr. Andrew Lawrence:** It's based on the requirements outlined in the different social benefit programs.

**Mr. Dave MacKenzie:** But if a Canadian citizen is drawing those benefits and they leave the country, how would you know they're drawing those benefits?

**Mr. Andrew Lawrence:** We wouldn't. That's why it's a proactive disclosure to Employment and Social Development. Any matching to an EI role, for instance, would initiate an investigation. If there is no match, that information would be immediately deleted.

**Mr. Dave MacKenzie:** Thank you.

One of the other aspects is with regard to people coming into the country. You'll certainly be able to match that up with the Americans and so on. One of the things is that when you have a manufacturing industry that today wants to be high-tech at the best point that they can be, they end up with a lot of proprietary equipment that is only repairable by a manufacturer somewhere else. Is there any way in the world we can smooth those processes for those people coming into the country to repair this equipment and they're not held up as being someone coming in to take away work or jobs? It's probably a very difficult situation, but I know that we can have a factory shut down with 600 or 700 people because one piece of equipment needs to be repaired.

Do you have any suggestions on that?

• (1000)

**Mr. Martin Bolduc:** Unfortunately, what you described is the policy that belongs to our colleagues at Immigration, Refugees and Citizenship Canada. They own the policy. But I'll deliver your message.

**Mr. Dave MacKenzie:** It's your people who take the brunt of it at the border.

**Mr. Martin Bolduc:** Exactly. We enforce the policy, but IRCC is responsible for that.

**Mr. Dave MacKenzie:** Mr. Motz, go ahead.

**Mr. Glen Motz:** Thank you.

As we look at the legislation, it provides some authorities to compel travellers to answer questions that are posed to them. Obviously, there are strict guidelines surrounding that. What training requirements do you envision having for your officers? Or is that happening already?

**Mr. Martin Bolduc:** We have a fairly robust training program for all new recruits. Training is delivered at our national college in Rigaud.

Yes, if Bill C-21 receives royal assent, we will make sure that whatever impacts the reality of our border services officers, they're made aware of, but we don't foresee any remedial or additional training that would be needed by our officers.

[Translation]

**The Vice-Chair (Mr. Pierre Paul-Hus):** Thank you.

Up next is Mr. Dubé.

**Mr. Matthew Dubé:** Thank you, Mr. Chair.

Unless I am mistaken, the information on permanent residents and individuals who are not Canadian citizens has been collected since 2013. Have complaints been submitted by anyone from whom information has been collected?

**Mr. Martin Bolduc:** No. There have been no complaints.

One of the recommendations of the Privacy Commissioner of Canada was to put up signs at the land border to inform travellers that information will be shared.

**Mr. Matthew Dubé:** That brings me to my next question.

Will a system be set up in the event of someone wanting to challenge the information, especially when it comes to social programs, because they think that an error was made or that erroneous information has led to the government trying to take money away from them?

**Mr. Martin Bolduc:** Travellers must be informed, but that information is already provided on entry in the declaration card—form E311.

**Mr. Matthew Dubé:** Allow me to clarify. I was talking more about a challenge mechanism.

Let's take the example of someone who gets a call and is told that they will no longer receive their old age security pension or will no longer be entitled to employment insurance because of a trip they may have taken. Yet errors can be made in administration. If that is the case, is there a mechanism for the individual to challenge the decision and say, for example, that someone had the same name as them or that files were perhaps mixed up? As we know, things like that happen.

**Mr. Martin Bolduc:** At the agency, the Recourse Directorate receives those types of complaints. I think that other departments have a similar organization or directorate for those kinds of incidents.

Perhaps you could put the question to my colleagues from the agency.

[English]

**Mr. Andrew Lawrence:** The information itself would not trigger an automatic cessation of any benefits. It would open an investigation—by a human—to verify continued eligibility for those types of programs. The CBSA has a recourse program as well as an online complaint mechanism. When people have a complaint or concern, there are multiple avenues through which they can bring that concern forward to the agency.

Our information-sharing arrangements with CBP and the Department of Homeland Security include a rectification clause. If there is an error, if there is an update that has to be made to a record, they share that information with each other. The files are then updated based on the true and complete information.

• (1005)

[Translation]

**Mr. Matthew Dubé:** Thank you.

As time is running out, I will move more quickly.

If someone tries to enter the United States, but they are refused access, will information be collected on their attempt to exit, or is that done only when they successfully leave, so to speak?

[English]

**Mr. Andrew Lawrence:** The information is submitted to CBSA upon entry to the U.S. In those cases where individuals are refused entry, they are sent back to a meeting with a border services officer at a land border, for instance. We process their return.

[Translation]

**Mr. Matthew Dubé:** I have another question, which I'm not sure you will be able to answer.

There is a fairly robust program in the agreement with the U.S. My understanding is that this is only the beginning of that kind of integration at the border. Could you give us an idea of the steps that will follow, if Bill C-21 is passed?

**Mr. Martin Bolduc:** When it comes to information exchange with American colleagues on entry/exit, we have been sharing information on a specific category of travellers since 2013. Once the bill receives royal assent, a new group will be added to the list of people on whom we already share information, and it will consist of Canadian citizens.

We already have a robust system in place. We have already exchanged millions of pieces of information.

**Mr. Matthew Dubé:** Are there any ongoing discussions to collect more information on someone who is leaving the country, beyond the information in their passport?

**Mr. Martin Bolduc:** No, not at this time.

[English]

**The Chair:** You have two minutes left.

**Mr. Matthew Dubé:** Thank you.

[Translation]

Maybe the Department of Global Affairs could answer my last question, but I will put it to you anyway.

What kind of information can be obtained on an individual from their passport number, given that these are information elements that are exchanged through that system?

**Mr. Martin Bolduc:** Earlier, you talked about mistaken identity. The passport number is an element that enables us to do an identity search. So a passport number, a surname, a first name and a date of birth are tied together. That enables us to identify an individual. In fact, a passport number provides us with only limited information.

**Mr. Matthew Dubé:** I'm not familiar with all travel documents, and my question is definitely hypothetical. That said, the bill presents a fairly broad range of travel documents. Are there any travel documents people could have that would contain a number that could lead to more information than what is on page 2 of the passport?

**Mr. Martin Bolduc:** The information covered by those provisions is actually just the information on page 2 of the passport. So there is no second tier in terms of information exchange. We are strictly talking about an exchange of biographic information.

**Mr. Matthew Dubé:** When it comes to information, subclause 92(1)(a) proposed in the bill, states that the agency can collect “the surname, first name and middle names, the date of birth, the citizenship or nationality and the sex of the person”. However, in subclause 92(1)(b), there is mention of “the type of travel document that identifies the person, the name of the country or organization ... and the travel document number”. Can it go that far?

**Mr. Martin Bolduc:** I would ask my colleagues to answer that.

[English]

**The Chair:** Please be very brief.

[Translation]

**Mr. Martin Bolduc:** Actually, a person can use their NEXUS card at the border. When we refer to “document”, that is what we mean. A person can use their passport or their NEXUS card.

[English]

**The Chair:** Thank you, Mr. Dubé.

Go ahead, Madam Damoff.

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** Thank you to all of you for your work on this and for being here today.

You answered this question in the context of broader questions, but I just wonder if you can put it on the record again. Specifically for snowbirds, will the information be shared with the provinces? They have concerns about their health coverage. This is in terms of snowbirds and the sharing of information with provincial governments.

• (1010)

**Mr. Martin Bolduc:** Maybe I'll ask my colleague, with permission, to answer that one, to be very, very clear so as to not create anxiety in a fairly large population that enjoys the sun during the winter.

**Mr. Andrew Lawrence:** There is no sharing of this information with provinces.

**Ms. Pam Damoff:** Okay. Thank you.

Sort of building on that, though, we know that this bill is going to assist law enforcement in terms of Amber Alerts, human trafficking, child sex offenders, and a number of areas. In those situations, obviously there would be information sharing required within law enforcement agencies, which may be provincial or even municipal. I'm just confirming that the sharing of information, when it comes to law enforcement, will still happen.

**Mr. Martin Bolduc:** It will still happen, yes.

**Ms. Pam Damoff:** Okay.

I have another question. The bill cites information that will be shared between our two countries—surname, first name, middle name, date of birth, citizenship, and sex of the person. We're getting that from our passports. If in the future the United States decided to gather additional information upon entry—for example, retinal scans or fingerprints or anything like that—would that information be shared with us, or are we limited to what's in the bill and the passport?

**Mr. Martin Bolduc:** Right now I believe it's limited to what's in the bill. If in the future we wanted to collect more information, then I believe we would need amendments.

**Ms. Pam Damoff:** We'd have to look at it again.

**Mr. Martin Bolduc:** Yes, but right now, to be clear, it's only information that is contained on page 2 of the passport. That's it.

**Ms. Pam Damoff:** Okay. Thank you.

Regarding entry and exit requirements—you spoke a little bit about this—I understand that other countries are already doing this. I wonder if you could speak a little bit about how this has been handled in other western countries like Australia and New Zealand, and how it has helped our allies to manage their borders effectively.

**Mr. Martin Bolduc:** The U.S. already collects exit information in a systematic fashion without physical control. After the last incident in Times Square, law enforcement was able to identify a potential suspect fairly quickly. That information was shared with U.S. Customs and Border Protection, and they were able to arrest somebody who was trying to board a plane to get out of the country. I think that's an example of how valuable that information is.

Even domestically, we've had instances of parents phoning the police or CBSA because they feared that their kids were about to take a plane to Turkey or Syria. Our ability to act and prevent such departures is very limited, unless we have very specific information about where and when the departure is to occur. With this, if the bill gets royal assent, we will have the ability to do a query and see if we have somebody scheduled to depart on a particular flight.

**Ms. Pam Damoff:** Thank you. Certainly this is a gap that we've seen. I did a tour of the Weather Network and saw how the system is managed there. There certainly is a gap with people leaving the country. We can manage it fairly well within our own borders, but when someone chooses to leave, particularly with an Amber Alert, it can present challenges for the affected families and for law enforcement to act on it.

I guess that leads me to my next question. This is something that fulfills a commitment made some time ago. Could you speak a little bit on how the passage of this bill will address the current gaps we're facing, over and above the Amber Alert issue?

●(1015)

**Mr. Martin Bolduc:** It serves what I call a law enforcement objective to be able to intervene when there's an Amber Alert or to prevent people from leaving the country for terrorism reasons. The bill also gives us the ability to share information for program integrity reasons. Programs that have a residency requirement will be able to share information with IRCC so that they will have a complete file on an individual who's applying for citizenship. They will be able to share information with CRA on those who don't meet the residency requirements for the child tax benefit and OAS.

It serves, as we say in French, a *panoplie* of objectives that will all be met. It's essentially bringing Canada up to par with our Five Eyes partners and other countries around the world.

**Ms. Pam Damoff:** But it won't slow travel in between—

**The Chair:** Thank you, Madam Damoff.

[Translation]

Mr. Paul-Hus, you may go ahead for five minutes.

**Mr. Pierre Paul-Hus:** Thank you, Mr. Chair.

I'd like to pick up on the discretionary component. Currently, when it comes to air travel, the information is collected automatically. In response to my previous question, you said that when a person crosses the border into the United States by land or vessel, the information is collected automatically by the system, so that means there isn't any real discretionary authority. It's an automatic system that generates information on travellers' border crossings. Is that correct?

**Mr. Martin Bolduc:** Yes, exactly.

**Mr. Pierre Paul-Hus:** Very well.

The bill gives the agency discretionary authority. What does that mean? If it's only the information on page 2 of the passport, it isn't possible to obtain additional information. I'm trying to wrap my head around the discretionary component.

**Mr. Martin Bolduc:** I'm going to ask Mr. Aubertin-Giguère to round out my response.

In terms of the proposed provisions involving the authorities responsible for exports, the bill defines discretion as “if requested to do so by an officer”. If the officer has reason to believe that a person who is about to leave the country is committing an offence, the officer can question the individual and, if necessary, conduct a secondary examination of what the individual has in their possession. The discretionary authority exists because that doesn't happen systematically. There will not be any type of physical control whereby everyone will have to make a declaration upon leaving the country. That isn't the case.

**Mr. Pierre Paul-Hus:** That brings me to my next question.

As far as contraband goes, it is police and the RCMP who investigate the smugglers and any crimes that may have been committed. Does the RCMP already send you information or suspect lists, so that you are alerted should you come across any of the names on your lists? Is that how it works?

**Mr. Martin Bolduc:** We work with the RCMP on a variety of files every day. We are jointly responsible for the land border. In terms of air travel, they are our colleagues and we are on the same teams. When the RCMP considers a matter to be within its purview or believes that an individual is about to commit a crime upon entry into the country, the information is indeed shared with us.

**Mr. Pierre Paul-Hus:** At the end of the day, what does the bill change? On the air travel side, it was already covered. When an individual is at the airport, you already have their information, do you not?

• (1020)

**Mr. Martin Bolduc:** The bill strengthens our authority in the area of exports, which wasn't entirely consistent with our authority in the area of imports. Basically, what it does is bring both of those authorities up to the same level. It gives us a clear mandate that applies upon entry and exit.

**Mr. Pierre Paul-Hus:** What is the situation on the American side? Are the two authorities entirely consistent in the United States? We are establishing our rules, but do the Americans have the same rules or plan to bring them in?

**Mr. Martin Bolduc:** Yes, they are already in place. As I mentioned, we have been systematically sharing information with them since 2013. The fact that the bill adds Canadian citizens to the categories of individuals subject to the exchange of information does not change anything. No changes will need to be made.

**Mr. Pierre Paul-Hus:** When all is said and done, there will be more work to do. Will it mean extra work for the agency? You already have a heavier workload with the arrival of the refugees. Will the bill have a negative impact workload-wise?

**Mr. Martin Bolduc:** The exchange and collection of information will take place automatically via a computer platform. Our officers will not have to do anything in order to collect or exchange the information.

**The Chair:** Thank you, Mr. Paul-Hus.

Mr. Arseneault, you have the floor for five minutes.

**Mr. René Arseneault:** Thank you, Mr. Chair.

Mr. Bolduc, whenever I read a piece of legislation, I always like to consider its practical application, because it helps me better understand the legislative content.

Could you give me an example of how proposed subsection 93(1) would apply practically speaking? In what typical scenarios would the provision apply?

**Mr. Martin Bolduc:** I'm going to ask my colleague Mr. Lawrence to answer that.

[English]

**Mr. Andrew Lawrence:** Practically speaking, this would be the section under which air carriers would submit outbound flight manifests to the CBSA, constituting an exit record in the air mode.

**Mr. René Arseneault:** What does proposed paragraph 93(1)(b) mean, then?

**Mr. Andrew Lawrence:** Proposed paragraph 93(1)(b) is the limit to which exit information would be contained, so it's the basic

biographic data found on page 2 of the passport, the type of travel document or passport that was used.

[Translation]

**Mr. René Arseneault:** Very good.

Under proposed paragraph 93(1)(b), who has to provide the information?

In the case of a bus that is crossing the border into the United States, does the responsibility fall on the driver? Who is authorized to do it?

[English]

**Mr. Andrew Lawrence:** Under the act, "person" also refers to corporations and companies, so in this instance it could be an air carrier; it could be a Greyhound bus operator; it could be the driver. Heading into the United States, that person or the people on that bus would be processed; they'd be admitted; and there would be a reciprocal exchange so we would receive those entry records. This section, though, would not pertain to entering the U.S.

**Mr. René Arseneault:** And what does proposed item 93(1)(b)(iii) mean?

**Mr. Andrew Lawrence:** It means that if you are departing Canada on a commercial aircraft and your flight leaves Vancouver, touches down in Montreal, and then goes to Paris, your port of departure is Montreal, not Vancouver: even though you may have boarded the aircraft in Vancouver, you left Canada out of Montreal. That's just by way of example.

[Translation]

**Mr. René Arseneault:** All right.

I'd like to discuss proposed subsection 92(2), and, specifically, paragraph 92(2)(b), which reads as follows:

(2) The Governor in Council may make regulations for the purposes of subsection (1), including regulations...

(b) respecting the circumstances in which the information may be collected....

What does the term "circumstances" mean in this case?

• (1025)

[English]

**Mr. Andrew Lawrence:** As an example, the "circumstances" would be that upon entry to the United States, that information would come back to CBSA, constituting an exit record from Canada.

[Translation]

**Mr. René Arseneault:** It means, then, that the agency has the discretionary authority to decide to collect information on only one category of passengers, rather than all passengers. The agency could, for instance, opt to collect information on individuals travelling to the United States, but choose not to collect information on those travelling to Great Britain.

Is that how I should interpret it?



**Mr. Martin Bolduc:** No. What is important to understand is that an exchange of information with the Americans takes place systematically at the border. The bill would give us the ability to collect information not just in the case of air travel, but also in the case of all other modes of transportation. Therefore, we could ask the cruise line to provide information on passengers travelling on a cruise that departs from Cap-aux-Meules, in the Magdalen Islands, for instance.

The language in the bill covers all possible scenarios, whether we are talking about rail, marine, air, or land travel. You brought up the example of a bus, which is an entirely relevant scenario. That is the reason behind the language that was used.

[English]

**The Chair:** Thank you, Mr. Arseneault.

Mr. Motz.

**Mr. Glen Motz:** Thank you, Mr. Chair.

I have a couple of questions. As was said by my colleague Ms. Damoff as well as referenced before, provisions in this legislation will allow the sharing of information with law enforcement on such things as Amber Alerts, sex trafficking, and things of that nature. If the law enforcement community issues alerts, normally those databases aren't interfaced with CBSA. How do you receive them to be alerted to the potential of a border crossing? Is it something you monitor? Is it something the police have to push to your agency? How does that work currently, and how do you see this legislation impacting it?

**Mr. Martin Bolduc:** We have access automatically to some information. In other instances, the police of jurisdiction will push that information to us.

**Mr. Glen Motz:** Do you have access to CPIC?

**Mr. Martin Bolduc:** We do.

**Mr. Glen Motz:** Okay.

**Mr. Martin Bolduc:** But again, what Bill C-21 will give us is the ability to intervene with very limited information. In the case of an Amber Alert, right now, if we don't have specifics, it's very difficult for us to be able to pinpoint which flight the people are planning to leave on. With this, give me names and I'll be able to do a query and be able to pinpoint the flight instead of running in an airport and trying to locate people. That's really the benefit of Bill C-21.

**Mr. Glen Motz:** I'm going to ask a very broad question, I guess. We know, as we move forward in this legislation, Mr. Chair and committee, we're going to be expected to go through some of the provisions line by line, to make sure we are in agreement and can move forward.

CBSA is the law enforcement agency that plays out how Bill C-21 is going to be operationalized. You have had a chance to review this. I would like to ask all three of you individually what suggestions, in an ideal world, you would make to this committee to maybe examine differently or tweak a little bit—from your opinions—to make Bill C-21 even better than what's being proposed currently.

**Mr. Martin Bolduc:** I will leave it to the good judgment of the committee to make recommendations. What I can—

**Mr. Glen Motz:** Sorry, just let me interrupt for a second.

For years in law enforcement, we would wish that those making the decisions would have considered x, y, and z. And “we” are now the “they”. To get this right for the long term, you guys are the experts in this. We rely...and the reason you're here as witnesses is to give us some of that information.

I don't know if the chair will allow you the freedom to speak freely about—

**Voices:** Oh, oh!

• (1030)

**The Chair:** The chair always allows the freedom to speak freely.

**Mr. Glen Motz:** Very good.

Again, this is not a partisan issue. This is about whether there is something in here that is a touchpoint that we can tweak and make better than what's being proposed today.

**Mr. Martin Bolduc:** I completely understand your question.

**Mr. Glen Motz:** Thank you.

**Mr. Martin Bolduc:** If I may, I will reiterate that I will leave it to the good judgment of this committee to make recommendations.

I can tell you—and I will leave you to determine whether it was the previous, previous government or the previous government—that CBSA has been an integral part of the putting together of this bill. We believe that what's being proposed for your review will have huge benefits for Canada and for the CBSA to be able to fully accomplish our law enforcement mandate and give us the ability to intervene in those instances where today we cannot.

So, you know, there's a lot of “us” in that bill, and we believe it will give us what we need. As well, I do a lot of international conferences and international meetings. The other benefit is that it will bring Canada on par with the rest of the world and our Five Eyes partners. There's a huge, huge benefit for Canada.

**The Chair:** Thank you, Mr. Motz.

Thank you, Mr. Bolduc, for that very diplomatic reply.

Mr. Spengemann.

**Mr. Sven Spengemann:** Mr. Chair, thank you very much.

I'd like to circle back one more time to the exchange of questions between Mr. Bolduc and Ms. Damoff and Mr. Motz on the question of human smuggling, not specific to the issue of Amber Alerts where there's a look-out trigger through law enforcement, but the broader question of human smuggling, much of which remains undetected.

We have anecdotes that came through social media several months ago of a flight attendant who, just on the basis of odd behaviour between an adult male and a young female, asked some questions. It came to light that this was a case of human smuggling. She intervened successfully, and that individual, to my knowledge, was apprehended.

When there is no trigger to law enforcement, how has this system in other jurisdictions been helpful in guarding against human smuggling, just on the basis of the biographic data that you mentioned is being collected upon exit?

**Mr. Martin Bolduc:** Again, there's a wide range—getting biographic information or getting a lead from a police agency or people working in an air environment. You talked about a flight attendant. You have people working at the check-in counter.

All those people have an ability to see behaviour that might be not in the normal sphere. With them reaching out to us...and giving us the tools to be able to intervene, that's one of the big advantages of Bill C-21.

**Mr. Sven Spengemann:** Is it fair to say, then, that to have the exit data, even if the individual has left already six hours ago or 12 hours ago, and to have that snapshot that the person exited at the border is helpful to law enforcement and other jurisdictions as well to then more quickly take action as opposed to not having the exit data to help with?

**Mr. Martin Bolduc:** It's a huge benefit, yes. It's not only being able to intervene at the moment, on the spot. It's also the value of the information for investigative purposes.

**Mr. Sven Spengemann:** Thank you very much.

My final question is a bit out of the box, and it goes to the perceived value that I see from the system. It's a question of whether we could make the data available to Canadians. For example, you could have permanent residents who, at this point, have to manually write down their entries and exits and keep a personal tally to make sure they meet the requirements towards citizenship. In the same breath, Canadian citizens may have questions about provincial eligibility and, again, have to keep tabs on their own travel schedule.

Has any thought been given to the possibility of making the data set available? One can sort of visualize an app, perhaps, where somebody could log in, get their travel status, and get their accumulated dates in Canada through the data that you collect at any given point of time. Is that something that is viable from both a data security perspective and a cost perspective?

• (1035)

**Mr. Martin Bolduc:** Right now, people who require their travel history have an ability to make an ATIP request to the CBSA, and we will provide that travel history. What you raise is whether there is a better way to do this than to process paper. It's something that we've started to discuss internally, and finding the right way to be able to have people query their own information is something that we could see in the future, but right now there is no immediate plan to do that.

**Mr. Sven Spengemann:** That would certainly be a way to corroborate the value of the system as a whole, if there were a more efficient way to give public access.

**Mr. Martin Bolduc:** My discussion with colleagues was that if you are able to go on the CRA website and query your own file, I think there is a way maybe to be able to have that information available when somebody requests it.

**Mr. Sven Spengemann:** Okay.

Thank you very much, Mr. Chair.

I'm slightly under my time. If another colleague has a question, I'd be happy to delegate the remainder of my time.

**The Chair:** No one wants 47 seconds.

**Voices:** Oh, oh!

**The Chair:** Mr. Dubé.

[Translation]

**Mr. Matthew Dubé:** I have a very quick question.

I'm curious as to the existing mechanisms governing the sharing of information between Canada and the United States in the case of ongoing criminal investigations.

**Mr. Martin Bolduc:** The Customs Act and the Immigration and Refugee Protection Act allow the agency to share information in the case of a criminal investigation. Both of those acts already have provisions in that regard. They allow for the sharing of information, whether with a Canadian organization or our American counterparts.

**Mr. Matthew Dubé:** I'm not sure whether anyone here will be able to answer this next question. I'd like to know whether the situation is the same for such organizations as the RCMP and CSIS when it comes to sharing information with their American counterparts in similar circumstances.

**Mr. Martin Bolduc:** Unfortunately, I can't comment on the legislative provisions applicable to those two organizations, but I would imagine they have something similar to what the agency has.

**Mr. Matthew Dubé:** Thank you.

That's all.

[English]

**The Chair:** Thank you, Mr. Dubé.

Before I bring down the gavel and thank the witnesses, I just want to hear the concern that may be coming up, and that is that some people don't sexually identify as either male or female.

How will that be processed in the system?

**Mr. Martin Bolduc:** If there are adjustments to the Canadian passport, as an example, where right now it's male/female, and eventually an x, then we will adjust the *paramètres* under which we share the information with the U.S. So it would be essentially a system fix.

Am I right in saying that?

**Mr. Andrew Lawrence:** That's right, yes.

**The Chair:** Would the Americans respect that adjustment?

**Mr. Martin Bolduc:** I believe so, because they're sending back what they've collected. In some instances, your country of birth is not identified on your passport. Essentially it's what is collected by the U.S. border services officer that is sent back to Canada.

**The Chair:** I'm assuming that this will not require legislative change. Rather, that would simply be a regulatory change. Is that correct?

**Mr. Andrew Lawrence:** We reference page 2 of the passport, and it's the basic biographic information. That is an international civil aviation standard, the machine-readable zone. You'll see it at the bottom of every passport. That field for gender has two values: it has M and it has F. Those are the only two reserved values for male and female. Then issuing authorities can put whatever other marker in there to address people who don't identify with a specific gender. That's the international standard. That's what this is based on. So all the passport readers that are out there along the land border in the U. S. and in Canada are set up to read that.

● (1040)

**The Chair:** Okay. Thank you.

I want to thank each of you for the very enlightening two hours. I particularly appreciate your respecting the time limits.

Thank you, colleagues.

We will adjourn until Thursday morning.

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