



House of Commons  
CANADA

# Standing Committee on Industry, Science and Technology

---

INDU • NUMBER 052 • 1st SESSION • 39th PARLIAMENT

---

EVIDENCE

**Wednesday, March 28, 2007**

—  
**Chair**

**Mr. James Rajotte**

Also available on the Parliament of Canada Web Site at the following address:

**<http://www.parl.gc.ca>**

## Standing Committee on Industry, Science and Technology

Wednesday, March 28, 2007

•(1655)

[English]

**The Chair (Mr. James Rajotte (Edmonton—Leduc, CPC)):** Order.

[Translation]

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** Point of order.

[English]

**The Chair:** On a point of order, Monsieur Crête.

[Translation]

**Mr. Paul Crête:** Given that we tabled the motion when we were in camera and that we are now in public hearing, I would simply like to repeat the text. So here is the text of the motion: That the committee report to the House recommending that the Minister of Industry withdraw the order varying Telecom Decision CRTC 2006-15 and table in Parliament a comprehensive package of policy, statutory and regulatory reforms to modernize the telecommunications services industry.

Now we can start the public debate on the motion.

[English]

**The Chair:** We'll go to debate on the motion.

Mr. Van Kesteren.

**Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC):** I'd like to address the honourable member across, through the chair.

You know, I agree with you. I don't want to see that either. You're fairly new to this committee, but this committee has worked very well together. I think we've accomplished some great things. But we're setting out in a direction here that none of us really wants to set out in. I really think we're getting tripped up on a lot of procedures. We're not being able to dialogue. We're talking through the chair. By the time somebody wants to make a point, three other people have already made a statement.

I don't know, Mr. Chair; somebody said there was a two-minute break or something, so wouldn't that give us an opportunity just to talk among ourselves? Or do we have to continue on with this motion? Maybe I can ask the clerk.

**The Chair:** Well, if members want to engage members, we perhaps.... We are very tight on time now. We do have votes.

**Mr. Dave Van Kesteren:** Two minutes. I'd really like to talk to the chair. I'd like to talk to some of my colleagues. We haven't had that opportunity.

I think the issue here is and always has been that we would present a report to the minister. We may not agree with everything. The members opposite may have some issues we don't agree with. But we can present a minority report. That has always been the issue. And yet, for whatever reason, it seems we're coming to an impasse. I don't know why we can't do that.

**The Chair:** I would just say, Mr. Van Kesteren, that if you want to talk to members, you can always signal to a member, go to the back of the room, and have a discussion. And I would strongly encourage that.

I would also say that it makes it a lot easier on the chair when everybody gets along. This is not really a situation I desire. I would just make that clear to everybody.

Mr. Shipley, and then Mr. McTeague.

**Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC):** I want to talk as well about the opportunity, and maybe the missed opportunity, with regard to what the committee could be doing. If we put forward the nine recommendations or compromises to the questions that came forward the other day, as the chairman has said, nine out of twelve would be very likely much appreciated and respected by the opposition.

I understand the somewhat.... Well, what about if we don't get along with them? Well, then, I guess a dissenting report can come from that.

The whole gist is that we had hoped to have gone down through the whole issues report put out by the researchers and to have worked down through this one step at a time. That hasn't happened, and didn't happen. But that's sort of what negotiations are about, so I'm a little concerned about that.

Now we're at this sort of impasse on who is going to do what, and who is going to hang out the longest, I guess, and that isn't good for this committee.

With that, I still would ask the people opposite to reconsider their position. I mean, it's about not being able to come out and.... The minister, in what I would say was an unusual move, took those and actually responded back through the chair. And I have not seen those comments. I don't believe any of us have, other than the chair.

I guess in good faith I would say that I don't think anybody here is in a position to want to embarrass the minister, or to embarrass the government in particular. He has gone out and made compromises on a majority, a large majority, of those recommendations.

•(1700)

**The Chair:** Perhaps I can intercede as chair.

Is there a way of doing a majority report or even a unanimous report, if there is agreement on a certain number, and having other parties then say that these are other things we're concerned about, in a report, as we had originally intended? I'll just put that question. I think that's what Mr. Shipley said.

That's what I was trying to say, because the purpose of these two sessions was to give instructions to the analysts. So can I throw this out there? Of the twelve put forward by the opposition, if nine are in fact agreed to, we say this is what the committee recommends; then the Liberals can say they recommend these two, the Bloc can say they recommend this one, and the NDP can say they recommend this one, and we don't get into motions.

That's what I was trying to do from the outset. I obviously didn't succeed in that. So that's my wish.

We'll go now to Mr. McTeague.

[*Translation*]

**Mr. Paul Crête:** Do you want an answer to your question?

[*English*]

**The Chair:** I'm not getting translation.

**Mr. Paul Crête:** Do you want an answer to your question?

**The Chair:** I'd love one, yes.

Let me just put this again. So if the committee said that on these nine we as a whole feel the government should amend the direction this way; and the Liberals say yes, we agree with the nine, but we believe two more are needed; and the Bloc says yes, we agree with the nine, and we believe one more is needed; and the NDP says we agree with the nine and we believe two more are needed, or whatever, then we don't get into motions.

That's what I was trying to do. That's what I hoped the report was trying to do. Perhaps I'll just quickly take a member from each party to see if that's possible.

[*Translation*]

**Mr. Paul Crête:** Can we answer your...?

[*English*]

**The Chair:** Mr. McTeague, perhaps you could offer an answer.

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Chair, look, we're back in camera here with the motion that Mr. Byrne had presented—

**The Chair:** No, we're in public.

**Hon. Dan McTeague:** We're not in camera. Yes, we're out in public, of course. It's been a long day.

So we're back with an offer saying that we, as the Liberal Party and other parties, have made twelve recommendations to make this thing work on April 6. You then proposed not to give it to us, conditional upon this motion. Our response has been that this motion has to be there because we have no other way of guaranteeing that what you're going to propose is something we will agree with. What if you, for instance, take out something along the lines of a market

analysis, or what if you go back to the dates and say it's contingent on Bill C-41? I don't know what you're prepared to offer, but this cat-and-mouse game is unprecedented. Tell us what you've got; it may very well work. You've been talking about this for 45 minutes, and we have no idea what you have proposed.

We've been forthright in terms of providing you with what we thought would make this thing work. We haven't received your proposal. Therefore, we're going to the motion. We're going to the motion because, as you know, Chair, this thing kicks in on April 6. If the House of Commons, in all of its deliberations within this committee, and the witnesses, who have come before us and pointed out the faults, the frailties and the shortcomings of the minister's rush to make a decision, are not taken into consideration, then we're going to wind up with a flawed decision, which would be irresponsible for the opposition, Liberals, Conservatives, and NDP to proceed with in terms of a blank cheque.

So what I'm suggesting you do, Chair, if you are prepared to do this—because you received a letter from the minister saying he'll give it to you if you don't have the motion criticizing them.... But I'm not interested in criticizing the minister; the Liberal Party is not interested in criticizing the minister. We're interested in making sure the regulatory framework he's proposed is consistent with the TPR report, the telecommunications report, which came out last year. If he could do so, that would be great, but we're dealing with a deadline of April 6. This is the last day the committee is going to sit. Chair, if we have to sit all night to try to hear where you're prepared to make those compromises, we'll do that, but I haven't heard them yet. We in the opposition, at the very last in camera meeting, gave the government an opportunity to provide us specifically with what they could work with. We offered those in good faith and never made those public, yet you're concerned about criticism. Well, chairman, there's going to be criticism if this motion goes to the House, because this won't be the end of the line. What I'm more concerned about is making sure we get the regulatory framework correct. Now, we know there are problems.

Let me, Scott, if you don't mind, read the recommendations you had put forward to deal with this:

- (1) Come forward with policy legislation to move forward on the rest of the TPR recommendations;
- (2) Introduce a plan and/or program to expand Broadband for rural and remote areas;
- (3) Undertake to propose measures to ensure local telephone rate stability in rural Canada;
- (4) Move forward on the recommendation to have an ombudsman for consumers;
- (5) Entrench the role of the Telecom Competition Tribunal (TCT) to capitalize on their expertise and ability to safeguard the telecommunications industry rather than rely on your proposed but potentially ineffectual competitor presence test;
- (6) Conduct a thorough market analysis that ought to consider the impacts on economically disadvantaged communities and Canadians with disabilities before proceeding with any measure designed to deregulate the telecommunications industry;
- (7) Make allowances for additional time before "forbearance" impacts the small, independent cable operators in their areas;
- (8) Undertake to address the concerns raised about the possible negative impact of unfettered winback strategies on new entrants in the market;

Now, we've said to this end that a motion could be provided. You're saying that motion should be off the table before you present us with what you'd like and dislike.

We've heard from you, Chair. You mentioned nine recommendations, which I presume would include another one of the proposals made perhaps by the Bloc or the NDP. But we don't know what they are; we're literally farting in the wind. I'm sorry, but I'm not going to buy a pig in a poke.

So this motion stands. I'm going to defend this motion, because it's the only other way to get the government to respond to what, in our view, is an erroneous step taken prematurely that will have the unintended consequence, I'm sure, of reducing competition in Canada and hurting consumers. The Liberal Party will not stand for that.

• (1705)

**The Chair:** Okay, thank you, Mr. McTeague.

Now I have Mr. Crête, Mr. Bevilacqua, and Mr. Masse on this.  
[*Translation*]

**Mr. Paul Crête:** I will be very brief.

This motion has been tabled because in no way have the Conservatives responded to our requests and to that of the Liberals. We have not been able to get any response whatsoever. And it is the Conservative government—the Conservative members in this committee—who are driving us to pass this motion, in the absence of any position tabled by the Conservatives. So I believe that the motion must be passed, unless this additional tool that we have used, that of tabling a motion and holding a public debate, ends up bringing the Conservatives to table something. Otherwise, the motion will ultimately be passed. I would urge them to consider that if the motion is passed, it will probably give rise to a debate in the House, which will produce the opposite result to the one they are seeking: the whole affair will be made even more public and the people will realize more clearly that the Conservatives have not tabled anything.

[*English*]

**The Chair:** Thank you, Mr. Crête.

We'll go to Mr. Masse.

**Mr. Brian Masse (Windsor West, NDP):** Thank you, Mr. Chair.

I'm going to be brief.

The reason I support this motion and the way we are here today is that I still believe we need legislation to actually bring forth the concerns that have been expressed. There are more than those, which have been noted by Mr. McTeague, but they are among the most serious ones in regard to any telecom review.

I would suggest that we're going to end up seeing a filibuster or something like that for the next little while. But the reality here is that you can't negotiate back and forth without knowing each other's positions or being open to them.

Secondly, simply and philosophically, I want to see legislation. I don't trust the regulation process. It's not a slight to the minister in particular, but the reality is there are a series of motions and even votes in the House of Commons, which have actually been voted in favour of by the Conservatives, that they have not fulfilled through the actual process of legislation and due diligence.

I would still have to take a leap of faith on the minister's word about this, and that's something I'm willing to do. I'd like to see legislation tabled in the House of Commons. It's what the motion calls for, and I think it would be an appropriate way to proceed.

• (1710)

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

We'll go to Mr. Van Kesteren.

**Mr. Dave Van Kesteren:** Thank you, Mr. Chair.

Dan, when we started out in this process, we called witnesses. I think it was on February 15, and correct me if I'm wrong. At that point, the Bloc came with proposals or with serious concerns. At that time, we were ready to do this. Then the Liberal Party introduced a motion to stop the minister's order. Am I not correct?

Up to that point, we were operating in good faith. We wanted to create or produce a report to present to the minister. I think the chair has also made it clear at this point that we will pick up where we left off.

I think it was February 15, but I'm not sure of the date.

**Hon. Dan McTeague:** You're off on the date.

**Mr. Dave Van Kesteren:** At any rate, at that point it was the consensus of the whole committee to create a report, and we're not budging from that. But we want a commitment from this committee and from the members opposite that we're going to do it. We're going to take a look at this excellent report created by our analysts and go over it step by step.

I would suspect, Chair, that at that time the revelations of the letter would start to come out.

What's wrong with creating a report that we don't necessarily agree on? It's the function of a committee to give input.

This has become absolutely crazy. I can't understand why the motion can't be withdrawn. You're saying that we're not operating in good faith.

**Hon. Maurizio Bevilacqua (Vaughan, Lib.):** That's not the point. The point is that you cannot negotiate without knowing what you're negotiating about. It's a very simple concept. I know you understand it.

But you're doing your job and dragging at the puck. That's fine, but let's be honest about this.

**The Chair:** Mr. Van Kesteren, do you have anything further?

**Mr. Dave Van Kesteren:** Mr. Chair, do you want to respond to that?

**Hon. Dan McTeague:** On a point of order, there was a question in which he purported to be confused on dates.

Mr. Van Kesteren, I only want to point out for the record that the day of Mr. Byrne's motion was in fact March 7. If I'm not mistaken, it was the last day on which we sat before the two-week break.

Obviously the reason for that was it was very clear from almost every witness, with the exception of the two dates that we have today, Monday and of course the 21st and the 19th, and we agreed that we would hold off on this motion.

For the record, Mr. Van Kesteren, you've asked me a question. Allow me to point out that we've provided you with what we should have.

All we're debating right now is that your government is ill-prepared to tell us which of the recommendations you accept, which we understand to be the majority. Clearly, by that declaration, your gesture of good will, without telling us what it is, is that you accept three-quarters of the problems we've raised. I think we've gone a long way, but the problem is you're not telling us which ones they are.

It's why we have the motion, which we agree with. Logically, if you have nine of twelve that you agree with, then you must agree there is need for amendment.

Therefore, I would suggest that apart from having your dates wrong, you may want to consider the fact that we all agree, one way or another, whether we like it or not, this thing needs improvement. On how we get there, it's really up to you to declare what those nine recommendations are. We're prepared to hear those.

There's a good chance that we might drop the motion, but it requires a bit of good will on your behalf. We've provided you with the information that we want, and we want to hear that. If you're not prepared to do it, then we'll be here all night, or until the cows come home.

**The Chair:** Mr. Van Kesteren, are you finished? Can I go to Mr. Carrie?

Mr. Carrie.

**Mr. Colin Carrie (Oshawa, CPC):** Thank you very much, Chair.

After listening to Mr. McTeague, I think we all agree. And we want a report. We want to negotiate. So I'm asking that you drop the motion. Then we can move ahead with the report. I'll support the letter coming forward, and we can get started on this thing.

**Hon. Dan McTeague:** Point of order.

**The Chair:** On a point of order, Mr. McTeague.

**Hon. Dan McTeague:** If the parliamentary secretary is offering us.... He's had two days to tell us what he wants to provide to us. If we drop that motion, the motion is gone, not to be returned. And of course we wind up in the unfortunate situation of giving a green light and carte blanche to the minister's proposal on April 6.

It's probably going to proceed anyway, Mr. Chairman, but we want to make sure that, like the Conservatives, we recognize that as it stands it's not acceptable. It is going to vandalize the telecom industry from a local perspective. And unless you're prepared to tell us which nine of the twelve recommendations we've made as an opposition are acceptable to you, I'm not prepared to accept a pig in a poke.

Come forth. You could have done so privately, Mr. Carrie. I asked you to speak to my industry critic, Mr. Brison, and to Mr. Crête. We were waiting for that yesterday. And I realize there are a lot of things to do in 48 hours, but coming to us and saying that you've got it, but you don't want us to criticize you.... I want to make sure this works well.

If you're not prepared to tell us what—and that's the price you're prepared to make—then, Mr. Chairman, we'll just continue this discussion about where we differ in terms of our opinions. At the end of this, we expect that the chair, consistent with this motion, will require the minister to report that the minister withdraws the order varying telecom decision 2006 and table in Parliament a comprehensive package of policies, statutory and regulatory forms to modernize the telecommunication services industry.

Mr. Carrie, provide us with the nine, and there's probably a good chance we can end this very quickly.

•(1715)

**The Chair:** Mr. Carrie, do you want to respond to that?

**Mr. Colin Carrie:** As I said, I think we want the opposition to be clear. Do they want a report? We want a report. We don't want a motion. So I'll leave it in the hands of the chair. Does the opposition want to negotiate a report, or do they want a motion? Which way do they want to go on this?

As I said, the minister is not rushing here. We've had a year to move forward. We've only had 48 hours with these things. I think we've come forward pretty well.

And as I say in good faith, we want to sit down, we want a report. We don't want a motion.

**The Chair:** I'm advised, as we are debating the motion, that the motion has been accepted in order. The motion is being debated. The motion can only be withdrawn by unanimous consent. So if it is the will of the committee to do so, it would have to do so through unanimous consent, and then decide to do a report.

Is there unanimous consent to withdraw the motion? No?

**Mr. Brian Masse:** There are no other speakers. Just call the question, Mr. Chair.

**The Chair:** I have Mr. Byrne and then I have Mr. Shipley.

**Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.):** I have nothing further to add.

**The Chair:** Nothing further? Okay.

**Mr. Bev Shipley:** I thought you were asking on the vote. I'm sorry.

**The Chair:** Mr. Shipley.

**Mr. Brian Masse:** Mr. Chair, the list was exhausted; the question should be called now.

**The Chair:** Mr. Masse, you know full well that members can add their names to a speaking list.

**Mr. Brian Masse:** We can't just wait around until—

**The Chair:** Mr. Masse, you're a very experienced member—

**Mr. Brian Masse:** Mr. Chair, point of order. You can't wait around and then have nobody on the list.

You had nobody on the list. It was concluded after Mr. Shipley took himself off. There was no one on the list. The question should be called at that point. I'll challenge the chair.

**The Chair:** Mr. Masse...

Okay, we have a challenge of the chair. What is the challenge of the chair?

**Mr. Brian Masse:** With no speakers on the list—

**Mr. Colin Carrie:** Point of order.

**Mr. Brian Masse:** —the actual motion should be voted upon.

**The Chair:** Sorry, can you repeat that?

**Mr. Brian Masse:** That with no speakers on the list—

**Mr. Colin Carrie:** Point of order.

**Mr. Brian Masse:** —the motion should be voted upon.

**The Chair:** I'm trying to hear his motion. Sorry, Mr. Carrie. I'll let you address your point of order. I'm just trying to hear the motion.

**Mr. Brian Masse:** Thank you, Mr. Chair.

With no speakers on the list, the motion should be voted upon.

**The Chair:** Point of order, Mr. Carrie.

**Mr. Colin Carrie:** With all due respect, Mr. Chair, Mr. Shipley was a little confused about where the.... He thought he was voting. He's prepared to speak—

**Mr. Brian Masse:** It doesn't matter.

**The Chair:** He's speaking on a point of order. I'll let him finish his point of order.

**Mr. Colin Carrie:** What Mr. Masse brought up is irrelevant, because Mr. Shipley was prepared to start speaking. However, there was some confusion on what we were doing on the motion—

**Mr. Bev Shipley:** There was a motion—

**Mr. Colin Carrie:** He is prepared, and I want to continue speaking. I want to be added to the list.

**The Chair:** Okay, on the same point of order, we have Monsieur Crête.

[*Translation*]

**Mr. Paul Crête:** Yes, there was a ruling that was challenged. The ruling made by the chair is being challenged. We now must vote on the challenge to the ruling by the Chair. That is the issue that must be put to a vote now. It is not necessary to have a debate on this issue. So I would ask that we put the question on the motion challenging the ruling made by the Chair.

**Hon. Dan McTeague:** There is no debate.

**Mr. Paul Crête:** There is no debate on this.

• (1720)

[*English*]

**The Chair:** All right, my understanding is that there will be a vote, then, a challenge of the chair. My ruling was that the debate was not finished, that the debate should have kept going, because I initially had three members and then one member indicated they didn't want to speak, so I had two members.

Mr. Masse has challenged that ruling, so we will have a vote on that challenge. Shall the chair's ruling be sustained?

(Ruling of the chair overturned)

[*Translation*]

**Mr. Paul Crête:** There are no other members on the list.

[*English*]

**The Chair:** The chair's ruling is not sustained. With no more speakers, then, we have to go to the question.

On this, I just want to advise that the clerk has advised me that my ruling was procedurally correct.

You don't want me to advise? Okay, I won't.

Okay, we are calling the question on the motion, then.

[*Translation*]

**Mr. Paul Crête:** I would request a recorded division, please.

[*English*]

**Mr. Colin Carrie:** On a point of order, I just want to say—

**The Chair:** We cannot have a point of order when the vote has started.

**Mr. Colin Carrie:** Cutting off a member's right to speak is unprecedented.

**Hon. Dan McTeague:** Call the question, Mr. Chair.

**The Chair:** Okay.

(Motion agreed to: yeas 7; nays 4)

**The Chair:** The meeting is adjourned.





**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

**Also available on the Parliament of Canada Web Site at the following address:  
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :  
<http://www.parl.gc.ca>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**